

State of Iowa
1974

ACTS AND JOINT RESOLUTIONS

PASSED AT THE

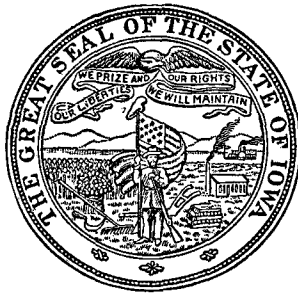
1974 REGULAR SESSION

OF THE

Sixty-fifth General Assembly

OF THE

STATE OF IOWA



WAYNE A. FAUPEL
CODE EDITOR

PHYLLIS BARRY
DEPUTY CODE EDITOR

Published by the
STATE OF IOWA
Des Moines



CERTIFICATE

STATE OF IOWA
Office of Code Editor

We, Wayne A. Faupel and Phyllis Barry, Editors of the Code of Iowa, do hereby certify that the Acts, laws and joint resolutions and the certificates by the Secretary of State of the publication or filing thereof contained in this volume have been prepared from the original enrolled Acts on file in the office of the Secretary of State and are correct copies of said Acts and are published under the authority of the statutes of this state and constitute the Acts, laws and joint resolutions of the 1974 Regular Session of the Sixty-fifth General Assembly of the State of Iowa.

Wayne A. Faupel
Phyllis Barry

July 1974.

Section 622.59 of the 1973 Code of Iowa is as follows:

“Printed copies of the statute laws of this or any other of the United States, or of Congress, or of any foreign government, purporting or proved to have been published under the authority thereof, or proved to be commonly admitted as evidence of the existing laws in the courts of such state or government, shall be admitted in the courts of this state as presumptive evidence of such laws.”

EDITORS' NOTE

The Acts and Resolutions of the 1974 Regular Session of the Sixty-fifth 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.

The user may be assured that the laws as reproduced herein are exact copies of the enrolled Acts.

Proper editorial changes in spelling and arrangement of subjects, without altering the meaning, will appear in the final embodiment of these Acts in the Code of Iowa.

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

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STATE OFFICERS

STATE ROSTER

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

List of elective state officers, judges of the supreme and district courts, members of the General Assembly, and other state officers, commissions, boards and appointive officers of the State of Iowa, prepared and furnished by the Honorable Melvin D. Synhorst, Secretary of State, for insertion in the published volume of 1974 Session Laws for the Sixty-fifth General Assembly in accordance with the requirements of Code section 14.10 (4), 1973 Code of Iowa.

OFFICERS, COMMISSIONS AND BOARDS

ELECTIVE OFFICERS

Name and Office	County from which originally chosen
GOVERNOR	
ROBERT D. RAY	Polk
Wythe Willey, Executive Assistant	Story
LIEUTENANT GOVERNOR	
ARTHUR A. NEU	Carroll
SECRETARY OF STATE	
MELVIN D. SYNHORST	Polk
J. Herman Schweiker, Deputy Secretary	Polk
AUDITOR OF STATE	
LLOYD R. SMITH	Polk
Ray Yenter, Deputy Auditor	Johnson
TREASURER OF STATE	
MAURICE E. BARINGER	Fayette
Roger G. Barnett, Deputy Treasurer	Polk
SECRETARY OF AGRICULTURE	
ROBERT H. LOUNSBERRY	Story
Thatcher Johnson, Deputy Secretary	Boone
ATTORNEY GENERAL	
RICHARD C. TURNER	Pottawattamie
Richard E. Haesemeyer, Solicitor General	Polk
John I. Adams, Assistant Attorney General	Polk
Gary A. Ahrens, Assistant Attorney General	Boone
John W. Baty, Assistant Attorney General	Story
John E. Beamer, Special Assistant Attorney General	Polk
Joseph S. Beck, Assistant Attorney General	Polk
Larry Blumberg, Assistant Attorney General	Polk
Donald H. Capotosto, Assistant Attorney General	Polk
Douglas R. Carlson, Assistant Attorney General	Polk
Joseph Coleman, Assistant Attorney General	Polk
Roxanne B. Conlin, Assistant Attorney General	Polk
Darby M. Coriden, Assistant Attorney General	Polk
James C. Davis, Assistant Attorney General	Jasper
John R. Dent, Assistant Attorney General	Polk
David Dryer, Assistant Attorney General	Polk
Julian B. Garrett, Assistant Attorney General	Polk
Robert W. Goodwin, Assistant Attorney General	Story
Harry M. Griger, Assistant Attorney General	Polk

STATE OFFICERS—Continued

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

Name and Office	County from which originally chosen
ATTORNEY GENERAL—Continued	
Fred H. Haskins, Assistant Attorney General	Polk
John D. Hudson, Assistant Attorney General	Polk
Gerald Kuehn, Assistant Attorney General	Allamakee
Ronald W. Kuntz, Assistant Attorney General	Polk
David E. Linquist, Assistant Attorney General	Polk
Thomas McGrane, Assistant Attorney General	Polk
Stephen C. Moore, Assistant Attorney General	Polk
Michael P. Murphy, Assistant Attorney General	Polk
George W. Murray, Special Assistant Attorney General	Polk
Elizabeth A. Nolan, Assistant Attorney General	Johnson
John R. Perkins, Assistant Attorney General	Polk
Hugh J. Perry, Assistant Attorney General	Polk
Clifford E. Peterson, Assistant Attorney General	Polk
Gary Peterson, Assistant Attorney General	Story
Stephen C. Robinson, Assistant Attorney General	Polk
Franklin W. Sauer, Assistant Attorney General	Story
Asher E. Schroeder, Special Assistant Attorney General	Polk
Ira Skinner, Assistant Attorney General	Buena Vista
Douglas Smalley, Assistant Attorney General	Polk
William R. Stengel, Jr., Assistant Attorney General	Polk
Gary H. Swanson, Assistant Attorney General	Polk
Raymond W. Sullins, Assistant Attorney General	Polk
Robert G. Tangeman, Assistant Attorney General	Polk
Peter E. Voorhees, Assistant Attorney General	Polk
Lorna L. Williams, Special Assistant Attorney General	Polk
Richard N. Winder, Assistant Attorney General	Polk
Garry Woodward, Assistant Attorney General	Muscatine

APPOINTIVE OFFICERS

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

Ch. 116

Fred Kouri	West Des Moines	June 30, 1975
Leo E. Burger	Cedar Rapids	June 30, 1976
Harry Carlson	Des Moines	June 30, 1974

ADJUTANT GENERAL

Ch. 29A

Major General Joseph G. May	Camp Dodge	June 30, 1975
Brig. General Ronald Woodin, Deputy Adjutant General	Camp Dodge	Pleasure of the Governor

AERONAUTICS COMMISSION

Ch. 328

Verne Lawyer	Des Moines	June 30, 1979
Bruce H. Van Druff	Red Oak	June 30, 1975
Norbert D. Baltes	Charles City	June 30, 1975
Forrest F. McDonald	Jefferson	June 30, 1977
Mrs. D. D. Pellegrino	Story City	June 30, 1979

STATE OFFICERS—Continued

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

Name and Office	City or Town from which originally chosen	Term Ending
AGING, COMMISSION ON THE		
Ch. 249B		
Robert D. Blue	Eagle Grove	June 30, 1975
W. W. Morris	Iowa City	June 30, 1975
Harry I. Prugh	Des Moines	June 30, 1977
Louise M. Rosenfeld	Ames	June 30, 1977
Colleen Shaw	Corning	June 30, 1977
<i>House Members</i>		
Gregory D. Cusack	Davenport	June 30, 1975
George J. Knoke	Council Bluffs	June 30, 1977
<i>Senate Members</i>		
Leonard C. Andersen	Sioux City	June 30, 1977
Joan Y. Orr	Grinnell	June 30, 1975

AGRICULTURE MARKETING BOARD

§159.25

Orville Kalsem, Chairman	Huxley	June 30, 1975
Corwyn Hicks	Des Moines	June 30, 1975
Jerry Naylor	Scotch Grove	June 30, 1976
Walter Hamm	Sac City	June 30, 1975
Roscoe Marsden	Ames	June 30, 1976
Harvey W. Moeckly	Ankeny	June 30, 1976
Merlyn Groot	Manson	June 30, 1976
Ivan Queck	Fontanelle	June 30, 1975
Robert Doolittle	Webster City	June 30, 1975
Dr. Gene Futrell	Ames	Ex Officio
Gail K. Danilson	Des Moines	Ex Officio
Roger Fisher	Des Moines	Ex Officio
Robert H. Lounsberry	Des Moines	Ex Officio

AGRICULTURE PROMOTION BOARD

By Executive Order

Keith Kirkpatrick	Des Moines	
Ralph Blackford	Marion	
John Megown, Chairman	Marion	
Max Naylor	Scranton	
Karl Nolin	Ralston	
Oliver Hansen	Durant	
Arnold Waldstein	Storm Lake	
D. R. Davidson	Chariton	
E. Thurman Gaskill	Corwith	
Kenneth Joslin	Minburn	
L. B. Liddy	West Des Moines	

Pleasure of
the Governor

ALCOHOLISM, IOWA COMMISSION ON

65 GA, ch. 1131, §3

Judge Louis Fautsch	Dubuque	June 30, 1976
Rev. Robert N. Ruleman	Red Oak	June 30, 1976
Frank J. Delaney	Burlington	June 30, 1976
Dr. William C. McCabe	Bettendorf	June 30, 1976
Mrs. Ruth Anderson	Waterloo	June 30, 1978
John E. Mackey	Sioux City	June 30, 1978
Frank T. Harrison	Urbandale	June 30, 1978
Sutherland Cook	Cedar Rapids	June 30, 1978
Mrs. Rosemary S. Sackett	Okoboji	June 30, 1978

STATE OFFICERS—Continued

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

Name and Office	City or Town from which originally chosen	Term Ending
AMERICAN REVOLUTION BICENTENNIAL COMMISSION		
63 GA, ch. 1286		
Melvin D. Synhorst, Secretary of State		
Dr. Peter Harstad, Director, Historical Society		
Jack W. Musgrove, Curator, Department of History and Archives		
Fred A. Prierwert, Director, Conservation Commission		
W. Robert Parks, President, Iowa State University		
Willard Boyd, President, State University of Iowa		
Dr. John J. Komic, President, University of Northern Iowa		
Chad A. Wymer, Director, Iowa Development Commission		
C. Joseph Coleman, Chairman, Iowa State Fair and World Food Exposition Study Committee		
Kenneth R. Fulk, Fair Board Secretary		
C. Robert Brenton	Des Moines	
Robert W. Dillon, Chairman	Des Moines	
Don N. Kersten	Fort Dodge	
Dr. William G. Murray	Ames	
Don C. Muhm	West Des Moines	
Mrs. Edwin W. Bruere	Cedar Rapids	
Robert M. Stone	Chariton	
James W. Hubbell, Jr. (Honorary Member)	Des Moines	
Steve Zumbach (Honorary Member)	Iowa City	
Forrest V. Schwengels	Fairfield	
Norman G. Rodgers	Adel	
Quentin V. Anderson	Ellston	
Richard L. Byerly	Ankeny	

APPEAL BOARD

(Public Contracts and Bonds)

Ch. 23

Maurice E. Baringer, Chairman, Treasurer of State
 Lloyd R. Smith, Auditor of State
 Marvin R. Selden, Jr., Comptroller

**APPEAL BOARD ON STATE INSTITUTION
 CONSTRUCTION CONTRACTS**

Ch. 22

Donald Ossian Denison June 30, 1977
 Albert A. Augustine Des Moines June 30, 1975
 Marvin R. Selden, Jr., Comptroller Des Moines Ex Officio Chairman

ARCHAEOLOGIST

Ch. 305A

Marshall McKusick

ARCHITECTURAL EXAMINERS

Ch. 118

Edward H. Healey Cedar Rapids June 30, 1975
 Richard H. Brom, President Waterloo June 30, 1978
 Harold J. Stewart Davenport June 30, 1975
 James A. Lynch Des Moines June 30, 1977
 James M. Duffy Sioux City June 30, 1976
 Lois Kalleen, Executive Secretary

STATE OFFICERS—Continued

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

Name and Office	City or Town from which originally chosen	Term Ending
ARMORY BOARD		
§29A.57		
Major General Joseph G. May, Adjutant General		
Col. Keith E. McWilliams	Des Moines	
W. K. Backman	Des Moines	
Major General Robert L. Gamrath	Fairfield	Pleasure of the Governor
Brig. General Roger W. Gilbert	Des Moines	
Brig. General Joseph B. Flatt	Winterset	
Lt. General Frank P. Williams	Cedar Falls	

ARTS COUNCIL

Ch. 304A

Mrs. Richard F. Drake	Muscatine	June 30, 1975
David E. Archie	Des Moines	June 30, 1975
Wayne A. Norman	Dubuque	June 30, 1976
Richard E. Leet	Mason City	June 30, 1976
Richard Williams	Cedar Rapids	June 30, 1976
Dr. Lawrence F. Mills	Pella	June 30, 1976
Mrs. Elizabeth Bornholdt	Avoca	June 30, 1974
Donald J. Maiwurm, Vice Chairman	Fort Dodge	June 30, 1974
Raymond Forsberg	Waterloo	June 30, 1974
Dr. Frank Summerside	LeMars	June 30, 1974
Stanley Wiederspan	Mount Pleasant	June 30, 1974
Mrs. Phyllis Lepke	Ames	June 30, 1975
Mrs. Marlyn Jorgensen	Garrison	June 30, 1976
Nancy Eberhart	Iowa City	June 30, 1975
Jack E. Olds, Director	Cedar Falls	Pleasure of the Governor

ATHLETICS COMMISSIONER

§727A.2

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

Ch. 727A

Al (Babe) Bisignano	Des Moines	
Calvin Crook	Newton	
Dave Fidler	Des Moines	Pleasure of the Governor
Ralph E. Hayes	Des Moines	
Clayton L. Johnson	Sioux City	
Don Larkin	New Hampton	
Harold J. (Gus) Schrader	Cedar Rapids	

BANKING BOARD

§524.205

Cecil Dunn, Superintendent	Eagle Grove	June 30, 1977
Francis Price	Des Moines	June 30, 1977
John B. Rigler	Muscatine	June 30, 1977
James W. Cravens	Sanborn	June 30, 1977
Joseph G. Knock	Creston	June 30, 1977
Julia Anderson	Ames	June 30, 1977
Ed H. Spetman, Jr.	Council Bluffs	June 30, 1977

STATE OFFICERS—Continued

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

Name and Office	City or Town from which originally chosen	Term Ending
BEEF PRODUCERS TASK FORCE		
Executive Order		
Holmes Pedelty	Clear Lake	
John Airy	Des Moines	
Gary Frankl	South Sioux City, Nebr.	
Dave Grismore	Corydon	
Durwood Mommsen	Goose Lake	
Gaylen Winterhof	Galva	
Delmar Van Horn	Des Moines	
G. L. "Bud" Pearson	Spencer	Pleasure of the Governor
LaVerne Gustafson	Cherokee	
Charles Phelps	Hastings	
Severt Van Berkle	Sioux Center	
Hugh Septer	Ida Grove	
C. Hugh Brenton	Des Moines	
Dave Mitchell	Sioux City	
Dean Lee Kolmer	Ames	
Robert C. Brenton	Des Moines	

BLIND, COMMISSION FOR THE

Ch. 601B

Mrs. Wayne Bonnell	Fort Dodge	June 30, 1975
Elwyn Hemken	Blairsburg	June 30, 1976
Mrs. Thelma Johnson	Charles City	June 30, 1974
Mrs. Sally Frudden	Charles City	June 30, 1977

BONUS BOARD

Ch. 35

Lloyd R. Smith, Auditor of State
 Maurice E. Baringer, Treasurer of State
 Major General Joseph G. May, Adjutant General
 Robert R. White, Secretary of Board
 Ray J. Kauffman, Executive Secretary

BUILDING CODE ADVISORY COUNCIL

§103A.3

Jack Bloodgood	Des Moines	June 30, 1976
Herman T. Wideman	Des Moines	June 30, 1978
Robert Williams	Des Moines	June 30, 1978
Glen E. Lundblad	Sioux City	June 30, 1978
Earl Yoder	Iowa City	June 30, 1976
Francis Messerly	Cedar Falls	June 30, 1976
Robert Ernster	Guttenberg	June 30, 1976

BUILDINGS AND GROUNDS SUPERINTENDENT

Ch. 19B

John Drummond.....At the Pleasure of the
 General Services Administration

CAMPAIGN FINANCE DISCLOSURE COMMISSION

65 GA, ch. 138, §10

Larry Scalise	Des Moines	June 30, 1979
Charles W. Wiggins	Ames	June 30, 1977
•Russell M. Ross	Iowa City	June 30, 1977
Jolene Stevens	Sioux City	June 30, 1975
Charles G. Rehling	Davenport	June 30, 1979

STATE OFFICERS—Continued

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

Name and Office	City or Town from which originally chosen	Term Ending
CAPITOL PLANNING COMMISSION		
Ch. 18A		
Amos Emery	Des Moines	April 30, 1975
James W. Hubbell	Des Moines	April 30, 1975
Mrs. Polly Moore	Des Moines	April 30, 1975
<i>House Members</i>		
Glenn F. Brockett	Marshalltown	April 30, 1977
Norman Roorda	Monroe	April 30, 1975
<i>Senate Members</i>		
Warren E. Curtis	Cherokee	April 30, 1977
William N. Plymat	Des Moines	April 30, 1975

CHILD LABOR COMMITTEE

§92.21

Jerry Addy, Chairman		
Giles J. Smith, Superintendent of Public Instruction		
John Spear, Employment Security Commission		
Mrs. Forrest K. Binger	Cedar Rapids	June 30, 1974

CITIZENS' AIDE

Ch. 601G

Thomas A. Mayer

CITY DEVELOPMENT BOARD

64 GA, ch. 1088, §33

Michael Vincent Dunn	Keokuk	June 30, 1980
Mrs. Sharon Nail	Webster City	June 30, 1976
Gregory Owen Hapgood	Marion	June 30, 1978

CITY FINANCE COMMITTEE

64 GA, ch. 1088, §94

E. Newell Foust	Des Moines	June 30, 1976
Charles O'Connor	Des Moines	June 30, 1974
Loren Hickerson	Iowa City	June 30, 1974
David A. Smith	Algona	June 30, 1976
James E. Lindsay	Ida Grove	June 30, 1976

CIVIL RIGHTS COMMISSION

Ch. 601A

George F. Garcia	Coralville	June 30, 1977
Mrs. Frances H. Lowder	Mason City	June 30, 1977
Mrs. Elizabeth Kruidenier	Des Moines	June 30, 1975
Dr. Gary H. Koerselman	Sioux City	June 30, 1975
DeEdwin F. White	Burlington	June 30, 1975
James N. Gillman	Des Moines	June 30, 1977
Mrs. John Walsh	Dubuque	June 30, 1977

CODE EDITOR

Ch. 14

Wayne A. Faupel	Clear Lake	Pleasure of the
Phyllis Barry, Deputy	Urbandale	Supreme Court

STATE OFFICERS—Continued

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

Name and Office	City or Town from which originally chosen	Term Ending
COMMERCE COMMISSION		
Ch. 474		
Fred Moore	Des Moines	June 30, 1979
Maurice Van Nostrand, Chairman	Des Moines	June 30, 1977
Howard Bell	Ames	June 30, 1975
Dean A. Briley, Executive Secretary		

COMPENSATION COMMISSION		
Ch. 2A		
Robert Newberg	West Des Moines	June 30, 1977
Hugh Clark	Des Moines	June 30, 1974
Donald Arnold	Des Moines	June 30, 1975
Howard Hill	Minburn	June 30, 1976
Mrs. Delbert Smith	Clarinda	June 30, 1978
William D. Severin	Cedar Falls	June 30, 1975
Duane Mortensen	Dubuque	June 30, 1976
Harold W. Booth	Council Bluffs	June 30, 1977
Robert Buck	Waukee	June 30, 1978
Edward Breen	Fort Dodge	June 30, 1974
Ann Miletich	Albia	June 30, 1975
James Lynch	Des Moines	June 30, 1976
Tom Miller	Cherokee	June 30, 1977
James E. Wirtz	Emmetsburg	June 30, 1979

COMPTRROLLER		
Ch. 8		
Marvin R. Selden, Jr.	Des Moines	Pleasure of the Governor

CONFIDENTIAL RECORDS COUNCIL		
65 GA, ch. 294, §19		
Honorable Robert D. Ray, Governor		
Donald H. Zarley	Des Moines	Pleasure of the Governor
George J. Matias	Cedar Rapids	
Mrs. Jack D. Levin	Newton	
Anthony M. Critelli	Des Moines	Pleasure of the Supreme Court
Charles Larson, Commissioner of Public Safety	Des Moines	
<i>House Members</i>		
Laverne W. Schroeder	McClelland	Pleasure of the Speaker
Arthur A. Small, Jr.	Iowa City	
<i>Senate Members</i>		
George F. Milligan	Des Moines	Pleasure of the Lieutenant Governor
Gene V. Kennedy	Dubuque	

CONSERVATION COMMISSION		
Ch. 107		
Leslie L. Licklider	Cherokee	June 30, 1975
James D. Bixler	Council Bluffs	June 30, 1975
Thomas A. Bates	Bellevue	June 30, 1975
Carolyn Lumbard	Des Moines	June 30, 1977
John Link	Burlington	June 30, 1975
John C. Thompson	Forest City	June 30, 1979
Herb Reed	Winterset	June 30, 1979
Fred A. Prewert, Director		

STATE OFFICERS—Continued

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

Name and Office	City or Town from which originally chosen	Term Ending
CONSERVATION OF OUTDOOR RESOURCES, GOVERNOR'S COMMITTEE ON		
Mrs. Dorothy Baringer	West Des Moines	
Kenneth Benda	Hartwick	
Henry Bradshaw	West Des Moines	
Alvin F. Bull	Des Moines	
Dr. Bernard Clausen	Cedar Falls	
Mrs. Helen Crabb	Jamaica	
Robert W. Dillon	Des Moines	
Robert Engelmann	Des Moines	
Alden J. Erskine	Sioux City	
Sherry Fisher	Des Moines	
Fred Gosh	Humboldt	
Prof. Arnold O. Haugen	Ames	
William E. Horine	Nevada	
Earl Jarvis	Wilton	
Dr. George Knudson	Decorah	
Ervin J. J. Koos	Shelby	
Gene Kragenbrink	Des Moines	
Mrs. Ruby Kruse	Marshalltown	
Lawrence Ladin	Des Moines	
Dr. Roger Landers	Ames	
Frank Mendell	Des Moines	
Mrs. H. J. Minglin	Auburn	
Dr. Robert Morris	Iowa City	
Clifford M. Naser	Fort Dodge	
Addison Parker, Jr.	Des Moines	
Wendell Pellet	Atlantic	
H. Wayne Pritchard	Des Moines	
Robert Russell	Iowa City	
Larry Stone	Des Moines	
Dale Tieden	Elkader	
George A. Wilson, Jr.	Des Moines	
George Woods	Cresco	

CRIME COMMISSION

Ch. 80C

Forrest V. Schwengels	Fairfield	June 30, 1974
David Dutton	Waterloo	June 30, 1974
F. O. Rosenberger	Sioux City	June 30, 1974
Al Vogt	Dubuque	June 30, 1974
Wardell Greer	Sioux City	June 30, 1975
David Nelson	Mason City	June 30, 1974
Ray Robinson	State Center	June 30, 1974
Robert Jacobson	Vinton	June 30, 1974
Father Thomas Rhomberg	Dubuque	June 30, 1974
Mrs. W. D. Edgerton	Davenport	June 30, 1974
John D. Scarlett	Des Moines	June 30, 1975
Richard C. Turner, Attorney General		
Craig Beek, Director, Bureau of Criminal Identification		
John F. Callaghan, Director, Iowa Law-Enforcement Academy		
Nolan Ellandson, Director, Bureau of Adult Correction Services		
George L. Paul	Brooklyn	June 30, 1974
Colonel Howard S. Miller	Ames	
George W. Orr, Executive Director		
Charles W. Larson, Deputy Director		
Richard L. Holcomb	Iowa City	June 30, 1975
Deral Houck	Leon	June 30, 1975
Robert Beener	Waterloo	June 30, 1975
Leo Oxberger	Des Moines	June 30, 1975
Ralph W. Lindhorst	Algona	June 30, 1975
Mrs. Darlene Allen	Fort Madison	June 30, 1975

STATE OFFICERS—Continued

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

Name and Office	City or Town from which originally chosen	Term Ending
CRIME COMMISSION—Continued		
Mrs. Martha M. Ribble	Cedar Rapids	June 30, 1975
Ira S. Berck	Ames	June 30, 1975
Keith Dunton	Thornburg	June 30, 1975
Silas S. Ewing	Des Moines	June 30, 1975

DENTISTRY BOARD

Ch. 153

William A. Bell	Des Moines	June 30, 1977
Dr. Robert L. Moore	Hampton	June 30, 1978
Harold W. Sidwell, D.D.S.	Villisca	June 30, 1975
A. Miles Olson, D.D.S.	Laurens	June 30, 1975
David Wolf, D.D.S.	Cedar Rapids	June 30, 1976

DEPARTMENTAL RULES REVIEW COMMITTEE

Ch. 17A

House Members

Floyd H. Millen, Chairman	Farmington	April 30, 1977
W. H. Monroe, Jr.	Burlington	April 30, 1977
Laverne W. Schroeder	McClelland	April 30, 1975

Senate Members

Barton L. Schweiger	Waterloo	April 30, 1977
E. Kevin Kelly, Vice Chairman ..	Sioux City	April 30, 1975
Berl E. Priebe	Algona	April 30, 1975

Phyllis Barry, Secretary

IOWA DEVELOPMENT COMMISSION

Ch. 28

John P. Tinley	Shenandoah	June 30, 1976
Frank W. Griffith	Sioux City	June 30, 1976
Robert K. Beck	Centerville	June 30, 1977
James W. Callison	Des Moines	June 30, 1977
Forrest J. Mitchell, Jr.	Grinnell	June 30, 1976
John P. Bickel	Cedar Rapids	June 30, 1978
E. A. Hayes, Chairman	Mount Pleasant	June 30, 1978
Kenneth H. Jolsin	Minburn	June 30, 1975
E. Thurman Gaskill	Corwith	June 30, 1977
Mrs. Mardelle Noble	Oelwein	June 30, 1975
Ronald L. Kiger	Council Bluffs	June 30, 1977
Delmar Van Horne, Director	Des Moines	Pleasure of the Governor

DEVELOPMENTAL DISABILITIES COUNCIL

Stat. L.

Robert D. Benton	Des Moines	
Kevin J. Burns	Des Moines	
Mrs. Helen Henderson	Des Moines	
Rolfe B. Karlsson	Des Moines	Dec. 31, 1975
Dudley Koontz	Cedar Rapids	Dec. 31, 1975
Ira E. Larson	Cedar Rapids	Dec. 31, 1975
Mrs. Lou Lyon	Clinton	Dec. 31, 1974
John C. MacQueen, M.D.	Iowa City	Dec. 31, 1974
Mrs. Elizabeth McTigue	Fort Dodge	
William Moorcroft	Decorah	
William U. Patton	Storm Lake	
Norman Pawlewski	Carlisle	Dec. 31, 1976
Raymond R. Rembolt	Iowa City	Dec. 31, 1974
R. Wayne Richey	Des Moines	Dec. 31, 1976
Mrs. Wanda Schnebly	Forest City	Dec. 31, 1975
Joseph Tate	Des Moines	Dec. 31, 1976
Mrs. Evelyn R. Villines	Des Moines	Dec. 31, 1976
Margaret G. Westerhof	Carlisle	Dec. 31, 1974

STATE OFFICERS—Continued

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

Name and Office	City or Town from which originally chosen	Term Ending
DRUG ABUSE AUTHORITY ADVISORY COUNCIL		
65 GA, ch. 181, §1		
Fred S. Brinkley, Jr., Director	Des Moines	Pleasure of the Governor
Gerald A. Baldner	Elkader	June 30, 1975
Mrs. Beverly Stirts	West Des Moines	June 30, 1976
William Tysseling	Ames	June 30, 1976
George Strayer	Hudson	June 30, 1975
Mrs. Carole Harder	Cedar Rapids	June 30, 1976
Darrell Ensz	Ottumwa	June 30, 1977
Frederick C. Blackledge	Des Moines	June 30, 1977
Harry G. Hoyt, Jr.	Davenport	June 30, 1976
Harrison C. Fisch	Pringhar	June 30, 1975
Harry Wood	Des Moines	June 30, 1977
Charles A. Churan	Des Moines	June 30, 1974
Dr. Herbert L. Nelson	Iowa City	June 30, 1976
Kenneth P. Wells	Des Moines	June 30, 1976
Frank Burrows	Des Moines	June 30, 1975
Dr. Burton Routman	Des Moines	June 30, 1975
Dr. F. W. Bennett	West Des Moines	June 30, 1974
Paul H. Crews	Des Moines	June 30, 1976
Mrs. Ann Weir	Des Moines	June 30, 1975
David White	Des Moines	June 30, 1974
Robert Tyson	Des Moines	June 30, 1975
Joseph Coleman, Jr.	Des Moines	June 30, 1976
George Mayer	Des Moines	June 30, 1974
A. John Martin	Winterset	June 30, 1974
Don Perkins, Chairman, Advisory Council	Des Moines	June 30, 1976
William L. Smith	Des Moines	June 30, 1975
Rev. William Denny	Council Bluffs	June 30, 1975

DRUG TREATMENT LICENSING BOARD

Paul H. Crews	Des Moines	June 30, 1976
Don Perkins	Des Moines	June 30, 1977
Dr. Kirk Strong	Fairfield	June 30, 1975
Dr. Richard Whittlesey	Bettendorf	June 30, 1976
Dr. James F. Stiles	Cedar Rapids	June 30, 1975
F. W. Pickworth	Des Moines	June 30, 1975
R. Dennis Bowers	Des Moines	June 30, 1977
Ronald J. Mahrenholz	Des Moines	June 30, 1976
Herbert L. Notch	Newton	June 30, 1977

ECONOMIC OPPORTUNITY OFFICE

Robert F. Tyson, Director	Shenandoah	Pleasure of the Governor
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EDUCATION COMMISSION OF THE STATES

65 GA, ch. 194

Honorable Robert D. Ray, Governor		
Robert D. Benton	Des Moines	April 30, 1977
Stanley Redeker	Boone	April 30, 1975
<i>House Members</i>		
Sonja Egenes	Story City	June 30, 1977
James D. Wells	Cedar Rapids	June 30, 1975
<i>Senate Members</i>		
Elizabeth O. Shaw	Davenport	June 30, 1977
Minnette F. Doderer	Iowa City	June 30, 1975

STATE OFFICERS—Continued

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

Name and Office	City or Town from which originally chosen	Term Ending
EDUCATIONAL DATA PROCESSING COMMITTEE		
§257.10		
John G. Helkenn	Des Moines	Pleasure of the Governor
C. C. Mosier	Ames	
Robert Benton, Superintendent, Department of Public Instruction, Chairman		
Stanley McCausland, Director, General Services Administration		
Marvin R. Selden, Jr., Comptroller		

EDUCATIONAL RADIO AND TELEVISION FACILITY BOARD

§8A.7

William B. Quarton	Cedar Rapids	June 30, 1974
Dr. Louis E. Smith	Indianola	June 30, 1975
Paul Johnston	Des Moines	June 30, 1974
John E. van der Linden	Sibley	June 30, 1976
Mrs. Earl G. Sievers	Avoca	June 30, 1975
John Baldridge	Chariton	June 30, 1974
Dr. Robert F. Ray, Chairman	Iowa City	June 30, 1976
Ralph H. Wallace, Vice Chairman	Mason City	June 30, 1976
S. J. Brownlee	Emmetsburg	June 30, 1975

COMMISSIONER OF ELECTIONS, STATE

§47.1

Melvin D. Synhorst, Commissioner of Elections
 J. Herman Schweiker, Deputy Commissioner of Elections
 Louise A. Whitcome, Director

EMPLOYEE DEVELOPMENT, POLICY COMMITTEE ON STATE

Maurice E. Baringer	Des Moines
Clayton L. Ringgenberg	Iowa City
Marvin R. Selden, Jr.	Des Moines
George A. Lundberg	Des Moines
Joseph R. Coupal	Ames
Norman Pawlewski	Des Moines
Richard N. Smith	Des Moines
Mrs. Evelyn R. Villines	Des Moines
Wallace L. Keating	Des Moines
William L. Smith	Des Moines
Donald G. Briggs	Des Moines
Kevin J. Burns	Des Moines

EMPLOYMENT AGENCY LICENSING COMMISSION

Ch. 95

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

EMPLOYMENT OF THE HANDICAPPED

Ch. 601F

James N. Bethel	Des Moines	June 30, 1974
Mrs. Ferne G. Bonomi	Des Moines	June 30, 1974
Hugh D. Clark	Des Moines	June 30, 1974
Keith Dunton	Thornburg	June 30, 1974
K. R. Ernst, O.D.	Waterloo	June 30, 1974
Ron Grooms	Ames	June 30, 1974
Merill E. Hunt	Des Moines	June 30, 1974
Rolfe B. Karlsson	Des Moines	June 30, 1974
Edward K. Kelley	Des Moines	June 30, 1974

STATE OFFICERS—Continued

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

Name and Office	City or Town from which originally chosen	Term Ending
EMPLOYMENT OF THE HANDICAPPED—Continued		
Edward F. McCartan	Des Moines	June 30, 1974
Ralph G. Neppel	Iowa City	June 30, 1974
H. S. Palmer	Oskaloosa	June 30, 1974
Lou Pomerantz	Des Moines	June 30, 1974
Julian Torgerson	Sioux City	June 30, 1974
Mrs. Carrol M. Unga	Clear Lake	June 30, 1974
Hugh Doty	Mechanicsville	June 30, 1975
Richard V. Hopkins	Davenport	June 30, 1975
Fran H. Lowder	Mason City	June 30, 1975
Sister Mary Miguel	Council Bluffs	June 30, 1975
George T. Nickolas	Davenport	June 30, 1975
Nate Ruben	Des Moines	June 30, 1975
Robert Brown	Waterloo	June 30, 1974
Bill Wagner	Des Moines	June 30, 1974
James Johnson	Clemons	June 30, 1974
Charles Ashman	Elkader	June 30, 1974
William D. deGravelles, Jr., M.D.	Des Moines	June 30, 1974
Edward F. Winter	Cedar Rapids	June 30, 1975
James Albert	Cedar Rapids	June 30, 1975
Mrs. Helen Settle	Marshalltown	June 30, 1975
Ronald Herrig	Dubuque	June 30, 1975
Rebecca Christian	Des Moines	June 30, 1974

EMPLOYMENT SECURITY COMMISSION

§96.10

Abe D. Clayman	West Des Moines	June 30, 1977
George A. Lundberg	Des Moines	June 30, 1975
Colleen Shearer	Carlisle	June 30, 1979

ENERGY POLICY COUNCIL

65 GA, ch. 1113

Gregory D. Cusack	Davenport	Pleasure of the Governor
Brice C. Oakley	Clinton	
John P. Millhone	Des Moines	
Mrs. Harriette J. Baum	Manchester	June 30, 1975
James P. Fuller	Muscatine	June 30, 1975
Mrs. Harriette Lindberg	Des Moines	June 30, 1975
Orren S. Olson	Humboldt	June 30, 1975
Robert D. Porter	Sioux City	June 30, 1975

ENGINEERING EXAMINERS BOARD

Ch. 114

Ronald D. Brown	Muscatine	June 30, 1977
Burt R. Livingston	Newton	June 30, 1977
Eldo W. Schornhorst	Spencer	June 30, 1975
Noel W. Willis	Iowa City	June 30, 1975
Robert D. Reckert	Rock Rapids	June 30, 1975
West C. Wellman, Secretary		

ENVIRONMENTAL QUALITY, DEPARTMENT OF

Ch. 455B

Kenneth M. Karch, Executive Director	Des Moines	Pleasure of the Governor
<i>Air Quality Commission</i>		
Hal Richerson, Iowa Medical Society	Iowa City	
Graydon Anderson	Greene	June 30, 1976
Herb Campbell	Washington	June 30, 1978
Mrs. Jane B. Smith	Sioux City	June 30, 1978

STATE OFFICERS—Continued

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

Name and Office	City or Town from which originally chosen	Term Ending
ENVIRONMENTAL QUALITY, DEPARTMENT OF—Continued		
<i>Chemical Technology Commission</i>		
Robert H. Lounsberry, Secretary of Agriculture		
Norman Pawlewski, Commissioner of Public Health		
Othie R. McMurry, Director of the Iowa Natural Resources Council		
Donald Johnson, Chairman of the State Soil Conservation Committee		
Robert E. Hays, Chief Executive of the League of Iowa Municipalities		
Fred A. Prierwert, Director of the State Conservation Commission		
Lee R. Kolmer, Iowa State University		
Gordon E. Mau	New Hampton	June 30, 1974
Robert C. Yapp	Des Moines	June 30, 1974
<i>Solid Waste Disposal Commission</i>		
Otto Tennant, Iowa Engineering Society	Des Moines	June 30, 1976
Charles Laverty	Indianola	June 30, 1976
Mrs. Rosemary Shearer	Des Moines	June 30, 1978
Fred Gosch	Humboldt	June 30, 1976
Dr. Samuel J. Tuthill	Iowa City	June 30, 1978
<i>Water Quality Commission</i>		
C. B. Curtis, Iowa Development Commission	Newton	June 30, 1976
Robert Buckmaster	Waterloo	June 30, 1976
Dale Hendricks	Bloomfield	June 30, 1976
James Bellamy	Knoxville	June 30, 1978
Bob Russell	Iowa City	June 30, 1978

EXECUTIVE COUNCIL

Ch. 19

Robert D. Ray, Governor
 Melvin D. Synhorst, Secretary of State
 Lloyd R. Smith, Auditor of State
 Maurice E. Baringer, Treasurer of State
 Robert H. Lounsberry, Secretary of Agriculture
 West C. Wellman, Secretary

FAIR BOARD

Ch. 173

C. C. Wagler

C. J. Mathiessen

Thomas Huston, Treasurer

Kenneth R. Fulk, Secretary

Don Greiman

Howard Waters

Joe Deeney, Director

W. L. Yount, President

Jean M. Kleve, Vice President

G. W. Prince

H. M. Duncan, Director

Robert D. Ray, Governor of the State of Iowa

W. Robert Parks, President, Iowa State University, Ames

Robert H. Lounsberry, Secretary of Agriculture

FAMILY PRACTICE EDUCATION ADVISORY BOARD

65 GA, ch. 168

Mrs. Claudine Mansfield

Mrs. Madge Phillips

FIRE MARSHAL

Ch. 100

Wilbur R. Johnson

Reynold Hentges, Assistant Fire Marshal

STATE OFFICERS—Continued

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

Name and Office	City or Town from which originally chosen	Term Ending
FORT DODGE RIVER FRONT COMMISSION		
§372.2		
John Simpson	Fort Dodge	Dec. 31, 1977
Fred Breen	Fort Dodge	Dec. 31, 1979
Robert Gunderson	Fort Dodge	Dec. 31, 1975

FUTURE OF IOWA INTERIM PLANNING COMMITTEE

Executive Order

Kitty Ellsworth	West Des Moines	
Mrs. Jean Lloyd-Jones	Iowa City	
Dr. Eddie V. Easley	Des Moines	
Robert Buck	Waukee	
Bruce Anderson	Cedar Rapids	Pleasure of
John P. Millhone	Des Moines	the Governor
Ralph Schlenker	Des Moines	
Maurice TePaske	Sioux Center	
William F. Turner	Sioux City	
Wayne E. Laufenberg	Des Moines	
Dr. Willard L. Boyd	Iowa City	

GENERAL SERVICES

Ch. 19B

Stanley McCausland, Director

GEOLOGICAL BOARD

Ch. 305

Robert D. Ray, Governor, Chairman
 Lloyd R. Smith, Auditor of State
 Willard Boyd, President, State University of Iowa
 W. Robert Parks, President, Iowa State University of Science and Technology
 Robert E. Yager, President, Iowa Academy of Science
 Dr. Samuel J. Tuthill, Director

GEOLOGIST

Ch. 305

Dr. Samuel J. Tuthill	Pleasure of the
Orville J. Baneck, Assistant	Geological Board

HEALTH, BOARD OF

Ch. 136

Harry C. Rasdal, O.D.	Spencer	June 30, 1975
Albert J. Soucek, D.D.S.	Iowa City	June 30, 1975
Mrs. Richard Maas, R.N.	Liscomb	June 30, 1975
Charles D. Mullinex	Cedar Rapids	June 30, 1976
E. E. Gamet, M.D.	Lamoni	June 30, 1976
John C. Edgerton, D.O.	Manning	June 30, 1976
Dr. Paul Seebohm	Iowa City	June 30, 1977
Dr. Vaughn Seaton	Ames	June 30, 1977
P. J. Leehey, M.D.	Independence	June 30, 1977

HEALTH, COMMISSIONER OF

Ch. 135

Norman Pawlewski, Commissioner	Des Moines
Dr. Ronald Eckoff, Deputy Commissioner	Des Moines

STATE OFFICERS—Continued

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

Name and Office	City or Town from which originally chosen	Term Ending
HEALTH DEPARTMENT		
Ch. 147		
Practice Acts Examining Boards		
<i>Barber Examiners</i>		
Leslie W. Jones	Burlington	June 30, 1975
Alfred D. Wilson	Des Moines	June 30, 1976
Merlyn V. Boyken	Waterloo	June 30, 1974
<i>Chiropractic Examiners</i>		
Dr. Anthony P. Untz	Dyersville	June 30, 1975
E. C. Vorland, D.C.	Cedar Falls	June 30, 1975
Gerald Whitten, D.C.	Des Moines	June 30, 1976
<i>Cosmetology Examiners</i>		
Carole Tracy	Dubuque	June 30, 1975
Mrs. Betty J. Tull	Creston	June 30, 1976
Mrs. Marian Lokken	Ames	June 30, 1975
<i>Funeral Director and Embalmer Examiners</i>		
George F. Murdoch	Marion	June 30, 1975
Dwight K. Wagler	Griswold	June 30, 1976
Maurice J. Tierney, Chairman	Dubuque	June 30, 1975
<i>Medical Examiners</i>		
Kenneth E. Lister, M.D.	Ottumwa	June 30, 1974
Howard G. Ellis, M.D.	Des Moines	June 30, 1977
Frank R. Peterson, M.D.	Solon	June 30, 1978
John K. MacGregor, M.D.	Mason City	June 30, 1973
Kenneth R. Carrell, D.O.	Columbus Junction	June 30, 1974
Roger B. Anderson, D.C.	Davenport	June 30, 1975
John M. Rhodes, M.D.	Pocahontas	June 30, 1975
John W. Billingsley, M.D.	Newton	June 30, 1976
<i>Optometry Examiners</i>		
H. Ray Wilson, O.D.	Forest City	June 30, 1975
C. E. Nichols, O.D.	Clarinda	June 30, 1976
K. O. McMaster, O.D.	Oelwein	June 30, 1974
<i>Pharmacy Examiners</i>		
Dwight E. Fry	Greenfield	June 30, 1975
Robert Osterhaus	Maquoketa	June 30, 1976
Charles A. Hughes	Emmetsburg	June 30, 1974
<i>Physical Therapy Examiners</i>		
Nancy Thompson	Des Moines	June 30, 1974
William R. Whitmore, M.D.	Davenport	June 30, 1974
Joyce Johnson	Decorah	June 30, 1975
Warren J. Rogers	Cedar Rapids	June 30, 1976
<i>Podiatry Examiners</i>		
Russell R. Schivley	Fort Madison	June 30, 1975
Dr. Paul A. Johns	Des Moines	June 30, 1976
W. L. Franson, D.S.C.	Perry	June 30, 1974

HEALTH PLANNING ADVISORY COUNCIL, COMPREHENSIVE

Stat. L. 89-749

James A. Cox	Fort Dodge	June 30, 1974
Elmer H. Den Herder	Sioux Center	June 30, 1974
Donald French	Fairfield	June 30, 1976
Mrs. B. R. (Louise) Goldman	Davenport	June 30, 1974
Mrs. Georgia Hutchison	Oelwein	June 30, 1976
Mrs. Matt (Edna) Lawrence	Ottumwa	June 30, 1976
Rufus Moellers	Ridgeway	June 30, 1975
Mrs. Joyce Montag	Creston	June 30, 1975
Perry Ross	Mount Pleasant	June 30, 1975
A. L. Smulekoff	Cedar Rapids	June 30, 1974

STATE OFFICERS—Continued

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

Name and Office	City or Town from which originally chosen	Term Ending
HEALTH PLANNING ADVISORY COUNCIL, COMPREHENSIVE—Continued		
Roger Stetson	Des Moines	June 30, 1976
Philip Stillman	Emmetsburg	June 30, 1975
Maurice TePaske	Sioux Center	June 30, 1974
Mrs. Wilma Watters	Dubuque	June 30, 1975
Mrs. Jo Ann Luddington	Pacific Junction	June 30, 1976
Allan Lee	Keokuk	June 30, 1976
Judy McDonough	Ames	June 30, 1976
Mrs. Marilyn Marsh	Hornick	June 30, 1976
Clive Ayers	Atlantic	June 30, 1974
Kenneth Barrows	Des Moines	June 30, 1974
B. F. Brown	Iowa City	June 30, 1975
Julius S. Conner, M.D.	Des Moines	June 30, 1974
Glen Haydon	Mason City	June 30, 1976
Mrs. Helen Henderson	Des Moines	June 30, 1976
John B. Herrick, D.V.M.	Ames	June 30, 1974
Dr. David E. McAreavy	Maquoketa	June 30, 1976
John C. MacQueen, M.D.	Iowa City	June 30, 1974
Mrs. Janet K. Specht	Marshalltown	June 30, 1975
Donald Soll, M.D.	Denison	June 30, 1974
Dr. Tom Stonebrook	Eldora	June 30, 1976
Dr. Donald Trefz	Charles City	June 30, 1976
Dr. John Tyrrell	Manchester	June 30, 1976
Donald W. Dunn	Des Moines	June 30, 1976
Dave Nugent	West Des Moines	June 30, 1976
Charles Caldwell	Iowa City	June 30, 1976

HIGHER EDUCATION FACILITIES COMMISSION

Ch. 261

Robert Benton, Superintendent of Public Instruction	Des Moines	
Ray Bailey, Executive Secretary	Clarion	June 30, 1976
Robert H. Kaiser	Sioux City	June 30, 1977
John N. Nystrom	Boone	June 30, 1975
Richard W. Welden	Iowa Falls	June 30, 1975
Robert Williams	Des Moines	June 30, 1975
Keith S. Noah	Charles City	June 30, 1977
Norman W. Kladstrup, Executive Director		
Willis Ann Wolff, Director, Student Aid Programs		
Patricia Conway, Director, Federal Programs		
Vacancy		
Dr. Kenneth Weller	Pella	June 30, 1975
Mrs. Joie Cole	Decorah	June 30, 1977

HISTORICAL DEPARTMENT

65 GA, ch. 1175

Appointments Pending

INDUSTRIAL COMMISSIONER

Ch. 86

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

Ch. 505

William H. Huff III	Des Moines	June 30, 1975
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STATE OFFICERS—Continued

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

Name and Office	City or Town from which originally chosen	Term Ending
INTERSTATE CO-OPERATION COMMISSION		
Ch. 28B		
Robert D. Ray, Governor		
Arthur A. Neu, President of the Senate		
Andrew Varley, Speaker of the House		
Maurice E. Baringer, Treasurer of State	West Des Moines	April 30, 1975
Marvin R. Selden, Jr., Comptroller of State	West Des Moines	April 30, 1975
Clayton L. Ringgenberg	Iowa City	April 30, 1975
<i>House Members</i>		
Richard F. Drake	Muscatine	April 30, 1975
Dennis L. Freeman	Storm Lake	April 30, 1975
Philip B. Hill	Des Moines	April 30, 1975
Robert M. Kreamer	Des Moines	April 30, 1975
James T. Caffrey	Des Moines	April 30, 1975
<i>Senate Members</i>		
James W. Griffin, Sr.	Council Bluffs	April 30, 1975
John S. Murray	Ames	April 30, 1975
William D. Palmer	Des Moines	April 30, 1975
W. R. Rabedeaux	Wilton	April 30, 1975
James F. Schaben	Dunlap	April 30, 1975

IOWA OFFICIAL REGISTER

L. Dale Ahern, Editor	Decorah	Pleasure of the Printing Division
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IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
ADVISORY INVESTMENT BOARD

§97B.8

Dale K. Dekoster	Waterloo	June 30, 1979
George Duvall	Ames	June 30, 1975
Keith Gunzenhauser	West Des Moines	June 30, 1977
<i>House Member</i>		
Willis E. Junker	Sioux City	June 30, 1975
<i>Senate Member</i>		
James W. Griffin, Sr.	Council Bluffs	June 30, 1975

STATE JUDICIAL NOMINATING COMMISSION

§§46.1, 46.2

Appointive

Edris H. Owens	Newton	June 30, 1973
John M. Downey	Des Moines	June 30, 1973
Mrs. Wm. Robinson	Hampton	June 30, 1975
Wm. Sorenson	Jefferson	June 30, 1975
C. H. Wildman	Davenport	June 30, 1977
Donald Balster	Marion	June 30, 1977
Wm. Beck	Spirit Lake	June 30, 1977
<i>Elective</i>		
Don K. Walter	Burlington	June 30, 1975
William M. Dallas	Cedar Rapids	June 30, 1975
Richard G. Zellhoefer	Waterloo	June 30, 1973
John W. Tobin	Vinton	June 30, 1977
Arthur H. Johnson	Fort Dodge	June 30, 1977
Wendell Pendleton	Storm Lake	June 30, 1975
Philip J. Willson	Council Bluffs	June 30, 1973

STATE OFFICERS—Continued

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

Name and Office	City or Town from which originally chosen	Term Ending
JUDICIAL NOMINATING COMMISSION		
§46.3		
<i>Appointive</i>		
<i>Election District 1A</i>		
Mrs. Lew Ella Strand	Ossian	Jan. 31, 1974
Noble Pugh	Strawberry Point	Jan. 31, 1974
Mrs. Jill Tracey	Manchester	Jan. 31, 1976
Dr. Milton F. Schlein	Postville	Jan. 31, 1976
Mrs. Charlotte Kelly	Dubuque	Jan. 31, 1978
<i>Election District 1B</i>		
Mrs. Georgia Hutchison	Oelwein	Jan. 31, 1976
Keith Burbridge	Cedar Falls	Jan. 31, 1974
Vail H. Hess	Grundy Center	Jan. 31, 1974
Robert W. Giertz	Waterloo	Jan. 31, 1976
John J. Burgess	Cresco	Jan. 31, 1978
<i>Election District 2A</i>		
Dr. H. G. Marinos	Mason City	Jan. 31, 1974
Dean Kline	Charles City	Jan. 31, 1974
Frank Jeffrey	Mason City	Jan. 31, 1976
Charles H. Dick	Hampton	Jan. 31, 1976
Max Eggleston	Waverly	Jan. 31, 1978
<i>Election District 2B</i>		
Dr. Paul Ferguson	Lake City	Jan. 31, 1974
Jon E. McClure	Fort Dodge	Jan. 31, 1974
Chase McLaughlin	Humboldt	Jan. 31, 1976
Frank Cervetti	Marshalltown	Jan. 31, 1976
Mrs. Carolyn Houk	Jefferson	Jan. 31, 1978
<i>Election District 3A</i>		
Tom Howe	Spencer	Jan. 31, 1974
Mrs. Elizabeth Vanden Heuvel	Rock Rapids	Jan. 31, 1974
John B. Anderson	Storm Lake	Jan. 31, 1976
Blaine Hoiem	Spirit Lake	Jan. 31, 1976
Kirk Hayes	Algona	Jan. 31, 1978
<i>Election District 3B</i>		
Mrs. Val Moeller	LeMars	Jan. 31, 1974
Richard P. Sulzbach	Sioux City	Jan. 31, 1974
Mrs. John Kelly	Sioux City	Jan. 31, 1976
Norton D. Obrecht	Holstein	Jan. 31, 1976
Roger Linn	Correctionville	Jan. 31, 1978
<i>Election District 4</i>		
Leo Kessler	Audubon	Jan. 31, 1974
Mrs. MaryAnn Emerine	Council Bluffs	Jan. 31, 1974
Lewis W. Ross, Jr.	Oakland	Jan. 31, 1976
Mrs. Virginia Deardorff	Atlantic	Jan. 31, 1976
Hale C. Greenleaf	Shenandoah	Jan. 31, 1978
<i>Election District 5A</i>		
Eugene T. Smith	Indianola	Jan. 31, 1974
Ray Murphy	Des Moines	Jan. 31, 1974
Max Kreager	Newton	Jan. 31, 1976
Donald Willis	Des Moines	Jan. 31, 1976
Mrs. Betty Schwartzkopf	Stuart	Jan. 31, 1978
<i>Election District 5B</i>		
B. L. Cunning	Mount Ayr	Jan. 31, 1974
T. M. Thompson	Creston	Jan. 31, 1974
Mrs. Judith Carlson	Greenfield	Jan. 31, 1976
Mrs. Janet Winslow	Corydon	Jan. 31, 1976
Kenneth Olive	Chariton	Jan. 31, 1978
<i>Election District 6</i>		
John B. Turner	Cedar Rapids	Jan. 31, 1974
Dr. Robert Savage	Monticello	Jan. 31, 1974

STATE OFFICERS—Continued

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

Name and Office	City or Town from which originally chosen	Term Ending
JUDICIAL NOMINATING COMMISSION—Continued		
Rev. John Woods	Cedar Rapids	Jan. 31, 1976
Mrs. Marsha Thudium	Vinton	Jan. 31, 1976
Mrs. Jean Swisher	Iowa City	Jan. 31, 1978
<i>Election District 7</i>		
John Axel	Muscatine	Jan. 31, 1980
Herbert A. Iossi	Davenport	Jan. 31, 1974
Mrs. Odetta C. Moore	Davenport	Jan. 31, 1976
Dr. Donald E. McAreavy	Maquoketa	Jan. 31, 1976
Marvin D. Ohsann	Clinton	Jan. 31, 1978
<i>Election District 8A</i>		
Milford R. Wonderlich	Ollie	Jan. 31, 1974
Julian Campbell	Bloomfield	Jan. 31, 1974
Max Smith	Grinnell	Jan. 31, 1976
Leon Yates	Ottumwa	Jan. 31, 1976
Logan Heilman	Washington	Jan. 31, 1978
<i>Election District 8B</i>		
Mrs. Ada Waters	Danville	Jan. 31, 1974
Jewell Jury	Farmington	Jan. 31, 1974
Keith Garretson	Mount Pleasant	Jan. 31, 1976
Mrs. Nell Weber	Columbus Junction	Jan. 31, 1976
Edward K. Johnstone	Keokuk	Jan. 31, 1978
<i>Elective</i>		
<i>Election District 1A</i>		
Donald R. Breitbach	Dubuque	Jan. 31, 1976
James Hart	Elkader	Jan. 31, 1980
Alfred Hughes	Dubuque	Jan. 31, 1978
Arthur H. Jacobson	Waukon	Jan. 31, 1976
Charles A. Kintzinger	Dubuque	Jan. 31, 1978
<i>Election District 1B</i>		
Henry L. Elwood	Cresco	Jan. 31, 1976
Upton B. Kepford	Waterloo	Jan. 31, 1978
John W. Rathert	Waterloo	Jan. 31, 1976
Leroy H. Redfern	Cedar Falls	Jan. 31, 1978
Carl A. Greif	Independence	Jan. 31, 1980
<i>Election District 2A</i>		
B. C. Berge	Garner	Jan. 31, 1974
W. K. Carr	Charles City	Jan. 31, 1976
A. G. Dunkelberg	Osage	Jan. 31, 1978
Wm. H. Engelbrecht	Waverly	Jan. 31, 1980
Walter C. Schroeder	Mason City	Jan. 31, 1978
<i>Election District 2B</i>		
Donald L. Nelson	Nevada	Jan. 31, 1980
Whitley M. Hemingway	Webster City	Jan. 31, 1976
Craig L. Johnson	Marshalltown	Jan. 31, 1978
Thomas L. McCullough	Sac City	Jan. 31, 1978
Edward S. White	Carroll	Jan. 31, 1976
<i>Election District 3A</i>		
Gordon J. Forsyth	Estherville	Jan. 31, 1976
Joe E. Lynch, Jr.	Algona	Jan. 31, 1976
Edgar E. Mack	Storm Lake	Jan. 31, 1978
Frank B. Nelson	Spencer	Jan. 31, 1978
K. B. Welty	Spirit Lake	Jan. 31, 1980
<i>Election District 3B</i>		
Keith A. Beekley	Sioux City	Jan. 31, 1976
Frank J. Margolin	Sioux City	Jan. 31, 1978
Edward W. Mitchell	Alton	Jan. 31, 1980
William J. Rawlings	Sioux City	Jan. 31, 1978
Robert C. Reimer	Denison	Jan. 31, 1976

STATE OFFICERS—Continued

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

Name and Office	City or Town from which originally chosen	Term Ending
JUDICIAL NOMINATING COMMISSION—Continued		
<i>Election District 4</i>		
John F. Boeye	Red Oak	Jan. 31, 1976
Proctor R. Perkins	Council Bluffs	Jan. 31, 1980
J. R. Larson	Atlantic	Jan. 31, 1978
Jake S. More	Harlan	Jan. 31, 1976
Raymond A. Smith	Council Bluffs	Jan. 31, 1978
<i>Election District 5A</i>		
Kent M. Forney	Des Moines	Jan. 31, 1980
John N. Diehl	Newton	Jan. 31, 1978
Hubert C. Jones	Des Moines	Jan. 31, 1976
Clyde Putnam, Jr.	Des Moines	Jan. 31, 1978
Dale E. Spencer	Des Moines	Jan. 31, 1976
<i>Election District 5B</i>		
William Don Carlos ..	Greenfield	Jan. 31, 1978
James Harsh	Creston	Jan. 31, 1978
G. F. Hoffman	Leon	Jan. 31, 1976
Richard D. Morr	Chariton	Jan. 31, 1976
Richard L. Wilson	Lenox	Jan. 31, 1980
<i>Election District 6</i>		
James W. Crawford	Cedar Rapids	Jan. 31, 1980
Caryl W. Garberson	Cedar Rapids	Jan. 31, 1976
William L. Meardon	Iowa City	Jan. 31, 1978
James F. Pickens	Cedar Rapids	Jan. 31, 1976
Robert C. Tilden	Cedar Rapids	Jan. 31, 1978
<i>Election District 7</i>		
Elmer E. Bloom	Muscatine	Jan. 31, 1978
John E. Nagle	Davenport	Jan. 31, 1978
David O. Shaff	Clinton	Jan. 31, 1980
Erwin E. Stamp	Bellevue	Jan. 31, 1976
Charles E. Wittenmeyer	Davenport	Jan. 31, 1976
<i>Election District 8A</i>		
Marvin V. Colton	Centerville	Jan. 31, 1976
Albert F. Goeldner	Sigourney	Jan. 31, 1978
Scott Jordan	Fairfield	Jan. 31, 1978
Charles M. Manley	Grinnell	Jan. 31, 1980
Richard H. Wright	Bloomfield	Jan. 31, 1976
<i>Election District 8B</i>		
Kenneth A. Aspelmeier	Burlington	Jan. 31, 1980
Henry L. Hirsch	Burlington	Jan. 31, 1978
Harold F. McLeran	Mount Pleasant	Jan. 31, 1976
Russell R. Newell	Columbus Junction	Jan. 31, 1976
R. Buell Smith	Keokuk	Jan. 31, 1978

JUDICIAL PROBATION OFFICERS TRAINING COMMITTEE

Pursuant to Supreme Court Order July 1, 1974, see §231.8

Judge Don L. Tidrick	Des Moines	July 1, 1978
District Associate Judge Ross Caniglia	Council Bluffs	July 1, 1976
Richard C. Miller	Decorah	July 1, 1978
Gary L. Ventling	Des Moines	July 1, 1976
William Wilcken	Waterloo	July 1, 1975

JUDICIAL QUALIFICATIONS, COMMISSION ON

65 GA, ch. 285

C. H. Wild, District Court Judge, Second Judicial District		
Edward E. Eaton	Sidney	
Charles G. Rehling	Davenport	
Al Cornish, O.D.	Sigourney	
Richard C. Grossman	Marshalltown	
Mrs. Richard L. Peick	Cedar Rapids	
Mrs. Marshall R. Beard	Cedar Falls	

STATE OFFICERS—Continued

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

Name and Office	City or Town from which originally chosen	Term Ending
LABOR COMMISSIONER		
Ch. 91		
Jerry L. Addy	Des Moines	June 30, 1975

LAND REHABILITATION ADVISORY BOARD

§83A.3

G. H. Hertel	Des Moines	June 30, 1974
William W. Fall	Knoxville	June 30, 1976
Frank W. Schaller	Ames	June 30, 1975
Burl R. Place	Humboldt	June 30, 1976
Dr. Samuel J. Tuthill	Iowa City	June 30, 1976
Thomas A. Bates	Bellevue	June 30, 1975
Hugh A. Templeton	Knoxville	June 30, 1975

LAW ENFORCEMENT ACADEMY COUNCIL

Ch. 80B

Frank O'Keefe, Vice Chairman	Sioux City	Aug. 14, 1977
Warren J. Kruck, Chairman	Boone	Aug. 14, 1975
Gerald D. Allen	Mason City	Aug. 14, 1975
Richard R. Ramsey	Osceola	Aug. 14, 1975
Arthur R. Kitner	Independence	Aug. 14, 1975
Rollin C. Edelen	Estherville	Aug. 14, 1976
Captain Frank A. Metzger	Des Moines	Aug. 14, 1978
Russell L. Wyckoff	Vinton	Aug. 14, 1976
Ray Sullins, Attorney General's Office		Pleasure of the Attorney General
Fletcher D. Thompson		Ex Officio Member

LAW EXAMINERS

Ch. 610

Richard C. Turner, Attorney General, Chairman		
Francis L. Cudahy	Jefferson	June 30, 1974
Ralph W. Crary	Sioux City	June 30, 1974
Wilbur R. Dull	Ottumwa	June 30, 1975
Frank R. Miller	Decorah	June 30, 1975
S. David Peshkin	Des Moines	June 30, 1974

LEGISLATIVE COUNCIL

§2.49

Senate Members

Arthur A. Neu, President of the Senate, Ex Officio Member	
John Murray	Ames
Clifton C. Lamborn, Chairman	Maquoketa
James F. Schaben	Dunlap
Lucas J. DeKoster	Hull
Eugene M. Hill	Newton
James E. Briles	Corning
Karl Nolin	Ralston
Willard R. Hansen	Cedar Falls
Roger J. Shaff	Camanche
Earl M. Willits	Des Moines

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

House Members

Andrew Varley, Speaker of the House	
Edgar H. Holden, Vice Chairman	Davenport
Dale M. Cochran	Eagle Grove
Charles E. Grassley	New Hartford
Arthur A. Small, Jr.	Iowa City
Joan Lipsky	Cedar Rapids
Delwyn Stromer	Garner
Richard Drake	Muscatine
Donald V. Doyle	Sioux City
James I. Middleswart	Indianola

STATE OFFICERS—Continued

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

Name and Office	City or Town from which originally chosen	Term Ending
LEGISLATIVE COUNCIL COMMITTEES		
65 GA, ch. 120, §2		
LEGISLATIVE ADMINISTRATION COMMITTEE		
<i>Senate Members</i>		
Roger J. Shaff	Camanche	These legislators will serve two-year terms ending upon conven- ing of the following General Assembly
Karl Nolin	Ralston	
John Murray	Ames	
<i>House Members</i>		
Andrew Varley, Chairman	Stuart	
Dale M. Cochran	Eagle Grove	
Edgar H. Holden	Davenport	
LEGISLATIVE FISCAL COMMITTEE		
<i>Senate Members</i>		
Lucas J. DeKoster	Hull	These legislators will serve two-year terms ending upon conven- ing of the following General Assembly
Eugene M. Hill	Newton	
Ralph F. McCartney	Charles City	
Bass Van Gilst	Oskaloosa	
Willard R. Hansen	Cedar Falls	
<i>House Members</i>		
Charles E. Grassley	New Hartford	
Arthur A. Small, Jr.	Iowa City	
Joan Lipsky	Cedar Rapids	
Elmer H. Den Herder	Sioux Center	
Keith H. Dunton	Thornburg	
LEGISLATIVE SERVICE COMMITTEE		
<i>Senate Members</i>		
James E. Briles, Chairman	Corning	These legislators will serve two-year terms ending upon conven- ing of the following General Assembly
Clifton C. Lamborn	Maquoketa	
James F. Schaben	Dunlap	
<i>House Members</i>		
Donald V. Doyle	Sioux City	
Richard F. Drake	Muscatine	
Delwyn Stromer	Garner	
LEGISLATIVE SERVICE BUREAU		
§2.58		
Serge H. Garrison, Director	Des Moines	Pleasure of the Legislative Council
Burnett E. Kobernick, Legal Counsel	Des Moines	
Philip E. Burks, Senior Research Analyst	Des Moines	
Thane R. Johnson, Senior Research Analyst	Des Moines	
Dorothy D. Benton, Executive Secretary		
Marguerite M. Ash, Financial Secretary		
LEWIS AND CLARK TRAIL COMMITTEE		
Executive Order		
Edward Ruisch, Chairman	Sioux City	Pleasure of the Governor
William E. Darrington	Persia	
Leo G. Dick	Oakland	
Alden J. Erskine	Sioux City	
Sherry R. Fisher	Des Moines	
Eugene C. Gilson	Glenwood	
C. E. Hitchman	Blencoe	
Joseph A. Larkin	Council Bluffs	
James H. Pullman, Jr.	Sidney	
Emerson H. Schill	Sioux City	
John F. Schmidt	Sioux City	
Ed H. Spetman, Jr.	Council Bluffs	

STATE OFFICERS—Continued

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

Name and Office	City or Town from which originally chosen	Term Ending
LIBRARY COMMISSION, STATE		
65 GA, ch. 199		
Thomas Muller	Coralville	June 30, 1976
Mrs. Charles R. Gee	Shenandoah	June 30, 1974
Richard O. Shirk	Oelwein	June 30, 1977
Mrs. Frances T. Desmond, Law Librarian	Des Moines	June 30, 1977
Vacancy, Medical Librarian		
William O'Brien, Supreme Court Administrator.....	Des Moines	
Barry L. Porter, Administrator		

LIBRARY SERVICES, ADVISORY COUNCIL ON
P. L. 91-600

Travis Cleveland	Independence	
J. Robert Foley	Cedar Rapids	
Warren B. Kuhn	Ames	
Mrs. Don R. Hankens	Cherokee	
Mrs. William Overbey	Shenandoah	
Mrs. Connie Smith	Des Moines	
Paul Spurlock	Indianola	
Mrs. Joan LePard	Des Moines	
Michael Phipps	Waterloo	

IOWA BEER AND LIQUOR CONTROL COUNCIL
§123.6

James Mulqueen, Chairman	Council Bluffs	Dec. 31, 1978
Harlan Lowe	Toledo	Dec. 31, 1977
Joan Ballantyne	Cherokee	Dec. 31, 1974
Don Bell	New London	Dec. 31, 1975
J. Stuart Kirk	Des Moines	Dec. 31, 1976

MANPOWER PLANNING COUNCIL

Stat. L.

Norman Pawlewski	Des Moines	
Robert Tyson, Chairman	Des Moines	Dec. 31, 1975
Russell V. Kelso	Des Moines	Dec. 31, 1975
Maurice TePaske	Sioux Center	Dec. 31, 1974
Allen J. Meier	Cedar Rapids	Dec. 31, 1975
Morris Kinne	Waterloo	Dec. 31, 1975
Mrs. Mary V. Lamar	Remsen	Dec. 31, 1974
Maximo Escobedo	Mason City	Dec. 31, 1974
Myril Harrison	Des Moines	Dec. 31, 1974
Kenneth Hays	Des Moines	Dec. 31, 1975
David Mills	Des Moines	Dec. 31, 1974
Robert H. Lounsberry	Des Moines	Dec. 31, 1975

MANPOWER SERVICES COUNCIL

P. L. 92-203, §107

Robert A. Brown, Coordinator	Cedar Rapids	Dec. 31, 1975
Mrs. Mary Lou Kelly	Waterloo	Dec. 31, 1974
Harold Yeoman	Monticello	Dec. 31, 1975
William G. McCarthy	Davenport	Dec. 31, 1974
Carl A. Neubauer	Waterloo	Dec. 31, 1975
Ralph Wilcox	Sioux City	Dec. 31, 1974
Lambert Burkhalter	Des Moines	Dec. 31, 1975
Norman Pawlewski	Des Moines	Dec. 31, 1975
Kenneth Karch	Des Moines	Dec. 31, 1974
Jerry L. Starkweather	Des Moines	Dec. 31, 1975
Dr. Robert Benton	Des Moines	Dec. 31, 1975
Mrs. Alice McKee	Des Moines	Dec. 31, 1974

STATE OFFICERS—Continued

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

Name and Office	City or Town from which originally chosen	Term Ending
MANPOWER SERVICES COUNCIL—Continued		
Mrs. Colleen P. Shearer	Carlisle	Dec. 31, 1974
William L. Smith	Des Moines	Dec. 31, 1974
Mrs. Patricia A. Steiger	Davenport	Dec. 31, 1975
Robert F. Tyson	Des Moines	Dec. 31, 1975
Richard Brannan	Des Moines	Dec. 31, 1975

MEDICAL ASSISTANCE ADVISORY COUNCIL

§249A.4(8)

Vacancy		
Vacancy		
Vacancy		
Vacancy		
<i>Senate Members</i>		
Barton L. Schwieger	Waterloo	June 30, 1975
C. Joseph Coleman	Clare	June 30, 1975
<i>House Members</i>		
C. Raymond Fisher	Grand Junction	June 30, 1975
Harold C. McCormick	Manchester	June 30, 1975

EMERGENCY MEDICAL SERVICE ADVISORY COUNCIL

Glen Anderson, Jr.	Des Moines	
James Anderson	Fort Dodge	
William R. Bliss, M.D.	Ames	
Alton Chrystal, Captain	Des Moines	
Arthur H. Downing, M.D.	Des Moines	
Rick Gamel	Iowa City	
William Good	Boone	Pleasure of the Governor
John Rich	Fredericksburg	
Keith Royer	Ames	
Ted Welch	Cedar Rapids	
David B. Fish	Des Moines	
Donald E. Williams	Des Moines	
Dr. Ronald D. Eckoff	Des Moines	
Janice Fryett	West Des Moines	
Dr. William C. Boyd	Iowa City	

**ADVISORY COUNCIL FOR THE CONSTRUCTION
OF MENTAL HEALTH FACILITIES**

§135.44

Norman Pawlewski, Commissioner of Public Health		
Alvin Hayes, Jr.	Des Moines	June 30, 1975
Mrs. Max W. Lyon	Clinton	June 30, 1975
Drexel Lange	Des Moines	June 30, 1975
J. T. May, M.D.	Cherokee	June 30, 1975
Herbert L. Nelson, M.D.	Iowa City	June 30, 1975
Vera Franch, M.D.	Bettendorf	June 30, 1975
Floyd Dunn, D.O.	Knoxville	June 30, 1975
James Campbell	Decorah	June 30, 1975
Mrs. Jean McMurray	Webster City	June 30, 1975

MENTAL HYGIENE COMMITTEE

Ch. 225B

Dr. Roy E. Warman	Ames	July 3, 1976
Mrs. Bernard Goldman		July 3, 1974
Mrs. Dennis McTigue	Fort Dodge	July 3, 1974
Dr. Richard E. Preston	Des Moines	July 3, 1974
Mrs. Charles Cleaver	Grinnell	July 3, 1975
Mrs. J. D. Lee	Atlantic	July 3, 1976
Dr. Hormoz Rassekh	Council Bluffs	July 3, 1976
Dr. Myron N. Bos	Albia	July 3, 1976

STATE OFFICERS—Continued

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

Name and Office	City or Town from which originally chosen	Term Ending
MERIT EMPLOYMENT COMMISSION		
Ch. 19A		
Clifford M. White	Pella	June 30, 1979
W. A. Krause	Hampton	June 30, 1979
James B. Morris	Des Moines	June 30, 1975
Julian Torgerson	Sioux City	June 30, 1975
Mrs. Thelma Heitsman	Corning	June 30, 1977
W. L. Keating, Director		

MIDWEST NUCLEAR BOARD

Ch. 8B

William E. Twaler Iowa City

MINES AND MINERALS DEPARTMENT

Ch. 83A

W. Dean Aubrey, Inspector West Des Moines June 30, 1975

MISSISSIPPI PARKWAY PLANNING COMMISSION

Ch. 308

Harry G. McKee	Muscatine	June 30, 1977
Ivan E. Dull	Dubuque	June 30, 1977
Gary D. Engebretson	Decorah	June 30, 1977
A. Fred Berger, Sr.	Davenport	June 30, 1977
Charles B. Millham	Guttenberg	June 30, 1975
Harold Clausen	Clinton	June 30, 1975
John McCormally	Burlington	June 30, 1975
Lynn Battles	Maquoketa	June 30, 1975
Mrs. Carl Majors	Keokuk	June 30, 1975
Victor Rathje	Postville	June 30, 1977

NATURAL RESOURCES COUNCIL

Ch. 455A

J. Justin Rogers	Spirit Lake	June 30, 1975
Hugh A. Templeton	Knoxville	June 30, 1975
Mrs. Mabel Miller	Keosauqua	June 30, 1975
Leslie C. Klink, Chairman	Elkader	June 30, 1977
Dr. Merwin D. Dougal	Ames	June 30, 1977
Lee Feil	Riverton	June 30, 1977
Perry L. Christensen	Kent	June 30, 1979
Dr. M. A. Dalchow	Maquoketa	June 30, 1979
Leigh R. Curran	Mason City	June 30, 1979
Othie R. McMurry, Director		

COMMISSION TO STUDY NURSING IN IOWA

65 GA, ch. 43

Jane Alexander	Des Moines	
Patricia Klopfenstein	Marion	
Joan Lipsky	Cedar Rapids	
Phyllis J. Peters, R.N.	Sioux City	
Elizabeth Kerr	Iowa City	
La Nelle Bentz	Winterset	
Mildred Freel, R.N.	Iowa City	
Geraldine Mahnke, R.N.	Waterloo	
Suzanne Mains, R.N.	Des Moines	
Mrs. Gwendolyn Hickey, L.P.N.	Waterloo	
John McDonough	Corning	
Sister James Marie Donahue	Cedar Rapids	
Mrs. Kathleen Sauer	Mechanicsville	

Pleasure of
the Governor

STATE OFFICERS—Continued

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

Name and Office	City or Town from which originally chosen	Term Ending
NURSING BOARD		
Ch. 147		
Virginia R. Lawrence, R.N.	Mason City	June 30, 1977
Nellie Osterlund	Des Moines	June 30, 1978
Mrs. Barbara Steen, R.N.	Waterloo	June 30, 1975
Mary Suzanne Wickenkamp, Chairman	Ottumwa	June 30, 1975
Mildred I. Freel	Iowa City	June 30, 1976
Mrs. Lynne M. Illes, Executive Director		

NURSING HOME ADMINISTRATORS EXAMINERS BOARD

Ch. 147

James Gannon, M.D.	Laurens	June 30, 1975
Ezra William Shenk	Wellman	June 30, 1975
Mrs. Eloise I. Shaffer	Centerville	June 30, 1976
Robert V. Campbell	Oskaloosa	June 30, 1976
Jerry C. Helfenstine	Des Moines	June 30, 1974
Rev. Arlin H. Adams	Waukon	June 30, 1974
J. D. Shepherd	Newton	June 30, 1974
Nadine Lindsay	Lake City	June 30, 1975
Felicia Hope	Iowa City	June 30, 1976

NUTRITION PROGRAM TEAM

Frank Fair	Des Moines	
Frances Shambaugh	Des Moines	
Peter G. Canakes	Des Moines	
Dr. Wilma Brewer	Ames	
Mrs. Margaret K. Yoder	Ames	
Walter Pickett	Des Moines	
Mrs. Mary Louise Filk	Des Moines	Pleasure of the Governor
Frank O. Moosberg	Des Moines	
William J. Turner	Des Moines	
George W. Shove	Des Moines	
Lavern E. Carpenter	Des Moines	
Thelma Luther	Des Moines	
Mrs. Anna K. Jernigan	Des Moines	
Earl V. Nelson	Des Moines	

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

§88.10

I. John Rossi	West Des Moines	June 30, 1976
Allen J. Meier	Cedar Rapids	June 30, 1974
Mrs. Alice VanWert	Hampton	June 30, 1978

PAROLE BOARD

Ch. 247

Lawrence Carstensen	Clinton	June 30, 1979
Jack Bedell	Spirit Lake	June 30, 1975
Silas S. Ewing	Des Moines	June 30, 1977

PHYSICAL FITNESS AND SPORTS, GOVERNOR'S COUNCIL ON

Dr. Robert W. Anderson	Des Moines
Dr. Enfred E. Linder	Ogden
Dr. James E. Kelsey	Des Moines
Dr. Donald V. Cox	Des Moines
Dr. Betty A. Hoff	Decorah
Dr. Donald Cassidy	Iowa City

STATE OFFICERS—Continued

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

Name and Office	City or Town from which originally chosen	Term Ending
PHYSICAL FITNESS AND SPORTS, GOVERNOR'S COUNCIL ON—Continued		
Dolph Pulliam	West Des Moines	
Gary Thompson	Ames	
Rick Wannamaker	Marengo	
Bernie Saggau	Boone	
E. Wayne Cooley	Des Moines	Pleasure of the Governor
Maury John	Ames	
Chalmers Elliott	Iowa City	
Monsignor J. E. Tolan	Humboldt	
Bill Sorenson	Jefferson	
Dr. Paul C. Vance	Des Moines	
Frank Morlan	Brooklyn	
Craig Hunter	Atlantic	
Judy Merritt	Guthrie Center	
Al Lewis	Storm Lake	

**PHYSICIANS' ASSISTANT PROGRAMS, ADVISORY COMMITTEE ON
Ch. 148B**

Dr. Thornton Bryan	Iowa City
Dr. John K. MacGregor	Mason City
Virginia Lawrence, R.N.	Mason City
Dr. Robert S. Eicher	Ankeny
Edward R. Lynn	Council Bluffs
Dr. Elizabeth Burrows	Des Moines
Dr. Byron M. Merkel	Des Moines
Dr. Robert L. Gustafson	Dallas Center

POLICE COMMUNICATIONS REVIEW COMMITTEE

65 GA, ch. 104

Senate Members

Ralph F. McCartney	Charles City
James V. Gallagher	Jesup
William P. Winkelman	Lohrville

House Members

Donald V. Doyle	Sioux City
Glen E. Bortell	St. Charles
John H. Clark	Keokuk

Terms end upon
convening of
66th G. A.

PRESERVES ADVISORY BOARD

Ch. 111B

Marshall McKusick	Iowa City
Dr. John D. Dodd, Chairman	Ames
Sylvan T. Runkel	Des Moines
Dr. Edward Cawley	Dubuque
Dr. George Knudson	Decorah
Fred A. Priewert	Des Moines

PRINTING DIVISION OF GENERAL SERVICES

Ch. 15

Vernon Lundquist, Superintendent
Dennis Groe, Assistant Superintendent

PUBLIC EMPLOYMENT RELATIONS BOARD

65 GA, ch. 1095, §5

Edward F. Kolker, Chairman	Waterloo	June 30, 1978
John R. Loihl	Park Forest, Illinois	June 30, 1976
Vernon C. Cook	Clinton	June 30, 1976

STATE OFFICERS—Continued

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

Name and Office	City or Town from which originally chosen	Term Ending
PUBLIC INSTRUCTION, BOARD OF		
Ch. 257		
Earl G. Sievers	Avoca	Jan. 2, 1978
Robert J. Beecher	Creston	Jan. 2, 1978
Ron Hallock	West Des Moines	Jan. 2, 1978
Virginia Harper	Fort Madison	Jan. 2, 1980
Mrs. Virgil Shepard	Allison	Jan. 2, 1976
Jolly Davidson	Clarinda	Jan. 2, 1980
John E. van der Linden	Sibley	Jan. 2, 1976
T. J. Heronimus	Grundy Center	Jan. 2, 1976
Robert G. Koons	Clinton	Jan. 2, 1980

PUBLIC INSTRUCTION SUPERINTENDENT

Ch. 257

Robert Benton, Superintendent
 Dr. Richard N. Smith, Deputy State School Superintendent
 David Bechtel, Administrative Assistant to the Superintendent

PUBLIC SAFETY COMMISSIONER

Ch. 80

Charles Larson	Newton	Pleasure of the Governor
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REAL ESTATE COMMISSION

Ch. 117

Melvin D. Synhorst, Secretary of State, Chairman
 Cecil Galvin, Director

N. E. Brear	Garner	June 30, 1977
Lester E. Calvert	Des Moines	June 30, 1977
Stephen G. Darling	Iowa City	June 30, 1975
Donald Knudsen	Eagle Grove	June 30, 1975

RECIPROCITY

(Motor Vehicles)

See Code 1975, ch. 307

REGENTS, BOARD OF

Ch. 262

Mrs. Margaret Collison	Oskaloosa	June 30, 1977
Ray V. Bailey	Clarion	June 30, 1975
Donald H. Shaw	Davenport	June 30, 1975
Mrs. H. Rand Petersen	Harlan	June 30, 1975
John Baldrige	Chariton	June 30, 1977
Steve Zumbach	Ames	June 30, 1977
Stanley Barber	Wellman	June 30, 1979
Harry Slife	Waterloo	June 30, 1979
S. J. Brownlee	Emmetsburg	June 30, 1979

R. Wayne Richey, Executive Secretary
 Paul V. Porter, Director of Research and Information

STATE OFFICERS—Continued

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

Name and Office	City or Town from which originally chosen	Term Ending
RENAL DISEASE ADVISORY COMMITTEE		
§135.46		
Catherine J. Condon, M.D.	Des Moines	June 30, 1975
Lou Crist	Iowa City	June 30, 1977
John Davis	Des Moines	June 30, 1976
Kennedy C. Fawcett, M.D.	Ames	June 30, 1976
Mrs. Margery Fearing, R.N.	Iowa City	June 30, 1975
Richard M. Freeman, M.D.	Iowa City	June 30, 1978
William R. Hornaday, Jr., M.D.	Des Moines	June 30, 1974
Thomas B. Reed	Dubuque	June 30, 1975
U. H. Bunkers	Sioux City	June 30, 1977
John E. McClure	Fort Dodge	June 30, 1977
Mrs. Russell Pounds	Ames	June 30, 1977

REVENUE, DIRECTOR OF

Ch. 421

Donald G. Briggs	West Des Moines	Pleasure of the Governor
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RURAL POLICY COUNCIL

Executive Order

Governor Robert D. Ray, Serving as Chairman
 Robert H. Lounsberry, Secretary of Agriculture
 Robert F. Tyson, Director, Office for Planning and Programming
 Chad Wymer, Director, Iowa Development Commission
 Fred Priewert, Director, Iowa Conservation Commission
 Bill Greiner, Director, Department of Soil Conservation
 Marvin A. Anderson, Director, Cooperative Extension Service, I.S.U.
 Norman Pawlewski, Commissioner, Department of Public Health
 Kenneth M. Karch, Department of Environmental Quality

SCHOOLS ADVISORY COMMITTEE, AREA

Ch. 280A

James Robinson	Indianola	June 30, 1977
Gordon Bennett	Ottumwa	June 30, 1977
Ned Willis	Perry	June 30, 1977
Mrs. Irene Hood	Mount Ayr	June 30, 1977
Michael G. Vincent	Keota	June 30, 1977
Donald H. Shaw	Davenport	June 30, 1975
Earl M. Yoder	Iowa City	June 30, 1975
Hugh Clark	Des Moines	June 30, 1975
James J. Muto	Des Moines	June 30, 1975

SCHOOL ADVISORY COMMITTEE, PRIVATE

§257.30

Wayne D. Albers	Fort Dodge	June 30, 1974
Merl E. Alons	Pella	June 30, 1974
A. W. Behrens	Templeton	June 30, 1974
Merlin J. Hellman	Houghton	June 30, 1974
Forrest W. Rosser	Cedar Rapids	June 30, 1974

SCHOOL BUDGET REVIEW COMMITTEE

§442.12

Stephen Garst	Coon Rapids
Keith L. Vetter	Washington

STATE OFFICERS—Continued

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

Name and Office	City or Town from which originally chosen	Term Ending
SOCIAL SERVICES COUNCIL		
Ch. 217		
Kevin Burns, Commissioner	Des Moines	Pleasure of Governor
Fernice W. Robbins	Waterloo	June 30, 1977
David F. McCann	Council Bluffs	June 30, 1977
Mrs. Meredith U. Deevers	Bettendorf	June 30, 1979
Lois Emanuel, Chairman	Marion	June 30, 1979
Dolph Pulliam	West Des Moines	June 30, 1975

SOIL CONSERVATION COMMITTEE

Ch. 467A

Robert Welp	Fort Dodge	June 30, 1979
Donald L. Johnson	Fairfield	June 30, 1977
J. Thomas Kenny	Akron	June 30, 1977
George K. Annan	Clarinda	June 30, 1979
Sherry R. Fisher	Des Moines	June 30, 1975
Walter Hagen	Waterville	June 30, 1979
Carroll J. Hobson	Eldora	June 30, 1975
Gerald Norland	Cylinder	June 30, 1975

Ex Officio Members:

Dr. Marvin A. Anderson, Iowa State University

Robert H. Lounsberry, Secretary of Agriculture

Othie McMurry, Director, Iowa Natural Resources Council

Fred A. Priewert, Director, Iowa Conservation Commission

Kenneth M. Karch, Executive Director, Department of Environmental Quality

Advisors:

Wilson T. Moon, State Conservationist, U. S. Soil Conservation Service

Carl Schnoor, Iowa County Engineers Association

SPANISH SPEAKING TASK FORCE

65 GA, ch. 1077

Father Vitolds Valainis	Muscatine	June 30, 1975
Jose Guzman	Mason City	June 30, 1975
Richard Alex Pabon	Des Moines	June 30, 1975
Mrs. Ila R. Plasencia	West Des Moines	June 30, 1975
Fidel Alvarez	Fort Madison	June 30, 1975
Juan J. Cadena	Muscatine	June 30, 1975
Herbert Becerra	Council Bluffs	June 30, 1975
Ernest Rodriguez	Davenport	June 30, 1975

STATUS OF WOMEN, COMMISSION ON

Ch. 601

Ralph Brown	Davenport	June 30, 1976
Mrs. Edith Sackett	Spencer	June 30, 1976
Mrs. Jacqueline Day	Des Moines	June 30, 1976
Mrs. Roxanne Conlin	Des Moines	June 30, 1974
Kathleen Neylan	Elkader	June 30, 1976
B. Frances Van Winkle	Des Moines	June 30, 1974
Sister Madeleine Marie Schmidt	Ottumwa	June 30, 1974
Mrs. Ruth Hoover	Newton	June 30, 1974
Anita M. Northup	Lenox	June 30, 1974
Mrs. Arlene Dayhoff	Cedar Rapids	June 30, 1976
Mrs. Ann Copic	Des Moines	June 30, 1974
Mrs. Betty Durden	Des Moines	June 30, 1976
Mrs. Dorothy Cain	Norwalk	June 30, 1974
Mrs. Robert Davidson	Cedar Rapids	June 30, 1976
George Lundberg	Des Moines	June 30, 1974
Mrs. Mary M. Majors	Keokuk	June 30, 1974

STATE OFFICERS—Continued

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

Name and Office	City or Town from which originally chosen	Term Ending
STATUS OF WOMEN, COMMISSION ON—Continued		
Mrs. Alice Van Wert	Hampton	June 30, 1974
Mrs. Clay Morain	Jefferson	June 30, 1976
Mrs. Christine Wilson	Des Moines	June 30, 1976
Mrs. Jo Soper	Sioux City	June 30, 1974
Patricia Geadelmann	Cedar Falls	June 30, 1976
Mrs. Dick Montgomery	Spencer	June 30, 1976
Mrs. Luther T. Glanton, Jr.	Des Moines	June 30, 1974
Mrs. Frances Calhoon	Ottumwa	June 30, 1974

SUPREME COURT ADMINISTRATOR

Ch. 685

William O'Brien, Court Administrator	Des Moines	Pleasure of the Supreme Court
Clarence A. Kading, Judicial Statistician	Knoxville	

SUPREME COURT ADVISORY COMMITTEE ON RULES

Court Order—9-20-72

Philip Willson, Chairman	Council Bluffs	July 1, 1975
Robert C. Tilden	Cedar Rapids	July 1, 1975
Francis H. Becker	Des Moines	July 1, 1975
John Greer	Spencer	July 1, 1974
Robert Waterman	Davenport	July 1, 1974
David M. Elderkin	Cedar Rapids	July 1, 1974
Albert L. Harvey	Des Moines	July 1, 1974
Dwight W. James	Des Moines	July 1, 1976
Judge Thomas S. Bown	Corydon	July 1, 1976
William C. Fuerste	Dubuque	July 1, 1976
J. Michael Dull	LeMars	July 1, 1976

TAX REVIEW BOARD

§421.1

Keith A. McKinley	Osage	June 30, 1979
Edwin A. Hicklin	Wapello	June 30, 1975
Louis I. Nussbaum	Des Moines	June 30, 1977

PROFESSIONAL TEACHING PRACTICES COMMISSION

§272A.3

David L. Moorhead	Ames	June 30, 1974
Darold D. Faulkner	Sumner	June 30, 1974
Don Gunderson	Red Oak	June 30, 1976
Dr. Duane Anderson	Iowa City	June 30, 1976
Mrs. Billiejean Morrow	Des Moines	June 30, 1976
Duane L. Vande Berg	Sioux City	June 30, 1975
Ruth I. Foster	Des Moines	June 30, 1975
Donna J. Coffman	Chariton	June 30, 1975
Dr. Robert Benton	Des Moines	June 30, 1975

TERRACE HILL PLANNING COMMISSION

64 GA, ch. 1132

George Mills	Des Moines
Mrs. Robert D. Ray	Des Moines
Jack Musgrove	Des Moines
Mrs. Charles Carlburg	Des Moines
Mrs. Julie McDonald	Davenport
William J. Wagner	Dallas Center
Mrs. Colin Jensen	Sioux City
Simpson Smith	Des Moines

STATE OFFICERS—Continued

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

Name and Office	City or Town from which originally chosen	Term Ending
TERRACE HILL PLANNING COMMISSION—Continued		
William E. Darrington, Sr.	Persia	
A. W. Allen	Cedar Rapids	
Mrs. Madge E. Corey	Marion	
John T. Ward	West Des Moines	
Keith Dunton	Thornburg	
James Schaben	Dunlap	
Don Alt	West Des Moines	
Maurice Baringer	Des Moines	
Melvin D. Synhorst	Des Moines	
Fred Schwengel	Davenport	
John D. Bloodgood	Des Moines	
Fred Moore	Spencer	
John Zickefoose	Waterloo	
Charlene Conklin	Waterloo	
Robert Spiegel	Mason City	
Richard B. Graeme	Council Bluffs	
Mrs. Otha Wearin	Hastings	
Mrs. L. L. Fry	Corydon	
William Talbot	Keokuk	
Mrs. Dean B. Collins	Des Moines	
Burdette Cochran	Des Moines	
Dr. Margaret Keyes	Iowa City	
John Chrystal	Coon Rapids	
Mrs. John Estes	Des Moines	
Robert Sullivan	Dubuque	
Terrence L. Elsberry	West Des Moines	

TRANSPORTATION COMMISSION

65 GA, ch. 1180

Allan T. Thoms	Dubuque	June 30, 1975
William F. McGrath	Melrose	June 30, 1976
Mrs. Ann Pellegrino	Story City	June 30, 1976
Harry F. Reed	Winterset	June 30, 1977
Stephen Garst	Coon Rapids	June 30, 1977
L. Stanley Schoelerman	Spencer	June 30, 1978
Robert R. Rigler	New Hampton	June 30, 1978

IOWA JOLIET—FATHER MARQUETTE
TRICENTENNIAL COMMISSION

Stat. L. 89-187

John Dailey	Burlington	
Larry Ladin	Des Moines	
Russell R. Newell	Columbus Junction	
John McCormally	Burlington	
Richard Hoerner, Jr.	Keokuk	
John Winegard	Burlington	Pleasure of the Governor
Dr. G. M. Couchman	Dubuque	
Roy J. Carver	Muscatine	
Gary Engebretson	Decorah	
Dr. William Petersen	Iowa City	

UNIFORM STATE LAWS COMMISSION

Ch. 5

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

STATE OFFICERS—Continued

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

Name and Office	City or Town from which originally chosen	Term Ending
VEHICLE DISPATCHER		
§21.2		
Milford L. Juhl	Boone	Pleasure of the General Services Administration

VENEREAL DISEASE, GOVERNOR'S TASK FORCE AGAINST

Mrs. Elaine Olsen	Minden
Leland P. Stocker	Dubuque
Elizabeth E. Kerr	Iowa City
Gil Hartliep	Marshalltown
Dr. Fredrick Hetzler	Davenport
Phillip Hill	Des Moines
Kenneth Hobson	Des Moines
Kenneth P. Wells	Des Moines
Dr. Elton Green	Cedar Falls
Mrs. Ethel Hamdorf	Clinton
Rubin Flocks, M.D.	West Des Moines
Harry B. Elmets, D.O.	Des Moines
Mrs. Herbert Johnson	Charles City
Dr. Franklin P. Koontz	Iowa City
Mrs. James D. Miller	Clinton
Dr. Harry Coulter	Des Moines
Dr. Robert Carson	Council Bluffs
Mrs. Jane Carson	Cedar Rapids
Robert Bone	Manchester
John E. Blumgren, M.D.	Cedar Falls
Kenneth Barrows	Des Moines
Alvin Barcheski	Des Moines
Minnette Doderer	Iowa City
Rev. Maurice J. Dingman	Des Moines
Mrs. Enid Wortman	Council Bluffs
Darold R. Sea	Des Moines
Bill Smith	Des Moines
Phillip C. Smith	Des Moines
Harry I. Prugh	Des Moines

VETERINARY MEDICAL EXAMINERS, BOARD OF

§169.15

E. A. Butler, D.V.M., Secretary—Chief, Division of Animal Industry		
James R. Rosdail, D.V.M.	Pomeroy	June 30, 1974
August W. Krause, D.V.M.	Cherokee	June 30, 1976
Samuel D. Linn, D.V.M.	Humboldt	June 30, 1975

VOCATIONAL EDUCATION ADVISORY COUNCIL

§258.7

Walter Cunningham	Waterloo	June 30, 1975
Gordon Bennett	Des Moines	June 30, 1975
Kenneth R. Lewis	Des Moines	June 30, 1975
Mrs. Evelyn Villines	Des Moines	June 30, 1975
James E. Bowman	Des Moines	June 30, 1975
Dr. Robert Kiser, Chairman	Sioux City	June 30, 1976
Joe White	Iowa Falls	June 30, 1974
Mrs. R. L. Treadway	Harlan	June 34, 1976
Richard Powell	Des Moines	June 30, 1976
Vacancies (4)		
Harlan Giese, Executive Director		

STATE OFFICERS—Continued

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

Name and Office	City or Town from which originally chosen	Term Ending
VOTING MACHINE COMMISSIONERS		
§52.4		
Roy E. Voelker	Oskaloosa	Feb. 3, 1979
Mrs. Dorothy J. Elliott	Nevada	Feb. 3, 1979
Ralph DeCook	Knoxville	Feb. 3, 1979

WATCHMAKING BOARD OF EXAMINERS

§120.3(1)

Willa J. Dickens	Iowa City	June 30, 1974
Donald C. Spaight	Cedar Rapids	June 30, 1974
Irvin H. Palm	Red Oak	June 30, 1975
Delmar D. Conklin	Perry	June 30, 1975
Paul L. Wirth	Vinton	June 30, 1976
Robert Morrissey, Executive Secretary		

YOUTH OPPORTUNITY COUNCIL

Executive Order

Youth

Elizabeth Clough	Mason City	June 30, 1974
Cristy Cobb	Cedar Rapids	June 30, 1975
Bill Crews	Iowa City	June 30, 1975
Robert Deaver	Des Moines	June 30, 1975
Jeff Ehrman	Main Amana	June 30, 1975
Bill Gandy	Sioux City	June 30, 1974
Ryan Lynch	Algona	June 30, 1974
Nancy Willis	Des Moines	June 30, 1974
Monica Dean	Mount Pleasant	June 30, 1975

Adults

John Ayers	Des Moines	June 30, 1974
Pete Buffer	Fairfield	June 30, 1974
Pat Conlon	Dubuque	June 30, 1975
C. J. Gauger	Ames	June 30, 1975
Kay Kneller	Des Moines	June 30, 1975
Mrs. Nancy Pettet	Atlantic	June 30, 1974
Walter Sledge	Waterloo	June 30, 1974
Dennis Jontz	Des Moines	June 30, 1974
Dr. Marty Miller	Ames	June 30, 1975
Lee Halverson	Colo	June 30, 1974

JUDICIAL DEPARTMENT

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

JUDICIAL DEPARTMENT

JUSTICES OF THE SUPREME COURT

(Justices listed according to seniority)

Name	Office Address	Term Ending
C. Edwin Moore, Chief Justice	Des Moines	June 30, 1981
M. L. Mason	Mason City	Dec. 31, 1974
Maurice E. Rawlings	Sioux City	Dec. 31, 1974
Clay LeGrand	Davenport	Dec. 31, 1976
Warren J. Rees	Anamosa	Dec. 31, 1978
Harvey Uhlenhopp	Hampton	Dec. 31, 1980
W. Ward Reynoldson	Osceola	Dec. 31, 1980
K. David Harris	Jefferson	Dec. 31, 1974
Mark McCormick	Des Moines	Dec. 31, 1974

JUDGES OF THE DISTRICT COURT

(Judges listed according to seniority)

Name	Office Address	Term Ending
<i>Election District 1A</i>		
Thomas H. Nelson	Dubuque	Dec. 31, 1978
Joseph C. Keefe	Decorah	Dec. 31, 1978
Karl Kenline	Dubuque	Dec. 31, 1974
L. John Degnan	Guttenberg	Dec. 31, 1976
<i>Election District 1B</i>		
Blair C. Wood	Waterloo	June 30, 1977
Peter Van Metre	Waterloo	June 30, 1977
Carroll E. Engelkes, C.J.	Waterloo	June 30, 1977
Roger F. Peterson	Waterloo	Dec. 31, 1974
Charles W. Antes	West Union	Dec. 31, 1974
Dennis D. Damsgaard	Waterloo	Dec. 31, 1974
Frank D. Elwood	Cresco	Dec. 31, 1974
<i>Election District 2A</i>		
C. H. Wild, C.J.	Waverly	June 30, 1977
L. E. Plummer	Northwood	June 30, 1977
John F. Stone	Mason City	Dec. 31, 1978
B. C. Sullivan	Rockford	Dec. 31, 1978
Jack W. Frye	Charles City	Dec. 31, 1974
<i>Election District 2B</i>		
E. J. Kelley	Ames	June 30, 1977
A. J. Braginton	Fort Dodge	June 30, 1977
Paul E. Hellwege	Boone	Dec. 31, 1978
Edward J. Flattery	Fort Dodge	Dec. 31, 1978
Arthur F. Draheim, Jr.	Clarion	Dec. 31, 1978
James C. Smith	Carroll	Dec. 31, 1974
George G. Fagg	Marshalltown	Dec. 31, 1974
Russell J. Hill	Webster City	Dec. 31, 1974
Robert K. Richardson	Jefferson	Dec. 31, 1974
<i>Election District 3A</i>		
G. W. Stillman	Algona	June 30, 1977
Joseph P. Hand	Emmetsburg	June 30, 1977
Richard W. Cooper	Storm Lake	June 30, 1977
Edward F. Kennedy	Sibley	Dec. 31, 1976
Murray S. Underwood	Spencer	Dec. 31, 1974
<i>Election District 3B</i>		
Lawrence W. McCormick	Sioux City	June 30, 1977
R. K. Brannon	Denison	June 30, 1977
James P. Kelley, C.J.	LeMars	Dec. 31, 1976
Donald M. Pendleton	Sioux City	Dec. 31, 1978
C. F. Stilwill	Sioux City	Dec. 31, 1974

JUDICIAL DEPARTMENT—Continued

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

Name	Office Address	Term Ending
JUDGES OF THE DISTRICT COURT—Continued		
<i>Election District 4</i>		
R. Kent Martin	Atlantic	June 30, 1977
Bennett Cullison, C.J.	Harlan	June 30, 1977
Leroy H. Johnson	Red Oak	June 30, 1977
Harold L. Martin	Hamburg	Dec. 31, 1974
Paul H. Sulhoff	Council Bluffs	Dec. 31, 1976
<i>Election District 5A</i>		
Wade Clarke	Des Moines	June 30, 1977
Don L. Tidrick	Des Moines	June 30, 1977
Gibson C. Holliday, C.J.	Des Moines	June 30, 1977
Maurice C. Herrick	Indianola	Dec. 31, 1978
John N. Hughes, Jr.	Des Moines	Dec. 31, 1978
Harry Perkins, Jr.	Des Moines	Dec. 31, 1978
Waldo F. Wheeler	Des Moines	Dec. 31, 1978
Dale S. Missildine	Des Moines	Dec. 31, 1978
Robert O. Frederick	Winterset	Dec. 31, 1974
James P. Denato	Des Moines	Dec. 31, 1974
A. B. Crouch	Des Moines	Dec. 31, 1976
Leo Oxberger	Des Moines	Dec. 31, 1976
Van Wifvat	Perry	Dec. 31, 1978
Anthony M. Critelli	Des Moines	Dec. 31, 1974
Maynard Hayden	Indianola	Dec. 31, 1974
<i>Election District 5B</i>		
A. V. Hass	Chariton	Dec. 31, 1978
Thomas S. Bown	Corydon	Dec. 31, 1978
James E. Hughes	Lenox	Dec. 31, 1978
<i>Election District 6</i>		
William R. Eads	Cedar Rapids	Dec. 31, 1976
Harold D. Vietor, C.J.	Cedar Rapids	Dec. 31, 1978
Ansel J. Chapman	Iowa City	Dec. 31, 1976
Robert Osmundson	Iowa City	Dec. 31, 1978
Clinton E. Shaeffer	Cedar Rapids	Dec. 31, 1978
John L. Hyland	Toledo	Dec. 31, 1978
Louis W. Schultz	Marengo	Dec. 31, 1974
James H. Carter	Cedar Rapids	Dec. 31, 1974
A. Frederick Honsell, Jr.	Cedar Rapids	Dec. 31, 1974
<i>Election District 7</i>		
Nathan Grant, C.J.	Davenport	June 30, 1977
Lowell D. Phelps	Davenport	Dec. 31, 1976
Robert K. Stohr	Muscatine	Dec. 31, 1978
James R. Havercamp	Davenport	Dec. 31, 1974
Allan Keck	Maquoketa	Dec. 31, 1978
Max R. Werling	Tipton	Dec. 31, 1974
Charles H. Pelton	Clinton	Dec. 31, 1976
<i>Election District 8A</i>		
L. R. Carson	Oskaloosa	June 30, 1977
Charles N. Pettit, C.J.	Bloomfield	June 30, 1977
Arthur A. McGiverin	Ottumwa	Dec. 31, 1978
Ira Morrison	Washington	Dec. 31, 1978
Michael Enich	Grinnell	Dec. 31, 1974
<i>Election District 8B</i>		
J. R. Leary	Fort Madison	June 30, 1977
William S. Cahill	Burlington	Dec. 31, 1974
Harlan W. Bainter	Mount Pleasant	Dec. 31, 1978
David B. Hendrickson	Keokuk	Dec. 31, 1974

JUDICIAL DEPARTMENT—Continued

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

DISTRICT ASSOCIATE JUDGES

Burlington	Gary J. Snyder
Cedar Falls	Forest E. Eastman
Cedar Rapids	Lynne E. Brady
	Anthony R. Scolaro
	John F. Siebenmann
Clinton	David F. Halbach
Council Bluffs	Ross F. Caniglia
Davenport	Jack F. Broderick
	Don Petrucelli
	Phillip T. Steffen, Jr.
Des Moines	Howard W. Brooks
	Luther T. Glanton, Jr.
	Norman D. Elliott
	Thomas A. Renda
Dubuque	Frank D. Gilloon, Jr.
	Wayne A. Norman, Jr.
Marshalltown	Roger R. Halleck
Muscatine	Jack L. Burns
Sioux City	John M. Fachman
	John E. Hutchinson
Waterloo	Edward F. Kolker
	Everett H. Scott

CONGRESSIONAL DIRECTORY

UNITED STATES SENATORS

Harold E. Hughes	Ida Grove	Dec. 31, 1974
Dick Clark	Marion	Dec. 31, 1978

UNITED STATES REPRESENTATIVES

District		
1	Edward Mezvinsky	Iowa City
		Dec. 31, 1974
2	John C. Culver	Cedar Rapids
		Dec. 31, 1974
3	H. R. Gross	Waterloo
		Dec. 31, 1974
4	Neal Smith	Altoona
		Dec. 31, 1974
5	William J. Scherle	Henderson
		Dec. 31, 1974
6	Wiley Mayne	Sioux City
		Dec. 31, 1974

GENERAL ASSEMBLY

MEMBERS OF THE SENATE—SIXTY-FIFTH GENERAL ASSEMBLY—1974 REGULAR SESSION

[Members from even-numbered districts were elected in 1972 for four-year terms]

Name	Address	Age	Occupation	Senatorial District	Former Legislative Service
Andersen, Leonard C.	Sioux City	62	Insurance, Real Estate	26—Woodbury, Monona	59, 60, 60X, 62, 63, 64, 65 (1-S)
Bergman, Irvin L.	Harris	62	Farmer, Businessman	2—Osceola, Clay, Dickinson, Emmet, Lyon, O'Brien, Palo Alto, Sioux	62, 63, 64, 65 (1-S)
Blouin, Michael T.	Dubuque	28	Advertising Consultant	10—Dubuque	63, 64, 65 (1-S)
Briles, James E.	Corning	47	Auctioneer, Real Estate	48—Adams, Adair, Cass, Guthrie, Union, Montgomery, Page, Ringgold, Taylor	56, 58, 59, 60, 60X, 61, 62, 63, 64, 65 (1-S)
*Burroughs, Cliff	Greene	56	Securities Salesman	19—Butler, Black Hawk, Bremer, Floyd, Franklin, Grundy, Marshall, Tama	None
Coleman, C. Joseph	Clare	50	Farmer	23—Webster, Humboldt	57, 58, 59, 60, 60X, 61, 62, 63, 64, 65 (1-S)
Curtis, Warren E.	Cherokee	59	Certified Public Accountant	3—Cherokee, Buena Vista, Clay, O'Brien, Palo Alto, Pochontas, Plymouth	64, 65 (1-S)
DeKoster, Lucas J.	Hull	55	Lawyer	1—Sioux, Lyon, Plymouth	61, 62, 63, 64, 65 (1-S)
Doderer, Minnette F.	Iowa City	50	Legislator	37—Johnson	60X, 61, 62, 63, 64, 65 (1-S)
Gallagher, James V.	Jesup	40	Telephone Company	16—Black Hawk, Benton, Buchanan, Linn, Tama	61, 62, 65 (1-S)
Glenn, Gene W.	Ottumwa	45	Lawyer	45—Wapello, Davis, Appanoose, Mahaska, Monroe	61, 62, 63, 64, 65 (1-S)
Gluba, William E.	Davenport	31	Realtor	41—Scott	64, 65 (1-S)
Griffin, James W., Sr.	Council Bluffs	38	Insurance Executive	50—Pottawattamie	63, 64, 65 (1-S)

MEMBERS OF THE SENATE—SIXTY-FIFTH GENERAL ASSEMBLY—1974 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Senatorial District	Former Legislative Service
Hansen, Willard R.	Cedar Falls	42	Insurance, Real Estate	18—Black Hawk	63, 64, 65 (1-S)
Heying, Hilarius L.	West Union	59	Businessman, Farmer	8—Fayette, Bremer, Chickasaw, Howard, Winneshiek	61, 62, 65 (1-S)
Hill, Eugene M.	Newton	60	Farmer	35—Jasper, Mahaska, Marion, Polk, Poweshiek, Warren	58, 59, 60, 60X, 61, 62, 63, 64, 65 (1-S)
Hultman, Calvin O.	Red Oak	32	Retail Lumberman	49—Montgomery, Fremont, Mills, Page, Pottawattamie	65 (1-S)
Junkins, Lowell L.	Montrose	29	Real Estate, Home Building	43—Lee, Des Moines, Henry	65 (1-S)
Kelly, E. Kevin	Sioux City	30	Lawyer	25—Woodbury, Cherokee, Plymouth	64, 65 (1-S)
Kennedy, Gene V.	Dubuque	46	Advertising	11—Dubuque, Delaware, Jackson, Jones	63, 64, 65 (1-S)
Kinley, George R.	Des Moines	36	Owner, Recreational Business	34—Polk, Warren	64, 65 (1-S)
Lamborn, Clifton C.	Maquoketa	54	Road Contractor	12—Jackson, Cedar, Clinton, Jones, Johnson, Scott	62, 63, 64, 65 (1-S)
McCartney, Ralph F.	Charles City	48	Lawyer	7—Floyd, Cerro Gordo, Chickasaw, Howard, Mitchell	62, 63, 65 (1-S)
Miller, Charles P.	Burlington	55	Doctor of Chiropractic	42—Des Moines, Henry, Louisa	60, 60X, 61, 62, 63, 64, 65 (1-S)
Miller, Elizabeth R.	Marshalltown	68	Housewife	20—Marshall, Grundy, Hardin, Jasper, Story	63, 64, 65 (1-S)
Milligan, George F.	Des Moines	39	Banker	33—Polk	63, 64, 65 (1-S)
Murray, John S.	Ames	34	Attorney	21—Story, Boone, Polk	65 (1-S)
Nolin, Karl	Ralston	66	Consultant	28—Carroll, Audubon, Cass, Crawford, Greene, Guthrie, Shelby	62, 65 (1-S)
Nystrom, John N.	Boone	40	Auto Dealer	22—Boone, Greene, Hamilton, Story, Webster	64, 65 (1-S)
Orr, Joan Y.	Grinnell	50	Legislator	36—Poweshiek, Benton, Iowa, Johnson, Keokuk, Tama	63 (2-S), 65 (1-S)
Palmer, William D.	Des Moines	38	President, Insurance Agency	32—Polk	61, 62, 63, 64, 65 (1-S)
Plymat, William N.	Des Moines	62	Insurance Company Executive	30—Polk	65 (1-S)

MEMBERS OF THE SENATE—SIXTY-FIFTH GENERAL ASSEMBLY—1974 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Senatorial District	Former Legislative Service
Potter, Ralph W.	Marion	53	Real Estate Broker	15—Linn	63, 64, 65 (1-S)
Priebe, Berl E.	Algona	55	Farmer	4—Kossuth, Palo Alto, Emmet, Hancock, Humboldt, Poca- hontas, Winnebago	63, 64, 65 (1-S)
Rabedeaux, W. R.	Wilton	54	Pres., Publishing Co., Director, Power Co.	38—Muscatine, Johnson, Louisa, Scott	63 (2-S), 64, 65 (1-S)
Ramsey, Richard R.	Osceola	33	Lawyer	47—Clarke, Appanoose, Decatur, Lucas, Madison, Monroe, Ringgold, Union, Wayne	65 (1-S)
Riley, Tom	Cedar Rapids	44	Lawyer	13—Linn, Johnson	59, 60, 60X, 61, 62, 64, 65 (1-S)
Robinson, Cloyd E.	Cedar Rapids	35	Production Line Operator	14—Linn, Benton	64, 65 (1-S)
Rodgers, Norman G.	Adel	46	Grocer, Farmer	29—Dallas, Adair, Clarke, Guthrie, Madison, Warren	63, 64, 65 (1-S)
Schaben, James F.	Dunlap	47	Livestock Auction Mkt. Operator	27—Harrison, Crawford, Monona, Pottawattamie, Shelby	62, 63, 64, 65 (1-S)
Schwengels, Forrest V.	Fairfield	58	Real Estate Salesman	44—Jefferson, Henry, Keokuk, Lee, Van Buren, Wapello, Washington	65 (1-S)
Schwieger, Barton L.	Waterloo	32	Attorney	17—Black Hawk	64, 65 (1-S)
Scott, Kenneth D.	Thornton	43	Farmer, Auctioneer, Real Estate	6—Cerro Gordo, Worth	64, 65 (1-S)
Shaff, Roger J.	Camanche	62	Farmer	39—Clinton, Scott	62, 63, 64, 65 (1-S)
Shaw, Elizabeth	Davenport	50	Lawyer, Housewife	40—Scott	62, 63, 64, 65 (1-S)
Taylor, Ray	Steamboat Rock	50	Farmer	5—Hardin, Cerro Gordo, Frank- lin, Hancock, Wright	65 (1-S)
Tieden, Dale L.	Elkader	51	Farmer, Businessman	9—Clayton, Allamakee, Dela- ware, Dubuque, Fayette, Winneshiak	61, 62, 63, 64, 65 (1-S)

MEMBERS OF THE SENATE—SIXTY-FIFTH GENERAL ASSEMBLY—1974 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Senatorial District	Former Legislative Service
Van Gilst, Bass.....	Oskaloosa.....	62	Farmer.....	46—Mahaska, Keokuk, Lucas, Marion, Monroe, Poweshiek, Warren.....	61, 62, 63, 64, 65 (1-S)
Willits, Earl M.....	Des Moines.....	27	Law Student.....	31—Polk.....	64, 65 (1-S)
Winkelman, William P.....	Lohrville.....	40	Farmer.....	24—Calhoun, Carroll, Cherokee, Crawford, Buena Vista, Greene, Ida, Pocahontas, Sac.....	60, 60X, 61, 62, 63, 64, 65 (1-S)

*Elected November 20, 1973, to fill the vacancy created by the death of Vernon H. Kyhl.

MEMBERS OF THE HOUSE—SIXTY-FIFTH GENERAL ASSEMBLY—1974 REGULAR SESSION

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Anderson, Quentin V.	Ellston	41	Farmer-Businessman	94th—Clarke-Decatur-Madison-Ringgold-Union-Wayne	60, 60X, 61, 63, 64, 65 (1-S)
Avenson, Donald D.	Oelwein	29	Office Manager, Tool and Die Firm	15th—Bremer-Chickasaw-Fayette-Howard-Winneshiek	65 (1-S)
Bennett, Wayne	Galva	46	Farmer	48th—Buena Vista-Carroll-Cherokee-Crawford-Ida-Sac	65 (1-S)
Bittle, Edgar	West Des Moines	31	Attorney	66th—Polk	65 (1-S)
Bortell, Glen E.	St. Charles	59	Owner-Operator, Summer Camp	58th—Adair-Clarke-Dallas-Madison-Warren	63 (2-S), 65 (1-S)
Branstad, Terry E.	Lake Mills	26	Farmer	8th—Emmet-Hancock-Kossuth-Winnebago	65 (1-S)
Brinck, Adrian	West Point	60	Mgr., Outdoor Advertising	85th—Des Moines-Lee	58, 61, 63, 65 (1-S)
Brockett, Glenn F.	Marshalltown	63	Sales Consultant	39th—Marshall	65 (1-S)
Brunow, John B.	Centerville	24	Railway Employee	93rd—Appanoose-Clarke-Lucas-Monroe-Wayne	65 (1-S)
Butler, Dennis E.	Council Bluffs	33	Teacher	99th—Pottawattamie	65 (1-S)
Byerly, Richard L.	Ankeny	35	College Administrator	61st—Polk	65 (1-S)
Caffrey, James T.	Des Moines	64	Union Representative	67th—Polk	61, 62, 63, 65 (1-S)
Carr, Robert M.	Dubuque	36	Stockbroker	20th—Dubuque	65 (1-S)
Clark, John H.	Keokuk	27	Insurance Agent	86th—Henry-Lee	64, 65 (1-S)
Clark, Joseph W.	Dubuque	61	Construction Superintendent	19th—Dubuque	65 (1-S)
Cochran, Dale M.	Eagle Grove	45	Farmer	45th—Humboldt-Webster	61, 62, 63, 64, 65 (1-S)
Connors, John H.	Des Moines	50	Fire Department Captain	64th—Polk	65 (1-S)
Crabb, Frank	Denison	70	Business Executive	53rd—Crawford-Harrison-Monona	63, 65 (1-S)
Crawford, Reid W.	Ames	22	Legislator	42nd—Boone-Polk-Story	65 (1-S)
Cusack, Gregory D.	Davenport	30	Realtor	81st—Scott	65 (1-S)
Daggett, Horace	Kent	42	Farmer	96th—Adams-Montgomery-Page-Ringgold-Taylor	65 (1-S)

MEMBERS OF THE HOUSE—SIXTY-FIFTH GENERAL ASSEMBLY—1974 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Danker, Arlyn E.	Minden	46	Farmer	54th—Harrison-Pottawattamie-Shelby	65 (1-S)
De Jong, Russel	Pella	32	Consultant	70th—Jasper-Mahaska-Marion-Poweshiek	65 (1-S)
Den Herder, Elmer H.	Sioux Center	65	Farmer	1st—Lyon-Sioux	57, 58, 59, 60, 60X, 61, 62, 63, 64, 65 (1-S)
Doyle, Donald V.	Sioux City	48	Lawyer	51st—Woodbury	57, 58, 61, 63, 64, 65 (1-S)
Drake, Richard F.	Muscatine	46	Farmer	76th—Muscatine-Scott	63, 64, 65 (1-S)
Dunlap, Norman P.	Ames	56	Retired Auto Dealer	41st—Story	65 (1-S)
Dunton, Keith H.	Thornburg	58	Farmer-Businessman	88th—Keokuk-Washington	58, 59, 60, 60X, 61, 62, 63, 64, 65 (1-S)
Edelen, Rollin C.	Estherville	65	Investments-Securities	4th—Clay-Dickinson-Emmet-Palo Alto	64, 65 (1-S)
Egenes, Sonja	Story City	43	Housewife-Legislator	43rd—Boone-Hamilton-Story-Webster	64, 65 (1-S)
Ewing, William E.	Oskaloosa	49	Farmer-Businessman	91st—Keokuk-Lucas-Mahaska-Marion-Monroe-Poweshiek	65 (1-S)
Ferguson, William R.	Glidden	56	Newspaper Publisher	55th—Audubon-Carroll-Crawford-Greene-Guthrie	65 (1-S)
Fischer, Harold O.	Wellsburg	56	Real Estate-Insurance	38th—Black Hawk-Butler-Franklin-Grundy-Marshall-Tama	58, 59, 60, 60X, 61, 62, 63, 64, 65 (1-S)
Fisher, C. Raymond	Grand Junction	66	Farmer	44th—Boone-Greene	58, 59, 60, 60X, 61, 62, 63, 64, 65 (1-S)
Fitzgerald, Jerome	Fort Dodge	32	Administrative and Political Consultant	46th—Webster	65 (1-S)
Freeman, Dennis L.	Storm Lake	34	Insurance Agent	6th—Buena Vista-Cherokee-Clay-O'Brien-Palo Alto-Pocahontas	63, 64, 65 (1-S)
Fullerton, Bert	Correctionville	71	Farmer	49th—Cherokee-Plymouth-Woodbury	62, 65 (1-S)
Grassley, Charles E.	New Hartford	40	Agripolitician	37th—Black Hawk-Bremer-Butler-Floyd	58, 59, 60, 60X, 61, 62, 63, 64, 65 (1-S)

MEMBERS OF THE HOUSE—SIXTY-FIFTH GENERAL ASSEMBLY—1974 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Griffee, William B.	Nashua	36	Public Relations	14th—Chickasaw-Floyd-Howard-Mitchell	65 (1-S)
Hansen, Ingwer L.	Hartley	61	Retired	3rd—Clay-Dickinson-Lyon-O'Brien-Osceola-Sioux	65 (1-S)
Hargrave, William J., Jr.	Iowa City	43	Self-employed	74th—Johnson	65 (1-S)
Harper, Mattie	West Grove	49	Homemaker-Legislator	90th—Appanoose-Davis-Wapello	65 (1-S)
Harvey, LaVern R.	Bettendorf	29	Contractor	79th—Scott	65 (1-S)
Hennessey, Maurice	Ryan	46	Salesman	22nd—Delaware-Dubuque-Jackson-Jones	65 (1-S)
Higgins, Thomas J.	Davenport	28	Social Worker	82nd—Scott	65 (1-S)
Hill, Philip B.	Des Moines	42	Lawyer	65th—Polk	64, 65 (1-S)
Holden, Edgar H.	Davenport	57	Real Estate Broker	24th—Cedar-Clinton-Johnson-Scott	62, 63, 64, 65 (1-S)
Horn, Wally E.	Cedar Rapids	40	Teacher	28th—Linn	65 (1-S)
Howell, Rollin	Rockford	45	Farmer	13th—Cerro Gordo-Floyd-Mitchell	65 (1-S)
Husak, Emil J.	Toledo	43	Farmer	71st—Benton-Iowa-Poweshiek-Tama	64, 65 (1-S)
Hutchins, C. W. "Bill"	Guthrie Center	42	Owner, Dry Cleaners and Laundromat	56th—Audubon-Carroll-Cass-Crawford-Greene-Guthrie-Shelby	65 (1-S)
Jesse, Norman G.	Des Moines	36	Lawyer	62nd—Polk	63, 64, 65 (1-S)
Jordan, James D.	Marion	53	Farmer	30th—Linn	65 (1-S)
Junker, Willis E.	Sioux City	48	Investor	50th—Woodbury	65 (1-S)
Kiser, E. Jean	Davenport	48	Housewife-Legislator	80th—Scott	65 (1-S)
Knoke, George J.	Council Bluffs	43	Lawyer	100th—Pottawattamie	64, 65 (1-S)
Krause, Robert A.	Fenton	23	Farmer	7th—Hancock-Humboldt-Kosuth-Palo Alto-Pocahontas	65 (1-S)
Kreamer, Robert M.	Des Moines	32	Lawyer	60th—Polk	63, 64, 65 (1-S)
Lippold, Donald L.	Waterloo	58	Education	35th—Black Hawk	63, 65 (1-S)
Lipsky, Joan	Cedar Rapids	54	Homemaker-Legislator	26th—Linn	62, 63, 64, 65 (1-S)

MEMBERS OF THE HOUSE—SIXTY-FIFTH GENERAL ASSEMBLY—1974 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Logue, Rayman D.	Marengo	53	Right-of-Way Agent	72nd—Benton-Iowa-Johnson-Keokuk-Poweshiek	63, 65 (1-S)
McCormick, Harold C.	Manchester	63	Furniture Dealer	18th—Clayton-Delaware-Dubuque-Fayette	63, 64, 65 (1-S)
McElroy, Lillian	Percival	56	Farm Owner-Legislator	97th—Fremont-Mills-Montgomery-Page	64, 65 (1-S)
Mendenhall, John C.	New Albin	69	Retired	17th—Allamakee-Clayton-Winneshiek	63, 64, 65 (1-S)
Menke, Lester D.	Calumet	54	Farmer-Insurance	5th—Buena Vista-Cherokee-Clay-O'Brien-Plymouth	65 (1-S)
Mennenga, Jay	Clinton	30	Teacher	77th—Clinton	65 (1-S)
Middleswart, James I.	Indianola	61	Food Producer	92nd—Lucas-Marion-Warren	62, 63, 64, 65 (1-S)
Millen, Floyd H.	Farmington	53	Contractor	87th—Henry-Jefferson-Keokuk-Lee-Van Buren-Wapello-Washington	60, 60X, 61, 62, 63, 64, 65 (1-S)
Miller, Alvin V.	Ventura	52	Fertilizer Dealer-Farmer	11th—Cerro Gordo	65 (1-S)
Miller, Kenneth D.	Independence	47	Owner, Mobile Home Park	32nd—Buchanan-Black Hawk	65 (1-S)
Miller, R. G. (Hap)	Rockwell City	64	Retired Farmer-Teacher	47th—Calhoun-Carroll-Greene-Pocahontas-Sac	65 (1-S)
Monroe, W. R. (Bill), Jr.	Burlington	35	Pharmacist	84th—Des Moines	64, 65 (1-S)
Newhard, Scott D.	Anamosa	22	Student	23rd—Cedar-Clinton-Jackson-Jones	65 (1-S)
Nielsen, Carl V.	Altoona	41	Lawyer	63rd—Polk	65 (1-S)
Norland, Lowell E.	Kensett	42	Farmer	12th—Cerro Gordo-Worth	65 (1-S)
Norpel, Richard J., Sr.	Bellevue	55	Insurance-Real Estate	21st—Dubuque-Jackson	64, 65 (1-S)
Oakley, Brice C.	Clinton	36	Lawyer	78th—Clinton-Scott	65 (1-S)
O'Halloran, Mary T.	Cedar Falls	30	Teacher	36th—Black Hawk	65 (1-S)
Patchett, John E.	North Liberty	24	Legislator	25th—Johnson-Linn	65 (1-S)
Pellet, Wendell C.	Atlantic	56	Farmer	95th—Adair-Adams-Cass-Guthrie-Union	64, 65 (1-S)
Peterson, Louis A.	Lawton	64	Farmer	52nd—Monona-Woodbury	59, 60, 60X, 62, 63, 65 (1-S)

MEMBERS OF THE HOUSE—SIXTY-FIFTH GENERAL ASSEMBLY—1974 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Poncy, Charles N.	Ottumwa	51	School Employee	89th—Mahaska-Monroe-Wapello	62, 63, 65 (1-S)
Rapp, Stephen J.	Waterloo	24	Attorney	34th—Black Hawk	65 (1-S)
Readinger, David M.	Urbandale	37	Salesman	59th—Polk	65 (1-S)
Rinas, B. Joseph	Marion	26	Sales Representative	29th—Linn	65 (1-S)
Roorda, Norman	Monroe	45	Farmer	69th—Jasper-Marion-Polk-Warren	62, 63, 64, 65 (1-S)
Schroeder, Laverne W.	McClelland	39	Farmer	98th—Mills-Pottawattamie	62, 63, 64, 65 (1-S)
Small, Arthur A., Jr.	Iowa City	40	Business Executive-Educator	73rd—Johnson	64, 65 (1-S)
Stanley, David M.	Muscatine	45	Lawyer	75th—Johnson-Louisa-Muscatine	58, 59, 60, 60X, 61, 62, 63, 65 (1-S)
Stephens, Lyle R.	LeMars	62	Farmer	2nd—Plymouth-Sioux	65 (1-S)
Stromer, Delwyn	Garner	42	Farmer	9th—Cerro Gordo-Franklin-Hancock-Wright	62, 63, 64, 65 (1-S)
Strothman, Charles F.	New London	72	Farmer	83rd—Des Moines-Henry-Louisa	60, 60X, 61, 62, 63, 64, 65 (1-S)
Tofte, Semor C.	Decorah	62	Mgr., Diversified Services	16th—Fayette-Howard-Winneshiek	65 (1-S)
Varley, Andrew	Stuart	39	Farmer	57th—Adair-Dallas-Guthrie	62, 63, 64, 65 (1-S)
Welden, Richard W.	Iowa Falls	65	Retired	10th—Franklin-Hardin-Wright	62, 63, 64, 65 (1-S)
Wells, James D.	Cedar Rapids	45	Factory Worker	27th—Benton-Linn	63, 64, 65 (1-S)
West, James C.	State Center	41	Businessman-Furniture	40th—Grundy-Hardin-Jasper-Marshall-Story	65 (1-S)
Woods, Jack E.	Des Moines	37	Self-employed	68th—Polk-Warren	65 (1-S)
Wulff, Henry C.	Waterloo	30	Real Estate Salesman	33rd—Black Hawk	65 (1-S)
Wyckoff, Russell L.	Vinton	48	Farmer	31st—Benton-Black Hawk-Buchanan-Linn-Tama	64, 65 (1-S)

(1-S) Indicates 1973 regular session.

(2-S) Indicates 1970 regular session.

OFFICERS OF THE SIXTY-FIFTH GENERAL ASSEMBLY

1974 REGULAR SESSION

OFFICERS OF THE SENATE

<i>President</i> —Lieutenant Governor Arthur A. Neu.....	Carroll
<i>President Pro Tempore</i> —Roger J. Shaff.....	Camanche
<i>Majority Floor Leader</i> —Clifton C. Lamborn.....	Maquoketa
<i>Assistant Majority Floor Leader</i> —Lucas J. DeKoster.....	Hull
<i>Assistant Majority Floor Leader</i> —Ralph W. Potter.....	Marion
<i>Minority Floor Leader</i> —James F. Schaben.....	Dunlap
<i>Assistant Minority Floor Leader</i> —Gene V. Kennedy.....	Dubuque
<i>Minority Whip</i> —Bass Van Gilst.....	Oskaloosa
<i>Secretary of the Senate</i> —Ralph R. Brown.....	Davenport
<i>Assistant Secretary of the Senate and Legal Counsel</i> —William B. Trent, Jr.....	Des Moines
<i>Legislative Counsel</i> —Ruth E. Fisher.....	Des Moines
<i>Administrative Assistant to Lieutenant Governor</i> —George Wittgraf.....	Des Moines
<i>Confidential Secretary to Lieutenant Governor</i> —Jane Warren.....	Des Moines
<i>Administrative Assistant to the Majority Leader</i> —Ralph M. Kauffman.....	Maquoketa
<i>Administrative Assistant to the Minority Leader</i> —Bart Rule.....	Dunlap
<i>Research Assistant</i> —Tom R. Thoren.....	Des Moines
<i>Research Assistant</i> —Joseph O'Hern.....	Barnum
<i>Journal Clerk</i> —Dorothy F. Nepstad.....	Des Moines
<i>Assistant Journal Clerk</i> —Robertta Hickerson.....	Des Moines
<i>Engrossing Clerk</i> —Ardith B. Martin.....	Des Moines
<i>Executive Secretary to the Secretary</i> —K. Marie Thayer.....	Ankeny
<i>Secretary to the Secretary</i> —Joyce M. Horner.....	Des Moines
<i>Secretary and Enrolling Clerk</i> —Colleen Dillon.....	Des Moines
<i>Finance Clerk</i> —Mary Ann Abbott.....	Des Moines
<i>Records and Supply Clerk</i> —Marjorie H. Helkenn.....	Des Moines
<i>Special Clerk</i> —Elizabeth Ligouri.....	Des Moines
<i>Bill Clerk</i> —Caryll Wilbur.....	Indianola
<i>Assistant Bill Clerk</i> —Nancy L. Rathert.....	Des Moines
<i>Control Board Operator</i> —Curt Behrens.....	Strawberry Point
<i>Switchboard Operator</i> —Janice Berlin.....	Des Moines
<i>Switchboard Operator</i> —Betty Schwengels.....	Fairfield
<i>Sergeant-at-Arms</i> —R. K. Shawhan.....	Des Moines
<i>Assistant Sergeant-at-Arms</i> —Byron Marshall.....	Indianola
<i>Chief Doorkeeper</i> —Coldren C. Glenn.....	Mitchellville
<i>Doorkeeper</i> —George R. Chastain.....	Des Moines
<i>Doorkeeper</i> —Richard W. Dunker.....	Des Moines
<i>Doorkeeper</i> —B. W. Rulon.....	Des Moines
<i>Doorkeeper</i> —Holt Schiefer.....	Des Moines
<i>Doorkeeper</i> —Jan Squire.....	Des Moines
<i>Postmaster</i> —Kermit J. Haun.....	Des Moines
<i>Cloakroom Attendant</i> —Gertrude Harris.....	Des Moines
<i>Porter</i> —James Sullivan.....	Des Moines

GENERAL ASSEMBLY—Continued

OFFICERS OF THE HOUSE

<i>Speaker of the House</i> —Andrew Varley.....	Stuart
<i>Speaker Pro Tempore</i> —Robert M. Kreamer.....	Des Moines
<i>Majority Floor Leader</i> —Edgar H. Holden.....	Davenport
<i>Assistant Majority Floor Leader</i> —Norman Roorda.....	Monroe
<i>Assistant Majority Floor Leader</i> —Delwyn Stromer.....	Garner
<i>Minority Floor Leader</i> —Dale M. Cochran.....	Eagle Grove
<i>Assistant Minority Floor Leader</i> —Arthur A. Small, Jr.....	Iowa City
<i>Minority Whip</i> —James D. Wells.....	Cedar Rapids
<i>Chief Clerk</i> —William H. Harbor.....	Henderson
<i>First Assistant Chief Clerk</i> —David L. Wray.....	Des Moines
<i>Second Assistant Chief Clerk and Reading Clerk</i> —Burl B. Beam.....	Martensdale
<i>Legislative Counsel</i> —Lillian Leffert.....	Des Moines
<i>Legal Counsel</i> —Dan L. Dudley.....	Des Moines
<i>Chief Journal Clerk</i> —Elizabeth A. Isaacson.....	Des Moines
<i>Journal Clerk</i> —Dorothy Potthoff.....	Des Moines
<i>Finance Clerk</i> —Billie Jean Walling.....	Des Moines
<i>Engrossing Clerk</i> —Alyce M. Elmitt.....	West Des Moines
<i>Administrative Assistant to Chief Clerk</i> —Dolores Abels.....	Des Moines
<i>Executive Secretary to Chief Clerk</i> —Maryjo F. Welch.....	Des Moines
<i>Executive Secretary to Speaker</i> —Roberta M. Chapman.....	Des Moines
<i>Supervisor of Clerks</i> —Elizabeth J. O'Connor.....	Des Moines
<i>Assistant to Legislative Counsel and Enrolling Clerk</i> —Pauline E. Kephart.....	Des Moines
<i>Research Assistant to Speaker</i> —Sandra L. Githens.....	Des Moines
<i>Clerk to Chief Clerk</i> —Bette J. Wentz.....	Des Moines
<i>Supply Clerk</i> —Ann McCarty.....	Des Moines
<i>Swing Clerk</i> —Jean Haskins.....	Des Moines
<i>Sergeant-at-Arms</i> —Ralph A. Lancaster*.....	Des Moines
<i>Assistant Sergeant-at-Arms</i> —Clarence O. Anderson**.....	Des Moines
<i>Chief Doorkeeper</i> —Frank L. Christen***.....	Des Moines
<i>Bill Clerk</i> —Phyllis J. Frazier.....	Des Moines
<i>Assistant Bill Clerk</i> —Madeline E. James.....	Des Moines
<i>File Clerk</i> —Don Hart.....	Peru
<i>Chief Electrician</i> —Elmer E. Pennington.....	Des Moines
<i>Assistant Electrician</i> —John G. Fribourgh.....	Des Moines
<i>Assistant Voting Machine Operator</i> —Gustaf W. Adamson.....	Des Moines
<i>Control Board Operator</i> —John K. Rehmann, Jr.....	Des Moines
<i>Postmaster</i> —Peggy Kelso.....	West Des Moines

*Retired effective February 28, 1974.

**Appointed Sergeant-at-Arms effective March 11, 1974.

***Appointed Assistant Sergeant-at-Arms effective March 11, 1974.

CONDITION OF THE STATE TREASURY

Receipts, Disbursements and Balances in the Several Funds
for Each Year of the Biennial Period Ending June 30, 1973.

Fiscal Year Ending June 30, 1973

	Balance July 1, 1972	Total Receipts and Transfers	Total Available	Total Warrants Redeemed, Treasurer's Checks Issued and Transfers	Balance June 30, 1973
General Revenue	\$ 64,306,003	\$ 768,504,710	\$ 832,310,713	\$ 648,608,067	\$ 133,093,824
Transfers				51,108,822	
Trust Funds	104,109,367	304,815,937	550,541,065	363,986,778	121,755,494
Transfers		141,615,761		64,788,793	
Special Funds (Comptroller's Warrants) ..	506,776,957	645,256,617	1,246,082,120	503,006,169	538,913,931
Transfers		94,048,546		154,162,020	
Special Funds (Treasurer's Warrants)	7,011,825	—0—	7,011,825	1,432,025	5,579,800
TOTALS.....	<u>\$ 682,204,152</u>	<u>\$1,954,241,571</u>	<u>\$2,636,445,723</u>	<u>\$1,787,102,674</u>	<u>\$ 849,343,049</u>
Balance July 1, 1972	\$ 682,204,152				
Receipts and Transfers	1,954,241,571				
TOTAL	\$2,636,445,723				
Disbursements and Transfers	1,787,102,674				
Balance June 30, 1973	<u>\$ 849,343,049</u>				

LAWS
OF THE
1974 Regular Session
OF THE
Sixty-fifth 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 FOURTH
DAY OF MAY, A. D. 1974, IN THE ONE HUNDRED TWENTY-
EIGHTH YEAR OF THE STATE.

APPROPRIATIONS

For additional appropriations, see chapters 1113, 1130, 1131, 1145(22), 1163(19),
1169(10), 1175(16), 1176(25)

CHAPTER 1001.

MERIT SYSTEM SALARY ADJUSTMENTS

S. F. 1284

AN ACT relating to funding for an adjustment to the merit system and executive council exempt pay plans and other exempt positions included in the state comptroller's centralized payroll system creating a state employees disability insurance program for designated state employees, and making appropriations for such purposes.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state to the "salary adjustment fund" within the general fund of the
3 state, created by the Acts of the Sixty-fifth General Assembly, 1973
4 Session, chapter twelve (12), for the fiscal year beginning July 1, 1974
5 and ending June 30, 1975, the following amount, or so much thereof
6 as may be necessary to be used for the following purposes:

7 To supplement the appropriations of the various state departments
8 in implementing an adjustment to the June 30, 1974 pay plans as pro-
9 vided in their appropriations for the fiscal year beginning July 1, 1974
10 and ending June 30, 1975 and in accordance with section two (2) of
11 this Act:\$8,100,000

1 SEC. 2. The salary schedule of the merit system and the executive
2 council exempt pay plan, provided for in section nineteen A point nine
3 (19A.9), subsection two (2) of the Code in effect July 1, 1973, shall

4 be increased by seven point five percent rounded to the nearest dollar
 5 amount divisible by twenty-four. All exempt positions provided for in
 6 chapter nineteen A (19A) of the Code included in the state comptrol-
 7 ler's central payroll system shall be adjusted in a like amount on a
 8 basis consistent with the appropriation provided by the general assem-
 9 bly, except members of the general assembly and board members and
 10 commissions and except all salaries set by the general assembly under
 11 the Acts of the Sixty-fifth General Assembly, 1973 Session, chapters
 12 one (1) and two hundred eighty-three (283), section three (3).

1 SEC. 3. The salaries and wages of positions under the state board
 2 of regents and the salaries and wages paid from funds in the primary
 3 road fund shall not be subject to the provisions of this Act except as
 4 provided in section six (6) of this Act.

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

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

1 SEC. 6. Acts of the Sixty-fifth General Assembly, 1973 Session,
 2 chapter twelve (12), section one (1), unnumbered paragraph two (2),
 3 is amended to read as follows:

	1973-74	1974-75
	<u>Fiscal Year</u>	<u>Fiscal Year</u>

6 To supplement the appropriations of the various state departments		
7 and the state board of regents and institutions under its jurisdiction		
8 in implementing an adjustment to the July 1, 1973 pay plans as pro-		
9 vided in their appropriations for the biennium beginning July 1, 1973		
10 and ending June 30, 1975 and in accordance with section two (2) of		
11 this Act.	\$5,000,000	\$5,000,000 \$5,000,000

1 SEC. 7. The allocation of the funds appropriated in sections one
 2 (1) and five (5) of this Act shall be subject to the approval of the gov-
 3 ernor and the state comptroller.

1 SEC. 8. Chapter seventy-nine (79), Code 1973, is amended by add-
 2 ing the following new section:

3 **NEW SECTION. Employees disability program.** There is created a
 4 state employees disability insurance program which shall be adminis-
 5 tered by the executive council and which shall provide disability ben-
 6 efits in an amount and for the employees as provided in this section.
 7 The monthly disability benefits shall provide twenty percent of monthly
 8 earnings if employed less than one year, forty percent of monthly earn-
 9 ings if employed one year or more but less than two years, and sixty
 10 percent of monthly earnings thereafter, reduced by primary and fam-
 11 ily social security determined at the time social security disability
 12 payments commence, workmen's compensation if applicable, and any
 13 other state sponsored sickness or disability benefits payable. No sub-

14 sequent social security increases shall be used to further reduce the
 15 insurance benefits payable. State employees shall receive credit for
 16 the time they were continuously employed prior to and on the effective
 17 date of this Act. The following provisions shall apply to the employees
 18 disability insurance program:

19 1. Waiting period.....ninety working days of continuous sickness or
 20 accident disability.

21 2. Maximum period benefits paid.....sickness or accident disability
 22 to age sixty-five.

23 3. Minimum and maximum benefits.....not less than fifty dollars
 24 per month and not exceeding two thousand dollars per month.

25 4. All permanent full-time state employees shall be covered under the
 26 employees disability insurance program, except the members of the
 27 general assembly, board members and members of commissions who
 28 are not full-time state employees, and state employees who on the effec-
 29 tive date of this Act are under another disability program financed in
 30 whole or in part by the state.

1 SEC. 9. Chapter seventy-nine (79), Code 1973, is amended by add-
 2 ing the following new section:

3 **NEW SECTION. Disability plan—revolving, trust, or special funds.**
 4 The executive council shall compute and bill against departmental
 5 revolving, trust or special funds the costs of including permanent full-
 6 time employees who are paid from such funds under the disability
 7 program provided for in section eight (8) of this Act. This section
 8 shall not apply to employees who are paid from the primary road fund.

9 A supplemental authorization is hereby provided from those funds
 10 under this section for which the general assembly has established an
 11 operating budget, unless otherwise provided, in an amount necessary
 12 for the disability insurance program.

1 SEC. 10. There is appropriated from the funds designated for
 2 the fiscal year beginning July 1, 1974 and ending June 30, 1975 the
 3 following amounts, or so much thereof as may be necessary, to the
 4 executive council to purchase and implement the state employees in-
 5 surance disability program, created by section eight (8) of this Act,
 6 the effective date for implementation of such program to commence
 7 not sooner than January 1, 1975:

8 1. From the primary road fund to pay for permanent full-time state
 9 employees of the state highway commission the sum of two hundred
 10 twenty thousand (220,000) dollars.

11 2. From the general fund for permanent full-time employees of
 12 the office of the state board of regents, permanent full-time employees
 13 of the Iowa school for the deaf, and permanent full-time employees of
 14 the Iowa school for the blind, the sum of twenty thousand (20,000)
 15 dollars.

16 3. From the general fund of the state for all other eligible perma-
 17 nent full-time state employees, excluding those included under section
 18 nine (9) of this Act, the sum of four hundred thousand (400,000) dol-
 19 lars.

1 SEC. 11. Chapter seventy-nine (79), Code 1973, is amended by add-
 2 ing the following new section:

3 **NEW SECTION. Employees disability plan — permanent financing.**
 4 There is appropriated for the fiscal year beginning July 1, 1975 and

5 for each fiscal year thereafter to the executive council such funds as
6 are necessary to finance the state employees disability insurance pro-
7 gram created by section eight (8) of this Act.

8 1. Funds for financing the state employees disability insurance pro-
9 gram for permanent full-time state employees of the state highway
10 commission are appropriated from the primary road fund.

11 2. Funds for financing the state employees disability insurance pro-
12 gram for permanent full-time employees of the office of the state board
13 of regents, permanent full-time employees of the Iowa school for the
14 deaf, and permanent full-time employees of the Iowa school for the
15 blind are appropriated from the general fund of the state.

16 3. Funds for financing the state employees disability insurance pro-
17 gram for all other eligible permanent full-time state employees, ex-
18 cluding those included under section nine (9) of this Act, are appro-
19 priated from the general fund of the state.

Approved May 30, 1974

CHAPTER 1002

ACCOUNTANCY BOARD

H. F. 1488

AN ACT to make an appropriation from funds received by the board of accountancy.

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

1 SECTION 1. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter twenty-five (25), section one (1), subsection one (1), is
3 amended to read as follows:

4 1. BOARD OF ACCOUNTANCY—chapter one hundred sixteen (116) of
5 the Code:

6 For salaries, support, maintenance, equipment and miscellaneous
7 purposes\$53,900 \$56,840
8 58,150 66,840

1 SEC. 2. It is the intention of the general assembly that the in-
2 creased appropriations made under section one (1) of this Act which
3 increase the appropriation made under Acts of the Sixty-fifth General
4 Assembly, 1973 Session, section one (1), subsection one (1), shall be
5 used to supplement the salary account and examination costs of the
6 board of accountancy.

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

Approved May 27, 1974

I hereby certify that the foregoing Act, House File 1488, was published in the Betten-
dorf News, Bettendorf, Iowa, June 6, 1974, and in The Onawa Sentinel, Onawa, Iowa,
June 6, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1003

COMMISSION ON AGING

S. F. 1329

AN ACT amending an appropriation to the commission on aging.

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

1 SECTION 1. Acts of the Sixty-fifth General Assembly, 1973 Ses-
 2 sion, chapter forty-four (44), section one (1), is amended to read as
 3 follows:

4 Section 1. There is appropriated from the general fund of the
 5 state of Iowa for the commission on aging for each fiscal year of the
 6 biennium commencing July 1, 1973 and ending June 30, 1975, the fol-
 7 lowing amounts, or so much thereof as may be necessary, to be used in
 8 the manner designated:

	1973-74	1974-75
	Fiscal Year	Fiscal Year
11 For salaries, support, maintenance, and miscellaneous purposes:		
12	\$35,650	\$38,830 53,830

1 SEC. 2. Acts of the Sixty-fifth General Assembly, 1973 Session,
 2 chapter forty-four (44), is amended by adding the following:

3 Sec. 6. Fifteen thousand dollars of the funds appropriated by this
 4 Act for the fiscal year beginning July 1, 1974 shall be used only to
 5 match available funds pursuant to Title seven (VII) of the Older
 6 Americans Act—Nutrition for the Elderly Program. The commission
 7 for the aging, the comptroller and the governor may accept federal
 8 funds to implement the provisions of this Act.

Approved April 15, 1974

CHAPTER 1004

DEPARTMENT OF AGRICULTURE

H. F. 1297

AN ACT making an appropriation from the general fund of the state to the department of agriculture.

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

1 SECTION 1. There is appropriated from the general fund of the
 2 state for the fiscal year beginning July 1, 1974 and ending June 30,
 3 1975, to the department of agriculture, the following amounts, or so
 4 much thereof as may be necessary, to be used for the following pur-
 5 poses:

6 1. AGRICULTURE MARKETING DIVISION	
7 For salaries, support, maintenance and miscellaneous purposes:	
8 a. Livestock auction market reporting	\$ 30,750
9 b. Grain market reporting	21,253
10 c. Other marketing division programs	129,700

1 SEC. 2. Moneys appropriated by this Act shall not be used for capi-
2 tal improvements.

1 SEC. 3. When any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the fiscal year.

1 SEC. 4. The intent of the general assembly in making this appro-
2 priation is to continue the present programs of the marketing division
3 with an expansion of the livestock auction market reporting service
4 and the start of a grain market reporting service. It is the intent of
5 the general assembly that the agriculture promotion effort be main-
6 tained at the present level.

1 SEC. 5. Unencumbered funds as of June 30, 1975 shall revert to the
2 general fund of the state as of September 30, 1975.

Approved April 8, 1974

CHAPTER 1005

AGRICULTURE DEPARTMENT

S. F. 1396

AN ACT to make an appropriation from the general fund of the state to the department of agriculture.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state for the fiscal year commencing July 1, 1974 and ending June 30,
3 1975, to the department of agriculture, the sum of eighty thousand
4 (80,000) dollars, or so much thereof as may be necessary, for the pur-
5 pose of administering and enforcing the provisions of House File five
6 hundred fifty (550), as enacted by the Sixty-fifth General Assembly,
7 1974 Session.

1 SEC. 2. It is the intent of the general assembly that the appropri-
2 ation made in section one (1) of this Act shall be used by the depart-
3 ment of agriculture to pay the salaries, support, maintenance and mis-
4 cellaneous expenses for the administration and enforcement of the pro-
5 visions of House File five hundred fifty (550), as enacted by the Sixty-
6 fifth General Assembly, 1974 Session.

1 SEC. 3. Unencumbered or unobligated balances of the appropria-
2 tion made under section one (1) of this Act shall revert to the general
3 fund of the state on September 30, 1975.

1 SEC. 4. No moneys appropriated by this Act shall be used for capi-
2 tal improvements.

1 SEC. 5. When any laws of this state are in conflict with this Act,
2 the provisions of this Act shall govern for the biennium.

1 SEC. 6. For the fiscal year commencing July 1, 1974, and ending
 2 June 30, 1975, the secretary of agriculture may employ one additional
 3 veterinarian for the purpose of assisting in the initial administration
 4 and enforcement of the provisions of House File 550, as enacted by the
 5 Sixty-fifth General Assembly, 1974 Session, and to assist in the pro-
 6 mulgation of rules and regulations pursuant thereto; thereafter, the
 7 secretary of agriculture shall utilize the area animal industry veteri-
 8 narians to supervise the enforcement of the provisions of House File
 9 550 and the rules and regulations adopted pursuant thereto.

Approved May 27, 1974

CHAPTER 1006

GENERAL SERVICES AIRCRAFT STUDY

H. F. 1489

AN ACT making an appropriation from the general fund of the state to the department of general services to conduct a study of state aircraft.

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

1 SECTION 1. There is appropriated from the general fund of the
 2 state to the department of general services for the fiscal year begin-
 3 ning July 1, 1974 and ending July 1, 1975 the sum of three thousand
 4 (3,000) dollars, or so much thereof as may be necessary, to be used for
 5 the following purposes:

- 6 1. To study the needs of the various state agencies for use of air-
 7 craft.
- 8 2. To study the hourly cost of leasing various types of aircraft suit-
 9 able for use by state personnel.
- 10 3. To study the cost of operating and maintaining various types of
 11 aircraft suitable for use by the state.
- 12 4. To study the cost of acquiring, maintaining, and operating suit-
 13 able hangar facilities for state aircraft.
- 14 5. To study the feasibility of transferring the control, maintenance,
 15 and operations of all state-owned aircraft and administration of such
 16 aircraft to the state vehicle dispatcher.
- 17 6. To study any other aspect of state ownership, control, mainte-
 18 nance, or administration of aircraft which the director of general ser-
 19 vices deems necessary.

1 SEC. 2. The director of general services shall report the findings of
 2 the study, along with the advice and comments of each state agency
 3 owning and operating state aircraft, made pursuant to section one (1)
 4 of this Act to the Sixty-sixth General Assembly, 1975 Session.

1 SEC. 3. Unencumbered funds as of June 30, 1975 appropriated by
 2 this Act shall revert to the general fund of the state on September 30,
 3 1975.

Approved May 27, 1974

CHAPTER 1007

ARTS COUNCIL DIRECTOR

S. F. 1280

AN ACT relating to the salary rate of the director of the Iowa state arts council.

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

1 SECTION 1. Acts of the Sixty-fifth General Assembly, 1973 Ses-
2 sion, chapter one (1), section one (1), subsection four (4), is amended
3 to read as follows:

4 4. IOWA STATE ARTS COUNCIL.

5 Salary of the director not exceeding:.....\$15,500 ~~16,500~~ 19,000

Approved May 9, 1974

CHAPTER 1008

ARTS COUNCIL

H. F. 1480

AN ACT making a supplemental appropriation from the general fund to the Iowa state arts council.

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

1 SECTION 1. Acts of the Sixty-fifth General Assembly, 1973 Ses-
2 sion, chapter nineteen (19), section one (1), subsection one (1), is
3 amended to read as follows:

4 ARTS COUNCIL, IOWA STATE

5 1. For salaries, support, maintenance and miscellaneous purposes:
6\$28,600 ~~\$28,600~~ 44,657

1 SEC. 2. It is the intent of the general assembly that the supple-
2 mental appropriation provided for in section one (1) of this Act is to
3 be used for the salary, support and maintenance for the newly created
4 position of director of educational services.

Approved May 2, 1974

CHAPTER 1009

ATTORNEY GENERAL

H. F. 1483

AN ACT making an appropriation to supplement funds appropriated to the office of attorney general.

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

1 SECTION 1. Acts of the Sixty-fifth General Assembly, 1973 Ses-
2 sion, chapter nine (9), section one (1), subsection one (1), is amended
3 to read as follows:

4 1. ATTORNEY GENERAL

5 For salaries, support, maintenance and miscellaneous purposes:

6\$630,980 \$668,160 795,180

1 SEC. 2. NEW SECTION. On or before December 15, 1974, the at-
2 torney general shall submit to the legislative fiscal director recommen-
3 dations for Code changes which, if adopted, can result in savings to
4 the department of an amount at least equal to this appropriation.

1 SEC. 3. Except as otherwise provided by this Act, the provisions
2 of the Acts of the Sixty-fifth General Assembly, 1973 Session, chap-
3 ter nine (9) shall apply to this Act.

1 SEC. 4. It is the intent of the general assembly in approving this
2 Act that funds previously appropriated to the office of the attorney
3 general shall be supplemented by funds appropriated by this Act for
4 the fiscal year beginning July 1, 1974 and shall be used in the amounts
5 and for the following programs:

6 1. For criminal appeals\$34,384
7 2. For civil rights\$24,377
8 3. For consumer protection\$51,367
9 4. For upgrading staff resources\$16,892

1 SEC. 5. Section thirteen point two (13.2), Code 1973, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. Inform prosecuting attorneys and assistant
4 prosecuting attorneys to the state of all changes in law and matters
5 pertaining to their office and establish programs for the continuing
6 education of prosecuting attorneys and assistant prosecuting attor-
7 neys. The attorney general may accept funds, grants and gifts from
8 any public or private source which shall be used to defray the expenses
9 incident to implementing his duties under this subsection.

1 SEC. 6. There is hereby appropriated to the attorney general the
2 sum of one hundred thousand (100,000) dollars, in addition to other
3 appropriations made by this Act, for salaries, support, maintenance
4 and miscellaneous purposes for consumer credit administration.

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

Approved May 27, 1974

CHAPTER 1010

AUDITOR OF STATE

H. F. 1300

AN ACT making an appropriation to the office of auditor of state for increased costs of departmental operating expenses.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state to the auditor of state for the fiscal year beginning July 1, 1974
3 and ending June 30, 1975 the sum of twelve thousand (12,000) dollars,
4 or so much thereof as is necessary, to pay for increased costs of sup-
5 plies and postage and to meet increases in automobile mileage allow-
6 ances.

1 SEC. 2. Funds appropriated by this Act are in addition to any
2 other funds appropriated for such purposes.

1 SEC. 3. Unencumbered or unobligated funds appropriated by this
2 Act remaining as of June 30, 1975 shall revert to the general fund of
3 the state as of September 30, 1975.

Approved April 25, 1974

CHAPTER 1011

BEER AND LIQUOR CONTROL

H. F. 1378

AN ACT increasing funds appropriated to the Iowa beer and liquor control department.

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

1 SECTION 1. Acts of the Sixty-fifth General Assembly, 1973 Ses-
2 sion, chapter sixty-seven (67), section one (1), subsection one (1), is
3 amended to read as follows:

4 1. IOWA BEER AND LIQUOR CONTROL DEPARTMENT

5 For salaries, support, maintenance and miscellaneous purposes:

6	-----	\$7,105,955	\$7,283,960
7		7,343,055	7,541,755

1 SEC. 2. It is the intent of the general assembly in making this sup-
2 plemental appropriation that all liquor stores open on the effective date
3 of this Act, except in the case where existing plans provide for a new
4 store to replace two existing stores within a city, shall remain open
5 and nine new stores budgeted for in the budget for the 1973-75 fiscal
6 biennium will be opened.

1 SEC. 3. This Act, being deemed of immediate importance, shall take
2 effect and be in force from and after its publication in the Clinton Her-

3 ald, a newspaper published in Clinton, Iowa, and in The Woodbine
4 Twiner, a newspaper published in Woodbine, Iowa.

Approved May 27, 1974

I hereby certify that the foregoing Act, House File 1378, was published in the Clinton Herald, Clinton, Iowa, June 1, 1974, and in The Woodbine Twiner, Woodbine, Iowa, June 6, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1012

COMMISSION FOR THE BLIND APPROPRIATION

S. F. 1169

AN ACT appropriating funds from the general fund of the state to Iowa commission for the blind for remodeling and repairs of the Iowa commission for the blind building.

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

1 SECTION 1. There is appropriated to the Iowa commission for the
2 blind from the general fund of the state, the sum of one hundred forty
3 thousand (140,000) dollars, or so much thereof as may be necessary,
4 to be used for remodeling and repairs of the Iowa commission for the
5 blind building.

1 SEC. 2. Contracts for improvements for which funds are appro-
2 priated by this Act shall be submitted by the Iowa commission for the
3 blind to the governor and the state comptroller, except that items com-
4 monly known as change orders need not be submitted to the governor
5 and the state comptroller unless such change orders actually increase
6 the total cost of that particular project.

1 SEC. 3. The Iowa commission for the blind, the governor and the
2 state comptroller are authorized to obtain and accept federal grants to
3 the state to be used in connection with the funds appropriated in this
4 Act and other available federal funds.

1 SEC. 4. Any unencumbered balance remaining as of June 30, 1977
2 of the appropriation of this Act shall revert to the general fund of the
3 state as of September 30, 1977.

1 SEC. 5. This Act, being deemed of immediate importance, shall
2 take effect and be in force from and after its publication in the Jackson
3 Sentinel, a newspaper published in Maquoketa, Iowa, and in The Mount
4 Vernon Hawkeye-Record and The Lisbon Herald, a newspaper pub-
5 lished in Mount Vernon, Iowa.

Approved March 21, 1974

I hereby certify that the foregoing Act, Senate File 1169, was published in the Jackson Sentinel, Maquoketa, Iowa, March 28, 1974, and in The Mount Vernon Hawkeye-Record and The Lisbon Herald, Mount Vernon, Iowa, March 28, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1013

CAMPAIGN FINANCE DISCLOSURE

H. F. 1377

AN ACT to make an appropriation from the general fund of the state to the campaign finance disclosure commission.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state to the campaign finance disclosure commission for the fiscal year
3 commencing July 1, 1974 and ending June 30, 1975 the sum of forty-
4 seven thousand five hundred fifty (47,550) dollars, or so much thereof
5 as may be necessary, to be used to carry out the provisions of Acts of
6 the Sixty-fifth General Assembly, 1973 Session, chapter one hundred
7 thirty-eight (138).

1 SEC. 2. All federal grants to and the federal receipts of the cam-
2 paign finance disclosure commission are appropriated for the purpose
3 set forth in such federal grants or receipts.

1 SEC. 3. Unencumbered funds appropriated by this Act shall revert
2 to the general fund of the state on September 30, 1975.

1 SEC. 4. When any laws of this state are in conflict with this Act,
2 the provisions of this Act shall govern for the fiscal year.

Approved April 19, 1974

CHAPTER 1014

CAPITOL MALL

H. F. 1034

AN ACT making an appropriation to the capitol planning commission for the planning of a central mall.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state one hundred thousand (100,000) dollars, or so much thereof as
3 may be necessary, to be used by the capitol planning commission and
4 in the manner designated for expenses incurred, including fees for
5 architectural services, in the planning of a capitol mall at the seat of
6 government.

1 SEC. 2. Plans for the construction of the capitol mall shall provide
2 for a central cafeteria, underground parking for two hundred fifty
3 cars, peripheral parking, heating plant, meeting rooms and central
4 supply area. The director of the department of general services shall
5 cooperate with the capitol planning commission in the preparation of
6 the plans for the capitol mall. The capitol planning commission shall
7 make periodic reports to the legislative council regarding the develop-
8 ment of plans for the capitol mall.

1 SEC. 3. The governor, the director of the department of general
 2 services, the capitol planning commission, or the state comptroller are
 3 authorized to obtain and accept federal funds available for use in
 4 carrying out the project authorized by this Act.

1 SEC. 4. The capitol planning commission and the department of
 2 general services may employ technical assistants in order to carry out
 3 the provisions of this Act.

1 SEC. 5. Any unobligated balance of funds as of June 30, 1975,
 2 appropriated by section one (1) of this Act shall revert to the credit
 3 of the general fund on August 31, 1975.

Approved April 25, 1974

CHAPTER 1015

CAPITOL PLANNING COMMISSION

H. F. 1220

AN ACT increasing an appropriation made to the capitol planning commission.

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

1 SECTION 1. Acts of the Sixty-fifth General Assembly, 1973 Ses-
 2 sion, chapter twenty-eight (28), section one (1), unnumbered para-
 3 graph two (2), is amended to read as follows:

	<u>1973-74</u>	<u>1974-75</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
6 For per diem of \$40 per day and expenses of the commission mem- 7 bers in carrying out their duties under chapter eighteen A (18A) of 8 the Code:	\$3,650	\$3,650 8,500

Approved April 19, 1974

CHAPTER 1016

CITIZENS' AIDE

S. F. 1387

AN ACT making an increased appropriation to the office of the citizens' aide.

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

1 SECTION 1. Acts of the Sixty-fifth General Assembly, 1973 Ses-
 2 sion, chapter eighty-nine (89), section one (1), subsection one (1), is
 3 amended to read as follows:

	<u>1973-74</u>	<u>1974-75</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
6 1. For salaries, support, maintenance, and miscellaneous purposes: 7	\$72,250	\$72,710 82,710

Approved May 11, 1974

CHAPTER 1017

CIVIL RIGHTS COMMISSION

H. F. 1455

AN ACT making an appropriation to the civil rights commission.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state for the fiscal year beginning July 1, 1974 and ending June 30,
3 1975, to the civil rights commission, the following amount, or so much
4 thereof as may be necessary, to be used in the manner designated:

5
6 1974-75
Fiscal Year

7 For salaries, support, maintenance and miscellaneous purposes:
8 \$ 199,480

1 SEC. 2. Moneys appropriated by this Act shall not be used for capi-
2 tal improvements.

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

1 SEC. 4. When any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the 1974-75 fiscal year.

1 SEC. 5. It is the intent of the general assembly in making this ap-
2 propriation that the funds be used to carry out the duties of the civil
3 rights commission as set out in chapter six hundred one A (601A) of
4 the Code. No additional positions shall be added to the table of organ-
5 ization for the 1974-1975 fiscal year.

Approved May 2, 1974

CHAPTER 1018

CODE PLACED ON TAPE

H. F. 1454

AN ACT relating to the appropriation for incorporating the Code on magnetic tape.

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

1 SECTION 1. Acts of the Sixty-fifth General Assembly, 1973 Ses-
2 sion, chapter five (5), section one (1), subsection one (1), para-
3 graph c, is amended to read as follows:

4 c. For incorporating the Acts of the Sixty-fifth General Assembly
5 into the Code of Iowa on magnetic tape and to update and revise the
6 related vocabulary concordance, which shall be accomplished in the
7 manner approved by the legislative council:

8\$ 8,000 \$ —0— 30,000

Approved April 19, 1974

CHAPTER 1019

ACADEMY OF SCIENCE

S. F. 1389

AN ACT to make an appropriation from the general fund of the state to the state comptroller for the payment of certain cost of the centennial observance of the Iowa academy of science.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state for the fiscal year beginning July 1, 1974 and ending June 30,
3 1975, to the state comptroller the following amount, or so much thereof
4 as may be necessary, to be used for the following purposes:

5 State Comptroller

6 For additional publication costs, honoraria, rental of facilities and
7 miscellaneous expenses of the Iowa academy of science for its centen-
8 nial observance\$5,000

1 SEC. 2. Unencumbered funds appropriated by this Act shall revert
2 to the general fund of the state as provided in section eight point
3 thirty-three (8.33) of the Code.

1 SEC. 3. When any provision of the laws of this state are in conflict
2 with this Act, the provisions of this Act shall govern for the fiscal year.

1 SEC. 4. No funds appropriated by this Act shall be used for capital
2 improvements.

Approved May 9, 1974

CHAPTER 1020

OLD CAPITOL

S. F. 1301

AN ACT to appropriate from the general fund of the state to the state comptroller for restoration of the old capitol building in Iowa City, Iowa.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state to the state comptroller for use by the old capitol restoration
3 committee for the fiscal year beginning July 1, 1974, the sum of three
4 hundred thirty thousand (330,000) dollars, or so much thereof as may
5 be necessary, to be used for the costs of reconstruction, renovation and
6 preservation of the old capitol at Iowa City, Iowa.

1 SEC. 2. The state comptroller and the old capitol restoration com-
2 mittee may obtain federal grants, gifts, and donations for the state to
3 be used in connection with the funds appropriated by this Act.

1 SEC. 3. Unencumbered funds as of June 30, 1977 shall revert to
2 the general fund of the state.

1 SEC. 4. It is the intent of the general assembly that funds appro-
 2 priated pursuant to this Act shall be used to supplement private gifts
 3 and federal funds to meet the anticipated costs of this project and not
 4 to replace federal funds and private gifts.

Approved May 11, 1974

CHAPTER 1021

COMMERCE COMMISSION

S. F. 1286

AN ACT amending the appropriated funds to the Iowa state commerce commission and the law regulating grain dealers.

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

1 SECTION 1. Acts of the Sixty-fifth General Assembly, 1973 Ses-
 2 sion, chapter thirty-six (36), section one (1), subsection three (3), is
 3 amended to read as follows:

	1973-74	1974-75
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
4		
5		
6	3. WAREHOUSE DIVISION	
7	For salaries, support, maintenance and miscellaneous purposes:	
8	\$154,720 211,850	\$156,610 236,770

1 SEC. 2. It is the intent of the general assembly that the funds
 2 appropriated pursuant to this Act, which represent an increase to
 3 funds appropriated by the general assembly in the year 1973, shall be
 4 used to license and regulate grain dealers, as provided in chapter two
 5 hundred seventy-six (276) of the Acts of the Sixty-fifth General Assem-
 6 bly, 1973 Session. *[Trucks owned by grain dealers licensed under the
 7 provisions of Acts of the Sixty-fifth General Assembly, 1973 Session,
 8 chapter two hundred seventy-six (276), which are already registered
 9 under chapters three hundred twenty-five (325) and three hundred
 10 twenty-seven (327) of the Code as motor vehicle truck operators are
 11 exempt from payment of the fees imposed under Acts of the Sixty-
 12 fifth General Assembly, 1973 Session, chapter two hundred seventy-
 13 six (276), section six (6), subsection three (3).]

1 SEC. 3. Acts of the Sixty-fifth General Assembly, 1973 Session,
 2 chapter two hundred seventy-six (276), section one (1), subsection
 3 three (3), is amended to read as follows:

4 3. "Grain dealer" shall mean any person who is engaged in the busi-
 5 ness of buying grain for resale. This shall not be construed to mean a
 6 person engaged in buying or selling grain on the board of trade or any
 7 person who sells purchased grain only in a registered feed.

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

4 Fort Dodge Messenger and Chronicle, a newspaper published in Fort
5 Dodge, Iowa.

*Approved June 3, 1974 except the item designated as that portion of Section 2, beginning with the entire seventh line to the conclusion of Section 2, all of which is herein bracketed by me in ink and initialed by me and which is delineated with my reasons in my item veto message to the Secretary of State this same date, a copy of which is attached hereto, which I hereby disapprove.

s/ ROBERT D. RAY, Governor

I hereby certify that the foregoing Act, Senate File 1286, was published in The Holstein Advance, Holstein, Iowa, June 13, 1974, and in the Fort Dodge Messenger and Chronicle, Fort Dodge, Iowa, June 10, 1974.

MELVIN D. SYNHORST, Secretary of State.

CHAPTER 1022

CONSERVATION COMMISSION

H. F. 1373

AN ACT to appropriate from the state fish and game protection fund for use by the state conservation commission.

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

1 SECTION 1. There is appropriated all funds in the state fish and
2 game protection fund for use by the state conservation commission
3 for the fiscal year beginning July 1, 1974 and ending June 30, 1975.
4 The following amount, or so much thereof as may be necessary, is
5 authorized to be expended from said fund to be used for the follow-
6 ing purposes, to wit:

7
8 1974-75
Fiscal Year

9 DIVISION OF FISH AND GAME

10 For salaries, support, maintenance, equipment and miscellaneous
11 purposes, including not more than fifteen thousand seven hundred fifty
12 (15,750) dollars for the fiscal year beginning July 1, 1974 which shall
13 be available from the state fish and game protection fund for the
14 administration fund in compliance with the provisions of section one
15 hundred seven point seventeen (107.17) of the Code:\$38,390

1 SEC. 2. Moneys appropriated under this Act shall be in addition to
2 those appropriated under Acts of the General Assembly, 1973 Session,
3 chapter thirty-nine (39). However, in all other respects the provisions
4 of the Acts of the Sixty-fifth General Assembly, 1973 Session, chapter
5 thirty-nine (39) shall apply to this Act.

Approved April 19, 1974

CHAPTER 1023

CONSERVATION COMMISSION FUNDS

H. F. 1374

AN ACT relating to the transfer of funds to the administration fund of the state conservation commission.

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

1 SECTION 1. In addition to funds transferred pursuant to the Acts
 2 of the Sixty-fifth General Assembly, 1973 Session, chapter thirty-eight
 3 (38), there shall be transferred to the administration fund of the state
 4 conservation commission in compliance with the provisions of section
 5 one hundred seven point seventeen (107.17) of the Code the following:
 6
 7

	1974-75 Fiscal Year
8 1. From the state conservation fund:	\$15,750
9 2. From the state fish and game protection fund:	15,750

1 SEC. 2. The provisions of the Acts of the Sixty-fifth General As-
 2 sembly, 1973 Session, chapter thirty-eight (38) shall, except as pro-
 3 vided in section one (1) of this Act, apply to the provisions of this
 4 Act.

Approved April 8, 1974

CHAPTER 1024

STATE CONSERVATION FUND

H. F. 1372

AN ACT to appropriate from the general fund of the state of Iowa for deposit in the state conservation fund.

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

1 SECTION 1. There is appropriated from the general fund of the
 2 state to the state conservation commission for the fiscal year July 1,
 3 1974 and ending June 30, 1975, the following amounts, or so much
 4 thereof as may be necessary, to be deposited in the state conservation
 5 fund and used for the following purpose, to wit:
 6
 7

	1974-75 Fiscal Year
8 DIVISION OF LANDS AND WATERS	
9 For salaries, support, maintenance and miscellaneous purposes of	
10 the division, maintenance of state parks, waters, and forests, prison	
11 labor programs and including not more than fifteen thousand seven	
12 hundred fifty (15,750) dollars for the fiscal year beginning July 1,	
13 1974 which shall be available for the administration fund in compli-	
14 ance with the provisions of section one hundred seven point seventeen	
15 (107.17) of the Code:	\$326,440

1 SEC. 2. Moneys appropriated under this Act shall be in addition
 2 to those appropriated under Acts of the Sixty-fifth General Assembly,
 3 1973 Session, chapter thirty-seven (37). However, in all other respects
 4 the provisions of the Acts of the Sixty-fifth General Assembly, 1973
 5 Session, chapter thirty-seven (37) shall apply to the provisions of this
 6 Act.

Approved April 8, 1974

CHAPTER 1025
 COURT ADMINISTRATOR
 S. F. 1282

AN ACT relating to the salary rate of the court administrator of the supreme court.

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

1 SECTION 1. Acts of the Sixty-fifth General Assembly, 1973 Ses-
 2 sion, chapter one (1), section one (1), subsection forty-eight (48),
 3 unnumbered paragraph four (4), is amended to read as follows:
 4 Salary of the court administrator of the supreme court not exceed-
 5 ing:\$15,500 ~~16,000~~ 22,000

Approved April 10, 1974

CHAPTER 1026
 CONSERVATION COMMISSION
 S. F. 1399

AN ACT to make an appropriation from the general fund of the state to the state con-
 servation commission for capital improvements.

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

1 SECTION 1. There is appropriated to the state conservation com-
 2 mission from the general fund of this state the sum of seven million
 3 nine hundred thousand (7,900,000) dollars or so much thereof as
 4 may be necessary, to be used for the purposes designated:
 5 1. PLEASANT CREEK
 6 For land acquisition, dam construction, and construction of recre-
 7 ational facilities\$1,450,000
 8 2. BIG CREEK
 9 For land acquisition, dam construction, and construction of recre-
 10 ational facilities 1,000,000
 11 3. VOLGA RIVER
 12 For general construction of the dam and related features 1,500,000
 13 4. BRUSHY CREEK
 14 For completion of land acquisition and dam construction.. 1,250,000
 15 5. RATHBUN LAKE
 16 Area land purchase 1,000,000

17 6. For miscellaneous capitals including the construction of a silt
 18 basin and other improvements at Millcreek State Park, emergency
 19 projects, inflationary costs, and special costs as listed in the state con-
 20 servation commission's budget document submitted to the Sixty-fifth
 21 General Assembly, 1974 Session 600,000
 22 7. For purposes specified in sections two (2) and three (3) of this
 23 Act.

1 SEC. 2. From funds appropriated by section one (1) of this Act,
 2 not exceeding five hundred thousand (500,000) dollars may be ex-
 3 pended for the acquisition of land from willing sellers, but not includ-
 4 ing abandoned railroad right of way, which would qualify under the
 5 following categories:

6 1. Significant river, lake, wetland, prairie, forest or other biologi-
 7 cally significant areas within the state.

8 2. Lands necessary to consolidate existing public ownership.

9 3. In-holdings including abandoned railroad right of way within
 10 existing public lands.

11 4. Lands required for the expansion of existing areas that will result
 12 in optimization of management for public recreation opportunities and
 13 for the provision of buffer areas to prevent encroachment or conflict-
 14 ing land uses with that on adjacent public lands.

15 5. Lands containing significant archaeological, historical or state
 16 preserve values.

17 The state conservation commission shall acquire by gift or purchase
 18 parcels of real property and the improvements thereon or the interest
 19 therein for purposes of carrying out the provisions of this section. Ac-
 20 quisition will follow established conservation commission policies and
 21 procedures for negotiated settlements.

1 SEC. 3. From funds appropriated by section one (1) of this Act,
 2 not less than five hundred thousand (500,000) dollars shall be set aside
 3 for use for dredging and an additional one hundred thousand
 4 (100,000) dollars shall be used to contract for an independent study
 5 of the feasibility and economics of dredging all lakes especially includ-
 6 ing Black Hawk Lake, Blue Lake, Silver Lake, and Five Island Lake.

1 SEC. 4. The state conservation commission, the governor, and the
 2 state comptroller may obtain and accept federal grants to the state to
 3 be used in connection with the funds appropriated by this Act.

1 SEC. 5. When the state conservation commission has approved a
 2 project to be financed with funds appropriated by this Act, a descrip-
 3 tion of the project and estimated cost shall be reported to the governor
 4 and the state comptroller.

1 SEC. 6. Upon completion of the contract documents and the deter-
 2 mination of the total cost of any project as set forth in this Act, any
 3 unobligated balance remaining may be used to supplement any current
 4 or prior appropriation for capital improvements.

1 SEC. 7. Funds appropriated by this Act shall not be used for the
 2 purchase, construction, or leasing of resort lodges. Unencumbered
 3 funds remaining as of June 30, 1977 shall revert to the general fund of
 4 the state on September 30, 1977.

Approved May 28, 1974

CHAPTER 1027

CONSERVATION COMMISSION

H. F. 1496

AN ACT making an appropriation to the state conservation commission for deposit in the state fish and game protection fund.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state to the state conservation commission for deposit in the state
3 fish and game protection fund, the sum of one million eight hundred
4 thousand (1,800,000) dollars, or so much thereof as may be necessary,
5 to be used for capital improvements for the Rathbun fish hatchery.
6 Funds appropriated by this Act shall be in addition to any other funds
7 appropriated to the state conservation commission and used for capital
8 improvements for the Rathbun fish hatchery.

1 SEC. 2. Funds appropriated by this Act shall revert in the manner
2 provided for capital expenditures in section eight point thirty-three
3 (8.33) of the Code.

1 SEC. 3. It is the intent of the general assembly in making the
2 appropriation provided in this Act to provide sufficient funds to com-
3 plete all phases of the Rathbun fish hatchery project.

Approved May 28, 1974

CHAPTER 1028

IOWA DEVELOPMENT COMMISSION

H. F. 1306

AN ACT making an appropriation from the general fund of the state to the Iowa development commission.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state for the fiscal year beginning July 1, 1974 and ending June 30,
3 1975, to the Iowa development commission, the following amount, or
4 so much thereof as may be necessary, to be used in the manner desig-
5 nated:

6	1. For the commission's per diem allowance	\$ 7,500
7	2. For the regional tourism districts	30,000
8	3. For the agriculture products promotion programs	163,300

1 SEC. 2. From funds appropriated by section one (1), subsection
2 two (2) of this Act the Iowa development commission shall allocate
3 the funds to the regional tourism districts only if the district which
4 will receive the funds provides on a dollar-to-dollar matching basis
5 funds equal to the amount allocated by the Iowa development commis-
6 sion.

1 SEC. 3. Unencumbered funds as of June 30, 1975 shall revert to the
2 general fund of the state as of September 30, 1975.

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

1 SEC. 5. Funds appropriated by this Act shall not be used for capi-
2 tal improvements.

1 SEC. 6. The intent of the general assembly in making this appro-
2 priation is to fund the special promotions as requested by the Iowa
3 development commission. The project development items are funded
4 by the priorities established pursuant to the Iowa development com-
5 mission budget request document, except that items eight, ten, eleven,
6 and twelve of the document are not funded. It is also the intent of the
7 general assembly that the export promotion program is not funded by
8 this Act.

Approved April 8, 1974

CHAPTER 1029

DISTRICT COURTS

S. F. 1334

AN ACT amending the appropriated funds to the district courts.

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

1 SECTION 1. Acts of the General Assembly, 1973 Session, chapter
2 four (4), section one (1), subsection two (2) is amended to read as
3 follows:

4 2. For expenses of judges, *including judicial magistrates*, in accord-
5 ance with section six hundred five point two (605.2) of the Code
6 including those designated by order of the chief justice to attend
7 judicial conferences, seminars or training sessions:

8\$120,350 \$120,450
9 220,350 220,450

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

Approved April 18, 1974

I hereby certify that the foregoing Act, Senate File 1334, was published in the Clinton Herald, Clinton, Iowa, April 24, 1974, and in the Onawa Democrat, Onawa, Iowa, April 25, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1030

EDUCATIONAL RADIO AND TELEVISION

S. F. 1368

AN ACT making an allocation to the department of general services for the use of the educational radio and television facility board.

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

1 SECTION 1. Notwithstanding the provisions of section eight point
2 fifteen (8.15) of the Code, there is allocated from funds appropriated
3 pursuant to subsection two (2) of section one (1) of Senate File one
4 thousand one hundred sixteen (1116), as enacted by the Sixty-fifth
5 General Assembly, 1974 Session, the amount of twenty thousand
6 (20,000) dollars to the department of general services for the use of
7 the educational radio and television facility board for the purpose of
8 executing a twenty-year lease of real estate upon which to erect a
9 channel thirty-six tower facility.

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

Approved May 2, 1974

I hereby certify that the foregoing Act, Senate File 1368, was published in the Storm Lake Pilot-Tribune, Storm Lake, Iowa, May 8, 1974, and in The Independent, Hawarden, Iowa, May 9, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1031

EDUCATIONAL RADIO AND TELEVISION APPROPRIATION

S. F. 1116

AN ACT making an appropriation to the department of general services for use of the educational radio and television facility board for the purpose of making capital improvements relative to transmitters and translators.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state to the department of general services for the use of the educa-
3 tional radio and television facility board, the following amounts or so
4 much thereof as may be necessary, for the purpose of purchasing land,
5 equipment, and other material necessary for capital improvements and
6 services necessary to provide educational radio and television com-
7 munications.
8 1. For the northwest area of the state\$639,200
9 2. For the southwest area of the state\$799,000
10 3. For the northeast central area of the state\$666,000
11 4. For the northwest central area of the state\$666,000

1 SEC. 2. The funds appropriated by this Act are in addition to
2 funds appropriated by the Acts of the Sixty-fourth General Assembly,
3 1972 Session, chapter one thousand fifteen (1015).

1 SEC. 3. The funds appropriated by subsections three (3) and four
2 (4) of section one (1) of this Act shall be available on July 1, 1974
3 only if federal matching funds for funds appropriated by the Acts of
4 the Sixty-fourth General Assembly, 1972 Session, chapter one thousand
5 fifteen (1015), section one (1), subsection three (3) are not available
6 on such date.

1 SEC. 4. There is appropriated from the general fund of the state
2 to the department of general services for the use of the educational
3 radio and television facility board, the sum of five hundred thousand
4 (500,000) dollars, or so much thereof as is necessary, for the instal-
5 lation of translators to aid in providing educational television coverage
6 throughout the state. The educational radio and television facility
7 board shall determine the manner that the funds appropriated by this
8 section shall be expended; however, a translator shall not be pur-
9 chased or installed until a transmitter is in complete operation and
10 there is a definite need for a translator to supplement that transmitter.
11 Unencumbered funds by this section shall revert to the general fund
12 of the state on August 31, 1976.

1 SEC. 5. Unencumbered funds appropriated by subsections one (1)
2 and two (2) of section one (1) of this Act shall revert to the general
3 fund of the state on June 30, 1976 and unencumbered funds appro-
4 priated by subsections three (3) and four (4) of section one (1) of
5 this Act shall revert to the general fund of the state on June 30, 1977.
6 In all other respects not provided for in this Act, the provisions of the
7 Acts of the Sixty-fourth General Assembly, 1972 Session, chapter one
8 thousand fifteen (1015), shall govern for funds appropriated by this
9 Act.

1 SEC. 6. Notwithstanding the provisions of the Acts of the Sixty-
2 fifth General Assembly, 1973 Session, chapter one hundred (100),
3 section six (6), not exceeding sixty-seven thousand (67,000) dollars
4 of funds appropriated for the 1973-74 fiscal year pursuant to subsec-
5 tion two (2) of the Acts of the Sixty-fifth General Assembly, 1973
6 Session, chapter one hundred (100), shall not revert on August 31,
7 1974 but shall be available for expenditure for the fiscal year com-
8 mencing July 1, 1974.

1 SEC. 7. It is the intent of the general assembly that funds appro-
2 priated pursuant to this Act are necessary for and shall be used to
3 complete the educational radio and television transmitter require-
4 ments in order to provide statewide coverage of educational radio and
5 television programming. The general assembly acknowledges that
6 translators may later be necessary to supplement the transmitters
7 provided for in this Act.

1 SEC. 8. This Act, being deemed of immediate importance, shall
2 take effect and be in force from and after its publication in the Council
3 Bluffs Nonpareil, a newspaper published in Council Bluffs, Iowa, and

4 in The Oelwein Daily Register, a newspaper published in Oelwein,
5 Iowa.

Approved March 4, 1974

I hereby certify that the foregoing Act, Senate File 1116, was published in the Council Bluffs Nonpareil, Council Bluffs, Iowa, March 8, 1974, and in The Oelwein Daily Register, Oelwein, Iowa, March 8, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1032

DIRECTOR OF EDUCATIONAL RADIO AND TELEVISION

S. F. 1289

AN ACT increasing the salary of the director of the educational radio and television facility board.

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

1 SECTION 1. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter one (1), section one (1), subsection sixteen (16), is amended
3 to read as follows:

4 16. EDUCATIONAL RADIO AND TELEVISION FACILITY BOARD.

5 Salary of the director not exceeding:\$20,000 ~~\$21,000~~ 24,000

Approved April 4, 1974

CHAPTER 1033

EDUCATIONAL RADIO AND TELEVISION

S. F. 597

AN ACT to appropriate funds from the general fund of the state to the department of general services for the educational radio and television facility board for the purchase of equipment.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state to the department of general services for the educational radio
3 and television facility board for the fiscal year beginning July 1, 1974
4 and ending June 30, 1975, the sum of one hundred thousand (100,000)
5 dollars, or so much thereof as may be necessary, to be used for the
6 acquisition of lighting equipment for studio production.

1 SEC. 2. Unencumbered or unobligated funds appropriated by this
2 Act remaining as of June 30, 1975 shall revert to the general fund of
3 the state on August 31, 1975.

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

Approved June 3, 1974

CHAPTER 1034

EMPLOYMENT SECURITY COMMISSION

S. F. 1359

AN ACT making a supplemental appropriation from the general fund to the Iowa employment security commission.

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

1 SECTION 1. Acts of the Sixty-fifth General Assembly, 1973 Ses-
2 sion, chapter twenty-one (21), section one (1), is amended to read as
3 follows:

4 Section 1. There is appropriated from the general fund of the
5 state for the fiscal biennium commencing July 1, 1973 and ending
6 June 30, 1975 to the Iowa employment security commission the follow-
7 ing amounts, or so much thereof as are necessary, to be used in the
8 manner designated:

	1973-74 Fiscal Year	1974-75 Fiscal Year
9		
10		
11		
12		
13		
14	\$100,880	\$100,970
15	\$104,235	\$109,325

For salaries, support, maintenance and miscellaneous purposes for
the administration of chapters ninety-seven (97) and ninety-seven C
(97C) and section two hundred ninety-four point fifteen (294.15) of
the Code:

1 SEC. 2. It is the intent of the general assembly that the supple-
2 mental appropriation provided for in section one (1) of this Act is to
3 be used to defer the cost of the increased workload and inflationary
4 trends incident to the administration of chapters ninety-seven (97)
5 and ninety-seven C (97C) of the Code and section two hundred ninety-
6 four point fifteen (294.15) of the Code.

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

Approved April 25, 1974

I hereby certify that the foregoing Act, Senate File 1359, was published in the Bettendor-
f News, Bettendorf, Iowa, May 2, 1974, and in the Ankeny Press-Citizen, Ankeny,
Iowa, May 2, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1035

ENVIRONMENTAL QUALITY

H. F. 1479

AN ACT to appropriate funds from the general fund of the state to the department of
environmental quality for the purpose of monitoring levels of sulfur oxide* emis-
sions from power generating plants.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state to the department of environmental quality for the biennium

*According to enrolled Act

3 beginning July 1, 1973 and ending June 30, 1975, the sum of one hun-
 4 dred thirty-three thousand (133,000) dollars, or so much thereof as
 5 may be necessary, to provide for the monitoring of sulfur oxide* emis-
 6 sions from power generating plants.

1 SEC. 2. It is the intent of the general assembly that the appro-
 2 priation made in section one (1) of this Act shall be used for the pur-
 3 chase of sulfur oxide* monitoring equipment and to pay the salaries,
 4 support, maintenance and miscellaneous expenses of monitoring power
 5 generating plants for sulfur oxide emissions.

1 SEC. 3. Unencumbered funds as of June 30, 1975 appropriated by
 2 this Act shall revert to the general fund of the state on September 30,
 3 1975.

1 SEC. 4. When any laws of this state are in conflict with this Act,
 2 the provisions of this Act shall govern for the biennium.

1 SEC. 5. This Act, being deemed of immediate importance, shall
 2 take effect and be in force from and after its publication in The Red
 3 Oak Express, a newspaper published in Red Oak, Iowa, and in the
 4 Hampton Chronicle, a newspaper published in Hampton, Iowa.

Approved May 2, 1974

I hereby certify that the foregoing Act, House File 1479, was published in The Red Oak Express, Red Oak, Iowa, May 6, 1974, and in the Hampton Chronicle, Hampton, Iowa, May 9, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

*According to enrolled Act

CHAPTER 1036

ENVIRONMENTAL QUALITY DEPARTMENT

S. F. 1312

AN ACT to make an appropriation from the general fund of the state to the department of environmental quality for the water supply program.

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

1 SECTION 1. There is appropriated from the general fund of the
 2 state to the department of environmental quality for the fiscal year
 3 commencing July 1, 1974, and ending June 30, 1975, the sum of thirty-
 4 one thousand (31,000) dollars, or so much thereof as may be necessary
 5 to be used for the salaries, support, maintenance and miscellaneous
 6 expenses of personnel for the water supply program.

Approved May 27, 1974

CHAPTER 1037

AGRICULTURAL SOCIETIES

S. F. 1385

AN ACT to make an allocation of state aid to certain county fairs or agricultural societies for premium awards.

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

1 SECTION 1. Notwithstanding the provisions of section one hundred
2 seventy-four point nine (174.9) of the Code, there is allocated from
3 funds appropriated pursuant to Acts of the Sixty-fifth General Assem-
4 bly, 1973 Session, chapter seventy-two (72), section one (1), subsec-
5 tion two (2), to any county or district fair or agricultural society
6 which failed to file the sworn statement required under section one
7 hundred seventy-four point nine (174.9) of the Code on or before
8 November 1, 1973, the amount of state aid which would have been paid
9 if such statement had been filed by the required date. Before any
10 allocation of state aid is made under this Act, the required sworn
11 statement shall be filed with the state fair board.

1 SEC. 2. This Act, being deemed of immediate importance, shall
2 take effect and be in force from and after its publication in the Adams
3 County Free Press, a newspaper published in Corning, Iowa, and in the
4 Allamakee Journal, a newspaper published in Lansing, Iowa.

Approved May 2, 1974

I hereby certify that the foregoing Act, Senate File 1385, was published in the Adams County Free Press, Corning, Iowa, May 9, 1974, and in the Allamakee Journal, Lansing, Iowa, May 8, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1038

STATE FAIR BOARD

H. F. 1475

AN ACT appropriating from the general fund to the Iowa state fair board for capital improvements.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state to the Iowa state fair board the sum of seven hundred fifty thou-
3 sand (750,000) dollars, or so much thereof as may be necessary, to be
4 used for the rebuilding and modernization of the electrical distribution
5 system and the electrical wiring at the fairgrounds and the fair-
6 grounds facilities.

1 SEC. 2. Before any of the funds appropriated by this Act shall be
2 expended it shall be determined by the Iowa state fair board, with the
3 approval of the comptroller and the governor, that the expenditure
4 shall be for the best interest of the state.

1 SEC. 3. Where any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern.

1 SEC. 4. Any unencumbered or unobligated balances of appropria-
2 tions made by this Act remaining on June 30, 1977 shall revert to the
3 general fund of the state on September 30, 1977.

Approved May 27, 1974

CHAPTER 1039

CAPITOL BUILDING REPAIRS

H. F. 1174

AN ACT to make an appropriation from the general fund of the state to the department of general services for capital improvements to the capitol building.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state for the fiscal year beginning July 1, 1974 and ending June 30,
3 1975, to the division of public buildings and grounds of the depart-
4 ment of general services the sum of five hundred thousand (500,000)
5 dollars, or so much thereof as may be necessary, to be used for restor-
6 ing and reconstructing the exterior masonry and the exterior steps
7 of the state capitol building.

1 SEC. 2. Any unencumbered balance of funds appropriated by this
2 Act remaining as of June 30, 1975, shall revert to the general fund of
3 the state on September 30, 1975.

1 SEC. 3. It is the intent of the general assembly that funds appro-
2 priated pursuant to this Act shall be used to restore and reconstruct
3 the exterior of the capitol building to complete all phases of such proj-
4 ect including architect fees and including, but not necessarily limited
5 to, tuckpointing, caulking, waterproofing, painting, limited sandblast-
6 ing, repair of cornices, and reconstruction of steps on all sides of the
7 state capitol building. Worn sandstone entrances are to be replaced
8 with granite. This appropriation also allows for the salary of one
9 inspector to supervise this project.

1 SEC. 4. This Act, being deemed of immediate importance, shall
2 take effect and be in force from and after its publication in the Bettendor-
3 f News, a newspaper published in Bettendorf, Iowa, and in The
4 Logan Herald-Observer, a newspaper published in Logan, Iowa.

Approved March 29, 1974

I hereby certify that the foregoing Act, House File 1174, was published in the Bettendorf News, Bettendorf, Iowa, April 4, 1974, and in The Logan Herald-Observer, Logan, Iowa, April 4, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1040

STATE GEOLOGIST

S. F. 1283

AN ACT relating to the salary rate of the state geologist.

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

1 SECTION 1. Acts of the Sixty-fifth General Assembly, 1973 Ses-
 2 sion, chapter one (1), section one (1), subsection twenty-three (23),
 3 is amended to read as follows:

4 23. OFFICE OF THE STATE GEOLOGIST.

5 Salary of the state geologist not exceeding:

6\$21,500 22,400 26,400

Approved April 18, 1974

CHAPTER 1041

HEALTH DEPARTMENT

H. F. 1304

AN ACT amending the appropriation Act for the state department of health as it relates to the emergency medical service revolving fund.

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

1 SECTION 1. Acts of the Sixty-fifth General Assembly, 1973 Ses-
 2 sion, chapter sixty-five (65), section four (4), is amended to read as
 3 follows:

4 Sec. 4. Notwithstanding the provisions of section eight point
 5 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
 6 ances of appropriations made by this Act for the first fiscal year of the
 7 biennium commencing July 1, 1973 *except funds appropriated by*
 8 *paragraph b of subsection seven (7) of section one (1) of this Act,*
 9 shall, on August 31, 1974, revert to the state treasury and to the credit
 10 of the fund from which appropriated. In all other respects the pro-
 11 visions of section eight point thirty-three (8.33) of the Code shall
 12 apply to appropriations made for the first fiscal year of such biennium.
 13 Unencumbered or unobligated balances of appropriations made for
 14 the second fiscal year of such biennium shall be subject to section eight
 15 point thirty-three (8.33) of the Code. *Funds appropriated by para-*
 16 *graph b of subsection seven (7) of section one (1) of this Act shall not*
 17 *revert to the general fund of the state until September 30, 1975 and*
 18 *may be expended during the fiscal year commencing July 1, 1974.*

Approved April 25, 1974

CHAPTER 1042

NEW MATERIALS LABORATORY

S. F. 1324

AN ACT making an appropriation from the primary road fund to the state highway commission for construction of a new materials laboratory.

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

1 SECTION 1. There is appropriated from the primary road fund to
2 the state highway commission the sum of three million (3,000,000)
3 dollars, or so much thereof as may be necessary, to be used for the
4 construction of a new materials laboratory.

1 SEC. 2. The state highway commission is authorized to obtain and
2 accept any federal grants and funds to the state to be used in connec-
3 tion with the funds appropriated by this Act.

1 SEC. 3. Any unencumbered balance remaining as of June 30, 1977
2 of the appropriation made by this Act shall revert to the primary road
3 fund.

1 SEC. 4. It is the intent of the general assembly that the funds
2 appropriated pursuant to this Act shall be used for the purpose of
3 constructing a new materials laboratory. The materials laboratory is
4 to be located on the real property presently occupied by the state high-
5 way commission at Ames, Iowa. The materials laboratory is to contain
6 approximately 65,000 square feet and will be located in such a manner
7 that each of the two floors will have a ground level entrance.

Approved May 10, 1974

CHAPTER 1043

HIGHWAY COMMISSION EMPLOYEES

S. F. 1285

AN ACT making an appropriation to establish a cost of living salary increase for employees of the state highway commission.

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

1 SECTION 1. There is appropriated from the primary road fund of
2 the state to the state highway commission for the fiscal year beginning
3 July 1, 1974 and ending June 30, 1975, the following amount, or so
4 much thereof as may be necessary, to be used for the following pur-
5 poses:

6 To supplement the appropriations to the state highway commission
7 in order to implement an adjustment to the June 30, 1974 pay plans as
8 provided in state highway commission appropriations for the fiscal
9 year beginning July 1, 1974 and ending June 30, 1975 and in accord-
10 ance with section two (2) of this Act\$ 3,700,000

1 SEC. 2. The salary schedule for employees of the state highway
 2 commission subject to the merit system, and the executive council
 3 exempt pay plan, provided for in section nineteen A point nine
 4 (19A.9), subsection two (2) of the Code, in effect July 1, 1973, shall
 5 be increased by seven point five percent rounded to the nearest dollar
 6 amount divisible by twenty-four. This section shall not apply to the
 7 director of highways or to the members of the state highway com-
 8 mission.

Approved May 9, 1974

CHAPTER 1044

HIGHWAY COMMISSION

H. F. 1425

AN ACT to make an appropriation from the primary road fund to the state highway commission for the support, maintenance and miscellaneous expenses of planning, development and field operation activities and relating to the posting of informational signs.

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

1 SECTION 1. Acts of the Sixty-fifth General Assembly, 1973 Session,
 2 chapter one hundred two (102), section one (1), subsections three
 3 (3), four (4), five (5), six (6) and twelve (12), are amended to read
 4 as follows:

5	3. PLANNING:		
6	Salaries including longevity:		
7	.....\$ 2,225,799	\$ 2,288,910	
8	Support, maintenance and miscellaneous purposes:		
9	.....\$ 581,968	\$ 590,597	890,597
10	Total planning:		
11	.....\$ 2,807,767	\$ 2,879,507	3,179,507
12	4. HEADQUARTERS OPERATION:		
13	Salaries including longevity:		
14	.....\$ 2,702,338	\$ 2,797,347	
15	Support, maintenance and miscellaneous purposes:		
16	.....\$ 418,051	\$ 426,660	
17	Total headquarters operation:		
18	.....\$ 3,120,389	\$ 3,224,007	
19	Total administration, finance and support services, planning and		
20	headquarters operations:		
21	.....\$11,834,764	\$12,140,792	12,440,792
22	5. DEVELOPMENT:		
23	Salaries including longevity:		
24	.....\$ 6,074,910	\$ 6,278,109	
25	Support, maintenance and miscellaneous purposes:		
26	.....\$ 1,867,048	\$ 1,862,225	3,702,225
27	Total development:		
28	.....\$ 7,941,958	\$ 8,140,334	9,980,334

29	6. FIELD OPERATIONS:			
30	Salaries including longevity: -----			
31	-----	\$30,801,399		\$31,838,495
32	Support, maintenance and miscellaneous purposes: -----			
33	-----	\$12,254,056	13,792,056	\$12,325,585 14,550,585
34	Total field operations: -----			
35	-----	\$43,055,455	44,593,455	\$44,164,080 46,389,080
36	12. HIGHWAY BEAUTIFICATION FUND:			
37	To be used under provisions of chapter three hundred six C (306C)			
38	of the Code: -----	\$ —0—		\$ 454,300
39	Grand total of funds appropriated by this Act: -----			
40	-----	\$65,212,177	66,750,177	\$66,609,506 70,974,506

1 SEC. 2. It is the intent of the general assembly that the funds
2 appropriated under this Act shall be used for the following purposes:

3 1. The supplemental support appropriations for planning and devel-
4 opment are to purchase additional contract planning and design serv-
5 ices. These funds will enable the state highway commission to main-
6 tain its present production schedule for construction projects cur-
7 rently funded in the present five-year program.

8 2. The supplemental support appropriations for field operation is
9 to offset the inflationary effect for increased cost of materials and
10 supplies.

11 3. This appropriation contains a sufficient amount to enable the
12 state highway commission to fund and support seven additional traffic-
13 weight officers but is not to be used to increase the present established
14 positions.

1 SEC. 3. Section three hundred six C point eleven (306C.11), sub-
2 section five (5), Code 1973, as amended by Acts of the Sixty-fifth
3 General Assembly, 1973 Session, chapter two hundred one (201), sec-
4 tion two (2), is amended to read as follows:

5 5. Signs, displays, and devices giving specific information of inter-
6 est to the traveling public, shall be erected by the commission and
7 maintained within the right of way in such areas, and at appropriate
8 distances from interchanges on the interstate system and freeway
9 primary highways as shall conform with the rules promulgated by
10 the commission. Such rules shall be consistent with national stand-
11 ards promulgated from time to time by the appropriate authority of
12 the federal government pursuant to Title 23, section 131, paragraph
13 "f" of the United States Code, *except as provided in this section*. For
14 purposes of this division, "specific information of interest to the trav-
15 eling public" means only information about public places for outdoor
16 recreation, camping, lodging, eating, and ~~gas~~ motor fuel and associated
17 services which means the business shall be in continuous operation
18 sixteen hours per day, seven days per week, with telephones and rest-
19 room facilities, motor fuel, oil, and water, including trade names.

1 SEC. 4. Section three hundred six C point eleven (306C.11), un-
2 numbered paragraph two (2), Code 1973, is amended to read as fol-
3 lows:

4 Commercial vendors using informational signs shall furnish and
5 maintain informational panels to the commission and the commercial
6 vendor shall pay an annual fee of twenty-five dollars for each infor-

7 mational panel to the commission for posting such informational
 8 panels. Upon furnishing the informational panels to the commission
 9 and payment of the annual twenty-five dollar fee, the commission shall
 10 post the informational panels and the commercial vendor shall not be
 11 required to remove any advertising device, except any advertising
 12 device which was unlawfully erected in violation of sections three
 13 hundred six C point eleven (306C.11) or three hundred six C point
 14 thirteen (306C.13) of the Code, as a condition precedent to the posting
 15 of such informational panels by the commission. There is created in
 16 the office of the treasurer of state a fund to be known as the "highway
 17 beautification fund" and all funds received for the posting of informa-
 18 tional panels shall be deposited in the "highway beautification fund".
 19 Information on ~~gas~~ motor fuel and associated services may include
 20 vehicle service and repair where the same is available.

1 SEC. 5. It is the intent of the General Assembly that the Highway
 2 Commission participate in the federal program which allows federal
 3 funds to be used for the purpose of constructing and maintaining
 4 trails for use by hikers and bikers.

1 SEC. 6. This Act, being deemed of immediate importance, shall
 2 take effect and be in force from and after its publication in The Toledo
 3 Chronicle, a newspaper published in Toledo, Iowa, and in the Cedar
 4 Valley Times, a newspaper published in Vinton, Iowa.

Approved June 3, 1974

I hereby certify that the foregoing Act, House File 1425, was published in The Toledo Chronicle, Toledo, Iowa, June 12, 1974, and in the Cedar Valley Times, Vinton, Iowa, June 7, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1045

HISTORICAL DEPARTMENT

H. F. 1504

AN ACT setting the salary rate for directors of divisions of the state historical department and to make an appropriation.

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

1 SECTION 1. Acts of the Sixty-fifth General Assembly, 1973 Session,
 2 chapter one (1), section one (1), is amended by striking subsection
 3 twenty-seven (27) and inserting in lieu thereof the following:

4	27. STATE HISTORICAL DEPARTMENT	
5	Salary of the director of the division of the state historical society	
6	-----	\$12,500 \$22,500
7	Salary of the director of the division of historic preservation	-----
8	-----	\$14,000
9	Salary of the director of the division of historical museum and ar-	
10	chives	-----
		\$13,000 \$16,000

1 SEC. 2. The state historical society shall on June 30, 1974 transfer
2 the sum of ten thousand (10,000) dollars from funds available to it to
3 the general fund of the state.

1 SEC. 3. There is appropriated from the general fund of the state
2 to the state historical department for the fiscal year commencing July
3 1, 1974 and ending June 30, 1975, the sum of ten thousand (10,000)
4 dollars to be used to supplement the salary of the director of the divi-
5 sion of the state historical society.

1 SEC. 4. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter one (1), section one (1), is amended by striking subsection
3 twenty-eight (28).

Approved May 27, 1974

CHAPTER 1046

HISTORICAL SOCIETY

S. F. 1325

AN ACT appropriating from the general fund of the state to the state historical society for capital improvements of state historical sites and for the planning and study of a new historical site.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state for the fiscal year beginning July 1, 1974 and ending June 30,
3 1975, for the state historical society for improvement of existing facil-
4 ities and historical sites and for the planning and study of a new his-
5 torical site, the sum of fifty-five thousand (55,000) dollars, or so much
6 thereof as may be necessary, to be used for capital improvements and
7 planning and study of a new historical site at the following location
8 and historical sites:

9	1. Gardner Log Cabin	\$21,000.00
10	2. Centennial Building	\$25,000.00
11	3. Toolsboro Museum	\$ 4,000.00
12	4. The vicinity of Andrew, Iowa	
13	For the planning and study of a memorial to Ansel Briggs, the first	
14	governor of Iowa	\$ 2,500.00

1 * [SEC. 2. Any unobligated balance remaining after any of the spe-
2 cific projects included in this section are completed may be used to
3 supplement the amount available for any other project financed by this
4 Act.]

1 SEC. 3. The state historical society, the governor, and the state
2 comptroller are authorized to obtain and accept federal grants or funds
3 to the state to be used in connection with the funds appropriated by
4 this Act.

1 SEC. 4. The state historical society may obtain any options to pur-
2 chase any real property it deems necessary to implement any plans it
3 may develop for a memorial to Ansel Briggs.

1 SEC. 5. Any unencumbered balance of the funds appropriated by
2 section one (1) of this Act remaining as of June 30, 1975 shall revert
3 to the general fund of the state as of September 30, 1975.

1 SEC. 6. When any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

*Approved June 3, 1974 except the item designated as Section 2 herein which is delineated with my reasons in my veto message to the Secretary of State this same date, a copy of which is attached hereto, which I hereby disapprove.

s/ ROBERT D. RAY, *Governor*

CHAPTER 1047

STATE HISTORICAL SOCIETY

S. F. 1326

AN ACT to make an appropriation from the general fund of the state to the state historical society.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state to the state historical society for the fiscal year beginning July 1,
3 1974 and ending June 30, 1975, the sum of thirty-seven thousand
4 (37,000) dollars, or so much thereof as may be necessary, to be used
5 for the following purposes:

6	1. For comprehensive microfilming of newspapers	\$25,000
7	2. For the salary of a manuscript curator	12,000
8		\$37,000

1 SEC. 2. Moneys appropriated by this Act shall not be used for capi-
2 tal improvements.

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

1 SEC. 4. Unencumbered funds appropriated by this Act as of June
2 30, 1975 shall revert to the general fund of the state on September 30,
3 1975.

Approved April 15, 1974

CHAPTER 1048

I.P.E.R.S. APPROPRIATION

S. F. 1344

AN ACT to make an appropriation from the Iowa public employees' retirement system fund to the employment security commission for additional costs of the administration of the Iowa public employees' retirement system.

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

1 SECTION 1. Acts of the Sixty-fifth General Assembly, 1973 Ses-
 2 sion, chapter fifty-two (52), section one (1), is amended to read as
 3 follows:

4 Section 1. There is appropriated from the Iowa public employees'
 5 retirement system fund for each fiscal year of the biennium beginning
 6 July 1, 1973 and ending June 30, 1975 for the employment security
 7 commission, the following amounts, or so much thereof as may be
 8 necessary, to be used for the following purposes:

	1973-74	1974-75
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
11 For salaries, support, maintenance, and miscellaneous purposes to		
12 pay the costs of the administration of the Iowa public employees' re-		
13 tirement system.	\$613,000	\$630,090
14	<i>666,122</i>	<i>813,937</i>

1 SEC. 2. Funds appropriated by this Act which represent an in-
 2 crease to funds appropriated by the Acts of the Sixty-fifth General
 3 Assembly, 1973 Session, chapter fifty-two (52), section one (1), shall
 4 be used as follows:

	1973-74	1974-75
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
7 1. For the purpose of engaging a professional investment manage-		
8 ment service to manage the bond assets of the Iowa public employees'		
9 retirement system.	\$ 30,000	\$100,000
10 2. For the purpose of meeting the increased workload and inflation-		
11 ary effect on the costs of the administration of the Iowa public em-		
12 ployees' retirement system.	\$ 23,122	\$ 83,847

1 SEC. 3. This Act, being deemed of immediate importance, shall
 2 take effect and be in force from and after its publication in The
 3 Southern County News, a newspaper published in Thornton, Iowa, and
 4 in the Lime Springs Herald, a newspaper published in Lime Springs,
 5 Iowa.

Approved May 2, 1974

I hereby certify that the foregoing Act, Senate File 1344, was published in The Southern County News, Thornton, Iowa, May 16, 1974, and in the Lime Springs Herald, Lime Springs, Iowa, May 9, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1049

AMUSEMENT PARK INSPECTION

S. F. 1165

AN ACT appropriating from the general fund of the state to the bureau of labor for amusement park inspection.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state for the fiscal year beginning July 1, 1974 and ending June 30,
3 1975 to the bureau of labor, the sum of fifty-two thousand sixty
4 (52,060) dollars, or so much thereof as may be necessary, to carry out
5 the provisions of chapter eighty-eight A (88A) of the Code.

1 SEC. 2. All federal grants to and the federal receipts of the bureau
2 of labor are appropriated for the purpose set forth in such federal
3 grants or receipts.

1 SEC. 3. No moneys appropriated by this Act shall be used for
2 capital improvements.

1 SEC. 4. Any unencumbered or unobligated balances of appropri-
2 ations made by this Act shall revert to the general fund of the state on
3 September 30, 1975.

1 SEC. 5. When any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

Approved March 29, 1974

CHAPTER 1050

LAW ENFORCEMENT ACADEMY

S. F. 1332

AN ACT making an appropriation from the general fund of the state to the Iowa law enforcement academy for the construction of a building.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state to the Iowa law enforcement academy the sum of nine hundred
3 fifty thousand (950,000) dollars, or so much thereof as may be neces-
4 sary, to be used for the construction of an addition to the Iowa law
5 enforcement academy.

1 SEC. 2. Fees for architectural services shall be paid only for those
2 services relating to the general contract for the actual construction of
3 a building. It is the intent of this section that no fees shall be paid for
4 architectural services relating to interior furniture, decorating, or
5 other things not a part of the building.

1 SEC. 3. The Iowa law enforcement academy is authorized to obtain
 2 and accept any federal grants and funds to the state to be used in con-
 3 nection with the funds appropriated by this Act.

1 SEC. 4. Any unencumbered balance remaining as of June 30, 1977
 2 of the appropriation made by this Act shall revert to the general fund.

1 SEC. 5. When the director of the Iowa law enforcement academy
 2 has approved a project to be financed with the funds authorized in this
 3 Act, a description of the said project and estimated cost shall be
 4 reported to the governor and state comptroller for allocation of funds.

1 SEC. 6. It is the intent of the general assembly that the funds
 2 appropriated pursuant to this Act shall be used for the purpose of
 3 planning, constructing and equipping dormitory, training and dietary
 4 facilities. This building, consisting of three stories, is to be an addi-
 5 tion to the present facility located on the real property at Camp Dodge.
 6 The addition is to contain approximately 38,600 square feet with a
 7 minimum of seventy-five percent of the net assignable floor space
 8 usable by the building occupants.

Approved April 18, 1974

CHAPTER 1051

LAW LIBRARY

S. F. 1327

AN ACT to make an appropriation from the general fund of the state to the Iowa state law library.

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

1 SECTION 1. Acts of the Sixty-fifth General Assembly, 1973 Ses-
 2 sion, chapter thirteen (13), section one (1), subsection one (1), is
 3 amended to read as follows:

4 1. IOWA STATE LAW LIBRARY
 5 For salaries, support, maintenance and miscellaneous purposes:
 6\$107,515 ~~\$115,616~~ 118,366

Approved April 15, 1974

CHAPTER 1052

LIBRARY COMMISSION

S. F. 1335

AN ACT making an appropriation to the state library commission for the purposes of substituting for or replacing federal funds which may not become available to the state.

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

1 SECTION 1. There is appropriated, subject to the conditions of this
2 Act, from the general fund of the state for the fiscal year beginning
3 July 1, 1974 and ending June 30, 1975 for the state library commis-
4 sion, the following amount, or so much thereof as may be necessary,
5 to be used as provided in this Act:

6 REGIONAL LIBRARY SYSTEM
7 For state aid:\$762,588

1 SEC. 2. 1. Federal funds received by the state library commission
2 shall be used first to carry out the specific purposes for which funds
3 may be granted as specified by the federal government.

4 2. If there remains additional federal funds after the use of federal
5 funds as provided in subsection one (1) of this section, such federal
6 funds shall be used to carry out the purposes for which funds were
7 appropriated for the fiscal year beginning July 1, 1974 pursuant to
8 the Acts of the Sixty-fifth General Assembly, 1973 Session, chapter
9 thirteen (13), section one (1), subsection three (3).

10 3. If after the use of federal funds as provided in subsections one
11 (1) and two (2) of this section, there remains additional federal
12 funds for use of the state library commission, funds appropriated by
13 section one (1) of this Act, shall revert to the general fund of the
14 state in an amount determined by subtracting from the dollar figure
15 contained in section one (1) of this Act, one dollar for each one dollar
16 received from the federal government and available to carry out the
17 purposes for which funds are appropriated by section one (1) of this
18 Act.

Approved April 18, 1974

CHAPTER 1053

STATE LIBRARIAN

S. F. 1281

AN ACT relating to the salary rate of the state librarian.

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

1 SECTION 1. Acts of the Sixty-fifth General Assembly, 1973 Ses-
2 sion, chapter one (1), section one (1), subsection thirty-three (33), is
3 amended to read as follows:

4 33. IOWA STATE TRAVELING LIBRARY DEPARTMENT.
5 Salary of the ~~director~~ state librarian not exceeding:
6\$15,800 16,500 18,500

Approved April 10, 1974

CHAPTER 1054

STATE LIBRARIES

H. F. 1444

AN ACT relating to reversions of appropriations made for state libraries and providing a supplemental appropriation.

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

1 SECTION 1. Acts of the Sixty-fifth General Assembly, 1973 Ses-
2 sion, chapter thirteen (13), is amended by adding the following sec-
3 tion:

4 Sec. 6. 1. From funds appropriated by subsection three (3) of
5 section one (1) of this Act for the fiscal year beginning July 1, 1973
6 and ending June 30, 1974 there shall be reverted to the general fund
7 of the state the sum of two hundred eighty-one thousand three hun-
8 dred thirty-four (281,334) dollars.

9 2. If federal funds are received by the state library commission to
10 be used for the purposes for which funds were appropriated pursuant
11 to subsection three (3) of section one (1) of this Act for the fiscal
12 year beginning July 1, 1974 and ending June 30, 1975, funds in the
13 amount of two hundred eighty-six thousand five hundred seven
14 (286,507) dollars which were appropriated by subsection three (3)
15 of section one (1) of this Act shall revert to the general fund of the
16 state following the receipt of such federal funds.

1 SEC. 2. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter thirteen (13), is amended by adding the following section:

3 Sec. 7. **Statement of intent.** It is the intent of the general assem-
4 bly that funds appropriated pursuant to subsection three (3) of section
5 one (1) of this Act for the fiscal year beginning July 1, 1973 shall be
6 reduced by two hundred eighty-one thousand three hundred thirty-
7 four (281,334) dollars, which amount represents federal funds received
8 for such fiscal year. It is also the intent of the general assembly that
9 funds appropriated for the fiscal year beginning July 1, 1974 pursuant
10 to subsection three (3) of section one (1) of this Act shall be reduced
11 by two hundred eighty-six thousand five hundred seven (286,507)
12 dollars, if federal funds become available to carry out the purposes for
13 which funds were appropriated pursuant to subsection three (3) of
14 section one (1) of this Act.

1 SEC. 3. 1. There is appropriated from the general fund of the
2 state to the state library commission for the fiscal year beginning
3 July 1, 1974 and ending June 30, 1975, the sum of twenty-five thou-
4 sand (25,000) dollars, or so much thereof as may be necessary, to be
5 used for purposes set out in section eleven (11), subsection four (4),
6 chapter two hundred (200), Acts of the Sixty-fifth General Assembly,
7 1973 Session.

8 2. Any unencumbered balance of funds appropriated by subsection
9 one (1) of this section remaining on June 30, 1975, shall revert to the
10 general fund of the state on September 30, 1975.

1 SEC. 4. This Act, being deemed of immediate importance, shall
2 take effect and be in force from and after its publication in the Iowa

- 3 City Press-Citizen, a newspaper published in Iowa City, Iowa, and in
4 The Denison Bulletin, a newspaper published in Denison, Iowa.

Approved April 19, 1974

I hereby certify that the foregoing Act, House File 1444, was published in the Iowa City Press-Citizen, Iowa City, Iowa, April 27, 1974, and in The Denison Bulletin, Denison, Iowa, April 23, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1055

NATURAL RESOURCES COUNCIL

S. F. 1367

AN ACT to make an appropriation from the general fund of the state to Iowa natural resources council for the development of water management plans.

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

1 SECTION 1. Acts of the Sixty-fifth General Assembly, 1973 Ses-
2 sion, chapter thirty-five (35), section one (1), subsection two (2), is
3 amended to read as follows:

4 2. NATURAL RESOURCES COUNCIL, IOWA

5 For salaries, support, maintenance and miscellaneous purposes
6\$278,336 \$287,068 329,068

1 SEC. 2. It is the intention of the general assembly that funds ap-
2 propriated under this Act which are an increase to funds appropriated
3 by Acts of the Sixty-fifth General Assembly, 1973 Session, chapter
4 thirty-five (35), section one (1), subsection two (2), shall be used to
5 accelerate completion of water management plans for water supply,
6 water quality control, agricultural crop production and related uses,
7 flood plain occupancy and management, water oriented recreation, fish
8 and wildlife resources, navigation, and energy production.

1 SEC. 3. The Iowa natural resources council shall submit a report on
2 the progress toward the preparation of the water management plans
3 to the chairmen of the committees on appropriations not later than
4 December 1, 1974.

Approved May 2, 1974

CHAPTER 1056

IOWA SOLDIERS HOME

H. F. 1204

AN ACT amending an appropriation for the construction of a nursing care facility at the Iowa soldiers home.

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

1 SECTION 1. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter one hundred eight (108), section one (1), is amended to read
3 as follows:

4 Section 1. There is appropriated to the department of social ser-
5 vices from the general fund of the state the sum of ~~two million two~~
6 ~~hundred thousand (2,200,000)~~ *four million one hundred thousand*
7 *(4,100,000)* dollars, or so much thereof as may be necessary, to be
8 applied to the cost of constructing at the Iowa soldiers home a ~~one-~~
9 ~~hundred eighty~~ *three-hundred-sixty* bed nursing care facility, and the
10 necessary preparation of the site for the nursing care facility. The
11 funds appropriated to the department by this Act shall be used only
12 to match federal funds which are or may become available to pay a
13 portion of the cost of constructing the nursing care facility authorized
14 by this Act.

1 SEC. 2. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter one hundred eight (108), is amended by adding the following
3 new sections:

4 Sec. 4. The director of the department of social services, the comp-
5 troller and the governor may accept federal funds for the construction
6 of a nursing care facility at the Iowa soldiers home. Funds appropri-
7 ated by this Act may only be used to match federal funds.

8 Sec. 5. It is the intent of the general assembly that the funds ap-
9 propriated by this Act are sufficient to prepare the site and construct
10 a three-hundred-sixty bed nursing facility at the Iowa soldiers home.

Approved May 28, 1974

CHAPTER 1057

AGRICULTURAL BUILDING

H. F. 1029

AN ACT appropriating funds for the construction of a state agricultural building.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state the sum of seven million eight hundred thousand (7,800,000) dol-
3 lars, or so much thereof as may be necessary, to the department of gen-
4 eral services for the construction of a state agricultural building.

1 SEC. 2. The state agricultural building shall be constructed pursu-
 2 ant to plans developed as provided in the Acts of the Sixty-fifth Gen-
 3 eral Assembly, 1973 Session, chapter ninety-seven (97) and in the
 4 manner directed by the capitol planning commission. The capitol plan-
 5 ning commission shall make periodic reports to the legislative council
 6 regarding the construction of the state agricultural building.

1 SEC. 3. Fees for architectural services shall be paid only for those
 2 services relating to the general contract for the actual construction of
 3 the state agricultural building. It is the intent of this section that no
 4 fees shall be paid for architectural services relating to interior furni-
 5 ture, decorating, or other things not a part of the state agricultural
 6 building.

1 SEC. 4. The total estimated cost of the fine arts elements included
 2 in the plans and specifications for the construction of the state agri-
 3 cultural building shall be not less than thirty-nine thousand (39,000)
 4 dollars or one-half of one percent of the total appropriation for such
 5 construction.

1 SEC. 5. As used in this Act, "fine arts" means sculpture, fountains,
 2 bas-reliefs, mosaics, frescoes, wall hangings, pictures or other enhance-
 3 ments to be integrated into the total environment of such construction.
 4 Fine arts does not include the incidental ornamental detail or func-
 5 tional structural elements or hardware and other accessories.

1 SEC. 6. The department of general services and the capitol plan-
 2 ning commission shall coordinate with the Iowa arts council on matters
 3 relating to the inclusion of fine arts authorized by this Act.

1 SEC. 7. The governor, the director of the department of general
 2 services, the capitol planning commission, or the state comptroller are
 3 authorized to obtain and accept federal funds available for use in con-
 4 structing the state agricultural building.

Approved May 28, 1974

CHAPTER 1058

STATE OFFICE BUILDING

H. F. 1016

AN ACT relating to the appropriation for the construction of a state office building.

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

1 SECTION 1. Acts of the Sixty-fifth General Assembly, 1973 Session,
 2 chapter ninety-seven (97), section one (1), subsection three (3), is
 3 amended to read as follows:

4 3. For the department of general services for the financing and con-
 5 struction of a state office building in accordance with the plans devel-
 6 oped under the provisions of this Act\$5,000,000 12,500,000.

1 SEC. 2. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter ninety-seven (97), section eight (8), is amended to read as
3 follows:

4 Sec. 8. Any unobligated balance of funds as of June 30, ~~1974~~ 1975
5 appropriated by subsections one (1) and two (2) of section one (1) of
6 this Act shall revert to the credit of the general fund on August 31,
7 ~~1974~~ 1975. ~~Unobligated or unexpended funds appropriated by subsec-~~
8 ~~tion three (3) of section one (1) of this Act shall not revert to the~~
9 ~~credit of the general fund but shall be held in trust for use in the~~
10 ~~construction of the agricultural building.~~

1 SEC. 3. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter ninety-seven (97), is amended by adding the following new
3 sections:

4 Sec. 9. The total estimated cost of the fine arts elements included
5 in the plans and specifications for the capital improvements author-
6 ized by this Act shall be not less than sixty thousand (60,000) dollars
7 or one-half of one percent of the total appropriation for such construc-
8 tion.

9 Sec. 10. As used in this Act, "fine arts" means sculpture, foun-
10 tains, bas-reliefs, mosaics, frescoes, wall hangings, pictures or other
11 enhancements to be integrated into the total environment of such con-
12 struction. Fine arts does not include the incidental ornamental detail
13 of functional structural elements or hardware and other accessories.

14 Sec. 11. The department of general services shall coordinate with
15 the Iowa arts council on matters relating to the inclusion of works of
16 fine arts authorized by this Act.

Approved May 28, 1974

CHAPTER 1059

OSTEOPATHIC PHYSICIANS

H. F. 1501

AN ACT appropriating from the general fund of the state to the executive council for aid in educating certain Iowa residents or Iowa high school graduates to become osteopathic physicians.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state for the fiscal year beginning July 1, 1974 and ending June 30,
3 1975 to the executive council, the sum of four hundred thousand
4 (400,000) dollars, or so much thereof as may be necessary, to provide a
5 subvention for the college of osteopathic medicine and surgery of Des
6 Moines, Iowa.

1 SEC. 2. The total amount of funds appropriated under section one
2 (1) of this Act shall be paid if thirty percent of the members of the
3 new academic class enrolling in 1974 have been residents of Iowa for
4 twelve months prior to the time the class commences its academic year,

5 or are persons who have graduated from a high school located in Iowa,
 6 or in which thirty percent of the members of the class are persons who
 7 meet either qualification. In the event the new academic class enroll-
 8 ing in 1974 does not meet the thirty percent qualification, the amount
 9 to be paid under section one (1) shall be reduced by ten thousand dol-
 10 lars for each class member under the required percentage.

11 The executive council shall determine enrollment numbers before
 12 funds are released under this Act. The college of osteopathic medi-
 13 cine and surgery of Des Moines, Iowa, shall prepare and certify to the
 14 executive council and the state comptroller a list of the enrollees on
 15 October 1, 1974 who are qualified Iowa residents or persons who have
 16 graduated from an Iowa high school. Before funds are released under
 17 this Act, the curriculum and program of the college of osteopathic
 18 medicine and surgery shall meet the standards of the American Osteo-
 19 pathic Association.

1 SEC. 3. Funds not expended under this Act shall revert to the gen-
 2 eral fund of the state on September 30, 1975.

1 SEC. 4. It is the intent of the general assembly in making the
 2 appropriation pursuant to this Act that the funds available under the
 3 provisions of this Act shall be a subvention for the college of osteo-
 4 pathic medicine and surgery of Des Moines, Iowa for the college's
 5 participation in training medical practitioners for the state of Iowa.

Approved May 29, 1974

CHAPTER 1060

PHYSICAL THERAPY EXAMINERS

S. F. 1364

AN ACT making an increased appropriation from moneys received by the board of physical therapy examiners fund to the state board of physical therapy examiners.

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

1 SECTION 1. Acts of the Sixty-fifth General Assembly, 1973 Ses-
 2 sion, chapter sixty-nine (69), section one (1), subsection eight (8), is
 3 amended to read as follows:

4 8. State board of physical therapy examiners fund—section one
 5 hundred forty-seven point one hundred fifteen (147.115) of the Code:

6 For salaries, support, maintenance, equipment and miscellaneous		
7 purposes	\$2,630	\$2,690
8	3,880	

1 SEC. 2. It is the intent of the General Assembly that the increased
 2 appropriation made by this Act is to be used to defray the additional
 3 examination expense incurred by the board of physical therapy exam-
 4 iners as a result of the unusually large number of applicants taking
 5 the physical therapy examination in the year 1974.

1 SEC. 3. This Act, being deemed of immediate importance, shall
 2 take effect and be in force from and after its publication in the Hamp-
 3 ton Times, a newspaper published in Hampton, Iowa, and in the
 4 Waterloo Daily Courier, a newspaper published in Waterloo, Iowa.

Approved May 2, 1974

I hereby certify that the foregoing Act, Senate File 1364, was published in the Hamp-
 ton Times, Hampton, Iowa, May 7, 1974, and in the Waterloo Daily Courier, Waterloo,
 Iowa, May 7, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1061

PUBLIC EMPLOYMENT RELATIONS

S. F. 544

AN ACT to appropriate funds from the general fund to the public employment relations board.

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

1 SECTION 1. There is appropriated from the general fund of the
 2 state to the public employment relations board for the fiscal year be-
 3 ginning July 1, 1974 and ending June 30, 1975 the sum of one hundred
 4 twenty-one thousand two hundred (121,200) dollars, or so much
 5 thereof as is necessary, to be used for salaries, support, maintenance
 6 and miscellaneous purposes.

1 SEC. 2. Unencumbered funds remaining as of June 30, 1975 shall
 2 revert to the general fund of the state as of September 30, 1975.

1 SEC. 3. No moneys appropriated by this Act shall be used for capi-
 2 tal improvements.

1 SEC. 4. When any of the laws of this state are in conflict with this
 2 Act, the provisions of this Act shall govern for the biennium.

Approved May 10, 1974

CHAPTER 1062

PUBLIC SAFETY DEPARTMENT

S. F. 1331

AN ACT making an appropriation to the department of public safety for construction of three public safety district office headquarters.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state, to the department of public safety, the following amount, or
3 so much thereof as may be necessary, to be used for the following pur-
4 pose:

5 For construction of three department of public safety district office
6 headquarters\$360,000

1 SEC. 2. The department of public safety may obtain and accept
2 any federal grants and funds to the state to be used in connection with
3 the funds appropriated by this Act.

1 SEC. 3. Any unencumbered balance of funds remaining as of June
2 30, 1977 of the appropriation made by this Act shall revert to the gen-
3 eral fund.

1 SEC. 4. It is the intent of the general assembly that the funds ap-
2 propriated pursuant to this Act shall be used to construct three depart-
3 ment of public safety district office headquarters to be located at
4 Cedar Falls, Mount Pleasant and Spencer, Iowa. These headquarters
5 are to provide space for each of the various law enforcement divisions
6 within the department. The appropriation does include an amount to
7 develop the site and provide parking at the three locations.

Approved May 27, 1974

CHAPTER 1063

DEPARTMENT OF PUBLIC SAFETY

H. F. 1299

AN ACT appropriating from the general fund of the state of Iowa to the department of public safety.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state for the fiscal year beginning July 1, 1974 and ending June 30,
3 1975, the sum of two hundred eighty thousand (280,000) dollars, or
4 so much thereof as is necessary, for the department of public safety,
5 division of administration, to be used for automobile maintenance and
6 replacement costs.

1 SEC. 2. The commissioner of public safety with approval of the
2 state comptroller shall allocate the funds appropriated by section one
3 (1) of this Act to the various enforcement divisions within the de-
4 partment to supplement existing appropriations required because of
5 extraordinary increases in costs of automobile and maintenance.

Approved April 8, 1974

CHAPTER 1064

GASTRO ENTERITIS APPROPRIATION

S. F. 1386

AN ACT making a supplemental appropriation and reallocating prior appropriations from the general fund to the state board of regents and institutions under the control of the state board of regents, including Iowa State University of science and technology college of veterinary medicine for the prevention and cure for transmissible gastro enteritis and other enteric diseases affecting swine, and making appropriations to the state board of regents for capital projects for state institutions.

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

1	SECTION 1. There is appropriated to the state board of regents and	
2	institutions under the board of regents from the general fund of the	
3	state for the fiscal year beginning July 1, 1974 and ending June 30,	
4	1975 the following amounts, or so much thereof as may be necessary,	
5	to be used for the purposes indicated. The amounts appropriated by	
6	this Act are in addition to any other appropriations made for the fiscal	
7	year under the Acts of the Sixty-fifth General Assembly, 1973 Session,	
8	chapters twelve (12) and one hundred six (106):	
9	1. Office of Board of Regents.	
10	For salaries of the institutions under the control of the board of	
11	regents, to be allocated by the board of regents with approval of the	
12	state comptroller to provide equity within the merit pay plan and the	
13	merit classification plan during implementation periods.....\$	150,000
14	2. State university of Iowa	
15	a. General university, including lakeside laboratory.	
16	For salaries:	
17	Academic personnel	\$2,321,000
18	Nonacademic personnel	\$ 548,000
19	Portion of disability insurance	\$ 48,000
20	b. University hospitals.	
21	For salaries:	
22	Academic personnel	\$ 182,000
23	Nonacademic personnel	\$ 187,000
24	Portion of disability insurance	\$ 20,000
25	Additional food costs	\$ 33,000
26	c. Psychopathic hospital.	
27	For salaries:	
28	Academic personnel	\$ 115,000
29	Nonacademic personnel	\$ 57,000
30	Portion of disability insurance	\$ 2,000
31	Additional food costs	\$ 17,000
32	d. Bacteriological laboratory.	
33	For salaries:	
34	Academic personnel	\$ 32,000
35	Nonacademic personnel	\$ 19,000
36	Portion of disability insurance	\$ 2,000
37	e. Hospital school.	
38	For salaries:	
39	Academic personnel	\$ 52,000
40	Nonacademic personnel	\$ 24,000
41	Portion of disability insurance	\$ 2,000

42	Additional food costs	\$	5,000
43	f. State sanatorium—Oakdale		
44	For salaries:		
45	Academic personnel	\$	28,000
46	Nonacademic personnel	\$	66,000
47	Portion of disability insurance	\$	3,000
48	Additional food costs	\$	20,000
49	3. Iowa state university of science and technology.		
50	a. General university.		
51	For salaries:		
52	Academic personnel	\$	2,108,000
53	Nonacademic personnel	\$	524,000
54	Portion of disability insurance	\$	60,000
55	For support, maintenance, equipment and miscellaneous purposes	\$	190,000
56	.....	
57	b. Agricultural experiment station.		
58	For salaries:		
59	Academic personnel	\$	262,000
60	Nonacademic personnel	\$	67,000
61	Portion of disability insurance	\$	7,000
62	c. Cooperative extension service in agriculture and home economics.		
63	For salaries:		
64	Academic personnel	\$	330,000
65	Nonacademic personnel	\$	53,000
66	Portion of disability insurance	\$	12,000
67	4. University of northern Iowa.		
68	For salaries:		
69	Academic personnel	\$	710,000
70	Nonacademic personnel	\$	203,000
71	Portion of disability insurance	\$	22,000
72	Additional staffing of library addition	\$	70,000
73	5. Iowa braille and sight-saving school.		
74	For salaries:		
75	Academic personnel	\$	26,000
76	Nonacademic personnel	\$	29,000
77	Additional food costs	\$	3,000
78	6. State school for the deaf.		
79	For salaries:		
80	Academic personnel	\$	50,000
81	Nonacademic personnel	\$	51,000
82	Additional food costs	\$	24,000
83	For support, maintenance, equipment, and miscellaneous purposes.....	\$	15,000
84	.....	
85	For increased costs of health insurance	\$	3,000
86	For additional staffing of girls' dormitory addition	\$	18,000
87	For accounting equipment for business office	\$	22,000

1 SEC. 2. There is appropriated to the state board of regents and
2 institutions under the state board of regents from the general fund of
3 the state for the fiscal year beginning July 1, 1974 and ending June 30,
4 1975 the following amounts, or so much thereof as may be necessary,
5 to be used for the purpose indicated. The amounts are in addition to
6 any other appropriations made for the fiscal year under the Acts of

7 the Sixty-fifth General Assembly, 1973 Session, chapters twelve (12)
8 and one hundred six (106), and section one (1) of this Act.

9 To the office of the state board of regents, to be allocated by the state
10 board of regents with approval of the state comptroller to institutions
11 under the control of the state board of regents to supplement existing
12 appropriations for nonacademic personnel as follows:

13 Administrative and professional personnel\$673,000
14 General staff\$857,000

1 SEC. 3. The state board of regents may reallocate funds appropri-
2 ated by paragraph a of subsection two (2) of section one (1); para-
3 graph a of subsection three (3) of section one (1); and subsection four
4 (4) of section one (1), of this Act. However, such reallocations shall
5 not reduce by more than one percent the amount of these individual
6 appropriations.

1 SEC. 4. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter one hundred six (106), section one (1), subsection two (2),
3 paragraph a, subparagraph one (1), is amended to read as follows:

4 (1) For salaries, support, maintenance, equipment, and miscellane-
5 ous purposes:\$40,551,700 ~~\$42,612,750~~ 42,262,050

1 SEC. 5. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter one hundred six (106), section one (1), subsection three (3),
3 paragraph a, subparagraph one (1), is amended to read as follows:

4 (1) For salaries, support, maintenance, equipment and miscellane-
5 ous purposes:\$32,876,000 ~~\$33,397,200~~ 33,063,900

1 SEC. 6. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter one hundred six (106), section one (1), subsection four (4),
3 paragraph a, is amended to read as follows:

4 a. For salaries, support, maintenance, equipment and miscellaneous
5 purposes:\$13,023,950 ~~\$13,554,700~~ 13,538,700

1 SEC. 7. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter one hundred six (106), section six (6), is amended to read as
3 follows:

4 Sec. 6. If federal action prohibits an increase in nonresident tui-
5 tion under a price freeze policy, there is appropriated to the state
6 board of regents, eliminates or delays into future fiscal year periods
7 certain federal funds previously anticipated as a part of institutions
8 receipts, there is appropriated to state board of regents, to be allocated
9 by the board of regents to the institutions to supplement existing
10 appropriations for losses of such federal funds during the fiscal bien-
11 nium beginning July 1, 1973 and ending June 30, 1975, the sum of
12 ~~two three million five hundred eighty-one thousand three hundred~~
13 ~~(2,581,300)~~ (3,000,000) dollars, or so much as may be necessary, from
14 the general fund of the state for the biennium beginning July 1, 1973
15 and ending June 30, 1975. No funds shall be allocated under this sec-
16 tion without the approval of the governor and the state comptroller.

17 It is the intent of this section to supplement existing appropriations
18 for losses of federal funds during the 1973-75 fiscal biennium which
19 federal funds relate to educational and capitation grants to the insti-
20 tutions. It is not intended to supplement federal funds relating solely
21 to sponsored research grants to the institutions.

1 SEC. 8. For the state board of regents and institutions under the
2 state board of regents there is appropriated from the general fund of
3 the state for the fiscal year beginning July 1, 1974 and ending June 30,
4 1975 the sum of one million five hundred thousand (1,500,000) dollars,
5 or so much thereof as may be necessary, to be allocated to the institu-
6 tions with approval of the state comptroller, to supplement existing
7 appropriations for unusual and extraordinary increases in costs of
8 utilities during the fiscal year beginning July 1, 1974 and ending
9 June 30, 1975.

10 The amounts appropriated by this section are in addition to any
11 other appropriations made for the fiscal year under Acts of the Sixty-
12 fifth General Assembly, 1973 Session, chapters twelve (12) and one
13 hundred six (106), and other specific or general appropriations made
14 in sections one (1) and two (2) of this Act and in the Acts of the 1974
15 Session for salaries.

1 SEC. 9. There is appropriated to the Iowa state university of sci-
2 ence and technology college of veterinary medicine from the general
3 fund of the state the sum of seventy thousand (70,000) dollars annual-
4 ly, or so much thereof as is necessary, which shall be used for research
5 to determine methods for the prevention and cure for transmissible
6 gastro enteritis and other enteric diseases affecting swine. Funds
7 appropriated by this section shall become available on July first of
8 each year and any unencumbered balances of such funds remaining
9 on June thirtieth of each year shall revert to the general fund of the
10 state. Such funds may be expended for salaries, support, maintenance,
11 and miscellaneous purposes but shall not be used for capital improve-
12 ments. The college of veterinary medicine may accept funds, grants
13 and gifts from any public or private source which shall be in addition
14 to funds appropriated by this Act and used to carry out the purposes
15 of this Act.

1 SEC. 10. Unencumbered funds appropriated by sections one (1)
2 through nine (9) of this Act remaining as of June 30, 1975 shall revert
3 to the general fund of the state on September 30, 1975.

1 SEC. 11. There is appropriated from the general fund of the state
2 for the fiscal period beginning July 1, 1974 to the state board of regents
3 the sum of three million five hundred eighty thousand (3,580,000)
4 dollars, or so much as may be necessary, to be used with nine hundred
5 twenty thousand (920,000) of the prior appropriation contained in
6 section three (3) of chapter seventy-eight (78) of the Acts of the
7 Sixty-fifth General Assembly, 1973 Session, for the purchase of a
8 coal-fired boiler and appurtances* at the University of Iowa.

1 SEC. 12. There is appropriated from the general fund of the state
2 for the fiscal period beginning July 1, 1974 to the state board of regents
3 the sum of six million four hundred ninety thousand (6,490,000) dol-
4 lars, or so much as may be necessary, to be used for the construction
5 of a design center at Iowa State University of Science and Technology.

1 SEC. 13. There is appropriated from the general fund of the state
2 for the fiscal period beginning July 1, 1974 to the state board of regents
3 the sum of two million eight hundred thousand (2,800,000) dollars, or

*According to enrolled Act

4 so much as may be necessary, to be used for the construction of a
5 meats lab at Iowa State University of Science and Technology.

1 SEC. 14. There is appropriated from the general fund of the state
2 for the fiscal period beginning July 1, 1974 to the state board of regents
3 the sum of two hundred fifty thousand (250,000) dollars, or so much
4 as may be necessary, to be used to supplement any prior appropria-
5 tions for capital improvement items for the movable equipment in the
6 industrial arts and technology building at the University of Northern
7 Iowa.

1 SEC. 15. There is appropriated from the general fund of the state
2 for the fiscal period beginning July 1, 1974 to the state board of regents
3 the sum of eighteen thousand (18,000) dollars, or so much as may be
4 necessary, to be used to supplement any prior appropriation for capital
5 improvement items for water supply conservation equipment at the
6 Iowa Braille and Sight Saving School.

1 SEC. 16. There is appropriated from the general fund of the state
2 for the fiscal period beginning July 1, 1974 to the state board of regents
3 the sum of one million sixty-four thousand (1,064,000) dollars, or so
4 much as may be necessary, to be used to supplement any prior appro-
5 priations for capital improvement items for the speech and art com-
6 plex at the University of Northern Iowa.

1 SEC. 17. Sections six (6), seven (7), and eight (8) of chapter
2 seventy-eight (78), Acts of the Sixty-fifth General Assembly, 1973
3 Session, shall apply to this Act.

1 SEC. 18. Any unencumbered balance of funds appropriated by sec-
2 tions eleven (11) through sixteen (16) of this Act remaining on
3 June 30, 1978, shall revert to the general fund on June 30, 1978.

1 SEC. 19. It is the intent of the general assembly in making the
2 appropriations pursuant to this Act that the funds available under the
3 provisions of this Act shall be used exclusively for the specific capital
4 projects identified in each section of this Act.

Approved May 9, 1974

CHAPTER 1065

COAL RESEARCH

S. F. 1362

AN ACT making an appropriation from the general fund of the state to Iowa State University of science and technology to carry out a coal research project within the state.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state to Iowa state university of science and technology the sum of
3 three million (3,000,000) dollars, or so much thereof as may be neces-

4 sary, for the energy and mineral resource research institute to carry
5 out a coal research project within the state.

1 SEC. 2. Iowa state university of science and technology, or the
2 governor and state comptroller, may accept federal grants for the
3 state to be used in connection with funds appropriated by this Act.
4 All federal grants to and the federal receipts of Iowa state university
5 of science and technology are appropriated for the purpose set forth
6 in the federal grants and receipts.

1 SEC. 3. Nothing in this Act shall prohibit Iowa state university of
2 science and technology or the energy and mineral resource research
3 institute from entering into management, research, development or
4 mining contracts the cost of which falls within the limits of the appro-
5 priation made by and grants received under the provisions of this Act.
6 Such contracts shall, upon execution, be filed with the office of the
7 legislative fiscal bureau. Iowa state university of science and tech-
8 nology shall not discriminate on the basis of age or professional stand-
9 ing in the employment of personnel to carry out this project, but shall
10 seek to employ persons qualified in coal technology.

1 SEC. 4. Any unencumbered funds appropriated by this Act re-
2 maining on June 30, 1977, shall revert to the general fund on Septem-
3 ber 30, 1977.

1 SEC. 5. It is the intent of the general assembly to provide for a
2 coal research project within Iowa. The project shall include the fol-
3 lowing: Experiments in the washing of coal and methods for improv-
4 ing the quality of coal used as fuel through removal of unwanted
5 properties; purchase and transportation of coal; examination of the
6 residual properties of coal for other uses; and restoration of mined
7 land sites in cooperation with the state soil conservation committee.

1 SEC. 6. The energy and mineral resource research institute shall
2 report not later than January 15, 1975 and January 15, 1976 to the
3 general assembly on activities related to the project and on the advis-
4 ability of continuing the project. The report shall include information
5 on the progress of the project, and recommendations for future coal
6 projects.

1 SEC. 7. This Act being deemed of immediate importance, shall take
2 effect and be in force from and after its publication in The Monroe
3 County News, a newspaper published in Albia, Iowa and in The
4 Hamburg Reporter, a newspaper published in Hamburg, Iowa.

Approved May 10, 1974

I hereby certify that the foregoing Act, Senate File 1362, was published in The Monroe County News, Albia, Iowa, May 13, 1974, and in The Hamburg Reporter, Hamburg, Iowa, May 16, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1066

AMERICAN REVOLUTION BICENTENNIAL

S. F. 1360

AN ACT extending the appropriation of the Iowa American revolution bicentennial commission.

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

1 SECTION 1. Acts of the Sixty-fifth General Assembly, 1973 Ses-
2 sion, chapter ninety-five (95), section three (3) is amended to read
3 as follows:

4 Sec. 3. Notwithstanding the provisions of section eight point
5 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
6 ances of appropriations made by this Act for the first fiscal year of the
7 biennium commencing July 1, 1973 shall, on August 31, 1974 Septem-
8 ber 30, 1975, revert to the state treasury and to the credit of the fund
9 from which appropriated. In all other respects the provisions of sec-
10 tion eight point thirty-three (8.33) of the Code shall apply to appro-
11 priations made for the first fiscal year of such biennium *this Act.*
12 Unencumbered or unobligated balances of appropriations made for the
13 second fiscal year of such biennium shall be subject to section eight
14 point thirty-three (8.33) of the Code.

Approved April 25, 1974

CHAPTER 1067

MERGED AREA SCHOOLS

H. F. 1492

AN ACT appropriating from the general fund of the state to the department of public instruction for distribution to the merged area schools for salary adjustments or equipment replacement.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state to the department of public instruction for the fiscal year begin-
3 ning July 1, 1974, and ending June 30, 1975, the following amounts or
4 so much thereof as may be necessary, to be used for the following
5 designated purposes:

6 1. To make available funds for a seven point five percent average
7 increase based upon actual salaries of merged area school personnel as
8 approved by the department of public instruction. To the extent nec-
9 essary to provide salary increases, this subsection supersedes Acts of
10 the Sixty-fifth General Assembly, 1973 Session, chapter one hundred
11 ten (110), section five (5), unnumbered paragraph two (2). How-
12 ever, salaries for area school superintendents shall not be increased
13 beyond the limits provided in section two hundred eighty A point
14 twenty-three (280A.23), subsection nine (9), of the Code as amended
15 -----\$2,535,000

16 2. To provide for equipment replacement in all merged area schools

17 on a prorated basis consistent with past allocations made from equip-
18 ment inventory listings\$ 300,000

1 SEC. 2. Unencumbered funds appropriated by this Act as of June
2 30, 1975 shall revert to the general fund of the state on September 30,
3 1975.

1 SEC. 3. The funds available under section one (1) of this Act shall
2 be for merged area school personnel salary adjustments or equipment
3 replacement at the merged area schools at the discretion of each board
4 of directors of the merged area. The department of public instruc-
5 tion shall require all merged area schools to submit actual salary
6 expenditures for the fiscal year 1973-74 for the purposes provided in
7 subsection one (1) of section one (1) of this Act for certification and
8 allocation of funds provided for in this Act. Any funds remaining
9 following the multiplication of seven point five percent times the actual
10 salary expenditures for the fiscal year 1973-74 certified by the depart-
11 ment of public instruction shall be added to the equipment replacement
12 funds provided in this Act before distribution to the merged area
13 schools.

Approved May 30, 1974

CHAPTER 1068

SCHOOL BUDGET REVIEW

S. F. 1388

AN ACT appropriating from the general fund of the state to the department of public instruction for the use of the school budget review committee.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state to the department of public instruction for the use of the school
3 budget review committee for the fiscal year commencing July 1, 1974
4 and ending June 30, 1975, the sum of two hundred fifty thousand
5 (250,000) dollars, or so much thereof as may be necessary, for supple-
6 mental aid to school districts for unusual circumstances pursuant to
7 the provisions of Acts of the Sixty-fifth General Assembly, 1973 Ses-
8 sion, chapter two hundred fifty-eight (258), section eleven (11).

1 SEC. 2. Unencumbered funds appropriated by this Act existing as
2 of June 30, 1975 shall revert to the general fund of the state on
3 August 31, 1975.

1 SEC. 3. It is the intent of the general assembly in making the
2 appropriation pursuant to this Act that the funds available under the
3 provisions of this Act shall be used to supplement the unencumbered
4 balance of funds as of June 30, 1974 as provided in the Acts of the
5 Sixty-fifth General Assembly, 1973 Session, chapter eighty-two (82).

Approved May 11, 1974

CHAPTER 1069

SCHOOL FOOD SERVICE

S. F. 1400

AN ACT making an appropriation to the department of public instruction to provide school food service assistance for the purpose of participating in certain federal child nutrition programs.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state to the department of public instruction for the fiscal year com-
3 mencing July 1, 1974, and ending June 30, 1975 the following amount,
4 or so much thereof as may be necessary, to be used in the manner des-
5 ignated:

6		1974-75
7		Fiscal Year

8 DEPARTMENT OF PUBLIC INSTRUCTION FOR SCHOOL FOOD SERVICE AS-
9 SISTANCE.

10 For the purpose of providing assistance to students enrolled in
11 public school districts and nonpublic schools of the state for break-
12 fasts, lunches, and minimal equipment programs, the following
13 amount:\$1,350,000

1 SEC. 2. The funds appropriated by this Act shall be used as state
2 matching funds for federal programs and shall be disbursed according
3 to federal regulations.

1 SEC. 3. Unencumbered funds as of June 30, 1975 shall revert to the
2 general fund of the state as of September 30, 1975.

1 SEC. 4. Chapter two hundred eighty-three A (283A), Code 1973,
2 is amended by adding the following new section:

3 NEW SECTION. The authorities in charge of nonpublic schools may
4 operate or provide for the operation of school lunch programs in
5 schools under their jurisdiction and may use funds appropriated to
6 them by the general assembly, gifts, funds received from sale of school
7 lunches under such programs, and any other funds available to the
8 nonpublic school. However, school lunch programs shall not be re-
9 quired in nonpublic schools. The department of public instruction
10 shall direct the disbursement of state funds to nonpublic schools for
11 school lunch programs in the same manner as state funds are disbursed
12 to public schools.

Approved May 27, 1974

CHAPTER 1070

ELECTION LAWS PRINTED

S. F. 1121

AN ACT to make an appropriation to the office of the secretary of state to print copies of the election laws.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state for the fiscal year beginning July 1, 1973 and ending June 30,
3 1974 to the secretary of state the sum of ten thousand (10,000) dol-
4 lars, or so much thereof as may be necessary, to be used to cover the
5 cost of printing, in booklet form and postage for mailing, copies of
6 the Iowa election laws for free distribution. Any changes in the elec-
7 tion laws enacted by the 1974 Session of the Sixty-fifth General Assem-
8 bly which shall have been enacted under House File 1399 shall be
9 included in the printing of the election law booklet authorized by this
10 Act.

1 SEC. 2. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the fiscal year commenc-
4 ing July 1, 1973 shall, on August 31, 1974, revert to the state treasury
5 and to the credit of the fund from which appropriated. In all other
6 respects the provisions of section eight point thirty-three (8.33) of
7 the Code shall apply to appropriations made for the 1973-74 fiscal year.

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

Approved March 29, 1974

I hereby certify that the foregoing Act, Senate File 1121, was published in the Denison Review, Denison, Iowa, April 6, 1974, and in the Times-Democrat, Davenport, Iowa, April 6, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1071

SERVICE COMPENSATION FUND

S. F. 1384

AN ACT increasing the appropriation for the service compensation fund and changing the date on which the funds revert to the general fund of the state.

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

1 SECTION 1. Acts of the Sixty-fifth General Assembly, 1973 Ses-
2 sion, chapter sixty-four (64), section one (1), subsections one (1) and
3 three (3) are amended to read as follows:

4 1. There is appropriated from the general fund of the state for the

5 fiscal year beginning July 1, 1973 and ending June 30, 1974 the sum of
 6 eighteen million (18,000,000) dollars and for the fiscal year beginning
 7 July 1, 1974, and ending June 30, 1975 the sum of ~~ten million~~
 8 ~~(10,000,000)~~ *thirteen million (13,000,000)* dollars, or so much thereof
 9 as may be necessary, for deposit in a service compensation fund,
 10 hereby created, to be used in the manner provided in this Act.
 11 3. Unencumbered funds appropriated by this Act which are avail-
 12 able on ~~June 30, 1977~~ *June 30, 1978* shall on that date revert to the
 13 general fund of the state.

Approved May 9, 1974

CHAPTER 1072

SEWAGE WORKS TREATMENT

S. F. 1378

AN ACT to appropriate from the general fund of the state to the sewage works treat-
ment construction fund.

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

1 SECTION 1. Acts of the Sixty-fifth General Assembly, 1973 Ses-
2 sion, chapter seventy-six (76), section one (1), subsection two (2), is
3 amended to read as follows:

4 2. For paying to those municipalities which ~~were eligible for a fifty-~~
 5 ~~five percent grant under the federal Water Pollution Control Act~~
 6 ~~Amendments of 1961, seventy-five (75) stat. two hundred four (204)~~
 7 ~~for which priorities were established by the Iowa water pollution con-~~
 8 ~~trol commission prior to October 18, 1972 and are eligible for seventy-~~
 9 ~~five percent grants under the federal Water Pollution Control Act~~
 10 ~~Amendments of 1972 eighty-six (86) stat. eight hundred sixteen (816),~~
 11 ~~an amount equal to five percent of the amount approved as the esti-~~
 12 ~~mated eligible cost of the project by the Iowa water pollution control~~
 13 ~~quality commission prior to October 18, 1972:~~
 14\$3,226,520 6,157,870 \$—0—

1 SEC. 2. It is the intent of the general assembly that the increased
2 appropriation provided for in section one (1) of this Act which is in
3 addition to the appropriation provided for in Acts of the Sixty-fifth
4 General Assembly, 1973 Session, chapter seventy-six (76), section one
5 (1), subsection two (2) shall be used to pay five percent of the eligible
6 costs of the construction of the sewage treatment works for the follow-
7 ing city, town, sanitary district or other public agencies:

8 Public Agency

9	1. Alden	\$ 13,420
10	2. Allerton	6,570
11	3. Alton	3,120
12	4. Amana Sanitary District	16,470
13	5. Bancroft	10,860
14	6. Bayard	9,150

15	7. Bonaparte	7,410
16	8. Braddyville	1,700
17	9. Breda	6,530
18	10. Callender	8,270
19	11. Calumet	3,130
20	12. Carroll	10,390
21	13. Centerville	18,880
22	14. Clinton	335,000
23	15. Clutier	3,050
24	16. Conesville	3,870
25	17. Coon Rapids	15,980
26	18. Davenport	789,320
27	19. Davis City	3,520
28	20. Fort Madison	196,470
29	21. Frederika	3,220
30	22. Garner	18,090
31	23. Garwin	2,750
32	24. Greeley	1,890
33	25. Grundy Center	14,830
34	26. Holland	5,200
35	27. Hopkinton	25,750
36	28. Iowa Great Lakes Sanitary District	47,310
37	29. Jefferson	45,970
38	30. Keokuk	275,000
39	31. Ladora	4,110
40	32. Lenox	5,110
41	33. Leon	12,020
42	34. Mallard	3,490
43	35. Malvern	8,090
44	36. Manly	12,370
45	37. Marble Rock	5,110
46	38. McCallsburg	3,330
47	39. Milton	4,940
48	40. Morning Sun	11,450
49	41. Muscatine	615,980
50	42. Newton	28,370
51	43. Nichols	4,490
52	44. Osage	16,570
53	45. Parkersburg	8,660
54	46. Parkview Sanitary District	5,940
55	47. Peterson	5,300
56	48. Pierson	4,130
57	49. Pisgah	3,280
58	50. Quimby	4,540
59	51. Reinbeck	7,300
60	52. Rhodes	4,740
61	53. Sac City	28,010
62	54. Schleswig	1,340
63	55. Shelby	5,900
64	56. Sheldon	44,850
65	57. Smithland	4,870
66	58. Department of Social Services	
67	(Riverview Release Center)	2,220

68	59. Spencer	41,650
69	60. Tama	9,500
70	61. Urbana	4,380
71	62. West Burlington	75,000
72	63. West Liberty	12,820
73	64. Williams	6,430
74	65. Williamsburg	11,940

1 SEC. 3. It is the intent of the general assembly that the state will
2 continue to provide an amount equal to five percent of the estimated
3 cost of eligible sewage treatment works, however each individual sew-
4 age treatment work must be approved item by item by future general
5 assemblies.

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

Approved May 2, 1974

I hereby certify that the foregoing Act, Senate File 1378, was published in the Ankeny Press-Citizen, Ankeny, Iowa, May 9, 1974, and in the Carroll Daily Times Herald, Carroll, Iowa, May 6, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1073

SOCIAL SERVICES

H. F. 1474

AN ACT appropriating from the general fund of the state to the department of social services for the biennium beginning July 1, 1973 and ending June 30, 1975.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state for each fiscal year of the fiscal biennium beginning July 1, 1973
3 and ending June 30, 1975 to the department of social services, the fol-
4 lowing amounts, or so much thereof as may be necessary, to be used
5 in the manner designated:

6		1973-74	1974-75
7		Fiscal Year	Fiscal Year

8 To the department of social services for Iowa adult human needs
9 supplementation to assist those Iowans needing health care or other
10 living arrangements whose income, with or without supplemental
11 security income, is insufficient to meet the cost of care or other living
12 arrangements established by the department and to increase custodial
13 care payments by two dollars per day:.....\$175,000 \$2,971,000

1 SEC. 2. In order to assure that the necessary data is available to
2 aid the general assembly to determine appropriate funding for the cus-
3 todial care program, the department of social services shall develop a
4 cost related system for financial supplementation to individuals who
5 need custodial care and who have insufficient resources to purchase the
6 care needed.

7 All privately operated licensed custodial facilities in Iowa shall co-
8 operate with the department of social services to develop the cost re-
9 lated plan. After the plan is implemented, state supplemental funds
10 shall not be used for the care of any individual in facilities that have
11 not submitted cost statements to the department of social services.

1 SEC. 3. The appropriations made to the department of social ser-
2 vices by this Act are in addition to those provided by the Sixty-fifth
3 General Assembly, 1973 Session.

1 SEC. 4. Unencumbered funds as of June 30, 1974 of the funds
2 appropriated by this Act for the fiscal year beginning July 1, 1973 shall
3 revert to the general fund of the state on August 31, 1974. Unencum-
4 bered funds as of June 30, 1975 of the funds appropriated for the fiscal
5 year beginning July 1, 1974 shall revert to the general fund of the state
6 on September 30, 1975. Funds appropriated by this Act shall not be
7 used for capital improvements.

1 SEC. 5. It is the intent of the general assembly that a portion of
2 the funds appropriated by this Act for the 1974-75 fiscal year are to
3 be used as an intermediate step to alleviate the present crisis in the
4 custodial care program by increasing the present supplementation for
5 each eligible individual in custodial care by two dollars per day.

6 It is also the intent of the general assembly that the department of
7 social services shall increase the limitation on maximum reimburse-
8 ment for intermediate care facilities to fifteen dollars per day through
9 the use of the appropriation for medical assistance for the 1974-75
10 fiscal year as stated in chapter one hundred five (105), section one (1),
11 subsection seven (7) of the Acts of the Sixty-fifth General Assembly,
12 1973 Session. If these funds are insufficient to support this level of
13 payment, the department of social services shall report to the Sixty-
14 sixth General Assembly, 1975 Session the amount of additional funds
15 which are required to maintain this fifteen dollar per day maximum
16 reimbursement for intermediate care facilities.

1 SEC. 6. This Act, being deemed of immediate importance, shall
2 take effect and be in force from and after its publication in the Sioux
3 Center News, a newspaper published in Sioux Center, Iowa, and in The
4 Shell Rock News and The New Hartford Chronicle, a newspaper pub-
5 lished in Shell Rock, Iowa.

Approved May 29, 1974

I hereby certify that the foregoing Act, House File 1474, was published in the Sioux
Center News, Sioux Center, Iowa, June 6, 1974, and in The Shell Rock News and The
New Hartford Chronicle, Shell Rock, Iowa, June 6, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1074

SOCIAL SERVICES DEPARTMENT

H. F. 1453

AN ACT increasing an appropriation from the general fund of the state to the department of social services for group homes and child welfare foster care.

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

1 SECTION 1. Acts of the Sixty-fifth General Assembly, 1973 Ses-
2 sion, chapter one hundred five (105), section one (1), subsection ten
3 (10), is amended to read as follows:

4 10. Contractual Services—other, including group homes, and child
5 welfare foster care\$2,750,000 \$2,750,000 3,750,000

1 SEC. 2. It is the intent of the general assembly that the funds
2 appropriated for the fiscal year beginning July 1, 1974 pursuant to Acts
3 of the Sixty-fifth General Assembly, 1973 Session, chapter one hundred
4 five (105), section one (1), subsection ten (10), as amended, are suffi-
5 cient to standardize child welfare foster care payments under the juris-
6 diction of the department of social services and that these payments
7 shall be made totally from state and federal funds.

Approved April 24, 1974

CHAPTER 1075

SOCIAL SERVICE PROGRAMS

H. F. 1468

AN ACT relating to department of social services programs and making an appropriation from the general fund of the state.

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

1 SECTION 1. 1. There is appropriated from the general fund of the
2 state for the fiscal biennium beginning July 1, 1973 and ending June 30,
3 1975 to the department of social services, the following amounts, or so
4 much thereof as may be necessary, to be used in the manner desig-
5 nated.

	1973-74	1974-75
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
6 a. To the department of social services for increased food and fuel		
7 costs to be allocated by the commissioner of social services to the vari-		
8 ous institutions under the jurisdiction of the department of social		
9 services.	\$800,000	\$1,000,000
10 b. To the department of social services for mandatory presentence		
11 investigation.		\$ 200,000

12 2. The appropriations made to the department of social services by
13 this section are in addition to those provided by the Sixty-fifth General
14 Assembly, 1973 Session.
15
16

1 SEC. 2. The commissioner of social services may, with the approval
2 of the executive council, grant easement rights to the Northwestern
3 Bell Telephone Company for the purpose of installing and maintaining
4 telephone lines over or under a portion of the training school for boys
5 in Eldora, Iowa.

1 SEC. 3. Unencumbered funds as of June 30, 1974 of the funds ap-
2 propriated by this Act for the fiscal year beginning July 1, 1973 shall
3 revert to the general fund of the state on August 31, 1974. Unencum-
4 bered funds as of June 30, 1975 of the funds appropriated for the fiscal
5 year beginning July 1, 1974 shall revert to the general fund of the state
6 on September 30, 1975. Funds appropriated by this Act shall not be
7 used for capital improvements.

1 SEC. 4. It is the intent of the general assembly that funds appro-
2 priated pursuant to paragraph a of subsection one (1) of section one
3 (1) of this Act are to be used to supplement the support and mainte-
4 nance portion of the budgets of the institutions under the control of
5 the department of social services which budgets appear to be inade-
6 quate because of increased food and fuel costs resulting from inflation.
7 It is also the intent of the general assembly in making the appropri-
8 ation pursuant to paragraph b of subsection one (1) of section one (1)
9 of this Act to provide funds to employ additional personnel, to pay for
10 their support and maintenance in carrying out the provisions of the
11 Acts of the Sixty-fifth General Assembly, 1973 Session, chapter two
12 hundred ninety-five (295), which requires mandatory presentence in-
13 vestigation commencing July 1, 1974.

1 SEC. 5. This Act, being deemed of immediate importance, shall
2 take effect and be in force from and after its publication in the Times-
3 Democrat, a newspaper published in Davenport, Iowa, and in The
4 Boone News-Republican, a newspaper published in Boone, Iowa.

Approved April 25, 1974

I hereby certify that the foregoing Act, House File 1468, was published in the Times-
Democrat, Davenport, Iowa, May 1, 1974, and in The Boone News-Republican, Boone,
Iowa, May 1, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1076

SOIL CONSERVATION

S. F. 1337

AN ACT appropriating additional funds to the department of soil conservation for the
soil and water conservation cost-sharing program and for the employment of an
engineer-technician.

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

1 SECTION 1. Acts of the Sixty-fifth General Assembly, 1973 Ses-
2 sion, chapter one hundred three (103), section one (1), unnumbered
3 paragraph two (2), is amended to read as follows:

4	1973-74	1974-75
5	<u>Fiscal Year</u>	<u>Fiscal Year</u>
6	For cost sharing, to provide state funding of not to exceed fifty	
7	percent of the approved cost of permanent soil conservation practices	
8	instituted under chapter 467A, Code 1973, with priority given to proj-	
9	ects on watersheds above state-owned lakes, except that not more	
10	than five percent of the amount herein appropriated may be used for	
11	cost sharing to abate complaints filed under sections 467A.47 and	
12	467A.48, Code 1973:	
13	\$1,500,000	\$1,500,000
	2,000,000	2,000,000

1 SEC. 2. There is appropriated to the department of soil conserva-
 2 tion from the general fund of the state for the fiscal year beginning
 3 July 1, 1974 and ending June 30, 1975 the sum of fifteen thousand
 4 (15,000) dollars, or so much thereof as is necessary, for employment
 5 of an engineer-technician to aid in the development of conservancy
 6 district plans and programs.

1 SEC. 3. This Act, being deemed of immediate importance, shall
 2 take effect and be in force from and after its publication in The Lyon
 3 County Reporter, a newspaper published in Rock Rapids, Iowa, and in
 4 the LeMars Daily Sentinel, a newspaper published in LeMars, Iowa.

Approved April 15, 1974

I hereby certify that the foregoing Act, Senate File 1337, was published in The Lyon County Reporter, Rock Rapids, Iowa, April 17, 1974, and in the LeMars Daily Sentinel, LeMars, Iowa, April 18, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1077

SPANISH-SPEAKING PEOPLES

S. F. 424

AN ACT making an appropriation to the office of the governor for a study of the problems of Spanish-speaking peoples.

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

1 SECTION 1. There is appropriated from the general fund of the
 2 state for the fiscal year beginning July 1, 1974 and ending June 30,
 3 1975 to the office of the governor the sum of thirty-nine thousand
 4 (39,000) dollars, or so much thereof as may be necessary, to conduct
 5 a study of the problems of Spanish-speaking persons in the areas of
 6 education, employment, health, housing, welfare, and recreation and
 7 to coordinate and establish services to Spanish-speaking persons.

1 SEC. 2. Unencumbered funds as of June 30, 1975 shall revert to
 2 the general fund of the state on August 31, 1975.

Approved April 23, 1974

CHAPTER 1078

TERRACE HILL

H. F. 595

AN ACT relating to an appropriation for the repair, restoration and reconstruction of the buildings and grounds known as "Terrace Hill" and authorizing the sale of the governor's mansion to provide necessary funds.

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

1 SECTION 1. Pursuant to Acts of the Sixty-fourth General Assem-
2 bly, 1972 Session, chapter one thousand one hundred thirty-two
3 (1132), the executive council may convert the building and grounds
4 known as Terrace Hill located in the city of Des Moines, Iowa, for use
5 as a historical site and governor's mansion and may enter into con-
6 tracts to effectuate such purpose. The executive council may sell the
7 present governor's mansion located at 2900 Grand Avenue, Des
8 Moines, Iowa, if a report is first submitted to the general assembly
9 detailing the costs of restoring Terrace Hill for use as a historical site
10 and governor's mansion or for use as a governor's mansion. The pro-
11 ceeds from the sale shall be used as provided in this Act.

1 SEC. 2. There is appropriated to the executive council from the
2 general fund of the state the sum of two hundred thousand (200,000)
3 dollars, or so much thereof as may be necessary, for the basic restora-
4 tion and necessary improvements including, but not limited to, rewir-
5 ing, plumbing, and the installation of a sprinkler system, external and
6 internal fire exits, insulation, air conditioning, and utility access facili-
7 ties at Terrace Hill.

1 SEC. 3. The executive council may accept and use gifts, apply for
2 and accept federal grants, and use proceeds from the sale of the pres-
3 ent governor's mansion located at 2900 Grand Avenue, Des Moines,
4 Iowa, which funds shall be in addition to the appropriation provided
5 for under section two (2) of this Act for the purpose of repairing,
6 reconstructing, remodeling and restoring the buildings and grounds
7 of Terrace Hill.

1 SEC. 4. The executive council shall report annually to the gen-
2 eral assembly the expenditures made or obligated from the appropria-
3 tion made under this Act and estimates of additional funds which the
4 executive council plans to request to be appropriated by the general
5 assembly.

1 SEC. 5. Unencumbered funds appropriated by this Act remaining
2 as of June 30, 1977 shall revert to the general fund of the state on
3 September 30, 1977.

Approved May 27, 1974

CHAPTER 1079

STATE TREASURER

S. F. 1381

AN ACT increasing the appropriation to the treasurer of state.

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

1 SECTION 1. Acts of the Sixty-fifth General Assembly, 1973 Ses-
 2 sion, chapter nine (9), section one (1), subsection six (6), is amended
 3 to read as follows:

4 6. TREASURER OF STATE

5 For salaries, support, maintenance and miscellaneous purposes:

6\$210,349 ~~\$217,120~~ 229,620

Approved May 11, 1974

CHAPTER 1080

UNIFORM STATE LAWS

S. F. 1166

AN ACT increasing the appropriation to the commission on uniform state laws for the 1974-75 fiscal year.

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

1 SECTION 1. Acts of the Sixty-fifth General Assembly, 1973 Ses-
 2 sion, chapter seventeen (17), section one (1), subsection three (3),
 3 is amended to read as follows:

4 3. UNIFORM STATE LAWS, COMMISSION ON

5 For support of the conference of commissioners on uniform state
 6 laws:\$3,500 ~~\$3,500~~ 5,6007 For traveling expenses of members of the commission on uniform
 8 state laws:\$1,500 ~~\$2,400~~

9 Total for commission on uniform state laws:

10\$5,000 ~~\$5,900~~ 8,000

Approved March 29, 1974

CHAPTER 1081

VETERINARY LABORATORY

H. F. 1486

AN ACT relating to the construction of the veterinary biologics facility at Ames, Iowa.

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

1 SECTION 1. Acts of the Sixty-fifth General Assembly, 1973 Ses-
 2 sion, chapter ninety-nine (99), section two (2), subsection three (3),
 3 is amended to read as follows:

4 3. ~~That if the property to be purchased is no longer used as the site~~
 5 ~~for the veterinary biologics facility title to the property will revert to~~
 6 ~~the state of Iowa. If construction of the veterinary biologics facility~~
 7 ~~is not commenced by July 1, 1979 on the property purchased, title to~~
 8 ~~said property shall revert to the state of Iowa.~~

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

Approved May 2, 1974

I hereby certify that the foregoing Act, House File 1486, was published in the Ames Daily Tribune, Ames, Iowa, May 6, 1974, and in The Nevada Evening Journal, Nevada, Iowa, May 7, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1082

STATUS OF WOMEN

S. F. 1328

AN ACT to make an appropriation from the general fund of the state to the commission on the status of women.

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

1 SECTION 1. Acts of the Sixty-fifth General Assembly, 1973 Ses-
 2 sion, chapter twenty (20), section one (1), subsection three (3), is
 3 amended to read as follows:

4 3. Status of women, commission on
 5 For salaries, support, maintenance and miscellaneous purposes:

6	\$27,278	\$27,917	30,417
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Approved May 2, 1974

CHAPTER 1083

THE ANNIE WITTENMYER HOME

S. F. 1343

AN ACT appropriating from the general fund of the state of Iowa to The Annie Wittenmyer Home, Davenport for the fiscal year beginning July 1, 1974 and ending June 30, 1975.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state for the fiscal year beginning July 1, 1974 and ending June 30,
3 1975 the sum of five hundred thousand (500,000) dollars, or so much
4 thereof as may be necessary, to the department of social services,
5 bureau of family and childrens services, for the operation of the Annie
6 Wittenmyer Home of Davenport, Iowa.

7 * [When another location is found for a child who is a resident of the
8 home on July 1, 1974 funds appropriated by this Act which have been
9 allocated for the care of such child shall be made available for the care
10 of the child at the new location. In determining the amount of funds
11 allocated for the child's care, the sum of fifty thousand dollars shall be
12 subtracted from the amount appropriated in section one (1) of this
13 Act. The fifty thousand dollars represents the funds required to pro-
14 vide security and maintenance for the institution. The remaining
15 funds shall be divided by the population of the institution existing on
16 July 1, 1974 and the resulting individual calculation shall be divided
17 by twelve to arrive at a monthly cost for each child. The specific allo-
18 cation for the care of each child shall be the individual rate established
19 multiplied by the months remaining in fiscal year 1974-75 at the time
20 of placement. If necessary a monthly rate may be prorated if place-
21 ment of a child does not occur at the beginning or end of a month.]

1 SEC. 2. The department of social services shall begin preparations
2 on or before July 1, 1974 to discontinue providing care, custody and
3 education of children at the Iowa Annie Wittenmyer Home, and shall
4 make such arrangements as may be necessary to provide these services
5 at other locations to children who are on July 1, 1974, residents of the
6 home. All residents of the home shall be removed as expeditiously as
7 is reasonably possible, but in no case later than June 30, 1975, and the
8 department shall thereafter conduct no activities of any kind at the
9 home except to provide minimum necessary maintenance and protec-
10 tion of its buildings and grounds pending their disposition.

1 SEC. 3. The maintenance recovery shall be available to the Annie
2 Wittenmyer Home. The maintenance recovery is the rental charge to
3 employees or others for room, apartment or house and meals. All
4 other institutional receipts shall be deposited in the general fund of
5 the state.

1 SEC. 4. 1. No funds appropriated by this Act shall be used for cap-
2 ital improvements, furniture, and equipment.

3 2. Where any of the laws of this state are in conflict with this Act,
4 the provisions of this Act shall govern for the biennium.

5 3. All federal funds received by the Annie Wittenmyer Home shall
6 be used for the purpose set forth in the federal grant.

1 SEC. 5. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code and Acts of the Sixty-fifth General
3 Assembly, 1973 Session, chapter one hundred fifteen (115), sections
4 one (1) and six (6), all unencumbered or unobligated balances of ap-
5 propriations made by Acts of the Sixty-fifth General Assembly, 1973
6 Session, chapter one hundred fifteen (115), section one (1), to the
7 Annie Wittenmyer Home for the fiscal year beginning July 1, 1973 and
8 ending June 30, 1974 shall be available for expenditure during the fis-
9 cal year beginning July 1, 1974 and shall revert to the general fund of
10 the state on September 30, 1975.

1 SEC. 6. Unencumbered funds appropriated by this Act for the fis-
2 cal year commencing July 1, 1974 remaining as of June 30, 1975 shall
3 revert to the general fund of the state on September 30, 1975.

*Approved June 3, 1974 except the item designated as that portion
of Section 1, second unnumbered paragraph thereof which is herein brack-
eted in ink and initialed by me and which are delineated in my veto message
to the Secretary [sic] of State this same date, a copy of which is attached
hereto, which I hereby disapprove.

s/ ROBERT D. RAY, Governor

CHAPTER 1084

CLAIMS

H. F. 1487

AN ACT to make appropriations from the general fund of the state, the reimbursement
fund, and the road use tax fund to certain persons in the settlement of claims made
against the state of Iowa.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state, the reimbursement fund, and the road use tax fund to the follow-
3 ing persons the amount set opposite their respective names in full
4 settlement of all claims which they may have against the state of Iowa:

	Claimant	Claim No.	Nature of Claim	Amount
5				
6				
7	1. Mary C. Jacobs Smith		Merit pay	
8	Des Moines, Iowa	510-65-25	freeze adjustment	\$ 51.00
9	2. Anthony Murren		Merit pay	
10	Marshalltown, Iowa	693-65-25	freeze adjustment	111.00
11	3. Lila M. Arnold		Merit pay	
12	Marshalltown, Iowa	694-65-25	freeze adjustment	87.00
13	4. Hubert J. Myers		Merit pay	
14	Marshalltown, Iowa	695-65-25	freeze adjustment	117.00
15	5. Delma Marie Scoville		Merit pay	
16	Marshalltown, Iowa	696-65-25	freeze adjustment	63.00
17	6. Kempton Lee Settle		Merit pay	
18	Marshalltown, Iowa	697-65-25	freeze adjustment	93.00

	Claimant	Claim No.	Nature of Claim	Amount
19	7. Harold E. Oelschlager		Merit pay	
20	Platteville, Wisconsin	794-65-25	adjustment	87.50
21	8. Giles Frye		Reciprocity	
22	Alden, Iowa	819-65-25	refund	170.90
23	9. Martha Ellen Hatfield		Reimbursement	
24	Ft. Madison, Iowa	883-65-25	(Compensatory time)	195.84
25	10. Judy Schultze		Contact lens	
26	Minburn, Iowa	927-65-25	replacement	30.00
27	11. Frederick L. Douda		Merit pay	
28	Cedar Rapids, Iowa	942-65-25	freeze adjustment	57.50
29	12. Marvin D. Siefken		License fee	
30	Lincoln, Nebraska	1104-65-25	refund	24.00
31	13. Dr. Merrill G. Shutt, D.D.S.		Title XIX dental	
32	Des Moines, Iowa	1105-65-25	services	175.00
33	14. Mary C. Gaffney		Retroactive	
34	Ames, Iowa	994-65-25	pay	102.50
35	15. Virgie V. Hanson		Merit pay	
36	Meriden, Iowa	1002-65-25	adjustment	242.00
37	16. Maudie L. Ritter		Merit pay	
38	Cherokee, Iowa	1003-65-25	freeze adjustment	242.00
39	17. Clark D. Nixon		Merit pay	
40	Cherokee, Iowa	1004-65-25	adjustment	253.00
41	18. Willers Truck Service		Prorate regis-	
42	Sioux Falls, S. Dakota	1008-65-25	tration refund	1,125.85
43	19. Judith A. Calonder		Back pay	
44	Manchester, Iowa	2128-65-25		342.00
45	20. Charles Coghlin		Retroactive	
46	Woodward, Iowa	2203-65-25	pay	83.22
47	21. Schueman Bros.		Sales tax refund	
48	Avoca, Iowa	2306-65-25	(truck tractor)	801.60
49	22. Dorothy B. Cummings		Broken wrist-	
50	Ainsworth, Iowa	2378-65-25	watch band	5.10
51	23. Duane H. Smith		Broken	
52	Davenport, Iowa	2351-65-25	eyeglasses	52.00
53	24. John Kroeker		Broken	
54	Boone, Iowa	2366-65-25	wristwatch	30.00
55	25. Susan Weatherbee		Broken	
56	Woodward, Iowa	2383-65-25	eyeglasses	54.00
57	26. Virgil E. Winchester		Broken	
58	DeSoto, Iowa	2394-65-25	eyeglasses	58.00
59	27. Elise Fowler		Broken	
60	Omaha, Nebraska	2454-65-25	eyeglasses	12.00
61	28. Raymond Gensley, Jr.		Prorate regis-	
62	Victor, Iowa	2496-65-25	tration fee	350.00
63	29. Linda A. Scaf		Broken	
64	Fairfield, Iowa	2510-65-25	eyeglasses	25.00
65	30. Tom Mace		Broken	
66	Clarinda, Iowa	2528-65-25	eyeglasses	10.00
67	31. R. K. Svaleson		Broken	
68	Boone, Iowa	2539-65-25	watch band	8.19

	Claimant	Claim No.	Nature of Claim	Amount
69	32. Linda J. Maxwell		Broken	
70	Madrid, Iowa	2573-65-25	eyeglasses	21.00
71	33. Mid Seven Transportation Co.		County regis-	
72	Des Moines, Iowa	2637-65-25	tration refund	31.25
73	34. Dorothy Armstrong		Merit pay	
74	1200 W. Cedar St.	135-66-25	increase	275.00
75	Cherokee, Iowa 51012			
76	35. Phyllis E. Agnitsch		Merit pay	
77	334 E. Main St.	136-66-25	increase	303.00
78	Cherokee, Iowa 51012			
79	36. Lois C. Bradstreet		Merit pay	
80	257 E. Maple St.	137-66-25	increase	287.50
81	Cherokee, Iowa 51012			

1 SEC. 2. The amount of the claims against the state in subsections
2 eight (8), twelve (12), eighteen (18) and twenty-eight (28) of section
3 one (1) of this Act shall be paid from the reimbursement fund pro-
4 vided for in section three hundred twenty-one point one hundred
5 twenty-nine (321.129) of the Code and the amount of the claim in sub-
6 section twenty-one (21) of section one (1) of this Act shall be paid
7 from the road use tax fund. The remainder of the claims listed in sec-
8 tion one (1) of this Act shall be paid from the general fund of the
9 state.

Approved May 2, 1974

GENERAL LAWS

GENERAL LAWS

For additional general laws see chapters 1001, 1021, 1044, 1069, 1073

CHAPTER 1085

DISTRICT COURT

H. F. 1470

AN ACT relating to the Iowa district court, and the administration, funding, personnel and procedures thereof.

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

1 SECTION 1. Section two A point four (2A.4), Code 1973, is
2 amended to read as follows:

3 **2A.4 Meetings—duties.** The commission shall elect its own chair-
4 man from among its membership and shall meet on the call of the
5 chairman to review compensation and expenses received by members
6 of the general assembly and salaries of the other elective state officials.
7 The commission shall review compensation and expenses paid to mem-
8 bers of the general assembly and salaries paid to other elective state
9 officials, and ~~constitutional~~ *statutory* judicial officers, and shall review
10 compensation, expenses, and salaries paid for comparable positions in
11 other states, the federal government, and private enterprise. Based on
12 such review and other factors deemed relevant, the commission shall
13 make its determination as to compensation and expense levels for mem-
14 bers of the general assembly and as to salary levels for other elective
15 state officials to be recommended to the governor and the members of
16 the general assembly. No later than February 1, 1973, and each two
17 years thereafter, the commission shall report to the governor and to
18 the general assembly its recommendations for compensation and ex-
19 penses for members of the general assembly and for salaries for other
20 elective state officials.

1 SEC. 2. Section sixty-four point six (64.6), unnumbered paragraph
2 one (1) and subsections twenty-six (26) and twenty-seven (27), Code
3 1973, are amended to read as follows:

4 State officers shall give bonds, *the premiums being paid by the state,*
5 in an amount as follows:

6 ~~26. The state shall pay the reasonable cost of the bonds required in~~
7 ~~subsections 1 to 25, both inclusive, of this section.~~

8 ~~27~~ 26. Judicial magistrates, five thousand dollars.

1 SEC. 3. Section six hundred two point forty-two (602.42), Code
2 1973, as amended by Acts of the General Assembly, 1973 Session,
3 chapter two hundred eighty-two (282), sections four (4) and five (5),
4 is amended to read as follows:

5 **602.42 Composition of county judicial magistrate appointing com-**
6 **missions.**

7 1. There shall be in each county a judicial magistrate appointing
8 commission which shall be composed of the following members, ~~except~~
9 ~~as provided in section 602.48:~~

10 ~~1~~ a. A district court judge designated by the chief judge of the dis-
11 trict to serve until a successor is designated.

12 2 b. Three members appointed by the board of supervisors, *except*
13 *as provided in section six hundred two point forty-three (602.43) of*
14 *the Code.*

15 ~~3~~ c. Two attorneys elected by the county bar.

16 2. The clerk of the district court shall maintain a permanent record
17 of the name, address, and term of office ~~for~~ of each commissioner
18 designated, appointed or elected.

1 SEC. 4. Section six hundred two point forty-three (602.43), Code
2 1973, as amended by Acts of the Sixty-fifth General Assembly, 1973
3 Session, chapter two hundred eighty-two (282), section six (6), is
4 amended to read as follows:

5 **602.43 Appointing Commissioners appointed by a county.**

6 1. The board of supervisors of each county shall appoint three elec-
7 tors to the county judicial magistrate appointing commission for the
8 county for six-year terms beginning January 1, 1973. *However, in the*
9 *event there is only one resident member of the bar in a county who is*
10 *qualified and willing to serve pursuant to section six hundred two point*
11 *forty-four (602.44) of the Code, the number of commissioners ap-*
12 *pointed by the county board of supervisors shall be two. In the event*
13 *there is no resident member of the bar within the county qualified and*
14 *willing to serve, the county board of supervisors shall appoint one*
15 *commissioner.*

16 2. A commissioner appointed pursuant to this section shall not be
17 an attorney at law, or an active law enforcement officer.

18 3. The county auditor shall certify the name, address and expiration
19 date of term for all regular and special appointees of the board of
20 supervisors to the clerk of the court.

1 SEC. 5. Section six hundred two point forty-four (602.44), Code
2 1973, is amended to read as follows:

3 **602.44 Election Commissioners elected by the bar.**

4 1. The resident members of the bar of each county shall elect resi-
5 dent members of the bar of such county to the county judicial magis-
6 trate appointing commission for six-year terms beginning on January
7 ~~1~~ first. During December 1972, and in each December thereafter,
8 *which immediately preceding precedes* the expiration of the terms of
9 the members of the commission, the members of the bar shall elect
10 commissioners to six-year terms.

11 2. A county attorney shall not be elected to the commission.

1 SEC. 6. Section six hundred two point forty-seven (602.47), Code
2 1973, is amended to read as follows:

3 **602.47 No member of commission to be appointed magistrate.** No
4 person while a member of the county judicial magistrate appointing
5 commission shall be appointed to the office of judicial magistrate.
6 ~~No member appointed by the board of supervisors to the judicial~~
7 ~~magistrate appointing commission shall be an attorney at law or an~~
8 ~~active law enforcement officer.~~

1 SEC. 7. Section six hundred two point fifty (602.50), Code 1973,
2 as amended by Acts of the Sixty-fifth General Assembly, 1973 Session,

3 chapter two hundred eighty-two (282), section eight (8), is amended
4 to read as follows:

5 **602.50 Appointment of judicial magistrates.**

6 1. *Regular appointments.* During April, 1973, the judicial magis-
7 trate appointing commission shall, by majority vote, appoint Iowa
8 judicial magistrates in such number as provided in section six hundred
9 two point fifty-nine (602.59) of the Code. In April of each year in
10 which magistrates' terms expire, the commission shall appoint, *except*
11 *as otherwise permitted in section thirteen (13) of this Act*, the number
12 of magistrates ~~alotted~~ *apportioned* to the county by the supreme court
13 administrator as provided in section six hundred two point fifty-seven
14 (602.57) of the Code, and *may appoint the magistrates additional*
15 *magistrate* allowed by section six hundred two point fifty-eight
16 (602.58) of the Code. The commission shall appoint no more magis-
17 trates than ~~alotted~~ *are apportioned* to the county by the supreme court
18 administrator except as provided in ~~sections 602.57 and section 602.58.~~

19 2. *Applications.* The appointing commission for each county shall
20 *prescribe the content of an application for an appointment pursuant to*
21 *this section. The commission shall publicize in at least two publications*
22 *in the official county newspaper, notice of any vacancy to be filled. For*
23 *a minimum of fifteen days prior to any appointment, the commission*
24 *shall accept applications, and shall make available during that period*
25 *of time any printed application forms the commission may, in its*
26 *discretion, prescribe.*

27 3. *Vacancies.* Within thirty days following receipt of notification
28 of a vacancy in the office of judicial magistrate appointed under this
29 section, the commission shall appoint a person to the office vacated
30 to serve the remainder of the unexpired term. For purposes of this
31 section, vacancy means death, resignation, retirement, removal, or
32 increase in the number of positions authorized.

33 4. *Term of office.* The judicial magistrates ~~appointed initially shall~~
34 ~~take office July 1, 1973, and their term of office shall expire June 30,~~
35 ~~1974. Thereafter, The office of judicial magistrates magistrate, when~~
36 ~~appointed pursuant to this section, shall take office on be for a term of~~
37 ~~two years from July 1, 1974 1975, and every each two years thereafter,~~
38 ~~provided however, judicial magistrates appointed pursuant to section~~
39 ~~six hundred two point fifty-one (602.51) of the Code for the term~~
40 ~~commencing July 1, 1974, shall hold office for a term of four years and~~
41 ~~shall be subject to appointment every four years thereafter.~~

42 *A magistrate appointed to take office on July 1, 1974, shall serve for*
43 *a term ending June 30, 1975.*

44 5. *Certification.* The commission shall promptly certify the names
45 and addresses of the magistrates appointed to the clerk of the district
46 court and the chief judge of the judicial district. The clerk shall cer-
47 tify to the supreme court administrator and to the state comptroller
48 the names and addresses of magistrates so appointed. The certification
49 of the clerk to the comptroller shall be authority for the comptroller
50 to pay the salaries *and expenses* in accordance with section 602.54.
51 Judicial magistrates shall be officers of the state.

52 6. *Oath and instruction.* Before assuming office, a judicial magis-
53 trate shall subscribe and file in the office of the clerk of the district
54 court of the county of his residence his oath of office to uphold and
55 support the Constitutions of the United States of America and state

56 of Iowa, the laws enacted pursuant thereto, and the law and ordi-
 57 nances of the political subdivisions of the state of Iowa. Before July 1,
 58 1973, and annually thereafter *Annually*, the supreme court adminis-
 59 trator shall cause a school of instruction to be conducted for judicial
 60 magistrates, which shall include a comprehensive examination over the
 61 material presented, and which each judicial magistrate appointed as
 62 provided in this chapter prior to the time he takes office shall attend
 63 unless excused by the chief justice for good cause. A judicial magis-
 64 trate appointed under this section to fill a vacancy shall attend the first
 65 school of instruction held following his appointment unless excused by
 66 the chief justice for good cause.

1 SEC. 8. Acts of the Sixty-fifth General Assembly, 1973 Session,
 2 chapter two hundred eighty-two (282), section thirty-nine (39), un-
 3 numbered paragraphs one (1) and two (2), amending section six
 4 hundred two point fifty-one (602.51), Code 1973, are amended to read
 5 as follows:

6 There shall be one judicial magistrate who shall devote his entire
 7 time to the duties of his position in those counties having a population,
 8 according to the last federal decennial census, of more than thirty-five
 9 thousand and less than eighty thousand. There shall be two such
 10 magistrates in those counties having a population of more than eighty
 11 thousand and less than one hundred twenty-five thousand. There shall
 12 be three such magistrates in any county having a population of more
 13 than one hundred twenty-five thousand and less than two hundred
 14 thousand people. There shall be four such magistrates in counties
 15 having a population of two hundred thousand people or above. In
 16 those counties in which a district associate judge resides, the district
 17 associate judge shall be considered a judicial magistrate for the pur-
 18 poses of this ~~section~~ paragraph. *A judicial magistrate appointed pur-*
 19 *suant to section thirteen (13) of this Act shall not be counted for the*
 20 *purposes of this paragraph.*

21 The judicial magistrates authorized by this section, *and section thir-*
 22 *teen (13) of this Act*, shall be appointed by the district judges of the
 23 election district from persons nominated by the county judicial magis-
 24 trate appointing commission. *Each office of judicial magistrate author-*
 25 *ized by this section shall be for a term of four years from July 1, 1974,*
 26 *and each four years thereafter.*

1 SEC. 9. Section six hundred two point fifty-three (602.53), Code
 2 1973, as amended by Acts of the Sixty-fifth General Assembly, 1973
 3 Session, chapter two hundred eighty-two (282), section nine (9), is
 4 amended to read as follows:

5 **602.53 Prohibitions.**

6 1. No magistrate shall accept any fee or reward from or on behalf
 7 of anyone for services rendered in the conduct of any official business
 8 except as provided in this chapter.

9 2. *If a judicial magistrate appears as counsel for a client in a matter*
 10 *that is within the jurisdiction of a magistrate, that matter shall be*
 11 *heard only by a district judge, a district associate judge, or a judicial*
 12 *magistrate appointed pursuant to section six hundred two point fifty-*
 13 *one (602.51) of the Code. A disqualification under this section shall*
 14 *be had upon motion of the judicial magistrate or of any party, either*
 15 *orally or in writing, and the clerk shall be advised to reassign the*
 16 *matter to a proper judicial officer.*

1 SEC. 10. Section six hundred two point fifty-five (602.55), unnum-
 2 bered paragraph one (1), Code 1973, as amended by Acts of the Sixty-
 3 fifth General Assembly, 1973 Session, chapter two hundred eighty-
 4 two (282), section forty-two (42), is amended to read as follows:

5 Each month each judicial magistrate and district associate judge
 6 shall file with the clerk of the district court of the proper county a
 7 sworn, itemized statement, ~~by case,~~ of all *cases disposed of and all*
 8 *funds received and disbursed per case,* and at least monthly shall remit
 9 to the clerk all funds received by him. The clerk shall provide adequate
 10 clerical assistance to judicial magistrates ~~servng pursuant to section~~
 11 ~~six hundred two point fifty-one (602.51) of the Code~~ and district asso-
 12 ciate judges to carry out this section. The clerk shall remit ninety
 13 percent of all fines and forfeited bail received from a magistrate or
 14 district associate judge to the city or town that was the plaintiff in any
 15 action, *and shall provide that city or town with a statement showing*
 16 *the total number of such cases, the total of all fines and forfeited bail*
 17 *collected and the total of all cases dismissed.* The clerk shall remit the
 18 remaining ten percent to the county treasurer for deposit in the county
 19 general fund. The clerk shall remit to the treasurer of the county, for
 20 the benefit of the school fund, all other fines and forfeited bail received
 21 from a magistrate. All fees and costs for the filing of a complaint or
 22 information or upon forfeiture of bail received from a magistrate shall
 23 be remitted monthly by the clerk as follows:

1 SEC. 11. Section six hundred two point fifty-seven (602.57), un-
 2 numbered paragraph one (1), Code 1973, as amended by Acts of the
 3 Sixty-fifth General Assembly, 1973 Session, chapter two hundred
 4 eighty-two (282), section ten (10), is amended to read as follows:

5 Except as provided in section six hundred two point fifty-eight
 6 (602.58) of the Code, there shall be a total of one hundred ninety-one
 7 Iowa judicial magistrates to be appointed pursuant to section six hun-
 8 dred two point fifty (602.50) of the Code. During January of 1974
 9 1975 and every two years thereafter, the supreme court administrator
 10 shall apportion the number of judicial magistrates to be so appointed
 11 among the counties in accordance with the following criteria:

1 SEC. 12. Section six hundred two point fifty-seven (602.57), un-
 2 numbered paragraph three (3), Code 1973, is amended to read as fol-
 3 lows:

4 During February of 1974 1975 and during February of every two
 5 years thereafter, the supreme court administrator shall notify the
 6 clerk of the district court of each county and the chief judge of the
 7 appropriate judicial district, of the number of magistrates to which
 8 the county is entitled.

1 SEC. 13. Section six hundred two point fifty-nine (602.59), Code
 2 1973, as amended by Acts of the Sixty-fifth General Assembly, 1973
 3 Session, chapter two hundred eighty-two (282), section eleven (11),
 4 is amended by striking the section and inserting in lieu thereof the
 5 following:

6 **602.59 Substitution for apportionment.**

7 1. Applicability. In any county having an apportionment of three
 8 or more judicial magistrates appointable pursuant to section six hun-
 9 dred two point fifty (602.50) of the Code, the chief judge of the dis-
 10 trict, subject to the limitations of this section, may designate by order

11 that magistrates appointed pursuant to this section be utilized in lieu
12 of magistrates appointed pursuant to section six hundred two point
13 fifty (602.50) of the Code. The order of substitution may be made
14 only upon the affirmative vote of a majority of the district judges in
15 that judicial election district that the substitution be made. An order
16 of substitution is renewable for successive terms upon the vote of the
17 judges, but shall not be effective for any term unless a copy of the
18 order is received by the chairman of the county judicial magistrate
19 appointing commission not later than the thirty-first day of March of
20 the year in which the substitution is to take effect. A copy of the order
21 also shall be sent to the supreme court administrator.

22 The district judges of a judicial election district may determine, for
23 the year 1974, that a substitution be made pursuant to this section, by
24 an affirmative vote of a majority rendered and with written notice
25 thereof delivered to the chairman of the county judicial magistrate
26 appointing commission not later than June 1, 1974. A magistrate
27 appointed in 1974 pursuant to this subsection shall be subject to all
28 of the provisions of this section, except that the term of office shall be
29 an irregular one for a period of five years from July 1, 1974.

30 2. Reduction in appointments. For any county in which such an
31 order is in effect, the number of magistrates actually appointed pursu-
32 ant to section six hundred two point fifty (602.50) of the Code shall
33 be reduced by three for each magistrate substituted under the provi-
34 sions of this section.

35 Upon any subsequent reduction in the apportionment of magistrates
36 to the county, either the commission shall further reduce the number
37 of magistrates appointed, or the chief judge shall revoke an order of
38 substitution.

39 3. Appointment. A judicial magistrate ordered pursuant to this
40 section shall be nominated and appointed, and shall have qualifications,
41 rights, salary, duties, responsibilities, liabilities, authority and juris-
42 diction, the same as a magistrate authorized by paragraph one (1) of
43 section six hundred two point fifty-one (602.51) of the Code.

44 4. Limitations.

45 a. Except as provided in subsections one (1) and two (2) of this
46 section, a substitution shall not increase or decrease the number of
47 judicial magistrates authorized by this chapter.

48 b. A substitution or reversion pursuant to this section shall not
49 take effect during the term of office of any magistrate.

50 c. A substitution shall not be made or maintained where the appor-
51 tionment to a county is insufficient to permit the full reduction in
52 appointments required by subsection two (2) of this section.

53 5. Reversion. If an apportionment by the supreme court adminis-
54 trator pursuant to section six hundred two point fifty-seven (602.57)
55 of the Code reduces the number of judicial magistrate offices in the
56 county to less than three, or a majority of the district judges in that
57 judicial election district determines that a substitution is no longer
58 desirable, then the substituted office shall not be renewed for a succes-
59 sive term. At the end of the term, appointments shall be made pursu-
60 ant to section six hundred two point fifty (602.50) of the Code.

1 Sec. 14. Section six hundred two point sixty-three (602.63), Code
2 1973, as amended by Acts of the Sixty-fifth General Assembly, 1973

3 Session, chapter two hundred eighty-two (282), section forty-seven
4 (47), is amended by adding the following new unnumbered para-
5 graph:

6 **NEW UNNUMBERED PARAGRAPH.** The chief judge of a district may
7 order that criminal proceedings which are within the jurisdictions of
8 judicial magistrates and district associate judges be combined into
9 centralized dockets for the county if the chief judge determines that
10 administration could be improved thereby. When so ordered, a cen-
11 tralized docket shall be in lieu of individual dockets otherwise pre-
12 scribed, and the clerk shall compile a centralized docket in the man-
13 ner prescribed for an individual docket. The chief judge may assign
14 actions and proceedings on centralized dockets to judicial magistrates
15 and district associate judges as he deems necessary.

1 **SEC. 15.** Section six hundred two point seventy-one (602.71), Code
2 1973, as amended by Acts of the Sixty-fifth General Assembly, 1973
3 Session, chapter two hundred eighty-two (282), sections fifty (50),
4 fifty-one (51) and fifty-two (52), is amended by striking the section.

1 **SEC. 16.** Chapter six hundred two (602), Code 1973, is amended
2 by adding the following new section:

3 **NEW SECTION. Alternate judicial magistrate.**

4 1. Authorization. In any county having only one district associate
5 judge, or only one judicial magistrate appointed pursuant to section
6 six hundred two point fifty-one (602.51) of the Code, the county judi-
7 cial magistrate appointing commission, by majority vote, may author-
8 ize that an alternate judicial magistrate be selected.

9 2. Selection. The procedures for selecting an alternate judicial
10 magistrate shall be as provided in section six hundred two point fifty-
11 one (602.51) of the Code, but any person so appointed shall be desig-
12 nated as an alternate judicial magistrate, and shall be subject to the
13 limitations contained in this section.

14 3. Jurisdiction. An alternate judicial magistrate shall have the
15 same qualifications, jurisdiction, obligations and liabilities as a judi-
16 cial magistrate appointed pursuant to section six hundred two point
17 fifty-one (602.51) of the Code.

18 4. Duties. In case of inability of a district associate judge or judi-
19 cial magistrate to act, the chief judge of the district may order that
20 the alternate temporarily sit in place of that officer. The words "in-
21 ability to act" shall mean a temporary absence from court duties,
22 including a reasonable vacation period. An alternate may practice as
23 an attorney except at such times as he is acting as judicial magistrate,
24 but he shall not act in any manner on any case in which he is inter-
25 ested as an attorney.

26 5. Salary. The alternate shall be compensated by the state at the
27 rate of forty dollars per day for each day of actual duty as magis-
28 trate, and for actual expenses incurred in the performance of duties
29 as magistrate, upon certification to the comptroller by the chief judge
30 of the days of duty and the expenses incurred.

31 6. Limitations. The appointment of an alternate judicial magis-
32 trate shall not affect the rights, duties or remuneration of any regular
33 judicial officer, and the appointment of an alternate shall not affect
34 the number or apportionment of judicial magistrates authorized by
35 this chapter.

1 SEC. 17. Section six hundred twenty-two point seventy-three
2 (622.73), Code 1973, is amended to read as follows:

3 **622.73 Fees payable by county or city.** For attending before the
4 trial jury or court in criminal cases where the defendant is adjudged
5 not guilty *or the action is dismissed*, the fees above provided for
6 attending court shall be paid by the county, upon a certificate of the
7 clerk or judicial magistrate showing the amount of the services to
8 which they are entitled, as follows:

9 1. *In actions based on a violation of a state statute, by the county,*
10 *upon a written statement of the clerk or a judicial officer showing the*
11 *amount due.*

12 2. *In actions based on a violation of a city ordinance, by the city,*
13 *upon a written statement of the clerk or a judicial officer showing the*
14 *amount due.*

1 SEC. 18. Section six hundred twenty-two point seventy-five
2 (622.75), Code 1973, is amended to read as follows:

3 **622.75 Reimbursement to party, or county, or city.** When the a
4 county or city or any party has paid the fees of any witness, and the
5 same is afterward collected from the *defendant or* adverse party, the
6 county, city or person so paying the same shall, upon the production
7 of the receipt of such witness or other satisfactory evidence, be entitled
8 to such fee.

1 SEC. 19. Section six hundred thirty-one point one (631.1), Code
2 1973, as amended by Acts of the Sixty-fifth General Assembly, 1973
3 Session, chapter two hundred eighty-two (282), section sixty-one (61),
4 is amended to read as follows:

5 **631.1 Small claims.**

6 1. *The following actions or claims are small claims and shall be*
7 *commenced, heard and determined as provided in this chapter: A*
8 *small claim is a civil action for a money judgment where the amount*
9 *in controversy is one thousand dollars or less, exclusive of interest and*
10 *costs, and actions.*

11 2. *The district court sitting in small claims shall have concurrent*
12 *jurisdiction of an action for forcible entry and detainer which are is*
13 *based on those grounds set forth in section six hundred forty-eight*
14 *point one (648.1), subsections one (1), two (2), three (3), and five*
15 *(5) of the Code. When commenced under this chapter, the action shall*
16 *be a small claim for the purposes of this chapter.*

1 SEC. 20. Section six hundred thirty-one point two (631.2), Code
2 1973, as amended by Acts of the Sixty-fifth General Assembly, 1973
3 Session, chapter two hundred eighty-two (282), section sixty-two
4 (62), is amended by striking the section and inserting in lieu thereof
5 the following:

6 **631.2 Jurisdiction and procedures.**

7 1. The district court sitting in small claims shall exercise the juris-
8 diction conferred by this chapter, and shall determine small claims
9 according to the statutes and the rules prescribed by this chapter.
10 Except when transferred from the small claims docket as provided in
11 section six hundred thirty-one point eight (631.8) of this chapter,
12 small claims may be tried by a judicial magistrate, a district associate
13 judge, or a district judge.

14 2. The clerk of court shall maintain a separate docket for small
 15 claims which shall be known as the small claims docket, and which
 16 shall contain all matters relating to those small claims which are
 17 required by section six hundred six point seven (606.7) of the Code
 18 to be contained in a combination docket.

19 3. Statutes and rules relating to venue and jurisdiction shall apply
 20 to small claims, except that a provision of this chapter which is incon-
 21 sistent therewith shall supersede that statute or rule.

1 SEC. 21. Section six hundred thirty-one point three (631.3), Code
 2 1973, as amended by Acts of the Sixty-fifth General Assembly, 1973
 3 Session, chapter two hundred eighty-two (282), section sixty-three
 4 (63), is amended by striking the section and inserting in lieu thereof
 5 the following:

6 **631.3 Commencement of actions — clerk to furnish forms; sub-**
 7 **poena.**

8 1. All actions shall be commenced by the filing of an original notice
 9 with the clerk. At the time of filing, the clerk shall enter on the
 10 original notice and the copies to be served, the file number and the
 11 date the action is filed.

12 2. The clerk shall furnish standard forms as provided in section
 13 six hundred thirty-one point fifteen (631.15) of this chapter, as such
 14 pleadings may be required. The clerk may furnish information to any
 15 party to enable him to complete a form.

16 3. The clerk shall cause to be entered upon each copy of the original
 17 notice and in the docket the day for appearance, which date shall be
 18 determined in accordance with section six hundred thirty-one point
 19 four (631.4) of this chapter. Appearance dates shall be set only for
 20 days on which the office of the clerk is scheduled to be open.

21 4. Upon the request of any party to the action, the clerk or a judi-
 22 cial officer shall issue subpoenas for the attendance of witnesses at a
 23 hearing. The provisions of sections six hundred twenty-two point
 24 sixty-three (622.63) through six hundred twenty-two point sixty-nine
 25 (622.69), and six hundred twenty-two point seventy-six (622.76)
 26 through six hundred twenty-two point seventy-seven (622.77) of the
 27 Code shall apply to subpoenas issued pursuant to this chapter.

1 SEC. 22. Section six hundred thirty-one point four (631.4), Code
 2 1973, as amended by Acts of the Sixty-fifth General Assembly, 1973
 3 Session, chapter two hundred eighty-two (282), section sixty-four
 4 (64), is amended by striking the section and inserting in lieu thereof
 5 the following:

6 **631.4 Service—time for appearance.** The manner of service of
 7 original notice and the times for appearance shall be as provided in
 8 this section.

9 1. Actions for money judgment.

10 a. In actions for money judgment the defendant shall be required to
 11 appear not later than twenty days following the date of filing of the
 12 original notice, except as provided in paragraph c of this subsection.
 13 The clerk shall enter the latest date for appearance which is consist-
 14 ent with this chapter and shall cause service to be obtained as pro-
 15 vided in this subsection.

16 b. Except as provided in paragraph c of this subsection, at the
 17 option of the plaintiff and upon receipt of the prescribed costs, the
 18 clerk either shall mail, by certified mail, restricted delivery, return

19 receipt to the clerk requested, a copy of the original notice together
 20 with a conforming copy of an answer form to each defendant, or shall
 21 cause the original notice and answer form to be delivered to a peace
 22 officer or other person for personal service as provided in rules fifty-
 23 two (52) and fifty-six (56) of the rules of civil procedure.

24 c. If a defendant is a nonresident of the state of Iowa, and is sub-
 25 ject to the jurisdiction of this state pursuant to section six hundred
 26 seventeen point three (617.3) of the Code, service of original notice
 27 and answer shall be made as provided in that section, and the date
 28 for appearance shall be sixty days from the date of filing with the
 29 secretary of state. The clerk shall collect the prescribed fees and
 30 costs, and shall cause duplicate copies of the original notice to be filed
 31 with the secretary of state, and copies of the original notice and
 32 answer to be mailed to each defendant in the manner prescribed in
 33 section six hundred seventeen point three (617.3) of the Code.

34 2. Actions for forcible entry or detention.

35 a. In an action for the forcible entry or detention of real property,
 36 the clerk shall set a date, time and place for hearing, and shall cause
 37 service as provided in this subsection.

38 b. Original notice shall be served personally upon each defendant
 39 as provided in rule fifty-six (56) of the rules of civil procedure,
 40 which service shall be made at least five days prior to the date set for
 41 hearing. Upon receipt of the prescribed costs the clerk shall cause
 42 the original notice to be delivered to a peace officer or other person for
 43 service upon each defendant.

1 SEC. 23. Section six hundred thirty-one point five (631.5), Code
 2 1973, as amended by Acts of the Sixty-fifth General Assembly, 1973
 3 Session, chapter two hundred eighty-two (282), section sixty-five (65),
 4 is amended by striking the section and inserting in lieu thereof the
 5 following:

6 **631.5 Appearance—default.** This section shall apply to all small
 7 claims except actions for forcible entry or detention of real property.

8 1. Appearance. A defendant may appear in person or by attorney,
 9 and by the denial of a claim a defendant does not waive any defenses.

10 2. Hearing set. If all defendants either have entered a timely ap-
 11 pearance or have defaulted, the clerk shall assign a contested claim
 12 to the small claims calendar for hearing at a place and time certain.
 13 The time of hearing shall be not less than five days nor more than
 14 twenty days after the latest timely appearance. The clerk shall trans-
 15 mit the original notice and all other papers relating to the case to
 16 the judicial officer to whom the case is assigned, and copies of all
 17 papers so transmitted shall be retained in the clerk's office.

18 3. Partial service. If the plaintiff has joined more than one de-
 19 fendant, and less than all defendants are served with notice as deter-
 20 mined by subsection four (4) of this section, the plaintiff may elect
 21 to proceed against all defendants served, or he may elect to have a
 22 continuance, issuable by the clerk, to a date certain not more than
 23 sixty days thereafter. If the plaintiff elects to proceed, the action
 24 shall be dismissed without prejudice as against each defendant not
 25 served with notice.

26 4. Return of service. Proper notice shall be established by a
 27 signed return receipt or a return of service as provided in rule fifty-
 28 nine (59) of the rules of civil procedure.

29 5. Failure of service. In the event a sole defendant or all defend-
 30 ants fail to appear and the clerk, in accordance with subsection four
 31 (4) of this section, determines that proper notice has not been given,
 32 the clerk shall reset the date for appearance and upon receipt of the
 33 prescribed fees shall cause personal service upon each defendant as
 34 prescribed in section six hundred thirty-one point four (631.4) of
 35 this chapter.

36 6. Notification to parties. When a small claim is set for hearing
 37 the clerk immediately shall notify by ordinary mail each party or the
 38 attorney representing the party, and the judicial officer to whom the
 39 action is assigned, of the date, time and place of hearing.

40 7. Default. If a defendant fails to appear and the clerk in accord-
 41 ance with subsection four (4) of this section determines that proper
 42 notice has been given, judgment shall be rendered against the defend-
 43 ant by the clerk if the relief is readily ascertainable. If the relief is
 44 not readily ascertainable the claim shall be assigned to a judicial mag-
 45 istrate for determination and the clerk shall immediately notify the
 46 plaintiff or his attorney and the judicial magistrate of such assign-
 47 ment by ordinary mail.

1 SEC. 24. Section six hundred thirty-one point six (631.6), Code
 2 1973, is amended by striking the section and inserting in lieu thereof
 3 the following:

4 **631.6 Fees and costs.** All fees and costs required to be paid in
 5 small claims actions shall be paid in advance, and shall be assessed
 6 as costs in the action.

7 1. Docket fees and other fees imposed for small claims shall be the
 8 same as those required in regular actions in district court.

9 2. Postage for the mailing of original notices shall be the actual
 10 cost of the postage.

11 3. Fees for personal service by peace officers or other officials of
 12 the state shall be the amounts specified by law.

13 4. Fees for service of notice on nonresidents shall be as provided
 14 in section six hundred seventeen point three (617.3) of the Code.

15 All fees and costs collected in small claims actions shall be remitted
 16 to the county treasurer as provided in section six hundred six point
 17 sixteen (606.16) of the Code. The fee specified in subsection four
 18 (4) of this section shall be remitted to the secretary of state.

1 SEC. 25. Section six hundred thirty-one point seven (631.7), Code
 2 1973, is amended to read as follows:

3 **631.7 Parties pleadings and motions.**

4 1. Except as *specifically* provided in sections ~~631.4 and 631.8~~ *this*
 5 *chapter*, there shall be no written pleadings or motions unless the court
 6 in the interests of justice ~~requires~~ *permits* them, in which event they
 7 shall be similar in form to the original notice.

8 2. *Motions, except a motion under rule thirty-four (34) of the rules*
 9 *of civil procedure, shall be heard only at the time set for a hearing on*
 10 *the merits.*

11 3. *Except as provided in subsection four (4) of section six hundred*
 12 *thirty-one point eight (631.8) of this chapter, a counterclaim, cross-*
 13 *petition or intervention shall be in writing and in the form promul-*
 14 *gated under section six hundred thirty-one point fifteen (631.15) of*
 15 *this chapter. Copies shall be submitted for each party appearing, and*
 16 *shall be mailed by ordinary mail to those parties by the clerk. A cross-*

17 *petition against persons not a party to the action shall be made pur-*
 18 *suant to rule thirty-four (34) of the rules of civil procedure and the*
 19 *new party shall be served with notice as provided in this chapter.*

20 *4. The rules of civil procedure pertaining to actions, joinder of*
 21 *actions, parties and intervention shall apply to small claims actions,*
 22 *except that rule twenty-nine shall not apply. No counterclaim is neces-*
 23 *sary to assert an offset arising out of the subject matter of the plain-*
 24 *tiff's claim. A counterclaim, cross-petition, or intervention against an*
 25 *existing party is deemed denied and no responsive pleading by such*
 26 *party is required.*

1 SEC. 26. Section six hundred thirty-one point eight (631.8), sub-
 2 sections one (1) and two (2), Code 1973, are amended to read as fol-
 3 lows:

4 1. The rules of civil procedure pertaining to action, joinder of
 5 actions and parties and rule 75 of the rules of civil procedure shall be
 6 applicable to small claims actions, except that rule 29 shall not apply
 7 to actions originating as small actions *Small claims not determined*
 8 *within ninety days following the expiration of any period of continu-*
 9 *ance or following the last entry placed on the record for that action*
 10 *shall be dismissed by the clerk without prejudice.*

11 2. In small claims actions, if a party joins a small claim with one
 12 which is not a small claim, the court shall:

13 a. Order the small claim to be heard under this ~~division~~ *chapter* and
 14 dismiss the other claim without prejudice, or

15 b. As to parties who have appeared or are existing parties, either
 16 (1) order the small claim to be heard under the ~~procedures specified in~~
 17 this chapter and the other claim to be tried by regular procedure or
 18 (2) order both claims to be tried by regular procedure.

1 SEC. 27. Section six hundred thirty-one point eight (631.8), sub-
 2 section three (3), Code 1973, is amended by striking the subsection
 3 and inserting in lieu thereof the following:

4 3. If commenced as a regular civil action or under the statutes relat-
 5 ing to probate proceedings, a small claim shall be transferred to the
 6 small claims docket. A small claim commenced as a regular action
 7 shall not be dismissed but shall be transferred to the small claims
 8 docket. Civil and probate actions not small claims but commenced
 9 hereunder shall be dismissed without prejudice except for defendants
 10 who have appeared, as to whom such actions shall be transferred to
 11 the combination or probate docket, as appropriate.

1 SEC. 28. Section six hundred thirty-one point nine (631.9), Code
 2 1973, as amended by Acts of the Sixty-fifth General Assembly, 1973
 3 Session, chapter two hundred eighty-two (282), section sixty-seven
 4 (67), is amended by striking the section and inserting in lieu thereof
 5 the following:

6 **631.9 Jurisdiction determined.** At the time set for the hearing
 7 of a small claim, the court first shall determine that proper notice as
 8 provided in subsection four (4) of section twenty-three (23) of this
 9 Act has been given a party before proceeding further as to him, unless
 10 he has appeared or is an existing party, and also shall determine that
 11 the action is properly brought as a small claim.

1 SEC. 29. Section six hundred thirty-one point eleven (631.11),
 2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
 3 1973 Session, chapter two hundred eighty-two (282), section sixty-nine
 4 (69), is amended to read as follows:

5 **631.11 Hearing.**

6 1. *Informality.* The hearing shall be to the court, shall be simple
 7 and informal, and shall be conducted by the court itself, without
 8 regard to technicalities of procedure; ~~but the decision must be based~~
 9 ~~on substantial evidence.~~

10 2. *Evidence.* The court shall swear the parties and their witnesses,
 11 and examine them in such way as to bring out the truth. The parties
 12 may participate, either personally or by attorney. The court may
 13 continue the hearing from time to time *and may permit new or*
 14 *amended pleadings* if justice requires.

15 3. *Record.* Upon the trial, the judicial magistrate shall make
 16 *detailed* minutes of the testimony of each witness and append the
 17 exhibits or copies thereof *to the record.* The proceedings upon trial
 18 shall not be reported *by a certified court reporter,* unless the party
 19 provides ~~a~~ *the* reporter at such party's expense. ~~By agreement the~~
 20 ~~parties~~ *The magistrate, in his discretion,* may cause the proceedings
 21 upon trial to be reported electronically. *If the proceedings are being*
 22 *electronically recorded both parties shall be notified in advance of that*
 23 *recording. If the proceedings have been reported electronically the*
 24 *recording shall be retained under the jurisdiction of the magistrate*
 25 *unless appealed, and upon appeal shall be transcribed only by a person*
 26 *designated by the court under the supervision of the magistrate.*

27 4. *Judgment.* Judgment shall be rendered, based upon applicable
 28 law and upon a preponderance of the evidence.

29 5. *Destruction of recordings.* Unless an appeal is taken, an elec-
 30 tronic recording of a proceeding in small claims shall be retained until
 31 the time for appeal has expired as specified in section six hundred
 32 thirty-one point thirteen (631.13) of the Code. Thereafter, the magis-
 33 trate may direct that the recording tape or other device be erased and
 34 used for subsequent recordings. If the proceeding is appealed, the
 35 recording may be erased following entry of judgment by the district
 36 judge hearing the appeal.

1 SEC. 30. Section six hundred thirty-one point twelve (631.12), sub-
 2 section two (2), Code 1973, is amended by striking the subsection.

1 SEC. 31. Section six hundred thirty-one point thirteen (631.13),
 2 Code 1973, is amended by striking the section and inserting in lieu
 3 thereof the following:

4 **631.13 Appeals.**

5 1. Notice. An appeal from a judgment in small claims may be
 6 taken by any party by giving oral notice to the court at the conclusion
 7 of the hearing, or by filing a written notice of appeal with the clerk
 8 within ten days after judgment is rendered. In either case, the
 9 appealing party shall pay to the clerk within that ten days the usual
 10 district court docket fee to perfect the appeal. No appeal shall be
 11 taken after ten days.

12 2. Stay of judgment. Execution of judgment shall be stayed upon
 13 the filing with the clerk of the district court an appeal bond with
 14 surety approved by the clerk, in the sum specified in the judgment.

15 3. Transcript. Within twenty days after an appeal is taken, unless
 16 extended by order of a district judge or by stipulation of the parties,
 17 any party may file with the clerk as part of the record a transcript of
 18 the official report, if any, or in the event the report was made electroni-
 19 cally, a transcription of the recording. If a transcription of an
 20 electronic recording is filed, the record on appeal shall contain the
 21 tape or other medium which the proceedings were preserved. A tran-
 22 scription of an electronic recording shall be provided any party upon
 23 request and upon payment by the party of the actual costs of tran-
 24 scription.

25 4. Procedure on appeal.

26 a. A district judge shall promptly hear the appeal upon the record
 27 thus filed without further evidence. The judge shall decide the
 28 appeal without regard to technicalities or defects which have not
 29 prejudiced the substantial rights of the parties, and may affirm, re-
 30 verse, or modify the judgment, or render judgment as the magistrate
 31 should have rendered.

32 If the record, in the opinion of the district judge, is inadequate for
 33 the purpose of rendering a judgment on appeal, the district judge
 34 may order that additional evidence be presented before him relative to
 35 one or more issues, and may enter any other order which may be
 36 necessary to protect the rights of the parties. The district judge
 37 shall take minutes of any additional evidence, but the hearing shall
 38 not be reported by a certified court reporter.

39 b. Upon entry of judgment the clerk may cause any recording tape
 40 or other device contained in the record to be erased for subsequent use.

1 SEC. 32. Chapter six hundred thirty-one (631), Code 1973, is
 2 amended by adding the following new section as section six hundred
 3 thirty-one point fourteen (631.14)*:

4 **631.14 NEW SECTION. Representation in small claims actions.**
 5 Actions constituting small claims may be brought or defended by an
 6 individual, partnership, association, corporation, or other entity. In
 7 actions in which a person other than an individual is a party, that
 8 person may be represented by an officer or an employee. Any person,
 9 however, may be represented in small claims action by an attorney.

1 SEC. 33. Chapter six hundred thirty-one (631), Code 1973, is
 2 amended by adding the following new section as section six hundred
 3 thirty-one point fifteen (631.15)*:

4 **631.15 NEW SECTION.** The supreme court shall prescribe standard
 5 forms of pleadings to be used in small claims actions. Standard forms
 6 promulgated by the supreme court shall be the exclusive forms used
 7 after December 31, 1975, but forms prepared in accordance with the
 8 law prior to the effective date of this Act may be used until Decem-
 9 ber 31, 1975.

1 SEC. 34. Chapter six hundred thirty-one (631), Code 1973, is
 2 amended by adding the following new section:

3 **NEW SECTION. Discretionary review by supreme court.**

4 1. A civil action originally tried as a small claim shall not be ap-
 5 pealed to the supreme court except by discretionary review as pro-
 6 vided herein.

*According to enrolled Act

7 2. "Discretionary review" is the process by which the supreme
8 court may exercise its discretion, in like manner as under the rules
9 pertaining to interlocutory appeals and certiorari in civil cases, to
10 review specified matters not subject to appeal as a matter of right.
11 The supreme court may adopt additional rules to control access to dis-
12 cretionary review.

13 3. The party seeking review shall be known as the appellant and
14 the adverse party as the appellee, but the title of the action shall not
15 be changed from that in the court below.

16 4. A petition for review shall be filed in writing with the clerk of
17 the district court within ten days after judgment.

18 5. When an application for discretionary review is filed, the clerk
19 of the court in which the judgment or order was rendered shall:

20 a. Immediately prepare and mail by certified mail, return receipt
21 requested, to the appellees and their attorneys of record, true copies
22 of the application, together with the date of filing.

23 b. Immediately prepare and transmit to the clerk of the supreme
24 court a transcript of all record entries relevant to the application,
25 together with copies of all papers in the case on file with the court,
26 and a transcript of the official report, if any, all duly certified under
27 seal of the court.

28 Failure of the clerk of the district court to transmit all the papers
29 as required by this subsection shall not prejudice the rights of the
30 parties.

31 6. The record and case shall be presented to the supreme court as
32 provided by its rules; and the provisions of law in civil procedure
33 relating to the filing of decisions and opinions of the supreme court
34 shall apply in such cases.

35 7. An application shall not be dismissed for an informality or de-
36 fect in taking it if corrected as directed by the supreme court. The
37 supreme court, after an examination of the entire record, may dispose
38 of the case by affirmation, reversal or modification of the lower court
39 judgment, and may order a new trial. It also may dismiss the appli-
40 cation if both of the following are true:

41 a. The court determines that there has been no substantial miscar-
42 riage of justice.

43 b. The arguments do not present definite grounds for a hearing.

44 8. The decision of the supreme court with any opinion filed or judg-
45 ment rendered must be recorded by its clerk. After the expiration
46 of the period allowed for a rehearing, or as ordered by the court or
47 provided by its rules, a certified copy of the decision and opinion shall
48 be transmitted to the clerk of the trial court, and filed and entered of
49 record in the district court.

50 9. The jurisdiction of the supreme court shall cease after the cer-
51 tified copy of the decision and opinion is transmitted to the clerk of
52 the trial court. All proceedings for executing the judgment shall be
53 had in the trial court or by its clerk.

1 SEC. 35. Section seven hundred fifty-three point nine (753.9),
2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
3 1973 Session, chapter two hundred eighty-two (282), section seventy-
4 six (76), is amended by adding the following new unnumbered para-
5 graph:

6 NEW UNNUMBERED PARAGRAPH. In a case where a defendant fails
7 to make a required court appearance, the court shall issue an arrest
8 warrant for the offense of failure to appear, and shall forward the
9 warrant and the original citation to the clerk. The clerk shall enter
10 a transfer to the issuing agency on the docket, and shall return the
11 warrant with the original citation attached to the law enforcement
12 agency which issued the original citation for enforcement of the war-
13 rant. Upon arrest of the defendant, the warrant and the original cita-
14 tion shall be returned to the court, and the offenses shall be heard and
15 disposed of simultaneously.

1 SEC. 36. Section seven hundred fifty-three point thirteen (753.13),
2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
3 1973 Session, chapter two hundred eighty-two (282), section seventy-
4 seven (77), is amended by adding the following new paragraph:

5 NEW PARAGRAPH. The uniform citation and complaint shall con-
6 tain a place for the verification of the officer issuing the citation. The
7 complaint may be verified before the chief officer of the law enforce-
8 ment agency or his designee, and the chief officer of each law enforce-
9 ment agency of the state is authorized to designate specific individ-
10 uals to administer oaths and certify verifications. Nothing in this
11 section shall be deemed to invalidate forms of uniform citation and
12 complaint in existence prior to the effective date of this Act, and exist-
13 ing forms may be used until supplies are exhausted.

1 SEC. 37. Section seven hundred fifty-three point fourteen (753.14),
2 Code 1973, is amended to read as follows:

3 753.14 Traffic violations *offices—fine collection boxes.*

4 1. *Offices.* Each district court clerk's office shall constitute a traffic
5 violations office of the district court. Additional traffic violations
6 offices may be established at other locations, as needed, if authorized
7 by the chief judge of the district.

8 2. *Collection boxes.* *The chief judge of the district may permit the*
9 *maintenance of locked collection boxes to be used at weigh stations.*
10 *Such boxes shall be used solely for the deposit of fines and costs re-*
11 *ceived upon written admissions of scheduled violations respecting*
12 *weight and other nonmoving scheduled violations applicable to com-*
13 *mercial carriers. The collection boxes shall remain locked at all times*
14 *and shall be opened only by the clerk of the district court or his desig-*
15 *nee. The chief judge of the district may prescribe procedures for the*
16 *system and may discontinue its use if necessary.*

1 SEC. 38. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter two hundred eighty-two (282), section eighty-nine (89), un-
3 numbered paragraph two (2), amending section seven hundred sixty-
4 two point twelve (762.12), Code 1973, is amended to read as follows:

5 Upon the trial, the judicial magistrate shall ~~make minutes of the~~
6 ~~testimony of each witness and append the exhibits or copies thereof~~
7 ~~to the record.~~ The proceedings upon trial shall not be reported, unless
8 the party provides a reporter at such party's expense. By agreement
9 the parties may cause the proceedings upon trial to be reported elec-
10 tronically. If the defendant is indigent and requests that the proceed-
11 ings upon trial be reported, the judicial magistrate shall cause them to
12 be reported by a reporter, or electronically, at public expense.

1 SEC. 39. Section seven hundred sixty-two point thirty-two
2 (762.32), Code 1973, is amended by striking the section and inserting
3 in lieu thereof the following:

4 **762.32 Satisfaction of judgment.** Upon entering a judgment im-
5 posing a fine, the court may provide that the judgment be paid in
6 installments. If the defendant willfully fails to pay installments when
7 due, he shall be guilty of contempt and shall be punished as provided
8 in chapter six hundred sixty-five (665) of the Code.

1 SEC. 40. Section seven hundred sixty-two point forty-three
2 (762.43), Code 1973, as amended by Acts of the Sixty-fifth General
3 Assembly, 1973 Session, chapter two hundred eighty-two (282), sec-
4 tion ninety-two (92), is amended to read as follows:

5 **762.43 Appeal.** An appeal may be taken by the plaintiff only upon
6 a finding of invalidity of an ordinance or statute. In all other cases,
7 an appeal may only be taken by the defendant and only upon a judg-
8 ment of conviction. Execution of the judgment shall be stayed upon
9 the filing with the clerk of the district court an appeal bond with surety
10 approved by the clerk, in the sum specified in the judgment. The
11 defendant may take an appeal, by giving notice orally to the magis-
12 trate that he appeals, or by delivering to the magistrate not later than
13 ten days thereafter, a written notice of his appeal, and in either case
14 the magistrate must make an entry on its docket of the giving of such
15 notice. Payment of fine or service of a sentence of imprisonment does
16 not waive the right to appeal, nor render the appeal moot. When an
17 appeal is taken, the magistrate shall forward to the appropriate dis-
18 trict court clerk a copy of the docket entries in his court, together with
19 copies of the complaint, warrant, motions, pleadings, ~~his minutes of~~
20 ~~the witness' testimony~~ and the exhibits or copies thereof, and all other
21 papers in the case. ~~Within ten days after an appeal is taken, unless~~
22 ~~extended by order of a district judge or by stipulation of the parties,~~
23 ~~any party may file with the clerk, as a part of the record, a transcript~~
24 ~~of the official report, if any, and, in the event the report was made~~
25 ~~electronically, the tape or other medium on which the proceedings were~~
26 ~~preserved.~~ The case shall stand for trial anew in the district court in
27 the same manner as it *originally* should have been tried ~~before the~~
28 ~~judicial magistrate, without regard to technical errors or defects which~~
29 ~~have not substantially prejudiced the rights of either party.~~ The court
30 shall have full power over the case, the judicial magistrate and his
31 record, and shall ~~give~~ *render original* judgment as though the case
32 were being originally tried.

1 SEC. 41. Section seven hundred sixty-six point seven (766.7), Code
2 1973, is amended to read as follows:

3 **766.7 ~~Traffic violations~~ Nonindictable misdemeanors.** The provi-
4 sions of sections 766.2 through 766.6 shall not apply to ~~traffic viola-~~
5 ~~tions nonindictable misdemeanors, and when a defendant fails to~~
6 ~~appear as required in such a case, the court shall enter a judgment of~~
7 ~~forfeiture of the bond which shall be final upon entry and shall not be~~
8 ~~set aside.~~

1 SEC. 42. Section seven hundred eighty-nine point seventeen
2 (789.17), Code 1973, is amended by striking the section and inserting
3 in lieu thereof the following:

4 **789.17 Satisfaction of judgment.** Upon entering a judgment im-
5 posing a fine, the court may provide that the judgment be paid in
6 installments. If the defendant willfully fails to pay installments when
7 due, he shall be guilty of contempt and shall be punished as provided
8 in chapter six hundred sixty-five (665) of the Code.

1 SEC. 43. Sections six hundred two point forty-eight (602.48),
2 seven hundred sixty-two point twenty-one (762.21), and seven hun-
3 dred sixty-two point twenty-three (762.23), Code 1973, are amended
4 by striking those sections.

1 SEC. 44. The apportionment of judicial magistrates made in Janu-
2 ary, 1974, and the notice thereof given in February, 1974, by the
3 supreme court administrator pursuant to section six hundred two point
4 fifty-seven (602.57) of the Code is void and each county shall have
5 and retain until January, 1975, the allotment of judicial magistrates
6 in effect for that county as of December 1, 1973, except for a substi-
7 tution permitted by section thirteen (13) of this Act.

8 In any county where the judicial magistrate appointing commission,
9 pursuant to section six hundred two point fifty (602.50) of the Code,
10 made a number of appointments of judicial magistrates in 1974 which
11 number is inconsistent with the number of magistrates permitted by
12 this section, or where the appointing commission prior to June 2, 1974
13 receives notice of a substitution pursuant to section thirteen (13) of
14 this Act, the judicial magistrate appointing commission for that county
15 is authorized and directed to reconvene prior to July 1, 1974, and ap-
16 point the number permitted by this section. For the purpose of this
17 paragraph, such a nominating commission is authorized to declare
18 prior appointments made in 1974 void.

1 SEC. 45. Sections one (1) through twelve (12) and fourteen (14)
2 through forty-three (43) of this Act shall take effect on July 1, 1974.
3 Sections thirteen (13) and forty-four (44) of this Act shall take effect
4 when published as provided in section forty-six (46) of this Act.

1 SEC. 46. Sections thirteen (13) and forty-four (44) of this Act,
2 being deemed of immediate importance, shall take effect and be in
3 force from and after publication of this Act in *The Sioux City Jour-*
4 *nal*, a newspaper published in Sioux City, Iowa, and in the *West Des*
5 *Moines Express*, a newspaper published in West Des Moines, Iowa.

Approved May 27, 1974

I hereby certify that the foregoing Act, House File 1470, was published in *The Sioux City Journal*, Sioux City, Iowa, May 30, 1974, and in the *West Des Moines Express*, West Des Moines, Iowa, May 30, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1086

PROFESSIONAL AND OCCUPATIONAL LICENSES

S. F. 277

AN ACT relating to the establishment and administration of professional and occupational licensing boards, to abolish all trust funds and special funds of professional and occupational licensing boards and allowing certain additional fees, and providing penalties.

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

1 SECTION 1. NEW SECTION. The following principles shall be used
2 by the general assembly in determining whether a procedure should be
3 established and the type of procedure which should be established, for
4 the state licensure of an occupation or profession:

5 1. The state shall engage in licensing procedures for those profes-
6 sions and occupations where it believes it can assure an objective and
7 measurable level of competence concerning the public health, safety,
8 and well-being which other sources cannot effectively provide.

9 2. The examining board shall pursue a meaningful examination and
10 enforcement procedure which upholds the level of competency of the
11 licensee to insure that the public interest is protected.

1 SEC. 2. Section one hundred fourteen point three (114.3), Code
2 1973, is amended by striking the section and inserting in lieu thereof
3 the following:

4 **114.3 Establishment of board.** There is established a board of en-
5 gineering examiners which shall consist of five members who are reg-
6 istered professional engineers and two members who are not regis-
7 tered professional engineers and who shall represent the general pub-
8 lic. Members shall be appointed by the governor subject to the ap-
9 proval of two-thirds of the members of the senate. A registered
10 member shall be actively engaged in the practice of engineering and
11 shall have been so engaged for five years preceding his appointment,
12 the last two of which shall have been in Iowa. No two registered
13 members of the board shall be from the same branch of the profession
14 of engineering. Professional associations or societies composed of
15 registered engineers may recommend the names of potential board
16 members to the governor, but the governor shall not be bound by the
17 recommendations. A board member shall not be required to be a
18 member of any professional association or society composed of pro-
19 fessional engineers.

1 SEC. 3. Section one hundred fourteen point four (114.4), Code
2 1973, is amended by striking the section and inserting in lieu thereof
3 the following:

4 **114.4 Terms of office.** Appointments shall be for three-year terms
5 and shall commence on July first of the year in which the appointment
6 is made. Vacancies shall be filled for the unexpired term by appoint-
7 ment of the governor and shall be subject to senate confirmation.
8 Members shall serve no more than three terms or nine years, which-
9 ever is least.

1 SEC. 4. Section one hundred fourteen point eight (114.8), Code
2 1973, is amended to read as follows:

3 **114.8 Compensation and expenses.** Members of the board shall set
4 their own per diem compensation at a rate not exceeding forty dollars
5 per day for the time actually spent in traveling to and from, and in
6 attending ~~sessions~~ *duly authorized functions* of the board and its
7 committees, and shall receive all necessary traveling and incidental
8 expenses incurred in the discharge of their duties within the limits of
9 their available funds, but in no event shall the state be chargeable with
10 any expense incurred under the provisions of this chapter *appropriated*
11 *to the board.*

1 SEC. 5. Section one hundred fourteen point nine (114.9), Code
2 1973, is amended to read as follows:

3 **114.9 Organization of the board—meetings—quorum.** The board
4 shall elect annually from its members a chairman and a vice-chairman.
5 ~~The secretary of the executive council, or one of his assistants, to be~~
6 ~~designated by him, shall act as secretary of said board. The board shall~~
7 ~~employ a secretary whose salary shall be set by the general assembly.~~
8 The board shall hold at least one ~~stated~~ meeting ~~on the first Tuesday~~
9 ~~of December~~ of each year *at the seat of government*, and special meet-
10 ings shall be called at other times by the secretary at the request of the
11 chairman or ~~three~~ *four* members of the board. At any meeting of the
12 board, ~~three~~ *a majority of the* members shall constitute a quorum. The
13 board shall have power to employ such legal, technical and clerical
14 assistants and incur such expense as may be necessary to properly
15 carry out the provisions of this chapter *within the limits of funds*
16 *appropriated to the board.*

1 SEC. 6. Section one hundred fourteen point twelve (114.12), Code
2 1973, is amended to read as follows:

3 **114.12 Engineering examiners fund Disposition of fees.** The sec-
4 retary shall collect and account for all fees provided for by this chapter
5 and pay the same to the ~~state~~ *treasurer of state* who shall ~~keep such~~
6 ~~moneys in a separate fund to be known as the fund of the board of~~
7 ~~engineering examiners, which shall be continued from year to year and~~
8 ~~shall be drawn on only to defray expenditures as provided in this chap-~~
9 ~~ter deposit the fees in the general fund of the state.~~

1 SEC. 7. Section one hundred fourteen point thirteen (114.13),
2 Code 1973, is amended to read as follows:

3 **114.13 Applications and examination fees.** Applications for regis-
4 tration shall be on forms prescribed and furnished by the board, shall
5 contain statements made under oath, showing the applicant's educa-
6 tion and detail summary of his technical work *and the board shall not*
7 *require that a recent photograph of the applicant be attached to the*
8 *application form. An applicant shall not be ineligible for registration*
9 *because of age, citizenship, sex, race, religion, marital status, or na-*
10 *tional origin, although the application form may require citizenship*
11 *information. The board may consider the past felony record of an ap-*
12 *plicant only if the felony conviction relates directly to the practice of*
13 *engineering or land surveying. The board may require that an appli-*
14 *cant submit character references, but an applicant for examination in*
15 *fundamentals or for examination in land surveying shall not submit a*
16 *character reference from a registered professional engineer. Appli-*
17 *cations for examination in fundamentals, in professional engineering,*
18 *and in land surveying shall be accompanied by not less than three*

19 references having personal knowledge of the applicant's character and
 20 ability and an application fee of ten dollars fees in amounts determined
 21 by the board. Applications for examination in professional engineering
 22 shall be accompanied by not less than five references having personal
 23 knowledge of the applicant's character and engineering experience,
 24 three of which references shall be from professional engineers, and an
 25 application fee of fifteen dollars. Applications for examination in land
 26 surveying shall be accompanied by not less than five references having
 27 personal knowledge of the applicant's character and land surveying
 28 experience, three of which references shall be from land surveyors, or
 29 professional engineers, or both, and an application fee of fifteen dollars.
 30 All fees deposited shall be retained by the board. The board shall deter-
 31 mine the annual cost of administering the examinations and shall set
 32 the fees accordingly.

1 SEC. 8. Section one hundred fourteen point fourteen (114.14), sub-
 2 section two (2), paragraph d, Code 1973, is amended to read as fol-
 3 lows:

4 d. Successfully passing a written, oral, or written and oral exami-
 5 nation designed to determine the proficiency and qualifications to en-
 6 gage in the practice of land surveying. No applicant shall be entitled
 7 to take this examination until the applicant shows the necessary prac-
 8 tical experience in land surveying work.

9 ~~Provided, that no person shall be eligible for registration as a pro-~~
 10 ~~essional engineer, or land surveyor, who is not of good character and~~
 11 ~~reputation.~~

1 SEC. 9. Section one hundred fourteen point fifteen (114.15), Code
 2 1973, is amended to read as follows:

3 **114.15 Examinations—report required.** Examinations for regis-
 4 tration shall be given at stated or called meetings of the board as often
 5 as deemed necessary by the board, but no less than one time per year.
 6 The scope of the examinations and the methods of procedure shall be
 7 prescribed by the board. Any written examination may be given by
 8 representatives of the board. All examinations in theory shall be in
 9 writing and the identity of the person taking the examination shall be
 10 concealed until after the examination papers have been graded. For
 11 examinations in practice, the identity of the person taking the exami-
 12 nation shall also be concealed as far as possible. As soon as practicable,
 13 after the close of each examination, a report shall be filed in the office
 14 of the secretary of the board by the members conducting such exami-
 15 nations board. Said The report shall show the action of the board upon
 16 each application, whereupon and the secretary of the board shall notify
 17 each applicant of the result of his examination. Applicants who fail
 18 the examination once shall be allowed to take the examination at the
 19 next scheduled time. Thereafter, the applicant shall be allowed to take
 20 the examination at the discretion of the board. An applicant who has
 21 failed the examination may request in writing information from the
 22 board concerning his examination grade and subject areas or questions
 23 which he failed to answer correctly, except that if the board admin-
 24 isters a uniform, standardized examination, the board shall only be
 25 required to provide the examination grade and such other information
 26 concerning the applicant's examination results which are available to
 27 the board.

1 SEC. 10. Section one hundred fourteen point seventeen (114.17),
2 Code 1973, is amended to read as follows:

3 **114.17 Certificate.** To any applicant who shall have passed the ex-
4 amination as a professional engineer and who shall have paid an addi-
5 tional fee of ~~ten dollars~~, the board shall issue a certificate of registra-
6 tion as a professional engineer signed by the chairman and secretary
7 of the board under the seal of such board, which certificate shall
8 authorize the applicant to practice professional engineering as defined
9 in this chapter. *The amount of the fee shall be determined by the*
10 *board pursuant to section sixteen (16) of this Act.* Such certificate
11 shall not carry with it the right to practice land surveying, unless
12 specifically so stated in said certificate, which permission shall be
13 granted by the board without additional fee in cases where the appli-
14 cant duly qualifies as a land surveyor as prescribed by the rules of said
15 board.

1 SEC. 11. Section one hundred fourteen point eighteen (114.18),
2 Code 1973, is amended to read as follows:

3 **114.18 Expirations and renewals.** Certificates of registration shall
4 expire ~~on the last day of the month of December following their issu-~~
5 ~~ance or renewal and shall become invalid on that date unless renewed~~
6 *annually as determined by the board.* It shall be the duty of the secre-
7 tary of the board to notify every person registered under this chapter,
8 of the date of expiration of his certificate and the amount of the fee
9 that shall be required for its renewal for one year; such notice shall be
10 mailed at least one month in advance of the date of the expiration of
11 said certificate. Renewal may be effected ~~at any time during the month~~
12 ~~of December~~ by the payment of a fee of ~~ten dollars~~ *the amount of*
13 *which shall be determined by the board.* The failure on the part of any
14 registrant to renew his certificate annually in the month of ~~December~~
15 *expiration* as required above shall not deprive such a person of the
16 right of renewal; ~~but the fee to be paid for the renewal of a certifi-~~
17 ~~cate after the month of December shall be increased four dollars per~~
18 ~~year for each year or fraction of a year that payment of renewal is~~
19 ~~delayed; provided, however, that the maximum fee for delayed renewal~~
20 ~~shall not exceed ten dollars.~~ *A person who fails to renew his certificate*
21 *by the expiration date shall be allowed to do so within thirty days*
22 *following its expiration, but the board may assess a reasonable pen-*
23 *alty.* For the duration of any war in which the United States is
24 engaged the board may, in its discretion, defer the collection of renewal
25 fees without penalty, which have or may become due from registered
26 professional engineers who are employed in the war effort, and resid-
27 ing outside the state, or who are members of the armed forces of the
28 United States, and may renew the engineering certificates of said
29 registered professional engineers.

1 SEC. 12. Section one hundred fourteen point nineteen (114.19),
2 Code 1973, is amended to read as follows:

3 **114.19 Land surveyor's certificate.** To any applicant who shall
4 have passed the examination as a land surveyor and who shall have
5 paid an additional fee of ~~ten dollars~~ *as set by the board*, the board shall
6 issue a certificate of registration signed by its chairman and secretary
7 under the seal of the board, which certificate shall authorize the appli-
8 cant to practice land surveying as defined in this chapter and to admin-

9 ister oaths to his assistants and to witnesses produced for examination,
10 with reference to facts connected with land surveys being made by
11 such land surveyor.

1 SEC. 13. Section one hundred fourteen point twenty (114.20), un-
2 numbered paragraphs two (2) and three (3), Code 1973, are amended
3 to read as follows:

4 A temporary permit to practice engineering or land surveying may
5 be granted to a person registered in another state, as prescribed by
6 the rules of the board, provided that before practicing within this
7 state he shall have applied for registration and shall have paid the fee
8 prescribed by ~~this section~~ *the board*.

9 The application for registration shall be accompanied by a fee of
10 ~~twenty five dollars as determined by the board~~. After the board deter-
11 mines the applicant qualified under this section, a certificate of regis-
12 tration shall be issued upon receipt of an additional ~~ten dollars fee as~~
13 ~~determined by the board~~. ~~All fees deposited shall be retained by the~~
14 ~~board~~. ~~All fees collected shall be transmitted to the treasurer of state~~
15 ~~and deposited in the general fund of the state~~.

1 SEC. 14. Section one hundred fourteen point twenty-one (114.21),
2 Code 1973, is amended to read as follows:

3 **114.21 Suspension or revocation of certificate.** The board shall
4 have the power by a ~~four-fifths~~ *five-sevenths* vote of the entire board
5 to suspend for a period not exceeding two years, or to revoke the cer-
6 tificate of registration of, or to reprimand any registrant who is found
7 guilty of any fraud or deceit in obtaining a registration, any fraud or
8 deceit in his practice, or any gross negligence, incompetence, or mis-
9 conduct in his practice, or who is found to have been convicted of any
10 felony *that would affect his ability to practice professional engineering*
11 *or land surveying* ~~or of any misdemeanor involving moral turpitude~~.

1 SEC. 15. Section one hundred fourteen point twenty-three
2 (114.23), Code 1973, is amended to read as follows:

3 **114.23 Expenditures.** Warrants for the payment of expenses and
4 compensations provided by this chapter shall be issued by the state
5 comptroller *drawn upon funds appropriated to the board* upon presen-
6 tation of vouchers drawn by the chairman and secretary of the board,
7 *authorized by the board*, and approved by said comptroller, ~~but at no~~
8 ~~time shall the total amount of warrants exceed the total amount of the~~
9 ~~examination and registration fees collected as herein provided~~.

1 SEC. 16. Chapter one hundred fourteen (114), Code 1973, is
2 amended by adding the following new sections:

3 **NEW SECTION. Fees.** The board shall set the fees for application,
4 registration, and renewal of registration based upon the administra-
5 tive costs of sustaining the board. The fees shall include, but shall
6 not be limited to, the costs for:

- 7 1. Per diem, expenses and travel for board members.
- 8 2. Office facilities, supplies, and equipment.
- 9 3. Legal, technical and clerical assistance.

10 **NEW SECTION. Public members.** The public members of the board
11 shall not participate in administering or grading any portion of an
12 examination.

13 **NEW SECTION. Disclosure of confidential information.** A member
14 of the board shall not disclose information relating to the following:

- 15 1. Criminal history or prior misconduct of the applicant.
16 2. Information relating to the contents of the examination.
17 3. Information relating to the examination results other than final
18 score except for information about the results of an examination
19 which is given to the person who took the examination.

20 A member of the board who willfully communicates or seeks to com-
21 municate such information, and any person who willfully requests,
22 obtains, or seeks to obtain such information, is guilty of a public of-
23 fense which is punishable by a fine not exceeding one hundred dollars
24 or by imprisonment in the county jail for not more than thirty days.

1 SEC. 17. Section one hundred fifteen point one (115.1), Code 1973,
2 is amended by striking the section and inserting in lieu thereof the
3 following:

4 **115.1 Establishment of board.** There is established a board of ex-
5 aminers of shorthand reporters which shall consist of three certified
6 shorthand reporters and two persons who are not certified shorthand
7 reporters and who shall represent the general public. Members shall
8 be appointed by the governor subject to the approval of two-thirds of
9 the members of the senate. A certified member shall be actively en-
10 gaged in the practice of certified shorthand reporting and shall have
11 been so engaged for five years preceding his appointment, the last two
12 of which shall have been in Iowa. Professional associations or socie-
13 ties composed of certified shorthand reporters may recommend the
14 names of potential board members to the governor, but the governor
15 shall not be bound by the recommendations. A board member shall
16 not be required to be a member of any professional association or
17 society composed of certified shorthand reporters.

1 SEC. 18. Section one hundred fifteen point two (115.2), Code 1973,
2 is amended by striking the section and inserting in lieu thereof the
3 following:

4 **115.2 Terms of office.** Appointments shall be for three-year terms
5 and shall commence on July first of the year in which the appointment
6 is made. Vacancies shall be filled for the unexpired term by appoint-
7 ment of the governor and shall be subject to senate confirmation.
8 Members shall serve a maximum of three terms or nine years, which-
9 ever is less.

1 SEC. 19. Section one hundred fifteen point three (115.3), Code
2 1973, is amended to read as follows:

3 **115.3 Examination Meetings and board expenses.** The board of
4 examiners shall fix stated times for the examination of the candidates
5 and shall hold at least one meeting each year at the seat of government.
6 A majority of the members of the board shall constitute a quorum. The
7 board members shall set their own per diem compensation at a rate not
8 exceeding forty dollars per day for each day actually engaged in the
9 discharge of their duties, and their necessary traveling expenses, such
10 per diem and expenses to be paid from such funds as may accrue here-
11 under within the limits of their available funds appropriated to the
12 board.

1 SEC. 20. Section one hundred fifteen point seven (115.7), Code
2 1973, is amended by striking the section and inserting in lieu thereof
3 the following:

4 **115.7 Collection of fees.** A secretary may be employed to collect
5 and account for all fees and pay them to the treasurer of state who
6 shall deposit the fees in the general fund of the state. The salary of
7 the secretary shall be set by the general assembly. The board shall
8 set the fees for examination and for certification and renewal of cer-
9 tification. The fee for examination shall be based on the annual cost
10 of administering the examinations. The fees for certification and re-
11 newal shall be based upon the administrative costs of sustaining the
12 board which shall include, but shall not be limited to, the costs for:

- 13 1. Per diem, expenses and travel for board members.
- 14 2. Office facilities, supplies, and equipment.
- 15 3. Clerical assistance.

1 SEC. 21. Chapter one hundred fifteen (115), Code 1973, is amended
2 by adding the following new sections:

3 **NEW SECTION. Applications.** Applications for certification shall
4 be on forms prescribed and furnished by the board and the board shall
5 not require that the application contain a recent photograph of the
6 applicant. An applicant shall not be ineligible for certification be-
7 cause of age, citizenship, sex, race, religion, marital status, or national
8 origin although the application may require citizenship information.
9 The board may consider the past felony record of an applicant only
10 if the felony conviction relates directly to the practice of certified
11 shorthand reporting. Character references may be required, but shall
12 not be obtained from certified shorthand reporters.

13 **NEW SECTION. Expirations and renewals.** Certification shall ex-
14 pire annually as determined by the board. The board shall notify
15 every person certified under this chapter of the date of expiration of
16 his certificate and the amount of the fee required for its renewal for
17 one year. The notice shall be mailed at least one month in advance of
18 the expiration date. A person who fails to renew his certificate by
19 the expiration date shall be allowed to do so within thirty days follow-
20 ing its expiration, but the board may assess a reasonable penalty.

21 **NEW SECTION. Examination.** The board may administer as many
22 examinations per year as are necessary, but shall administer at least
23 one examination per year. The scope of the examinations and the
24 methods of procedure shall be prescribed by the board. Any written
25 examination may be conducted by representatives of the board. All
26 examinations in theory shall be in writing and the identity of the per-
27 son taking the examination shall be concealed until after the examina-
28 tion papers have been graded. For examinations in practice, the iden-
29 tity of the person taking the examination shall also be concealed as
30 far as possible. Applicants who fail the examination once shall be
31 allowed to take the examination at the next scheduled time. There-
32 after, the applicant shall be allowed to take the examination at the
33 discretion of the board. An applicant who has failed the examination
34 may request in writing information from the board concerning his
35 examination grade and subject areas or questions which he failed to
36 answer correctly, except that if the board administers a uniform,
37 standardized examination, the board shall only be required to provide

38 the examination grade and such other information concerning the ap-
39 plicant's examination results which are available to the board.

40 **NEW SECTION. Expenditures.** Warrants for the payment of ex-
41 penses and compensations provided by this chapter shall be issued by
42 the state comptroller drawn upon funds appropriated to the board
43 upon presentation of vouchers drawn by the chairman of the board
44 and authorized by the members of the board.

45 **NEW SECTION. Public members.** The public members of the board
46 shall not participate in administering or grading any portion of an
47 examination.

48 **NEW SECTION. Disclosure of confidential information.** A member
49 of the board shall not disclose information relating to the following:

- 50 1. Criminal history or prior misconduct of the applicant.
- 51 2. Information relating to the contents of the examination.
- 52 3. Information relating to the examination results other than final
53 score except for information about the results of an examination
54 which is given to the person who took the examination.

55 A member of the board who willfully communicates or seeks to com-
56 municate such information, and any person who willfully requests,
57 obtains, or seeks to obtain such information, is guilty of a public of-
58 fense which is punishable by a fine not exceeding one hundred dollars
59 or by imprisonment in the county jail for not more than thirty days.

1 **SEC. 22.** Section one hundred sixteen point one (116.1), Code 1973,
2 is amended by striking the section and inserting in lieu thereof the
3 following:

4 **116.1 Establishment of board.** There is established a board of
5 accountancy which shall consist of five members who have been reg-
6 istered as certified public accountants for at least five years, the last
7 two of which were in this state, and two members who are not certi-
8 fied public accountants and who shall represent the general public.
9 Members shall be appointed by the governor subject to the approval
10 of two-thirds of the members of the senate.

11 Professional associations or societies composed of certified public
12 accountants may recommend the names of potential board members
13 to the governor, but the governor shall not be bound by the recom-
14 mendations. Board members shall not be required to be members of
15 a professional association or society of certified public accountants.

16 Appointments shall be for three-year terms and shall commence on
17 July first of the year in which the appointment is made. Vacancies
18 shall be filled for the unexpired term by appointment of the governor
19 and shall be subject to senate confirmation. Members shall serve no
20 more than three terms or nine years.

1 **SEC. 23.** Section one hundred sixteen point two (116.2), Code
2 1973, is amended by striking the section and inserting in lieu thereof
3 the following:

4 **116.2 Duties.** The board shall:

- 5 1. Adopt, print, publish, and distribute reasonable rules not incon-
6 sistent with the provisions of this chapter for the guidance of the pub-
7 lic, registered practitioners, and applicants for examination.
- 8 2. Compel the attendance of witnesses, administer oaths, and take
9 testimony when such procedures are necessary.
- 10 3. Require proof in all matters pertaining to the administration of
11 this chapter.

12 4. Keep a record of all its proceedings including applications for ex-
13 aminations, registration, and certificates to practice showing the rea-
14 sons for the refusal of any such application or for the revocation or
15 suspension of any registration or certificate to practice.

16 5. Preserve testimony taken in all hearings provided for in this
17 chapter. Testimony may be oral or by deposition and when oral the
18 questions and answers shall be taken down by a certified shorthand
19 reporter and full transcripts made for the use of the parties inter-
20 ested.

21 6. Make a biennial report to the governor of its proceedings, with
22 an account of all moneys received, a list of the names of all practition-
23 ers whose certificates to practice have been revoked or suspended, and
24 such other information as it may deem proper or the governor request.

25 7. Pay all fees collected to the treasurer of state to be deposited in
26 the general fund of the state.

1 SEC. 24. Section one hundred sixteen point four (116.4), Code
2 1973, is amended to read as follows:

3 **116.4 No Compensation—expenses.** Members of the board of ac-
4 countancy shall set their own per diem compensation at a rate not
5 exceeding forty dollars per day for each day actually engaged in the
6 discharge of their duties, and the members thereof shall be allowed the
7 necessary traveling, printing and other expenses incident to the dis-
8 charge of their duties within the limits of ~~their available~~ funds *appro-*
9 *riated to the board.* Bills for the per diem and expense of the board
10 or its members shall be audited and allowed by the state comptroller
11 and shall be paid from the ~~fees received under the provisions of this~~
12 ~~chapter~~ *funds appropriated to the board.*

1 SEC. 25. Section one hundred sixteen point five (116.5), Code 1973,
2 is amended to read as follows:

3 **116.5 Annual meetings.** The board shall hold an annual meeting
4 during the first week in July of each year, ~~and a special meeting within~~
5 ~~sixty days after this chapter takes effect,~~ for the purpose of electing
6 from its ~~accountant~~ members, a chairman, a secretary and a treasurer;
7 and it shall meet ~~not less than four times at least one time each year,~~
8 ~~at least two of which meetings shall be held at the statehouse at the~~
9 ~~seat of government.~~ *Two* A majority of the members shall constitute a
10 quorum ~~except as otherwise provided.~~

1 SEC. 26. Section one hundred sixteen point eight (116.8), unnum-
2 bered paragraphs one (1) and three (3), are amended to read as fol-
3 lows:

4 All applicants for registration and certificates to practice account-
5 ancy, except persons actually engaged in such practice at the date of
6 the passage of this chapter, and except as provided in section 116.10,
7 and all persons who desire to become certified public accountants shall
8 be required to take ~~a~~ *the* written examination ~~to be conducted~~ *author-*
9 *ized* by the board of accountancy *which may be administered by any*
10 *representative of the board,* and upon satisfactorily passing the same
11 shall receive certificates as certified public accountants and shall be
12 entitled to practice as such upon the payment of annual fees as in this
13 chapter provided.

14 Examinations as above provided shall be ~~conducted by the board of~~
15 ~~accountancy~~ *administered* at least once each year ~~in May or November,~~

16 ~~or both~~, and as many times as the board may deem expedient. All
 17 examinations in theory shall be in writing and the identity of the
 18 person taking the examination shall be concealed until after the exami-
 19 nation papers have been graded. For examinations in practice, the
 20 identity of the person taking the examination shall also be concealed
 21 as far as possible. Applicants who fail to pass the examination once
 22 may take the examination at its next scheduled time. Thereafter, the
 23 applicant shall be allowed to take the examination at the discretion of
 24 the board. An applicant who has failed the examination may request
 25 in writing information from the board concerning his examination
 26 grade and subject areas or questions which he failed to answer cor-
 27 rectly, except that if the board administers a uniform, standardized
 28 examination, the board shall only be required to provide the examina-
 29 tion grade and such other information concerning the applicant's
 30 examination results which are available to the board.

1 SEC. 27. Section one hundred sixteen point nine (116.9), unnum-
 2 bered paragraph one (1), Code 1973, as amended by Acts of the Sixty-
 3 fifth General Assembly, 1973 Session, chapter one hundred forty (140),
 4 section seven (7), is amended to read as follows:

5 Every applicant for the examination provided for in section 116.8
 6 must be over eighteen years of age, a resident of this state, a citizen
 7 of the United States or have declared his or her intention to become
 8 such, of good moral character, a graduate of a high school having at
 9 least a four-year course of study or its equivalent as determined by the
 10 board of accountancy, or shall pass a preliminary examination to be
 11 given by the board at least thirty days before the regular examination;
 12 and shall be a graduate of a college or university commerce course
 13 majoring in accounting, or an undergraduate student majoring in
 14 accounting in his or her final semester immediately preceding gradu-
 15 ation and upon the recommendation of the appropriate college or
 16 university officials.

17 *The board shall prescribe application forms and shall not require*
 18 *that a recent photograph of the applicant be attached to the application*
 19 *form.*

20 *An applicant shall not be ineligible because of age, citizenship, sex,*
 21 *race, religion, marital status, or national origin, although the applica-*
 22 *tion form may require citizenship information. The board may con-*
 23 *sider the past felony record of an applicant only if the felony convic-*
 24 *tion relates directly to the practice of accountancy. Character refer-*
 25 *ences may be required, but shall not be obtained from certified public*
 26 *accountants.*

1 SEC. 28. Section one hundred sixteen point eleven (116.11), un-
 2 numbered paragraph one (1), Code 1973, is amended by striking the
 3 paragraph.

1 SEC. 29. Section one hundred sixteen point twelve (116.12), Code
 2 1973, is amended by striking the section and inserting in lieu thereof
 3 the following:

4 **116.12 Fees.** The board of accountancy shall establish fees for ex-
 5 amination of applicants; for registration of certified public account-
 6 ant certificates granted by other states and foreign countries; for issu-
 7 ance of certificates to practice; for registration of firm, assumed, asso-
 8 ciation or corporate names; for registration of certified public ac-

9 countants not in practice; for registration of senior accountants en-
10 titled to practice. The board shall determine the annual cost of
11 administering the examination and set the fees accordingly.

12 Other fees shall be based upon the administrative costs of sustain-
13 ing the board. The fees shall include, but shall not be limited to, the
14 costs for:

- 15 1. Per diem, expenses and travel for board members.
- 16 2. Office facilities, supplies, and equipment.
- 17 3. Clerical assistance.

1 SEC. 30. Section one hundred sixteen point thirteen (116.13), Code
2 1973, is amended by striking the section and inserting in lieu thereof
3 the following:

4 **116.13 Renewal of certificates.** Registrations and certificates shall
5 be subject to renewal annually as determined by the board. The board
6 shall notify every person certified or registered under this chapter of
7 the date of expiration of his certificate or registration and the amount
8 of the fee required for its renewal for one year. The notice shall be
9 mailed at least one month in advance of the expiration date. A person
10 who fails to renew his certificate or registration by the expiration date
11 shall be allowed to do so within thirty days following its expiration,
12 but the board may assess a reasonable penalty.

1 SEC. 31. Section one hundred sixteen point fourteen (116.14), un-
2 numbered paragraph one (1), Code 1973, is amended to read as fol-
3 lows:

4 The board of accountancy shall *may* revoke and cancel the registra-
5 tion or certificate to practice of any person upon proof that the holder
6 thereof has been convicted of a felony or any lesser offense involving
7 dishonesty or fraud; or has been principal or accessory to the issuance
8 or certification of false or fraudulent financial or related statements;
9 or has obtained registration and certificate to practice or either by
10 means of false statements or representations; or may suspend such
11 registration and certificates or either upon proof that the holder
12 thereof has been guilty of unprofessional or unethical conduct in con-
13 nection with the practice of accountancy. Such suspension shall be for
14 such period of time, not exceeding one year, as in the discretion of the
15 board shall be deemed appropriate.

1 SEC 32. Chapter one hundred sixteen (116), Code 1973, is
2 amended by adding the following new sections:

3 **NEW SECTION. Treasurer.** The treasurer of the accountancy board
4 shall upon assuming office file with the auditor of state a good and suf-
5 ficient bond in a company authorized to do business in this state in the
6 penal sum of five thousand dollars.

7 **NEW SECTION. Public members.** The public members of the board
8 shall not participate in administering or grading any portion of an
9 examination.

10 **NEW SECTION. Disclosure of confidential information.** A member
11 of the board shall not disclose information relating to the following:

- 12 1. Criminal history or prior misconduct of the applicant.
- 13 2. Information relating to the contents of the examination.
- 14 3. Information relating to the examination results other than final
15 score except for information about the results of an examination
16 which is given to the person who took the examination.

17 A member of the board who willfully communicates or seeks to com-
18 municate such information, and any person who willfully requests,
19 obtains, or seeks to obtain such information, is guilty of a public of-
20 fense which is punishable by a fine not exceeding one hundred dollars
21 or by imprisonment in the county jail for not more than thirty days.

22 **NEW SECTION. Continuing education.** The board shall prescribe
23 continuing education requirements, subject to approval under the pro-
24 visions of chapter seventeen A (17A) of the Code, for all certified pub-
25 lic accountants holding certificates and all other certified public ac-
26 countants working under certificates to engage in the practice of
27 public accounting in this state, and compliance by certified public ac-
28 countants shall be a condition to the renewal of a certificate to practice
29 under section one hundred sixteen point thirteen (116.13) of the Code.

1 **SEC. 33.** Section one hundred seventeen point two (117.2), Code
2 1973, is amended to read as follows:

3 **117.2 Individual licenses necessary.** No copartnership, association,
4 or corporation shall be granted a license, unless every member or
5 officer of ~~sueh~~ the copartnership, association, or corporation, who
6 actively participates in the brokerage business of ~~sueh~~ the copartner-
7 ship, association, or corporation, shall hold a license as a real estate
8 broker *or salesman*, and unless every employee who acts as a salesman
9 for ~~sueh~~ the copartnership, association, or corporation shall hold a
10 license as a real estate *broker or salesman*. *At least one member or*
11 *officer of each copartnership, association, or corporation shall be a real*
12 *estate broker.*

1 **SEC. 34.** Section one hundred seventeen point eight (117.8), Code
2 1973, is amended by striking the section and inserting in lieu thereof
3 the following:

4 **117.8 Commission established.** There is established the Iowa real
5 estate commission which shall consist of three members licensed under
6 this chapter and two members not licensed under this chapter and who
7 shall represent the general public. At least one of the licensed mem-
8 bers shall be a licensed real estate salesman, except that if the licensed
9 real estate salesman becomes a licensed real estate broker during his
10 term of office, he shall be allowed to complete his term, but shall not
11 be eligible for reappointment on the commission as a licensed real
12 estate salesman. A licensed member shall be actively engaged in the
13 real estate business and shall have been so engaged for five years pre-
14 ceding his appointment, the last two of which shall have been in Iowa.
15 Professional associations or societies of real estate brokers or real
16 estate salesmen may recommend the names of potential commission
17 members to the governor, but the governor shall not be bound by their
18 recommendations. A commission member shall not be required to
19 be a member of any professional association or society composed of
20 real estate brokers or salesmen. Commissioners shall be appointed by
21 the governor subject to the approval of two-thirds of the members of
22 the senate. Appointments shall be for three-year terms and shall
23 commence on July first of the year in which the appointment is made.
24 A commissioner shall serve no more than three terms or nine years,
25 whichever is less. No more than one commissioner shall be appointed
26 from a county. A commissioner shall not hold any other elective or
27 appointive state or federal office. Vacancies shall be filled for the

28 unexpired term by appointment of the governor and shall be subject
 29 to senate confirmation. A majority of the commissioners shall consti-
 30 tute a quorum.

1 SEC. 35. Section one hundred seventeen point twelve (117.12),
 2 Code 1973, is amended to read as follows:

3 **117.12 Compensation of commissioners.** Members of the commis-
 4 sion shall set their own per diem compensation at a rate not exceed-
 5 ing forty dollars per day for each day actually engaged in the dis-
 6 charge of their duties and their actual and necessary expenses in the
 7 performance of duties pertaining to their office within the limits of
 8 the available funds *appropriated to the commission.*

1 SEC. 36. Section one hundred seventeen point fourteen (117.14),
 2 Code 1973, is amended to read as follows:

3 **117.14 Fees and expenses.** All fees and charges collected by the
 4 commission under the provisions of this chapter shall be paid into the
 5 general fund in the state treasury. All expenses incurred by the com-
 6 mission under the provisions of this chapter, including compensation
 7 to the director, clerks, and assistants shall be paid out of the general
 8 fund in the state treasury. ~~The commission shall be subject to the~~
 9 ~~provisions of chapter 8 and shall be subject to the provisions of section~~
 10 ~~8.23.~~

1 SEC. 37. Section one hundred seventeen point fifteen (117.15),
 2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
 3 1973 Session, chapter one hundred forty (140), section eight (8), is
 4 amended to read as follows:

5 **117.15 Qualifications.** Licenses shall be granted only to persons
 6 who are trustworthy and competent to transact the business of a real
 7 estate broker or salesman in such manner as to safeguard the interests
 8 of the public and only after satisfactory proof has been presented to
 9 the commission. ~~The~~ *Except as provided in section one hundred seven-*
 10 *teen point twenty (117.20) of the Code, an applicant for a real estate*
 11 *broker's or salesman's license must be a person whose application has*
 12 *not been rejected for licensure in this or any other state within six*
 13 *months prior to the date of application, or whose real estate license*
 14 *has not been revoked in this or any other state within two years prior*
 15 *to date of application. Every applicant for a license as a real estate*
 16 *broker or salesman shall be of the age of eighteen years or over and a*
 17 *citizen of the United States. Provided, however, that any person not*
 18 *a citizen of the United States may be eligible for a license if due proof*
 19 *is made to the commission that he has declared his intention to become*
 20 *a citizen of the United States. Every applicant for a license as a real*
 21 *estate broker or salesman shall be of the age of eighteen years or over.*
 22 *Provided, however, an applicant shall not be ineligible because of citi-*
 23 *zenship, sex, race, religion, marital status, or national origin, although*
 24 *the application form may require citizenship information. The commis-*
 25 *sion may consider the past felony record of an applicant only if the*
 26 *felony conviction relates directly to the practice of real estate selling.*
 27 *Character references may be required but shall not be obtained from*
 28 *licensed real estate brokers or salesmen.*

29 Every applicant for a license as a real estate broker shall have been
 30 a licensed real estate salesman for a period of at least twelve months

31 preceding the date of application; or he shall have had experience sub-
 32 stantially equal to that which a licensed real estate salesman would
 33 ordinarily receive during a period of twelve months, whether as a
 34 former broker or salesman, a manager of real estate, or otherwise.
 35 Notwithstanding the foregoing provisions, if the commission shall find
 36 that any applicant could not acquire employment as a licensed real
 37 estate salesman because of conditions existing in the area where he
 38 resides, then, the foregoing provisions shall be waived by the com-
 39 mission.

40 ~~The foregoing paragraph shall not apply to persons licensed to prac-~~
 41 ~~tice law in the state of Iowa.~~

1 SEC. 38. Section one hundred seventeen point sixteen (117.16),
 2 Code 1973, is amended to read as follows:

3 **117.16 Application forms—sworn statement.** Every applicant for
 4 a real estate broker's license shall apply therefor in writing upon
 5 blanks prepared or furnished by the real estate commission. Such
 6 application shall be accompanied by the recommendation of at least two
 7 citizens, real estate owners, not related to the applicant, who have
 8 owned real estate for a period of one year or more and have known the
 9 applicant for a period of six months, in the county in which said
 10 applicant resides, or has his place of business, which recommendation
 11 shall certify that the applicant bears a good reputation for honesty,
 12 truthfulness, fair dealing and competency, and recommending that a
 13 license be granted to the applicant. *The real estate commission shall*
 14 *not require that a recent photograph of the applicant be attached to*
 15 *the application.*

16 Every applicant for a license shall furnish a ~~sworn statement~~ *infor-*
 17 *mation* setting forth his present address, both of business and resi-
 18 dence, a complete list of all former places where he may have resided
 19 or been engaged in business for a period of sixty days or more, during
 20 the last five years, accounting for such entire period, and the length
 21 of such residence, together with the name and address of at least one
 22 real estate owner in each of said counties where he may have resided
 23 or have been engaged in business and whether he has been convicted
 24 of a criminal offense involving moral turpitude, and if so, what offense.

25 The commission shall prepare and furnish written application
 26 blanks for salesman's license, to contain request for such information
 27 as the commission may require. *The commission shall not require that*
 28 *a recent photograph of the applicant be attached to the application.*
 29 The application shall be accompanied by a written statement by the
 30 broker in whose service he is about to enter, ~~stating that in his opinion~~
 31 ~~the applicant is honest, truthful, and of good reputation, and recom-~~
 32 ~~mending that the license be granted to the applicant.~~

1 SEC. 39. Section one hundred seventeen point nineteen (117.19),
 2 Code 1973, is amended to read as follows:

3 **117.19 License denied—hearing.** If the commission, after an ap-
 4 plication in proper form has been filed with it, accompanied by the
 5 proper fee and the applicant's certification of trustworthiness, com-
 6 petence, and integrity, shall deny a license to the applicant, upon his
 7 application in writing, and within a period of thirty days of such
 8 denial, he shall be entitled to a hearing as provided in section 117.35.

1 SEC. 40. Section one hundred seventeen point twenty (117.20),
2 Code 1973, is amended to read as follows:

3 **117.20 Written examination.** *Examinations for registration shall*
4 *be given as often as deemed necessary by the board, but no less than*
5 *one time per year. Each applicant for a license must pass a written*
6 *examination ~~conducted by said~~ authorized by the commission or its*
7 *authorized representative which and administered by the commission*
8 *or persons designated by the commission. The examination shall be of*
9 *scope and wording sufficient in the judgment of the commission to*
10 *establish the competency and trustworthiness of the applicant to act*
11 *as a real estate broker or salesman in such manner as to protect the*
12 *interests of the public. An examination for a real estate broker shall*
13 *be of a more exacting nature than that for a real estate salesman and*
14 *require higher standards of knowledge of real estate. All examinations*
15 *in theory shall be in writing and the identity of the person taking the*
16 *examination shall be concealed until after the examination papers have*
17 *been graded. For examinations in practice, the identity of the person*
18 *taking the examination shall also be concealed as far as possible. A*
19 *person who fails to pass either written examination once may take the*
20 *examination at the next scheduled time. Thereafter, the applicant shall*
21 *be allowed to take the examination at the discretion of the commission.*
22 *An applicant who has failed either examination may request in writing*
23 *information from the commission concerning his examination grade*
24 *and subject areas or questions which he failed to answer correctly,*
25 *except that if the commission administers a uniform, standardized*
26 *examination, the commission shall only be required to provide the*
27 *examination grade and such other information concerning the appli-*
28 *cant's examination results which are available to the commission.*

1 SEC. 41. Section one hundred seventeen point twenty-seven
2 (117.27), Code 1973, is amended by striking the section and inserting
3 in lieu thereof the following:

4 **117.27 Fees.** The commission shall set annual fees for examina-
5 tion and licensing of real estate brokers and real estate salesmen. The
6 commission shall determine the annual cost of administering the ex-
7 amination and shall set the examination fee accordingly. The com-
8 mission shall set the fees for the real estate broker's licenses and for
9 real estate salesmen's licenses based upon the administrative costs
10 of sustaining the commission. The fees shall include, but shall not be
11 limited to, the costs for:

- 12 1. Per diem, expenses, and travel for commission members.
- 13 2. Office facilities, supplies, and equipment.
- 14 3. Director, assistants, and clerical assistance.

1 SEC. 42. Section one hundred seventeen point twenty-eight
2 (117.28), Code 1973, is amended to read as follows:

3 **117.28 Expiration of license.** Every license shall expire as of
4 ~~December 31 of the year of issuance~~ annually as determined by the
5 commission. A person who fails to renew his license by the expiration
6 date shall be allowed to do so within thirty days following its expira-
7 tion, but the commission may assess a reasonable penalty. The commis-
8 sion shall upon the written request of the applicant on forms prescribed
9 by the commission, and payment of the annual fee therefor as herein
10 required, issue a new license for each ensuing year in the absence of

11 any reason or condition which might warrant the revocation of a
12 license after a hearing as provided in sections 117.34 and 117.35.

1 SEC. 43. Section one hundred seventeen point twenty-nine
2 (117.29), Code 1973, is amended to read as follows:

3 **117.29 Revocation of license.** The revocation of a broker's license
4 shall automatically suspend every real estate salesman's license
5 granted to any person by virtue of his employment by the broker
6 whose license has been revoked, pending a change of employer and the
7 issuance of a new license. Such new license shall be issued upon pay-
8 ment of a fee of ~~three dollars~~ *in an amount determined by the com-*
9 *mission based upon the administrative costs involved*, if granted dur-
10 ing the same year in which the original license was granted.

1 SEC. 44. Section one hundred seventeen point thirty-one (117.31),
2 Code 1973, is amended to read as follows:

3 **117.31 Place of business.** Every real estate broker, except as pro-
4 vided in section 117.22, shall maintain a place of business in this state.
5 If the real estate broker maintains more than one place of business
6 within the state, a duplicate license shall be issued to such broker for
7 each branch office maintained. Provided, that if such broker be a
8 copartnership, association, or corporation, a duplicate shall be issued
9 to the members or officers thereof, and a ~~single fee of one dollar in each~~
10 ~~case~~ *determined by the commission* shall be paid for each duplicate
11 license.

1 SEC. 45. Section one hundred seventeen point thirty-three
2 (117.33), Code 1973, is amended to read as follows:

3 **117.33 Salesmen—change of employment.** When any real estate
4 salesman shall be discharged or shall terminate his employment with
5 the real estate broker by whom he is employed, it shall be the duty
6 of such real estate broker to immediately deliver or mail by certified
7 mail to the commission such real estate salesman's license on the re-
8 verse side of which the employing broker shall set out the date and
9 cause of termination of employment. The real estate broker shall at
10 the time of mailing such real estate salesman's license to the commis-
11 sion address a communication to the last known residence address of
12 such real estate salesman stating that his license has been delivered
13 or mailed to the commission. A copy of such communication to the
14 real estate salesman shall accompany the license when mailed or de-
15 livered to the commission. It shall be unlawful for any real estate
16 salesman to perform any of the acts contemplated by this chapter
17 either directly or indirectly under authority of said license from and
18 after the date of receipt of said license by the commission; provided,
19 that another license shall not be issued to such real estate salesman
20 until he shall return his former pocket card to the commission or shall
21 satisfactorily account to them for the same. The commission shall
22 upon presentation of evidence by the salesman that he has been em-
23 ployed by another broker issue another license and pocket card for the
24 balance of the current year showing each change of employment. A
25 fee of ~~three dollars~~ *as determined by the commission* will be charged
26 for the issuance of such a license. Not more than one license shall be
27 issued to any real estate salesman for the same period of time.

1 SEC. 46. Chapter one hundred seventeen (117), Code 1973, is
2 amended by adding the following new sections:

3 NEW SECTION. **Meetings.** The commission shall hold at least one
4 meeting per year at the seat of government and shall elect a chairman
5 annually. A majority of the members of the commission shall con-
6 stitute a quorum.

7 NEW SECTION. **Public members.** The public members of the com-
8 mission shall not participate in administering or grading any portion
9 of an examination.

10 NEW SECTION. **Disclosure of confidential information.** A member
11 of the board shall not disclose information relating to the following:

12 1. Criminal history or prior misconduct of the applicant.

13 2. Information relating to the contents of the examination.

14 3. Information relating to the examination results other than final
15 score except for information about the results of an examination
16 which is given to the person who took the examination.

17 A member of the board who willfully communicates or seeks to com-
18 municate such information, and any person who willfully requests,
19 obtains, or seeks to obtain such information, is guilty of a public of-
20 fense which is punishable by a fine not exceeding one hundred dollars
21 or by imprisonment in the county jail for not more than thirty days.

1 SEC. 47. Section one hundred eighteen point one (118.1), Code
2 1973, is amended by striking the section and inserting in lieu thereof
3 the following:

4 **118.1 Appointment of board—removal.** There is established the
5 board of architectural examiners which shall consist of five members
6 who possess a certificate of registration issued under section one hun-
7 dred eighteen point nine (118.9) of the Code and who have been in
8 active practice of architecture for not less than five years, the last two
9 of which shall have been in Iowa, and two members who do not pos-
10 sess a certificate of registration issued under section one hundred
11 eighteen point nine (118.9) of the Code and who shall represent the
12 general public. Members shall be appointed by the governor subject
13 to the approval of two-thirds of the members of the senate.

14 Professional associations or societies composed of registered archi-
15 tects may recommend the names of potential board members to the
16 governor but the governor shall not be bound by the recommendations.
17 A board member shall not be required to be a member of any profes-
18 sional association or society composed of registered architects. Ap-
19 pointments shall be for three-year terms and shall commence on July
20 first of the year in which the appointment is made. Vacancies shall
21 be filled for the unexpired term by appointment of the governor and
22 shall require senate confirmation. Members shall serve no more than
23 three terms or nine years, whichever is less.

1 SEC. 48. Section one hundred eighteen point two (118.2), Code
2 1973, is amended to read as follows:

3 **118.2 Officers.** During the month of July of each year the board
4 shall elect from its members a president, vice-president, and secretary.
5 The duties of the officers shall be such as are usually performed by
6 such officers. ~~All meetings~~ *At least one meeting* of the board, except
7 as provided in section 118.13, shall be held at the seat of government.
8 ~~The members of the board shall serve without pay.~~

1 SEC. 49. Section one hundred eighteen point five (118.5), Code
2 1973, is amended to read as follows:

3 118.5 Duties. The board shall be ~~charged with the duty of enforcing~~
4 ~~ing enforce~~ the provisions of this chapter and may incur such expense
5 as shall be necessary ~~thereto within the limits of funds appropriated~~
6 ~~to the board~~, and shall make rules for the examination of applicants
7 for the certificate of registration provided by this chapter, and shall,
8 after due public notice, hold ~~at least two~~ meetings each year, ~~not less~~
9 ~~than three months apart~~, for the purpose of examining applicants for
10 registration and the transaction of business pertaining to the affairs
11 of the board ~~as such~~. *Examinations shall be given as often as deemed*
12 *necessary, but not less than one time per year*. No action at any meet-
13 ing can be taken without ~~three the affirmative~~ votes in ~~accord~~ of a
14 majority of the members of the board.

1 SEC. 50. Section one hundred eighteen point eight (118.8), un-
2 numbered paragraphs one (1) and two (2), Code 1973, as amended by
3 Acts of the Sixty-fifth General Assembly, 1973 Session, chapter one
4 hundred forty (140), section nine (9), are amended to read as fol-
5 lows:

6 Any person, being at least eighteen years of age and of good moral
7 character, may apply for a certificate of registration or ~~for such~~ *may*
8 *apply to take an examination as shall be requisite for such certification*
9 *under this chapter; but before receiving such certificate, this applicant*
10 *shall submit satisfactory evidence of having completed the course in a*
11 *high school or the equivalent thereto, and of having subsequently*
12 *thereto completed such courses in mathematics, history and languages*
13 *as may be prescribed by the board. The board shall not require that*
14 *the application contain a recent photograph of the applicant.*

15 Upon complying with the above requirements, the applicant shall
16 satisfactorily pass an examination in such technical and professional
17 subjects as shall be prescribed by the board. *The examination may be*
18 *conducted by representatives of the board. All examinations in theory*
19 *shall be in writing and the identity of the person taking the examina-*
20 *tion shall be concealed until after the examination papers have been*
21 *graded. For examinations in practice, the identity of the person taking*
22 *the examination shall also be concealed as far as possible. If the appli-*
23 *cant fails to pass the examination once, he may retake the examination*
24 *at the next scheduled time. Thereafter the applicant may take the*
25 *examination at the discretion of the board. An applicant who has*
26 *failed the examination may request in writing information from the*
27 *board concerning his examination grade and subject areas or questions*
28 *which he failed to answer correctly, except that if the board admin-*
29 *isters a uniform, standardized examination, the board shall only be*
30 *required to provide the examination grade and such other information*
31 *concerning the applicant's examination results which are available to*
32 *the board. In lieu of examination, the board may accept satisfactory*
33 *evidence of the applicant's knowledge of architectural practice and of*
34 *any one of the qualifications set forth under subsections 1, 2, and 3 of*
35 *this section.*

1 SEC. 51. Section one hundred eighteen point nine (118.9), Code
2 1973, is amended to read as follows:

3 **118.9 Registration.** When the applicant has complied with the re-
 4 quirements as set forth in section 118.8, to the satisfaction of at least
 5 ~~three~~ *four* members of the board, and has paid the fees prescribed ~~in~~
 6 ~~section 118.11~~ *by the board*, the secretary shall enroll the applicant's
 7 name and address in the roster of registered architects and issue to
 8 him a certificate of registration, signed by the officers of the board,
 9 which certificate shall entitle him to practice as an architect in the
 10 state of Iowa.

1 SEC. 52. Section one hundred eighteen point ten (118.10), Code
 2 1973, is amended by striking the section and inserting in lieu thereof
 3 the following:

4 **118.10 Renewals.** Certificates of registration shall expire annually
 5 as determined by the board. Registered architects shall renew their
 6 certificates of registration and pay a renewal fee in the manner pre-
 7 scribed by the board. A person who fails to renew his certificate of
 8 registration by the expiration date shall be allowed to do so within
 9 thirty days following its expiration, but the board may assess a rea-
 10 sonable penalty.

1 SEC. 53. Section one hundred eighteen point eleven (118.11), Code
 2 1973, as amended by Acts of the Sixty-fifth General Assembly, 1973
 3 Session, chapter one hundred sixty-one (161), section one (1), is
 4 amended by striking the section and inserting in lieu thereof the fol-
 5 lowing:

6 **118.11 Fees.** The board shall set the fees for examination, for a
 7 certificate of registration as a registered architect, and for renewal
 8 of a certificate. The fee for examination shall be based on the annual
 9 cost of administering the examinations. The fee for a certificate of
 10 registration and for renewal of a certificate shall be based upon the
 11 administrative costs of sustaining the board which shall include, but
 12 shall not be limited to, the costs for:

- 13 1. Per diem, expenses, and travel for board members.
- 14 2. Office facilities, supplies, and equipment.
- 15 3. Clerical assistance.

16 All fees shall be paid to the treasurer of state and deposited in the
 17 general fund of the state.

1 SEC. 54. Section one hundred eighteen point twelve (118.12), Code
 2 1973, is amended to read as follows:

3 **118.12 Payment of expenses.** The members of the board shall set
 4 their own per diem compensation at a rate not exceeding forty dollars
 5 per day for each day actually engaged in the discharge of their duties,
 6 and shall be reimbursed for the actual expenses incurred in attending
 7 the meetings of the board and for office supplies, printing, and clerical
 8 hire, and other necessary expenses incurred in carrying out the provi-
 9 sions of this chapter, within the limits of the ~~available moneys in the~~
 10 ~~fund of the board of architectural examiners only~~ *funds appropriated*
 11 *to the board*. Warrants for payments of expenses of the board shall be
 12 issued by the state comptroller and paid by the treasurer of state upon
 13 presentation of vouchers regularly drawn by the president and secre-
 14 tary of the board, ~~provided, however, that at no time shall the total~~
 15 ~~amount of vouchers exceed the total amount in the fund of the board~~
 16 ~~of architectural examiners and authorized by the board.~~

1 SEC. 55. Chapter one hundred eighteen (118), Code 1973, is
2 amended by adding the following new sections:

3 NEW SECTION. An applicant shall not be ineligible for registration
4 because of age, citizenship, sex, race, religion, marital status, or na-
5 tional origin, although the application form may require citizenship
6 information. The board may consider the past felony record of an
7 applicant only if the felony conviction relates directly to the practice
8 of architecture. Character references may be required but shall not
9 be obtained from registered architects.

10 NEW SECTION. **Public members.** The public members of the board
11 shall not participate in administering or grading any portion of an
12 examination.

13 NEW SECTION. **Disclosure of confidential information.** A member
14 of the board shall not disclose information relating to the following:

- 15 1. Criminal history or prior misconduct of the applicant.
- 16 2. Information relating to the contents of the examination.
- 17 3. Information relating to the examination results other than final
18 score except for information about the results of an examination
19 which is given to the person who took the examination.

20 A member of the board who willfully communicates or seeks to com-
21 municate such information, and any person who willfully requests,
22 obtains, or seeks to obtain such information, is guilty of a public of-
23 fense which is punishable by a fine not exceeding one hundred dollars
24 or by imprisonment in the county jail for not more than thirty days.

1 SEC. 56. Section one hundred twenty point three (120.3), subsec-
2 tion one (1), Code 1973, is amended by striking the subsection and in-
3 serting in lieu thereof the following:

4 1. There is established a board of watchmaking examiners which
5 shall consist of five members who possess certificates of registration
6 as watchmakers and two members who do not possess certificates of
7 registration as watchmakers and who shall represent the general pub-
8 lic. Members shall be appointed by the governor, subject to the ap-
9 proval of two-thirds of the members of the senate. A registered mem-
10 ber shall be actively engaged in the practice of watchmaking and shall
11 have been so engaged for five years preceding his appointment, the
12 last two of which shall have been in Iowa. Professional associations
13 or societies composed of registered watchmakers may recommend the
14 names of potential board members to the governor, but the governor
15 shall not be bound by the recommendations. A board member shall
16 not be required to be a member of any professional association or
17 society composed of professional watchmakers.

18 Appointments shall be for three-year terms and shall commence on
19 July first of the year in which the appointment is made. Vacancies
20 shall be filled for the unexpired term by appointment of the governor
21 and shall be subject to senate confirmation. Members shall serve a
22 maximum of three terms or nine years, whichever is less.

1 SEC. 57. Section one hundred twenty point three (120.3), subsec-
2 tions two (2) and three (3), Code 1973, are amended to read as fol-
3 lows:

4 2. The board shall choose, annually, one of its members as chairman
5 and one as secretary who shall severally have power to administer
6 oaths and take affidavits, certifying thereto under the seal of the board.

7 The board shall meet ~~at least once every six months or whenever a~~
8 ~~majority of the board shall call a meeting at Des Moines, at the place~~
9 ~~to be designated by the chairman as often as deemed necessary by the~~
10 ~~chairman or a majority of the board and shall meet at least one time~~
11 ~~per year at the seat of government.~~ A majority of the board shall con-
12 stitute a quorum. The secretary shall give bond in the sum of five thou-
13 sand dollars. The secretary shall keep a full record of the proceedings
14 of the board which shall be open for inspection at all reasonable times.
15 Members of the board shall set their own per diem compensation at a
16 rate not exceeding forty dollars per day for each day actually engaged
17 in the discharge of their duties, and they shall be paid their actual
18 traveling expenses within the limits of ~~their available funds appro-~~
19 ~~priated to the board;~~ the secretary in addition to such per diem and
20 expenses may be paid annually a salary to be fixed by the board, ~~but~~
21 ~~such salary shall not exceed fifteen hundred dollars general assembly.~~
22 ~~The per diem allowed each member of the board shall not exceed the~~
23 ~~sum of three hundred dollars in any year.~~

24 3. The board shall have power to adopt rules and regulations to
25 carry out the intent of this chapter. The secretary shall collect the
26 fees and shall pay the same ~~quarterly~~ to the treasurer of the state ~~to be~~
27 ~~deposited in the general fund of the state and funds shall be appropri-~~
28 ~~ated to the board to administer the provisions of this chapter.~~

1 SEC. 58. Section one hundred twenty point three (120.3), Code
2 1973, is amended by striking subsections four (4) and five (5).

1 SEC. 59. Section one hundred twenty point six (120.6), Code 1973,
2 is amended by striking the section and inserting in lieu thereof the
3 following:

4 **120.6 Applications.** Applications for certification shall be on forms
5 prescribed and furnished by the board and the board shall not require
6 that the application contain a recent photograph of the applicant. An
7 applicant shall not be ineligible for certification because of age, citizen-
8 ship, sex, race, religion, marital status, or national origin although the
9 application may require citizenship information. The board may con-
10 sider the past felony record of an applicant only if the felony convic-
11 tion relates directly to the practice of watchmaking or watch repair-
12 ing. Character references may be required, but shall not be obtained
13 from registered watchmakers. Applications for examination shall be
14 filed with the board at least ten days before the time set for the exam-
15 ination and shall be accompanied by the prescribed fees.

16 The applicant shall meet at least one of the following criteria:

17 1. Completion of at least three years' previous experience at the
18 bench under the supervision of a watchmaker, holding a certificate
19 under the provisions of this chapter;

20 2. Completion of at least one year schooling in a recognized watch-
21 maker's school, together with one year experience at the bench under
22 the provisions of this chapter;

23 3. Completion of at least two years' schooling in a recognized
24 watchmaker's school; or

25 4. Completion in another state of three or more years' employment
26 as a watchmaker whether or not the other state requires a watchmak-
27 er's certificate or license. The showing of service in another state

28 shall be accompanied by proper affidavits from responsible persons in
29 the other state.

1 SEC. 60. Section one hundred twenty point seven (120.7), Code
2 1973, is amended to read as follows:

3 120.7 Examination. An applicant to be entitled to a certificate
4 otherwise provided in this chapter shall pass an examination before
5 the board, which examination shall be confined to such knowledge,
6 practical ability, and skill as is essential in the proper repairing of
7 watches, clocks, and time-recording instruments, and shall include an
8 examination of theoretical knowledge of watch construction and re-
9 pair, and also a practical demonstration of the applicant's skill in the
10 manipulation of watchmaker's tools. The board shall make rules and
11 regulations for conducting examinations, and shall define the standards
12 of workmanship and skill. *All examinations in theory shall be in writ-
13 ing and the identity of the person taking the examination shall be
14 concealed until after the examination papers have been graded. For
15 examinations in practice, the identity of the person taking the examina-
16 tion shall also be concealed as far as possible. In case of failure at any
17 examination, the applicant shall have the privilege of taking another
18 examination at any other examination period upon the payment of a
19 fee of ten dollars and the board shall conduct such examinations at
20 least twice in each year.*

21 *The board may administer as many examinations per year as are
22 necessary, but shall administer at least one examination per year.
23 Any written examination may be conducted by representatives of the
24 board. Applicants who fail the examination once shall be allowed to
25 take the examination at the next scheduled time. Thereafter, the appli-
26 cant shall be allowed to take the examination at the discretion of the
27 board. An applicant who has failed the examination may request in
28 writing information from the board concerning his examination grade
29 and subject areas or questions which he failed to answer correctly,
30 except that if the board administers a uniform, standardized exami-
31 nation, the board shall only be required to provide the examination
32 grade and such other information concerning the applicant's examina-
33 tion results which are available to the board.*

1 SEC. 61. Section one hundred twenty point eight (120.8), subsec-
2 tions two (2) and four (4), Code 1973, are amended to read as fol-
3 lows:

4 2. A watchmaker who is not a resident of the state may, in the dis-
5 cretion of the board, be issued a certificate without the examination
6 upon the payment of a fee of ~~fifteen dollars~~ *in an amount determined*
7 *by the board based upon the cost of issuing the certificate* and upon
8 filing a written application with the board, together with evidence of
9 five years' practice as a watchmaker in some other state immediately
10 previous to the time of the application by furnishing such evidence in
11 connection with his skill as a watchmaker as the board may require.
12 The board, upon presentation by an applicant of a license or certificate
13 to practice watchmaking issued to the applicant upon examination by
14 the duly constituted authority of another state which by its laws
15 licenses or regulates watchmakers, and which by its laws would grant
16 a certificate of license under similar circumstances and conditions, may
17 in its discretion, issue a certificate of registration to said applicant

18 without examination upon payment of a fee of fifteen dollars in an
 19 amount determined by the board based upon the cost of issuing the
 20 certificate.

21 4. Every certificate of registration shall expire on the thirtieth day
 22 of June following the date of issuance of such certificate annually, and
 23 shall be renewed annually as determined by the board upon application
 24 by the holder thereof, without examination. Application for such
 25 renewal shall be made in writing to the department, accompanied by
 26 a renewal fee of ten dollars in an amount determined by the board
 27 based upon the cost of renewing the certificate, at least thirty days
 28 prior to the expiration of such certificate. Every renewal shall be dis-
 29 played in connection with the original certificate. Every year or not
 30 later than May 1, the board shall notify each certificate holder by
 31 mail of the expiration of his certificate. Any watchmaker who allows
 32 his certificate to lapse by failing to renew the same as hereinbefore
 33 provided, may obtain reinstatement thereof without examination, in
 34 the discretion of the board, if he applies therefor within three years
 35 following the expiration date of his certificate and pays the renewal
 36 fees then due. A person who fails to renew his certificate by the ex-
 37 piration date shall be allowed to do so within thirty days following its
 38 expiration, but the board may assess a reasonable penalty.

1 SEC. 62. Section one hundred twenty point nine (120.9), Code
 2 1973, is amended to read as follows:

3 **120.9 Apprentice watchmakers.** Any person sixteen years of age
 4 or over, of good moral character, apprenticed to a registered watch-
 5 maker, may pursue the trade of watchmaking upon obtaining from the
 6 board a certificate of registration as an apprenticed watchmaker, which
 7 certificate shall be conspicuously displayed at all times in the place of
 8 employment of such apprentice. No apprentice certificate shall be
 9 renewed unless the application therefor shall be accompanied by a
 10 sworn statement of the employer or employers as to the length of time
 11 the applicant has been actually employed under his certificate in the
 12 pursuit of the watchmaking trade. Apprentice watchmakers shall pay
 13 a fee of five dollars in an amount determined by the board for the cer-
 14 tificate which shall expire on June 30 of each year annually and shall
 15 pay a renewal fee of five dollars annually in an amount determined by
 16 the board. A person who fails to renew his certificate by the expira-
 17 tion date shall be allowed to do so within thirty days following its
 18 expiration, but the board may assess a reasonable penalty. Any appli-
 19 cant for a certificate of registration as a watchmaker who fails to pass
 20 the examination provided for herein may in the discretion of the board
 21 be issued a certificate as an apprentice watchmaker.

1 SEC. 63. Section one hundred twenty point eleven (120.11), Code
 2 1973, is amended to read as follows:

3 **120.11 Duplicates.** A duplicate of any certificate provided by this
 4 chapter shall be issued upon filing with the secretary a sworn state-
 5 ment that the original certificate has been lost or destroyed, and upon
 6 payment of two dollars a fee in an amount determined by the board for
 7 the issuance of the same.

1 SEC. 64. Chapter one hundred twenty (120), Code 1973, is
 2 amended by adding the following new sections:

3 NEW SECTION. **Public members.** The public members of the board
4 shall not participate in administering or grading any portion of an
5 examination.

6 NEW SECTION. **Disclosure of confidential information.** A member
7 of the board shall not disclose information relating to the following:

- 8 1. Criminal history or prior misconduct of the applicant.
- 9 2. Information relating to the contents of the examination.
- 10 3. Information relating to the examination results other than final
11 score except for information about the results of an examination which
12 is given to the person who took the examination.

13 A member of the board who willfully communicates or seeks to com-
14 municate such information, and any person who willfully requests, ob-
15 tains, or seeks to obtain such information, is guilty of a public of-
16 fense which is punishable by a fine not exceeding one hundred dollars
17 or by imprisonment in the county jail for not more than thirty days.

18 NEW SECTION. **Fees.** The secretary shall collect and account for
19 all fees and pay them to the treasurer of state who shall deposit the
20 fees in the general fund of the state. The board shall set the fees for
21 examination and for certification and renewal of certification. The
22 fees for examination shall be based upon the annual cost of adminis-
23 tering the examinations. The fees for certification and renewal shall
24 be based upon the administrative costs of sustaining the board which
25 shall include, but shall not be limited to, the costs for:

- 26 1. Per diem, expenses and travel for board members.
- 27 2. Office facilities, supplies, and equipment.
- 28 3. Clerical assistance.

1 SEC. 65. Section one hundred forty-seven point one (147.1), sub-
2 sections two (2) and three (3), Code 1973, are amended to read as
3 follows:

4 2. "Licensed" or "*certified*" when applied to a physician and sur-
5 geon, podiatrist, osteopath, osteopathic physician and surgeon, *psy-*
6 *chologist or associate psychologist*, chiropractor, nurse, dentist, dental
7 hygienist, optometrist, pharmacist, physical therapist, practitioner of
8 cosmetology, practitioner of barbering, funeral director or embalmer
9 shall mean a person licensed under this title.

10 3. "Profession" shall mean medicine and surgery, podiatry, osteop-
11 athy, osteopathic medicine and surgery, *psychology*, chiropractic,
12 nursing, dentistry, dental hygiene, optometry, pharmacy, physical
13 therapy, cosmetology, barbering, funeral directing or embalming.

1 SEC. 66. Section one hundred forty-seven point two (147.2), Code
2 1973, is amended to read as follows:

3 147.2 **License required.** No person shall engage in the practice of
4 medicine and surgery, podiatry, osteopathy, osteopathic medicine and
5 surgery, *psychology*, chiropractic, physical therapy, nursing, dentistry,
6 dental hygiene, optometry, pharmacy, cosmetology, barbering, funeral
7 directing or embalming as defined in the following chapters of this
8 title, unless he shall have obtained from the state department of
9 health a license for that purpose.

1 SEC. 67. Section one hundred forty-seven point three (147.3),
2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
3 1973 Session, chapter one hundred forty (140), section thirteen (13),

4 is amended by striking the section and inserting in lieu thereof the
5 following:

6 **147.3 Qualifications.** An applicant for a license to practice a pro-
7 fession under this title shall not be ineligible because of age, citizen-
8 ship, sex, race, religion, marital status, or national origin, although the
9 application form may require citizenship information. Any board may
10 consider the past felony record of an applicant only if the felony con-
11 viction relates directly to the practice of medicine, podiatry, oste-
12 opathy, osteopathy and surgery, chiropractic, nursing, psychology,
13 optometry, pharmacy, physical therapy, cosmetology, barbering, or
14 funeral directing or embalming for which the applicant requests to be
15 licensed. Character references may be required, but shall not be ob-
16 tained from licensed members of the profession.

1 SEC. 68. Section one hundred forty-seven point eight (147.8),
2 Code 1973, is amended to read as follows:

3 **147.8 Record of licenses.** The name, ~~age, nativity,~~ location, num-
4 ber of years of practice of the person to whom a license is issued to
5 practice a profession, the number of the certificate, and the date of
6 registration thereof shall be entered in a book kept in the office of the
7 department to be known as the registry book, and the same shall be
8 open to public inspection.

1 SEC. 69. Section one hundred forty-seven point nine (147.9), Code
2 1973, is amended to read as follows:

3 **147.9 Change of residence.** When any person licensed to practice
4 a profession under this title changes his residence he shall notify the
5 department ~~and such change shall be noted in the registry book.~~

1 SEC. 70. Section one hundred forty-seven point ten (147.10), Code
2 1973, is amended to read as follows:

3 **147.10 Renewal.** Every license to practice a profession shall ex-
4 pire ~~on the thirtieth day of June following the date of issuance of such~~
5 ~~license annually as determined by the board,~~ and shall be renewed
6 annually upon application by the licensee, without examination. Appli-
7 cation for such renewal shall be made in writing to the department
8 accompanied by the ~~legal~~ *required* fee at least thirty days prior to the
9 expiration of such license. Every renewal shall be displayed in con-
10 nection with the original license. Every year the department shall
11 notify each licensee by mail of the expiration of his license. *Failure*
12 *to renew the license within a reasonable time after the expiration shall*
13 *not invalidate the license, but a reasonable penalty may be assessed by*
14 *the board. This section and section 147.11 shall not apply to dentists*
15 *and dental hygienists.*

1 SEC. 71. Section one hundred forty-seven point twelve (147.12),
2 Code 1973, is amended to read as follows:

3 **147.12 Examining boards.** For the purpose of giving examina-
4 tions to applicants for licenses to practice the professions for which
5 a license is required by this title, the governor shall appoint, *subject*
6 *to the approval of two-thirds of the members of the senate,* a board of
7 examiners for each of ~~said~~ the professions. *The board members shall*
8 *not be required to be members of professional societies or associations*
9 *composed of members of their professions.*

1 SEC. 72. Section one hundred forty-seven point thirteen (147.13),
2 Code 1973, is amended to read as follows:

3 147.13 **Designation of boards.** The examining boards provided in
4 section 147.12 shall be designated as follows: For medicine and sur-
5 gery, and osteopathy, and osteopathic medicine and surgery, medical
6 examiners; for *psychology, psychology examiners*; for podiatry, podia-
7 try examiners; for chiropractic, chiropractic examiners; for physical
8 therapists, physical therapy examiners; for nursing, board of nurs-
9 ing; for dentistry and dental hygiene, dental examiners; for optom-
10 etry, optometry examiners; for cosmetology, cosmetology examiners;
11 for barbering, barber examiners; for pharmacy, pharmacy examiners;
12 for funeral directing and embalming, funeral director and embalmer
13 examiners.

1 SEC. 73. Section one hundred forty-seven point fourteen (147.14),
2 Code 1973, is amended by striking the section and inserting in lieu
3 thereof the following:

4 147.14 **Composition of boards.** The boards of examiners shall con-
5 sist of the following:

6 1. For podiatry, physical therapy, cosmetology, barbering, and
7 funeral directing and embalming, three members each, licensed to
8 practice the profession for which the board conducts examinations,
9 and two members who are not licensed to practice the profession for
10 which the board conducts examinations and who shall represent the
11 general public. A quorum shall consist of a majority of the members
12 of the board.

13 2. For medical examiners, five members licensed to practice medi-
14 cine and surgery, two members licensed to practice osteopathic medi-
15 cine and surgery, and two members not licensed to practice either
16 medicine and surgery or osteopathic medicine and surgery, and who
17 shall represent the general public. A majority of members of the
18 board shall constitute a quorum.

19 3. For nursing examiners, one registered nurse representing the
20 colleges and universities, one registered nurse representing the hospital
21 conducted schools of nursing, one registered nurse representing the
22 area community and vocational technical nursing department, one
23 registered nurse practitioner, one licensed practical nurse practitioner,
24 and two members not registered nurses or licensed practical nurses and
25 who shall represent the general public. The representatives of the
26 general public shall not be members of health care delivery systems.
27 A majority of the members of the board shall constitute a quorum.

28 4. For dental examiners, five members shall be licensed to practice
29 dentistry, two members shall be licensed to practice dental hygiene
30 and two members not licensed to practice dentistry or dental hygiene
31 and who shall represent the general public. A majority of the mem-
32 bers of the board shall constitute a quorum. No member of the dental
33 faculty of the school of dentistry at the state university of Iowa shall
34 be eligible to be appointed.

35 5. For pharmacy examiners, five members licensed to practice phar-
36 macy and two members who are not licensed to practice pharmacy and
37 who shall represent the general public. A majority of the members
38 of the board shall constitute a quorum.

39 6. For optometry examiners, five members licensed to practice op-
40 tometry and two members who are not licensed to practice optometry

41 and who shall represent the general public. A majority of the mem-
42 bers of the board shall constitute a quorum.

43 7. Five members who are licensed to practice psychology and two
44 members not licensed to practice psychology and who shall represent
45 the general public. Of the five members who are licensed to practice
46 psychology, one member shall be primarily engaged in graduate teach-
47 ing in psychology, two members who render services in psychology,
48 one member representing areas of applied psychology who may be
49 affiliated with training institutions and who devote a major part of
50 their time in rendering service in psychology, and one member pri-
51 marily engaged in research psychology. Members of the initial board
52 shall meet the education requirements specified in this Act. A major-
53 ity of the members of the board shall constitute a quorum.

54 8. For chiropractic examiners, five members licensed to practice
55 chiropractic and two members who are not licensed to practice chiro-
56 practic and who shall represent the general public. A majority of the
57 members of the board shall constitute a quorum.

1 SEC. 74. Section one hundred forty-seven point sixteen (147.16),
2 Code 1973, is amended to read as follows:

3 ~~147.16 Practice requirement for Examiners.~~ Each *licensed* exam-
4 iner shall be actively engaged in the practice of his profession and shall
5 have been so engaged in this state for a period of five years just pre-
6 ceding his appointment, ~~except physical therapy examiners and nurse~~
7 ~~examiners who shall be so actively engaged for a period of five years,~~
8 ~~but only the last two of which need shall be in this state.~~

1 SEC. 75. Section one hundred forty-seven point eighteen (147.18),
2 Code 1973, is amended to read as follows:

3 ~~147.18 Disqualifications.~~ No examiner shall be an officer or mem-
4 ber of the instructional staff of any school in which any profession reg-
5 ulated by this title is taught, or be connected therewith in any manner,
6 ~~and no funeral director and embalmer or optometry~~ *except nurse exam-*
7 *iners.* No examiner shall be connected in any manner with any whole-
8 sale or jobbing house dealing in ~~optical or embalming supplies, and no~~
9 ~~cosmetology examiner shall be connected with any wholesale or jobbing~~
10 ~~house dealing in supplies sold to practitioners of cosmetology, and no~~
11 ~~barber examiner shall be connected with any wholesale or jobbing house~~
12 ~~dealing in supplies sold to practitioners of barbering, providing, how-~~
13 ~~ever, that the foregoing shall not apply to nurse examiners.~~

1 SEC. 76. Section one hundred forty-seven point nineteen (147.19),
2 Code 1973, is amended by striking the section and inserting in lieu
3 thereof the following:

4 ~~147.19 Terms of office.~~ The board members shall serve three-year
5 terms, which shall commence on July first of the year in which the
6 appointment is made. Any vacancy in the membership of an examin-
7 ing board shall be filled by appointment of the governor and shall be
8 subject to senate confirmation. A member shall serve no more than
9 three terms or nine years.

1 SEC. 77. Section one hundred forty-seven point twenty (147.20),
2 Code 1973, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **147.20 Nomination of examiners.** The regular state association or
5 society for each profession may recommend the names of potential
6 board members to the governor, but the governor shall not be bound
7 by the recommendations.

1 SEC. 78. Section one hundred forty-seven point twenty-one
2 (147.21), Code 1973, is amended by striking the section and inserting
3 in lieu thereof the following:

4 **147.21 Examination information.** The public members of the board
5 shall not participate in administering or grading any portion of an
6 examination.

7 A member of the board shall not disclose information relating to
8 the following:

- 9 1. Criminal history or prior misconduct of the applicant.
- 10 2. Information relating to the contents of the examination.
- 11 3. Information relating to the examination results other than final
12 score except for information about the results of an examination
13 which is given to the person who took the examination.

14 A member of the board who willfully communicates or seeks to com-
15 municate such information, and any person who willfully requests,
16 obtains, or seeks to obtain such information, is guilty of a public of-
17 fense which is punishable by a fine not exceeding one hundred dollars
18 or by imprisonment in the county jail for not more than thirty days.

1 SEC. 79. Section one hundred forty-seven point twenty-four
2 (147.24), Code 1973, is amended to read as follows:

3 **147.24 Compensation.** Members of an examining board shall, in
4 addition to necessary traveling and hotel expenses, set their own per
5 diem compensation at a rate not exceeding forty dollars per day for
6 each day actually engaged in the discharge of their duties, including
7 compensation for the time spent in traveling to and from the place of
8 conducting the examination and for a reasonable number of days for
9 the preparation of examination questions and the reading of papers,
10 in addition to the time actually spent in conducting examinations
11 within the limits of their available funds appropriated to the depart-
12 ment and allocated to each examining board or funds appropriated to
13 an examining board.

1 SEC. 80. Section one hundred forty-seven point twenty-six
2 (147.26), Code 1973, is amended to read as follows:

3 **147.26 Supplies and examination quarters.** The department shall
4 furnish each examining board with all articles and supplies required
5 for the public use and necessary to enable said board to perform the
6 duties imposed upon it by law. Such articles and supplies shall be ob-
7 tained by the department in the same manner in which the regular
8 supplies for the department are obtained and the same shall be con-
9 sidered and accounted for as if obtained for the use of the department
10 the costs shall be assessed to the examining board. When examinations
11 are held at the state university, the necessary articles and supplies for
12 conducting the same shall be furnished by the university authorities.
13 The director of the department of general services shall furnish each
14 examining board with suitable quarters in which to conduct the exami-
15 nation and the cost of the quarters shall be assessed to the examining
16 board.

1 SEC. 81. Section one hundred forty-seven point twenty-eight
2 (147.28), Code 1973, is amended to read as follows:

3 147.28 **National organization.** Each examining board may main-
4 tain a membership in the national organization of the state examining
5 boards of its profession *to be paid from funds appropriated to the*
6 *board.*

7 *There is hereby annually appropriated out of the funds in the state*
8 *treasury not otherwise appropriated a sum sufficient to pay the fees*
9 *necessary for each such state examining board to maintain member-*
10 *ship in its national organization, but such sum shall not exceed two*
11 *hundred dollars for any year. The amount of said fees shall be certi-*
12 *fied to the state comptroller by the commissioner of public health, and*
13 *the comptroller is hereby authorized to draw warrants and the trea-*
14 *surer of state to pay same for this purpose.*

1 SEC. 82. Section one hundred forty-seven point twenty-nine
2 (147.29), Code 1973, is amended to read as follows:

3 147.29 **Applications.** Any person desiring to take the examination
4 for a license to practice a profession shall make application to the state
5 department of health at least fifteen days before the examination, on
6 a form provided by the ~~department~~ *board*. Such application shall be
7 accompanied by the examination fee and such documents and affidavits
8 as are necessary to show the eligibility of the candidate to take such
9 examination. All applications shall be in accordance with the rules of
10 the department and shall be signed ~~and verified by the oath of the~~
11 applicant. *The board shall not require that a recent photograph of the*
12 *applicant be attached to the application.*

1 SEC. 83. Section one hundred forty-seven point thirty-four
2 (147.34), Code 1973, is amended by striking the section and inserting
3 in lieu thereof the following:

4 147.34 **Examinations.** Examinations for each profession licensed
5 under this title shall be conducted at least one time per year at such
6 time as the department may fix in cooperation with each examining
7 board. Examinations may be given at the state university of Iowa at
8 the close of each school year for professions regulated by this title and
9 examinations may be given at other schools located in the state at
10 which any of the professions regulated by this title are taught. At
11 least one session of each examining board shall be held annually at
12 the seat of government and the locations of other sessions shall be
13 determined by the examining board, unless otherwise ordered by the
14 department. Applicants who fail to pass the examination once shall
15 be allowed to take the examination at the next scheduled time. There-
16 after, applicants shall be allowed to take the examination at the dis-
17 cretion of the board. Examinations may be given by an examining
18 board which are prepared and scored by persons outside the state,
19 and examining boards may contract for such services. An examin-
20 ing board may make an agreement with examining boards in other
21 states for administering a uniform examination. An applicant who
22 has failed an examination may request in writing information from
23 the examining board concerning his examination grade and subject
24 areas or questions which he failed to answer correctly, except that if
25 the examining board administers a uniform, standardized examination,
26 the examining board shall only be required to provide the examination

27 grade and such other information concerning the applicant's examina-
28 tion results which are available to the examining board.

1 SEC. 84. Section one hundred forty-seven point thirty-nine
2 (147.39), Code 1973, is amended to read as follows:

3 **147.39 Clerk.** Upon the request of any examining board, the de-
4 partment shall detail some employee to act as clerk of any examina-
5 tion given by said examining board. Such clerk shall have charge of
6 the candidates during the examination and perform such other duties
7 as the examining board may direct. If the duties of such clerk are
8 performed away from the seat of government, he shall receive his
9 necessary travel and ~~hotel~~ expenses, which shall be paid from the
10 appropriations to the ~~department~~ *examining board* in the same
11 manner in which other similar expenses are paid. *The department*
12 *shall be reimbursed by the examining board for costs incurred.*

1 SEC. 85. Section one hundred forty-seven point forty (147.40),
2 Code 1973, is amended to read as follows:

3 **147.40 Certification of applicants.** Every examination shall be
4 passed upon in accordance with the established rules of the examin-
5 ing board and shall be satisfactory to at least a majority of the *pro-*
6 *fessional* members of ~~said the~~ board. *In the case of the board of dental*
7 *examiners, only licensed dentist members of the board shall determine*
8 *whether an applicant has passed the examination to practice as a*
9 *licensed dentist.* After each examination, the examining board shall
10 certify the names of the successful applicants to the state department
11 of health in the manner prescribed by it. The department shall then
12 issue the proper license and make the required entry in the registry
13 book.

1 SEC. 86. Section one hundred forty-seven point forty-one (147.41),
2 Code 1973, is amended to read as follows:

3 **147.41 Partial examinations.** Any examining board may ~~give~~ *pro-*
4 *vide for* a partial examination for a license to practice a profession to
5 any applicant who has completed a portion of his professional course.
6 For such purpose said board shall establish by rule:

7 1. The portion of such course which shall be completed prior to such
8 examination.

9 2. The subjects to be covered by such examination and the subjects to
10 be covered by the final examination to be taken by such applicant after
11 the completion of his professional course and prior to the issuance of
12 his license, but the subjects covered in the partial and final examina-
13 tions shall be the same as those specified in this title for the regular
14 examination.

1 SEC. 87. Section one hundred forty-seven point fifty-five (147.55),
2 Code 1973, is amended by striking subsections three (3) and five (5)
3 and inserting the following in lieu thereof:

4 3. Knowingly making misleading, deceptive, untrue, or fraudulent
5 representations in the practice of his profession or engaging in uneth-
6 ical conduct or practice harmful to the public. Proof of actual injury
7 need not be established.

8 5. Conviction of a felony. A copy of the record of conviction or
9 plea of guilty shall be conclusive evidence.

1 SEC. 88. Section one hundred forty-seven point seventy-four
2 (147.74), Code 1973, is amended by adding the following new unnum-
3 bered paragraph:

4 NEW UNNUMBERED PARAGRAPH. A psychologist who possesses a
5 doctoral degree and who represents himself as a certified practicing
6 psychologist may use the prefix "doctor" but shall add after his name
7 the word "psychologist".

1 SEC. 89. Section one hundred forty-seven point eighty (147.80),
2 Code 1973, is amended by striking the section and inserting in lieu
3 thereof the following:

4 147.80 License—examination—renewal fees. An examining board
5 shall set the fees for the examination of applicants, which fees shall
6 be based upon the annual cost of administering the examinations. An
7 examining board shall set the annual fees required for any of the fol-
8 lowing based upon the cost of sustaining the board and the actual costs
9 of licensing:

10 1. License to practice dentistry issued upon the basis of an exami-
11 nation given by the board of dental examiners, license to practice
12 dentistry issued under a reciprocal agreement, resident dentist's
13 license, renewal of a license to practice dentistry.

14 2. License to practice pharmacy issued upon the basis of an exami-
15 nation given by the board of pharmacy examiners, license to practice
16 pharmacy issued under a reciprocal agreement, renewal of a license to
17 practice pharmacy.

18 3. License to practice medicine and surgery or osteopathic medi-
19 cine and surgery issued upon the basis of an examination given by the
20 board of medical examiners, license to practice medicine and surgery,
21 osteopathic medicine and surgery or osteopathy issued by endorsement
22 or under a reciprocal agreement, renewal of a license to practice medi-
23 cine and surgery, osteopathic medicine and surgery, or osteopathy.

24 4. Certificate to practice psychology or associate psychology issued
25 on the basis of an examination given by the board of psychology ex-
26 aminers, or certificate to practice psychology or associate psychology
27 issued under a reciprocity agreement or by endorsement, renewal of a
28 certificate to practice psychology or associate psychology.

29 5. License to practice chiropractic issued on the basis of an exami-
30 nation given by the board of chiropractic examiners. License to prac-
31 tice chiropractic issued by endorsement or under a reciprocal agree-
32 ment, renewal of a license to practice chiropractic.

33 6. License to practice podiatry issued upon the basis of an exami-
34 nation given by the board of podiatry examiners, license to practice
35 podiatry issued under a reciprocal agreement, renewal of a license to
36 practice podiatry.

37 7. License to practice physical therapy issued upon the basis of an
38 examination given by the board of physical therapy examiners, license
39 to practice physical therapy issued under a reciprocal agreement, re-
40 newal of a license to practice physical therapy.

41 8. For a license to practice optometry issued upon the basis of an
42 examination given by the board of optometry examiners, license to
43 practice optometry issued under a reciprocal agreement, renewal of a
44 license to practice optometry.

45 9. License to practice dental hygiene issued upon the basis of an
46 examination given by the board of dental examiners, license to prac-

47 tice dental hygiene issued under a reciprocal agreement, renewal of a
48 license to practice dental hygiene.

49 10. License to practice funeral directing and embalming issued
50 upon the basis of an examination given by the board of funeral direct-
51 ing and embalming examiners, license to practice funeral directing
52 and embalming issued under a reciprocal agreement, renewal of a
53 license to practice funeral directing, renewal of a license to practice
54 embalming.

55 11. License to practice nursing issued upon the basis of an exami-
56 nation given by the board of nurse examiners, license to practice
57 nursing based on an endorsement from another state, territory or for-
58 eign country, renewal of a license to practice nursing.

59 12. A nurse who does not engage in nursing during the year suc-
60 ceeding the annual expiration of the license shall notify the board to
61 place the nurse upon the inactive list and the nurse shall not be re-
62 quired to pay the renewal fee so long as he remains inactive and so
63 notifies the board. To resume nursing, the nurse shall notify the
64 board and remit the renewal fee for the current annual period.

65 13. License to practice cosmetology issued upon the basis of an ex-
66 amination given by the board of cosmetology examiners, license to
67 practice cosmetology under a reciprocal agreement, renewal of a license
68 to practice cosmetology, permit to practice as an apprentice in cosme-
69 tology, license to conduct a school teaching cosmetology.

70 14. License to practice barbering on the basis of an examination
71 given by the board of barber examiners, license to practice barbering
72 under a reciprocal agreement, renewal of a license to practice barber-
73 ing, inspection by the state department of health and an original bar-
74 ber school license, renewal of a barber school license, transfer of
75 license upon change of ownership of a barber shop or barber school,
76 inspection by the department and an original barber shop license, re-
77 newal of a barber shop license, original barber school instructor's
78 license, renewal of a barber school instructor's license, original appren-
79 tice barber's license, renewal of an apprentice barber's license.

80 15. For a certified statement that a licensee is licensed in this state.

81 16. Duplicate license, which shall be so designated on its face, upon
82 satisfactory proof the original license issued by the department has
83 been destroyed or lost.

1 SEC. 90. Section one hundred forty-seven point eighty-two
2 (147.82), Code 1973, is amended by striking the section and inserting
3 in lieu thereof the following:

4 147.82 Fees. All fees shall be collected by the department of
5 health and shall be paid to the treasurer of state and deposited in the
6 general fund of the state, except as provided in sections one hundred
7 forty-seven point ninety-four (147.94), and one hundred forty-seven
8 point one hundred two (147.102).

1 SEC. 91. Section one hundred forty-seven point one hundred
2 (147.100), Code 1973, is amended by striking the section and inserting
3 in lieu thereof the following:

4 147.100 Expirations and renewals. Licenses shall expire annu-
5 ally as determined by the examining board. A person who fails to
6 renew his license by the expiration date shall be allowed to do so
7 within thirty days following its expiration, but the examining board
8 may assess a reasonable penalty.

1 SEC. 92. Section one hundred forty-seven point one hundred two
2 (147.102), Code 1973, is amended to read as follows:

3 147.102 **Physicians and surgeons, psychologists, chiropractors and**
4 **osteopaths.** Notwithstanding the provisions of this title, every appli-
5 cation for a license to practice medicine and surgery, *psychology,*
6 *chiropractic, osteopathy, or osteopathic medicine and surgery,* shall be
7 made ~~direct~~ *directly* to the secretary of the examining board of such
8 profession, and every reciprocal agreement for the recognition of any
9 such license issued in another state shall be negotiated by the examin-
10 ing board for such profession, and all examination, license, and re-
11 newal fees received from such persons licensed to practice any of such
12 professions shall be paid to and collected by the secretary of the
13 examining board of such profession, ~~which secretary shall turn the~~
14 ~~same over to the department of health on the first day of January,~~
15 ~~1925, and quarterly thereafter who shall transmit the fees to the trea-~~
16 ~~surer of state who shall deposit the fees in the general fund of the~~
17 ~~state. The salary of the secretary shall be set by the general assembly.~~

1 SEC. 93. Section one hundred forty-seven point one hundred three
2 (147.103), Code 1973, is amended by striking the section and inserting
3 in lieu thereof the following:

4 147.103 **Inspector.** The medical examiners may appoint an inspec-
5 tor, who shall not be a member of the examining board, to administer
6 and aid in the enforcement of the provisions of the law relating to
7 those licensed to practice medicine and surgery, osteopathic medicine
8 and surgery, and osteopathy. The amount of compensation for the
9 inspector shall be determined pursuant to chapter nineteen A (19A) of
10 the Code.

1 SEC. 94. Section one hundred forty-seven point one hundred five
2 (147.105), Code 1973, is amended by striking the section and insert-
3 ing in lieu thereof the following:

4 147.105 **Executive director.** The board of nurse examiners may
5 appoint a full-time executive director who shall not be a member of
6 the board, and the provisions of section one hundred forty-seven point
7 twenty-two (147.22) of the Code shall not apply. The salary of the
8 executive director shall be set by the general assembly.

1 SEC. 95. Section one hundred forty-seven point one hundred
2 seven (147.107), unnumbered paragraph one (1), Code 1973, is
3 amended to read as follows:

4 Every application for a license to practice nursing in this state shall
5 be made direct to the ~~secretary~~ *executive director* of the board of nurse
6 examiners, and upon the granting of any such license the ~~secretary~~
7 *executive director* shall certify to the department of health that such
8 license has been granted. Every reciprocal agreement for the recog-
9 nition of any such license issued in another state shall be negotiated by
10 the board. Notwithstanding the provisions of sections 147.44 to 147.54,
11 inclusive, the conditions for the recognition of any such license issued
12 in another state shall be determined by the board, and it may certify
13 for a license to practice nursing in this state without examinations an
14 applicant who has been duly licensed as a nurse under the laws of an-
15 other state, territory or foreign country, if in the opinion of the board
16 the applicant meets all the qualifications required for a registered or
17 licensed practical nurse under section 152.3. All examination, license

18 and renewal fees received from such persons licensed to practice nurs-
 19 ing shall be paid to and collected by the secretary of the board, who
 20 shall remit to the treasurer of state ~~quarterly~~ all fees collected, and at
 21 the same time render to the state comptroller an itemized and verified
 22 report showing the source from which said fees were obtained. All
 23 such fees collected and remitted shall be placed in a special fund
 24 deposited by the treasurer of state and the state comptroller to be
 25 known as the "Nurses' fund", to be used by the board in the general
 26 fund of the state. Funds shall be appropriated to administer and
 27 enforce the laws relating to the practice of nursing, to elevate the
 28 standards of schools of nursing, and to promote the educational and
 29 professional standards of nurses and nursing in this state, and no part
 30 of such expense shall be paid out of the state treasury. Any remainder
 31 in said fund at the end of each fiscal year, after all expense in carrying
 32 out the provisions of sections 147.105 to 147.110, inclusive, have been
 33 paid, or a sum sufficient for payment thereof set apart, shall be paid into
 34 the general fund of the state. Said fund shall be subject at all times
 35 to the warrant of the state comptroller, drawn upon written requisition
 36 of the chairman of the board and attested by the secretary, for
 37 the payment of all salaries and other expenses necessary to carry out
 38 the provisions of said sections, but in no event shall the total expenses
 39 therefor exceed the total fees collected and deposited to the credit of
 40 said fund.

1 SEC. 96. Section one hundred forty-seven point one hundred eight
 2 (147.108), Code 1973, is amended to read as follows:

3 147.108 Assistants—payment. Subject to the approval of the com-
 4 missioner of public health, the board may appoint such assistants and
 5 inspectors as may be necessary to properly administer and enforce the
 6 provisions of sections 147.105 to 147.110, inclusive, shall be appointed
 7 pursuant to chapter nineteen A (19A). They shall perform such duties
 8 as the board shall assign to them. The amount of salary or compensa-
 9 tion of the secretary and such appointees shall be fixed by the executive
 10 council.

1 SEC. 97. Section one hundred forty-seven point one hundred four-
 2 teen (147.114), Code 1973, is amended by striking the section and in-
 3 serting in lieu thereof the following:

4 147.114 Inspector. An inspector may be appointed by the board of
 5 dental examiners pursuant to the provisions of chapter nineteen A
 6 (19A) of the Code.

1 SEC. 98. Section one hundred forty-seven point one hundred six-
 2 teen (147.116), Code 1973, is amended by striking the section and in-
 3 serting in lieu thereof the following:

4 147.116 Inspector. An inspector may be appointed by the board of
 5 optometry examiners pursuant to the provisions of chapter nineteen A
 6 (19A) of the Code.

1 SEC. 99. Section one hundred forty-seven point one hundred nine-
 2 teen (147.119), Code 1973, is amended by striking the section and in-
 3 serting in lieu thereof the following:

4 147.119 Composition of board. There is established a state board
 5 of examiners for nursing home administrators which shall consist of

6 nine members appointed by the governor subject to the approval of
7 two-thirds of the members of the senate as follows:

8 1. Four members shall be licensed nursing home administrators, one
9 of whom shall be an administrator of a nonproprietary nursing home.

10 2. Three members shall be persons who are licensed members of any
11 of the professions concerned with the care and treatment of chroni-
12 cally ill or elderly patients, who are not nursing home administrators
13 or nursing home owners.

14 3. Two members who are not licensed nursing home administrators
15 or are not licensed persons under chapter one hundred forty-seven
16 (147) of the Code and who shall represent the general public. The
17 members shall be interested in the problems of elderly patients and
18 nursing home care, but shall have no financial interest in any nursing
19 home.

20 The board shall be within the department of health for administra-
21 tive purposes. The department shall furnish the board with the nec-
22 essary facilities and employees to perform the duties required by this
23 division, but shall be reimbursed for all costs incurred from funds
24 appropriated to the board.

25 A licensed member shall be actively engaged in the practice of his
26 profession and shall have been so engaged for five years preceding his
27 appointment, the last two of which shall have been in Iowa. Profes-
28 sional societies composed of licensed members may recommend the
29 names of potential board members to the governor, but the governor
30 shall not be bound by the recommendations.

31 A board member shall not be required to be a member of any pro-
32 fessional association or society composed of nursing home administra-
33 tors or any licensed profession.

34 Appointments shall be for three-year terms and shall commence on
35 July first of the year in which the appointment is made. Vacancies
36 shall be filled for the unexpired term by appointment of the governor
37 and shall be subject to senate confirmation. Members shall serve no
38 more than three terms or nine years, whichever is least.

1 SEC. 100. Section one hundred forty-seven point one hundred
2 twenty (147.120), subsection one (1), Code 1973, as amended by Acts
3 of the Sixty-fifth General Assembly, 1973 Session, chapter one hun-
4 dred forty (140), section fourteen (14), is amended to read as fol-
5 lows:

6 1. ~~He~~ *The applicant* is at least eighteen years of age, of good moral
7 character and unless he is of sound mental health and physically able to
8 perform the duties.

1 SEC. 101. Section one hundred forty-seven point one hundred
2 twenty-two (147.122), Code 1973, is amended to read as follows:

3 147.122 **License fees.** Each person licensed as a nursing home ad-
4 ministrator shall be required to pay a license fee in an amount to be
5 fixed by the board, which fee shall not exceed thirty dollars per year.
6 Said license shall expire on the thirty-first day of December of the year
7 following its issuance annually, and shall be renewable annually and
8 upon payment of the license fee. *A person who fails to renew his*
9 *license by the expiration date shall be allowed to do so within thirty*
10 *days following its expiration, but the board may assess a reasonable*
11 *penalty.*

1 SEC. 102. Section one hundred forty-seven point one hundred
 2 twenty-three (147.123), Code 1973, is amended to read as follows:
 3 **147.123 Fund created.** All fees collected under the provisions of
 4 this division shall be paid ~~monthly~~ to the treasurer of state who shall
 5 ~~keep the same in a special fund to be known as the state board of~~
 6 ~~examiners for nursing home administrators fund, which fund may~~
 7 ~~deposit the fees in the general fund of the state. Funds shall be appro-~~
 8 ~~priated to the board to be used and expended by the board to pay the~~
 9 compensation and travel expenses of members and employees of the
 10 board, and other expenses necessary for the board to administer and
 11 carry out the provisions of this division.

1 SEC. 103. Section one hundred forty-seven point one hundred
 2 twenty-six (147.126), subsections one (1) and two (2), Code 1973,
 3 are amended to read as follows:

4 1. Develop, impose, and enforce standards which must be met by
 5 individuals in order to receive a license as a nursing home administra-
 6 tor, which standards shall be designed to insure that nursing home
 7 administrators will be individuals who ~~are of good character and are~~
 8 ~~otherwise suitable, and who, by training or experience in the field of~~
 9 institutional administration, are qualified to serve as nursing home
 10 administrators.

11 2. Develop and apply appropriate techniques, including examination
 12 and investigations, for determining whether an individual meets such
 13 standards. *The board may administer as many examinations per year*
 14 *as are necessary, but shall administer at least one examination per*
 15 *year. Any written examination may be given by representatives of the*
 16 *board. Applicants who fail the examination once shall be allowed to*
 17 *take the examination at the next scheduled time. Thereafter, the appli-*
 18 *cant shall be allowed to take the examination at the discretion of the*
 19 *board. An applicant who has failed the examination may request in*
 20 *writing information from the board concerning his examination in grade*
 21 *and subject areas or questions which he failed to answer correctly,*
 22 *except that if the board administers a uniform, standardized examina-*
 23 *tion, the board shall only be required to provide the examination grade*
 24 *and such other information concerning the applicant's examination*
 25 *results which are available to the board.*

1 SEC. 104. Section one hundred forty-seven point one hundred
 2 twenty-four (147.124), Code 1973, is amended to read as follows:

3 **147.124 Organization of board.** The board shall elect from its
 4 membership a chairman, vice-chairman, and secretary-treasurer, and
 5 shall adopt rules and regulations to govern its proceedings. ~~Each~~
 6 ~~member shall receive, as compensation for his services, an amount~~
 7 ~~agreed upon by the board but not to exceed that of other state boards~~
 8 *Members of the board shall set their own per diem compensation at a*
 9 *rate not exceeding forty dollars per day for each day actually engaged*
 10 *in the discharge of their duties. The board shall hold at least one meet-*
 11 *ing per year at the seat of government. All members shall be allowed*
 12 necessary travel expenses, as may be approved by the board, which
 13 shall be payable in the same manner as travel expenses of other state
 14 officials.

1 SEC. 105. Chapter one hundred forty-seven (147), Code 1973, is
 2 amended by adding the following new sections:

3 **NEW SECTION. Applications.** Applications for licensure shall be
 4 on forms prescribed and furnished by the board and shall not contain
 5 a recent photograph of the applicant. An applicant shall not be ineli-
 6 gible for licensure because of age, citizenship, sex, race, religion, mari-
 7 tal status, or national origin although the application may require
 8 citizenship information. The board may consider the past felony rec-
 9 ord of an applicant only if the felony conviction relates directly to the
 10 practice of nursing home administration. Character references may
 11 be required, but shall not be obtained from licensed nursing home ad-
 12 ministrators.

13 **NEW SECTION. Fees.** The board shall set the fees for examina-
 14 tion, licensure and renewal of licensure. The fees for examination
 15 shall be based upon the annual cost of administering the examina-
 16 tions. The fees for licensure and renewal of licensure shall be based
 17 on the administrative costs of sustaining the board which shall in-
 18 clude, but shall not be limited to, the following:

- 19 1. Per diem, expenses, and travel for board members.
- 20 2. Office facilities, supplies, and equipment.
- 21 3. Clerical assistance.

22 **NEW SECTION. Public members.** The public members of the board
 23 shall not participate in administering or grading any portion of an
 24 examination.

25 **NEW SECTION. Disclosure of confidential information.** A member
 26 of the board shall not disclose information relating to the following:

- 27 1. Criminal history or prior misconduct of the applicant.
- 28 2. Information relating to the contents of the examination.
- 29 3. Information relating to the examination results other than final
 30 score except for information about the results of an examination
 31 which is given to the person who took the examination.

32 A member of the board who willfully communicates or seeks to com-
 33 municate such information, and any person who willfully requests,
 34 obtains, or seeks to obtain such information, is guilty of a public of-
 35 fense which is punishable by a fine not exceeding one hundred dollars
 36 or by imprisonment in the county jail for not more than thirty days.

1 **SEC. 106.** Section one hundred forty-eight point three (148.3),
 2 subsection four (4), Code 1973, is amended by striking the subsection.

1 **SEC. 107.** Section one hundred forty-eight point four (148.4),
 2 Code 1973, is amended to read as follows:

3 **148.4 Certificates of national board.** The state department of
 4 health may, with the approval of the medical examiners, accept in lieu
 5 of the examination prescribed in section 148.3 a certificate of exami-
 6 nation issued by the national board of medical examiners of the
 7 United States of America, but every applicant for a license upon the
 8 basis of such certificate shall be required to pay the fee prescribed *by*
 9 *the board* for licenses issued under reciprocal agreements.

1 **SEC. 108.** Section one hundred forty-eight point five (148.5), Code
 2 1973, is amended to read as follows:

3 **148.5 Resident physician's license.** Any physician, who is a gradu-
 4 ate of a medical school and is serving only as a resident physician and
 5 who is not licensed to practice medicine and surgery in this state, shall
 6 be required to obtain from the medical examiners a temporary or spe-
 7 cial license to practice as a resident physician. The license shall be

8 designated "Resident Physician License" and shall authorize the licen-
9 see to serve as a resident *physician* only, under the supervision of a
10 licensed practitioner of medicine and surgery, in an institution ap-
11 proved for this purpose by the medical examiners. Such license shall
12 be valid for one year and may be annually renewed at the discretion
13 of the medical examiners. The fee for this license shall be ~~twenty-five~~
14 ~~dollars set by the board to cover the administrative costs of issuing~~
15 ~~the license~~, and if extended beyond one year, an annual renewal fee
16 ~~of five dollars per year as set by the board~~ shall be required. The
17 medical examiners shall determine in each instance those eligible for
18 this license, whether or not examinations shall be given, and the type
19 of examinations. No requirements of the law pertaining to regular
20 permanent licensure shall be mandatory for this resident licensure
21 except as specifically designated by the medical examiners. The grant-
22 ing of a resident physician's license does not in any way indicate that
23 the person so licensed is necessarily eligible for regular licensure, nor
24 are the medical examiners in any way obligated to so license such
25 individual. The medical examiners shall revoke ~~said~~ the license at any
26 time they shall determine either that the caliber of work done by a
27 licensee or the type of supervision being given such licensee does not
28 conform to reasonable standards established by the medical examiners.

1 SEC. 109. Section one hundred forty-eight point ten (148.10), un-
2 numbered paragraph two (2), Code 1973, is amended to read as fol-
3 lows:

4 The temporary certificate shall be issued for one year and, at the
5 discretion of the medical examiners may be renewed, but no person
6 shall be entitled to practice medicine and surgery or osteopathic medi-
7 cine and surgery in excess of three years while holding a temporary
8 certificate. The fee for this license shall be ~~fifty dollars set by the~~
9 ~~medical examiners~~ and if extended beyond one year an annual renewal
10 fee of ~~fifty dollars~~ shall be ~~required set by the medical examiners~~. *The*
11 *fees shall be based on the administrative costs of issuing and renewing*
12 *the licenses*. The medical examiners may cancel a temporary certificate
13 at any time, without a hearing, for reasons deemed sufficient to the
14 medical examiners.

1 SEC. 110. Section one hundred forty-eight A point four (148A.4),
2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
3 1973 Session, chapter one hundred forty (140), section fifteen (15),
4 is amended by striking subsection one (1) and renumbering the re-
5 maining subsections.

1 SEC. 111. Section one hundred fifty A point three (150A.3), sub-
2 section one (1), paragraph d, Code 1973, is amended by striking the
3 paragraph.

1 SEC. 112. Section one hundred fifty A point nine (150A.9), Code
2 1973, is amended to read as follows:

3 150A.9 Resident license. Any osteopathic physician and surgeon
4 who is a graduate of a college of osteopathic medicine and surgery
5 approved by the medical examiners and is serving only as a resident
6 osteopathic physician and surgeon and who is not licensed to practice
7 osteopathic medicine and surgery in this state, shall be required to
8 obtain from the medical examiners a temporary or special license to

9 practice as a resident osteopathic physician and surgeon. The license
 10 shall be designated "Resident Osteopathic Physician and Surgeon
 11 License", and shall authorize the licensee to serve as a resident only,
 12 under the supervision of a licensed practitioner of osteopathic medi-
 13 cine and surgery, in an institution approved for this purpose by the
 14 medical examiners. Such license shall be valid for one year and may
 15 be annually renewed at the discretion of the medical examiners. The
 16 fee for this license shall be ~~twenty-five dollars set by the board and~~
 17 ~~based on the cost of issuing the license,~~ and if extended beyond one
 18 year, an annual renewal fee of ~~five dollars per year~~ shall be required.
 19 The medical examiners shall determine in each instance those eligible
 20 for this license, whether or not examinations shall be given, and the
 21 type of examinations. No requirements of the law pertaining to regu-
 22 lar permanent licensure shall be mandatory for this resident licensure
 23 except as specifically designated by the medical examiners. The grant-
 24 ing of a resident osteopathic physician and surgeon's license does not
 25 in any way indicate that the person so licensed is necessarily eligible
 26 for regular licensure, nor are the medical examiners in any way obli-
 27 gated to so license such individual. The medical examiners shall revoke
 28 said license at any time they shall determine either that the caliber of
 29 work done by the licensee or the type of supervision being given such
 30 licensee does not conform to reasonable standards established by the
 31 medical examiners.

1 SEC. 113. Section one hundred fifty-two point three (152.3), Code
 2 1973, is amended to read as follows:

3 152.3 Licenses. Licenses to practice nursing shall be issued in
 4 two classifications, (1) a license to practice nursing as a registered
 5 nurse; and (2) a license to practice nursing as a licensed practical
 6 nurse.

7 Notwithstanding the provisions of section 147.3, every applicant for
 8 a license to practice nursing as a registered nurse shall:

9 1. ~~Have attained the age of eighteen years;~~

10 2. ~~Be of good moral character;~~

11 3 1. Be a graduate of an accredited high school or the equivalent
 12 and have completed a course of study in, and hold a diploma issued by
 13 a school of nursing for registered nurses approved by the board of
 14 nurse examiners; and

15 4 2. Pass an examination prescribed by the board of nurse exam-
 16 iners which shall include but not be limited to the subjects of medical
 17 nursing, surgical nursing, nursing of children, obstetric and gynecologic
 18 nursing, psychiatric nursing and communicable disease nurs-
 19 ing.

20 Notwithstanding the provisions of section 147.3, every applicant for
 21 a license to practice nursing as a licensed practical nurse shall:

22 1. ~~Have attained the age of eighteen years;~~

23 2. ~~Be of good moral character;~~

24 3 1. Be a graduate of an accredited high school or the equivalent
 25 and have successfully completed a course of integrated study in and
 26 hold a diploma from a school of nursing for licensed practical nurses
 27 approved by the board of nurse examiners or have successfully com-
 28 pleted at least one year of a course of study in a school of nursing for
 29 registered nurses and have completed all clinical training as is required
 30 for a licensed practical nurse; and

31 4 2. Pass an examination on subjects relating to the duties and ser-
32 vices of a licensed practical nurse as defined in section 152.1. Said
33 examination, however, shall be based only on the subjects of sanitation,
34 hygiene and the practical application of bedside practice which shall
35 reflect a fair test of the applicant's ability to care for patients in bed-
36 side practice.

37 Upon making application therefor, any person meeting the require-
38 ments as to age and character specified above, shall be entitled to take
39 the examination for a license as a licensed practical nurse without the
40 educational training required above, if he has reputably performed the
41 duties and services of a licensed practical nurse as defined in section
42 152.1, for a period of at least two years in the five years immediately
43 preceding the date of such application. Such application shall be made
44 on or before July 4, 1951, and the statements of the applicant must be
45 verified by affidavits of two physicians licensed under this title.

1 SEC. 114. Section one hundred fifty-three point twenty-one
2 (153.21), Code 1973, is amended to read as follows:

3 153.21 Reciprocity license. The board may issue a license without
4 examination to an applicant who is a citizen of the United States or
5 who has officially declared his intention to become such and who fur-
6 nishes satisfactory proof that he is a graduate from an accredited
7 dental school or college of a state, territory or district of the United
8 States, who holds a license from a similar dental board under equal or
9 substantially equal requirements to those of this state, and who for
10 five consecutive years immediately prior to the filing of his application
11 in this state has been in a legal and reputable practice of dentistry in
12 such other state, territory or district of the United States, and who
13 furnishes such other evidence as to his qualifications and lawful prac-
14 tice as the board may deem necessary to require. No license shall be
15 issued under this section unless the state, territory or district from
16 which the applicant comes shall accord equal rights to dentists of Iowa
17 holding a license from the state board of dentistry.

1 SEC. 115. Section one hundred fifty-three point twenty-two
2 (153.22), Code 1973, is amended to read as follows:

3 153.22 Resident dentist license. Any dentist, who is a graduate of
4 an accredited dental school and is serving only as a resident, intern or
5 graduate student dentist and who is not licensed to practice dentistry
6 in this state, shall be required to obtain from the board of dentistry a
7 temporary or special license to practice as a resident, intern or gradu-
8 ate dentist. The license shall be designated "Resident Dentist License"
9 and shall authorize the licensee to serve as a resident, intern or gradu-
10 ate student only, under the supervision of a licensed practitioner of
11 dentistry, in an institution approved for this purpose by the board.
12 Such license shall be valid for one year and may be annually renewed
13 at the discretion of the board for a period not to exceed three addi-
14 tional years. The fee for this license shall be ten dollars, and if ex-
15 tended beyond one year, an and the annual renewal fee of ten dollars
16 per year shall be required set by the board based upon the cost of
17 issuance of the license. The board shall determine in each instance
18 those eligible for this license, whether or not examinations shall be
19 given, and the type of examination. No requirements of the law per-
20 taining to regular permanent licensure shall be mandatory for this

21 resident licensure except as specifically designated by the board. The
 22 granting of a resident dentist's license does not in any way indicate
 23 that the person so licensed is necessarily eligible for regular licensure,
 24 nor is the board in any way obligated to so license such individual. The
 25 board may revoke said license at any time it shall determine either that
 26 the caliber of work done by a licensee or the type of supervision being
 27 given such licensee does not conform to reasonable standards estab-
 28 lished by the board.

1 SEC. 116. Section one hundred fifty-three point twenty-three
 2 (153.23), Code 1973, is amended to read as follows:

3 **153.23 Notice of intention not to renew license.** If, prior to the re-
 4 newal of any license to practice dentistry or dental hygiene, the board
 5 is informed upon oath or affirmation lawfully administered, that any
 6 such applicant has during the term of his last license or the last re-
 7 newal thereof violated any of the provisions of this chapter *or chap-*
 8 *ter one hundred forty-seven (147) of the Code* or committed any of the
 9 acts of unprofessional conduct as defined in this chapter, or if any
 10 member of the board certifies in writing that he is credibly informed
 11 that such violation of law or act of unprofessional conduct has been so
 12 committed by such applicant, then the board shall notify such appli-
 13 cant, by certified letter, with postage prepaid, mailed to his address as
 14 shown by the records of said board that such information or certificate
 15 has come to the attention of the board, and that on a day and hour
 16 specified the applicant may appear before the board at such place
 17 stated in such notice and show cause why said license should be re-
 18 newed. In such event the renewal of such license shall not be made
 19 prior to the date so fixed and the making of such a showing by the
 20 applicant.

1 SEC. 117. Section one hundred fifty-three point thirty-four
 2 (153.34), subsection two (2), Code 1973, is amended to read as fol-
 3 lows:

4 **2.** ~~His~~ *The conviction of a felony if the felony conviction relates*
 5 *directly to the practice of dentistry or dental hygiene or of a misde-*
 6 ~~meanor involving moral turpitude, in either of which cases~~ *case a*
 7 certified copy of the court record where such conviction appears shall
 8 be conclusive evidence, upon receipt of which the board shall revoke or
 9 suspend the license of the person so convicted.

1 SEC. 118. Section one hundred fifty-three point thirty-six (153.36),
 2 Code 1973, is amended to read as follows:

3 **153.36 Statutes not applicable to dentistry.** Sections ~~147.1 through~~
 4 ~~147.16, 147.18 through 147.26, 147.29 through 147.32, 147.34 through~~
 5 *one hundred forty-seven point forty-four (147.44) through 147.71,*
 6 *inclusive, except section one hundred forty-seven point fifty-seven*
 7 *(147.57); and 147.80, subsections 1, 5, 7, 8, 15 and 16, 147.81, 147.82,*
 8 *147.87 through 147.92, 147.104, 147.114 and 147.115 inclusive,* shall
 9 not apply to the practice of dentistry.

1 SEC. 119. Section one hundred fifty-four point six (154.6), Code
 2 1973, is amended to read as follows:

3 **154.6 Expiration and renewal of licenses.** Every license to prac-
 4 tice optometry shall expire ~~on the thirtieth day of June of each year~~
 5 *annually.* Application for renewal of such license shall be made in

6 writing to the department of health at least thirty days prior to the
 7 annual expiration date, accompanied by the legal *required* renewal fee
 8 and the affidavit of the licensee or other proof satisfactory to the
 9 department and to the Iowa state board of optometry examiners, that
 10 said applicant has attended, since the issuance of the last license to
 11 said applicant, an educational program or clinic as conducted by the
 12 Iowa optometric association, or its equivalent, for a period of at least
 13 two days. The attendance requirement at said educational program or
 14 clinic shall not be conditioned upon membership in said Iowa opto-
 15 metric association. Nonmembers shall be admitted to said annual
 16 educational program or clinic upon payment of their pro rata share
 17 of the cost. In lieu of attendance at the said annual educational pro-
 18 gram or clinic, it shall be the duty of the board of optometry examiners
 19 to recognize and approve attendance at local optometric study group
 20 meetings as shall, in the judgment of said board, constitute an equiva-
 21 lent to attendance at the annual educational program of said associa-
 22 tion.

1 SEC. 120. Section one hundred fifty-four point seven (154.7), Code
 2 1973, is amended to read as follows:

3 154.7 **Notice of expiration.** Notice of expiration of the annual
 4 license to practice optometry shall be given by the state department
 5 of health to all certificate holders by mailing said notice to the last
 6 known address of such licensee ~~on or before the fifteenth day of April~~
 7 ~~of each year~~ *at least seventy-five days prior to the expiration date*, and
 8 said notice shall contain a statement of the educational program
 9 attendance requirement and the amount of legal fee required as a
 10 condition to the renewal of the license for the coming year. Subject to
 11 the provisions of this chapter, said license shall be renewed without
 12 examination.

1 SEC. 121. Section one hundred fifty-five point five (155.5), Code
 2 1973, as amended by Acts of the Sixty-fifth General Assembly, 1973
 3 Session, chapter one hundred forty (140), sections sixteen (16), is
 4 amended by striking subsections one (1) and two (2) and renumber-
 5 ing the remaining subsections.

1 SEC. 122. Section one hundred fifty-five point twelve (155.12), un-
 2 numbered paragraph one (1), Code 1973, is amended to read as fol-
 3 lows:

4 Licenses shall be obtained from the board for each and every place
 5 of business. Applications shall be upon such forms and shall contain
 6 such information as the board may reasonably require. Each applica-
 7 tion for license shall be made by the pharmacist-owner to the secre-
 8 tary of the board, accompanied by the license fee, which shall be paid
 9 over into the state treasury and credited to the general fund if the
 10 license is issued. The license fee for a pharmacy license or a wholesale
 11 drug license shall be ~~twenty-five dollars~~ *set by the board and based*
 12 *upon the administrative costs of issuing the licenses*. These licenses
 13 shall be due annually ~~on the first day of each January~~. The board
 14 shall issue a license upon receipt of an application accompanied by the
 15 license fee and after approval thereof by the board.

1 SEC. 123. Section one hundred fifty-five point thirteen (155.13),
2 unnumbered paragraph one (1), Code 1973, is amended to read as fol-
3 lows:

4 Each license issued under this chapter unless sooner suspended or
5 revoked, shall be renewable annually, on ~~January 1, of each year~~ upon
6 payment of the annual license fee. The board shall have the authority
7 to deny, suspend or revoke a license in any case where it finds that
8 there has been a substantial failure to comply with the provisions of
9 this chapter or the regulations promulgated hereunder, or the viola-
10 tion thereof, and in addition the board shall have the power to deny,
11 suspend or revoke a license, when the applicant or licensee, or any
12 employee, providing the offense is committed on licensed premises or
13 is in the conduct of the business licensed, is guilty of any of the fol-
14 lowing facts or offenses:

1 SEC. 124. Section one hundred fifty-six point four (156.4), subsec-
2 tion three (3), Code 1973, is amended to read as follows:

3 3. Applications for the examination for a funeral director's license
4 shall be in writing and verified on a blank to be prescribed and fur-
5 nished by the board.

6 ~~Accompanying the application shall be affidavits from at least two~~
7 ~~reputable freeholders of the county in which the applicant resides or~~
8 ~~proposes to conduct the practice of a funeral director to the effect that~~
9 ~~the applicant is of good moral character, of temperate habits, and a~~
10 ~~citizen of the United States.~~

1 SEC. 125. Section one hundred fifty-six point five (156.5), subsec-
2 tion two (2), Code 1973, is amended to read as follows:

3 2. Applications for the examination for an embalmer's license shall
4 be in writing and verified on a blank to be prescribed and furnished
5 by the board. ~~Accompanying the application shall be affidavits from at~~
6 ~~least two reputable freeholders of the county in which the applicant~~
7 ~~resides or proposes to conduct the practice of an embalmer to the effect~~
8 ~~that the applicant is of good moral character, of temperate habits, and~~
9 ~~a citizen of the United States.~~

1 SEC. 126. Section one hundred fifty-six point eight (156.8), Code
2 1973, is amended to read as follows:

3 **156.8 Studentship.** The board of funeral director and embalmer
4 examiners shall, by rule approved by the state department of health,
5 provide for studentships in funeral directing and embalming, and shall
6 regulate the registration and training thereof; and no applicant shall
7 be eligible to take the funeral directors' or embalmers' examinations
8 who has not first been legally registered as a student. For such reg-
9 istration a fee of ~~five dollars set by the board to cover registration~~
10 ~~costs~~ shall be collected from the applicant for each license.

1 SEC. 127. Section one hundred fifty-seven point five (157.5), Code
2 1973, is amended to read as follows:

3 **157.5 Electrolysis.** If an applicant desires a license authorizing
4 him to remove superfluous hair by the use of the electric needle, he
5 shall present a diploma, as evidence of having completed such a course
6 in a school recognized by the board of cosmetology examiners which
7 teaches a special course in the practice of the use of the electric needle.
8 The board of cosmetology examiners shall give to such applicant an

9 examination in the use of the electric needle for which the applicant
10 shall pay a fee of ~~ten dollars~~ to the department *as set by the board and*
11 *based upon the cost of administering the examination.*

1 SEC. 128. Section one hundred fifty-seven point eight (157.8), Code
2 1973, is amended to read as follows:

3 157.8 Assistants. The commissioner of public health, with the
4 approval of the cosmetology examiners, shall appoint such inspectors
5 and clerical assistants and incur such other expense as may be neces-
6 sary to properly administer and enforce the provisions of law relating
7 to the practice of cosmetology. ~~There is hereby annually appropriated~~
8 ~~out of the cosmetology fund in the state treasury a sum sufficient to~~
9 ~~pay the compensation and the expenses of said examiners, inspectors~~
10 ~~and clerical assistants, and other necessary expense. Provided, how-~~
11 ~~ever, that the entire cost of the administration and enforcement of the~~
12 ~~provisions of law relating to the practice of cosmetology shall not~~
13 ~~exceed in any one year, the receipts under such laws for such year~~
14 ~~together with the balance held by the treasurer of state in the cos-~~
15 ~~metology fund from preceding years. The costs and expenses of inspec-~~
16 ~~tors and clerical assistants shall be paid from funds appropriated to~~
17 ~~the cosmetology examiners.~~

1 SEC. 129. Section one hundred fifty-seven point fourteen (157.14),
2 Code 1973, is amended by striking the section and inserting in lieu
3 thereof the following:

4 157.14 Fees. All fees collected by the department for the cosme-
5 tology examiners shall be transmitted to the treasurer of state to be
6 deposited in the general fund of the state. Funds shall be appropri-
7 ated to the cosmetology examiners.

1 SEC. 130. Section one hundred fifty-eight point three (158.3), sub-
2 section two (2), Code 1973, is amended by striking the subsection and
3 renumbering the remaining subsections.

1 SEC. 131. Section one hundred fifty-eight point nine (158.9), Code
2 1973, is amended to read as follows:

3 158.9 Inspectors and assistants. The commissioner of public
4 health, with the approval of the barber examiners, shall appoint such
5 necessary inspectors and clerical assistants as may be necessary to
6 properly administer and enforce the provisions of this chapter. *The*
7 *costs of necessary inspectors and clerical assistants shall be paid to the*
8 *commissioner from funds appropriated to the barber examiners. The*
9 ~~entire cost of the administration and enforcement of this chapter shall~~
10 ~~not exceed in any year the receipts by virtue of this chapter for such~~
11 ~~year.~~

1 SEC. 132. Section one hundred fifty-eight point eleven (158.11),
2 subsection two (2), unnumbered paragraph five (5), Code 1973, is
3 amended to read as follows:

4 The state department of health shall collect, in addition to the in-
5 spection fee and the annual individual license fee required by section
6 147.80, an inspection fee of ~~ten dollars~~ *in an amount set by the barber*
7 *examiners based upon the inspection costs and administrative costs for*
8 *every barber shop or barber school changing ownership before it may*
9 *open for business or before the new owner assumes the control and*
10 *management of the same. The remodeling and reopening of a barber*

11 shop on the same site as an existing shop and under the same owner-
12 ship shall not for the purpose of this section be considered as a new
13 shop.

1 SEC. 133. Section one hundred sixty-nine point six (169.6), Code
2 1973, is amended to read as follows:

3 **169.6 Renewal.** Every license issued under this chapter shall
4 expire ~~on the thirtieth day of June following the date of issuance~~
5 *annually*, and shall be renewed annually upon application by the licen-
6 see, ~~without examination.~~ *A person who fails to renew his license by*
7 *the expiration date shall be allowed to do so within thirty days follow-*
8 *ing its expiration, but the board may assess a reasonable penalty.*
9 Application for such renewal shall be made in writing to the depart-
10 ment of agriculture, accompanied by the ~~legal~~ *required* fee, at least
11 thirty days prior to the expiration of such license. ~~Any licensee fail-~~
12 ~~ing to pay his license fee before the thirtieth day of June each year,~~
13 ~~in addition to the delinquent fee, shall pay to the department of agri-~~
14 ~~culture the sum of five dollars before said license shall be renewed;~~
15 ~~provided, that in the event said license fee is not paid within ninety~~
16 ~~days after the thirtieth day of June of any year, then and in that event~~
17 ~~the board may revoke said license to practice veterinary medicine in~~
18 ~~the state of Iowa.~~ The department shall notify each licensee by mail
19 of the expiration of his license. Every renewal shall be displayed in
20 connection with the original license. A licensed veterinarian of the
21 state of Iowa who is called into military duty for the United States
22 government is exempt from paying the ~~one dollar~~ renewal fee for such
23 license but said license must be renewed within one year from date of
24 discharge or the license shall be revoked.

1 SEC. 134. Section one hundred sixty-nine point ten (169.10), sub-
2 section one (1), Code 1973, as amended by Acts of the Sixty-fifth Gen-
3 eral Assembly, 1973 Session, chapter one hundred forty (140), section
4 seventeen (17), is amended by striking the subsection and renumber-
5 ing the remaining subsections.

1 SEC. 135. Section one hundred sixty-nine point ten (169.10), sub-
2 section three (3), Code 1973, is amended to read as follows:

3 3. Pass satisfactorily an examination in veterinary medicine, sur-
4 gery, and dentistry. ~~The state department of agriculture, with the~~
5 ~~approval of the veterinary medical examiners, may accept in lieu of~~
6 ~~the requirements in this subsection of this section, certificate of satis-~~
7 ~~factory examination issued by the national board of veterinary medical~~
8 ~~examiners of the United States of America, but every applicant for a~~
9 ~~license upon the basis of such certificate shall be required to pay the~~
10 ~~prescribed fee for a license issued in another state. The state depart-~~
11 ~~ment of agriculture, with the approval of the veterinary medical exam-~~
12 ~~iners, may also require applicants to take and pass the examination~~
13 ~~issued by the national board of veterinary medical examiners of the~~
14 ~~United States of America, and such applicants shall pay the fee re-~~
15 ~~quired for such national board examination in addition to the fees~~
16 ~~required by this chapter the board. The board may administer as many~~
17 ~~examinations per year as are deemed necessary, but shall administer at~~
18 ~~least one examination per year. Any written examination may be con-~~
19 ~~ducted by representatives of the board. All examinations in theory~~
20 ~~shall be in writing and the identity of the person taking the examina-~~

21 *tion shall be concealed until after the examination papers have been*
22 *graded. For examinations in practice, the identity of the person taking*
23 *the examination shall also be concealed as far as possible.*

1 SEC. 136. Section one hundred sixty-nine point eleven (169.11),
2 Code 1973, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **169.11 Fees.** The board of veterinary medical examiners shall set
5 the fee for examination of applicants, which fee shall be based upon
6 the annual cost of administering the examination.

7 The board shall set the fees for a license to practice veterinary med-
8 icine issued upon the basis of the examination, a license to practice
9 veterinary medicine issued upon the basis of a license issued in an-
10 other state, renewal of a license to practice veterinary medicine, certi-
11 fied statement that a licensee is licensed to practice in this state,
12 issuance of a duplicate license when the original is lost or destroyed.
13 The fees shall be based upon the administrative costs of sustaining the
14 board and shall include, but shall not be limited to, the following:

15 1. Per diem, expenses, and travel of board members.

16 2. Costs to the department of agriculture for administration of the
17 chapter.

1 SEC. 137. Section one hundred sixty-nine point twelve (169.12),
2 Code 1973, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **169.12 Reexaminations.** An applicant who fails the examination
5 once shall be allowed to take the examination at the next scheduled
6 time. Thereafter, the applicant shall be allowed to take the examina-
7 tion at the discretion of the board. An applicant who has failed the
8 examination may request in writing information from the board con-
9 cerning his examination grade and subject areas or questions which he
10 failed to answer correctly, except that if the board administers a uni-
11 form, standardized examination, the board shall only be required to
12 provide the examination grade and such other information concerning
13 the applicant's examination results which are available to the board.

1 SEC. 138. Section one hundred sixty-nine point fifteen (169.15),
2 Code 1973, is amended to read as follows:

3 **169.15 Examining board.** For the purpose of ~~giving~~ *administering*
4 examinations to applicants for license to practice veterinary medicine,
5 the ~~department of agriculture~~ *governor* shall appoint, *subject to the*
6 *approval of two-thirds of the members of the senate*, a board of ~~three~~
7 *five* examiners, *three* who shall be licensed veterinarians and *two* who
8 *shall not be licensed veterinarians and who shall represent the general*
9 *public*. Such board shall be known as the board of veterinary medical
10 examiners. Each *licensed* examiner shall be actively engaged in veteri-
11 nary medicine and shall have been so engaged ~~in this state~~ for a period
12 of five years just preceding his appointment, *the last two of which*
13 *shall have been in Iowa*. No member of the board shall be employed
14 by any wholesale or jobbing house dealing in supplies, equipment or
15 instruments used or useful in the practice of veterinary medicine.
16 The chief of the division of animal industry of the department shall
17 serve as secretary to the board of veterinary medical examiners.

18 *Professional associations or societies composed of licensed veteri-*
 19 *narians may recommend the names of potential board members to the*
 20 *governor, but the governor shall not be bound by the recommendations.*

1 SEC. 139. Section one hundred sixty-nine point sixteen (169.16),
 2 Code 1973, is amended to read as follows:

3 169.16 **Term.** The members of the examining board shall be ap-
 4 pointed for a term of three years. The term of each examiner shall
 5 commence on July 1 in the year of appointment and the terms of the
 6 members of the board shall be rotated in such a manner that one exam-
 7 iner shall retire each year and a successor be appointed to take his
 8 place. ~~The regular state veterinary medical association or society or~~
 9 ~~its managing board may submit each year to the department of agri-~~
 10 ~~culture a list of six persons of recognized ability in the veterinary med-~~
 11 ~~ical profession, who have the qualifications prescribed for examiners.~~
 12 ~~If such list is submitted, the department of agriculture in making an~~
 13 ~~appointment to the board of examiners shall select one of the persons~~
 14 ~~so named. Members shall serve no more than three terms or nine~~
 15 ~~years, whichever is less.~~

1 SEC. 140. Section one hundred sixty-nine point eighteen (169.18),
 2 Code 1973, is amended to read as follows:

3 169.18 **Compensation.** Members of the examining board shall, in
 4 addition to necessary traveling and ~~hotel~~ *other* expenses, set their own
 5 per diem compensation at a rate not exceeding forty dollars per day
 6 for each day actually engaged in the discharge of their duties including
 7 compensation for the time spent traveling to and from the place of
 8 conducting the examination and for a reasonable number of days for
 9 the preparation of examination and the reading of papers, in addition
 10 to the time actually spent in conducting examinations within the limits
 11 of available funds *appropriated to the board.*

1 SEC. 141. Section one hundred sixty-nine point nineteen (169.19),
 2 Code 1973, is amended to read as follows:

3 169.19 **Supplies.** The department of agriculture shall furnish the
 4 examining board with all articles and supplies required for the public
 5 use and necessary to enable said board to perform the duties imposed
 6 upon it by law. Such articles and supplies shall be obtained by the
 7 department in the same manner in which the regular supplies for the
 8 department are obtained, ~~and the same shall be considered and ac-~~
 9 ~~counted for as if obtained for the use of said department and the~~
 10 ~~department shall assess the costs to the examining board for the costs~~
 11 ~~of such articles and supplies. The board shall also reimburse the de-~~
 12 ~~partment for administrative costs incurred in issuing and renewing~~
 13 ~~the licenses.~~

1 SEC. 142. Section one hundred sixty-nine point twenty-one
 2 (169.21), Code 1973, is amended to read as follows:

3 169.21 **Meetings.** The board shall meet at least once a year *at the*
 4 *seat of government, and oftener if necessary, at the capitol, and shall*
 5 *hold additional meetings for the purpose of holding administering*
 6 *examinations. A majority shall constitute a quorum.*

1 SEC. 143. Section one hundred sixty-nine point twenty-two
 2 (169.22), unnumbered paragraph one (1), Code 1973, is amended to
 3 read as follows:

4 The department may designate members of the examining board
5 ~~and the secretary thereof~~ to attend either:

1 SEC. 144. Section one hundred sixty-nine point twenty-three
2 (169.23), Code 1973, is amended to read as follows:

3 **169.23 Applications.** Any person desiring to take the examination
4 for a license to practice veterinary medicine shall make application to
5 the department of agriculture, on a form provided by the department,
6 at least fifteen days before the examination. Such application shall
7 be accompanied by the license fee *set by the board* and such documents
8 and affidavits as are necessary to show the eligibility of the candidate
9 to take such examination. *The board shall not require that a recent*
10 *photograph of the applicant be attached to the application form.* All
11 applications shall be in accordance with the rules of the examining
12 board and shall be signed ~~and verified by the oath of~~ *by the applicant.*

13 *An applicant shall not be ineligible for licensure because of age, citi-*
14 *zenship, sex, race, religion, marital status, or national origin although*
15 *the application form may require citizenship information. The board*
16 *may consider the past felony record of an applicant only if the felony*
17 *conviction relates directly to the practice of veterinary medicine.*
18 *Character references may be required, but shall not be obtained from*
19 *licensed veterinarians.*

1 SEC. 145. Section one hundred sixty-nine point thirty-six (169.36),
2 subsection five (5), Code 1973, is amended by striking the subsection
3 and inserting in lieu thereof the following:

4 5. Conviction of a felony.

1 SEC. 146. Section one hundred sixty-nine point forty-nine
2 (169.49), Code 1973, is amended to read as follows:

3 **169.49 Inspector—~~examiners fund.~~** The examining board is au-
4 thorized to employ an inspector, who shall not be a member of the ex-
5 amining board, at such per diem compensation as shall be fixed by the
6 executive council and payable from a special fund in the office of the
7 treasurer of the state known as the state board of veterinary exam-
8 iners fund *funds appropriated to the examining board.*

9 The department shall annually add four dollars to the renewal fee
10 provided in this chapter for a person licensed to practice veterinary
11 medicine. Such additional amount shall be considered as a part of the
12 regular renewal fee and payment of same by a licensee shall be a pre-
13 requisite to the renewal of his license. The funds derived from the addi-
14 tional renewal fee collected under this section shall be placed in a special
15 fund by the treasurer of the state and the state comptroller to be known
16 as the "State Board of Veterinary Examiners Fund", to be used by the
17 examining board to assist in administering and enforcing the laws
18 relating to the practice of veterinary medicine, and no part of such
19 expense shall be paid out of the state treasury. Any remainder in said
20 fund at the end of each fiscal year shall be paid into the general fund
21 of the state. Said fund shall be subject at all times to the warrant of
22 the state comptroller, drawn upon written requisition of the chairman
23 of the examining board and attested by the secretary, *Funds shall be*
24 *appropriated* for the payment of all salaries, per diem expense, and
25 other expenses necessary to administer and aid in the enforcement of
26 the provisions of law relating to the practice of veterinary medicine,

27 ~~but in no event shall the total expenses therefor exceed the total fees~~
28 ~~collected and deposited to the credit of said fund.~~

1 SEC. 147. Chapter one hundred sixty-nine (169), Code 1973, is
2 amended by adding the following new section:

3 NEW SECTION. **Public members.** The public members of the board
4 shall not participate in administering or grading any portion of an
5 examination.

6 NEW SECTION. **Disclosure of confidential information.** A member
7 of the board shall not disclose information relating to the following:

- 8 1. Criminal history or prior misconduct of the applicant.
- 9 2. Information relating to the contents of the examination.
- 10 3. Information relating to the examination results other than final
11 score except for information about the results of an examination
12 which is given to the person who took the examination.

13 A member of the board who willfully communicates or seeks to com-
14 municate such information, and any person who willfully requests, ob-
15 tains, or seeks to obtain such information, is guilty of a public of-
16 fense which is punishable by a fine not exceeding one hundred dollars
17 or by imprisonment in the county jail for not more than thirty days.

1 SEC. 148. Section four hundred fifty-five B point fifty-three
2 (455B.53), Code 1973, is amended to read as follows:

3 455B.53 **Board.** ~~The commission~~ *governor shall appoint, subject*
4 *to the approval of two-thirds of the members of the senate, a board of*
5 *certification consisting of the following five members:*

6 1. One member who is a waterworks operator holding a valid cer-
7 tificate of the highest classification issued by the department.

8 2. One member who is a waste waterworks operator holding a valid
9 certificate of the highest classification issued by the department.

10 3. One member employed by the department who is qualified in
11 water and waste waterworks operation.

12 4. ~~One member who is a university or college faculty member and~~
13 ~~whose major field is related to water supply or waste water collection~~
14 ~~and treatment~~ *Two members who shall not be certificated waterworks*
15 *operators or certificated waste waterworks operators, but who shall*
16 *be interested and knowledgeable in water supply or waste water collec-*
17 *tion and treatment, and who shall represent the general public.*

18 5. ~~One member who is an employee of a municipality required to~~
19 ~~employ a certified operator and who holds a position of city manager,~~
20 ~~city engineer, director of public works, or an equivalent position.~~

21 *The members prescribed in subsections one (1), two (2), and three*
22 *(3) of this section shall have been engaged in the practice of their*
23 *professions for five years preceding their appointments, the last two*
24 *years of which shall have been in Iowa.*

25 *Professional associations or societies composed of waterworks oper-*
26 *ators or waste waterworks operators may recommend the names of*
27 *potential board members to the governor, but the governor shall not*
28 *be bound by the recommendations. Members of the board shall not be*
29 *required to be members of any such associations or societies.*

30 The members of the board shall be appointed for three-year terms.
31 Any vacancy shall be filled by appointment for the unexpired term.
32 *Members shall be limited to serving three terms or nine years, which-*
33 *ever is less.*

1 SEC. 149. Section four hundred fifty-five B point fifty-five
 2 (455B.55), Code 1973, as amended by Acts of the Sixty-fifth General
 3 Assembly, 1973 Session, chapter one hundred twenty-four (124), sec-
 4 tion nineteen (19), is amended to read as follows:

5 **455B.55 Organization.** The initial board of certification shall or-
 6 ganize and elect a chairman from its membership. Thereafter, a chair-
 7 man shall be elected at the last meeting of the fiscal year which shall
 8 be the annual meeting of the board. The member of the board em-
 9 ployed by the department shall serve as secretary and maintain its
 10 records. *The cost of such assistance shall be paid by the board to the*
 11 *department from funds appropriated to the board. At least one meet-*
 12 *ing of the board per year shall be held at the seat of government.*
 13 Additional meetings may be held at the call of the chairman. ~~Three~~ *A*
 14 *majority of members shall constitute a quorum. The members of the*
 15 *board shall be paid a forty-dollar per diem set their own per diem com-*
 16 *penstation at a rate not exceeding forty dollars per day and shall be*
 17 *reimbursed for actual and necessary expenses and travel incurred*
 18 *while discharging their official duties. All per diem and expense*
 19 *moneys paid to the members shall be paid from funds appropriated to*
 20 *the board.*

21 *A member of the board who is employed by this state shall not*
 22 *receive per diem compensation.*

1 SEC. 150. Section four hundred fifty-five B point fifty-six
 2 (455B.56), Code 1973, is amended to read as follows:

3 **455B.56 Examination.** The ~~commission~~ board shall hold at least
 4 one examination each year for the purpose of examining candidates
 5 for certification at a time and place designated by the ~~commission~~
 6 board. *Any written examination may be given by representatives of*
 7 *the board. All examinations in theory shall be in writing and the iden-*
 8 *tity of the person taking the examination shall be concealed until after*
 9 *the examination papers have been graded. For examinations in prac-*
 10 *tice, the identity of the person taking the examination shall also be*
 11 *concealed as far as possible. Those applicants whose competency is*
 12 *acceptable to the ~~commission~~ board shall be recommended to the execu-*
 13 *tive director for certification. Applicants who fail the examination*
 14 *shall be allowed to take the examination at the next scheduled time.*
 15 *Thereafter, the applicant shall be allowed to take the examination at*
 16 *the discretion of the board. An applicant who has failed the examina-*
 17 *tion may request in writing information from the board concerning his*
 18 *examination grade and subject areas or questions which he failed to*
 19 *answer correctly, except that if the board administers a uniform,*
 20 *standardized examination, the board shall only be required to provide*
 21 *the examination grade and such other information concerning the*
 22 *applicant's examination results which are available to the board.*

1 SEC. 151. Section four hundred fifty-five B point fifty-seven
 2 (455B.57), Code 1973, line four (4), is amended by striking the word
 3 "commission"* and inserting in lieu thereof the words "~~commission~~
 4 board".

1 SEC. 152. Section four hundred fifty-five B point fifty-eight
 2 (455B.58), Code 1973, is amended to read as follows:

*According to enrolled Act

3 **455B.58 Duration.** Certificates shall continue in effect for one year
4 from the date of issuance unless sooner revoked by the executive direc-
5 tor, but such certificates shall remain the property of the department
6 and the certificate shall so state. *A person who fails to renew his cer-*
7 *tificate by the expiration date shall be allowed to do so within thirty*
8 *days following its expiration, but the board may assess a reasonable*
9 *penalty.*

1 **SEC. 153.** Section four hundred fifty-five B point sixty-one
2 (455B.61), Code 1973, as amended by Acts of the Sixty-fifth General
3 Assembly, 1973 Session, chapter two hundred sixty-two (262), section
4 one (1), is amended to read as follows:

5 **455B.61 Fee.** The executive director, with the approval of the
6 board submitted through the commission, is authorized to charge a fee
7 for certificates issued under the provisions of this part 2 of division
8 III, but such fees shall not exceed five dollars for an initial certificate,
9 ~~nor more than three dollars for the annual renewal certificate.~~ *The fee*
10 *for the certificates and for renewal shall be based on the costs of ad-*
11 *ministering and enforcing the provisions of part two (2) of division*
12 *three (III) of this chapter and to pay the expenses of the board. The*
13 *department shall be reimbursed by the board for all costs incurred. The*
14 *board shall set a fee for the examination which shall be based upon the*
15 *annual cost of administering the examinations. All such fees collected*
16 *shall be remitted to the treasurer of state, who shall hold such moneys*
17 *in a special fund to be known as the "operators certification fund". Any*
18 *moneys in the operators certification fund are appropriated to the*
19 *department to be used to administer and enforce the provisions of said*
20 *part and to pay the expenses of the board. Such fund shall be subject*
21 *at all times to the warrant of the state comptroller, drawn upon writ-*
22 *ten requisition of the executive director deposit the funds in the gen-*
23 *eral fund of the state. Funds shall be appropriated from the general*
24 *fund to the board.*

1 **SEC. 154.** Chapter four hundred fifty-five B (455B), Code 1973,
2 is amended by adding the following new sections:

3 **NEW SECTION. Applications.** Applications for certification shall
4 be on forms prescribed and furnished by the board and shall not con-
5 tain a recent photograph of the applicant. An applicant shall not be
6 ineligible for certification because of age, citizenship, sex, race, reli-
7 gion, marital status, or national origin although the application may
8 require citizenship information. The board may consider the past
9 felony record of an applicant only if the felony conviction relates
10 directly to the practice of operation of waterworks or waste water-
11 works. Character references may be required, but shall not be
12 obtained from certificate holders.

13 **NEW SECTION. Disclosure of confidential information.** A member
14 of the board shall not disclose information relating to the following:

- 15 1. Criminal history or prior misconduct of the applicant.
- 16 2. Information relating to the contents of the examination.
- 17 3. Information relating to the examination results other than final
18 score except for information about the results of an examination which
19 is given to the person who took the examination.

20 A member of the board who willfully communicates or seeks to com-
21 municate such information, and any person who willfully requests,
22 obtains, or seeks to obtain such information, is guilty of a public of-

23 fense which is punishable by a fine not exceeding one hundred dollars
24 or by imprisonment in the county jail for not more than thirty days.

1 SEC. 155. Section six hundred ten point one (610.1), Code 1973,
2 is amended to read as follows:

3 **610.1 Admission to practice.** The power to admit persons to prac-
4 tice as attorneys and counselors in the courts of this state, or any of
5 them, is vested exclusively in the supreme court *which shall adopt and*
6 *promulgate rules to carry out the intent and purpose of this chapter.*

1 SEC. 156. Section six hundred ten point two (610.2), Code 1973,
2 as amended by Acts of the Sixty-fifth General Assembly, 1973 Ses-
3 sion, chapter one hundred forty (140), section fifty (50), is amended
4 to read as follows:

5 **610.2 Qualifications for admission.** Every applicant for such ad-
6 mission ~~must shall~~ be at least eighteen years of age, of good moral
7 character, ~~and an~~ a person of honesty, integrity, trustworthiness, truth-
8 fulness and one who appreciates and will adhere to a code of conduct
9 for lawyers as adopted by the supreme court. He shall be an inhabitant
10 of this state, and ~~must shall~~ have actually and in good faith pursued a
11 regular course of study of the law for at least three full years, either
12 in the office of a member of the bar in regular practice of this state or
13 other state, or of a judge of a court of record thereof, or in and shall
14 have graduated from some reputable law school in the United States,
15 or partly in such office and partly in such law school; but, in reckoning
16 such period of study, the school year of any such law school, consisting
17 of not less than thirty-six weeks exclusive of vacations, shall be con-
18 sidered equivalent to a full year. Every such applicant for admission
19 must also have actually and in good faith acquired a general education
20 substantially equivalent to that involved in the completion of a high
21 school course of study of at least four years in extent.

22 *The application form shall not contain a recent photograph of the*
23 *applicant. An applicant shall not be ineligible for registration because*
24 *of age, citizenship, sex, race, religion, marital status, or national origin*
25 *although the application form may require citizenship information.*
26 *The board may consider the past record of guilty pleas and convictions*
27 *of public offenses of an applicant. Character references may be re-*
28 *quired; however, such references shall not be restricted to lawyers.*

1 SEC. 157. Section six hundred ten point three (610.3), Code 1973,
2 is amended by striking the section and inserting in lieu thereof the fol-
3 lowing:

4 **610.3 Board of law examiners.** There is established a board of
5 law examiners which shall consist of five persons admitted to practice
6 law in this state and two persons not admitted to practice law in this
7 state who shall represent the general public. Members shall be ap-
8 pointed by the supreme court. A member admitted to practice law
9 shall be actively engaged in the practice of law in this state.

1 SEC. 158. Section six hundred ten point four (610.4), Code 1973,
2 is amended by striking the section and inserting in lieu thereof the
3 following:

4 **610.4 Examinations.** Every applicant shall be examined by the
5 board concerning his learning and skill in the law. The sufficiency of
6 the education of the applicant may be determined by written examina-

7 tion or in such other manner as the board shall prescribe. The board
 8 shall hold at least one meeting each year at the seat of government.
 9 Examinations shall be given as often as deemed necessary as deter-
 10 mined by the court, but shall be conducted at least one time per year.
 11 All examinations in theory shall be in writing and the identity of the
 12 person taking the examination shall be concealed until after the ex-
 13 amination papers have been graded. For examinations in practice, the
 14 identity of the person taking the examination shall also be concealed
 15 as far as possible.

16 An applicant who fails the examination once shall be allowed to take
 17 the examination at the next scheduled time. Thereafter, the appli-
 18 cant shall be allowed to take the examination at the discretion of the
 19 court. An applicant who has failed the examination may request in
 20 writing information from the court concerning his examination grade
 21 and subject areas or questions which he failed to answer correctly, ex-
 22 cept that if the court administers a uniform, standardized examina-
 23 tion, the court shall only be required to provide the examination grade
 24 and such other information concerning the applicant's examination re-
 25 sults which are available to the court.

1 SEC. 159. Section six hundred ten point five (610.5), Code 1973, is
 2 amended by striking the section and inserting in lieu thereof the fol-
 3 lowing:

4 **610.5 Term of office.** Appointments shall be for three-year terms
 5 and shall commence on July first of the year in which the appointment
 6 is made. Vacancies shall be filled for the unexpired term by appoint-
 7 ment of the supreme court. Members shall serve no more than three
 8 terms or nine years, whichever is less.

1 SEC. 160. Section six hundred ten point six (610.6), Code 1973, is
 2 amended to read as follows:

3 **610.6 Oath—compensation.** The members thus appointed shall
 4 take and subscribe an oath to be administered by one of the judges of
 5 the supreme court to faithfully and impartially discharge the duties of
 6 the office, and shall receive such compensation as may be allowed by the
 7 supreme court out of the fund arising from the examination fees here-
 8 inafter provided for receive their actual and necessary expenses.

1 SEC. 161. Section six hundred ten point seven (610.7), Code 1973,
 2 is amended to read as follows:

3 **610.7 Temporary appointments—compensation.** The supreme court
 4 may also appoint from time to time, when necessary, temporary exam-
 5 iners to assist the ~~commission board~~, who shall serve for one examina-
 6 tion only, and shall receive such compensation as the court may allow,
 7 their actual and necessary expenses to be paid from the fund aforesaid
 8 funds appropriated to the board.

9 *The members of the board authorized to grade examinations shall*
 10 *make the final decision on passage or failure of each applicant, subject*
 11 *to the rules of the supreme court. The board shall, also, recommend to*
 12 *the supreme court for admission to practice law in this state all appli-*
 13 *cants who pass the examination and who meet the requisite character*
 14 *requirements. The supreme court shall make the final decision in deter-*
 15 *mining who shall be admitted.*

1 SEC. 162. Section six hundred ten point eight (610.8), Code 1973,
2 is amended by striking the section and inserting in lieu thereof the
3 following:

4 **610.8 Fees.** The board shall set the fees for examination and for
5 admission. The fees for examination shall be based upon the annual
6 cost of administering the examinations. The fees for admission shall
7 be based upon the costs of conducting an investigation of the appli-
8 cant and the administrative costs of sustaining the board, which shall
9 include but shall not be limited to:

10 1. Expenses and travel for board members and temporary exam-
11 iners.

12 2. Office facilities, supplies, and equipment.

13 3. Clerical assistance.

14 Fees shall be collected by the board and transmitted to the trea-
15 surer of state who shall deposit the fees in the general fund of the
16 state.

1 SEC. 163. Section six hundred ten point ten (610.10), Code 1973,
2 is amended by striking the section and inserting in lieu thereof the fol-
3 lowing:

4 **610.10 Practitioners from other states.** Any person who is a resi-
5 dent of this state, and has been admitted to the bar of any other state
6 in the United States or the District of Columbia, may, in the discre-
7 tion of the court, be admitted to practice in this state without exam-
8 ination or proof of a period of study. The person, in his application
9 for admission to practice law in this state, in addition to all other re-
10 quirements stated in this chapter, shall establish that he has practi-
11 cised law for five full years under license in such jurisdiction within
12 the seven years immediately preceding the date of his application and
13 still holds a license to practice law. The teaching of law as a full-
14 time instructor in a recognized law school in this state or some other
15 state shall for the purpose of this section be deemed the practice of
16 law. Any person who has discharged actual legal duties as a mem-
17 ber of the armed services of the United States shall be deemed to
18 have practiced law for the purposes of this section if certified to as
19 such by the judge advocate general of the service. The court may
20 charge an investigation fee based upon the cost of conducting the
21 investigation as determined by the court.

1 SEC. 164. Section six hundred ten point twenty-three (610.23),
2 Code 1973, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **610.23 Revocation of license.** The supreme court may revoke or
5 suspend the license of an attorney to practice law in this state.

1 SEC. 165. Section six hundred ten point twenty-four (610.24), sub-
2 section one (1), Code 1973, is amended to read as follows:

3 1. When he has been convicted of a felony, ~~or of a misdemeanor~~
4 ~~involving moral turpitude; in either of which cases the~~ *The record of*
5 conviction is conclusive evidence.

1 SEC. 166. Chapter six hundred ten (610), Code 1973, is amended
2 by adding the following new sections:

3 **NEW SECTION. Renewals.** The right to practice law in this state
4 after July 1, 1975, shall be renewed annually by the supreme court upon

5 such conditions as the court shall determine. Any moneys received
6 from those persons admitted to practice law and which are designated
7 for a client security fund or similar fund created by the supreme court
8 shall be separately retained and administered by said court in accord-
9 ance with rules promulgated by it.

10 **NEW SECTION. Client security fund not an insurance company.** A
11 client security fund established by the supreme court is not an insur-
12 ance company and the insurance laws of this state and the rules and
13 regulations of the commissioner of insurance are not applicable to such
14 a client security fund.

15 **NEW SECTION. Officers.** The board shall organize following its ap-
16 pointment and shall elect a chairman and vice chairman.

17 **NEW SECTION. Public members.** The public members of the board
18 may participate in the administration of the examination and shall
19 participate in the determination of whether or not each applicant
20 meets the requisite character requirements. The public members shall
21 not participate in the grading of any portion of the examination or
22 the determination of whether an applicant passed or failed such exam-
23 ination.

24 **NEW SECTION. Disclosure of confidential information.** A member
25 of the board shall not disclose information relating to the following:

- 26 1. Criminal history or prior misconduct of the applicant.
- 27 2. Information relating to the contents of the examination.
- 28 3. Information relating to the examination results other than final
29 score except for information about the results of an examination
30 which is given to the person who took the examination.

31 A member of the board who willfully communicates or seeks to com-
32 municate such information, and any person who willfully requests, ob-
33 tains, or seeks to obtain such information, is guilty of a public of-
34 fense which is punishable by a fine not exceeding one hundred dollars
35 or by imprisonment in the county jail for not more than thirty days.

1 **SEC. 167. NEW SECTION. Definition.** "Practice of psychology"
2 means the application of established principles of learning, motiva-
3 tion, perception, thinking, and emotional relations to problems of be-
4 havior adjustment, group relations, and behavior modification, by per-
5 sons trained in psychology for compensation or other personal gain.
6 The application of principles includes, but is not limited to: counseling
7 and the use of psychological remedial measures with persons, in groups
8 or individually, with adjustment or emotional problems in the areas
9 of work, family, school and personal relationships; measuring and
10 testing personality, intelligence, aptitudes, public opinion, attitudes,
11 and skills; and the teaching of such subject matter, and the conducting
12 of research on the problems relating to human behavior.

1 **SEC. 168. NEW SECTION. Practice not authorized.** This Act shall
2 not authorize the practice of medicine and surgery by any person not
3 licensed pursuant to chapter one hundred forty-eight (148) of the
4 Code, the practice of osteopathy by any person not licensed pursuant
5 to chapter one hundred fifty (150) of the Code, or the practice of oste-
6 opathic medicine and surgery by any person not licensed pursuant to
7 chapter one hundred fifty A (150A) of the Code.

1 **SEC. 169. NEW SECTION. Persons not required to qualify.** The
2 provisions of this Act shall not apply to the following persons:

3 1. School psychologists certified by the department of public instruc-
4 tion practicing and functioning within the scope of their employment
5 in either a public or private school or performing as certified school
6 psychologists at any time in either private practice or the public sec-
7 tor, provided they use the title "certified school psychologist".

8 2. An employee of an accredited academic institution while per-
9 forming his teaching, training, and research duties.

10 3. An employee of a federal, state, county or local governmental in-
11 stitution or agency or nonprofit institution or agency, or a research
12 facility, while performing duties of his office or position with such
13 institution, agency, or facility.

14 4. A student of psychology, psychological intern or person prepar-
15 ing for the practice of psychology in a training institution or facility
16 approved by the board, provided he is designated by the title "psycho-
17 logical trainee" or any similar title, clearly indicating training status.

18 5. A practicing psychologist for a period not to exceed ten consec-
19 utive business days or fifteen business days in any ninety-day period,
20 if his residence and his major practice are outside the state, and he
21 gives the board a summary of his intention to practice in the state of
22 Iowa, if he is certified or licensed in the state in which he resides under
23 requirements the board considers to be equivalent of requirements for
24 licensing under this Act, or he resides in a state which does not cer-
25 tify or license psychologists and the board considers his professional
26 qualifications to be the equivalent of requirements for licensing under
27 this Act.

1 SEC. 170. NEW SECTION. **Acts prohibited.** Commencing July 1,
2 1974,* a person who is not certified under this Act shall not represent
3 himself as a certified practicing psychologist, use a title or description,
4 including the term "psychology" or any of its derivatives, such as
5 "psychologist" or "psychological" or modifiers such as "practicing" or
6 "certified" in a manner which implies that he is certified under this
7 Act, or offer to practice or practice psychology, except as otherwise
8 permitted in this Act. The use by a person who is not certified under
9 this Act of such terms is not prohibited by this Act, except when
10 such terms are used in connection with an offer to practice or the
11 practice of psychology.

1 SEC. 171. NEW SECTION. **Scope of Act.** Nothing in this Act shall
2 be construed to prevent qualified members of other professional groups
3 such as physicians, osteopaths, optometrists, chiropractors, members
4 of the clergy, authorized christian science practitioners, attorneys at
5 law, social workers or guidance counselors from performing functions
6 of a psychological nature consistent with the accepted standards of
7 their respective professions, if they do not use any title or description
8 stating or implying that they are psychologists or are certified to
9 practice psychology.

1 SEC. 172. NEW SECTION. **Requirements for certification.** Except
2 as provided in this section, an applicant for certification as a psychol-
3 ogist or as an associate psychologist shall meet the following require-
4 ments in addition to those specified in chapter one hundred forty-seven
5 (147) of the Code:

*This Act effective July 1, 1975, see section 201 hereof

6 1. A certified psychologist shall possess a doctoral degree in psy-
 7 chology or its equivalent from an institution approved by the board
 8 and shall have completed at least one year of supervised professional
 9 experience following the granting of the doctoral degree, or predoc-
 10 toral experience, as may be acceptable to the board; or shall possess
 11 a masters degree in psychology or its equivalent from an institution
 12 approved by the board and have completed at least five years of pro-
 13 fessional experience, at least two of which shall have been under the
 14 supervision of a licensed psychologist, as may be acceptable to the
 15 board.

16 2. A certified associate psychologist shall possess a masters degree
 17 in psychology or its equivalent from an institution approved by the
 18 board.

19 3. Have passed an examination administered by the board to assure
 20 his professional competence.

21 4. Have not failed the examination required in subsection three (3)
 22 of this section within the six months next preceding the date of the
 23 examination.

24 The examinations required in this section may, at the discretion of
 25 the board, be waived for holders by examination of licenses or certifi-
 26 cates from states whose requirements are substantially equivalent to
 27 those of this Act, and for holders by examination of specialty diplo-
 28 mas from the American board of professional psychology.

29 Any person who within one year after July 1, 1974 meets the re-
 30 quirements specified in subsections one (1) and two (2) of this sec-
 31 tion shall receive certification without having passed the examina-
 32 tion required in subsection three (3) of this section. Any person hold-
 33 ing a certificate from the board of examiners of the Iowa psychologi-
 34 cal association on July 1, 1974 who applies for certification before July
 35 1, 1975 shall receive certification.

1 SEC. 173. NEW SECTION. **Voluntary surrender of certification.**

2 The commissioner of public health may accept the voluntary surrender
 3 of certification if accompanied by a written statement of intention.
 4 The voluntary surrender, when accepted, shall have the same force and
 5 effect as an order of revocation.

1 SEC. 174. NEW SECTION. **System of health manpower statistics.**

2 The division for records and statistics within the state department of
 3 health shall establish and maintain a system of health manpower statis-
 4 tics which shall include the collection, preservation, revision and dis-
 5 semination of statistical data to enable the department or other agen-
 6 cies concerned with delivery of health care services in this state to
 7 determine the total number, employment status, location of practice
 8 or place of employment, areas of professional specialization and ages
 9 of licensed health care practitioners and other pertinent information
 10 bearing on the availability of trained and licensed personnel in health
 11 care fields to provide services in this state. The statistical data shall
 12 be computed and available upon request at least biannually in the form
 13 of a report to agencies, both public and private, which are concerned
 14 with the delivery of health care in this state.

15 The department shall enter into cooperative arrangements with and
 16 seek the technical expertise of agencies collecting and producing health
 17 manpower statistics in order to eliminate duplication in the collection
 18 of health manpower information and to assist in the standardization

19 and coordination of procedures relating to the collection of health man-
20 power statistics.

21 Examining boards collecting information necessary for the division
22 for records and statistics to carry out the provisions of this section
23 shall provide the department with the information which may be gath-
24 ered by means including, but not limited to, questionnaires forwarded
25 to applicants for a license or renewal of a license.

1 SEC. 175. NEW SECTION. **Additional fee.** In addition to any
2 other fee provided by law, a fee may be set by the respective examin-
3 ing boards for each license and renewal of a license to practice medi-
4 cine, surgery, podiatry, osteopathy, osteopathic medicine and surgery,
5 chiropractic, nursing, dentistry, dental hygiene, optometry, pharmacy,
6 physical therapy, and veterinary medicine, which fee shall be based on
7 the annual cost of collecting information for use by the department of
8 health in the administration of the system of health manpower statist-
9 ics established by this Act. The fee shall be collected, transmitted
10 to the treasurer of state and deposited in the general fund of the state
11 in the manner in which license and renewal fees of the respective pro-
12 fessions are collected, transmitted, and deposited in the general fund.

1 SEC. 176. NEW SECTION. **Definitions.** As used in this Act, unless
2 the context otherwise requires:

3 1. "Board" means the Iowa board of landscape architectural exam-
4 iners established pursuant to section one hundred seventy-eight (178)
5 of this Act.

6 2. "Landscape architect" means a person who engages in the prac-
7 tice of landscape architecture as defined in this section.

8 3. The "practice of landscape architecture" means the performance
9 of professional services such as consultations, investigations, recon-
10 naissance, research, planning, design, or responsible supervision in con-
11 nection with projects involving the arranging of land and the elements
12 thereon for public and private use and enjoyment, including the align-
13 ment of roadways and the location of buildings, service areas, parking
14 areas, walkways, steps, ramps, pools, and other structures, and the
15 grading of the land, surface and subsoil drainage, erosion control,
16 planting, reforestation, and the preservation of the natural landscape
17 and aesthetic values, in accordance with accepted professional stand-
18 ards of public health, welfare, and safety. This practice shall include
19 the location and arrangement of such tangible objects and features as
20 are incidental and necessary to the purposes outlined in this Act but
21 shall not include the design of structures or facilities with separate
22 and self-contained purposes for habitation or industry, or the design
23 of public streets and highways, utilities, storm and sanitary sewers,
24 and sewage treatment facilities, such as are ordinarily included in the
25 practice of engineering or architecture; and shall not include the mak-
26 ing of land surveys or final land plats for official approval or recording.
27 Nothing contained in this Act shall preclude a licensed landscape
28 architect from performing any of the services described in this sec-
29 tion in connection with the settings, approaches or environment for
30 buildings, structures or facilities. Nothing contained in this Act shall
31 be construed as authorizing a landscape architect to engage in the
32 practice of architecture, engineering, or land surveying.

1 SEC. 177. NEW SECTION. **Registration required.** A person shall
2 not use the title of landscape architect or any title or device indicating
3 or representing in any manner that such person is a landscape architect
4 or is practicing landscape architecture unless such person is a regis-
5 tered landscape architect as provided in section one hundred eighty-six
6 (186) of this Act. Every holder of a registration certificate as a reg-
7 istered landscape architect shall display it in a conspicuous place in his
8 principal office.

1 SEC. 178. NEW SECTION. **Establishment of board.** There is es-
2 tablished a board of landscape architectural examiners which shall con-
3 sist of five members who are registered landscape architects and two
4 members who are not registered landscape architects and who shall
5 represent the general public. Members shall be appointed by the gov-
6 ernor, subject to the approval of two-thirds of the members of the
7 senate. A registered member shall be actively engaged in the practice
8 of landscape architecture or the teaching of landscape architecture in
9 an accredited college or university, and shall have been so engaged
10 for five years preceding his appointment, the last two of which shall
11 have been in Iowa. Professional associations or societies composed of
12 registered landscape architects may recommend the names of poten-
13 tial board members to the governor, but the governor shall not be
14 bound by the recommendations. A board member shall not be required
15 to be a member of any professional association or society composed of
16 professional landscape architects.

17 Appointments shall be for three-year terms and shall commence on
18 July first of the year in which the appointment is made. Vacancies
19 shall be filled for the unexpired term by appointment of the governor
20 and shall be subject to senate confirmation. Members shall serve no
21 more than three terms or nine years, whichever is less.

22 The initial five members of the board appointed by the governor as
23 registered landscape architects shall meet the qualifications prescribed
24 in this Act and shall become registered as landscape architects imme-
25 diately upon confirmation of their respective appointments without
26 examination.

1 SEC. 179. NEW SECTION. **Organization of the board—meetings—**
2 **quorum.** The board shall elect annually from its members a chairman,
3 vice chairman, and secretary. The duties of the officers shall be such
4 as are usually performed by such officers. The board shall hold at
5 least one meeting each year at the seat of government, and meetings
6 shall be called at other times by the secretary at the request of the
7 chairman or four members of the board. A majority of the members
8 shall constitute a quorum. No action at any meeting can be taken
9 without the affirmative votes of a majority of the members of the
10 board.

1 SEC. 180. NEW SECTION. **Duties.** The board shall enforce the pro-
2 visions of sections one hundred seventy-six (176) through one hun-
3 dred ninety-six (196) of this Act and may employ technical and clerical
4 assistants and incur such expense as may be necessary within the
5 limits of funds appropriated to the board. The board shall make rules
6 for the examination of applicants for the certificate of registration,
7 and shall, after public notice, conduct examinations of applicants for
8 registration. The board shall keep a record of its proceedings. The

9 board shall adopt and have an official seal which shall be affixed to all
10 certificates of registration granted and the board may make such other
11 rules, not inconsistent with law, necessary for the proper performance
12 of its duty. The board shall maintain a roster showing the name, place
13 of business and residence, and the date and number of the certificate
14 of registration of every registered landscape architect in this state.

1 SEC. 181. NEW SECTION. **Annual report.** Before the first day of
2 July of each year the board shall submit to the governor a report of
3 its transactions for the preceding year, together with a complete state-
4 ment of the receipts and expenditures of the board. This report shall
5 include the roster of registered landscape architects. A copy of this
6 report shall be filed with the secretary of state.

1 SEC. 182. NEW SECTION. **Compensation and expenses.** Members
2 of the board shall set their own per diem compensation at a rate not
3 exceeding forty dollars per day for the time actually spent in traveling
4 to and from, and in attending meetings of the board and its commit-
5 tees, and shall receive all necessary traveling and incidental expenses
6 incurred in the discharge of their duties within the limits of funds
7 appropriated to the board. Warrants for payments of expenses of
8 the board shall be issued by the state comptroller and paid by the
9 treasurer of state upon presentation of vouchers signed by the chair-
10 man or vice chairman and secretary and authorized by the board.

1 SEC. 183. NEW SECTION. **Examination.** The board shall con-
2 duct examinations of applicants for certificates of registration as land-
3 scape architects at least once each year, or, if there are sufficient ap-
4 plications, at such additional times as the board may deem necessary.
5 The examination shall determine the ability of the applicant to use
6 and understand the theory and practice of landscape architecture and
7 may be divided into such subjects as the board deems necessary. The
8 board shall determine the annual cost of administering the examina-
9 tions and shall set the fees accordingly. The public members of the
10 board shall not participate in administering or grading any portion of
11 the examination.

12 An applicant who has failed the examination may request in writ-
13 ing information from the board concerning his examination grade and
14 subject areas or questions which he failed to answer correctly, except
15 that if the board administers a uniform, standardized examination,
16 the board shall only be required to provide the examination grade and
17 such other information concerning the applicant's examination results
18 which are available to the board.

1 SEC. 184. NEW SECTION. **Applications.** Any person may apply
2 for a certificate of registration or may apply to take an examination
3 for such certification. Applications for registration shall be on forms
4 prescribed and furnished by the board, shall contain statements made
5 under oath, showing the applicant's education and detail summary of
6 his pertinent practical landscape architectural work and experience.
7 The board shall not require that a recent photograph of the applicant
8 be attached to the application form. An applicant shall not be inelig-
9 ible for registration because of age, citizenship, sex, race, religion, mar-
10 ital status, or national origin. The board may consider the past felony
11 record of an applicant only if the felony conviction relates directly to

12 the practice of landscape architecture. Character references may be
13 required but shall not be obtained from landscape architects. An
14 application for examination shall be accompanied by an examination
15 fee in the amount determined by the board. Each applicant for regis-
16 tration as a landscape architect shall meet one of the following re-
17 quirements:

18 1. Graduation from a course in landscape architecture in a school,
19 college, or university offering an accredited minimum four-year curric-
20 ulum in landscape architecture, and a minimum of three years of prac-
21 tical experience in landscape architectural work which in the opinion of
22 the board is of satisfactory character, at least one year of which must
23 be under the supervision of a registered landscape architect or a per-
24 son who becomes a registered landscape architect within one year after
25 the effective date of this Act.

26 2. Graduation from a nonaccredited course of landscape architecture
27 of a minimum of four years in a school, college or university and a
28 minimum of four years of practical experience in landscape architec-
29 tural work which in the opinion of the board is of satisfactory charac-
30 ter, at least one year of which must be under the supervision of a reg-
31 istered landscape architect or a person who becomes a registered land-
32 scape architect within one year after the effective date of this Act.

33 3. A minimum of ten years of practical experience in landscape
34 architectural work which in the opinion of the board is of satisfactory
35 character to properly prepare the applicant for the examination.

36 A satisfactorily completed year of study in an accredited course of
37 landscape architecture in an accredited school, college, or university
38 may be accepted in lieu of one year of practical experience.

39 A master's degree from an accredited school, college, or university
40 may be accepted in lieu of one year of practical experience.

41 Any four-year college or university degree may be accepted in lieu
42 of two years of practical experience.

1 SEC. 185. NEW SECTION. **Foreign registrants.** Any applicant who
2 holds a license or certificate to practice landscape architecture issued
3 to him upon examination by a board of examiners in any other state,
4 territory, or possession of the United States, the District of Columbia,
5 or of any foreign country, if the requirements for such license or cer-
6 tificate were, at the time it was issued, in the opinion of the board,
7 equal to or higher than the requirements of this state, may be regis-
8 tered without further examination.

1 SEC. 186. NEW SECTION. **Registration.** When an applicant has
2 complied with the application requirements of this Act and has passed
3 the examination to the satisfaction of a majority of the registered
4 members of the board, or is a foreign registrant and has qualified for
5 registration under this Act, and has paid the required registration fee,
6 the secretary shall enroll the applicant's name and address in the ros-
7 ter of registered landscape architects and issue to him a certificate of
8 registration, signed by the officers of the board.

1 SEC. 187. NEW SECTION. **Seal.** Every registered landscape ar-
2 chitect shall have a seal, approved by the board, which shall contain
3 the name of the landscape architect and the words "Registered Land-
4 scape Architect, State of Iowa", and such other words or figures as the
5 board may deem necessary. All landscape architectural plans and

6 specifications, prepared by such landscape architect or under the su-
7 pervision of such landscape architect, shall be dated and bear the legi-
8 ble seal of such registered landscape architect. Nothing contained in
9 this section shall be construed to permit the seal of a landscape archi-
10 tect to serve as a substitute for the seal of a licensed architect, a
11 licensed professional engineer or land surveyor whenever the seal of an
12 architect, engineer or land surveyor is required under the laws of this
13 state.

1 SEC. 188. NEW SECTION. **Renewals.** Certificates of registration
2 shall expire annually as determined by the board. Registered land-
3 scape architects shall renew their certificates of registration and pay a
4 renewal fee in the manner and amount prescribed by the board. A
5 person who fails to renew his certificate by the expiration date shall
6 be allowed to do so within thirty days following its expiration, but the
7 board may assess a reasonable penalty.

1 SEC. 189. NEW SECTION. **Fees.** The board shall set the fees for
2 a certificate of registration as a registered landscape architect, and for
3 renewal of a certificate. The fee for a certificate of registration and
4 for renewal of a certificate shall be based upon the administrative costs
5 of sustaining the board which shall include, but shall not be limited to,
6 the costs for:

- 7 1. Per diem, expenses, and travel for board members.
- 8 2. Office facilities, supplies, and equipment.
- 9 3. Clerical assistance.

10 All fees shall be collected by the secretary, paid to the treasurer of
11 state and deposited in the general fund of the state.

1 SEC. 190. NEW SECTION. **Suspension or revocation of certificate.**
2 The board may, by a five-sevenths vote of the entire board, suspend
3 for a period not exceeding two years, or revoke the certificate of reg-
4 istration of, or reprimand any registrant who is found guilty of:

- 5 1. Any fraud or deceit in obtaining a registration;
- 6 2. Any fraud or deceit in his practice;
- 7 3. Any gross negligence, incompetence, or misconduct in his prac-
8 tice; or
- 9 4. Who is found to have been convicted of any felony that would
10 affect his ability to practice landscape architecture.

1 SEC. 191. NEW SECTION. **Procedure.** Any person may file charges
2 with the board against a landscape architect or the board may initiate
3 charges. Such charges shall be in writing, sworn to if by a complain-
4 ant other than the board, and filed with the board. Unless the charges
5 are dismissed by the board as unfounded or trivial, the board shall hold
6 a hearing within sixty days after the date on which they are filed.
7 The board shall fix the time and place for such hearing and shall cause
8 a copy of the charges, together with a notice of the time and place fixed
9 for the hearing, to be served on the accused at least thirty days be-
10 fore the date fixed for the hearing. Where personal service cannot be
11 effected, service may be effected by publication. At such hearing, the
12 accused shall have the right to appear personally or by counsel, to
13 cross-examine witnesses against him, and to produce evidence and wit-
14 nesses in his defense. After the hearing, the board may suspend or
15 revoke the certificate of registration. The board may restore the cer-

16 tificate of registration to any person whose certificate of registration
17 has been revoked. Application for the restoration of a certificate of
18 registration shall be made in such manner, form and content as the
19 board may prescribe.

1 SEC. 192. NEW SECTION. **Attorney general to assist and wit-**
2 **nesses.** The board is entitled to the counsel and services of the attor-
3 **ney general** or such assistants as he may so designate. The board may
4 compel the attendance of witnesses, pay witness fees and mileage, and
5 take testimony and affidavits and administer oaths concerning any
6 matter within its jurisdiction.

1 SEC. 193. NEW SECTION. **Unlawful practice.** Any person who
2 uses the words landscape architect or any word or any letters or figures
3 indicating or tending to imply that the person using the same is a
4 landscape architect, without having a valid certificate of registration
5 as a landscape architect issued pursuant to this Act, is guilty of a
6 misdemeanor and upon conviction may be sentenced to pay a fine of
7 not more than five hundred dollars or be imprisoned for not more than
8 three months, or be subject to both such fine and imprisonment.

1 SEC. 194. NEW SECTION. **Injunction.** In addition to any other
2 remedies, and on the petition of the board or any person, any person
3 violating any of the provisions of sections one hundred seventy-six
4 (176) through one hundred ninety-six (196) of this Act may be re-
5 strained and permanently enjoined from committing or continuing
6 the violations.

1 SEC. 195. NEW SECTION. **Scope of Act.** Nothing contained in
2 this Act shall be construed:

- 3 1. To apply to a professional engineer duly registered under the
4 laws of this state.
- 5 2. To apply to an architect registered under the laws of this state.
- 6 3. To prevent a registered architect or professional engineer from
7 doing landscape planning and designing.
- 8 4. To affect or prevent the practice of land surveying by a land sur-
9 veyor registered under the laws of this state.
- 10 5. To apply to the business conducted in this state by any planner,
11 agriculturist, soil conservationist, horticulturist, tree expert, arborist,
12 forester, nurseryman or landscape nurseryman, gardener, landscape
13 gardener, landscape contractor, garden or lawn caretaker, tiling con-
14 tractor, grader or cultivator of land, golf course designer or contrac-
15 tor, or similar business. However, such person shall not use the
16 designation landscape architect or any title or device indicating or
17 representing that such person is a landscape architect or is practicing
18 landscape architecture unless such person is registered under the pro-
19 visions of section one hundred eighty-six (186) of this Act.

1 SEC. 196. NEW SECTION. **Examination not required.** Any person
2 who within one year after the effective date of this Act meets the
3 application requirements of section one hundred eighty-four (184) of
4 this Act shall upon application receive a certificate of registration
5 without examination upon payment of the registration fee, provided
6 that the practical experience in landscape architectural work need not
7 have been under the supervision of a registered landscape architect but

8 shall be of such a nature as in the opinion of the board to satisfactorily qualify the applicant.

1 SEC. 197. Section four hundred ninety-six C point two (496C.2),
2 subsection one (1), Code 1973, is amended to read as follows:

3 1. "Profession" means the profession of certified public accountancy,
4 architecture, chiropractic, dentistry, professional engineering, land
5 surveying, *landscape architecture*, law, medicine and surgery, optom-
6 etry, osteopathy, osteopathic medicine and surgery, podiatry, or vet-
7 erinary medicine.

1 SEC. 198. Sections one hundred fourteen point five (114.5), one
2 hundred seventeen point seventeen (117.17), one hundred twenty point
3 five (120.5), one hundred forty-seven point fifteen (147.15), one hun-
4 dred forty-seven point seventeen (147.17), one hundred forty-seven
5 point twenty-seven (147.27), one hundred forty-seven point thirty-
6 one (147.31), one hundred forty-seven point thirty-eight (147.38),
7 one hundred forty-seven point fifty-six (147.56), one hundred forty-
8 seven point one hundred one (147.101), one hundred forty-seven point
9 one hundred fifteen (147.115), one hundred forty-seven point one
10 hundred seventeen (147.117), one hundred fifty-three point one
11 (153.1), one hundred fifty-three point two (153.2), one hundred fifty-
12 three point three (153.3), one hundred fifty-three point four (153.4),
13 one hundred fifty-three point five (153.5), one hundred fifty-three
14 point six (153.6), one hundred fifty-three point seven (153.7), one
15 hundred fifty-three point eight (153.8), one hundred fifty-three point
16 nine (153.9), one hundred fifty-three point ten (153.10), one hun-
17 dred fifty-three point eleven (153.11), one hundred fifty-three point
18 twelve (153.12), one hundred fifty-eight point eight (158.8), one hun-
19 dred sixty-nine point twenty-four (169.24), one hundred sixty-nine
20 point twenty-five (169.25), four hundred fifty-five B point fifty-four
21 (455B.54), six hundred ten point nine (610.9), and six hundred ten
22 point twelve (610.12), Code 1973, are repealed.

1 SEC. 199. The treasurer of state shall transfer to and deposit in
2 the general fund of the state any unencumbered balances as of June
3 30, 1975 in the following funds: Fund of the board of engineering ex-
4 aminers, funds carried to the credit of and subject to withdrawal by
5 the board of accountancy, fund of the board of architectural examiners,
6 watchmakers' fund, chiropractic examining board fund, state
7 board of medical examiners fund, nurses' fund, state board of dental
8 examiners fund, board of dentistry fund, state board of physical therapy
9 examiners fund, state board of optometry examiners fund, state
10 board of examiners for nursing home administrators fund, state board
11 of veterinary examiners fund, operators certification fund, and special
12 fund retained by the clerk of the supreme court.

1 SEC. 200. All terms of persons serving on examining boards on
2 July 1, 1974 shall terminate on June 30, 1975. The governor may extend
3 the term of any person whose term expires on June 30, 1974 until
4 June 30, 1975. Effective July 1, 1975 the governor shall appoint
5 members to all examining boards for terms commencing July 1, 1975
6 as follows:

7 1. For five member boards, the three licensed members shall serve
8 one-year, two-year and three-year terms respectively and the two pub-
9 lic members shall serve one-year and three-year terms respectively.

10 2. For seven member boards, two of the five licensed members
11 shall serve one-year terms, one shall serve a two-year term, and two
12 shall serve a three-year term respectively and the two public members
13 shall serve two-year and three-year terms respectively.

14 3. For the board of medical examiners, three members licensed to
15 practice medicine and surgery shall serve two-year terms, one shall
16 serve a one-year term, and one shall serve a three-year term; one
17 member licensed to practice osteopathic medicine and surgery shall
18 serve a one-year term and one shall serve a three-year term; one mem-
19 ber representing the general public shall serve a one-year term and one
20 shall serve a three-year term.

21 4. For the board of examiners for nursing home administrators,
22 two licensed nursing home administrators shall serve one-year terms,
23 one shall serve a two-year term, and one shall serve a three-year term;
24 one professional member shall serve a one-year term, one shall serve a
25 two-year term, and one shall serve a three-year term; one member
26 representing the general public shall serve a one-year term and one
27 shall serve a three-year term.

28 5. For the board of certification, the member who is a waterworks
29 operator shall serve a one-year term, the member who is a waste wa-
30 terworks operator shall serve a two-year term, the member who is em-
31 ployed by the department shall serve a three-year term, and one mem-
32 ber representing the general public shall serve a one-year term and one
33 member shall serve a three-year term.

34 6. The provisions of this section shall not be applicable to the board
35 of law examiners.

1 SEC. 201. The provisions of this Act shall become effective July
2 1, 1975 except for section two hundred (200) of this Act, which shall
3 become effective July 1, 1974.

1 SEC. 202. Since the various professional and occupational examin-
2 ing boards were required by House Concurrent Resolution 18 of the
3 Sixty-fifth General Assembly, 1973 Session, to submit to the general
4 assembly their recommendations concerning continuing education re-
5 quirements for their licensed, registered, or certified members, and the
6 recommendations were duly submitted to the Sixty-fifth General As-
7 sembly, 1974 Session, the legislative council is directed to establish a
8 study committee consisting of legislative members of both political
9 parties and both houses of the general assembly to study the recom-
10 mendations of the various professional and occupational licensing
11 boards which were submitted to the Sixty-fifth General Assembly,
12 1974 Session, and to make recommendations, accompanied by legisla-
13 tive bill drafts to implement the recommendations, to the legislative
14 council and the general assembly meeting in the year 1975.

Approved May 28, 1974

CHAPTER 1087

OMNIBUS CORRECTIONS

H. F. 1392

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

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

1 SECTION 1. Section four point one (4.1), subsection twenty-three
2 (23), Code 1973, is amended to read as follows:

3 23. Computing time—legal holidays. In computing time, the first
4 day shall be excluded and the last included, unless the last falls on
5 Sunday, in which case the time prescribed shall be extended so as to
6 include the whole of the following Monday, provided that, whenever
7 by the provisions of any statute or rule prescribed under authority of
8 a statute, the last day for the commencement of any action or pro-
9 ceedings, the filing of any pleading or motion in a pending action or
10 proceedings or the perfecting or filing of any appeal from the deci-
11 sion or award of any court, board, commission or official falls on a
12 Saturday, a Sunday, the first day of January, the twelfth day of Feb-
13 ruary, the third Monday in February, the last Monday in May, the
14 fourth day of July, the first Monday in September, ~~the fourth Monday~~
15 ~~in October~~ *the eleventh day of November*, the fourth Thursday in
16 November, the twenty-fifth day of December, and the following Mon-
17 day whenever any of the foregoing named legal holidays may fall on
18 a Sunday, and any day appointed or recommended by the governor of
19 Iowa or the president of the United States as a day of fasting or
20 thanksgiving, the time therefor shall be extended to include the next
21 day which is not a Saturday, Sunday or such day hereinbefore enumer-
22 ated.

1 SEC. 2. Section twenty-seven A point four (27A.4), Code 1973, is
2 amended to read as follows:

3 27A.4 **Payments in lieu of taxes.** The state shall make payments
4 in lieu of taxes to compensate for the loss of tax revenues occasioned
5 by the fact that property is owned by the upper Mississippi riverway
6 commission, and thereby exempt from taxation by subdivisions of this
7 state. ~~Such payments shall be to the same extent and pursuant to the~~
8 ~~same procedures that apply to payments in lieu of taxes under chapter~~
9 ~~284.~~

1 SEC. 3. Section twenty-eight D point eight (28D.8), Code 1973,
2 is amended to read as follows:

3 28D.8 **Administration.** ~~The state personnel director~~ *Iowa merit*
4 *employment department* is hereby directed to explore means of imple-
5 menting this chapter and to assist departments, agencies, and instru-
6 mentalities of the state and its political subdivisions in participating in
7 employee interchange programs.

1 SEC. 4. Section forty-nine point thirty-three (49.33), Code 1973, is
2 amended to read as follows:

3 49.33 **One square for president and vice president.** Upon the left-
4 hand margin of each separate column of the ballot, immediately oppo-
5 site the names of the candidates for president and vice-president, a
6 single square, the sides of which shall not be less than one-fourth of an

7 inch in length, shall be printed in front of a bracket enclosing the
 8 names of the said candidates for president and vice-president. The
 9 votes for said candidates shall be counted and certified to by the elec-
 10 tion ~~judges~~ *board* in the same manner as the votes for other candidates.

1 SEC. 5. Section forty-nine point thirty-four (49.34), Code 1973, is
 2 amended to read as follows:

3 **49.34 United States senators.** At all general elections next preced-
 4 ing the expiration of the term of office of United States senator,
 5 there shall be placed upon the official ballot in the proper place the
 6 names of candidates for all parties or groups of petitioners for said
 7 office that have been nominated by law. The votes for said candidate
 8 shall be counted and certified to by the election ~~judges~~ *board* in the
 9 same manner as the votes for other candidates.

1 SEC. 6. Section forty-nine point one hundred (49.100), Code 1973,
 2 is amended to read as follows:

3 **49.100 Spoiled ballots.** Any voter who shall spoil his ballot may,
 4 on returning the same to the ~~judges~~ *precinct election officials*, receive
 5 another in place thereof, but no voter shall receive more than three
 6 ballots including the one first delivered to him. None but ballots pro-
 7 vided in accordance with the provisions of this chapter shall be
 8 counted.

1 SEC. 7. Section forty-nine point one hundred twenty-four (49.124),
 2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
 3 1973 Session, chapter one hundred thirty-six (136), section one hun-
 4 dred seventy-seven (177), is amended to read as follows:

5 **49.124 Training course by commissioner.** It shall be the duty of
 6 the commissioner to conduct, not less than three days before each
 7 primary and general election, a training course of not more than two
 8 hours for all election personnel, and the commissioner may do so
 9 before any other election he administers. Such personnel shall include
 10 ~~judges, clerks~~ *all precinct election officials*, and any other persons who
 11 will be employed in or around the polling places on election day. At
 12 least ~~one judge and one clerk~~ *two precinct election officials* who will
 13 serve on each precinct election board at the forthcoming election shall
 14 attend the training course, and if the entire board does not attend,
 15 those members who do attend shall so far as possible be persons who
 16 have not previously attended a similar training course.

1 SEC. 8. Section sixty-four point six (64.6), Code 1973, is amended
 2 by striking subsections twenty-six (26) and twenty-seven (27) and
 3 inserting in lieu thereof the following:

4 26. Judicial magistrates, five thousand dollars.

5 The state shall pay the reasonable costs of bonds required by this
 6 section.

1 SEC. 9. Section one hundred twenty-three point one hundred forty-
 2 three (123.143), subsection one (1), Code 1973, as amended by Acts
 3 of the Sixty-fifth General Assembly, 1973 Session, chapter one hun-
 4 dred sixty-three (163), section six (6) and chapter one hundred sixty-
 5 five (165), section one (1), is amended to read as follows:

6 1. All retail beer permit fees collected by any local authority at the
 7 time application for the permit is made, shall be retained by the local

8 authority. A certified copy of the receipt for the permit fee shall be
 9 submitted to the department with the application and the local author-
 10 ity shall be notified at the time the permit is issued. Those amounts
 11 ~~refunded to retained by~~ the appropriate local authority out of the fee
 12 collected for the privilege authorized under ~~section four (4) of this~~
 13 ~~Act chapter one hundred sixty-three (163), section four (4), Acts of~~
 14 ~~the Sixty-fifth General Assembly, 1973 Session,~~ shall be deposited in
 15 the county mental health and institutions fund to be used only for the
 16 care and treatment of persons admitted or committed to the alcoholic
 17 treatment center at Oakdale or any facilities as provided in chapter
 18 one hundred twenty-three B (123B) of the Code.

1 SEC. 10. Section two hundred nineteen point six (219.6), Code
 2 1973, is amended to read as follows:

3 **219.6 Certificate of eligibility.** Before admission, each applicant
 4 shall file with the commandant an affidavit signed by two members of
 5 the ~~soldiers relief~~ commission of *veterans affairs* of the county in
 6 which such person resides, stating that such person to the best of their
 7 knowledge and belief is a resident of such county as required under
 8 this chapter and that such person is unable to earn a livelihood and his
 9 income is less than twelve hundred dollars per annum exclusive of
 10 pension, compensation, war risk insurance payments, or pensions or
 11 annuities under the social security Act and the railroad retirement
 12 Acts. Such affidavit shall be conclusive evidence of the residence of
 13 such persons and prima facie only in all other matters affecting the
 14 eligibility of the applicant and the liability of the county with respect
 15 to the expense of any such person for which the county may be liable.
 16 All records of admission shall show the residence of the applicant.

1 SEC. 11. Section two hundred sixty-two point twelve (262.12),
 2 Code 1973, is amended to read as follows:

3 **262.12 Committees and administrative offices under board.** The
 4 board of regents shall also have and exercise all the powers necessary
 5 and convenient for the effective administration of its office and of the
 6 institutions under its control, and to this end may create such commit-
 7 tees, offices and agencies from its own members or others, and employ
 8 persons to staff the same, fix their compensation and tenure and dele-
 9 gate thereto, or to the administrative officers and faculty of the insti-
 10 tutions under its control, such part of the authority and duties vested
 11 by statute in the board, and shall formulate and establish such rules
 12 ~~and regulations,~~ outline such policies and prescribe such procedures
 13 therefor, all as may be desired or determined by the board as recorded
 14 in their minutes. ~~Employees of the board hereunder shall not come~~
 15 ~~under the division of personnel provided for in section 8.5.~~

1 SEC. 12. Section three hundred twenty-one point two hundred
 2 thirty-eight (321.238), subsection four (4), paragraph b, Code 1973,
 3 as amended by Acts of the Sixty-fifth General Assembly, 1973 Ses-
 4 sion, chapter two hundred eight (208), section three (3), is amended
 5 to read as follows:

6 b. Provide instructions and all necessary forms to authorized in-
 7 spection stations for the inspection of vehicles and the issuance of
 8 official certificates of inspection. The copy of the ~~certificate statement~~
 9 of inspection to be delivered by the inspection station to the owner of

10 the vehicle inspected shall state the name and address of the inspection
 11 station and shall contain a conspicuous notice in substance as follows:
 12 "NOTICE: You should immediately notify the inspection station of
 13 any complaint about the inspection of this vehicle. If possible, your
 14 notice should be given within fifteen days after the date of inspection
 15 or before this vehicle has been driven five hundred miles after the
 16 inspection, whichever occurs first, or, if the inspection station sold the
 17 vehicle to you, within fifteen days after the sale or before this vehicle
 18 has been driven five hundred miles after the sale, whichever occurs
 19 first. Your notice should be in writing, specifying the complaint.
 20 Notice forms are available at any inspection station. You also have
 21 the right to make a complaint about the inspection to the commissioner
 22 of public safety, state house, Des Moines, Iowa."

23 Forms for notice of complaint shall be provided by the department
 24 to all authorized inspection stations, who shall provide them to any
 25 person upon request. The copy of the ~~certificate~~ *statement* of inspec-
 26 tion to be delivered by the inspection station to the owner of the vehicle
 27 inspected shall also contain a notice, which shall be printed on the face
 28 of the ~~certificate~~ *statement* of inspection in eight-point bold-faced type,
 29 which contains the words "THE SAFETY INSPECTION IS APPLICABLE
 30 ONLY TO THE ITEMS CHECKED AND DOES NOT GUARANTEE OR WARRANT
 31 THE CONDITION OF THESE ITEMS OR THE OVERALL CONDITION OF THE
 32 VEHICLE".

1 SEC. 13. Section three hundred thirty-three point thirteen
 2 (333.13), subsection three (3), Code 1973, is amended to read as fol-
 3 lows:

4 3. The various reports made during the preceding year, by the
 5 county treasurer, auditor, recorder, sheriff, clerk of the district court,
 6 and the ~~soldiers relief~~ *commission of veterans affairs*, as required by
 7 law.

1 SEC. 14. Section seven hundred fifty point five (750.5), Code 1973,
 2 as amended by Acts of the Sixty-fourth General Assembly, 1972 Ses-
 3 sion, chapter one thousand eighty-eight (1088), section three hundred
 4 fifty-one (351), and Acts of the Sixty-fifth General Assembly, 1973
 5 Session, chapter one hundred four (104), section seven (7), is
 6 amended by striking the section and inserting in lieu thereof the fol-
 7 lowing:

8 750.5 **Option of city council to install—costs.** The council of each
 9 city of two thousand or more population may install at least one radio
 10 receiving set for use in law enforcement and police work.

1 SEC. 15. Section seven hundred fifty point six (750.6), subsection
 2 two (2), Code 1973, is amended to read as follows:

3 2. To enter into lease or contract arrangements for the joint own-
 4 ership, maintenance, acquisition or leasing of said equipment with any
 5 other ~~city, town, or~~ county and may jointly operate the same with such
 6 co-operating agency for the mutual economy and efficiency of both.

1 SEC. 16. Acts of the Sixty-fourth General Assembly, 1972 Ses-
 2 sion, chapter one thousand eighty-eight (1088), section ninety-three
 3 (93), subsection one (1), is amended by striking the subsection.

1 SEC. 17. Acts of the Sixty-fourth General Assembly, 1972 Session,
 2 chapter one thousand eighty-eight (1088), section two hundred fifty-

3 eight (258), unnumbered paragraph two (2), is amended to read as
4 follows:

5 Any person, firm, corporation, or company operating an urban tran-
6 sit system shall pay to the county treasurer annually as a registration
7 fee for each bus, car, or vehicle used in the transportation of pas-
8 sengers, ~~twenty-five~~ five dollars, which shall be paid into the city gen-
9 eral fund. Any urban transit company operated by a municipality is
10 not required to pay such registration fees. The motor vehicle depart-
11 ment, in accordance with section three hundred twenty-one point
12 nineteen (321.19) of the Code, shall furnish distinguishing plates for
13 vehicles used by urban transit companies operated by a municipality.
14 No other provision of law providing for the payment of taxes, regis-
15 tration, or license fees for vehicles shall be applicable to any bus, car,
16 or vehicle for the transportation of passengers owned and operated by
17 any urban transit company.

1 SEC. 18. Acts of the Sixty-fourth General Assembly, 1972 Session,
2 chapter one thousand eighty-eight (1088), section two hundred eighty-
3 one (281), subsection one (1), is amended to read as follows:

4 1. Counties and sanitary districts incorporated under the provi-
5 sions of chapter three hundred fifty-eight (358) of the Code may own,
6 acquire, establish, construct, purchase, equip, improve, extend, operate,
7 maintain, reconstruct, and repair within or without the limits of the
8 county or sanitary district, works and facilities useful and necessary for
9 the collection, treatment, purification, and disposal in a sanitary manner
10 of the liquid and solid waste, sewage, and industrial waste of the
11 county or sanitary district, including sanitary disposal projects as
12 defined in ~~section four hundred six point two (406.2)~~ *section four*
13 *hundred fifty-five B point seventy-five (455B.75)* of the Code, also
14 swimming pools or golf courses, and may acquire by gift, grant, pur-
15 chase, condemnation, or otherwise all necessary lands, rights-of-way,
16 and property therefor, within or without the county or sanitary dis-
17 trict, may purchase and acquire an interest in a sanitary disposal
18 project or such works and facilities which are owned by a city, county,
19 or sanitary district and which are to be jointly used by them, and may
20 issue revenue bonds to pay all or any part of the cost of establishing,
21 acquiring, purchasing, constructing, equipping, improving, extending,
22 reconstructing, repairing, operating, or maintaining a sanitary dis-
23 posal project or such works and facilities, including the amount agreed
24 upon for the purchase and acquisition by a county or sanitary district
25 of an interest in the sanitary disposal project or works and facilities
26 which are owned by a city, county, or sanitary district and which are
27 to be jointly used. As used in this section the words 'works and facili-
28 ties', 'works', or 'facilities' shall include but not be limited to sanitary
29 disposal projects as defined in ~~section four hundred six point two~~
30 ~~(406.2)~~ *section four hundred fifty-five B point seventy-five (455B.75)*
31 of the Code.

32 The construction, acquisition, improvement, equipment, custody,
33 operation, and maintenance of any works for the collection, treatment,
34 or disposal of sewage, swimming pools, golf courses, or sanitary dis-
35 posal projects, and the collection of revenues for the service rendered,
36 shall be under the supervision and control of the county or sanitary
37 district.

1 SEC. 19. Acts of the Sixty-fourth General Assembly, 1972 Session,
2 chapter one thousand eighty-eight (1088), section three hundred forty-
3 three (343), is amended to read as follows:

4 Sec. 343. Section five hundred sixty-five point twelve (565.12),
5 Code 1971, is amended as follows:

6 **565.12 Condition as to annuity.** When a gift or bequest is condi-
7 tioned upon the payment of an annuity to the donor, or any other per-
8 son, the governing board of a county or city may, upon acceptance of
9 such gift or bequest, agree to pay such annuity providing the amount
10 thereof does not exceed five percent of the amount of the gift or be-
11 quest and does not exceed the amount realized from a one mill tax
12 levy upon the taxable property of said ~~municipality~~ county or city.

1 SEC. 20. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter seven (7), section five (5), is amended to read as follows:

3 Sec. 5. Section eight point thirty-nine (8.39), Code 1973, is
4 amended by adding the following new unnumbered paragraph:

5 **NEW UNNUMBERED PARAGRAPH.** Any transfer made under the provi-
6 sions of this section shall be reported to the ~~budget and financial con-~~
7 ~~trol legislative fiscal committee or its successor committee~~ on a monthly
8 basis. The report shall cover each calendar month and shall be due the
9 tenth day of the following month. The report shall contain the follow-
10 ing: the amount of each transfer; the date of each transfer; the
11 department to which the transfer was made; the department and fund
12 from which the transfer was made; a brief explanation of the reason
13 for the transfer; and such other information as may be required by
14 the committee. A summary of all transfers made under the provisions
15 of this section shall be included in the annual report of the ~~budget and~~
16 ~~financial control committee or its successor committee to the general~~
17 ~~assembly legislative fiscal committee.~~

1 SEC. 21. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter one hundred twenty (120), section two (2), lines one hundred
3 twenty-one (121) through one hundred thirty-three (133), are
4 amended to read as follows:

5 **NEW SECTION. Duties of legislative fiscal director.** The legislative
6 fiscal director shall:

7 1. Employ and supervise all employees of the legislative fiscal
8 bureau in such positions and at such salaries as shall be authorized by
9 the legislative council.

10 2. Supervise all expenditures of the legislative fiscal bureau with
11 the approval of the legislative council.

12 3. Attend, or designate a representative who shall attend, the
13 budget hearings required by section eight point twenty-six (8.26) of
14 the Code and may offer explanations or suggestions and make in-
15 quiries with respect to such budget hearings ~~within the purposes~~
16 ~~specified in sections two point forty-six (2.46), two point forty-seven~~
17 ~~(2.47), and two point forty-eight (2.48) of the Code.~~

1 SEC. 22. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter one hundred fifty-one (151), section three (3), is amended to
3 read as follows:

4 Sec. 3. House File two hundred eighty-seven (287), section seven-
5 teen (17), as enacted by the Sixty-fifth General Assembly, 1973 Ses-
6 sion, is amended to read as follows:

7 Sec. 17. Section ninety-seven B point seven (97B.7), subsection
8 two (2), paragraph a b, subparagraph seven (7), unnumbered para-
9 graph one (1), Code 1973, is amended to read as follows:

10 (7). The total cost price of common stocks held by the retirement
11 fund shall not exceed twenty-five percent of the total value of the
12 retirement fund. The cost price of stock investments in any one cor-
13 poration shall not exceed five percent of the maximum amount which
14 may be invested in stocks. Not more than five percent of the issued
15 stock of any one corporation may be owned by the fund. For purposes
16 of this chapter value consists of cash, the par value or unpaid balance
17 of all unmatured or unpaid investments requiring the payment of a
18 fixed amount at payment date, and the cost price of all other invest-
19 ments. The total cost of common stocks purchased during any year
20 shall not exceed twenty-five percent of all moneys collected under
21 chapter 97B together with investment income received by the system
22 during that year.

1 SEC. 23. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter one hundred eighty-one (181), section fifteen (15), is amended
3 to read as follows:

4 Sec. 15. NEW SECTION. **License renewal—fees.** Licenses shall
5 expire one year from the date of issuance and shall be renewed upon
6 timely application made in the same manner as for original issuance
7 of a license unless notice of nonrenewal is given to the licensee at least
8 thirty days prior to the expiration of the license. The authority shall
9 charge a fee for licensing and renewal adequate to cover the cost of
10 processing each application and conducting inspection and investiga-
11 tions as required or deemed necessary to properly enforce this Act.
12 Costs incurred by local agencies or bodies approved to assist the
13 authority in administering this Act as permitted by section twenty-one
14 (21), subsection ~~four (4)~~ *three (3)* of this Act may be reimbursed to
15 the local agencies or bodies by the authority.

1 SEC. 24. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter one hundred ninety-four (194), section one (1), article VIII,
3 is amended by striking paragraph c.

1 SEC. 25. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter two hundred fifty-one (251), section seventeen (17), is
3 amended to read as follows:

4 Sec. 17. NEW SECTION. **Appeals.** Any person aggrieved by an act
5 or decision of the director of revenue or the department of revenue
6 under this Act shall have the same rights of appeal and review as
7 provided in sections four hundred twenty-one point one (421.1) and
8 ~~four hundred twenty-two point fifty-three (422.53)~~ *four hundred*
9 *twenty-two point fifty-five (422.55)* of the Code and the rules of the
10 department of revenue.

1 SEC. 26. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter two hundred ninety-four (294), section twelve (12), is
3 amended to read as follows:

4 Sec. 12. NEW SECTION. **Data processing.** Nothing in this Act
5 shall preclude the use of the equipment and hardware of the data process-
6 ing service center ~~provided for in section nineteen B point three~~
7 ~~(19B.3), subsection five (5), of the Code for the storage and retrieval~~

8 of criminal history data. Files shall be stored on the computer in such
 9 a manner as the files cannot be modified, destroyed, accessed, changed
 10 or ~~overlayed~~ overlaid in any fashion by noncriminal justice agency
 11 terminals or personnel. That portion of any computer, electronic
 12 switch or manual terminal having access to criminal history data
 13 stored in the state computer must be under the management control
 14 of a criminal justice agency.

1 SEC. 27. Section two hundred seventy-four point forty-six
 2 (274.46), Code 1973, is repealed.

1 SEC. 28. Acts of the Sixty-fifth General Assembly, 1973 Session,
 2 chapter one hundred forty (140), section twelve (12), is repealed.

1 SEC. 29. Acts of the Sixty-fifth General Assembly, 1973 Session,
 2 chapter one hundred forty-five (145), is repealed.

1 SEC. 30. Section four point one (4.1), subsection twenty-six (26),
 2 Code 1973, as amended by Acts of the Sixty-fourth General Assembly,
 3 1972 Session, chapter one thousand eighty-eight (1088), section two
 4 hundred (200), and Acts of the Sixty-fifth General Assembly, 1973
 5 Session, chapter one hundred twenty-two (122), section one (1), is
 6 amended by striking the subsection and inserting in lieu thereof the
 7 following:

8 26. Population. The word "population" where used in this Code
 9 or any statute means the population shown by the latest preceding
 10 certified federal census, unless otherwise specifically provided.

1 SEC. 31. Acts of the Sixty-fifth General Assembly, 1973 Session,
 2 chapter one hundred eighty-seven (187), section two (2), is amended
 3 by striking lines 21 and 22 and inserting in lieu thereof the following:
 4 "vacancy in the same manner as the original* appointment. ~~A vacancy~~
 5 ~~shall exist on the commission whenever~~ *If a legislative member*".

1 SEC. 32. The Code editor is authorized to delete obsolete references
 2 to "town" from the statutes.

1 SEC. 33. House File 177, enacted by the Sixty-fifth General Assem-
 2 bly, 1974 Session, section three (3), is amended by striking from lines
 3 one (1) and two (2), the words and figures "two (2) and three (3)"
 4 and inserting in lieu thereof the words and figures "one (1) and two
 5 (2)".

1 SEC. 34. Senate File one thousand two hundred thirty-five (1235)
 2 as enacted by the Sixty-fifth General Assembly, 1974 Session, section
 3 six (6), subsection three (3), is amended to read as follows:

4 3. If it is not labeled as required in section ~~six (6)~~ *five (5)* of this
 5 Act.

1 SEC. 35. House File one thousand three hundred ninety-nine
 2 (1399), enacted by the Sixty-fifth General Assembly, 1974 Session,
 3 section ninety-four (94), is amended by striking from line four (4)
 4 the words and figure "eighty-five (85)" and inserting in lieu thereof
 5 the words and figure "ninety-two (92)".

Approved May 27, 1974

*According to enrolled Act

CHAPTER 1088

VOUCHERS CERTIFICATION

S. F. 1287

AN ACT to delete the requirement for the claimant's certification on vouchers.

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

1 SECTION 1. Section eight point fourteen (8.14), subsection four
2 (4), Code 1973, is amended to read as follows:

3 4. That the claim is in proper form ~~and duly certified in such form~~
4 as the state comptroller may provide.

1 SEC. 2. Section eight point fifteen (8.15), unnumbered paragraph
2 one (1), Code 1973, is amended to read as follows:

3 Before a warrant or equivalent shall be issued for any claim payable
4 from the state treasury, there shall be filed an itemized, ~~certified~~
5 voucher which shall show in detail the items of service, expense, thing
6 furnished, or contract upon which payment is sought ~~or in lieu of the~~
7 ~~claimant's certification on the voucher, there may. There shall be~~
8 attached the claimant's ~~certified~~ original invoice to a department's
9 approved voucher ~~if the invoice shows which shall indicate~~ in detail the
10 items of service, expense, thing furnished, or contract upon which
11 payment is sought ~~and the claimant's statement that no part of the~~
12 ~~invoice has been paid.~~

Approved May 9, 1974

CHAPTER 1089

STATE WARRANTS

H. F. 1394

AN ACT relating to issuance and redemption of warrants.

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

1 SECTION 1. Section twelve point three (12.3), Code 1973, is
2 amended to read as follows:

3 12.3 Record and payment of warrants. ~~He~~ *The treasurer of state*
4 ~~shall enter in a book the memorandum keep a record~~ of warrants
5 issued as certified ~~to him~~ by the state comptroller, and receive in pay-
6 ment of public dues the warrants so issued in conformity with law,
7 and redeem the same, if there be money in the treasury not otherwise
8 appropriated, and on receiving any such warrant shall cause the
9 person presenting it to endorse it, and shall ~~write on the face thereof~~
10 ~~"redeemed", and enter in the book containing the comptroller's memo-~~
11 ~~randa, in appropriate columns, indicate on its face in a suitable manner~~
12 ~~that it has been redeemed, and keep a record of warrants redeemed~~
13 ~~showing the name of the person to whom paid, date of payment, and~~
14 ~~amount of interest paid.~~

Approved April 19, 1974

CHAPTER 1090

ADMINISTRATIVE PROCEDURES

H. F. 1200

AN ACT creating an Iowa administrative procedure Act.

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

1 SECTION 1. NEW SECTION. Citation and statement of purpose.

2 1. This Act may be cited as the "Iowa Administrative Procedure
3 Act".4 2. This Act is intended to provide a minimum procedural code for
5 the operation of all state agencies when they take action affecting the
6 rights and duties of the public. Nothing in this Act is meant to dis-
7 courage agencies from adopting procedures providing greater pro-
8 tections to the public or conferring additional rights upon the public;
9 and save for express provisions of this Act to the contrary, nothing
10 in this Act is meant to abrogate in whole or in part any statute pre-
11 scribing procedural duties for an agency which are greater than or
12 in addition to those provided here. This Act is meant to apply to
13 all rule-making and contested case proceedings and all suits for the
14 judicial review of agency action that are not specifically excluded
15 from this Act or some portion thereof by its express terms or by
16 the express terms of another Act.17 The purposes of the "Iowa Administrative Procedure Act" are:
18 to provide legislative oversight of powers and duties delegated to
19 administrative agencies; to increase public accountability of admin-
20 istrative agencies; to simplify government by assuring a uniform
21 minimum procedure to which all agencies will be held in the conduct
22 of their most important functions; to increase public access to gov-
23 ernmental information; to increase public participation in the for-
24 mulation of administrative rules; to increase the fairness of agen-
25 cies in their conduct of contested case proceedings; and to simplify
26 the process of judicial review of agency action as well as increase its
27 ease and availability. In accomplishing its objectives, the intention
28 of this Act is to strike a fair balance between these purposes and
29 the need for efficient, economical and effective government adminis-
30 tration. The Act is not meant to alter the substantive rights of any
31 person or agency. Its impact is limited to procedural rights with
32 the expectation that better substantive results will be achieved in
33 the everyday conduct of state government by improving the process
34 by which those results are attained.

1 SEC. 2. NEW SECTION. Definitions. As used in this Act:

2 1. "Agency" means each board, commission, department, officer,
3 or other administrative office or unit of the state. "Agency" does
4 not mean the general assembly, the courts, the governor, or a politi-
5 cal subdivision of the state or its offices and units. Unless provided
6 otherwise by statute, no less than two-thirds of the members eligible
7 to vote of a multi-member agency shall constitute a quorum author-
8 ized to act in the name of the agency.9 2. "Contested case" means a proceeding including but not restricted
10 to ratemaking, price fixing, and licensing in which the legal rights,
11 duties, or privileges of a party are required by constitution or stat-

12 ute to be determined by an agency after an opportunity for an evi-
13 dentiary hearing.

14 3. "License" includes the whole or a part of any agency permit,
15 certificate, approval, registration, charter, or similar form of per-
16 mission required by statute.

17 4. "Licensing" includes the agency process respecting the grant,
18 denial, renewal, revocation, suspension, annulment, withdrawal, or
19 amendment of a license.

20 5. "Party" means each person or agency named or admitted as a
21 party, or properly seeking and entitled as of right to be admitted as
22 a party.

23 6. "Person" means any individual, partnership, corporation, asso-
24 ciation, governmental subdivision, or public or private organization
25 of any character other than an agency.

26 7. "Rule" means each agency statement of general applicability
27 that implements, interprets, or prescribes law or policy, or that
28 describes the organization, procedure, or practice requirements of
29 any agency. The term includes the amendment or repeal of an ex-
30 isting rule, but does not include:

31 a. A statement concerning only the internal management of an
32 agency and which does not substantially affect the legal rights of, or
33 procedures available to, the public or any segment thereof.

34 b. A declaratory ruling issued pursuant to section nine (9) of this
35 Act, or an interpretation issued by an agency with respect to a spe-
36 cific set of facts and intended to apply only to that specific set of
37 facts.

38 c. An intergovernmental, interagency, or intra-agency memoran-
39 dum, directive, manual or other communication which does not sub-
40 stantially affect the legal rights of, or procedures available to, the
41 public or any segment thereof.

42 d. A determination, decision, or order in a contested case.

43 e. An opinion of the attorney general.

44 f. Those portions of staff manuals, instructions or other state-
45 ments issued by an agency which set forth criteria or guidelines to
46 be used by its staff in auditing, in making inspections, in settling
47 commercial disputes or negotiating commercial arrangements, or in
48 the selection or handling of cases, such as operational tactics or
49 allowable tolerances or criteria for the defense, prosecution, or set-
50 tlement of cases, when the disclosure of such statements would: (1)
51 enable law violators to avoid detection; or (2) facilitate disregard of
52 requirements imposed by law; or (3) give a clearly improper advan-
53 tage to persons who are in an adverse position to the state.

54 g. A specification of the prices to be charged for goods or services
55 sold by an agency as distinguished from a license fee, application fee,
56 or other fees.

57 h. A statement concerning only the physical servicing, maintenance
58 or care of publicly owned or operated facilities or property.

59 i. A statement relating to the use of a particular publicly owned
60 or operated facility or property, the substance of which is indicated
61 to the public by means of signs or signals.

62 j. A decision by an agency not to exercise a discretionary power.

63 k. A statement concerning only inmates of a penal institution, stu-
64 dents enrolled in an educational institution, or patients admitted to
65 a hospital, when issued by such an agency.

66 8. "Rule-making" means the process for adopting, amending, or
67 repealing a rule.

68 9. "Agency action" includes the whole or a part of an agency rule
69 or other statement of law or policy, order, decision, license, proceed-
70 ing, investigation, sanction, relief, or the equivalent or a denial
71 thereof, or a failure to act, or any other exercise of agency discre-
72 tion or failure to do so, or the performance of any agency duty or
73 the failure to do so.

74 10. "Agency member" means an individual who is the statutory or
75 constitutional head of an agency, or an individual who is one of sev-
76 eral individuals who constitute the statutory or constitutional head
77 of an agency.

1 **SEC. 3. NEW SECTION. Public information—adoption of rules—**
2 **availability of rules and orders.**

3 1. In addition to other requirements imposed by constitution or
4 statute, each agency shall:

5 a. Adopt as a rule a description of the organization of the agency
6 which states the general course and method of its operations, and the
7 methods by which and location where the public may obtain informa-
8 tion or make submissions or requests.

9 b. Adopt rules of practice setting forth the nature and require-
10 ments of all formal and informal procedures available to the public,
11 including a description of all forms and instructions that are to be
12 used by the public in dealing with the agency.

13 c. Make available for public inspection all rules, and make avail-
14 able for public inspection and index by subject, all other written
15 statements of law or policy, or interpretations formulated, adopted,
16 or used by the agency in the discharge of its functions. Except as
17 otherwise required by constitution or statute, or in the use of dis-
18 covery under the Iowa rules of civil procedure or in criminal cases, an
19 agency shall not be required to make available for public inspection
20 those portions of its staff manuals, instructions or other statements
21 excluded from the definition of "rule" by paragraph f of subsection
22 seven (7) of section two (2) of this Act.

23 d. Make available for public inspection and index by name and
24 subject all final orders, decisions, and opinions: Provided that to
25 the extent required to prevent a clearly unwarranted invasion of per-
26 sonal privacy or trade secrets, an agency shall delete identifying
27 details when it makes available for public inspection any final order,
28 decision, or opinion; however, in each case the justification for the
29 deletion shall be explained fully in writing.

30 2. No agency rule or other written statement of law or policy, or
31 interpretation, order, decision or opinion is valid or effective against
32 any person or party, nor shall it be invoked by the agency for any
33 purpose, until it has been made available for public inspection and
34 indexed as required by paragraphs c and d of subsection one (1) of
35 this section. This provision is not applicable in favor of any per-
36 son or party who has actual timely knowledge thereof and the bur-
37 den of proving such knowledge shall be on the agency.

1 **SEC. 4. NEW SECTION. Procedure for adoption of rules.**

2 1. Prior to the adoption, amendment, or repeal of any rule an
3 agency shall:

4 a. Give notice of its intended action by causing a notice to be pub-
5 lished in the "Iowa Administrative Code". Any notice of intended
6 action shall be published at least thirty-five days in advance of the
7 action. The notice shall include a statement of either the terms or
8 substance of the intended action or a description of the subjects and
9 issues involved, and the time when, the place where, and the man-
10 ner in which interested persons may present their views thereon.

11 b. Afford all interested persons reasonable opportunity to submit
12 data, views, or arguments in writing. If timely requested in writing
13 by twenty-five interested persons, by a governmental subdivision, by
14 the administrative rules review committee, by an agency, or by an
15 association having not less than twenty-five members, the agency
16 must give interested persons an opportunity to make oral presenta-
17 tion according to agency rules which give the public adequate notice
18 of the time when and the place where oral presentation may be made,
19 and which provide for the presentation prior to agency action on the
20 rule which is the subject of the proceeding. The agency shall con-
21 sider fully all written and oral submissions respecting the proposed
22 rule. Within one hundred eighty days following either the notice
23 published according to the provisions of paragraph a of subsection
24 one (1) of this section or the last date of the oral presentations on
25 the proposed rule, whichever is later, the agency shall adopt a rule
26 pursuant to the rule-making proceeding or shall terminate the pro-
27 ceeding. If requested to do so by an interested person, either prior to
28 adoption or within thirty days thereafter, the agency shall issue a
29 concise statement of the principal reasons for and against the rule it
30 adopted, incorporating therein the reasons for overruling considera-
31 tions urged against the rule.

32 2. When an agency for good cause finds that notice and public par-
33 ticipation would be impracticable, unnecessary, or contrary to the
34 public interest, the provisions of subsection one (1) of this section
35 shall be inapplicable. The agency shall incorporate in each rule
36 issued in reliance upon this provision either the finding and a brief
37 statement of the reasons therefor, or a statement that the rule is
38 within a very narrowly-tailored category of rules whose issuance
39 has previously been exempted from subsection one (1) of this sec-
40 tion by a special rule relying on this provision and including such a
41 finding and statement of reasons for the entire category. In any
42 action contesting a rule adopted pursuant to this subsection, the bur-
43 den of proof shall be on the agency to show that the procedures of
44 subsection one (1) of this section were impracticable, unnecessary, or
45 contrary to the public interest and that, if a category of rules was
46 involved, the category was very narrowly tailored.

47 3. No rule adopted after the effective date of this Act is valid
48 unless adopted in substantial compliance with the above require-
49 ments of this section. However, a rule shall be conclusively presumed
50 to have been made in compliance with all of the above procedural
51 requirements of this section if it has not been invalidated on the
52 grounds of noncompliance in a proceeding commenced within two
53 years after its effective date.

54 4. a. If the administrative rules review committee created by sec-
55 tion eight (8) of this Act or the attorney general finds objec-
56 tion to all or some portion of a proposed rule because that rule is
57 deemed to be unreasonable, arbitrary, capricious or otherwise be-

58 yond the authority delegated to the agency, the committee or attorney
 59 general may, in writing, notify the agency of the objection prior
 60 to the effective date of such a rule. In the case of a rule issued
 61 under subsection two (2) of section four (4) or a rule made effective
 62 under the terms of paragraph b of subsection two (2) of section
 63 five (5) the committee or attorney general may notify the agency of
 64 such an objection within seventy days of the date such a rule became
 65 effective. The committee or the attorney general shall also file
 66 a certified copy of such an objection in the office of the secretary of
 67 state within the above time limits and a notice to the effect that an
 68 objection has been filed shall be published in the next supplement to
 69 the "Iowa Administrative Code". The burden of proof shall then
 70 be on the agency in any proceeding for judicial review or for enforcement
 71 of the rule heard subsequent to the filing to establish that the
 72 rule or portion of the rule timely objected to according to the above
 73 procedure is not unreasonable, arbitrary, capricious or otherwise
 74 beyond the authority delegated to it.

75 b. If the agency fails to meet the burden of proof prescribed for a
 76 rule objected to according to the provisions of paragraph a of this
 77 subsection, the court shall declare the rule or portion of the rule
 78 objected to invalid and judgment shall be rendered against the agency
 79 for court costs. Such court costs shall include a reasonable attorney
 80 fee and shall be payable by the state comptroller from the support
 81 appropriations of the agency which issued the rule in question.

1 **SEC. 5. NEW SECTION. Filing and taking effect of rules.**

2 1. Each agency shall file in the office of the secretary of state a certified
 3 copy of each rule adopted by it, including all rules as defined in
 4 this Act existing on the effective date of this Act. The secretary of
 5 state shall keep a permanent register of the rules open to public inspection.
 6 Rules presently on file in the office of the secretary of state
 7 need not be refiled.

8 2. Each rule hereafter adopted is effective thirty-five days after
 9 filing, as required in this section, and indexing and publication as required
 10 by section six (6) of this Act, except that:

11 a. If a later date is required by statute or specified in the rule, the
 12 later date is the effective date.

13 b. Subject to applicable constitutional or statutory provisions, a
 14 rule becomes effective immediately upon filing with the secretary of
 15 state, or at a subsequent stated date prior to indexing and publication,
 16 or at a stated date less than thirty-five days after filing, indexing,
 17 and publication, if the agency finds:

18 (1) That a statute so provides;

19 (2) That the rule confers a benefit or removes a restriction on
 20 the public or some segment thereof; or

21 (3) That this effective date is necessary because of imminent peril
 22 to the public health, safety, or welfare. In any subsequent action
 23 contesting the effective date of a rule promulgated under this paragraph,
 24 the burden of proof shall be on the agency to justify its finding.
 25 The agency's finding and a brief statement of the reasons therefor
 26 shall be filed with and made a part of the rule. Prior to indexing
 27 and publication, the agency shall make reasonable efforts to
 28 make known to the persons who may be affected by it a rule made
 29 effective under the terms of this paragraph.

1 **SEC. 6. NEW SECTION. Publication of rules.**

2 1. The Code editor shall cause to be compiled, indexed, and pub-
3 lished in loose leaf form all rules adopted by each agency and notice
4 of all proposed rule-making by each agency. The Code editor further
5 shall cause to be distributed supplements to this publication at least
6 every other week which supplements shall contain, in such a form
7 that they may be filed in the appropriate places in the compilation,
8 all rules and notice of proposed rules filed for publication in the prior
9 two weeks. The Code editor shall devise a uniform numbering sys-
10 tem for rules and may renumber rules before publication to conform
11 with the system.

12 2. The Code editor may omit or cause to be omitted from the pub-
13 lication any rule the publication of which would be unduly cumber-
14 some, expensive, or otherwise inexpedient, if the rule in printed or
15 processed form is made available on application to the adopting
16 agency at no more than its cost of reproduction, and if the publication
17 contains a notice stating the specific subject matter of the omitted
18 rule and stating how a copy thereof may be obtained.

19 3. This publication, which shall be known as the "Iowa Adminis-
20 trative Code", shall be made available upon request to all persons
21 who subscribe thereto.

22 4. All expenses incurred by the Code editor under this section shall
23 be defrayed under the provisions of section fourteen point twenty-
24 two (14.22) of the Code.

1 **SEC. 7. NEW SECTION. Petition for adoption of rules.** An inter-

2 ested person may petition an agency requesting the promulgation,
3 amendment, or repeal of a rule. Each agency shall prescribe by
4 rule the form for petitions and the procedure for their submission,
5 consideration, and disposition. Within sixty days after submission
6 of a petition, the agency either shall deny the petition in writing on
7 the merits, stating its reasons for the denial, or initiate rule-making
8 proceedings in accordance with section four (4) of this Act, or issue
9 a rule if it is not required to be issued according to the procedures
10 of subsection one (1) of section four (4) of this Act.

1 **SEC. 8. NEW SECTION. Administrative rules review committee.**

2 1. There is created the administrative rules review committee. The
3 committee shall be bipartisan and shall be composed of the follow-
4 ing members:

5 a. Three senators appointed by the president of the senate.

6 b. Three representatives appointed by the speaker of the house.

7 2. A committee member shall be appointed prior to the adjourn-
8 ment of a regular session convened in an odd-numbered year. The
9 term of office shall be for four years beginning May first of the year
10 of appointment. However, a member shall serve until a successor
11 is appointed. A vacancy on the committee shall be filled by the orig-
12 inal appointing authority for the remainder of the term. A vacancy
13 shall exist whenever a committee member ceases to be a member of
14 the houses from which the member was appointed.

15 3. A committee member shall be paid a forty dollar per diem for
16 each day in attendance and shall be reimbursed for actual and neces-
17 sary expenses. There is appropriated from money in the general
18 fund not otherwise appropriated an amount sufficient to pay costs
19 incurred under this section.

20 4. The committee shall choose a chairperson from its membership
21 and prescribe its rules of procedure. The committee may employ a
22 secretary or may appoint the Code editor or a designee to act as sec-
23 retary.

24 5. A regular committee meeting shall be held at the seat of gov-
25 ernment on the second Tuesday of each month. Unless impracticable
26 in advance of each such meeting the subject matter to be considered
27 shall be published in the "Iowa Administrative Code". A special
28 committee meeting may be called by the chairperson at any place
29 in the state and at any time. Unless impracticable, in advance of
30 each special meeting notice of the time and place of such meeting
31 and the subject matter to be considered shall be published in the
32 "Iowa Administrative Code".

33 6. The committee shall meet for the purpose of selectively review-
34 ing rules, whether proposed or in effect. A regular or special commit-
35 tee meeting shall be open to the public and an interested person may
36 be heard and present evidence. The committee may require a repre-
37 sentative of an agency whose rule or proposed rule is under considera-
38 tion to attend a committee meeting.

39 7. The committee may refer a rule to the speaker of the house and
40 the president of the senate at the next regular session of the general
41 assembly. The speaker and the president shall refer such a rule to
42 the appropriate standing committee of the general assembly.

43 8. If the committee finds objection to a rule, it may utilize the
44 procedure provided in subsection four (4) of section four (4). In
45 addition or in the alternative, the committee may include in the re-
46 ferral, under subsection seven (7) of this section, a recommenda-
47 tion that this rule be overcome by statute. If the committee of the
48 general assembly to which a rule is referred finds objection to the
49 referred rule, it may recommend to the general assembly that this
50 rule be overcome by statute. This section shall not be construed to
51 prevent a committee of the general assembly from reviewing a rule
52 on its own motion.

1 SEC. 9. NEW SECTION. **Declaratory rulings by agencies.** Each
2 agency shall provide by rule for the filing and prompt disposition of
3 petitions for declaratory rulings as to the applicability of any statu-
4 tory provision, rule or other written statement of law or policy, deci-
5 sion, or order of the agency. Rulings disposing of petitions have the
6 same status as agency decisions or orders in contested cases.

1 SEC. 10. NEW SECTION. **Informal settlements—waiver.**

2 1. Unless precluded by statute, informal settlements of controver-
3 sies that may culminate in contested case proceedings according to
4 the provisions of this Act are encouraged. Agencies shall prescribe
5 by rule specific procedures for attempting such informal settlements
6 prior to the commencement of contested case proceedings. This sub-
7 section shall not be construed to require either party to such a con-
8 troversy to utilize the informal procedures or to settle the contro-
9 versy pursuant to those informal procedures.

10 2. The parties to a contested case proceeding may, by written stip-
11 ulation representing an informed mutual consent, waive any provi-
12 sion of this Act relating to such proceedings. In addition to con-
13 senting to such a waiver in individual cases, an agency may, by rule,
14 express its consent to such a waiver as to an entire class of cases.

1 **SEC. 11. NEW SECTION. Presiding officer—administrative hear-**
2 **ing officers.**

3 1. The presiding officer in evidentiary hearings required to be
4 conducted by an agency according to the provisions of this Act gov-
5 erning contested cases shall be the agency, one or more members of
6 a multi-member agency, or an administrative hearing officer ap-
7 pointed according to the terms of this section. Each agency needing
8 the services of one or more permanent full-time or part-time admin-
9 istrative hearing officers shall appoint as many of them to its staff
10 as are necessary for this purpose. Agencies shall assign administra-
11 tive hearing officers to cases in rotation unless it is not feasible. Ad-
12 ministrative hearing officers shall not perform duties inconsistent
13 with their duties and responsibilities as hearing officers.

14 2. Administrative hearing officers shall be covered by the merit
15 system of personnel administration, chapter nineteen A (19A) of
16 the Code. The Iowa merit employment department or other appro-
17 priate agency specified in section nineteen A point three (19A.3) of
18 the Code shall, insofar as practicable, provide for different classes of
19 administrative hearing officers with different salary scales.

20 3. An agency whose work load is such that the appointment of a
21 permanent full-time or part-time administrative hearing officer is
22 unwarranted, or an agency whose work load is such that one or more
23 additional administrative hearing officers are temporarily required,
24 may use administrative hearing officers selected by the Iowa merit
25 employment department from other agencies having hearing officers
26 that are temporarily available and that are qualified to preside at the
27 hearings held by the agency requesting the temporary use of a hear-
28 ing officer. In cases where an agency borrows one or more adminis-
29 trative hearing officers from other agencies, the salaries and expenses
30 of those administrative hearing officers shall be apportioned and
31 charged to the several agencies according to their use.

1 **SEC. 12. NEW SECTION. Contested cases — notice — hearing —**
2 **records.**

3 1. In a contested case, all parties shall be afforded an opportunity for
4 hearing after reasonable notice in writing delivered either by personal
5 service as in civil actions or by certified mail return receipt requested.
6 However, an agency may provide by rule for the delivery of such notice
7 by other means. Delivery of the notice referred to in this subsection
8 shall constitute commencement of the contested case proceeding.

9 2. The notice shall include:

10 a. A statement of the time, place, and nature of the hearing.

11 b. A statement of the legal authority and jurisdiction under which
12 the hearing is to be held.

13 c. A reference to the particular sections of the statutes and rules
14 involved.

15 d. A short and plain statement of the matters asserted. If the
16 agency or other party is unable to state the matters in detail at the
17 time the notice is served, the initial notice may be limited to a state-
18 ment of the issues involved. Thereafter upon application a more
19 definite and detailed statement shall be furnished.

20 3. If a party fails to appear in a contested case proceeding after
21 proper service of notice, the presiding officer may, if no adjournment

22 is granted, proceed with the hearing and make a decision in the ab-
23 sence of the party.

24 4. Opportunity shall be afforded all parties to respond and pre-
25 sent evidence and argument on all issues involved and to be repre-
26 sented by counsel at their own expense.

27 5. Unless precluded by statute, informal disposition may be made
28 of any contested case by stipulation, agreed settlement, consent order,
29 or default or by another method agreed upon by the parties in writ-
30 ing.

31 6. The record in a contested case shall include:

32 a. All pleadings, motions, and intermediate rulings.

33 b. All evidence received or considered and all other submissions.

34 c. A statement of all matters officially noticed.

35 d. All questions and offers of proof, objections, and rulings thereon.

36 e. All proposed findings and exceptions.

37 f. Any decision, opinion, or report by the officer presiding at the
38 hearing.

39 7. Oral proceedings shall be open to the public and shall be re-
40 corded either by mechanized means or by certified shorthand report-
41 ers. Oral proceedings or any part thereof shall be transcribed at
42 the request of any party with the expense of the transcription
43 charged to the requesting party. The recording or stenographic
44 notes of oral proceedings or the transcription thereof shall be filed
45 with and maintained by the agency for at least five years from the
46 date of decision.

47 8. Findings of fact shall be based solely on the evidence in the rec-
48 ord and on matters officially noticed in the record.

1 SEC. 13. NEW SECTION. **Subpoenas—discovery.**

2 1. Agencies shall have all subpoena powers conferred upon them
3 by their enabling acts or other statutes. In addition, prior to the
4 commencement of a contested case by the notice referred to in subsec-
5 tion one (1) of section twelve (12) of this Act an agency having
6 power to decide such cases shall have authority to subpoena books,
7 papers, records, and any other real evidence necessary for the agency
8 to determine whether it should institute such a contested case pro-
9 ceeding. After the commencement of a contested case, each agency
10 having power to decide contested cases shall have authority to admin-
11 ister oaths and to issue subpoenas in such cases. Discovery proce-
12 dures applicable to civil actions shall be available to all parties in con-
13 tested cases before an agency. Evidence obtained in such discovery
14 may be used in the hearing before the agency if that evidence would
15 otherwise be admissible in the agency hearing. Agency subpoenas
16 shall be issued to a party on request. On contest, the court shall
17 sustain the subpoena or similar process or demand to the extent that
18 it is found to be in accordance with the law applicable to the issuance
19 of subpoenas or discovery in civil actions. In proceedings for enforce-
20 ment, the court shall issue an order requiring the appearance of the
21 witness or the production of the evidence or data within a reasonable
22 time under penalty of punishment for contempt in cases of willful
23 failure to comply.

24 2. An agency that relies on a witness in a contested case, whether
25 or not an agency employee, who has made prior statements or reports
26 with respect to the subject matter of the witness' testimony, shall,

27 on request, make such statements or reports available to parties for
28 use on cross-examination, unless those statements or reports are
29 otherwise expressly exempt from disclosure by constitution or stat-
30 ute. Identifiable agency records that are relevant to disputed mate-
31 rial facts involved in a contested case, shall, upon request, promptly
32 be made available to a party unless the requested records are ex-
33 pressly exempt from disclosure by constitution or statute.

1 **SEC. 14. NEW SECTION. Rules of evidence—official notice.** In
2 contested cases:

3 1. Irrelevant, immaterial, or unduly repetitious evidence should be
4 excluded. A finding shall be based upon the kind of evidence on which
5 reasonably prudent persons are accustomed to rely for the conduct
6 of their serious affairs, and may be based upon such evidence even
7 if it would be inadmissible in a jury trial. Agencies shall give effect
8 to the rules of privilege recognized by law. Objections to eviden-
9 tiary offers may be made and shall be noted in the record. Subject
10 to these requirements, when a hearing will be expedited and the in-
11 terests of the parties will not be prejudiced substantially, any part
12 of the evidence may be required to be submitted in verified written
13 form.

14 2. Documentary evidence may be received in the form of copies or
15 excerpts, if the original is not readily available. Upon request,
16 parties shall be given an opportunity to compare the copy with the
17 original, if available.

18 3. Witnesses at the hearing, or persons whose testimony has been
19 submitted in written form if available, shall be subject to cross-
20 examination by any party as necessary for a full and true disclosure
21 of the facts.

22 4. Official notice may be taken of all facts of which judicial notice
23 may be taken and of other facts within the specialized knowledge of
24 the agency. Parties shall be notified at the earliest practicable time,
25 either before or during the hearing, or by reference in preliminary
26 reports, preliminary decisions or otherwise, of the facts proposed to
27 be noticed and their source, including any staff memoranda or data,
28 and the parties shall be afforded an opportunity to contest such
29 facts before the decision is announced unless the agency determines
30 as part of the record or decision that fairness to the parties does not
31 require an opportunity to contest such facts.

32 5. The agency's experience, technical competence, and specialized
33 knowledge may be utilized in the evaluation of the evidence.

1 **SEC. 15. NEW SECTION. Final decisions — proposed decisions —**
2 **conclusiveness—review by the agency.**

3 1. When the agency presides at the reception of the evidence in a
4 contested case, the decision of the agency is a final decision.

5 2. When the agency did not preside at the reception of the evidence
6 in a contested case, the presiding officer shall make a proposed deci-
7 sion. Findings of fact shall be prepared by the officer presiding at
8 the reception of the evidence in a contested case unless the officer
9 becomes unavailable to the agency. If the officer is unavailable, the
10 findings of fact may be prepared by another person qualified to be
11 a presiding officer who has read the record, unless demeanor of wit-
12 nesses is a substantial factor. If demeanor is a substantial factor
13 and the presiding officer is unavailable, the portions of the hearing

14 involving demeanor shall be heard again or the case shall be dis-
15 missed.

16 3. When the presiding officer makes a proposed decision, that deci-
17 sion then becomes the final decision of the agency without further
18 proceedings unless there is an appeal to, or review on motion of, the
19 agency within the time provided by rule. On appeal from or review
20 of the proposed decision, the agency has all the power which it would
21 have in initially making the final decision except as it may limit the
22 issues on notice to the parties or by rule. In cases where there is an
23 appeal from a proposed decision or where a proposed decision is
24 reviewed on motion of the agency, an opportunity shall be afforded
25 to each party to file exceptions, present briefs and, with the consent
26 of the agency, present oral arguments to the agency members who
27 are to render the final decision.

28 4. This section shall not preclude an agency from instituting a
29 system whereby the proposed decision of a presiding officer in a
30 contested case may be appealed to, or reviewed on motion of, a body
31 consisting of one or more persons that is between the presiding offi-
32 cer and the agency. If an agency institutes such a system of inter-
33 mediate review, the proposed decision of the presiding officer be-
34 comes the final decision of the agency without further proceedings
35 unless there is an appeal to, or review on motion of, the intermediate
36 reviewing body within the time provided by rule. An intermediate
37 reviewing body may be vested with all or a part of the power which
38 it would have in initially making the decision. A decision of such
39 an intermediate reviewing body is also a proposed decision and shall
40 become the final decision of the agency without further proceedings
41 unless there is an appeal to, or review on motion of, the agency within
42 the time provided by rule. In cases where there is an appeal from a
43 proposed decision rendered by a presiding officer to an intermediate
44 reviewing body, or where such a proposed decision is reviewed on
45 motion of an intermediate reviewing body, an opportunity shall be
46 afforded to each party to file exceptions, present briefs and, with the
47 consent of the intermediate reviewing body, present oral arguments
48 to those who are to render the decision.

49 5. When an appeal from an agency decision in a contested case
50 may be taken to another agency pursuant to statute, or a second
51 agency may according to statute review on its own motion the deci-
52 sion in a contested case by the first agency, the appeal or review
53 shall be deemed a continuous proceeding as though before one agency.
54 A decision of the first agency in such a case is a proposed decision
55 and shall become the final decision without further proceedings unless
56 there is an appeal to, or review on motion of, the second agency
57 within the time provided by statute or rule. In deciding an appeal
58 from or review of a proposed decision of the first agency, the second
59 agency shall have all those powers conferred upon it by statute and
60 shall afford each party an opportunity to file exceptions, present
61 briefs and, with its consent, present oral arguments to agency mem-
62 bers who are to render the final decision.

1 SEC. 16. NEW SECTION. **Decisions and orders—rehearing.**

2 1. A proposed or final decision or order in a contested case shall
3 be in writing or stated in the record. A proposed or final decision
4 shall include findings of fact and conclusions of law, separately

5 stated. Findings of fact, if set forth in statutory language, shall be
6 accompanied by a concise and explicit statement of underlying facts
7 supporting the findings. If, in accordance with agency rules, a party
8 submitted proposed findings of fact, the decision shall include a rul-
9 ing upon each proposed finding. Each conclusion of law shall be
10 supported by cited authority or by a reasoned opinion. Parties shall
11 be promptly notified of each proposed or final decision or order by
12 the delivery to them of a copy of such decision or order in the man-
13 ner provided by subsection one (1) of section twelve (12) of this Act.

14 2. Any party may file an application for rehearing, stating the
15 specific grounds therefor and the relief sought, within twenty days
16 after the issuance of any final decision by the agency in a contested
17 case. A copy of such application shall be timely mailed by the appli-
18 cant to all parties of record not joining therein. Such an application
19 for rehearing shall be deemed to have been denied unless the agency
20 grants the application within twenty days after its filing.

1 **SEC. 17. NEW SECTION. Ex parte communications and separa-**
2 **tion of functions.**

3 1. Unless required for the disposition of ex parte matters specifi-
4 cally authorized by statute, individuals assigned to render a proposed
5 or final decision or to make findings of fact and conclusions of law
6 in a contested case, shall not communicate, directly or indirectly, in
7 connection with any issue of fact or law in that contested case, with
8 any person or party, except upon notice and opportunity for all
9 parties to participate as shall be provided for by agency rules.

10 However, without such notice and opportunity for all parties to
11 participate, individuals assigned to render a proposed or final deci-
12 sion or to make findings of fact and conclusions of law in a contested
13 case may communicate with members of the agency, and may have
14 the aid and advice of persons other than those with a personal inter-
15 est in, or those engaged in prosecuting or advocating in, either the
16 case under consideration or a pending factually related case involv-
17 ing the same parties.

18 2. Unless required for the disposition of ex parte matters specifi-
19 cally authorized by statute, parties or their representatives in a
20 contested case shall not communicate, directly or indirectly, in con-
21 nection with any issue of fact or law in that contested case, with in-
22 dividuals assigned to render a proposed or final decision or to make
23 findings of fact and conclusions of law in that contested case, except
24 upon notice and opportunity for all parties to participate as shall be
25 provided for by agency rules. The agency's rules may require the
26 recipient of a prohibited communication to submit the communica-
27 tion if written or a summary of the communication if oral for inclu-
28 sion in the record of the proceeding. As sanctions for violations,
29 the rules may provide for a decision against a party who violates the
30 rules; for censuring, suspending, or revoking a privilege to practice
31 before the agency; and for censuring, suspending, or dismissing
32 agency personnel.

33 3. No individual who participates in the making of any proposed
34 or final decision in a contested case shall have prosecuted or advoc-
35 ated in connection with that case, the specific controversy underly-
36 ing that case, or another pending factually related contested case, or
37 pending factually related controversy that may culminate in a con-

38 tested case, involving the same parties. Nor shall any such individ-
 39 ual be subject to the authority, direction, or discretion of any person
 40 who has prosecuted or advocated in connection with that contested
 41 case, the specific controversy underlying that contested case, or a
 42 pending factually related contested case or controversy, involving the
 43 same parties.

44 4. A party to a contested case proceeding may file a timely and suf-
 45 ficient affidavit asserting disqualification according to the provisions
 46 of subsection three (3) of this section, or asserting personal bias of
 47 an individual participating in the making of any proposed or final
 48 decision in that case. The agency shall determine the matter as part
 49 of the record in the case. When an agency in these circumstances
 50 makes such a determination with respect to an agency member, that
 51 determination shall be subject to de novo judicial review in any sub-
 52 sequent review proceeding of the case.

1 **SEC. 18. NEW SECTION. Licenses.**

2 1. When the grant, denial, or renewal of a license is required by
 3 constitution or statute to be preceded by notice and opportunity for
 4 an evidentiary hearing, the provisions of this Act concerning con-
 5 tested cases apply.

6 2. When a licensee has made timely and sufficient application for
 7 the renewal of a license or a new license with reference to any activ-
 8 ity of a continuing nature, the existing license does not expire until
 9 the application has been finally determined by the agency, and, in
 10 case the application is denied or the terms of the new license limited,
 11 until the last day for seeking judicial review of the agency order or
 12 a later date fixed by order of the agency or the reviewing court.

13 3. No revocation, suspension, annulment, or withdrawal, in whole
 14 or in part, of any license is lawful unless, prior to the institution of
 15 agency proceedings, the agency gave written, timely notice by per-
 16 sonal service as in civil actions or by restricted certified mail to the
 17 licensee of facts or conduct and the provisions of law which war-
 18 rant the intended action, and the licensee was given an opportunity
 19 to show, in an evidentiary hearing conducted according to the provi-
 20 sions of this Act for contested cases, compliance with all lawful re-
 21 quirements for the retention of the license. If the agency finds that
 22 public health, safety, or welfare imperatively requires emergency
 23 action, and incorporates a finding to that effect in its order, summary
 24 suspension of a license may be ordered pending proceedings for revo-
 25 cation or other action. These proceedings shall be promptly insti-
 26 tuted and determined.

1 **SEC. 19. NEW SECTION. Judicial review.** Except as expressly
 2 provided otherwise by another statute referring to this Act by name,
 3 the judicial review provisions of this Act shall be the exclusive means
 4 by which a person or party who is aggrieved or adversely affected by
 5 agency action may seek judicial review of such agency action. How-
 6 ever, nothing in this Act shall abridge or deny to any person or
 7 party who is aggrieved or adversely affected by any agency action
 8 the right to seek relief from such action in the courts.

9 1. A person or party who has exhausted all adequate administra-
 10 tive remedies and who is aggrieved or adversely affected by any
 11 final agency action is entitled to judicial review thereof under this

12 Act. When agency action is pursuant to rate regulatory powers
13 over public utilities or common carriers and the aggrievement or ad-
14 verse effect is to the rates or charges of a public utility or common
15 carrier, the agency action shall not be final until all agency reme-
16 dies have been exhausted and a decision prescribing rates which sat-
17 isfy the requirements of those provisions of the Code has been ren-
18 dered. A preliminary, procedural, or intermediate agency action is
19 immediately reviewable if all adequate administrative remedies have
20 been exhausted and review of the final agency action would not pro-
21 vide an adequate remedy. If a declaratory ruling has not been ren-
22 dered within thirty days after the filing of a petition therefor under
23 section nine (9) of this Act, or if the agency declines to issue such
24 a declaratory ruling after receipt of a petition therefor, any adminis-
25 trative remedy available under section nine (9) of this Act shall be
26 deemed inadequate or exhausted.

27 2. Proceedings for judicial review shall be instituted by filing a
28 petition either in Polk county district court or in the district court
29 for the county in which the petitioner resides or has its principal
30 place of business. When a proceeding for judicial review has been
31 commenced, a court may, in the interest of justice, transfer the pro-
32 ceeding to another county where the venue is proper. Within ten
33 days after the filing of a petition for judicial review file stamped
34 copies of the petition shall be mailed by the petitioner to all parties
35 named in the petition and, if the petition involves review of agency
36 action in a contested case, all parties of record in that case before
37 the agency. Such mailing shall be jurisdictional and shall be ad-
38 dressed to the parties at their last known mailing address. Proof of
39 mailing shall be by affidavit. Any party of record in a contested case
40 before an agency wishing to intervene and participate in the review
41 proceeding thereon must file an appearance within forty-five days
42 from the time the petition is filed.

43 3. If a party files an application under subsection two (2) of sec-
44 tion sixteen (16) of this Act for rehearing with the agency, the peti-
45 tion for judicial review must be filed within thirty days after that
46 application has been denied or deemed denied. If a party does not
47 file an application under subsection two (2) of section sixteen (16)
48 of this Act for rehearing, the petition must be filed within thirty
49 days after the issuance of the agency's final decision in that con-
50 tested case. If an application for rehearing is granted, the petition
51 for review must be filed within thirty days after the issuance of the
52 agency's final decision on rehearing. In cases involving a petition
53 for judicial review of agency action other than the decision in a con-
54 tested case, the petition may be filed at any time petitioner is ag-
55 grievied or adversely affected by that action.

56 4. The petition for review shall name the agency as respondent
57 and shall contain a concise statement of:

- 58 a. The nature of the agency action which is the subject of the peti-
59 tion.
- 60 b. The particular agency action appealed from.
- 61 c. The facts on which venue is based.
- 62 d. The grounds on which relief is sought.
- 63 e. The relief sought.

64 5. The filing of the petition for review does not itself stay execu-
65 tion or enforcement of any agency action. Upon application the

66 agency or the reviewing court may, in appropriate cases, order such
67 a stay pending the outcome of the judicial review proceedings.

68 6. Within thirty days after filing of the petition, or within fur-
69 ther time allowed by the court, the agency shall transmit to the re-
70 viewing court the original or a certified copy of the entire record of
71 any contested case which may be the subject of the petition. By stip-
72 ulation of all parties to the review proceedings, the record of such a
73 case may be shortened. A party unreasonably refusing to stipulate
74 to limit the record may be taxed by the court for the additional costs.
75 The court may require or permit subsequent corrections or additions
76 to the record.

77 7. In proceedings for judicial review of agency action a court may
78 hear and consider such evidence as it deems appropriate. In proceed-
79 ings for judicial review of agency action in a contested case, how-
80 ever, a court shall not itself hear any further evidence with respect
81 to those issues of fact whose determination was entrusted by consti-
82 tution or statute to the agency in that contested case proceeding. Be-
83 fore the date set for hearing a petition for judicial review of agency
84 action in a contested case, application may be made to the court for
85 leave to present evidence in addition to that found in the record of
86 the case. If it is shown to the satisfaction of the court that the addi-
87 tional evidence is material and that there were good reasons for fail-
88 ure to present it in the contested case proceeding before the agency,
89 the court may order that the additional evidence be taken before the
90 agency upon conditions determined by the court. The agency may
91 modify its findings and decision in the case by reason of the addi-
92 tional evidence and shall file that evidence and any modifications, new
93 findings, or decisions with the reviewing court and mail copies of
94 the new findings or decisions to all parties.

95 8. The court may affirm the agency action or remand to the agency
96 for further proceedings. The court shall reverse, modify, or grant
97 any other appropriate relief from the agency action, equitable or
98 legal and including declaratory relief, if substantial rights of the
99 petitioner have been prejudiced because the agency action is:

- 100 a. In violation of constitutional or statutory provisions;
- 101 b. In excess of the statutory authority of the agency;
- 102 c. In violation of an agency rule;
- 103 d. Made upon unlawful procedure;
- 104 e. Affected by other error of law;
- 105 f. In a contested case, unsupported by substantial evidence in the
106 record made before the agency when that record is viewed as a
107 whole; or
- 108 g. Unreasonable, arbitrary or capricious or characterized by an
109 abuse of discretion or a clearly unwarranted exercise of discretion.

1 SEC. 20. NEW SECTION. **Appeals.** An aggrieved or adversely
2 affected party to the judicial review proceeding may obtain a review
3 of any final judgment of the district court under this Act by appeal
4 to the supreme court. The appeal shall be taken as in other civil
5 cases, although the appeal may be taken regardless of the amount
6 involved.

1 SEC. 21. NEW SECTION. **Inconsistency with federal law.** If it is
2 determined by the attorney general that any provision of this Act

3 would cause denial of funds or services from the United States gov-
 4 ernment which would otherwise be available to an agency of this
 5 state, or would otherwise be inconsistent with requirements of fed-
 6 eral law, such provision shall be suspended as to such agency, but
 7 only to the extent necessary to prevent denial of such funds or ser-
 8 vices or to eliminate the inconsistency with federal requirements. If
 9 the attorney general makes such a suspension determination, he
 10 shall report it to the general assembly at its next session. This re-
 11 port shall include any recommendations in regard to corrective leg-
 12 islation needed to conform this Act with the federal law.

1 **SEC. 22. NEW SECTION. Agency authority to implement Act.**
 2 Agencies shall have all the authority necessary to comply with the
 3 requirements of this Act through the issuance of rules or otherwise.

1 **SEC. 23. NEW SECTION. Construction of Act.** Except as ex-
 2 pressly provided otherwise by this Act or by another statute refer-
 3 ring to this Act by name, the rights created and the requirements
 4 imposed by this Act shall be in addition to those created or im-
 5 posed by every other statute now in existence or hereafter enacted.
 6 If any other statute now in existence or hereafter enacted diminishes
 7 any right conferred upon a person by this Act or diminishes any re-
 8 quirement imposed upon an agency by this Act, this Act shall take
 9 precedence unless the other statute expressly provides that it shall
 10 take precedence over all or some specified portion of this named
 11 Act.

12 The "Iowa Administrative Procedure Act" shall be construed
 13 broadly to effectuate its purposes. This Act shall also be construed
 14 to apply to all agencies not expressly exempted by this Act or by
 15 another statute specifically referring to this Act by name; and except
 16 as to proceedings in process on its effective date, this Act shall be
 17 construed to apply to all covered agency proceedings and all agency
 18 action not expressly exempted by this Act or by another statute spe-
 19 cifically referring to this Act by name.

1 **SEC. 24. Effective date.** This Act shall take effect on July 1,
 2 1975, except that sections twenty-five (25) and twenty-six (26) of
 3 this Act shall be effective July 1, 1974.

1 **SEC. 25.** This Act shall be printed in the Code of Iowa 1975. In
 2 the Code of Iowa 1975, the Code editor shall designate sections one
 3 (1) through twenty-three (23) of this Act as chapter seventeen A
 4 (17A).

1 **SEC. 26.** No new edition of the "Iowa Departmental Rules" vol-
 2 ume shall be issued. Supplements to the 1973 "Iowa Departmental
 3 Rules" volume shall continue to be issued until the "Iowa Adminis-
 4 trative Code" is published.

1 **SEC. 27.** Section fourteen point six (14.6), subsections five (5),
 2 as amended by Acts of the Sixty-fifth General Assembly, 1973 Ses-
 3 sion, chapter one hundred twenty-two (122), and six (6), Code 1973,
 4 is amended by striking the subsections and inserting in lieu thereof
 5 the following:

6 5. Prescribe a uniform style and form by which an agency shall
 7 prepare and file a rule pursuant to chapter seventeen A (17A) which

8 shall correlate each rule to a uniform numbering system devised by
9 the Code editor.

10 6. Notify an agency whose rule is not in the proper style and
11 form pursuant to subsection five (5) of this section. If the rule is
12 not properly redrafted within six months of notification, it shall be
13 void.

1 SEC. 28. Section sixteen point twenty-four (16.24), unnumbered
2 paragraph one (1), Code 1973, is amended to read as follows:

3 The superintendent of printing shall make free distribution of the
4 Code, *the Iowa administrative code*, rules of civil procedure and
5 supreme court rules, and of the Acts of each general assembly, as
6 follows:

1 SEC. 29. Section seventeen point twenty-one (17.21), Code 1973,
2 is amended to read as follows:

3 **17.21 Legal publications.** The Code or supplements thereto, Iowa
4 ~~departmental rules~~ *administrative code*, rules of civil procedure and
5 supreme court rules, session laws, annotations, tables of correspond-
6 ing sections, and reports of the supreme court, unless otherwise spec-
7 ifically provided by law, shall be printed, and paid for in the same
8 manner as other public printing.

1 SEC. 30. Section seventeen point twenty-two (17.22), unnum-
2 bered paragraphs one (1) and two (2), Code 1973, is amended to
3 read as follows:

4 **17.22 Price.** Said publications shall be sold at a price to be estab-
5 lished by dividing the total cost only, of printing, binding and paper
6 stock by the total number printed of each edition.

7 1. Code or supplements thereto and Iowa ~~departmental rules ad-~~
8 *ministrative code*.

9 2. Session laws.

10 3. Daily journals and bills.

11 4. Book of annotations to the Code.

12 5. Supplements to the book of annotations.

13 6. Tables of corresponding sections to the Code.

14 7. Reports of the supreme court.

15 8. Rules of civil procedure and supreme court rules.

16 The Iowa ~~departmental rules~~ *administrative code* shall be distrib-
17 uted with each order for purchase of the Code and the price set for
18 the Code and ~~departmental rules~~ *Iowa administrative code* as pro-
19 vided above shall include the cost of both the Code and ~~departmental~~
20 ~~rules~~ *Iowa administrative code*. ~~The departmental rules~~ However, the
21 *Iowa administrative code* or its supplements may also be distributed
22 separately. *There shall be established a price for the Iowa adminis-*
23 *trative code and a separate price for its supplements. The price*
24 *charged for the Iowa administrative code or its supplements shall*
25 *represent the cost of compiling and indexing plus the amount charged*
26 *for the printing and distributing of the Iowa administrative code or*
27 *its supplements.*

1 SEC. 31. Section seventeen point twenty-seven (17.27), unnum-
2 bered paragraph two (2), Code 1973, as amended by Acts of the
3 Sixty-fifth General Assembly, 1973 Session, chapters one hundred

4 twenty (120) and one hundred twenty-two (122), is amended to read
5 as follows:

6 When such publications, *except supplements to the Iowa adminis-*
7 *trative code*, paid for by public funds furnished by the state, contain
8 reprints of statutes or ~~departmental~~ rules, or both, they shall be sold
9 and distributed at cost by the department ordering same if the cost
10 per publication is one dollar or more, unless a central library or
11 depository is established. Such publications shall be obtained from
12 the superintendent of printing on requisition by the department and
13 the selling price, if any, shall be determined by the superintendent by
14 dividing the total cost of printing, paper and binding by the number
15 printed. Said price shall be set at the nearest multiple of ten to the
16 quotient thus obtained. Distribution of such publications shall be
17 made by the superintendent gratis to public officers, purchasers of
18 licenses from state departments required by statute, and departments.
19 Funds from the sale of such publications shall be deposited monthly
20 in the general fund of the state.

1 SEC. 32. Section nineteen A point thirteen (19A.13), Code 1973,
2 is amended to read as follows:

3 **19A.13 Certification of payrolls—actions.** No state disbursing or
4 auditing officer shall make or approve or take part in making or ap-
5 proving any payment for personal service to any person holding a
6 position in the merit system unless the payroll voucher or account of
7 such pay bears the certification of the director, or of his authorized
8 agent, that the persons named therein have been appointed and
9 employed in accordance with the provisions of this chapter and the
10 rules, regulations, and orders thereunder, and that funds are avail-
11 able for the payment of the persons.

12 The director may for proper cause withhold certification from an
13 entire payroll or from any specific item or items thereon. The direc-
14 tor may, however, provide that certification of payrolls may be made
15 once every six months, and such certification shall remain in effect
16 except in the case of any officer or employee whose status has changed
17 after the last certification of his payroll. In the latter case no voucher
18 for payment of salary to such employee shall be issued or payment of
19 salary made without further certification by the director.

20 Any citizen may maintain ~~a suit~~ *an action in accordance with the*
21 *terms of the Iowa Administrative Procedure Act* to restrain a dis-
22 burser officer from making any payment in contravention of any
23 provision of this chapter, rule, or order thereunder. Any sum paid
24 contrary to any provision of this chapter or any rule, regulation, or
25 order thereunder may be recovered in an action *in accordance with*
26 *the terms of the Iowa Administrative Procedure Act* maintained by
27 any citizen, from any officer who made, approved, or authorized such
28 payment or who signed or countersigned a voucher, payroll, check,
29 or warrant for such payment, or from the sureties on the official bond
30 of any such officer. All moneys recovered in any such action shall be
31 paid into the state treasury.

32 Any person appointed or employed in contravention of any provi-
33 sion of this chapter or of any rule, regulation, or order thereunder
34 who performs service for which he is not paid, may maintain an action
35 *in accordance with the terms of the Iowa Administrative Procedure*

36 Act against the officer or officers who purported so to appoint or
 37 employ him to recover the agreed pay for such services or the reason-
 38 able value thereof if no pay was agreed upon. No officer shall be
 39 reimbursed by the state at any time for any sum paid to such person
 40 on account of such services.

41 If the director wrongfully withholds certification of the payroll
 42 voucher or account of any employee, such employee may maintain
 43 a proceeding *in accordance with the terms of the Iowa Adminis-*
 44 *trative Procedure Act* in the courts to compel the director to certify
 45 such a payroll voucher or account.

1 SEC. 33. Section nineteen A point fourteen (19A.14), Code 1973,
 2 is amended to read as follows:

3 **19A.14 Appeal to appointing authority.** Any employee who is
 4 discharged, suspended, or reduced in rank or grade, except during his
 5 probation period, may appeal to the appointing authority and if not
 6 satisfied, may, within thirty days after such discharge, reduction, or
 7 suspension appeal to the commission for review thereof. Upon such
 8 review, both the appealing employee and the appointing authority
 9 whose action is reviewed shall, within thirty days following the date
 10 of filing of the appeal to the commission, have the right to a hearing
 11 closed to the public, unless a public hearing is requested by the em-
 12 ployee, and to present evidentiary facts thereat. Technical rules of
 13 evidence shall not apply at any hearing so held. If the commission
 14 finds that the action complained of was taken by the appointing
 15 authority for any political, religious, racial, national origin, sex, age
 16 or nonmerit reasons, the employee shall be reinstated to his former
 17 position without loss of pay for the period of the suspension. In all
 18 other cases the merit employment commission shall have jurisdiction
 19 to hear and determine the rights of merit system employees and may
 20 affirm, modify, or reverse any case on its merits. ~~The employee or the~~
 21 ~~state may obtain judicial review of the commission's decision by writ~~
 22 ~~of certiorari as provided by division XIV of the rules of civil proce-~~
 23 ~~dure. Judicial review of the action of the commission may be sought~~
 24 ~~in accordance with the terms of the Iowa Administrative Procedure~~
 25 ~~Act.~~

1 SEC. 34. Section twenty-three point fifteen (23.15), unnumbered
 2 paragraph one (1), Code 1973, is amended to read as follows:

3 The appeal board shall determine the matters involved in such
 4 appeal and its decision shall be final, ~~unless either party, within thirty~~
 5 ~~days from the making of such decision, gives notice to the other party~~
 6 ~~of an appeal to the district court from such decision.~~ Its decision shall
 7 be certified to the executive officer of the municipality affected.
 8 *Judicial review of the action of the appeal board may be sought in*
 9 *accordance with the terms of the Iowa Administrative Procedure Act.*

1 SEC. 35. Section twenty-nine A point twenty-seven (29A.27), un-
 2 numbered paragraph six (6), Code 1973, is amended to read as fol-
 3 lows:

4 Any party aggrieved by any decision of a board provided in this
 5 section shall have the right of appeal to the district court of the state
 6 of Iowa in and for the county of his legal residence *Judicial review*
 7 *of any decision of the board may be sought in accordance with the*
 8 *terms of the Iowa Administrative Procedure Act. Notwithstanding*

9 *the terms of the Iowa Administrative Procedure Act, petitions for*
 10 *judicial review must be filed within a period of thirty days from date*
 11 *of mailing by the adjutant general by certified mail of notice of such*
 12 *decision. The appeal shall be perfected by filing in the office of the*
 13 *adjutant general a written notice of appeal setting forth the order or*
 14 *finding from which appealed and the grounds of the appeal. Within*
 15 *thirty days after the filing of such notice of appeal a petition for*
 16 *judicial review, the adjutant general shall make, certify, and file in*
 17 *the office of the clerk of the district court to which the appeal is taken*
 18 *in which the judicial review is sought a full and complete transcript*
 19 *of all documents in the proceeding. The transcript shall include the*
 20 *notice of appeal, any depositions, and a transcript or certification of*
 21 *the evidence, if reported. The clerk shall forthwith docket such*
 22 *appeal. The appeal shall be heard in such district court as in equity*
 23 *de novo. Appeal may be taken to the supreme court from any final*
 24 *order or judgment or decree of the district court. The attorney gen-*
 25 *eral of Iowa, upon the request of the adjutant general, shall represent*
 26 *the board appointed by the adjutant general against whom any such*
 27 *appeal has been instituted.*

1 SEC. 36. Section thirty-five A point seven (35A.7), Code 1973, is
 2 amended to read as follows:

3 **35A.7 Duties of bonus board.** It shall be the duty of the bonus
 4 board created by section 35.1 to administer the provisions of this
 5 chapter, to examine all applications and approve or disapprove the
 6 same and make any investigation necessary to establish facts. In the
 7 event an application is disapproved by the bonus board, the claimant
 8 shall have the right of appeal to the district court of the state of Iowa
 9 in and for the county of his legal residence *Judicial review of any*
 10 *decision of the board may be sought in accordance with the terms of*
 11 *the Iowa Administrative Procedure Act. Notwithstanding the terms*
 12 *of the Iowa Administrative Procedure Act, petitions for judicial*
 13 *review must be filed within a period of thirty days from date of*
 14 *mailing by certified mail of notice of such disapproval. The appeal*
 15 *shall be perfected by filing in the office of the bonus board, a written*
 16 *notice of appeal setting forth the order or finding appealed from and*
 17 *the grounds of the appeal. Within thirty days after the filing of such*
 18 *notice of appeal a petition for judicial review the bonus board shall*
 19 *make, certify and file in the office of the clerk of the district court*
 20 *to which the appeal is taken in which the judicial review is sought,*
 21 *a full and complete transcript of all documents in the proceeding,*
 22 *including any depositions, a transcript or certification of the evidence,*
 23 *if reported, including the notice of appeal. The clerk shall forthwith*
 24 *docket such appeal. The appeal shall be heard in such district court*
 25 *as in equity de novo. Appeal may be taken to the supreme court from*
 26 *any final order or judgment or decree of the district court. When any*
 27 *application has been approved by the bonus board, payment shall be*
 28 *made to the applicant in accordance with the provisions of this chap-*
 29 *ter. It shall be the duty of the bonus board to prepare vouchers and*
 30 *transmit the same to the state comptroller in payment of the bonus*
 31 *claims provided for herein and other necessary administrative expen-*
 32 *ses; said state comptroller shall issue a warrant for the amount*
 33 *stated therein and the state treasurer shall pay such warrants out of*
 34 *said bonus fund. The bonus board is hereby empowered to employ*

35 such assistants and incur such other expenses as may be necessary
36 for such administration and carrying out of the provisions of this
37 chapter, and the funds necessary for such administration and carry-
38 ing out the provisions of this chapter shall be expended from said
39 compensation fund; such assistants as said bonus board may deter-
40 mine shall give bond in such amount as may be fixed by said bonus
41 board, and shall, whenever practicable, be persons within the classes
42 as defined in section 35A.4. The bonus board is hereby empowered
43 to make, adopt and promulgate such rules and regulations for the
44 carrying out of the provisions of this chapter as it deems necessary
45 and expedient and which are not inconsistent with any provisions of
46 this chapter.

1 SEC. 37. Section thirty-five B point seven (35B.7), Code 1973, is
2 amended to read as follows:

3 **35B.7 Duties.** It shall be the duty of the said board to administer
4 the provisions of this chapter, to examine all applications and approve
5 or disapprove the same and make any investigation necessary to estab-
6 lish facts. ~~In the event an application is disapproved by the board,~~
7 ~~the claimant shall have the right of appeal to the district court of the~~
8 ~~state of Iowa in and for the county of his legal residence~~ *Judicial*
9 *review of any decision of the board may be sought in accordance with*
10 *the terms of the Iowa Administrative Procedure Act. Notwithstand-*
11 *ing the terms of the Iowa Administrative Procedure Act, petitions*
12 *for judicial review must be filed within a period of thirty days from*
13 *date of mailing by certified mail of notice of such disapproval. The*
14 *appeal shall be perfected by filing in the office of the board, a written*
15 *notice of appeal setting forth the order or finding appealed from and*
16 *the grounds of the appeal. Within thirty days after the filing of such*
17 *notice of appeal a petition for judicial review the board shall make,*
18 *certify and file in the office of the clerk of the district court to which*
19 *the appeal is taken, in which the judicial review is sought a full and*
20 *complete transcript of all documents in the proceeding, including any*
21 *depositions, a transcript or certification of the evidence, if reported,*
22 *including the notice of appeal. The clerk shall forthwith docket such*
23 *appeal. The appeal shall be heard in such district court as in equity*
24 *de novo. Appeal may be taken to the supreme court from any final*
25 *order or judgment or decree of the district court. When any applica-*
26 *tion has been approved by the board, payment shall be made to the*
27 *applicant in accordance with the provisions of this chapter. It shall*
28 *be the duty of the board to prepare vouchers and transmit the same*
29 *to the state comptroller in payment of the bonus claims provided for*
30 *herein and other necessary administrative expenses; said state comp-*
31 *troller shall issue a warrant for the amount stated therein and the*
32 *state treasurer shall pay such warrants out of said bonus fund. The*
33 *board is hereby empowered to employ such assistants and incur such*
34 *other expenses as may be necessary for such administration and*
35 *carrying out of the provisions of this chapter, and the funds necessary*
36 *for such administration and carrying out the provisions of this chap-*
37 *ter shall be expended from said compensation fund; such assistants*
38 *as said board may determine shall give bond in such amount as may*
39 *be fixed by said board, and shall, whenever practicable, be persons*
40 *within the classes as defined in section 35B.4. The board is hereby*
41 *empowered to make, adopt and promulgate such rules and regulations*

42 for the carrying out of the provisions of this chapter as it deems
43 necessary and expedient and which are not inconsistent with any
44 provisions of this chapter.

1 SEC. 38. Section seventy point four (70.4), Code 1973, is amended
2 to read as follows:

3 70.4 **Mandamus Judicial review.** A refusal to allow said prefer-
4 ence, or a reduction of the salary for said position with intent to bring
5 about the resignation or discharge of the incumbent, shall entitle the
6 applicant or incumbent, as the case may be, to maintain an action of
7 mandamus to right the wrong. *At their election such parties may, in*
8 *the alternative, maintain an action for judicial review in accordance*
9 *with the terms of the Iowa Administrative Procedure Act if that is*
10 *otherwise applicable to their case.*

1 SEC. 39. Section seventy point five (70.5), Code 1973, is amended
2 to read as follows:

3 70.5 **Appeals.** In addition to the remedy provided in section 70.4,
4 an appeal may be taken by any person belonging to any of the
5 classes of persons to whom a preference is hereby granted, from any
6 refusal to allow said preference, as provided in this chapter, to the
7 district court of the county in which such refusal occurs. The appeal
8 shall be made by serving upon the appointing board within twenty
9 days after the date of the refusal of said appointing officer, board, or
10 persons to allow said preference, a written notice of such appeal
11 stating the grounds of the appeal; a demand in writing for a certified
12 transcript of the record, and all papers on file in his office affecting
13 or relating to said appointment. Thereupon, said appointing officer,
14 board, or person shall, within ten days, make, certify, and deliver to
15 appellant such a transcript; and the appellant shall, within five days
16 thereafter, file the same and a copy of the notice of appeal with the
17 clerk of said court, and said notice of appeal shall stand as appellant's
18 complaint and thereupon said cause shall be accorded such prefer-
19 ence in its assignment for trial as to assure its prompt disposition.
20 The court shall receive and consider any pertinent evidence, whether
21 oral or documentary, concerning said appointment from which the
22 appeal is taken, and if the court shall find that the said applicant is
23 qualified as defined in section 70.1, to hold the position for which he
24 has applied, said court shall, by its mandate, specifically direct the
25 said appointing officer, board or persons as to their further action in
26 the matter. An appeal may be taken from judgment of the said dis-
27 trict court on any such appeal on the same terms as an appeal is
28 taken in civil actions. *At their election parties entitled to appeal*
29 *under this section may, in the alternative, maintain an action for*
30 *judicial review in accordance with the terms of the Iowa Administra-*
31 *tive Procedure Act if that is otherwise applicable to their case.*

1 SEC. 40. Section seventy point six (70.6), Code 1973, is amended
2 to read as follows:

3 70.6 **Removal—certiorari to review.** No person holding a public
4 position by appointment or employment, and belonging to any of the
5 classes of persons to whom a preference is herein granted, shall be
6 removed from such position or employment except for incompetency
7 or misconduct shown after a hearing, upon due notice, upon stated
8 charges, and with the right of such employee or appointee to a review

9 by a writ of certiorari *or at such person's election, to judicial review*
 10 *in accordance with the terms of the Iowa Administrative Procedure*
 11 *Act if that is otherwise applicable to their case.*

1 SEC. 41. Section eighty point fifteen (80.15), Code 1973, is
 2 amended to read as follows:

3 **80.15 Examination—oath—probation—dismissal.** No applicant
 4 for membership in the department of public safety, except clerical
 5 workers and special agents appointed under section 80.7, shall be
 6 appointed as a member until he has passed a satisfactory physical and
 7 mental examination. In addition, such applicant must be a citizen of
 8 the United States, of good moral character, and be not less than
 9 twenty-two years of age. The mental examination shall be conducted
 10 under the direction or supervision of the commissioner of public
 11 safety and may be oral or written or both. Each applicant shall take
 12 an oath on becoming a member of the force, to uphold the laws and
 13 Constitution of the United States and of the state of Iowa. During
 14 the period of twelve months after appointment, any member of the
 15 department of public safety, except members of the present Iowa
 16 highway safety patrol who have served more than six months, shall
 17 be subject to dismissal at the will of the commissioner. After the
 18 twelve months' service, no member of the department, who shall have
 19 been appointed after having passed the before-mentioned examina-
 20 tions, shall be subject to dismissal unless charges have been filed with
 21 the secretary of the executive council and a hearing held before the
 22 executive council, if requested by said member of the department, at
 23 which he shall have an opportunity to present his defense to such
 24 charges. The decision of the executive council by majority vote shall
 25 be final, subject to the right of ~~appeal by the employee to judicial~~
 26 ~~review in accordance with the terms of the Iowa Administrative~~
 27 ~~Procedure Act. the district court of Polk county, or to the district~~
 28 ~~court of the county in Iowa in which the employee resides, within~~
 29 ~~thirty days after he shall have received notice of the decision of the~~
 30 ~~executive council.~~ All rules and regulations regarding the enlistment,
 31 appointment, and employment affecting the personnel of the depart-
 32 ment shall be established by the commissioner with the approval of
 33 the governor.

1 SEC. 42. Section eighty-three A point eleven (83A.11), Code 1973,
 2 is amended by striking the section and inserting in lieu thereof the
 3 following:

4 **83A.11 Judicial review.** Judicial review of the action of the board
 5 or department may be sought in accordance with the terms of the
 6 Iowa Administrative Procedure Act.

1 SEC. 43. Section eighty-four point fourteen (84.14), Code 1973, is
 2 amended to read as follows:

3 **84.14 Appeal to district court—procedure of appeal.**

4 1. ~~Any person adversely affected by an order entered by the council,~~
 5 ~~may appeal from such order to the district court at the seat of govern-~~
 6 ~~ment or Judicial review of action of the council may be sought in~~
 7 ~~accordance with the terms of the Iowa Administrative Procedure Act.~~
 8 ~~Notwithstanding the terms of the Iowa Administrative Procedure~~
 9 ~~Act, petitions for judicial review may be filed in the district court of~~
 10 ~~Polk county or in the district court of any county in which the prop-~~

11 erty affected or some portion thereof is located or to the court of last
12 appeal. Notice of appeal must be filed by such person with the council
13 within thirty days after the entry of the order complained of, or
14 within thirty days after the entry of the order overruling a motion
15 for rehearing or sustaining the original order in the event a motion
16 for rehearing has been filed. The notice of appeal must identify the
17 order and the grounds of appeal, and reasonably specify that portion
18 of the record which the appellant desires included in the transcript
19 upon appeal. Immediately upon the filing of the notice of appeal the
20 council shall certify to the appellant the estimated cost of preparing
21 the transcript of appeal of the proceedings upon which the order
22 complained of was entered. The amount of the estimated cost must
23 be deposited with the council within ten days after the mailing of the
24 certification of the costs to the appellant. Upon the deposit of the
25 costs the council shall prepare and certify the transcript. The tran-
26 script shall be delivered to the appellant, or his designated attorney,
27 within sixty days after the filing of the notice of appeal.

28 2. Within ninety days after the filing of the notice of appeal, the
29 appellant must file in the district court the transcript of the proceed-
30 ings before the council, together with a petition for review which
31 states briefly the grounds for the appeal. An appeal shall be perfected
32 by filing the notice of appeal within the specified thirty-day period.
33 The appeal may be dismissed by the district court for failure of the
34 appellant to make the required cost deposit or to file the transcript
35 and petition for review within the time specified, unless for good
36 cause shown the time is extended by order of the district court. If
37 the district court deems the transcript insufficient, the court may
38 dismiss the appeal or return the transcript to the appellant for proper
39 additions, and thereafter assess such further costs against the appel-
40 lant as the court in its discretion deems sufficient.

41 3. At 2. If at the time of filing of the notice of appeal, if an applica-
42 tion for the *petition for judicial review* suspension of the order is
43 filed *asked for*, the council shall enter an order fixing the amount of
44 the supersedeas bond. Within ten days after the entry of an order
45 by the council which fixes the amount of the bond, the appellant
46 *petitioner* must file with the council a supersedeas bond in the re-
47 quired amount and with proper surety; upon approval of the bond,
48 the council shall suspend the order complained of until its final dis-
49 position upon *appeal review*. The bond shall run in favor of the state
50 of Iowa for the use and benefit of any person who may suffer damage
51 by reason of the suspension of the order in the event the same is
52 affirmed by the district court. If the order of the council is not super-
53 seded, it shall continue in force and effect as if no *appeal petition for*
54 *judicial review* was pending.

55 4. The district court shall, insofar as is practicable, give prece-
56 dence to *appeals from petitions for judicial review* of orders of the
57 council. Upon the appeal of such an order the district court shall
58 review the proceedings before the council as disclosed by the tran-
59 script upon appeal, and thereafter enter its judgment affirming or
60 reversing the order appealed. Orders of the council shall be sustained
61 if the council has regularly pursued its authority and its findings and
62 conclusions are sustained by the law and by substantial and credible
63 evidence.

1 SEC. 44. Section eighty-five point fifty-nine (85.59), Code 1973,
2 is amended to read as follows:

3 **85.59 Payment of state employees.** The state comptroller is here-
4 by authorized and directed to draw warrants on the state treasury for
5 any and all amounts due state employees under the provisions of this
6 chapter upon there being filed in his office, either a memorandum of
7 settlement approved by the industrial commissioner or of an award
8 made by a board of arbitration, for which no review is pending, or an
9 order of the industrial commissioner from which ~~no appeal has been~~
10 ~~taken~~ *judicial review has not been sought*, or a judgment of any court
11 of the state accompanied by a certificate of the industrial commis-
12 sioner setting forth the amount of compensation due and the statu-
13 tory provisions under which the same should be paid.

1 SEC. 45. Section eighty-five A point fifteen (85A.15), Code 1973,
2 is amended to read as follows:

3 **85A.15 Employers limit of liability.** Payments of compensation
4 and compliance with other provisions herein by the employer or his
5 insurance carrier in accordance with the findings and orders of the
6 industrial commissioner or the ~~appellate~~ court in ~~appealed cases~~
7 *judicial review proceedings*, shall discharge such employer from any
8 and all further obligation.

1 SEC. 46. Section eighty-five point seventy (85.70), Code 1973, is
2 amended to read as follows:

3 **85.70 Additional payment for attendance.** An employee who has
4 sustained an injury resulting in permanent partial or permanent total
5 disability, for which compensation is payable under this chapter, and
6 who cannot return to gainful employment because of such disability,
7 shall upon application to and approval by the industrial commissioner
8 be entitled to a twenty-dollar weekly payment from the employer in
9 addition to any other benefit payments, during each full week in
10 which he is actively participating in a vocational rehabilitation pro-
11 gram recognized by the state board for vocational education. The
12 industrial commissioner's approval of such application for payment
13 may be given only after a careful evaluation of available facts, and
14 after consultation with the employer or the employer's representative.
15 ~~An appeal of the~~ *Judicial review of the* decision of the industrial com-
16 ~~missioner may be taken to the district court as prescribed in~~ *obtained*
17 *in accordance with the terms of the Iowa Administrative Procedure*
18 *Act and section 86.26.* Such additional benefit payment shall be paid
19 for a period not to exceed thirteen consecutive weeks except that the
20 industrial commissioner may extend the period of payment not to
21 exceed an additional thirteen weeks if the circumstances indicate that
22 a continuation of training will in fact accomplish rehabilitation.

1 SEC. 47. Section eighty-six point twenty-six (86.26), Code 1973,
2 is amended by striking the section and inserting in lieu thereof the
3 following:

4 **86.26 Judicial review.** Judicial review of decisions or orders of
5 the industrial commissioner in a proceeding on review of an arbitra-
6 tion decision may be sought in accordance with the terms of the
7 Iowa Administrative Procedure Act. Notwithstanding the terms of
8 the Iowa Administrative Procedure Act, petitions for judicial review
9 may be filed in the district court of the county in which the hearing

10 under section eighty-six point seventeen (86.17) of the Code, was
 11 held. Such a review proceeding shall be accorded priority over
 12 other matters pending before the district court.

1 SEC. 48. Section eighty-six point twenty-seven (86.27), Code
 2 1973, is amended by striking the section and inserting in lieu thereof
 3 the following:

4 **86.27 Settlement of controversy.** Notwithstanding the terms of
 5 the Iowa Administrative Procedure Act, no party to a contested case
 6 under any provision of the "Workman's Compensation Act" may settle
 7 a controversy without the approval of the industrial commissioner.

1 SEC. 49. Section eighty-six point twenty-eight (86.28), Code 1973,
 2 is amended by striking the section and inserting in lieu thereof the
 3 following:

4 **86.28 Assessment of recording charges.** In all contested cases
 5 under the "Workman's Compensation Act", the industrial commis-
 6 sioner may assess reasonable charges for the presence of mechanical
 7 means or a certified shorthand reporter to record the proceedings.

1 SEC. 50. Section eighty-six point twenty-nine (86.29), Code 1973,
 2 is amended by striking the section and inserting in lieu thereof the
 3 following:

4 **86.29 The judicial review petition.** Notwithstanding the terms
 5 of the Iowa Administrative Procedure Act, in a petition for judicial
 6 review of a final decision in a contested case under any provision of
 7 the "Workman's Compensation Act", the name of the opposing party
 8 shall precede the name of the agency as respondent.

1 SEC. 51. Section eighty-six point thirty-two (86.32), Code 1973,
 2 is amended to read as follows:

3 **86.32 Costs on appeal.** ~~The~~ *In proceedings for judicial review of*
 4 *compensation cases* the clerk shall charge no fee for any service ren-
 5 dered ~~in compensation cases~~ except the filing fee and transcript fees
 6 when the transcript of a judgment is required. The taxation of costs
 7 in such appeals shall be in the discretion of the court.

1 SEC. 52. Section eighty-six point thirty-four (86.34), Code 1973,
 2 as amended by Acts of the Sixty-fifth General Assembly, 1973 Ses-
 3 sion, chapter one hundred forty-four (144), section twenty-eight
 4 (28), is amended to read as follows:

5 **86.34 Review of award or settlement.** Any award for payments
 6 or agreement for settlement made under this chapter where the
 7 amount has not been commuted, may be reviewed by the industrial
 8 commissioner or a deputy commissioner at the request of the em-
 9 ployer or of the employee at any time within three years from the
 10 date of the last payment of compensation made under such award
 11 or agreement, and if on such review the commissioner finds the con-
 12 dition of the employee warrants such action, he may end, diminish, or
 13 increase the compensation so awarded or agreed upon. Once an
 14 award for payments or agreement for settlement under this chapter
 15 has been made where the amount has not been commuted, the commis-
 16 sioner may at any time upon proper application make a determination
 17 and appropriate order concerning the entitlement of an employee to
 18 benefits provided for in section eighty-five point twenty-seven (85.27)
 19 of the Code. ~~Any party aggrieved by any decision or order Judicial~~

20 *review of action* of the industrial commissioner or a deputy commis-
 21 sioner on a review of award or settlement as provided in this section;
 22 *may be sought in accordance with the terms of the Iowa Administra-*
 23 *tive Procedure Act. Notwithstanding the terms of the Iowa Admin-*
 24 *istrative Procedure Act, petitions for judicial review may be filed in*
 25 ~~appeal to the district court of the county in which the injury occurred~~
 26 ~~and in the same manner as is provided in section 86.26.~~

1 SEC. 53. Section eighty-six point forty-two (86.42), Code 1973,
 2 is amended to read as follows:

3 **86.42 Judgment by district court on award.** Any party in inter-
 4 est may present a certified copy of an order or decision of the com-
 5 missioner, or an award of a board of arbitration from which no peti-
 6 tion for review has been filed within the time allowed therefor, or a
 7 memorandum of agreement approved by the commissioner, and all
 8 papers in connection therewith, to the district court of the county in
 9 which the injury occurred, whereupon said court shall render a decree
 10 or judgment in accordance therewith and cause the clerk to notify the
 11 parties. Such decree or judgment, in the absence of ~~an appeal from~~
 12 ~~a petition for judicial review of the decision of the industrial com-~~
 13 ~~missioner, shall have the same effect and in all proceedings in relation~~
 14 ~~thereto shall thereafter be the same as though rendered in a suit duly~~
 15 ~~heard and determined by said court.~~

1 SEC. 54. Section eighty-seven point seven (87.7), Code 1973, is
 2 amended to read as follows:

3 **87.7 Termination of plan—appeal.** Such scheme or plan may be
 4 terminated by the industrial commissioner on reasonable notice to the
 5 interested parties if it shall appear that the same is not fairly admin-
 6 istered, or if its operation shall disclose latent defects threatening its
 7 solvency, or if for any substantial reason it fails to accomplish the
 8 purpose of this chapter; but from any such order of said industrial
 9 commissioner ~~the parties affected, whether employer or workman,~~
 10 ~~may, judicial review may be sought in accordance with the terms of~~
 11 ~~the Iowa Administrative Procedure Act, upon the giving of proper~~
 12 ~~bond to protect the interests involved, appeal to the district court in~~
 13 ~~the same time and manner as appeals from actions of the industrial~~
 14 ~~commissioner, which appeal shall be tried as an equitable action.~~

1 SEC. 55. Section eighty-seven point twenty-four (87.24), Code
 2 1973, is amended to read as follows:

3 **87.24 Trial by jury.** When an injured employee ~~has exercised his~~
 4 ~~or her exercises a right to enforce a compensation claim, based upon~~
 5 ~~the provisions of section 87.21, and an appeal, as provided in section~~
 6 ~~86.26, is taken to the district court from judicial review is sought of~~
 7 ~~a decision or award as made by the industrial commissioner, the~~
 8 ~~employer and/or the insurance carrier, on the hearing on such appeal~~
 9 ~~in such a judicial review proceeding in the district court, shall, not-~~
 10 ~~withstanding the terms of the Iowa Administrative Procedure Act~~
 11 ~~have the right of trial by jury upon the issues of fact tendered and~~
 12 ~~allowable within the terms of chapters 85, 86, and 87, and made~~
 13 ~~of record in arbitration proceedings and/or upon hearing before the~~
 14 ~~industrial commissioner. But the right of a trial by jury shall only~~
 15 ~~apply to compensation cases within the purview of section 87.21.~~

1 SEC. 56. Section eighty-seven point twenty-five (87.25), Code
 2 1973, is amended to read as follows:
 3 87.25 Evidence—instructions. ~~On~~ *Notwithstanding the terms of*
 4 *the Iowa Administrative Procedure Act, on the trial of the case in the*
 5 *district court with a jury, the evidence the record of the case in the*
 6 *agency, when certified by the industrial commissioner or his deputy,*
 7 *as provided in section 86.27, shall be the only competent, rele-*
 8 *vant and material evidence in the case which shall be read from the*
 9 *record thus certified, subject to the rulings of the trial judge upon*
 10 *objections made in the commissioner's court and urged in the district*
 11 *court. But the law of procedure and evidence, as provided in section*
 12 *86.18, shall apply and govern insofar as reasonably applicable. The*
 13 *trial judge shall give the jury written instruction on the law of the*
 14 *case, but the jury shall determine the facts upon the issues submitted.*

1 SEC. 57. Section eighty-seven point twenty-six (87.26), Code
 2 1973, is amended to read as follows:
 3 87.26 Waiver of jury. ~~Upon questions of law raised in the dis-~~
 4 ~~trict court, the appeal shall be considered as if made upon one or more~~
 5 ~~of the grounds for appeal, as provided in section 86.39~~ *With respect*
 6 *to questions of law raised in the district court, the judicial review*
 7 *proceeding in such cases shall be considered as based upon one or*
 8 *more of the grounds for such review as provided in subsection eight*
 9 *(8) of section nineteen (19) of the Iowa Administrative Procedure*
 10 *Act. If demand in writing for a jury trial has not been made and filed*
 11 *with the clerk of the court to which the appeal petition for judicial*
 12 *review is taken, within five days before the case is assigned for hear-*
 13 *ing, it shall be conclusively presumed that the party entitled thereto*
 14 *has waived a jury trial, and in such case the hearing of the case and*
 15 *appeals to the supreme court of Iowa shall, in all respects, be gov-*
 16 *erned by the rules of law and procedure applicable to workmen's*
 17 *compensation cases to which section 87.21 does not apply.*

1 SEC. 58. Section eighty-eight point five (88.5), subsection three
 2 (3), paragraph a, and subsections five (5) and six (6), Code 1973,
 3 are amended to read as follows:
 4 3. Temporary variances.
 5 a. Any employer may apply to the commissioner ~~notwithstanding~~
 6 ~~the requirements of chapter 17A~~ for a temporary order granting a
 7 variance from a standard or any provision thereof promulgated under
 8 this section. Such temporary order shall be granted only if the em-
 9 ployer files an application which meets the requirements of para-
 10 graph "b" of this subsection and establishes that he is unable to
 11 comply with the standard by its effective date because of unavailabil-
 12 ity of professional or technical personnel or of materials and equip-
 13 ment needed to come into compliance with the standards or because
 14 necessary construction or operation of the facilities cannot be com-
 15 pleted by the effective date, that he is taking all available steps to
 16 safeguard his employees against the hazards that are covered by the
 17 standard, and that he has an effective program for coming into com-
 18 pliance with this standard as quickly as practicable. Any temporary
 19 order issued under this paragraph shall prescribe the practices,
 20 means, methods, operations, and processes which the employer must
 21 adopt and use while the order is in effect and state in detail his pro-

22 gram for coming into compliance with the standard. Such a tempo-
23 rary order may be granted only after notice to employees and an
24 opportunity for a hearing, provided that the commissioner may issue
25 one interim order to be effective until a decision is made on the basis
26 of the hearing. No temporary order may be in effect longer than the
27 period needed by the employer to achieve compliance with the stan-
28 dard, or one year, whichever is shorter except that such an order may
29 be renewed not more than twice so long as the requirements of this
30 paragraph are met and an application for renewal is filed at least
31 ninety days prior to the expiration date of the order. No interim
32 renewal of an order may remain in effect for longer than one hun-
33 dred and eighty days.

34 5. Emergency temporary standards. The commissioner shall pro-
35 vide, ~~notwithstanding the requirements of chapter 17A,~~ for an emer-
36 gency temporary standard to take immediate effect if he determines
37 that employees are exposed to grave danger from exposure from
38 substances or agents determined to be toxic or physically harmful or
39 from new hazards and if such emergency temporary standard is nec-
40 essary to protect the employees from such danger. Such emergency
41 standard shall cease to be effective and shall no longer be applicable
42 after the lapse of six-months following the effective date thereof un-
43 less the commissioner has initiated the procedures provided for under
44 this chapter, for the purpose of promulgating a permanent standard
45 as provided in subsection 1 of this section in which case the emer-
46 gency temporary standard will remain in effect until the permanent
47 standard is adopted and becomes effective. Abandonment of the pro-
48 cedure for such promulgation by the commissioner shall terminate the
49 effectiveness and applicability of the emergency temporary standard.

50 6. Permanent variance. ~~Notwithstanding chapter 17A,~~ any Any
51 affected employer may apply to the commissioner for a rule or order
52 for a permanent variance from a standard promulgated under this
53 section. Affected employees shall be given notice of each such appli-
54 cation and an opportunity to participate in a hearing. The commis-
55 sioner shall issue such rule or order if he determines on the record,
56 after opportunity for an inspection where appropriate and a hear-
57 ing, that the proponent of the variance has demonstrated by a pre-
58 ponderance of the evidence that the conditions, practices, means,
59 methods, operations, or processes used or proposed to be used by an
60 employer will provide employment and places of employment to his
61 employees which are as safe and healthful as those which would pre-
62 vail if he complied with the standard. The rule or order so issued
63 shall prescribe the conditions the employer must maintain, and the
64 practices, means, methods, operations, and processes which he must
65 adopt and utilize to the extent that they differ from the standard in
66 question. Such a rule or order may be modified or revoked upon
67 application by an employer, employees, or by the commissioner on his
68 own motion, in the manner prescribed for its issuance under this sub-
69 section at any time after six months from its issuance.

1 SEC. 59. Section eighty-eight point five (88.5), subsection ten
2 (10), is amended by striking the subsection and inserting in lieu
3 thereof the following:

4 10. Judicial review before enforcement. The provisions of the
5 Iowa Administrative Procedure Act shall apply to judicial review of

6 standards issued under this section. Notwithstanding any provision
7 of the Iowa Administrative Procedure Act to the contrary, a person
8 who is aggrieved or adversely affected by a standard issued under
9 this section must seek judicial review of such standard prior to the
10 sixtieth day after such standard becomes effective. All determina-
11 tions of the commissioner shall be conclusive if supported by substan-
12 tial evidence in the record as a whole.

1 SEC. 60. Section eighty-eight point nine (88.9), subsections one
2 (1) and two (2), Code 1973, are amended to read as follows:

3 1. Aggrieved persons. Any person adversely affected or aggrieved
4 by an order of the commission issued under section 88.8, subsection
5 3, may obtain a review of such order *Judicial review of any order of*
6 *the commission issued under section 88.8, subsection 3, may be sought*
7 *in accordance with the terms of the Iowa Administrative Procedure*
8 *Act. Notwithstanding the terms of the Iowa Administrative Proce-*
9 *dure Act, petitions for judicial review may be filed in the district*
10 *court of the county in which the violation is alleged to have occurred*
11 *or where the employer has its principal office by filing in such court*
12 *and may be filed within sixty days following the issuance of such*
13 *order a written petition that the order be modified or set aside. A*
14 *copy of such petition shall be forthwith transmitted by the clerk of*
15 *the court to the commission and to the other parties, and thereupon*
16 *the commission shall promptly file in the court the transcript of record*
17 *in the proceedings. Upon such filing, the court shall have jurisdiction of*
18 *the proceeding and of the question determined therein, and shall have*
19 *power to grant such temporary relief or restraining order as it deems*
20 *just and proper, and to make and enter upon the pleadings, testimony,*
21 *and proceedings set forth in such record a decree affirming, modify-*
22 *ing, or setting aside in whole or in part, the order of the commission*
23 *and enforcing the same to the extent that such order is affirmed or*
24 *modified. The commencement of proceedings under this subsection*
25 *shall not, unless ordered by the court, operate as a stay of the order*
26 *of the commission. No objection which has not been urged before the*
27 *commission shall be considered by the court, unless the failure or*
28 *neglect to urge such objection shall be excused because of extraor-*
29 *inary circumstances. The findings of the commission with respect*
30 *to questions of fact, if supported by substantial evidence on the record*
31 *considered as a whole, shall be conclusive. If any party shall apply to*
32 *the court for leave to adduce additional evidence and shall show to the*
33 *satisfaction of the court that such additional evidence is material and*
34 *that there were reasonable grounds for the failure to adduce such*
35 *evidence in the hearing before the commission, the court may order*
36 *such additional evidence to be taken before the commission and to be*
37 *made a part of the record. The commission may modify its findings*
38 *as to the facts, or make new findings by reason of additional evidence*
39 *so taken and filed, and it shall file such modified or new findings with*
40 *the court, which findings with respect to questions of fact, if sup-*
41 *ported by substantial evidence on the record considered as a whole,*
42 *shall be conclusive, and its recommendations, if any, for the modifi-*
43 *cation or setting aside of its original order. The commission's copy*
44 *of the testimony shall be available to all parties for examination at*
45 *all reasonable times, without cost, and for the purpose of judicial*
46 *review of the commission's orders. Upon the filing of the record with*

47 it, the jurisdiction of the court shall be exclusive and its judgment
 48 and decree shall be final, except that the same shall be subject to
 49 review by the state supreme court. Petitions filed under this sub-
 50 section shall be heard expeditiously, and determined upon the tran-
 51 script filed without requirement for printing.

52 2. Uncontested commission orders. The commissioner may also
 53 obtain review or enforcement of any final order of the commission by
 54 filing a petition for such relief in the district court of the county in
 55 which the alleged violation occurred or in which the employer has its
 56 principal office and the *judicial review* provisions of subsection 1 of
 57 this section the *Iowa Administrative Procedure Act* shall govern such
 58 proceedings to the extent applicable. If no petition for *judicial*
 59 review, as provided in subsection 1, is filed within sixty days after
 60 service of the commission's order, the commission's findings of fact
 61 and order shall be conclusive in connection with any petition for
 62 enforcement which is filed by the commissioner after the expiration
 63 of such sixty-day period. In any such case, as well as in the case of a
 64 noncontested citation or notification by the commissioner which has
 65 become a final order of the commission under section 88.8, subsection
 66 1 or 2, the clerk of court, unless otherwise ordered by the court, shall
 67 forthwith enter a decree enforcing the order and shall transmit a
 68 copy of such decree to the commission and the employer named in the
 69 petition. In any contempt proceeding brought to enforce a decree of
 70 a district court entered pursuant to this subsection or subsection 1 of
 71 this section, the district court may assess the penalties provided in
 72 section 88.14 in addition to invoking any other available remedies.

1 SEC. 61. Section eighty-eight A point eight (88A.8), Code 1973,
 2 is amended by striking the section and inserting in lieu thereof the
 3 following:

4 88A.8 **Judicial review.** Judicial review of action of the commis-
 5 sioner may be sought in accordance with the terms of the Iowa Ad-
 6 ministrative Procedure Act.

1 SEC. 62. Section ninety-six point six (96.6), subsections eight (8)
 2 through twelve (12), Code 1973, are amended by striking the subsec-
 3 tions and inserting in lieu thereof the following:

4 8. Judicial review. A decision of the commission shall become final
 5 ten days after the date of notification or mailing thereof. Judicial
 6 review of any decision of the commission may be sought in accord-
 7 ance with the terms of the Iowa Administrative Procedure Act. The
 8 commission may be represented in any such judicial review proceed-
 9 ing by any qualified attorney who is a regular salaried employee of
 10 the commission or who has been designated by the commission for
 11 that purpose, or at the commission's request, by the attorney general.
 12 Notwithstanding the terms of the Iowa Administrative Procedure
 13 Act, petitions for judicial review may be filed in the district court of
 14 the county in which the claimant was last employed or resides, pro-
 15 vided that if the claimant does not reside in the state of Iowa the
 16 action shall be brought in the district court of Polk county, Iowa, and
 17 any other party to the proceeding before the commission shall be
 18 named in the petition. The commission may also, in its discretion,
 19 certify to such courts, questions of law involved in any decision by it.
 20 Petitions for judicial review and the questions so certified shall be

21 given precedence over all other civil cases except cases arising under
22 the workmen's compensation law of this state. No bond shall be re-
23 quired for entering an appeal from any final order, judgment or de-
24 cree of the district court to the supreme court.

1 SEC. 63. Section ninety-six point seven (96.7), subsection three
2 (3), paragraph f, and subsection six (6), Code 1973, are amended to
3 read as follows:

4 f. Based upon the formula above provided in this section the com-
5 mission shall fix the rate of contribution for each employer. The
6 commission shall notify the employer of the rate so fixed. An em-
7 ployer may appeal to the commission for a revision of the rate of
8 contribution so fixed within thirty days from the date of the notice
9 to such employer. The commission after such hearing may set aside
10 its former determination or modify it and may grant the employer a
11 new rate of contribution. The commission shall notify the employer
12 of this determination by certified mail. ~~From this determination the~~
13 ~~employer may appeal to the district court for further hearing. The~~
14 ~~manner in which such appeal shall be taken and heard shall be in~~
15 ~~accordance with the provisions of subsections 5 and 6 of this section.~~
16 *Judicial review of action of the commission may be sought in accord-*
17 *ance with the terms of the Iowa Administrative Procedure Act.*

18 6. Appeals *Judicial review.*

19 a. An appeal may be taken by the employer to *Notwithstanding*
20 *the terms of the Iowa Administrative Procedure Act, petitions for*
21 *judicial review may be filed in the district court of the county in*
22 *which such employer resides, or in which such employer's principal*
23 *place of business is located, or in the case of a nonresident not main-*
24 *taining a place of business in this state either in any county in which*
25 *the wages payable for employment were earned or paid or in Polk*
26 *county, within sixty thirty days after the date of the notice to such*
27 *employer notifying such employer of his rate of contribution, or of*
28 *the commission's determination as provided for in subsection 3 of*
29 *this section or subsection 5 of this section.*

30 b. The appeal shall be taken by the employer filing in the office of
31 the clerk of the district court of such county his petition setting forth
32 the errors complained of in the commission's ruling. The employer
33 shall cause an original notice to be served upon the chairman of the
34 commission in the same manner as provided for in ordinary actions in
35 court. The commission shall within thirty days from the date on
36 which said notice was served on the commission certify and file with
37 the clerk of said court a copy of the records and proceedings upon
38 which the rate of contributions or the assessment of contributions
39 was established.

40 The plaintiff *petitioner* shall file with the clerk of said court a bond
41 for the use of the defendant *respondent*, with sureties approved by
42 the clerk, in penalty to be fixed and approved by the clerk of said
43 court. In no case shall the bond be less than fifty dollars conditioned
44 that the plaintiff *petitioner* shall perform the orders of the court. *In*
45 *all other respects, the judicial review shall be in accordance with the*
46 *terms of the Iowa Administrative Procedure Act.*

47 e. The court shall hear the appeal in equity and determine anew all
48 questions submitted to it on appeal from the determination of the
49 commission. The court shall render its decree thereon and a certified

50 copy of said decree shall be filed by the clerk of said court with the
 51 commission who shall then correct the assessment in accordance with
 52 said decree. An appeal may be taken by the employer or the commis-
 53 sion to the supreme court of this state in the same manner that
 54 appeals are taken in suits in equity, irrespective of the amount
 55 involved.

1 SEC. 64. Section ninety-seven A point six (97A.6), subsection
 2 fourteen (14), Code 1973, is amended by striking the subsection and
 3 inserting in lieu thereof the following:

4 14. Judicial review of action of the board of trustees. Judicial re-
 5 view of any action of the board of trustees may be sought in accord-
 6 ance with the terms of the Iowa Administrative Procedure Act. Not-
 7 withstanding the terms of the Iowa Administrative Procedure Act,
 8 the petition for judicial review must be filed within thirty days after
 9 the member receives written notice of the trustees' action. The board
 10 of trustees shall be represented by the attorney general. An appeal
 11 may be taken by the petitioner or the board of trustees to the su-
 12 preme court of this state irrespective of the amount involved.

1 SEC. 65. Section ninety-seven B point nineteen (97B.19), Code
 2 1973, is amended to read as follows:

3 **97B.19 Revision for error.** If, prior to the expiration of six
 4 months following the delivery of such statement, it is brought to the
 5 attention of the commission that any entry of such wages in such
 6 records is erroneous, or that any item of such wages has been omitted
 7 from the records, the commission may correct such entry or include
 8 such omitted item in its records, as the case may be. Written notice
 9 of any revision of any such entry which is adverse to the interest of
 10 any individual shall be given to such individual in any case where
 11 such individual has previously been notified by the commission of the
 12 amount of wages and of the period of payments shown by such entry.
 13 Upon request in writing made prior to the expiration of six months
 14 immediately following the giving of the statement provided for in
 15 section 97B.18, the commission shall afford any individual, or after
 16 his death shall afford his beneficiary or any other person so entitled
 17 in the judgment of the commission, reasonable notice and opportu-
 18 nity for hearing with respect to any entry or alleged omission of
 19 wages of such individual in such record, or any revision of any such
 20 entry. If a hearing is held, the commission shall make findings of
 21 fact and a decision based upon the evidence adduced at such hearing
 22 and shall revise its records accordingly. ~~Any party aggrieved by the~~
 23 ~~decision of the commission under this section or section 97B.20 may~~
 24 ~~appeal to the district court in the manner as provided in section~~
 25 ~~97B.20.~~ *Judicial review of action of the commission under this sec-*
 26 *tion and section ninety-seven B point twenty (97B.20) of the Code*
 27 *may be sought in accordance with the terms of the Iowa Administra-*
 28 *tive Procedure Act and section ninety-seven B point twenty-nine*
 29 *(97B.29) of the Code.*

1 SEC. 66. Section ninety-seven B point twenty-six (97B.26), Code
 2 1973, is amended to read as follows:

3 **97B.26 Referee.** Unless such appeal is withdrawn, an appeal
 4 referee to be designated by the commission for this purpose, after
 5 affording the parties reasonable opportunity for fair hearing, shall

6 affirm or modify the findings of fact and decision of the deputy. At
7 said hearing all of the evidence taken and the proceedings had shall
8 be taken and fully reported by a certified shorthand reporter. Said
9 reporter shall promptly transcribe said evidence and proceedings and
10 certify to same. The said transcript shall then be made available for
11 use by the commission and by the courts at subsequent ~~appeals~~ *judi-*
12 *cial review proceedings under the Iowa Administrative Procedure Act,*
13 if any. The parties shall be duly notified of such referee's decision,
14 together with his reasons therefor, which shall be deemed to be the
15 final decision of the commission unless, within thirty days after the
16 date of notification or mailing of such decision, further appeal is
17 initiated pursuant to section 97B.27.

1 SEC. 67. Section ninety-seven B point twenty-eight (97B.28),
2 Code 1973, is amended to read as follows:

3 **97B.28 Ceneclusiveness of finding Representation of commission.**
4 ~~Any decision of the commission in the absence of an appeal therefrom,~~
5 ~~as herein provided, shall become final thirty days after the date of~~
6 ~~notification or mailing thereof, and judicial review thereof shall be~~
7 ~~permitted only after any party claiming to be aggrieved thereby has~~
8 ~~exhausted his remedies before the commission, as provided by this~~
9 ~~chapter. The commission shall be deemed to be a party to any judicial~~
10 ~~action involving any such decision and may be represented in any~~
11 ~~such judicial action by any qualified attorney who is a regular salaried~~
12 ~~employee of the commission or who has been designated by the com-~~
13 ~~mission for that purpose or, at the commission's request, by the~~
14 ~~attorney general.~~

1 SEC. 68. Section ninety-seven B point twenty-nine (97B.29), Code
2 1973, is amended to read as follows:

3 **97B.29 Judicial review.** ~~At any time prior to such commission~~
4 ~~decision becoming final, any party aggrieved thereby may secure~~
5 ~~judicial review thereof by commencing an action~~ *Judicial review of*
6 *action of the commission may be sought in accordance with the terms*
7 *of the Iowa Administrative Procedure Act. Notwithstanding the*
8 *terms of the Iowa Administrative Procedure Act, petitions for judi-*
9 *cial review may be filed in the district court of the county in which*
10 *the claimant was last employed or resides, provided that if the claim-*
11 *ant does not reside in the state of Iowa the action shall be brought*
12 *in the district court of Polk county, Iowa, against the commission*
13 *for the review of this decision, in which action any other parties to*
14 *the proceeding before the commission shall be made a defendant*
15 *named in the petition. In such action a petition, which need not be*
16 *verified but which shall state the grounds upon which a review is*
17 *sought, shall be served on a member of the commission or upon such*
18 *person as the commission may designate, and such service shall be*
19 *deemed completed service on all parties, but there shall be left with*
20 *the parties so served as many copies of the petition as there are*
21 *defendants, and the commission shall forthwith mail one such copy*
22 *to each such defendant. When service is completed such petition shall*
23 *be filed by appellant with the clerk of the district court who shall*
24 *docket said cause in the same manner as provided for other civil*
25 *actions. The commission shall, within sixty days after the notice of*
26 *appeal has been served on the commission, certify and file with said*

27 district court all documents and papers and a transcript of all testi-
 28 mony taken in the matter, together with the findings of fact and
 29 decision of the commission therein. With such transcript the com-
 30 mission shall file its answer. The transcript, as certified and filed by
 31 the commission, shall be the record upon which the appeal shall be
 32 heard, and no additional evidence shall be heard. In the absence of
 33 fraud, any findings of fact by the commission after notice and hear-
 34 ing, as herein provided, shall be binding on the court on appeal when
 35 supported by substantial and competent evidences.* The commission
 36 may also, in its discretion, certify to such courts, questions of law
 37 involving any decision by it. Such *aetions petitions for judicial*
 38 *review* and the questions so certified, shall be heard in a *summary*
 39 *manner* and shall be given precedence over all other civil cases except
 40 *cases arising under the workmen's compensation law and the employ-*
 41 *ment security law of this state.*

1 SEC. 69. Section ninety-seven B point thirty-two (97B.32), Code
 2 1973, is amended by striking the section and inserting in lieu thereof
 3 the following:

4 **97B.32 Appeal to supreme court.** No bond shall be required for
 5 entering an appeal from any final order, judgment, or decree of the
 6 district court in a proceeding for judicial review to the supreme court
 7 of Iowa.

1 SEC. 70. Section ninety-seven B point thirty-three (97B.33), Code
 2 1973, is amended to read as follows:

3 **97B.33 Certification to comptroller.** Upon final decision of the
 4 commission, or upon final judgment of any court of competent jurisdic-
 5 tion, that any person is entitled to any payment or payments under
 6 this chapter, the commission shall certify to the state comptroller the
 7 name and address of the person so entitled to receive such payment or
 8 payments, the amount of such payment or payments, and the time at
 9 which such payment or payments should be made, and the commis-
 10 sion, through the state comptroller, shall make payment in accord-
 11 ance with the certification of the commission provided, that where
 12 a *judicial review* of the commission decision is or may be sought
 13 *under section 97B.28 in accordance with the terms of the Iowa Ad-*
 14 *ministrative Procedure Act*, certification of payment may be withheld
 15 pending such review. The state comptroller shall not be held person-
 16 ally liable for any payment or payments made in accordance with a
 17 certification by the commission.

1 SEC. 71. Section ninety-eight point twenty-nine (98.29), Code
 2 1973, is amended to read as follows:

3 **98.29 Notice and appeal.** The department shall notify any per-
 4 son assessed pursuant to section 98.28 by sending a written notice of
 5 such determination and assessment by certified mail to the principal
 6 place of business of such person as shown on his application for per-
 7 mit, if any, and in case no such application was filed by such person,
 8 to his last known address. ~~Such person may appeal from such deter-~~
 9 ~~mination and assessment to the district court in the same manner and~~
 10 ~~subject to the same procedure as is provided in *Judicial review of*~~
 11 ~~*action of the department may be sought in accordance with the terms*~~
 12 ~~*of the Iowa Administrative Procedure Act and section 422.29.*~~

*According to enrolled Act

1 SEC. 72. Section ninety-eight point forty-eight (98.48), subsection
2 five (5), Code 1973, is amended to read as follows:

3 5. Any person aggrieved by an order of the director fixing a tax,
4 penalty or interest under section 98.43 may, within thirty days from
5 the date of notice of the order, appeal to the board of review in the
6 manner provided by law. ~~Any other order of the director under this~~
7 ~~division shall be subject to review by certiorari. Judicial review of~~
8 ~~any other action of the director may be sought in accordance with the~~
9 ~~terms of the Iowa Administrative Procedure Act.~~

1 SEC. 73. Section ninety-nine A point six (99A.6), unnumbered
2 paragraphs two (2), three (3), and four (4), Code 1973, are amended
3 by striking the unnumbered paragraphs and inserting in lieu thereof
4 the following:

5 Judicial review of actions of the issuing authorities may be sought
6 in accordance with the terms of the Iowa Administrative Procedure
7 Act. Municipalities acting as issuing authorities shall be deemed state
8 agencies solely for the purposes of bringing their actions under this
9 chapter within the terms of section nineteen (19) of the Iowa Ad-
10 ministrative Procedure Act. If the licensee has not filed a petition
11 for judicial review in district court, revocation shall date from the
12 thirty-first day following the date of the order of the issuing author-
13 ity. If the licensee has filed a petition for judicial review, revocation
14 shall date from the thirty-first day following entry of the order of
15 the district court, if action by the district court is adverse to the
16 licensee.

1 SEC. 74. Section one hundred point sixteen (100.16), Code 1973,
2 is amended by striking the section and inserting in lieu thereof the
3 following:

4 **100.16 Judicial review.** Judicial review of actions of the fire
5 marshal may be sought in accordance with the terms of the Iowa
6 Administrative Procedure Act. Notwithstanding the terms of the
7 Iowa Administrative Procedure Act, petitions for judicial review
8 may be filed in the district court of the county where such building is
9 located.

1 SEC. 75. Section one hundred point seventeen (100.17), Code
2 1973, is amended to read as follows:

3 **100.17 How appeal taken Bond—suspension of order.** Such
4 ~~appeal petition for judicial review~~ shall be taken by filing in the office
5 ~~of the fire marshal notice of such appeal, specifying the order ap-~~
6 ~~pealed from and the court to which the appeal is taken,~~ accompanied
7 by a bond in the penal sum of one hundred dollars with sureties
8 approved by the clerk of said court, conditioned to pay all costs that
9 shall be adjudged against ~~appellant~~ *petitioner* and abide the decree,
10 judgment, and order of the court. *Notwithstanding the provisions of*
11 *the Iowa Administrative Procedure Act, any order of the fire marshal*
12 *which is the subject of a judicial review proceeding shall be sus-*
13 *sended during such proceeding.*

1 SEC. 76. Section one hundred point twenty-three (100.23), Code
2 1973, is amended to read as follows:

3 **100.23 Costs.** If the appellant fails in the ~~appeal~~ *judicial review*
4 *proceeding* the costs shall be taxed against him, but if the order is

5 revoked or annulled the costs shall be taxed to the state. If the order
6 shall be modified, the court may in its discretion apportion the costs.

1 SEC. 77. Section one hundred point twenty-six (100.26), Code
2 1973, is amended to read as follows:

3 **100.26 Time for compliance with order.** When no petition of re-
4 view has been filed or when the fire marshal on review or the court
5 on ~~appeal~~ review has affirmed or modified an order for the removal,
6 destruction, or repair of a building, or the removal of any of its con-
7 tents, or the change of any of its conditions, the owner, lessee, or
8 occupant shall comply with such order within thirty days after the
9 delivery of the same or a copy thereof to him, either personally or
10 by certified letter to his last known address, or by service upon his
11 duly appointed agent. If such owner, lessee, or occupant shall fail to
12 comply with such order he shall be subject to a penalty of ten dollars
13 for each day of failure or neglect after the expiration of said period,
14 which shall be recovered in the name of the state and paid into the
15 treasury of the county where collected.

1 SEC. 78. Section one hundred point twenty-seven (100.27), Code
2 1973, is amended to read as follows:

3 **100.27 Refusal to obey orders.** If any person fails to comply with
4 a final order of the marshal or of a court on ~~appeal~~ review and within
5 the time fixed, then such officers are empowered and authorized to
6 cause such building or premises to be repaired, torn down, demol-
7 ished, materials and all dangerous conditions removed, as the case
8 may be, and at the expense of such person, and if such person within
9 thirty days thereafter fails, neglects, or refuses to repay said officers
10 the expense thereby incurred by them, such officers shall certify said
11 expenses, together with twenty-five percent penalty thereon, to the
12 auditor of the county in which said property is situated.

1 SEC. 79. Section one hundred point twenty-eight (100.28), Code
2 1973, is amended to read as follows:

3 **100.28 Notice.** Notice of the reasonableness and amount of as-
4 sessment shall be given in a manner as provided for giving notice in
5 ordinary actions by the marshal or his designated subordinate to the
6 property owner, also notifying the property owner that a hearing
7 thereon shall be had before the auditor of said county on a day not
8 less than ten nor more than fifteen days from the date of completed
9 service of notice upon the property owner and if no ~~appeal~~ is taken
10 ~~therefrom to the district court~~ *petition for judicial review is filed in*
11 *accordance with the terms of the Iowa Administrative Procedure Act*
12 *at the time fixed in said notice the auditor shall hear and determine*
13 *the matter. Any person aggrieved by the order and determination of*
14 *the auditor may appeal therefrom to the district court of the county*
15 *by serving notice within twenty days thereafter upon said auditor;*
16 *and such appeal shall be heard and determined by the court as in*
17 *cases of appeals from the order of the fire marshal as provided in*
18 *this chapter. Judicial review of the order and determination of the*
19 *auditor may be sought in accordance with the terms of the Iowa*
20 *Administrative Procedure Act. For the purpose of coming within the*
21 *judicial review provisions of the Iowa Administrative Procedure Act*
22 *only, the auditor's order and determination under this section shall be*
23 *deemed the action of the state fire marshal.*

1 SEC. 80. Section one hundred one A point four (101A.4), subsection
2 tion one (1), Code 1973, is amended by striking the subsection and
3 inserting in lieu thereof the following:

4 1. Judicial review of the action of the commissioner may be sought
5 in accordance with the terms of the Iowa Administrative Procedure
6 Act.

1 SEC. 81. Section one hundred three A point seven (103A.7), un-
2 numbered paragraph three (3), Code 1973, is amended to read as
3 follows:

4 These rules and regulations shall comprise and be known as the
5 state building code and shall not be subject to the provisions of chap-
6 ter 17A.

1 SEC. 82. Section one hundred three A point seventeen (103A.17),
2 subsection seven (7), Code 1973, is amended to read as follows:

3 7. The decision of the board of review may be appealed to the
4 advisory council by any party by filing a petition with the advisory
5 council at any time prior to the effective date of such decision. The
6 advisory council shall consider all questions of fact and law in-
7 volved and issue its decision pertaining to the same not later than
8 ten days after receipt of the appeal. ~~Any party to the proceedings~~
9 ~~aggrieved by the decision of the advisory council may, within ten~~
10 ~~days after receipt of the decision, appeal the decision to the district~~
11 ~~court.~~

1 SEC. 83. Section one hundred three A point eighteen (103A.18),
2 Code 1973, is amended to read as follows:

3 **103A.18 Court proceedings.** *Judicial review of action of the com-*
4 *missioner, board of review, or council may be sought in accordance*
5 *with the terms of the Iowa Administrative Procedure Act. Notwith-*
6 *standing the terms of the Iowa Administrative Procedure Act:*

7 1. ~~An appeal~~ *Filing of a petition for judicial review* shall stay all
8 proceedings on the matter ~~appealed with respect to which review is~~
9 ~~sought~~ unless there is a showing by the state agency or a local build-
10 ing department that a stay would involve imminent peril to life or
11 property.

12 2. No court shall entertain an action based on the state building
13 code unless all administrative remedies have been exhausted, except:

14 a. When the action is instituted by the state or a governmental
15 subdivision; or

16 b. When there is good cause for the failure to exhaust administra-
17 tive remedies.

18 3. Subject to subsection 1 of this section, where the construction of
19 a building or structure or use of a building is in violation of any
20 code provision or lawful order of a local building department, the dis-
21 trict court may on petition order removal of the building, abatement
22 as a public nuisance, or enjoin further construction.

23 4. ~~Judicial Petitions for judicial review may be obtained by com-~~
24 ~~mencing an action filed~~ in the county where the cause of action or
25 some part thereof arose. ~~The district court shall hear and decide the~~
26 ~~matter de novo.~~

27 5. ~~An appeal from a decision of the district court may be taken to~~
28 ~~the supreme court as in other cases.~~

1 SEC. 84. Section one hundred twelve point eight (112.8), Code
 2 1973, is amended by striking the section and inserting in lieu thereof
 3 the following:

4 **112.8 Judicial review—bond.** Judicial review of the orders or
 5 actions of the commission fixing the amount of compensation awarded
 6 or damages sustained by any claimant may be sought in accordance
 7 with the terms of the Iowa Administrative Procedure Act. The peti-
 8 tion for review shall be accompanied by an appeal bond with suffi-
 9 cient sureties to be approved by the clerk of the district court condi-
 10 tioned to pay all costs adjudged against the petitioner.

1 SEC. 85. Section one hundred twelve point nine (112.9), Code
 2 1973, is amended to read as follows:

3 **112.9 Final determination and costs.** The amount of damages or
 4 compensation found by the court shall be entered of record. Unless
 5 the result ~~on the appeal of the judicial review proceeding~~ is more
 6 favorable to the ~~appellant petitioner~~ than the action of the commis-
 7 sion, all costs of the ~~appeal judicial review proceeding~~ shall be taxed
 8 to the ~~appellant petitioner~~, but if more favorable, the cost shall be
 9 taxed to the ~~appellees respondents~~. All damages assessed and all costs
 10 occasioned under this chapter shall be paid from the funds of the
 11 commission.

1 SEC. 86. Section one hundred seventeen point forty-one (117.41),
 2 Code 1973, is amended to read as follows:

3 **117.41 Findings of fact.** If the majority of the commission shall
 4 determine that any applicant is not qualified to receive a license, a
 5 license shall not be granted to such applicant, and if the commission
 6 shall determine that any licensee is guilty of a violation of any of
 7 the provisions of this chapter, the license may be suspended or re-
 8 voked. The commission, upon request of the applicant or licensee,
 9 shall furnish said applicant or licensee with a definite statement of
 10 its findings of fact and its reason or reasons for refusing to grant
 11 the license or for suspension of the rights of the licensee or for the
 12 revocation of the license, as the case may be. ~~The findings of fact~~
 13 ~~made by the commission acting within its powers shall, in the absence~~
 14 ~~of fraud, be conclusive, but the district court of the county of the~~
 15 ~~licensee's residence or the judge thereof shall have the power to~~
 16 ~~review questions of law involved in any final decision or determina-~~
 17 ~~tion of the commission; provided that an application is made by the~~
 18 ~~aggrieved party within ten days after such determination by certio-~~
 19 ~~rari, mandamus, or by any other method permissible under the rules~~
 20 ~~and practices of said court, or the laws of this state, and said court~~
 21 ~~may make such further orders in respect thereto as justice may~~
 22 ~~require. Judicial review of action of the commission may be sought~~
 23 ~~in accordance with the terms of the Iowa Administrative Procedure~~
 24 ~~Act.~~

1 SEC. 87. Section one hundred twenty point ten (120.10), Code
 2 1973, is amended to read as follows:

3 **120.10 Revocation.** The board may revoke a certificate of regis-
 4 tration obtained through error of the board or fraud of the applicant,
 5 or if the holder is grossly incompetent, guilty of immoral or unethical
 6 conduct, or obtained or sought anything of value by fraudulent rep-
 7 resentation in the practice of watchmaking. The holder of such cer-

8 tificate shall be given thirty days' notice in writing enumerating the
 9 charges and fixing a date for the hearing thereon. Such notice shall
 10 be given to the certificate holder by certified mail addressed to him at
 11 his last known address as shown by the secretary. At the hearing he
 12 shall have the opportunity to defend himself against the charges and
 13 to introduce evidence tending to disprove the charges. If the board
 14 should refuse any such application and refuse to renew any such
 15 license, the applicant may within thirty days after the order of the
 16 board and not afterward appeal therefrom by a writ of certiorari to
 17 the district court where upon such appeal the hearing shall be de novo
 18 and all legal evidence pertaining to the matter of whether or not such
 19 license should be renewed may be submitted, including new evidence
 20 not submitted to the board. *Judicial review of any action of the board*
 21 *may be sought in accordance with the terms of the Iowa Administra-*
 22 *tive Procedure Act.* Upon the expiration of one year, and after satis-
 23 factory proof that the cause of revocation no longer exists, a person
 24 whose certificate has been revoked may be issued a certificate of regis-
 25 tration at the discretion of the board, upon payment of the fee herein
 26 provided.

1 SEC. 88. Section one hundred twenty-three point thirty-two
 2 (123.32), subsection five (5), Code 1973, is amended to read as fol-
 3 lows:

4 5. *Appeal to courts.* Any applicant who feels aggrieved by a deci-
 5 sion of the director or local authority disapproving, suspending, or
 6 revoking issuance of a liquor control license or beer permit may, pro-
 7 vided he has exercised his right of appeal to the hearing board as
 8 provided in subsection 4 of this section, appeal from said decision
 9 within ten days to *Judicial review.* *Judicial review of the action of*
 10 *the department hearing board may be sought in accordance with the*
 11 *terms of the Iowa Administrative Procedure Act. Notwithstanding*
 12 *the terms of the Iowa Administrative Procedure Act, petitions for*
 13 *judicial review may be filed in the district court of the county wherein*
 14 *the premises covered by the application are situated.*

15 Where the hearing board on an appeal by an applicant finds that
 16 the local authority acted arbitrarily, capriciously, or without reason-
 17 able cause in disapproving an application and the director issues a
 18 license or permit, the local authority may appeal from such decision
 19 seek *judicial review of such decision according to the terms of the*
 20 *Iowa Administrative Procedure Act* within ~~ten~~ thirty days to the
 21 district court of the county wherein the premises covered by the
 22 application are situated.

1 SEC. 89. Section one hundred thirty-five B point six (135B.6),
 2 Code 1973, is amended to read as follows:

3 135B.6 **Denial or revocation of license—hearings and review.** The
 4 state department of health shall have the authority to deny, suspend
 5 or revoke a license in any case where it finds that there has been a
 6 substantial failure to comply with the provisions of this chapter or
 7 the rules, regulations or minimum standards promulgated under this
 8 chapter.

9 Such denial, suspension, or revocation shall be effected by mailing
 10 to the applicant or licensee by certified mail, or by personal service
 11 of, a notice setting forth the particular reasons for such action. Such

12 denial, suspension, or revocation shall become effective thirty days
 13 after the mailing or service of the notice, unless the applicant or
 14 licensee, within such thirty-day period shall give written notice to the
 15 department requesting a hearing, in which case the notice shall be
 16 deemed to be suspended. If a hearing has been requested, the appli-
 17 cant or licensee shall be given an opportunity for a prompt and fair
 18 hearing before the department. At any time at or prior to hearing,
 19 the department may rescind the notice of denial, suspension or revo-
 20 cation upon being satisfied that the reasons for the denial, suspension
 21 or revocation have been or will be removed. On the basis of any such
 22 hearing, or upon default of the applicant or licensee the determina-
 23 tion involved in the notice may be affirmed, modified, or set aside, by
 24 the department. A copy of such decision, setting forth the finding of
 25 facts and the particular reasons for the decision shall be sent by
 26 certified mail, or served personally upon, the applicant or licensee.
 27 ~~The decision shall become final thirty days after it is so mailed or~~
 28 ~~served, unless the applicant or licensee, within such thirty-day period,~~
 29 ~~appeals the decision to the court, pursuant to section 135B.14.~~

30 The procedure governing hearings authorized by this section shall
 31 be in accordance with rules promulgated by said department with the
 32 advice of the hospital licensing board. A full and complete record
 33 shall be kept of all proceedings, and all testimony shall be reported
 34 but need not be transcribed unless ~~the decision is appealed~~ *judicial*
 35 *review is sought* pursuant to section 135B.14. A copy or copies of the
 36 transcript may be obtained by an interested party on payment of the
 37 cost of preparing such copy or copies. Witnesses may be subpoenaed
 38 by either party and shall be allowed fees at a rate prescribed by the
 39 aforesaid rules.

1 SEC. 90. Section one hundred thirty-five B point fourteen
 2 (135B.14), Code 1973, is amended by striking the section and insert-
 3 ing in lieu thereof the following:

4 **135B.14 Judicial review.** Judicial review of the action of the
 5 commissioner of public health may be sought in accordance with the
 6 terms of the Iowa Administrative Procedure Act. Notwithstanding
 7 the terms of the Iowa Administrative Procedure Act, petitions for
 8 judicial review may be filed in the district court of the county in
 9 which the hospital is located or to be located, and the status quo of
 10 the petitioner or licensee shall be preserved pending final disposition
 11 of the matter in the courts.

1 SEC. 91. Section one hundred thirty-five C point eleven (135C.11),
 2 Code 1973, is amended to read as follows:

3 **135C.11 Notice—hearings.** Such denial, suspension, or revocation
 4 shall be effected by mailing to the applicant or licensee by certified
 5 mail or by personal service of a notice setting forth the particular
 6 reasons for such action. Such denial, suspension, or revocation shall
 7 become effective thirty days after the mailing or service of the notice,
 8 unless the applicant or licensee, within such thirty-day period, shall
 9 give written notice to the department requesting a hearing, in which
 10 case the notice shall be deemed to be suspended. If a hearing has
 11 been requested, the applicant or licensee shall be given an opportu-
 12 nity for a prompt and fair hearing before the department. At any
 13 time at or prior to the hearing the department may rescind the notice

14 of the denial, suspension or revocation upon being satisfied that the
 15 reasons for the denial, suspension or revocation have been or will be
 16 removed. On the basis of any such hearing, or upon default of the
 17 applicant or licensee, the determination involved in the notice may
 18 be affirmed, modified, or set aside by the department. A copy of such
 19 decision shall be sent by certified mail, or served personally upon the
 20 applicant or licensee. ~~The decision shall become final thirty days~~
 21 ~~after it is so mailed or served, unless the~~ *The applicant or licensee,*
 22 ~~within such thirty-day period, appeals the decision to the court may~~
 23 *seek judicial review* pursuant to section 135C.13.

24 The procedure governing hearings authorized by this section shall
 25 be in accordance with the rules promulgated by the department. A
 26 full and complete record shall be kept of all proceedings, and all testi-
 27 mony shall be reported but need not be transcribed unless the decision
 28 ~~is appealed~~ *judicial review is sought* pursuant to section 135C.13. A
 29 copy or copies of the transcript may be obtained by an interested
 30 party upon payment of the cost of preparing such copy or copies.
 31 Witnesses may be subpoenaed by either party and shall be allowed
 32 fees at a rate prescribed by the aforesaid rules. The commissioner
 33 may, with the advice and consent of the care review committee estab-
 34 lished pursuant to section 135C.25, remove all residents and patients
 35 and suspend the license or licenses of any health care facility, prior
 36 to a hearing, when he finds that the health or safety of residents or
 37 patients of the health care facility requires such action on an emer-
 38 gency basis.

1 SEC. 92. Section one hundred thirty-five C point thirteen
 2 (135C.13), Code 1973, is amended to read as follows:

3 **135C.13 Appeal judicial review.** Any applicant or licensee who is
 4 dissatisfied with the decision of the commissioner as a result of the
 5 hearing procedure provided herein may appeal the decision within
 6 thirty days after the mailing or serving of notice of the decision by
 7 filing a notice of appeal *Judicial review of action of the commissioner*
 8 *may be sought in accordance with the terms of the Iowa Administra-*
 9 *tive Procedure Act. Notwithstanding the terms of the Iowa Admin-*
 10 *istrative Procedure Act, petitions for judicial review may be filed in*
 11 *the district court of the county where the facility or proposed facility*
 12 *is located, and by serving a copy of said notice of appeal upon the*
 13 *department. Thereupon the department shall within thirty days*
 14 *certify and file with the court a copy of the record and decision, in-*
 15 *cluding the transcript of the hearings on which the decision is based.*
 16 *The trial before the court shall be de novo and all legal evidence per-*
 17 *taining to the matter of whether or not such license shall be denied,*
 18 *suspended, or revoked, as the case may be, may be submitted includ-*
 19 *ing new or additional evidence not submitted to the commissioner,*
 20 *and the court shall have power to affirm, modify, or reverse the deci-*
 21 *sion of the commissioner. Pending* *pending* *final disposition of the*
 22 *matter the status quo of the applicant or licensee shall be preserved*
 23 *except when the commissioner, with the advice and consent of the*
 24 *care review committee established pursuant to section 135C.25, deter-*
 25 *mines that the health, safety or welfare of the residents or patients of*
 26 *the facility are in immediate danger, in which case he may order the*
 27 *immediate removal of such residents or patients.*

1 SEC. 93. Section one hundred thirty-five D point eight (135D.8),
2 Code 1973, is amended to read as follows:

3 **135D.8 Denial of permit or license.** If the application for a per-
4 mit to construct or make alterations upon a mobile home park and
5 the appurtenances thereto, or a primary license to operate the same, is
6 denied by the state department of health, it shall so state in writing,
7 giving the reasons for denying the application. If the objection can
8 be corrected, the applicant may amend his application and resubmit
9 it for approval, and if denied the applicant may within thirty days
10 thereafter appeal from the decision of the state board of health to.
11 *Judicial review of the action of the state board of health may be*
12 *sought in accordance with the terms of the Iowa Administrative*
13 *Procedure Act. Notwithstanding the terms of the Iowa Administra-*
14 *tive Procedure Act, petitions for judicial review may be filed in the*
15 *district court of the county in which said mobile home park is located,*
16 *and the case shall be tried in equity.*

1 SEC. 94. Section one hundred thirty-eight point ten (138.10),
2 Code 1973, is amended to read as follows:

3 **138.10 Appeal to court judicial review.** Any person aggrieved by
4 a final order or determination of the commissioner may appeal such
5 final order or determination, for trial de novo in equity, to *Judicial*
6 *review of actions of the commissioner may be sought in accordance*
7 *with the terms of the Iowa Administrative Procedure Act. Notwith-*
8 *standing the terms of the Iowa Administrative Procedure Act, peti-*
9 *tions for judicial review may be filed in the district court of the*
10 *county wherein the license was to be issued or wherein such license*
11 *is to be revoked or suspended. Any such appeal shall be filed within*
12 *twenty days of the date of the final order or determination by the*
13 *commissioner. Notice of appeal shall be served upon all parties to the*
14 *appeal and hearing before the commissioner in the same manner as*
15 *are original notices in civil actions. However, such appeal, and such a*
16 *petition for judicial review shall not operate to stay any order or final*
17 *determination of the commissioner unless the district court finds upon*
18 *hearing after reasonable notice to all interested parties, that substan-*
19 *tial damage would result to the appealing party unless such order or*
20 *final determination was stayed and such a stay would not endanger*
21 *the health, safety, or welfare of any inhabitants of a migrant labor*
22 *camp. Any aggrieved party may appeal to the supreme court from*
23 *the final determination of the district court as provided by law.*

1 SEC. 95. Section one hundred forty-four point fifteen (144.15),
2 unnumbered paragraph two (2), Code 1973, is amended to read as
3 follows:

4 When an applicant does not submit the substantiating evidence
5 required for delayed registration or when the state registrar finds
6 reason to question the validity or adequacy of the evidence, the state
7 registrar shall not register the delayed certificate and shall advise the
8 applicant of the reasons for this action. The registration official
9 shall advise the applicant of his right of appeal to the district court
10 pursuant to sections one hundred forty-four point seventeen (144.17)
11 and one hundred forty-four point eighteen (144.18) of the Code,
12 which sections shall be applicable to such appeal notwithstanding the
13 terms of the Iowa Administrative Procedure Act.

1 SEC. 96. Section one hundred forty-five point seventeen (145.17),
2 Code 1973, is amended to read as follows:

3 145.17 **Court procedure.** *This section shall be applicable notwith-*
4 *standing the terms of the Iowa Administrative Procedure Act.* The
5 issue thereby raised shall be whether the findings and conclusions of
6 said board shall be affirmed by the court, and shall be tried in the dis-
7 trict court of such county, as a special proceeding, in the same man-
8 ner as a civil action at law in which the state shall be the plaintiff
9 and the person so summoned shall be the defendant. Each party
10 shall have the same rights as to production of evidence and the case
11 shall be tried in the same manner as any other civil action. In all
12 such cases the county attorney of the county where such proceed-
13 ings are tried shall appear and prosecute such action on behalf of the
14 state. If the defendant has no attorney and he is unable to secure
15 one, the court shall appoint an attorney from the membership of
16 the bar of said county to conduct his defense, and appeal, if any be
17 taken as hereinafter provided, and such attorney shall be compen-
18 sated by the state, upon order of the court. Upon the request of
19 either party to such proceeding all questions of fact shall be tried by
20 a jury and the court in every instance shall have the testimony fully
21 reported at the expense of the state.

1 SEC. 97. Section one hundred forty-seven point one hundred
2 twenty-one (147.121), Code 1973, is amended to read as follows:

3 147.121 **Licensing function.** The board shall license nursing home
4 administrators in accordance with rules and regulations issued, and
5 from time to time revised, by it. A nursing home administrator's
6 license shall not be transferable and shall be valid until surrendered
7 for cancellation or suspended or revoked for violation of this division
8 or any other laws or regulations relating to the proper administra-
9 tion and management of a nursing home. Any denial of issuance or
10 renewal, suspension, or revocation under any section of this division
11 shall be subject to *judicial review upon the timely request of the*
12 ~~applicant or licensee and pursuant to Iowa state procedures in accord-~~
13 ~~ance with the terms of the Iowa Administrative Procedure Act.~~

1 SEC. 98. Section one hundred forty-eight point seven (148.7),
2 subsection eight (8), Code 1973, is amended by striking the subsec-
3 tion and inserting in lieu thereof the following:

4 8. Judicial review of the board's action may be sought in accord-
5 ance with the terms of the Iowa Administrative Procedure Act.

1 SEC. 99. Section one hundred fifty-three point twenty-eight
2 (153.28), Code 1973, is amended by striking the section and inserting
3 in lieu thereof the following:

4 153.28 **Judicial review.** Judicial review of actions of the board
5 may be sought in accordance with the terms of the Iowa Administra-
6 tive Procedure Act.

1 SEC. 100. Section one hundred fifty-three point twenty-nine
2 (153.29), Code 1973, is amended to read as follows:

3 153.29 **Order stands during review.** *The Notwithstanding the*
4 *terms of the Iowa Administrative Procedure Act, the order of the*
5 *board rejecting such application, and refusing to renew such license,*
6 *shall remain in force and effect until such writ of certiorari petition*
7 *for judicial review is finally determined and disposed of upon the*

8 merits and no new or temporary license shall be issued to the appli-
9 cant pending such disposition.

1 SEC. 101. Section one hundred fifty-three point thirty (153.30),
2 Code 1973, is amended to read as follows:

3 **153.30 Reinstatement—examination.** Any former licensee whose
4 application for renewal of license has been rejected by the board and
5 who has not successfully prosecuted a ~~review by certiorari proceeding~~
6 *for judicial review* therefrom as herein provided shall not thereafter
7 receive such license or renewal thereof unless same shall be granted
8 by the board and upon payment of the renewal fees then due. Said
9 board may require examination of the former licensee, in which case
10 he shall pay the examination fees provided by law.

1 SEC. 102. Section one hundred fifty-five point fourteen (155.14),
2 Code 1973, is amended to read as follows:

3 **155.14 Notice—hearing.** Such denial, suspension or revocation
4 shall be effected by mailing to the applicant or licensee by registered
5 mail, or by personal service of, a notice setting forth the particular
6 reasons for such action. Such denial, suspension or revocation shall
7 become effective thirty days after the mailing or service thereof,
8 unless the applicant or licensee, within such thirty-day period shall
9 give written notice to the board requesting a hearing in which case
10 the notice shall be deemed to be suspended. If a hearing has been
11 requested, the applicant or licensee shall be given an opportunity
12 for a prompt and fair hearing before the board. At any time at or
13 prior to the hearing the board may rescind the notice of denial, sus-
14 pension or revocation upon being satisfied that the reasons for denial,
15 suspension or revocation have been or will be removed. On the basis
16 of any such hearing, or upon default of the applicant or licensee, the
17 determination involved in the notice may be affirmed, modified or set
18 aside by the board. A copy of such decisions, setting forth the find-
19 ings of fact and the particular reasons for the decision shall be sent
20 by registered mail, or served, ~~unless the applicant or licensee, within~~
21 ~~such thirty days, appeals the decision to the district court.~~

1 SEC. 103. Section one hundred fifty-five point fifteen (155.15),
2 Code 1973, is amended to read as follows:

3 **155.15 Procedure at hearing.** The procedure governing hearings
4 authorized by section 155.14 shall be in accordance with rules promul-
5 gated by said board. A full and complete record shall be kept of all
6 proceedings, and all testimony shall be reported but need not be tran-
7 scribed unless the decision is ~~appealed to the court~~ *judicial review is*
8 *sought*. A copy or copies of the transcript may be obtained by the
9 party or parties involved in the controversy on payment of the cost
10 of preparing such copy or copies. Witnesses may be subpoenaed by
11 either party and shall be allowed fees as prescribed by law in courts
12 of record in criminal cases.

1 SEC. 104. Section one hundred fifty-five point sixteen (155.16),
2 Code 1973, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **155.16 Judicial review.** Judicial review of actions or decisions of
5 the board may be sought in accordance with the terms of the Iowa
6 Administrative Procedure Act.

1 SEC. 105. Section one hundred fifty-seven point nine (157.9),
2 unnumbered paragraph three (3), Code 1973, is amended by striking
3 the unnumbered paragraph and inserting in lieu thereof the follow-
4 ing:

5 Judicial review of actions of the board or department of health may
6 be sought in accordance with the terms of the Iowa Administrative
7 Procedure Act.

1 SEC. 106. Section one hundred sixty-six B point seven (166B.7),
2 Code 1973, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **166B.7 Judicial review.** Judicial review of department of agri-
5 culture action under this chapter may be sought in accordance with
6 the terms of the Iowa Administrative Procedure Act. Notwithstand-
7 ing the terms of the Iowa Administrative Procedure Act, petitions
8 for judicial review may be filed in the district court of the county,
9 wherein the hogs are situated.

1 SEC. 107. Section one hundred eighty-nine A point fourteen
2 (189A.14), Code 1973, is amended to read as follows:

3 **189A.14 Appeal Judicial review—enforcement.**

4 1. Any order issued under subsection 3 of section 189A.5 or subsec-
5 tions 1, 2, or 3 of section 189A.7 shall be final unless appealed to the
6 district court within thirty days after service. Review of any such
7 order and the determinations upon which it is based shall be upon the
8 record in the proceedings in which the order was issued. *Judicial*
9 *review of the action of the secretary may be sought in accordance*
10 *with the terms of the Iowa Administrative Procedure Act.*

11 2. The district court is hereby vested with jurisdiction to enforce
12 this chapter, to prevent and restrain violations herein, and shall have
13 jurisdiction in all other kinds of cases arising hereunder.

1 SEC. 108. Section one hundred ninety-one A point seven (191A.7),
2 Code 1973, is amended to read as follows:

3 **191A.7 Disciplinary action.** Any license issued under this chap-
4 ter may be revoked by the department for violation by the licensee
5 of any provision of this chapter or any applicable rules or regulations
6 of the department. In lieu of license revocation, the department may
7 require the immediate discontinuance of operation of any vending ma-
8 chine or commissary whenever the department finds unsanitary condi-
9 tions or any other conditions which constitute a substantial hazard
10 to the public health. The order shall apply only to the vending ma-
11 chines, commissary, or product involved. Any person whose license
12 is revoked, or who is ordered to discontinue the operation of any vend-
13 ing machine or commissary, may appeal such decision to the secre-
14 tary. The secretary or his designee shall schedule and hold a hear-
15 ing upon the appeal not later than thirty days from the time of revo-
16 cation or the order of discontinuance, and shall issue his decision im-
17 mediately following the hearing. ~~Any person aggrieved by the deci-~~
18 ~~sion of the secretary or his designee may appeal such decision to the~~
19 ~~district court.~~ *Judicial review may be sought in accordance with the*
20 *terms of the Iowa Administrative Procedure Act.*

1 SEC. 109. Section one hundred ninety-two A point twenty
2 (192A.20), Code 1973, is amended to read as follows:

3 **192A.20 Order to appear—~~appeal~~ judicial review.** Whenever the
 4 secretary has reason to believe that any person has violated any of
 5 the provisions of this chapter or any rules or regulations adopted
 6 thereunder, he may enter an order requiring such person to appear
 7 before him and show cause why an order should not be entered re-
 8 quiring such person to cease and desist from the violations charged.
 9 Such order shall set forth the alleged violations, fix the time and
 10 place of the hearing, and provide for notice thereof which shall be
 11 given not less than twenty days before the date of such hearing.
 12 After hearing by the secretary, or if the person charged with such
 13 violation fails to appear at the time of said hearing, if he finds such
 14 person to be in violation he shall enter an order requiring such per-
 15 son to cease and desist from the specific acts, practices, or omissions
 16 so found to be in violation and from related acts, practices or omis-
 17 sions. ~~Any such order shall become final upon the expiration of~~
 18 ~~thirty days after its entry if no appeal is taken therefrom.~~

19 ~~Any person aggrieved by any~~ Any order entered by the secretary
 20 or other action of the secretary may take an appeal therefrom to the
 21 district court as provided elsewhere herein for license denial, suspen-
 22 sion or revocation *be judicially reviewed in accordance with the terms*
 23 *of the Iowa Administrative Procedure Act.*

24 Any person violating any order of the secretary under the first
 25 paragraph of this section after the ~~same has become final~~ *period for*
 26 *seeking judicial review thereof has elapsed without the filing of a*
 27 *petition for such review*, or on the termination of any review proceed-
 28 ings shall be subject to a civil penalty to be levied by the district
 29 court in a proceeding instituted for that purpose in an amount of not
 30 less than five hundred dollars and not more than ten thousand dollars
 31 provided that in the case of continuing violations the minimum
 32 amount of such penalty shall be either five hundred dollars or twenty-
 33 five dollars for each day of violation, whichever is the larger.

1 SEC. 110. Section one hundred ninety-two A point twenty-five
 2 (192A.25), Code 1973, is amended to read as follows:

3 **192A.25 Procedure—*judicial review.*** The department shall by
 4 certified mail or by personal service notify the person whose license
 5 has been denied, suspended, or revoked setting forth the reasons for
 6 the decision. The denial, suspension, or revocation shall become effec-
 7 tive thirty days after the mailing or service of the notification unless
 8 ~~the person whose license has been denied, suspended, or revoked files~~
 9 ~~within the thirty-day period a notice of appeal in the district court~~
 10 ~~and serves a copy of the notice of appeal upon the department. There-~~
 11 ~~upon the department shall within thirty days certify and file with the~~
 12 ~~court a copy of the record and decision including the transcript of the~~
 13 ~~hearings upon which the decision was based. *Judicial review may be*~~
 14 ~~sought of any such action in accordance with the terms of the Iowa~~
 15 ~~Administrative Procedure Act.~~

1 SEC. 111. Section one hundred ninety-eight point thirteen
 2 (198.13),* subsection five (5), Code 1973, is amended to read as fol-
 3 lows:

4 5. ~~Any person adversely affected by an~~ *Judicial review of any Act,*
 5 order or ruling made pursuant to the provisions of this chapter may

*Chapter 198 repealed by chapter 1156, §19 hereof

6 *be sought in accordance with the terms of the Iowa Administrative*
 7 *Procedure Act. Notwithstanding the terms of the Iowa Administrative*
 8 *Procedure Act, petitions for judicial review must be filed within*
 9 *forty-five days thereafter bring action in the district court in and for*
 10 *Polk county for new trial of the issues bearing upon such Act, order*
 11 *or ruling, and upon such trial the court may issue and enforce such*
 12 *orders, judgments or decrees as the court may deem proper, just and*
 13 *equitable after the Act, order or ruling is final.*

1 SEC. 112. Section one hundred ninety-nine point eleven (199.11),
 2 subsection two (2), paragraph b, Code 1973, is amended to read as fol-
 3 lows:

4 b. To issue and enforce a written or printed "stop sale" order to
 5 the owner or custodian of any lot of agricultural seed which the state
 6 secretary of agriculture or his authorized agents believe is in violation
 7 of any of the provisions of this chapter which shall prohibit further
 8 sale of such seed until such officer has evidence that the law has been
 9 complied with; provided, that the owner or custodian of such seed
 10 shall be permitted to remove said seed from a salesroom open to the
 11 public; provided further, that in respect to seeds which have been
 12 denied sale as provided in this subsection, ~~the owner or custodian of~~
 13 ~~such seeds shall have the right to appeal from such order to a court~~
 14 ~~of competent jurisdiction~~ *judicial review may be sought in accordance*
 15 *with the terms of the Iowa Administrative Procedure Act. Notwith-*
 16 *standing the terms of the Iowa Administrative Procedure Act, peti-*
 17 *tions for judicial review may be filed in the district court where the*
 18 *seeds are found, praying for a judgment as to the justification of said*
 19 *order and for the discharge of such seed from the order prohibiting*
 20 *the sale in accordance with the findings of the court; and. And pro-*
 21 *vided further, that the provisions of this subsection shall not be con-*
 22 *strued as limiting the right of the enforcement officer to proceed as*
 23 *authorized by other sections of this chapter.*

1 SEC. 113. Section two hundred point fourteen (200.14), subsection
 2 three (3), Code 1973, is amended by striking the subsection.

1 SEC. 114. Section two hundred four point three hundred five
 2 (204.305), subsection two (2), Code 1973, is amended to read as fol-
 3 lows:

4 2. The board, without an order to show cause, may suspend any
 5 registration simultaneously with the institution of proceedings under
 6 section 204.304, or where renewal of registration is refused, if it finds
 7 that there is an imminent danger to the public health or safety which
 8 warrants this action. The suspension shall continue in effect until
 9 the conclusion of the proceedings, including judicial review thereof,
 10 *under the provisions of the Iowa Administrative Procedure Act,*
 11 *unless sooner withdrawn by the board or dissolved by the district or*
 12 *supreme court.*

1 SEC. 115. Section two hundred four point five hundred eight
 2 (204.508), Code 1973, is amended by striking the section and insert-
 3 ing in lieu thereof the following:

4 **204.508 Judicial review.** Judicial review of actions of board or
 5 department may be sought in accordance with the terms of the Iowa
 6 Administrative Procedure Act.

1 SEC. 116. Section two hundred twenty-two point fifty-nine
2 (222.59), subsection four (4), unnumbered paragraph two (2), as cre-
3 ated by Acts of the Sixty-fifth General Assembly, 1973 Session, chap-
4 ter one hundred seventy-nine (179), section one (1), Code 1973, is
5 amended to read as follows:

6 An appellant aggrieved by the result of such hearing may, within
7 thirty days, appeal to *Judicial review of actions of the department*
8 *may be sought in accordance with the terms of the Iowa Administra-*
9 *tive Procedure Act. the district court of Polk County or of the county*
10 *in which the appellant resides; by serving notice of such appeal upon*
11 *the commissioner of social services or his designee, in the manner*
12 *required for the service of original notice in a civil action. Upon such*
13 *notice, the The department shall furnish the appellant petitioner with*
14 *a copy of any papers filed by him in support of his position, a tran-*
15 *script of any testimony taken, and a copy of the department's deci-*
16 *sion.*

1 SEC. 117. Section two hundred twenty-two point fifty-nine
2 (222.59), subsection four (4), unnumbered paragraph four (4), as
3 created by Acts of the Sixty-fifth General Assembly, 1973 Session,
4 chapter one hundred seventy-nine (179), section one (1), Code 1973,
5 is amended by striking the unnumbered paragraph and inserting in
6 lieu thereof the following:

7 Notwithstanding the terms of the Iowa Administrative Procedure
8 Act, where a petition is filed for judicial review of a proposed place-
9 ment, the proposed placement shall be stayed pending the outcome of
10 said review proceeding.

1 SEC. 118. Section two hundred twenty-four point five (224.5),
2 Code 1973, is amended to read as follows:

3 **224.5 Mental illness of narcotic addicts.** Should a person, com-
4 mitted because of his excessive use of narcotic drugs or intoxicating
5 liquors, become mentally ill, the commissioner of the state department
6 of social services, on complaint of the superintendent having the cus-
7 tody of such person, and on due hearing, may order such person com-
8 mitted to a hospital for the mentally ill. Such order shall have the
9 same force and effect as though entered by the commissioners of
10 hospitalization of the county of the patient's residence, and *notwith-*
11 *standing the terms of the Iowa Administrative Procedure Act, such*
12 *person may appeal from such order in the same manner in which*
13 *appeals are allowed from the orders of the commissioners of hos-*
14 *pitalization.*

1 SEC. 119. Section two hundred twenty-five point thirty-nine
2 (225.39), Code 1973, is amended by adding the following new para-
3 graph:

4 **NEW PARAGRAPH.** This section applies notwithstanding the pro-
5 visions of the Iowa Administrative Procedure Act.

1 SEC. 120. Section two hundred thirty-eight point twelve (238.12),
2 unnumbered paragraph two (2), Code 1973, is amended by striking
3 the unnumbered paragraph and inserting in lieu thereof the follow-
4 ing:

5 Judicial review of the actions of the council may be sought in ac-
6 cordance with the terms of the Iowa Administrative Procedure Act.

1 SEC. 121. Section two hundred thirty-nine point seven (239.7),
2 Code 1973, is amended to read as follows:

3 **239.7 Appeal—judicial review.** If an application is not acted upon
4 within a reasonable time, if it is denied in whole or in part, or if any
5 award of assistance is modified, suspended, or canceled under any pro-
6 vision of this chapter, the applicant or recipient may appeal to the
7 department of social services. The department shall give the appel-
8 lant reasonable notice and opportunity for a fair hearing before the
9 commissioner or his designee. ~~An applicant or recipient aggrieved by~~
10 ~~the result of such hearing may, within thirty days, appeal to Judicial~~
11 ~~review of the result of such hearing may be sought in accordance with~~
12 ~~the terms of the Iowa Administrative Procedure Act. the district~~
13 ~~court of the county in which he resides, by serving notice of such~~
14 ~~appeal upon the commissioner of social services or his designee, in the~~
15 ~~manner required for the service of original notice in a civil action.~~
16 Upon receipt of such notice ~~the notice of the filing of a petition for~~
17 ~~judicial review,~~ the department shall furnish the appellant petitioner
18 with a copy of any papers filed by him in support of his ~~the petition-~~
19 ~~er's position,~~ a transcript of any testimony taken, and a copy of the
20 department's decision. ~~The district court shall review the depart-~~
21 ~~ment's decision to determine its legality.~~

1 SEC. 122. Section two hundred forty-nine point eleven (249.11),
2 unnumbered paragraph three (3), Code 1973, is amended to read as
3 follows:

4 If an application is not acted upon within a reasonable time, if it is
5 denied in whole or in part, or if any award of assistance is modified,
6 suspended, or canceled under any provision of this chapter, the appli-
7 cant or recipient may appeal to the department of social services. The
8 department shall give the appellant reasonable notice and opportunity
9 for a fair hearing before the commissioner or his designee. ~~An appli-~~
10 ~~cant or recipient aggrieved by the result of such hearing may, within~~
11 ~~thirty days, appeal to the district court of the county in which he~~
12 ~~resides, by serving notice of such appeal upon the commissioner of~~
13 ~~social services or his designee, in the manner required for the service~~
14 ~~of original notice in a civil action. Judicial review of the actions of~~
15 ~~the department may be sought in accordance with the terms of the~~
16 ~~Iowa Administrative Procedure Act. Upon receipt of such notice a~~
17 ~~petition for judicial review,~~ the department shall furnish the appel-
18 lant petitioner with a copy of any papers filed by him in support of his
19 petitioner's position, a transcript of any testimony taken, and a copy
20 of the department's decision. ~~The district court shall review the~~
21 ~~department's decision to determine its legality.~~

1 SEC. 123. Section two hundred forty-nine A point four (249A.4),
2 subsection ten (10), unnumbered paragraph two (2), Code 1973, is
3 amended by striking the unnumbered paragraph and inserting in lieu
4 thereof the following:

5 Judicial review of the actions of the commissioner or department
6 may be sought in accordance with the terms of the Iowa Administra-
7 tive Procedure Act. In the event a petition for judicial review is
8 filed, the commissioner or his authorized representative shall furnish
9 the petitioner with a copy of the application and all supporting papers,

10 a transcript of the testimony taken at the hearing, if any, and a copy
11 of its decision.

1 SEC. 124. Section two hundred sixty-two point sixty-nine
2 (262.69), unnumbered paragraph two (2), Code 1973, is amended to
3 read as follows:

4 Any rules made pursuant to this section may be enforced under pro-
5 cedures adopted by the board for each institution under its control.
6 Sanctions may be imposed upon students, faculty and staff for viola-
7 tion of the rules, including, but not limited to, a reasonable monetary
8 sanction which may be deducted from student deposits and faculty or
9 staff salaries or other funds in the possession of the institution, or
10 added to student tuition bills. The rules made pursuant to this sec-
11 tion may also be enforced by the impoundment of vehicles parked in
12 violation of the rules, and a reasonable fee may be charged for the
13 cost of impoundment and storage, prior to the release of the vehicles
14 to their owners. Each institution under the control of the board shall
15 establish procedures for the determination of controversies in con-
16 nection with imposition of sanctions. The procedures shall require
17 giving notice of the violation and the sanction involved and provide an
18 opportunity for an administrative hearing. ~~Appeal~~ *Judicial review* of
19 the administrative ruling may be heard ~~de novo~~ by the district court
20 *sought in accordance with the terms of the Iowa Administrative Pro-*
21 *cedure Act.* The rules promulgated under this section shall be subject
22 to chapter 17A.

1 SEC. 125. Section two hundred seventy-five point eight (275.8),
2 unnumbered paragraph one (1), Code 1973, is amended to read as fol-
3 lows:

4 The state department of public instruction shall co-operate with the
5 several county boards of education in making the studies and surveys
6 required hereunder. In the case of controversy over the planning of
7 joint districts, the matter shall be submitted to the state board of
8 public instruction *judicial review* of and its decision may be appealed
9 to a court of record in one of the counties involved, by an aggrieved
10 party to the controversy, *sought in accordance with the terms of the*
11 *Iowa Administrative Procedure Act.* *Notwithstanding the terms of*
12 *the Iowa Administrative Procedure Act, petitions for judicial review*
13 *must be filed* within thirty days after the decision of the state board
14 of public instruction. Joint districts shall mean districts that lie in
15 two or more adjacent counties. ~~An aggrieved party is hereby defined~~
16 ~~as the board of directors of a school district whose directors are~~
17 ~~elected at large, or, if said board is elected from director districts,~~
18 ~~then that membership of the board of directors whose districts are~~
19 ~~included in the proposed reorganized area, or a county board of~~
20 ~~education.~~

1 SEC. 126. Section two hundred seventy-five point sixteen (275.16),
2 unnumbered paragraphs two (2) and three (3), are amended to read
3 as follows:

4 In case a controversy arises from such meeting, the county board or
5 boards or any school district aggrieved may bring the controversy to
6 the state department of public instruction, as provided in section
7 275.8, within twenty days from the publication of this order, and if

8 said controversy is taken to the state department of public instruc-
 9 tion, a ten-day notice in writing shall be given to all county boards
 10 and school districts affected or portions thereof. The state depart-
 11 ment shall have the authority to affirm the action of the joint boards,
 12 to vacate, to dismiss all proceedings or to make such modification of
 13 the action of the joint boards as in their judgment would serve the
 14 best interest of all the counties. This decision may be appealed to a
 15 court of record in one of the counties by any aggrieved* party to the
 16 controversy as defined in section 275.8, *Judicial review of the actions*
 17 *of the department may be sought in accordance with the terms of the*
 18 *Iowa Administrative Procedure Act. Notwithstanding the terms of the*
 19 *Iowa Administrative Procedure Act, petitions for judicial review*
 20 *must be filed within thirty days after the decision of the state depart-*
 21 *ment of public instruction.*

22 The court on appeal shall have the same authority as is granted in
 23 this section to the state department of public instruction.

1 SEC. 127. Section two hundred eighty-five point twelve (285.12),
 2 Code 1973, is amended to read as follows:

3 285.12 **Disputes—hearings and appeals.** In the event of a dis-
 4 agreement between a school patron and the board of the school dis-
 5 trict, the patron if dissatisfied with the decision of the district board,
 6 may appeal the same to the county board of education, notifying the
 7 secretary of the district in writing within ten days of the decision of
 8 the board and by filing an affidavit of appeal with the county board
 9 of education within the ten-day period. The affidavit of appeal shall
 10 include the reasons for the appeal and points at issue. The secre-
 11 tary of the local board on receiving notice of appeal shall certify all
 12 papers to the county board of education which shall hear the appeal
 13 within ten days of the receipt of the papers and decide it within
 14 three days of the conclusion of the hearing and shall immediately
 15 notify all parties of its decision. Either party may appeal the deci-
 16 sion of the county board to the state superintendent of public instruc-
 17 tion by notifying the opposite party and the county superintendent
 18 of schools in writing within five days after receipt of notice of the
 19 decision of the county board of education and shall file with the state
 20 superintendent of public instruction an affidavit of appeal, reasons for
 21 appeal, and the facts involved in the disagreement. The county super-
 22 intendent of schools shall, within ten days of said notice, file with the
 23 state superintendent of public instruction all records and papers per-
 24 taining to the case, including action of the county board of education.
 25 The state superintendent of public instruction shall hear the appeal
 26 within fifteen days of the filing of the records in his office, notifying
 27 all parties and the county superintendent of schools of the time of
 28 hearing. The state superintendent of public instruction shall forth-
 29 with decide the same and notify all parties of his decision and return
 30 all papers with a copy of the decision to the county superintendent of
 31 schools. The decision of the state superintendent of public instruction
 32 shall be subject to appeal to the district court *judicial review in ac-*
 33 *cordance with the terms of the Iowa Administrative Procedure Act.*
 34 ~~Any order of the district court shall be subject to appeal to the~~
 35 ~~supreme court in accord with the statutes respecting appeals to that~~

*According to enrolled Act

36 ~~court.~~ Pending final order made by the state superintendent of public
 37 instruction, ~~or the district court, or the supreme court,~~ as the case
 38 ~~may be,~~ upon any appeal prosecuted to such superintendent ~~or to such~~
 39 ~~courts,~~ the order of the county board of education from which the
 40 appeal is taken shall be operative and be in full force and effect.

1 SEC. 128. Section two hundred eighty-five point thirteen (285.13),
 2 Code 1973, is amended to read as follows:

3 **285.13 Disagreements between boards.** In the event of a dis-
 4 agreement between the board of a school district and the county
 5 board of education, the board of the school district may appeal to the
 6 state superintendent of public instruction and the procedure and
 7 times provided for in section 285.12 shall prevail in any such case.
 8 The decision of the state superintendent of public instruction shall be
 9 subject to ~~appeal to the courts as provided for in section 285.12~~
 10 *judicial review in accordance with the terms of the Iowa Administra-*
 11 *tive Procedure Act.*

1 SEC. 129. Section three hundred six point seventeen (306.17),
 2 Code 1973, is amended to read as follows:

3 **306.17 Appeal.** *Any Notwithstanding the terms of the Iowa*
 4 *Administrative Procedure Act, any claimant for damages may, by*
 5 *servng, within twenty days after the said final order has been issued,*
 6 *a written notice upon the commission, board or boards which instituted*
 7 *and conducted such proceedings, appeal as to the amount of damages,*
 8 *to the district court of the county in which the land is located, in the*
 9 *manner and form prescribed in chapter 472 with reference to appeals*
 10 *from condemnation, and such proceedings shall thereafter likewise*
 11 *conform to the applicable provisions of said chapter.*

1 SEC. 130. Section three hundred twenty-one point two hundred
 2 ten (321.210), unnumbered paragraph three (3), Code 1973, is
 3 amended to read as follows:

4 Prior to a suspension taking effect under subsections 2, 3, 4, 5 or
 5 7, the licensee shall have received twenty days advance notice of the
 6 effective date of the suspension, ~~and an appeal under the provisions of~~
 7 ~~section 321.215.~~ *Notwithstanding the terms of the Iowa Administra-*
 8 *tive Procedure Act, the filing of a petition for judicial review shall*
 9 *operate to stay the suspension pending the determination by the dis-*
 10 *trict court.*

1 SEC. 131. Section three hundred twenty-one point two hundred
 2 fifteen (321.215), Code 1973, is amended by striking the section and
 3 inserting in lieu thereof the following:

4 **321.215 Judicial review.** Judicial review of the actions of the de-
 5 partment may be sought in accordance with the terms of the Iowa
 6 Administrative Procedure Act.

1 SEC. 132. Section three hundred twenty-one point two hundred
 2 thirty-eight (321.238), subsection fifteen (15), Code 1973, is amended
 3 by striking the subsection and inserting in lieu thereof the following:

4 **15.** Judicial review of the actions of the commissioner may be
 5 sought in accordance with the terms of the Iowa Administrative Pro-
 6 cedure Act.

1 SEC. 133. Section three hundred twenty-one A point two (321A.2),
2 subsection two (2), Code 1973, is amended by striking the subsection
3 and inserting in lieu thereof the following:

4 2. Judicial review of the actions of the commissioner may be sought
5 in accordance with the terms of the Iowa Administrative Procedure
6 Act.

1 SEC. 134. Section three hundred twenty-one B point nine
2 (321B.9), Code 1973, is amended by striking the section and inserting
3 in lieu thereof the following:

4 **321B.9 Judicial review.** Judicial review of the actions of the
5 commissioner may be sought in accordance with the terms of the
6 Iowa Administrative Procedure Act. Notwithstanding the terms of
7 the Iowa Administrative Procedure Act, petitions for judicial review
8 may be filed in the district court in the county wherein the alleged
9 events occurred for which the licensee was arrested or in the county
10 in which the administrative hearing was held.

1 SEC. 135. Section three hundred twenty-two point ten (322.10),
2 Code 1973, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **322.10 Judicial review.** Judicial review of actions of the depart-
5 ment may be sought in accordance with the terms of the Iowa Admin-
6 istrative Procedure Act. The petitioner shall file with the clerk a
7 bond for the use of the respondent, with sureties approved by such
8 clerk and in an amount fixed by him, provided in no case shall the
9 bond be less than fifty dollars, conditioned that the petitioner shall
10 perform the orders of the court.

1 SEC. 136. Section three hundred twenty-two A point seventeen
2 (322A.17), Code 1973, is amended to read as follows:

3 **322A.17 Appeal Judicial review.** ~~Any party to a hearing before~~
4 ~~the commission may take an appeal from any final order entered in~~
5 ~~such hearing~~ *Judicial review of actions of the commission may be*
6 *sought in the manner provided for appeals in section 322.10.*

1 SEC. 137. Section three hundred twenty-five point twenty-one
2 (325.21), Code 1973, is amended by striking the section and inserting
3 in lieu thereof the following:

4 **325.21 Judicial review.** Judicial review of the decisions and ac-
5 tions of the commission may be sought in accordance with the terms
6 of the Iowa Administrative Procedure Act. Such petitioners must
7 file with the clerk of the district court a bond for costs in the sum
8 of not less than five hundred dollars.

1 SEC. 138. Section three hundred twenty-six point thirty-one
2 (326.31), unnumbered paragraph two (2), Code 1973, is amended to
3 read as follows:

4 Any person whose privileges are canceled may request an adminis-
5 trative hearing of said action, and during the period pending the hear-
6 ing the apportioned registration privileges shall be reinstated if the
7 fleet owner posts security with the reciprocity board in an amount suf-
8 ficient to pay such full annual fees if an adverse decision is rendered
9 at the hearing. At such hearing the fleet owner shall have the bur-
10 den of proof as to the accuracy of any report filed by the fleet owner
11 with the reciprocity board, department of public safety, or the depart-

12 ment of revenue. ~~Any person aggrieved by a decision reached at the~~
 13 ~~administrative hearing may appeal from such decision to the district~~
 14 ~~court. Judicial review of any decision reached at the administrative~~
 15 ~~hearing may be sought in accordance with the terms of the Iowa~~
 16 ~~Administrative Procedure Act.~~

1 SEC. 139. Section three hundred twenty-eight point thirty-nine
 2 (328.39), unnumbered paragraph two (2), Code 1973, is amended by
 3 striking the unnumbered paragraph and inserting in lieu thereof the
 4 following:

5 Any order of the commission or any refusal to issue, revocation or
 6 suspension of any certificate shall be subject to judicial review in ac-
 7 cordance with the terms of the Iowa Administrative Procedure Act.

1 SEC. 140. Section four hundred twenty-one point one (421.1), sub-
 2 section three (3), Code 1973, is amended by striking the subsection.

1 SEC. 141. Section four hundred twenty-one point seventeen
 2 (421.17), subsection ten (10), unnumbered paragraph two (2), Code
 3 1973, is amended to read as follows:

4 The director may correct errors or obvious injustices in the assess-
 5 ment of any individual property, but the director shall not reduce the
 6 valuation of any individual property except upon the recommendation
 7 of the local board of review and no order of the director affecting any
 8 valuation shall be retroactive as to any reduction or increase in taxes
 9 payable prior to January 1 of the year in which such order is issued,
 10 or prior to September 1 of the preceding year in cities under special
 11 charter which collect their own municipal levies. ~~Any increase in~~
 12 ~~individual valuations ordered by the director shall be subject to right~~
 13 ~~of appeal to the courts under the same procedure as that provided in~~
 14 ~~the case of increases made by local boards of review. Judicial review~~
 15 ~~of the actions of the director may be sought in accordance with the~~
 16 ~~terms of the Iowa Administrative Procedure Act.~~

1 SEC. 142. Section four hundred twenty-two point twenty-nine
 2 (422.29), Code 1973, is amended to read as follows:

3 **422.29 Appeals Judicial review.**

4 1. ~~An appeal may be taken by the taxpayer to Judicial review of~~
 5 ~~actions of the director may be sought in accordance with the terms of~~
 6 ~~the Iowa Administrative Procedure Act. Notwithstanding the terms~~
 7 ~~of the Iowa Administrative Procedure Act, petitions for judicial~~
 8 ~~review may be filed in the district court of the county in which he the~~
 9 ~~petitioner resides, or in which his principal place of business is~~
 10 ~~located, or in the case of a nonresident not maintaining a place of~~
 11 ~~business in this state either in any county in which the income in-~~
 12 ~~volved was earned or derived or in Polk county, within sixty days~~
 13 ~~after he shall have received notice of a determination by the director~~
 14 ~~as provided for in section 422.28.~~

15 2. The appeal shall be taken by a written notice to the director and
 16 served as an original notice. When said notice is so served it shall,
 17 with the return thereon, be filed in the office of the clerk of said dis-
 18 trict court, and docketed as other cases, with the taxpayer as plaintiff
 19 and the director as defendant. The plaintiff petitioner shall file with
 20 such the clerk a bond for the use of the defendant respondent, with
 21 sureties approved by such clerk, in penalty at least double the amount

22 of tax appealed from, and in no case shall the bond be less than fifty
 23 dollars, conditioned that the ~~plaintiff~~ *petitioner* shall perform the
 24 orders of the court.

25 3. ~~The court shall hear the appeal in equity and determine anew all~~
 26 ~~questions submitted to it on appeal from the determination of the~~
 27 ~~director. The court shall render its decree thereon and a certified copy~~
 28 ~~of said decree shall be filed by the clerk of said court with the director~~
 29 ~~who shall then correct the assessment in accordance with said decree.~~
 30 An appeal may be taken by the taxpayer or the director to the
 31 supreme court of this state in the same manner that appeals are taken
 32 in suits in equity, irrespective of the amount involved.

1 SEC. 143. Section four hundred twenty-two point fifty-five
 2 (422.55), Code 1973, is amended to read as follows:

3 422.55 Appeals.

4 1. An appeal may be taken by the taxpayer to *Judicial review of*
 5 *actions of the director may be sought in accordance with the terms of*
 6 *the Iowa Administrative Procedure Act. the district court of the*
 7 *county in which he resides, or in which his principal place of business*
 8 *is located, within sixty days after he shall have received notice of a*
 9 *determination by the director as provided for in section 422.54.*

10 2. The appeal shall be taken by a written notice to the director and
 11 served as an original notice. When said notice is so served it shall,
 12 with the return thereon, be filed in the office of the clerk of said dis-
 13 trict court, and docketed as other cases, with the taxpayer as plaintiff
 14 and the director as defendant. The plaintiff *petitioner* shall file with
 15 such *the* clerk a bond for the use of the defendant *respondent*, with
 16 sureties approved by such clerk, in penalty at least double the amount
 17 of tax appealed from, and in no case shall the bond be less than fifty
 18 dollars, conditioned that the ~~plaintiff~~ *petitioner* shall perform the
 19 orders of the court.

20 3. ~~The court shall hear the appeal in equity and determine anew all~~
 21 ~~questions submitted to it on appeal from the determination of the~~
 22 ~~director. In such appeal, the burden of proof shall be upon the tax-~~
 23 ~~payer. The court shall render its decree thereon and a certified copy~~
 24 ~~of said decree shall be filed by the clerk of said court with the director~~
 25 ~~who shall then correct the assessment in accordance with said decree.~~
 26 An appeal may be taken by the taxpayer or the director to the
 27 supreme court of this state in the same manner that appeals are taken
 28 in suits in equity, irrespective of the amount involved.

1 SEC. 144. Section four hundred twenty-two point fifty-seven
 2 (422.57), subsection one (1), Code 1973, is amended to read as fol-
 3 lows:

4 1. Any notice, ~~except notice of appeal~~, authorized or required under
 5 the provisions of this division may be given by mailing the same to
 6 the person for whom it is intended by certified mail, addressed to such
 7 person at the address given in the last return filed by him pursuant to
 8 the provisions of this division, or if no return has been filed, then to
 9 such address as may be obtainable. The mailing of such notice shall
 10 be presumptive evidence of the receipt of the same by the person
 11 to whom addressed. Any period of time which is determined accord-
 12 ing to the provisions of this division by the giving of notice shall

13 commence to run from the date of registration and posting of such
14 notice.

1 SEC. 145. Section four hundred twenty-three point sixteen
2 (423.16), Code 1973, is amended to read as follows:

3 **423.16 Determination by department.** If any return required by
4 this chapter is not filed, or if any return when filed is incorrect or in-
5 sufficient, and the maker or person from whom it is due fails to file a
6 corrected or sufficient return within twenty days after the same is
7 required by notice from the department, the department shall have
8 the same power to determine the amount due, as is vested in the
9 department by sections 422.54, 422.55, and 422.57, subject to all of
10 the provisions, and restrictions, and rights of appeal to seek judicial
11 review provided in said sections. Where a return required by this
12 chapter has been filed, the five-year period of limitation specified in
13 subsection 1 of section 422.54 shall apply to the making of a determi-
14 nation by the department of the amount of tax due hereunder and to
15 the giving of notice to the taxpayer of such determination.

1 SEC. 146. Section four hundred twenty-four point six (424.6),
2 Code 1973, is amended to read as follows:

3 **424.6 Appeals.**

4 1. ~~An appeal may be taken by the taxpayer to~~ *Judicial review of*
5 *actions of the director may be sought in accordance with the terms*
6 *of the Iowa Administrative Procedure Act. the district court of the*
7 *county in which he resides, or in which his principal place of business*
8 *is located, within sixty days after he shall have received notice of a*
9 *determination by the director as provided for in section 424.5.*

10 2. ~~The appeal shall be taken by a written notice to the director and~~
11 ~~served as an original notice. When said notice is so served it shall,~~
12 ~~with the return thereon, be filed in the office of the clerk of said dis-~~
13 ~~trict court, and docketed as other cases, with the taxpayer as plaintiff~~
14 ~~and the director as defendant. The plaintiff petitioner shall file with~~
15 ~~such the clerk a bond for the use of the defendant respondent and the~~
16 ~~state with sureties approved by such clerk, in penalty at least double~~
17 ~~the amount of tax appealed from which review is sought, and in no~~
18 ~~case shall the bond be less than fifty dollars and conditioned that the~~
19 ~~plaintiff petitioner shall pay any amount found to be due the defend-~~
20 ~~ant respondent or the state and will perform the orders of the court.~~

21 3. ~~The court shall hear the appeal in equity and determine anew all~~
22 ~~questions submitted to it on appeal from the determination of the~~
23 ~~director. The court shall render its decree thereon and a certified copy~~
24 ~~of said decree shall be filed by the clerk of said court with the direc-~~
25 ~~tor who shall then correct the assessment in accordance with said~~
26 ~~decree. An appeal may be taken by the taxpayer or the director to~~
27 ~~the supreme court of this state in the same manner that appeals are~~
28 ~~taken in suits in equity, irrespective of the amount involved.~~

1 SEC. 147. Section four hundred twenty-five point seven (425.7),
2 subsection three (3), Code 1973, is amended to read as follows:

3 3. Should the director of revenue determine, upon investigation,
4 that any claim for homestead credit has been allowed by any board
5 of supervisors which is not justifiable under the law and not substan-
6 tiated by proper facts, the director may, at any time within one year

7 after the receipt by the department of revenue of the certification of
 8 such credit by any county treasurer, set aside such allowance. Notice
 9 of such disallowance shall be given to the county auditor of the county
 10 in which such claim has been improperly granted and a written notice
 11 of such disallowance shall also be addressed to the claimant at his last
 12 known address. Such claimant, or the board of supervisors, may
 13 ~~appeal from~~ *seek judicial review of the action of the director of revenue*
 14 ~~in the same manner, and in the same time, as provided by subsec-~~
 15 ~~tion 4 accordance with the terms of the Iowa Administrative Procedure~~
 16 ~~Act. Where such appeal is taken by the claimant or by the board~~
 17 ~~of supervisors, the appellant shall within ten days after the filing of~~
 18 ~~such appeal, notify the director of revenue by restricted certified mail~~
 19 ~~of the filing of said appeal. In any case where a claim is so disallowed~~
 20 ~~by the director of revenue and no appeal is taken from such disallow-~~
 21 ~~ance~~ *petition for judicial review is filed with respect to such disallow-*
 22 *ance, any amounts of credits allowed and paid from the homestead*
 23 *credit fund shall become a lien upon the property on which said credit*
 24 *was originally granted, if still in the hands of the claimant, and not in*
 25 *the hands of a bona fide purchaser, and any amount so erroneously*
 26 *paid shall be collected by the county treasurer in the same manner as*
 27 *other taxes and such collections shall be returned to the department*
 28 *of revenue and credited to the homestead credit fund. The director of*
 29 *revenue shall also have the authority to institute legal proceedings*
 30 *against a homestead credit claimant for the collection of all payments*
 31 *made on such disallowed credits.*

32 Said appeals shall be tried by equitable proceedings.

1 SEC. 148. Section four hundred twenty-six A point six (426A.6),
 2 Code 1973, is amended to read as follows:

3 426A.6 **Setting aside allowance.** Should the director of revenue
 4 determine, upon investigation, that any claim for military service tax
 5 exemption has been allowed by any board of supervisors which is not
 6 justifiable under the law and not substantiated by proper facts, the
 7 director may, at any time within one year after the receipt by the
 8 department of revenue of the certification of such exemption by any
 9 county treasurer, set aside such allowance. Notice of such disallow-
 10 ~~ance shall be given to the county auditor of the county in which such~~
 11 ~~claim has been improperly granted and a written notice of such dis-~~
 12 ~~allowance shall also be addressed to the claimant at his last known~~
 13 ~~address. Such claimant, or the board of supervisors, may~~ ~~appeal from~~
 14 ~~the action of~~ *seek judicial review of the action of the director of reve-*
 15 *nuce in the same manner, and in the same time, as provided for appeals*
 16 *from disallowance by the board of supervisors accordance with the*
 17 *terms of the Iowa Administrative Procedure Act. When such appeal*
 18 *is taken by claimant or by the board of supervisors, the appellant*
 19 *shall, within ten days after the filing of such appeal, notify the direc-*
 20 *tor of revenue, by restricted certified mail of the filing of said appeal.*
 21 *In any case, where a claim is so disallowed by the director of revenue*
 22 *and no appeal is taken from* *petition for judicial review is filed with*
 23 *respect to such disallowance, any amounts of credits allowed and paid*
 24 *from the military service tax credit fund shall become a lien upon the*
 25 *property on which said credit was originally granted, if still in the*
 26 *hands of the claimant, and not in the hands of a bona fide purchaser,*
 27 *and any amount so erroneously paid shall be collected by the county*

28 treasurer in the same manner as other taxes and such collections shall
29 be returned to the department of revenue and credited to the military
30 service tax credit fund. The director of revenue shall also have the
31 authority to institute legal proceedings against a military service tax
32 exemption claimant for the collection of all payments made on such
33 disallowed exemptions. ~~Said appeals shall be tried by equitable pro-~~
34 ~~ceedings.~~

1 SEC. 149. Section four hundred twenty-seven point one (427.1),
2 subsection twenty-six (26), Code 1973, is amended to read as follows:
3 26. Revoking exemption. Any taxpayer or any taxing district may
4 make application to the director of revenue for revocation for any ex-
5 emption, based upon alleged violations of the provisions of this chap-
6 ter. The director of revenue may also on his own motion set aside
7 any exemption which has been granted upon property for which ex-
8 emption is claimed under this chapter. The director of revenue shall
9 give notice by certified mail to the societies or organizations claiming
10 an exemption upon property, exemption of which is questioned before
11 or by the director of revenue, and any order made by the director of
12 revenue revoking or modifying such exemption shall be subject to
13 ~~appeal to judicial review in accordance with the terms of the Iowa~~
14 ~~Administrative Procedure Act. Notwithstanding the terms of the~~
15 ~~Iowa Administrative Procedure Act, petitions for judicial review may~~
16 ~~be filed in the district court having jurisdiction in the county in which~~
17 ~~such property is located, such appeal to be triable in equity, and to be~~
18 ~~made within twenty days after any order revoking such exemption is~~
19 ~~made by the director of revenue and must be filed within thirty days~~
20 ~~after any order revoking such exemption is made by the director of~~
21 ~~revenue.~~

1 SEC. 150. Section four hundred twenty-eight point thirty-one
2 (428.31), Code 1973, is amended by striking the section and inserting
3 in lieu thereof the following:

4 **428.31 Judicial review.** Judicial review of the actions of the
5 director may be sought in accordance with the terms of the Iowa Ad-
6 ministrative Procedure Act. Notwithstanding the provisions of the
7 Iowa Administrative Procedure Act, petitions for judicial review shall
8 be filed within thirty days after the final decision of the director has
9 been certified to the county auditor.

1 SEC. 151. Section four hundred thirty A point five (430A.5), Code
2 1973, is amended to read as follows:

3 **430A.5 Forms—several places of business.** The director of rev-
4 enue shall prescribe forms for the making of returns as provided by
5 this chapter. Any individual, partnership or agency subject to the
6 provisions of this chapter and which maintains more than one place
7 of business within the state of Iowa, may elect to make the return
8 provided for by this chapter to the director of revenue, who shall de-
9 termine the proper assessment to be made in each taxing district in
10 which such taxpayer maintains a place of business, and the results
11 thereof shall be by the director of revenue promptly certified to the
12 county auditors of the respective counties in which offices are main-
13 tained, who shall add such assessments to the tax lists. In making
14 such assessments the director of revenue shall determine the propor-
15 tion of business done by such taxpayer in each taxing district in which

16 a place of business is maintained, and shall assess in each taxing dis-
 17 trict an amount in proportion to the business done in such taxing dis-
 18 trict to the amount of business done in the entire state. The director
 19 of revenue shall have the power to require the making of a return by
 20 any corporation, individual, partnership, or agency which the director
 21 deems to be subject to taxation under the provisions of this chapter
 22 and in case of failure or refusal to make such a return, the director of
 23 revenue shall make an assessment based upon the best information the
 24 director is able to obtain against any such corporation, individual,
 25 partnership, or agency, and shall certify such assessment as provided
 26 by this chapter. ~~Appeals~~ *Judicial review may be taken from* ~~sought of~~
 27 the action of the director of revenue in regard to assessments or
 28 orders made by the director in connection with this chapter under the
 29 same procedure generally, as is provided by section 422.29.

1 SEC. 152. Section four hundred forty-one point forty-seven
 2 (441.47), Code 1973, is amended to read as follows:

3 441.47 **Adjusted valuations.** The director of revenue on or about
 4 the third Monday of September in each year shall adjust the valua-
 5 tion of property in the several counties adding to or deducting from
 6 the valuation of each kind or class of property such percentage in
 7 each case as will bring the same to its taxable value as fixed in this
 8 chapter and chapters 427 to 443, inclusive. The director shall also
 9 adjust the valuations as between each kind or class of property in any
 10 city assessed by a city assessor and each kind or class of property
 11 in the same county assessed by the county assessor. The director
 12 shall order the equalization of the levels of assessment of each class
 13 of property in the first and third year of the quadrennial assessment
 14 period. For purposes of such value adjustments and before such
 15 equalization the director shall adopt, ~~with approval of the state board~~
 16 ~~of tax review and~~ in the manner prescribed by chapter 17A, such rules
 17 as may be necessary to determine the level of assessment for each
 18 class of property in each county. The rules shall cover: (a) The
 19 proposed use of the assessment-sales ratio study set out in section
 20 421.17, subsection 6; (b) the proposed use of any state-wide income
 21 capitalization studies; (c) the proposed use of other methods that
 22 would assist the director in arriving at the accurate level of assess-
 23 ment of each class of property in each assessing jurisdiction.

1 SEC. 153. Section four hundred fifty-five A point twenty
 2 (455A.20), unnumbered paragraph one (1), Code 1973, is amended to
 3 read as follows:

4 455A.20 **Hearing—appeal.** If the water commissioner at the first
 5 hearing or the council at the hearing on appeal shall determine after
 6 due investigation that such diversion, storage or withdrawal will not
 7 be detrimental to the public interests, including drainage and levee
 8 districts, or to the interests of property owners with prior or superior
 9 rights who might be affected, the water commissioner following the
 10 first hearing, or the council following the hearing on appeal shall
 11 grant a permit for such diversion, storage or withdrawal. ~~Any person~~
 12 ~~or public body aggrieved by the granting of such permit may appeal~~
 13 ~~as provided by~~ *Judicial review of such action is available in accord-*
 14 *ance with the terms of the Iowa Administrative* Procedure Act and*

*According to enrolled Act

15 section 455A.37. Permits may be granted for any period of time but
16 not to exceed ten years. Permits may be granted which provide for
17 less diversion, storage, or withdrawal of waters than set forth in the
18 application. Permits may be extended by the water commissioner
19 for a period of not more than ninety days during the pendency of an
20 application for renewal. Any permit granted shall remain as an
21 appurtenance of the land described therein through the date specified
22 in such permit and any extension thereof or such earlier date as the
23 permit or any extension thereof is revoked or canceled under the
24 provisions of section 455A.28.

1 SEC. 154. Section four hundred fifty-five A point thirty-seven
2 (455A.37), Code 1973, is amended by striking the section and insert-
3 ing in lieu thereof the following:

4 455A.37 **Judicial review.** Judicial review of action of the council
5 may be sought in accordance with the terms of the Iowa Administra-
6 tive Procedure Act. Notwithstanding the provisions of the Iowa Ad-
7 ministrative Procedure Act, petitions for judicial review may be filed
8 in the district court of Polk county or of any county in which the
9 property affected is located. If the council, the district court, or the
10 supreme court shall determine that the order of the council be stayed,
11 the petitioner shall file an appropriate bond approved by the court.

1 SEC. 155. Section four hundred fifty-five B point nineteen
2 (455B.19), Code 1973, is amended by striking the section and insert-
3 ing in lieu thereof the following:

4 455B.19 **Judicial review.** Judicial review of actions of the com-
5 mission or of the executive director may be sought in accordance with
6 the terms of the Iowa Administrative Procedure Act. Notwithstand-
7 ing the terms of the Iowa Administrative Procedure Act, petitions for
8 judicial review may be filed in the district court of the county in
9 which the alleged offense was committed.

1 SEC. 156. Section four hundred fifty-five B point thirty-nine
2 (455B.39), Code 1973, is amended by striking the section and insert-
3 ing in lieu thereof the following:

4 455B.39 **Judicial review.** Judicial review of any order or other
5 action of the commission or of the executive director may be sought
6 in accordance with the terms of the Iowa Administrative Procedure
7 Act. Notwithstanding the terms of the Iowa Administrative Proce-
8 dure Act, petitions for judicial review may be filed in the district
9 court of the county in which the alleged offense was committed or
10 such final order was entered. The setting aside of any order of the
11 executive director or the commission by the court shall not preclude
12 the commission or the executive director from again instituting pro-
13 ceedings against the same person if the commission or the executive
14 director feels that the public health is endangered.

1 SEC. 157. Section four hundred fifty-five B point forty-one
2 (455B.41), Code 1973, is amended to read as follows:

3 455B.41 **Stay order.** ~~Action of the department shall not be stayed~~
4 ~~by an appeal except by order of the court for good cause shown by the~~
5 ~~appellant.~~ The granting of a stay may be conditioned upon the fur-
6 nishing by the appellant of such reasonable security as the court may
7 direct. A stay may be vacated on application of the department or
8 any other party after hearing by the court.

1 SEC. 158. Section four hundred fifty-five B point eighty-three
 2 (455B.83), Code 1973, is amended to read as follows:
 3 **455B.83 Appeal from order.** Any person aggrieved by an order
 4 of the commission or the executive director may appeal the same by
 5 filing a written notice of appeal with the executive director within
 6 thirty days of the issuance of the order. The executive director shall
 7 schedule a hearing for the purpose of hearing the arguments of the
 8 aggrieved person within thirty days of the filing of the notice of
 9 appeal. The hearing may be held before the commission or its des-
 10 ignee. A complete record shall be made of the proceedings. The ex-
 11 ecutive director shall issue the findings in writing to the aggrieved
 12 person within thirty days of the conclusion of such hearing. ~~If such~~
 13 ~~person is not satisfied with the findings of the commission, he may~~
 14 ~~appeal such findings to Judicial review may be sought of actions of~~
 15 ~~the commission or executive director in accordance with the terms of~~
 16 ~~the Iowa Administrative Procedure Act. Notwithstanding the terms~~
 17 ~~of the Iowa Administrative Procedure Act, petitions for judicial~~
 18 ~~review may be filed in the district court of the county wherein the~~
 19 ~~acts in issue occurred. Such appeal shall be made within thirty days~~
 20 ~~of the issuance of the findings of the commission and a copy of the~~
 21 ~~same shall be filed with the commission. The court upon the filing of~~
 22 ~~such appeal shall hear the appeal in equity.~~

1 SEC. 159. Section four hundred fifty-five B point ninety-two
 2 (455B.92), Code 1973, is amended by striking the section and insert-
 3 ing in lieu thereof the following:
 4 **455B.92 Judicial review.** Judicial review of the actions of the
 5 commission may be sought in accordance with the terms of the Iowa
 6 Administrative Procedure Act. Notwithstanding the terms of the
 7 Iowa Administrative Procedure Act, a petition for judicial review
 8 may be filed in the district court of the county in which the alleged
 9 violation was committed or in which a final order was entered.

1 SEC. 160. Section four hundred seventy-four point twenty-eight
 2 (474.28), Code 1973, is amended by striking the section and inserting
 3 in lieu thereof the following:
 4 **474.28 Judicial review.** Judicial review of the actions of the com-
 5 mission may be sought in accordance with the terms of the Iowa
 6 Administrative Procedure Act.

1 SEC. 161. Section four hundred seventy-four point twenty-nine
 2 (474.29), Code 1973, is amended to read as follows:
 3 **474.29 Remitting penalty.** When any common carrier shall fail
 4 ~~upon appeal in a judicial review proceeding to secure a vacation of~~
 5 ~~the order appealed from objected to, it may apply to the court in~~
 6 ~~which the appeal review proceeding is finally adjudicated for an order~~
 7 ~~remitting the penalty which has accrued during the pendency of the~~
 8 ~~appeal review proceeding. Upon a satisfactory showing that the~~
 9 ~~appeal was prosecuted petition for judicial review was filed in good~~
 10 ~~faith and not for the purpose of delay, and that there were reasonable~~
 11 ~~grounds to believe that the order appealed from was unreasonable or~~
 12 ~~unjust or that the power of the commission to make the same was~~
 13 ~~doubtful, such court may remit the penalty that has accrued during~~
 14 ~~the pendency of the appeal review proceeding.~~

1 SEC. 162. Section four hundred eighty-four point sixteen (484.16),
2 Code 1973, is amended to read as follows:

3 **484.16 Compensation—disagreement—proceedings.** Any interur-
4 ban railway company shall pay a reasonable compensation for the
5 privileges and facilities furnished to it by a street railway company
6 and in case of disagreement as to the facilities to be furnished or the
7 conditions for their use or the compensation therefor, the question
8 shall be submitted to and heard and determined by the state com-
9 merce commission, on petition of either party, and on ten days' writ-
10 ten notice of such hearing served on the opposite party. Any order
11 made by the commission or the court ~~on appeal in a judicial review~~
12 *proceeding* shall be subject to review and modification from time to
13 time on ten days' written notice by either party setting forth the
14 grounds of the application.

1 SEC. 163. Section four hundred eighty-four point seventeen
2 (484.17), Code 1973, is amended by striking the section and inserting
3 in lieu thereof the following:

4 **484.17 Judicial review.** Judicial review of actions of the commis-
5 sion may be sought in accordance with the terms of the Iowa Admin-
6 istrative Procedure Act.

1 SEC. 164. Section four hundred eighty-four point eighteen
2 (484.18), Code 1973, is amended to read as follows:

3 **484.18 Trial—Bond.** ~~The appeal shall be triable in equity at any~~
4 ~~time following the expiration of twenty days after filing of the tran-~~
5 ~~script and shall be accorded priority for disposition over all other civil~~
6 ~~causes. No appeal~~ *Neither the agency nor the court shall suspend the*
7 *order or decision* ~~appealed from under review~~, if the interurban
8 company on whose behalf the order or decision is made shall file with
9 the secretary of the commission a bond with sureties approved by the
10 commission, conditioned for the payment of any judgment for costs
11 and compensation and for obedience to any order or decree of the
12 court.

1 SEC. 165. Section four hundred eighty-five point three (485.3),
2 Code 1973, is amended by adding the following new paragraph:

3 **NEW PARAGRAPH.** This section is applicable notwithstanding the
4 terms of the Iowa Administrative Procedure Act.

1 SEC. 166. Section four hundred eighty-nine point thirty-two
2 (489.32), Code 1973, is amended to read as follows:

3 **489.32 Rehearing and appeal—judicial review.** Any person, com-
4 pany, or corporation aggrieved by the action of the commission in
5 granting or failing to grant a franchise under the provisions of this
6 chapter, shall be entitled to the rehearing ~~and appeal procedures pro-~~
7 ~~cedure provided in sections section 490A.12 through 490A.19, inclu-~~
8 ~~sive.~~ *Judicial review of actions of the commissioner may be sought in*
9 *accordance with the terms of the Iowa Administrative Procedure Act.*

1 SEC. 167. Section four hundred ninety point thirty-two (490.32),
2 Code 1973, is amended to read as follows:

3 **490.32 Rehearing and appeal—judicial review.** Rehearing ~~and~~
4 ~~appeal procedures procedure~~ for any person, company, or corporation
5 aggrieved by the action of the commission in granting or failing to

6 grant a permit under the provisions of this chapter shall be as pro-
 7 vided in ~~sections section~~ *section 490A.12 through 490A.19, inclusive. Judicial*
 8 *review may be sought in accordance with the terms of the Iowa Ad-*
 9 *ministrative Procedure Act.*

1 SEC. 168. Section four hundred ninety A point six (490A.6), un-
 2 numbered paragraph seven (7), Code 1973, is amended to read as fol-
 3 lows:

4 If, after hearing and decision on all issues presented for determi-
 5 nation in such rate proceeding, the commission shall find the rates,
 6 charges, schedules or regulations of the utility to be unlawful, the
 7 same shall be set aside and the commission shall by order authorize
 8 and direct the utility to file rates, charges, schedules or regulations
 9 which, when approved by the commission and placed in effect, will
 10 satisfy the requirements of this chapter. The rates, charges, sched-
 11 ules or regulations so approved shall be lawful and effective unless
 12 changed as herein provided. In the event a petition for rehearing is
 13 filed ~~or an appeal is taken from or a petition for judicial review is~~
 14 ~~sought from~~ an order concerning rates, charges, schedules or regu-
 15 lations which are in effect under bond, those rates, charges, schedules
 16 or regulations may, *notwithstanding the terms of the Iowa Adminis-*
 17 *trative Procedure Act*, be continued in effect by the utility under the
 18 terms of a bond or other undertaking pending final determination
 19 of the application for rehearing or ~~appeal from proceeding for judi-~~
 20 ~~cial review of an order of the commission.~~

1 SEC. 169. Section four hundred ninety A point thirteen (490A.13),
 2 Code 1973, is amended by striking the section and inserting in lieu
 3 thereof the following:

4 **490A.13 Judicial review.** Judicial review of actions of the com-
 5 mission may be sought in accordance with the terms of the Iowa
 6 Administrative Procedure Act. Notwithstanding the terms of the
 7 Iowa Administrative Procedure Act, petition for judicial review may
 8 be filed in the district court of any county wherein the order of the
 9 commission or some part thereof is to take effect.

1 SEC. 170. Section four hundred ninety-six A point one hundred
 2 thirty-five (496A.135), Code 1973, is amended to read as follows:

3 **496A.135 Appeal from secretary of state Judicial review.** If the
 4 secretary of state shall fail to approve any articles of incorporation,
 5 amendment, merger, consolidation or dissolution, or any other docu-
 6 ment required by this chapter to be approved by the secretary of state
 7 before the same shall be filed in his office, he shall, within ten days
 8 after the delivery thereof to him, give written notice of his disap-
 9 proval to the person or corporation, domestic or foreign, delivering
 10 the same, specifying the reasons therefor. ~~From such disapproval~~
 11 ~~such person or corporation may appeal to~~ *Judicial review of the acts*
 12 *of the secretary of state may be sought in accordance with the terms*
 13 *of the Iowa Administrative Procedure Act. Notwithstanding the*
 14 *terms of the Iowa Administrative Procedure Act, petitions for judi-*
 15 *cial review may be filed in the district court of the county in which*
 16 *the registered office of such corporation is, or is proposed to be, situ-*
 17 *ated by filing with the clerk of such court a petition setting forth a*
 18 *copy of the articles or other documents sought to be filed and a copy*
 19 *of the written disapproval thereof by the secretary of state; where-*

20 upon the matter shall be tried de novo by the court, and the court
 21 shall either sustain the action of the secretary of state or direct him
 22 to take such action as the court may deem proper.

23 If the secretary of state shall revoke the certificate of authority to
 24 transact business in this state of any foreign corporation, pursuant
 25 to the provisions of this chapter, ~~such foreign corporation may like-~~
 26 ~~wise appeal to judicial review of such action of the secretary of state~~
 27 ~~may be sought in accordance with the terms of the Iowa Administra-~~
 28 ~~tive Procedure Act. Notwithstanding the terms of the Iowa Admin-~~
 29 ~~istrative Procedure Act, petitions for judicial review may be filed in~~
 30 the district court of the county where the registered office of such cor-
 31 poration in this state is situated by filing with the clerk of such court
 32 a petition setting forth a copy of its certificate of authority to transact
 33 business in this state and a copy of the notice of revocation given by
 34 the secretary of state; whereupon the matter shall be tried de novo
 35 by the court, and the court shall either sustain the action of the sec-
 36 retary of state or direct him to take such action as the court may
 37 deem proper.

38 Appeals from all final orders and judgments entered by the district
 39 court under this section in review of any ruling or decision of the
 40 secretary of state may be taken as in other civil actions.

1 SEC. 171. Section five hundred two point twenty-four (502.24),
 2 Code 1973, is amended by striking the section and inserting in lieu
 3 thereof the following:

4 **502.24 Judicial review.** Judicial review of actions of the com-
 5 missioner of insurance may be sought in accordance with the terms
 6 of the Iowa Administrative Procedure Act, upon execution of a bond
 7 in the penal sum of one thousand dollars to the state of Iowa, with
 8 sufficient surety, to be approved by the clerk of the court conditioned
 9 upon the faithful prosecution of such petition for judicial review, and
 10 the payment of all costs adjudged against the petitioner.

1 SEC. 172. Section five hundred four A point ninety-two (504A.92),
 2 Code 1973, is amended to read as follows:

3 **504A.92 Appeal from secretary of state Judicial review.** If the
 4 secretary of state shall fail to approve any articles of incorporation,
 5 amendment, merger, consolidation or dissolution or any other docu-
 6 ment required by this chapter to be approved by the secretary of state
 7 before the same shall be filed in his office, he shall, within ten days
 8 after the delivery thereof to him, give written notice of his disap-
 9 proval to the person or corporation, domestic or foreign, delivering
 10 the same, specifying the reasons therefor. ~~From such disapproval~~
 11 ~~such person or corporation may appeal to Judicial review of the acts~~
 12 ~~of the secretary of state may be sought in accordance with the terms~~
 13 ~~of the Iowa Administrative Procedure Act. Notwithstanding the~~
 14 ~~terms of the Iowa Administrative Procedure Act, petitions for judi-~~
 15 ~~cial review may be filed in the district court of the county in which~~
 16 the registered office of such corporation is, or is proposed to be, situ-
 17 ated by filing with the clerk of such court a petition setting forth a
 18 copy of the articles or other document sought to be filed and a copy
 19 of the written disapproval thereof by the secretary of state; where-
 20 upon the matter shall be tried de novo by the court, and the court

21 shall either sustain the action of the secretary of state or direct him
22 to take such action as the court may deem proper.

23 If the secretary of state shall revoke the certificate of authority to
24 conduct affairs in this state of any foreign corporation, pursuant to
25 the provisions of this chapter, ~~such foreign corporation may likewise~~
26 ~~appeal to judicial review may be sought of such action in accordance~~
27 ~~with the terms of the Iowa Administrative Procedure Act. Notwith-~~
28 ~~standing for judicial review may be filed in the district court of the~~
29 ~~county where the registered office of such corporation in this state is~~
30 ~~situated by filing with the clerk of such court a petition setting forth~~
31 ~~a copy of its certificate of authority to conduct affairs in this state~~
32 ~~and a copy of the notice of revocation given by the secretary of state;~~
33 ~~whereupon the matter shall be tried de novo by the court, and the~~
34 ~~court shall either sustain the action of the secretary of state or direct~~
35 ~~him to take such action as the court may deem proper.~~

37 Appeals from all final orders and judgments entered by the district
38 court under this section in review of any ruling or decision of the
39 secretary of state may be taken as in other civil actions.

1 SEC. 173. Section five hundred six point nine (506.9), Code 1973,
2 is amended by striking the section and inserting in lieu thereof the
3 following:

4 **506.9 Judicial review.** Judicial review of the acts of commis-
5 sioner of insurance may be sought in accordance with the terms of the
6 Iowa Administrative Procedure Act.

1 SEC. 174. Section five hundred seven B point eight (507B.8), sub-
2 sections one (1), two (2), and three (3), Code 1973, are amended by
3 striking the subsections and inserting in lieu thereof the following:

4 Judicial review of the actions of the commissioner may be sought
5 in accordance with the terms of the Iowa Administrative Procedure
6 Act. To the extent that an order of the commissioner is affirmed in
7 any judicial review proceeding, the court shall thereupon issue its
8 own order commanding obedience to the terms of such order of the
9 commissioner.

1 SEC. 175. Section five hundred fourteen point thirteen (514.13),
2 Code 1973, is amended to read as follows:

3 **514.13 Arbitration of disputes.** Any dispute arising between a
4 corporation organized under said chapter and any hospital with which
5 such corporation has a contract for hospital service, or any physician
6 and surgeon, dentist, podiatrist, osteopathic physician, or osteopathic
7 physician and surgeon with whom any such corporation has a con-
8 tract for medical and surgical service or any pharmacy or optomet-
9 rist with whom any such corporation has a contract for pharmaceu-
10 tical or optometric service, as provided for herein, may be submitted
11 to the commissioner of insurance for his decision. All decisions and
12 findings of the commissioner of insurance may be *judicially* reviewed
13 by proper proceedings in a court of competent jurisdiction in accord-
14 *ance with the terms of the Iowa Administrative Procedure Act.*

1 SEC. 176. Section five hundred fourteen A point ten (514A.10),
2 Code 1973, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **514A.10 Judicial review.** Judicial review of the actions of the
5 commissioner may be sought in accordance with the terms of the Iowa
6 Administrative Procedure Act.

1 SEC. 177. Section five hundred fifteen point one hundred thirty-
2 five (515.135), Code 1973, is amended by striking the section and in-
3 serting in lieu thereof the following:

4 **515.135 Judicial review.** Judicial review of the actions of the com-
5 missioner of insurance may be sought in accordance with the terms of
6 the Iowa Administrative Procedure Act, upon filing with the clerk of
7 court a good and sufficient bond for the payment of all costs adjudged
8 against the petitioner. Notwithstanding the terms of the Iowa Ad-
9 ministrative Procedure Act, petitions for judicial review may be filed
10 in the district court of the county where the decision of the commis-
11 sioner, pursuant to section five hundred fifteen point one hundred
12 thirty-four (515.134) of the Code, was made.

1 SEC. 178. Section five hundred fifteen point one hundred thirty-
2 six (515.136), Code 1973, is amended to read as follows:

3 **515.136 Incrimination.** The statements and declarations made or
4 testimony given by any such officer, agent or employee in the investi-
5 gation before the commissioner of insurance, or upon the hearing ~~and~~
6 ~~trial before the district court~~ *on the petition for judicial review*, as
7 provided in sections 515.133 to 515.135, inclusive, shall not be used
8 against the person making the same in any criminal prosecution
9 against him.

1 SEC. 179. Section five hundred fifteen A point eighteen (515A.18),
2 subsection three (3), Code 1973, is amended by striking the subsec-
3 tion and inserting in lieu thereof the following:

4 3. Judicial review of the actions of the commissioner may be sought
5 in accordance with the terms of the Iowa Administrative Procedure
6 Act.

1 SEC. 180. Section five hundred fifteen B point seven (515B.7), sub-
2 section three (3), Code 1973, is amended by striking the subsection
3 and inserting in lieu thereof the following:

4 3. Judicial review of actions of the commissioner may be sought in
5 accordance with the terms of the Iowa Administrative Procedure Act.

1 SEC. 181. Section five hundred twenty-one A point thirteen
2 (521A.13), Code 1973, is amended by striking the section and insert-
3 ing in lieu thereof the following:

4 **521A.13 Judicial review.** Judicial review of the actions of the
5 commissioner may be sought in accordance with the terms of the
6 Iowa Administrative Procedure Act.

1 SEC. 182. Section five hundred twenty-four point two hundred
2 twenty-five (524.225), Code 1973, is amended by striking the section
3 and inserting in lieu thereof the following:

4 **524.225 Judicial review.** Judicial review of the actions of the
5 superintendent may be sought in accordance with the terms of the
6 Iowa Administrative Procedure Act.

1 SEC. 183. Section five hundred twenty-four point three hundred
2 five (524.305), subsection six (6), unnumbered paragraph three (3),

3 Code 1973, is amended by striking the unnumbered paragraph and
4 inserting in lieu thereof the following:

5 The actions of the superintendent shall be subject to judicial re-
6 view in accordance with the terms of the Iowa Administrative Proce-
7 dure Act. The court may award damages to the incorporators if it
8 finds that review is sought frivolously and in bad faith.

1 SEC. 184. Section five hundred twenty-four point six hundred six
2 (524.606), subsection two (2), unnumbered paragraph two (2), Code
3 1973, is amended to read as follows:

4 The decision of the superintendent shall be subject to *judicial*
5 review by the district court of Polk county upon petition by the
6 removed director within thirty days after the superintendent notifies
7 such director of his decision in accordance with the terms of the Iowa
8 Administrative Procedure Act. The decision of the superintendent
9 shall be upheld unless unsupported by substantial evidence. No action
10 taken by a director prior to his removal shall be subject to attack on
11 the ground of his disqualification.

1 SEC. 185. Section five hundred twenty-four point one thousand
2 three hundred three (524.1303), subsection two (2), Code 1973, is
3 amended to read as follows:

4 2. Upon receipt of an application for approval of a plan of dissolu-
5 tion the superintendent shall conduct such investigation as he may
6 deem necessary to determine whether the plan adequately protects
7 the interests of depositors, other creditors and shareholders and, if
8 the plan involves an acquisition of assets and assumption of liabili-
9 ties by another state bank, whether such acquisition and assumption
10 would be consistent with adequate and sound banking and in the
11 public interest, on the basis of factors substantially similar to those
12 set forth in paragraph "d" of subsection 1 of section 524.1403. With-
13 in ninety days after receipt of the application, the superintendent
14 shall approve or disapprove the application on the basis of his inves-
15 tigation. Before receiving the decision of the superintendent with
16 respect to the pending application, the applying state bank shall, upon
17 notice, reimburse the superintendent to the extent of the expenses
18 incurred by him in connection with the application. Thereafter the
19 superintendent shall give to the applying state bank written notice of
20 his decision, and in the event of disapproval, a statement of the
21 reasons for his decision. The decision of the superintendent shall be
22 subject to *judicial* review by the district court of Polk county upon
23 petition by any interested party within thirty days after the superin-
24 tendent notifies the applying bank of his decision in accordance with
25 the terms of the Iowa Administrative Procedure Act. The decision
26 of the superintendent shall be upheld unless unsupported by substan-
27 tial evidence.

1 SEC. 186. Section five hundred twenty-four point one thousand
2 four hundred three (524.1403), subsection two (2), Code 1973, is
3 amended to read as follows:

4 2. Within one hundred eighty days after receipt of the application,
5 or within an additional period of not more than sixty days after
6 receipt of an amendment of the application, the superintendent shall
7 make a determination whether to approve or disapprove the applica-
8 tion on the basis of his investigation. The plan shall not be modified

9 at any time after approval of the application by the superintendent.
 10 Prior to making a determination on the pending application the super-
 11 intendent shall, upon adequate notice, afford all interested persons an
 12 opportunity for a stenographically reported hearing during which
 13 such persons shall be allowed to present evidence in support of, or in
 14 opposition to, the pending application. If the superintendent finds
 15 that he must act immediately on the pending application in order to
 16 protect the interests of depositors or the assets of any party to the
 17 plan, he may proceed without requiring publication of the notice and
 18 without providing for the hearing referred to in this subsection. Be-
 19 fore receiving the decision of the superintendent with respect to the
 20 pending application, the parties to the plan shall, upon notice, reim-
 21 burse the superintendent to the extent of the expenses incurred by
 22 him in connection with the application. Thereafter the superintend-
 23 ent shall give to the parties to the plan written notice of his decision
 24 and, in the event of disapproval, a statement of the reasons for his
 25 decision. The decision of the superintendent shall be subject to *judi-*
 26 *cial review by the district court of Polk county upon petition by any*
 27 *interested person within thirty days after the superintendent notifies*
 28 *the parties to the plan of his decision in accordance with the terms of*
 29 *the Iowa Administrative Procedure Act. The decision of the super-*
 30 *intendent shall be upheld unless unsupported by substantial evidence.*

1 SEC. 187. Section five hundred twenty-four point one thousand
 2 four hundred thirteen (524.1413), unnumbered paragraph two (2),
 3 Code 1973, is amended to read as follows:

4 Within ninety days after receipt of the application the superintend-
 5 ent shall make a determination whether to approve or disapprove the
 6 pending application on the basis of his investigation. Before receiv-
 7 ing the decision of the superintendent with respect to the pending
 8 application, the national bank shall, upon notice, reimburse the super-
 9 intendent to the extent of the expenses incurred by him in connection
 10 with the application. Thereafter, the superintendent shall give the
 11 national bank written notice of his decision and, in the event of dis-
 12 approval, a statement of the reasons for his decision. If the superin-
 13 tentent approves the pending application, he shall deliver the articles
 14 of conversion, with his approval indicated thereon, to the secretary
 15 of state. The decision of the superintendent shall be subject to *judi-*
 16 *cial review by the district court of Polk county upon petition by any*
 17 *interested party in accordance with the terms of the Iowa Adminis-*
 18 *trative Procedure Act. Notwithstanding the terms of the Iowa Ad-*
 19 *ministrative Procedure Act, such a petition for judicial review must*
 20 *be filed within thirty days after the superintendent notifies the*
 21 *national bank of his decision. The decision of the superintendent shall*
 22 *be upheld unless unsupported by substantial evidence.*

1 SEC. 188. Section five hundred twenty-four point one thousand
 2 five hundred five (524.1505), subsection two (2), Code 1973, is
 3 amended to read as follows:

4 2. Within sixty days after receipt of the articles of amendment the
 5 superintendent shall approve or disapprove the articles of amendment
 6 on the basis of his investigation. If the superintendent shall approve
 7 the articles of amendment, he shall deliver them with his written
 8 approval to the secretary of state and notify the state bank of his

9 action. If the superintendent shall disapprove the articles of amend-
 10 ment, he shall give written notice to the state bank of his disapproval
 11 and a statement of the reasons for his decision. The decision of the
 12 superintendent shall be subject to *judicial* review ~~by the district court~~
 13 ~~of Polk county upon petition by any interested party in accordance~~
 14 ~~with the terms of the Iowa Administrative Procedure Act. Notwith-~~
 15 ~~standing the terms of the Iowa Administrative Procedure Act, such a~~
 16 ~~petition for judicial review must be filed within thirty days after the~~
 17 ~~superintendent notifies the state bank of his decision. The decision of~~
 18 ~~the superintendent shall be upheld unless unsupported by substantial~~
 19 ~~evidence.~~

1 SEC. 189. Section five hundred twenty-four point one thousand
 2 five hundred seven (524.1507), subsection two (2), Code 1973, is
 3 amended to read as follows:

4 2. Upon receipt of an application for approval of a change of loca-
 5 tion of the principal place of business of a state bank pursuant to
 6 subsection 1 of this section, the superintendent shall conduct such
 7 investigation as he deems necessary giving due consideration to fac-
 8 tors substantially similar to those set forth in subsections 2 through
 9 6 of section 524.305. Within one hundred eighty days after receipt
 10 of the application, the superintendent shall make a determination
 11 whether to approve or disapprove the application on the basis of his
 12 investigation. Prior to making a determination on the pending appli-
 13 cation the superintendent shall, upon adequate notice, afford all inter-
 14 ested persons an opportunity for a stenographically reported hearing
 15 during which such persons shall be allowed to present evidence in
 16 support of, or in opposition to, the pending application. Thereafter
 17 the superintendent shall give written notice of his decision to the
 18 state bank and, in the event of disapproval, a statement of the rea-
 19 sons for his decision. If the superintendent shall approve the change
 20 in location he shall deliver the articles of amendment to the secretary
 21 of state. The decision of the superintendent shall be subject to *judi-*
 22 *cial* review ~~by the district court of Polk county upon petition by any~~
 23 ~~interested person within thirty days after the superintendent notifies~~
 24 ~~the state bank of his decision in accordance with the terms of the~~
 25 ~~Iowa Administrative Procedure Act. The decision of the superin-~~
 26 ~~tendent shall be upheld unless unsupported by substantial evidence.~~
 27 Before receiving the decision of the superintendent with respect to
 28 the pending application, the state bank shall upon notice reimburse
 29 the superintendent to the extent of the expenses incurred by him in
 30 connection with the application.

1 SEC. 190. Section five hundred thirty-three A point fifteen
 2 (533A.15), Code 1973, is amended by striking the section and insert-
 3 ing in lieu thereof the following:

4 **533A.15 Judicial review.** Judicial review of actions of the super-
 5 intendent pursuant to sections 533A.3 and 533A.7 may be sought in
 6 accordance with the terms of the Iowa Administrative Procedure Act.

1 SEC. 191. Section five hundred thirty-four point three (534.3),
 2 subsection three (3), paragraphs b and j, Code 1973, are amended
 3 to read as follows:

4 b. If the executive council does not affirmatively find as to each and
 5 all of the said requirements it shall enter its disapproval of record

6 together with a statement of its findings and conclusions and a cer-
 7 tificate of incorporation shall not be issued. Upon such disapproval
 8 the executive council shall, by registered mail, notify one, or all, of
 9 the proposed incorporators of its disapproval together with the rea-
 10 sons for such disapproval. ~~and thereupon, the proposed incorporators,~~
 11 ~~if not satisfied with such action, may~~ *Judicial review of the actions*
 12 *of the executive council may be sought in accordance with the terms*
 13 *of the Iowa Administrative Procedure Act. Notwithstanding the*
 14 *terms of the Iowa Administrative Procedure Act, petitions for judi-*
 15 *cial review must be filed within sixty thirty days after the mailing of*
 16 ~~such notice appeal to, and may be filed in~~ the district court of Iowa
 17 in and for the county in which the principal place of business of the
 18 proposed association is to be located ~~from such findings and disap-~~
 19 ~~proval by serving a notice of such appeal upon the auditor of state,~~
 20 ~~setting forth in general terms the decisions appealed from and the~~
 21 ~~grounds of the appeal and by filing with the clerk of the said court,~~
 22 ~~within such sixty days, a duly verified petition stating the facts and~~
 23 ~~the grounds of complaint and having attached thereto a copy of the~~
 24 ~~proposed articles of incorporation and bylaws and a copy of the find-~~
 25 ~~ings and conclusions of the executive council. Such appeal shall be tri-~~
 26 ~~able as a mandamus proceeding in equity and the findings and deci-~~
 27 ~~sions of the executive council shall be binding upon the court unless~~
 28 ~~overcome by clear and convincing proof. Any party aggrieved by the~~
 29 ~~order, judgment, or decree of the court may appeal therefrom to the~~
 30 ~~supreme court of Iowa.~~

31 j. The executive council shall have the power and it shall be its
 32 duty, to revoke any certificate of authority given to any association
 33 whenever it appears to said council that said association is transact-
 34 ing business illegally, or is unjust and oppressive to its members or
 35 the public. Before any such revocation shall be declared, the execu-
 36 tive council shall first give thirty days' written notice of its intentions
 37 to revoke to the association involved and to the federal home loan
 38 bank. Said notice shall fix a time and place for hearing on the
 39 intended revocation and a permanent record shall be made of the
 40 proceedings, hearing and findings and parties so involved and noti-
 41 fied shall be furnished with a copy thereof. ~~The association may~~
 42 ~~appeal any such finding of revocation to the district court within ten~~
 43 ~~days from receipt of a copy thereof. Trial shall be in equity and de~~
 44 ~~noxe. Judicial review of actions of the executive council may be~~
 45 ~~sought in accordance with the terms of the Iowa Administrative~~
 46 ~~Procedure Act.~~

1 SEC. 192. Section five hundred thirty-four point sixty-eight
 2 (534.68), Code 1973, is amended by striking the section and inserting
 3 in lieu thereof the following:

4 **534.68 Judicial review.** Judicial review of the actions of the
 5 supervisor may be sought in accordance with the terms of the Iowa
 6 Administrative Procedure Act.

1 SEC. 193. Section five hundred thirty-six point twenty-three
 2 (536.23), Code 1973, is amended by striking the section and inserting
 3 in lieu thereof the following:

4 **536.23 Judicial review.** Judicial review of the actions of the
5 superintendent or the state banking board may be sought in accord-
6 ance with the terms of the Iowa Administrative Procedure Act.

1 SEC. 194. Section five hundred thirty-six A point eleven
2 (536A.11), unnumbered paragraph three (3), Code 1973, is amended
3 by striking the section* and inserting in lieu thereof the following:

4 Judicial review of actions of the auditor may be sought in accord-
5 ance with the terms of the Iowa Administrative Procedure Act.

1 SEC. 195. Section five hundred thirty-six A point eighteen
2 (536A.18), unnumbered paragraphs two (2) and three (3), Code
3 1973, are amended to read as follows:

4 No suspension, revocation, relinquishment or expiration of any
5 license shall invalidate, impair or affect the legality of obligations of
6 any pre-existing contracts, or prevent the enforcement and collection
7 thereof, and provided further that any such suspension or revocation
8 shall not become final if any licensee, within thirty days from entry
9 of such order suspending or revoking its license appeals to the district
10 court of Polk county, Iowa. *Judicial review of the actions of the*
11 *auditor may be sought in accordance with the terms of the Iowa*
12 *Administrative Procedure Act.*

13 The district court of Polk county, Iowa, shall have the power to
14 enter such order as justice shall require pending the hearing of such
15 appeal, and shall set aside the order or decision of the auditor if it be
16 found that:

- 17 1. The auditor acted arbitrarily, capriciously or in excess of his
18 power.
- 19 2. The order or decision was obtained by fraud.
- 20 3. The order or decision is contrary to law.

1 SEC. 196. Section five hundred forty-three point ten (543.10),
2 Code 1973, is amended to read as follows:

3 **543.10 Suspension or revocation of license.** The commission is
4 empowered after hearing before it and upon information being filed
5 with the commission by the duly authorized head of the warehouse
6 division of the commission or upon complaint filed by any person to
7 suspend or revoke the license of anyone licensed under this chapter
8 for the violation of or failure to comply with the provisions of this
9 chapter or any rule or regulation made in pursuance of the authority
10 therefor granted under this chapter. An information or a verified
11 complaint stating the grounds for suspension or revocation shall be
12 filed with the commission in triplicate, and thereupon the commission
13 shall serve the licensee complained against with a copy of the informa-
14 tion or the complaint and a copy of the order of the commission fixing
15 the time for hearing thereon, which time shall be at least twenty days
16 from the date of service. If the commission determines that the pub-
17 lic good requires it, it may upon the filing of the information or the
18 complaint and without hearing, temporarily suspend a license pend-
19 ing the determination by it of the complaint. Any licensee aggrieved
20 by the decision of the commission may appeal said decision to the
21 district court by service of notice of appeal upon the commission
22 within thirty days following the filing of the decision of the commis-
23 sion in the office of the commission. The commission shall forthwith

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24 upon service of notice of appeal certify the complete record of the
 25 proceedings before it to the office of the clerk of the district court.
 26 The appeal shall be tried by the court only upon the record so certified
 27 to the court. *Judicial review of the actions of the commission may be*
 28 *sought in accordance with the terms of the Iowa Administrative Pro-*
 29 *cedure Act.*

1 SEC. 197. Section five hundred forty-eight point two (548.2), sub-
 2 section two (2), Code 1973, is amended by striking the subsection and
 3 inserting in lieu thereof the following:

4 2. Judicial review of actions of the secretary of state may be
 5 sought in accordance with the terms of the Iowa Administrative Pro-
 6 cedure Act.

1 SEC. 198. Section five hundred fifty-one A point eleven (551A.11),
 2 unnumbered paragraph three (3), Code 1973, is amended by striking
 3 the unnumbered paragraph and inserting in lieu thereof the follow-
 4 ing:

5 Judicial review of the actions of the director may be sought in ac-
 6 cordance with the terms of the Iowa Administrative Procedure Act,
 7 and section four hundred twenty-two point fifty-five (422.55) of the
 8 Code.

1 SEC. 199. Section six hundred one A point ten (601A.10), Code
 2 1973, is amended to read as follows:

3 **601A.10 Judicial review—enforcement.**

4 1. ~~Any complainant or respondent claiming to be aggrieved by a~~
 5 ~~final order of the commission, including a refusal to issue an order,~~
 6 ~~may obtain judicial review thereof, and the Judicial review of the~~
 7 ~~actions of the commission may be sought in accordance with the~~
 8 ~~terms of the Iowa Administrative Procedure Act. Notwithstanding~~
 9 ~~the terms of the Iowa Administrative Procedure Act, petition for~~
 10 ~~judicial review may be filed in the district court in which an enforce-~~
 11 ~~ment proceeding under subsection two (2) of this section may be~~
 12 ~~brought.~~

13 2. The commission may obtain an order of court for the enforce-
 14 ment of commission orders in a proceeding as provided in this sec-
 15 tion.

16 2. Such an *enforcement* proceeding shall be brought in the district
 17 court of the district in the county in which the alleged discriminatory
 18 or unfair practice which is the subject of the commission's order was
 19 committed, or in which any respondent required in the order to
 20 cease or desist from a discriminatory or unfair practice or to take
 21 other affirmative action, resides, or transacts business.

22 3. Such an *enforcement* proceeding shall be initiated by the filing
 23 of a petition in such court and the service of a copy thereof upon the
 24 ~~commission and upon respondent or complainant.~~ Thereupon the
 25 commission shall file with the court a transcript of the record of the
 26 hearing before it. The court shall ~~have jurisdiction of the proceeding~~
 27 ~~and the questions determined therein, and shall have power to grant~~
 28 such temporary relief or restraining order as it deems just and
 29 proper, and to make and enter upon the pleadings, testimony, and
 30 proceedings set forth in such transcript an order enforcing, modify-
 31 ing, and enforcing as so modified, or setting aside the order of the
 32 commission, in whole or in part.

33 4. An objection that has not been urged before the commission
34 shall not be considered by the court *in an enforcement proceeding*,
35 unless the failure or neglect to urge such objection shall be excused
36 because of extraordinary circumstances.

37 5. Any party *to the enforcement proceeding* may move the court
38 to remit the case to the commission in the interests of justice for the
39 purpose of adducing additional specified and material evidence and
40 seeking findings thereof, providing such party shall show reasonable
41 grounds for the failure to adduce such evidence before the commis-
42 sion.

43 ~~6. The hearing on appeal shall be tried in equity and shall be de~~
44 ~~novo. The court may receive additional testimony and may affirm,~~
45 ~~modify, or reverse the order of the commission. In the enforcement~~
46 ~~proceeding the court shall determine its order on the same basis as~~
47 ~~it would in a proceeding reviewing commission action under subsection~~
48 ~~eight (8) of section nineteen (19) of the Iowa Administrative~~
49 ~~Procedure Act.~~

50 ~~7. The jurisdiction of the court shall be exclusive and its judgment~~
51 ~~and order shall be final subject to review by the supreme court as pre-~~
52 ~~vided by law.~~

53 ~~8 7. The commission's copy of the testimony shall be available to~~
54 ~~all parties for examination at all reasonable times, without cost, and~~
55 ~~for the purpose of judicial review of the commission's orders.~~

56 ~~9 8. The commission may appear in court by its own attorney.~~

57 ~~10. Unless otherwise directed by the commission or court, com-~~
58 ~~mencement of review proceedings under this section shall operate as a~~
59 ~~stay of any order.~~

60 ~~11 9. Petitions filed under this section shall be heard expeditiously~~
61 ~~and determined upon the transcript filed without requirement for~~
62 ~~printing.~~

63 ~~12 10. If no proceeding to obtain judicial review is instituted by~~
64 ~~a complainant or respondent within thirty days from the service of~~
65 ~~an order of the commission under section 601A.9, the commission~~
66 ~~may obtain an order of the court for the enforcement of such order~~
67 ~~upon showing that respondent is subject to the jurisdiction of the~~
68 ~~commission and resides or transacts business within the county in~~
69 ~~which the petition for enforcement is brought.~~

1 SEC. 200. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter one hundred seventy-six (176), section eight (8), is amended
3 to read as follows:

4 Sec. 8. Rules and guidelines issued pursuant to the authority
5 granted in this Act shall be confined to programs and services author-
6 ized by this Act and supported by state funds. ~~Notwithstanding, any~~
7 ~~other provisions of the Code, any rules, regulations or guidelines~~
8 ~~issued under provisions of this Act shall be subject to approval by the~~
9 ~~departmental rules review committee and the attorney general.~~

1 SEC. 201. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter one hundred eighty-one (181), section nineteen (19), is
3 amended to read as follows:

4 Sec. 19. **NEW SECTION. Hearing before licensing board.** If a
5 licensee under this Act makes a written request for a hearing within
6 thirty days of suspension, revocation or refusal to renew his license, a

7 hearing before the drug treatment licensing board shall be expedi-
 8 tiously arranged. If the role of a licensing board member is incon-
 9 sistent with any member's job role or function, or if any member
 10 feels he is unable for any reason to disinterestedly weigh the merits
 11 of the case before him, a substitute representative from the agency
 12 that member represents on the board shall be appointed by the direc-
 13 tor for the hearing on that case. The board shall, within thirty days
 14 after conclusion of the hearing, issue a written statement of its find-
 15 ings upholding or reversing the proposed suspension, revocation or
 16 refusal to renew a license. No action involving suspension, revoca-
 17 tion or refusal to renew a license shall be taken by the licensing board
 18 unless a quorum of six of the ten members are present at the meeting.
 19 A copy of the decision shall be promptly transmitted to the affected
 20 licensee who may, if he is aggrieved by the decision, request a second
 21 hearing before the board in the manner provided by this section. ~~If~~
 22 ~~the second hearing is denied, or its outcome is unsatisfactory to the~~
 23 ~~licensee, he may appeal to district court which may hear the matter~~
 24 ~~de novo. Judicial review of the actions of the board may be sought in~~
 25 ~~accordance with the terms of the Iowa Administrative Procedure Act.~~

1 SEC. 202. Acts of the Sixty-fifth General Assembly, 1973 Session,
 2 chapter one hundred eighty-six (186), section six (6), is amended to
 3 read as follows:

4 Sec. 6. NEW SECTION. **Appeal procedure.** If an application is
 5 not acted upon within a reasonable time, if it is denied in whole or
 6 in part, or if any award of assistance is modified, suspended, or can-
 7 celed under any provision of this Act, the applicant or recipient may
 8 appeal to the department, which shall give the appellant reasonable
 9 notice and opportunity for a fair hearing before the commissioner or
 10 his designee. ~~An applicant or recipient aggrieved by the result of such~~
 11 ~~hearing may, within thirty days, appeal to Judicial review of the~~
 12 ~~actions of the commission may be sought in accordance with the terms~~
 13 ~~of the Iowa Administrative Procedure Act. the district court of the~~
 14 ~~county in which he resides by serving notice of such appeal upon the~~
 15 ~~commissioner or his designee, in the manner required for the service~~
 16 ~~of original notice in a civil action. Upon* Upon* receipt of such notice~~
 17 ~~the petition for judicial review, the department shall furnish the~~
 18 ~~appellant petitioner with a copy of any papers filed by him in support~~
 19 ~~of his position, a transcript of any testimony taken, and a copy of the~~
 20 ~~department's decision. The district court shall review the depart-~~
 21 ~~ment's decision to determine its legality.~~

1 SEC. 203. Acts of the Sixty-fifth General Assembly, 1973 Session,
 2 chapter two hundred eight (208), section seven (7), new subsection
 3 three (3), unnumbered paragraph three (3) of this new subsection,
 4 amending section three hundred twenty-one point two hundred thirty-
 5 eight (321.238), Code 1973, is amended to read as follows:

6 After the hearing, the review board may sustain, modify, or re-
 7 verse the commissioner's order of suspension or revocation. A sus-
 8 pension or revocation sustained or modified by the review board shall
 9 take effect ten days from the date of the decision ~~unless the permit~~
 10 ~~holder files an appeal. Judicial review of actions of the review board~~

*According to enrolled Act

11 *may be sought in accordance with the terms of the Iowa Administra-*
 12 *tive Procedure Act. in the district court of the county in which the*
 13 *vehicle inspection station is located within ten days from the date of*
 14 *the decision of the review board. The order of suspension or revoca-*
 15 *tion sustained or modified and appealed to the district court shall*
 16 *become effective ten days from the date the appeal is filed unless the*
 17 *suspension or revocation is stayed by the court.*

1 SEC. 204. Acts of the Sixty-fifth General Assembly, 1973 Session,
 2 chapter two hundred seventy-four (274), section twenty-eight (28),
 3 is amended by striking the section and inserting in lieu thereof the
 4 following:

5 Sec. 28. NEW SECTION. **Judicial review.** The action of the com-
 6 missioner and the recommendation and findings of the commissioner
 7 of public health under section twenty-seven (27) of this Act shall be
 8 subject to judicial review in accordance with the terms of the Iowa
 9 Administrative Procedure Act.

1 SEC. 205. Acts of the Sixty-fifth General Assembly, 1973 Session,
 2 chapter two hundred seventy-six (276), section ten (10), unnum-
 3 bered paragraph one (1), is amended to read as follows:

4 The commission may after hearing and upon information being
 5 filed with the commission by the head of the warehouse division of
 6 the commission or upon complaint filed by any person, suspend or
 7 revoke the license of any person licensed under this Act for the vio-
 8 lation of or failure to comply with the provisions of this Act or any
 9 rule or regulation adopted under this Act. An information or a veri-
 10 fied complaint stating the grounds for suspension or revocation shall
 11 be filed with the commission in triplicate. The commission shall
 12 notify the licensee of the complaint and furnish him with a copy of the
 13 information or the complaint and a copy of the order of the commis-
 14 sion fixing the time for a hearing, which time shall be at least five
 15 days from the date of notification. If the commission determines that
 16 the public good requires immediate action, the commission may, upon
 17 the filing of the information or the complaint and without hearing,
 18 temporarily suspend a license pending the determination by it of the
 19 complaint. Any person aggrieved by the decision of the commission
 20 may appeal the decision of the commission to the district court by
 21 service of notice of appeal upon the commission within thirty days
 22 following the filing of the decision of the commission in the office of
 23 the commission. The commission shall, upon service of notice of
 24 appeal, certify the complete record of the proceedings before it to the
 25 clerk of the district court. *Judicial review of the actions of the com-*
 26 *mission may be sought in accordance with the terms of the Iowa*
 27 *Administrative Procedure Act.*

1 SEC. 206. Acts of the Sixty-fifth General Assembly, 1973 Session,
 2 chapter two hundred ninety-four (294), section five (5), unnum-
 3 bered paragraphs two (2) and three (3), are amended to read as fol-
 4 lows:

5 Any person who files with the bureau a written statement to the ef-
 6 fect that a statement contained in the criminal history data that refers
 7 to him is nonfactual, or information not authorized by law to be kept,
 8 and requests a correction or elimination of that information that
 9 refers to him shall be notified within twenty days by the bureau, in

10 writing, of the bureau's decision or order regarding the correction or
 11 elimination. ~~The bureau's decision or order or failure to allow exami-~~
 12 ~~nation may be appealed to the district court of Polk county by the~~
 13 ~~person requesting said examination, correction or elimination. Judi-~~
 14 ~~cial review of the actions of the bureau may be sought in accordance~~
 15 ~~with the terms of the Iowa Administrative Procedure Act. Immedi-~~
 16 ~~ately upon such appeal the filing of the petition for judicial review the~~
 17 court shall order the bureau to file with the court a certified copy of
 18 the criminal history data and in no other situation shall the bureau
 19 furnish an individual or his attorney with a certified copy, except as
 20 provided by this Act.

21 Upon the request of the ~~appellant~~ petitioner, the record and evi-
 22 dence in ~~such cases a judicial review proceeding~~ shall be closed to all
 23 but the court and its officers, and access thereto shall be refused
 24 unless otherwise ordered by the court. The clerk shall maintain a
 25 separate docket for such actions. No person, other than the ~~appellant~~
 26 ~~petitioner~~ shall permit a copy of any of the testimony or pleadings or
 27 the substance thereof to be made available to any person other than
 28 a party to the action or his attorney. Violation of the provisions of
 29 this section shall be a public offense, punishable under section seven
 30 (7) of this Act.

1 SEC. 207. Section twenty-five A point one (25A.1), Code 1973, is
 2 amended to read as follows:

3 **25A.1 Citation and applicability.** This chapter may be cited as
 4 the "Iowa Tort Claims Act". *Every provision of this chapter is appli-*
 5 *cable and of full force and effect notwithstanding any inconsistent*
 6 *provision of the Iowa Administrative Procedure Act.*

1 SEC. 208. Section twenty-five A point three (25A.3), unnumbered
 2 paragraph three (3), Code 1973, is amended to read as follows:

3 The state appeal board ~~may~~ shall adopt rules, regulations, and pro-
 4 cedures for the handling, processing, and investigation of claims,
 5 according to the provisions of the Iowa Administrative Procedure
 6 Act.

1 SEC. 209. Section twenty-eight A point seven (28A.7), Code
 2 1973, is amended to read as follows:

3 **28A.7 Mandamus or injunction Enforcement of rights.** The pro-
 4 visions of this chapter and all rights of citizens under this chapter
 5 may be enforced by mandamus or injunction, whether or not any
 6 other remedy is also available. *In the alternative, rights under this*
 7 *chapter also may be enforced by an action for judicial review accord-*
 8 *ing to the provisions of the Iowa Administrative Procedure Act, if the*
 9 *meeting involved is a meeting of an "agency" as defined in that act.*

1 SEC. 210. Section sixty-eight A point 5 (68A.5), Code 1973, is
 2 amended to read as follows:

3 **68A.5 Enforcement of rights.** The provisions of this chapter and
 4 all rights of citizens under this chapter may be enforced by manda-
 5 mus or injunction, whether or not any other remedy is also available.
 6 *In the alternative, rights under this chapter also may be enforced by*
 7 *an action for judicial review according to the provisions of the Iowa*
 8 *Administrative Procedure Act, if the records involved are records of*
 9 *an "agency" as defined in that act.*

1 SEC. 211. Chapter seventeen A (17A), as amended by Acts of the
 2 Sixty-fifth General Assembly, 1973 Session, chapter one hundred
 3 twenty-eight (128), and sections eighty-three A point twelve
 4 (83A.12), eighty-six point thirty (86.30), eighty-six point thirty-one
 5 (86.31), eighty-six point thirty-three (86.33), ninety-seven B point
 6 twenty-one (97B.21), ninety-seven B point thirty (97B.30), ninety-
 7 seven B point thirty-one (97B.31), one hundred point eighteen
 8 (100.18), one hundred point nineteen (100.19), one hundred point
 9 twenty-one (100.21), one hundred point twenty-two (100.22), one
 10 hundred point twenty-four (100.24), one hundred point twenty-five
 11 (100.25), one hundred ninety-two A point twenty-six (192A.26), two
 12 hundred thirty-eight point thirteen (238.13), two hundred thirty-
 13 eight point fourteen (238.14), two hundred thirty-eight point fifteen
 14 (238.15), two hundred seventy-five point thirty-four (275.34), three
 15 hundred twenty-five point twenty-two (325.22), three hundred
 16 twenty-five point twenty-three (325.23), three hundred twenty-five
 17 point twenty-four (325.24), four hundred twenty-eight point thirty-
 18 two (428.32), four hundred twenty-eight point thirty-three (428.33),
 19 four hundred fifty-five B point forty (455B.40), four hundred fifty-
 20 five B point forty-two (455B.42), four hundred ninety A point four-
 21 teen (490A.14), four hundred ninety A point fifteen (490A.15),
 22 four hundred ninety A point sixteen (490A.16), four hundred ninety
 23 A point seventeen (490A.17), four hundred ninety A point eighteen
 24 (490A.18), four hundred ninety A point nineteen (490A.19), and
 25 five hundred seven B point ten (507B.10), Code 1973, are repealed.

Approved May 29, 1974

CHAPTER 1091

MILEAGE RATE FOR USE OF PRIVATE VEHICLES

S. F. 1139

AN ACT raising the mileage rate paid to members of the general assembly and employees of the state or its political subdivisions.

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

1 SECTION 1. Section twenty-one point four (21.4), unnumbered
 2 paragraph one (1), Code 1973, is amended to read as follows:
 3 No state officer or employee shall use any state-owned motor vehicle
 4 for his own personal private use, nor shall he be compensated for driv-
 5 ing his own motor vehicle except if such is done on state business with
 6 the approval of the state vehicle dispatcher, and in such case he shall
 7 ~~not receive more than ten~~ fifteen cents per mile. A statutory provision
 8 stipulating necessary, mileage, travel, or actual expenses reimburse-
 9 ment to a state officer shall be construed to fall under this fifteen cents
 10 limitation unless specifically provided otherwise. Any peace officer as
 11 defined in section seven hundred forty-eight point three (748.3) of the
 12 Code who is required to use his private vehicle in the performance of
 13 his official duties shall receive reimbursement for mileage expense at

14 *the rate of fifteen cents per mile.* However, the state vehicle dispatcher
15 may delegate authority to officials of the state, and department heads,
16 for the use of private vehicles on state business up to six thousand
17 miles per year. When a state motor vehicle has been assigned to a state
18 officer or employee he shall not collect mileage for the use of his per-
19 sonal vehicle unless the state vehicle assigned to him is not usable.

1 SEC. 2. Section forty-nine point twenty (49.20), Code 1973, as
2 amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
3 chapter one hundred thirty-six (136), section one hundred twenty-two
4 (122), is amended to read as follows:

5 **49.20 Compensation of members.** The members of election boards
6 shall receive two dollars per hour while engaged in the discharge of
7 their duties and ~~ten cents per mile shall be reimbursed~~ for actual and
8 necessary travel *expense*. Compensation shall be paid to members of
9 election boards only after the vote has been canvassed and it has been
10 determined in the course of such canvass that the election record cer-
11 tificate has been properly executed by the election board.

1 SEC. 3. Section fifty point forty-seven (50.47), Code 1973, is
2 amended to read as follows:

3 **50.47 Messengers for election tally lists.** Messengers sent for the
4 tally lists of elections shall be paid from the state or county treasury,
5 ~~as the case may be, ten cents a mile going and returning for necessary~~
6 *travel expense.*

1 SEC. 4. Section sixty-eight point fourteen (68.14), Code 1973, is
2 amended to read as follows:

3 **68.14 Compensation—fees—payment.** The presiding officer and
4 members of the senate, while sitting as a court of impeachment, and
5 the managers elected by the house of representatives, shall receive the
6 sum of six dollars each per day, and ~~mileage at the rate of five cents~~
7 ~~per mile shall be reimbursed for mileage expense~~ in going from and
8 returning to their places of residence by the ordinary traveled routes;
9 the secretary, sergeant at arms, and all subordinate officers, clerks,
10 and reporters, shall receive such amount as shall be determined upon
11 by a majority vote of the members of such court. The same fees shall
12 be allowed to witnesses, to officers, and to other persons serving process
13 or orders, as are allowed for like services in criminal cases, but no fees
14 can be demanded in advance. The state treasurer shall, upon the pres-
15 entation of certificates signed by the presiding officer and secretary
16 of the senate, pay all of the foregoing compensations and the expenses
17 of the senate incurred under the provisions of this chapter.

1 SEC. 5. Section seventy-nine point two (79.2), Code 1973, is
2 amended to read as follows:

3 **79.2 Appraisers of property.** The compensation of appraisers ap-
4 pointed by authority of law to appraise property for any purpose shall
5 be fifty cents per hour for each appraiser for the time necessarily spent
6 in effecting the appraisal and ~~five cents a mile the mileage expense~~
7 for the distance traveled in going to and returning from the place of
8 appraisal, which shall, unless otherwise provided, be paid out of
9 the property appraised or by the owner thereof.

1 SEC. 6. Section seventy-nine point nine (79.9), Code 1973, is
2 amended to read as follows:

3 **79.9 Charge for use of automobile.** When a public officer or em-
4 ployee, other than a state officer or employee, is entitled to be paid for
5 expenses in performing a public duty, ~~no~~ a charge shall be made,
6 allowed, ~~or~~ and paid for the use of an automobile ~~in excess of ten~~
7 ~~fifteen~~ cents per mile ~~of~~ for actual and necessary travel ~~except as~~
8 ~~otherwise provided.~~ A statutory provision stipulating necessary, mile-
9 age, travel, or actual reimbursement to a public officer or employee
10 shall be construed to fall within this fifteen cents limitation unless
11 specifically provided otherwise. Any peace officer as defined in section
12 seven hundred forty-eight point three (748.3) of the Code who is
13 required to use his private vehicle in the performance of his official
14 duties shall receive reimbursement for mileage expense at the rate of
15 fifteen cents per mile.

1 SEC. 7. Section one hundred point thirty-four (100.34), Code 1973,
2 is amended to read as follows:

3 **100.34 Fee for fires reported.** Every official reporting a fire to the
4 state fire marshal as required by section 100.3 shall be paid the sum of
5 one dollar for each fire so reported to the satisfaction of the state fire
6 marshal and mileage at the rate of ten cents per mile expenses for each
7 mile traveled to and from the place of fire when the vehicle used is not
8 owned by a governmental unit. Said allowances shall be paid by the
9 state fire marshal out of any funds appropriated for the use of the
10 office of said state fire marshal, provided that such fees shall not be
11 paid to any full-time salaried public official who is paid for full time at
12 such duties.

1 SEC. 8. Section one hundred fifty-nine point twenty-five (159.25),
2 unnumbered paragraph three (3), Code 1973, is amended to read as
3 follows:

4 Appointive members of the board shall receive actual necessary
5 expenses and mileage at the rate of seven cents per mile expenses
6 incurred while engaged in the business of the agriculture marketing
7 board.

1 SEC. 9. Section one hundred seventy-nine point two (179.2),* un-
2 numbered paragraph three (3), Code 1973, is amended to read as fol-
3 lows:

4 The board of directors of the Iowa state dairy association shall on or
5 before the fifteenth day of May of each odd-numbered year nominate
6 for the office of commissioners three persons from each congressional
7 district within the state, as constituted January 1, 1941, all of whom
8 shall be actual milk or cream producers, which list shall on or before
9 the first day of June following, be certified to the secretary of agri-
10 culture of the state by the president and secretary of the Iowa state
11 dairy association and the said secretary of agriculture shall, on or
12 before the second Tuesday in June of each odd-numbered calendar
13 year, appoint one of said nominees so certified from each of said dis-
14 tricts as a member of Iowa dairy industry commission who shall
15 serve for a period of two years from July 1 following his appointment
16 and until his successor is duly appointed and qualified. Any vacancy
17 occurring in said Iowa dairy industry commission shall be filled by the

*This section was repealed and a substitute enacted by chapter 1153, §2 hereof

18 said secretary of agriculture from nominations made by the board of
 19 directors of the Iowa state dairy association in the manner heretofore
 20 provided. The appointive members of the commission shall receive the
 21 sum of five dollars per day for each day spent in actual attendance on
 22 meetings of the commission not exceeding one hundred dollars per
 23 annum, together with actual *and* necessary expenses ~~and mileage at~~
 24 ~~the rate of five cents per mile.~~

1 SEC. 10. Section two hundred seventeen point four (217.4), Code
 2 1973, is amended to read as follows:

3 217.4 **Meetings of council.** The council shall meet at least four
 4 times a year. Special meetings shall be called by the chairman or upon
 5 written request of any three members thereof. The chairman shall
 6 preside at all meetings or in his absence the vice-chairman shall pre-
 7 side. The members of the council shall be paid a per diem or forty
 8 dollars per day while in session, ~~ten cents a mile for travel,~~ and their
 9 reasonable and necessary expenses while attending such meetings.
 10 The amount of per diem any one member may receive in any fiscal year
 11 beginning with the date of employment shall not exceed eight hundred
 12 dollars.

1 SEC. 11. Acts of the Sixty-fifth General Assembly, 1973 Session,
 2 chapter one hundred eighty-two (182), section one (1), amending sec-
 3 tion two hundred twenty-eight point nine (228.9), subsection two (2),
 4 Code 1973, is amended to read as follows:

5 2. To the examining physician, compensation as fixed by a majority
 6 of the judges of the district court in the judicial district in which the
 7 hearing is held and in addition mileage ~~of ten cents per mile each way~~
 8 ~~expenses.~~

1 SEC. 12. Section two hundred forty-nine point twelve (249.12),*
 2 Code 1973, is amended to read as follows:

3 249.12 **Witnesses.** For the purpose of any such investigation, the
 4 state director and the county board shall have the power to compel, by
 5 subpoena, the attendance and testimony of witnesses and the produc-
 6 tion of books and papers. All witnesses shall be examined on oath, and
 7 the state director or his authorized employee or any member of the
 8 county board may administer said oath. The costs incurred in connec-
 9 tion with any such hearing or examination shall be paid by the state
 10 director or county board, whichever issues the subpoenas; and the
 11 witnesses shall be entitled to claim a two-dollar fee and mileage expense
 12 ~~at a rate of five cents per mile,~~ except that responsible relatives as
 13 defined in sections 252.2, 252.5 and 600.6 shall not be entitled to claim
 14 witness fees and mileage expense.

1 SEC. 13. Section three hundred twenty-one point one hundred
 2 forty-one (321.141), Code 1973, is amended to read as follows:

3 321.141 **Fees and mileage.** The sheriff shall be entitled to receive
 4 as costs the sum of two dollars for serving the writ or warrant of
 5 seizure and ~~five cents mileage expense~~ for each mile actually traveled
 6 by him in collecting the fee and penalties, which shall be collected from
 7 the owner of such delinquent motor vehicle, and shall be retained by
 8 him in full for his services. He shall also collect from said owner the
 9 sum of fifty cents per day for care of the motor vehicle while in his

*Repealed by 65 GA, ch 186, §1

10 possession which sum shall be accounted for by the sheriff as fees are
11 accounted for, as provided in chapter 342.

1 SEC. 14. Section three hundred thirty-one point twenty-two
2 (331.22), unnumbered paragraph three (3), Code 1973, as amended by
3 Acts of the Sixty-fifth General Assembly, 1973 Session, chapter two
4 hundred twenty-four (224), section two (2), is amended to read as
5 follows:

6 In counties of forty thousand population or less, the board of super-
7 visors may on their own motion elect to receive their compensation on
8 a per diem basis. If they so elect, the members of the board of super-
9 visors shall each receive forty dollars per day for each day actually in
10 session or employed on committee service or as a ditch or drainage
11 board considering drainage matters. No such member shall receive
12 per diem pay in excess of five thousand five hundred dollars in any one
13 calendar year. In addition, he shall receive ~~ten cents~~ *mileage expense*
14 for every mile traveled in going to and from sessions and in going to
15 and from the place of performing committee service, however, such
16 mileage payment shall not exceed the aggregate of ~~one thousand fifteen~~
17 *hundred* dollars per supervisor per year.

1 SEC. 15. Section three hundred thirty-seven point eleven (337.11),
2 subsection ten (10), Code 1973, is amended to read as follows:

3 10. Mileage in all cases required by law, going and returning, ~~ten~~
4 ~~cents per mile~~, provided that this subsection shall not apply where
5 provision is made for expenses, and in no case shall the law be con-
6 strued to allow both mileage and expenses for the same services and
7 for the same trip. In case the sheriff transports by auto, one or more
8 persons to any state institution or any other destination required by
9 law, or in case one or more legal papers are served on the same trip,
10 he shall be entitled to but one mileage at the rate prescribed herein,
11 the mileage cost thereof to be prorated to the respective persons trans-
12 ported and also in the case of separate papers served. Provided, how-
13 ever, that in the serving of original notices in civil cases the sheriff
14 shall be allowed mileage ~~at the rate of ten cents per mile expenses~~ in
15 each action wherein such original notices are served, and, he may
16 refuse to serve original notices in civil cases until the statutory fees
17 and mileage for service have been paid.

1 SEC. 16. Section six hundred seven point five (607.5),* Code 1973,
2 is amended to read as follows:

3 **607.5 Fees of jurors.** Petit jurors shall receive the following fees:
4 For each day's service or attendance in courts of record, including
5 jurors summoned on special venire, five dollars, and *mileage expenses*
6 for each mile traveled from his residence to the place of trial for each
7 day's service and attendance, ~~ten cents~~.

8 Grand jurors shall receive for each day's service or attendance,
9 seven dollars, and *mileage expenses* for each mile traveled each day
10 from his residence to the place of attendance and in the performance of
11 their duties, ~~seven cents~~, provided, however, that grand jurors shall be
12 entitled to mileage for travel from the place of their residence to the
13 county seat for the purpose of being impaneled. No grand juror shall

*Repealed by 65 GA, ch 1261, §1

14 receive mileage for travel in the performance of his duties when he
15 travels in a vehicle for which another juror is receiving mileage.

1 SEC. 17. Section six hundred twenty-two point sixty-nine (622.69),
2 Code 1973, is amended to read as follows:

3 622.69 **Witness fees.** Witnesses shall receive three dollars for each
4 day's attendance and ~~ten cents per mile~~ *mileage expenses* for each mile
5 actually traveled.

1 SEC. 18. Section two point ten (2.10), subsection one (1), Code
2 1973, as amended by Acts of the Sixty-fifth General Assembly, 1973
3 Session, chapter one hundred nineteen (119), section one (1), is
4 further amended to read as follows:

5 1. Every member of the general assembly except the speaker of the
6 house and majority and minority floor leaders of the senate and house
7 shall receive an annual salary of eight thousand dollars for each year
8 while serving as a member of the general assembly. The majority and
9 minority floor leaders of the senate and house shall receive an annual
10 salary of nine thousand five hundred dollars for each year while serv-
11 ing in such capacity. In addition, each such member shall receive the
12 sum of twenty dollars per day for expenses of office, except travel, for
13 each day the general assembly is in session commencing with the first
14 day of a legislative session and ending with the day of final adjourn-
15 ment of each legislative session as indicated by the journals of the
16 house and senate. However, members from Polk county shall receive
17 ten dollars per day. Travel expenses shall be paid at the rate established
18 by section seventy-nine point nine (79.9) of the Code ~~for employees of~~
19 ~~the state~~ for actual travel in going to and returning from the seat of
20 government by the nearest traveled route for not more than one time
21 per week during a legislative session. *However, any increase from*
22 *time to time in the mileage rate established by section seventy-nine*
23 *point nine (79.9) of the Code shall not become effective for members*
24 *of the general assembly until the convening of the next general assem-*
25 *bly following the session in which the increase is adopted; and this*
26 *provision shall prevail over any inconsistent provision of any present*
27 *or future statute.*

Approved May 10, 1974

CHAPTER 1092

MERIT SYSTEM EXEMPTIONS

S. F. 295

AN ACT relating to the department of social services and the merit system.

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

1 SECTION 1. Section nineteen A point three (19A.3), Code 1973, is
2 amended by adding the following new subsection:

3 NEW SUBSECTION. The administrative head of each of the divi-
4 sions of the department of social services.

Approved April 4, 1974

CHAPTER 1093

MALE AND FEMALE PERSONS

S. F. 1093

AN ACT relating to statutory provisions affecting the legal treatment of male and female persons and to make an appropriation.

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

1 SECTION 1. Section nineteen A point three (19A.3), subsection
2 eleven (11), Code 1973, is amended to read as follows:

3 11. Officers and enlisted ~~men~~ *personnel* of the armed services under
4 state jurisdiction.

1 SEC. 2. Section nineteen A point nine (19A.9), subsection two (2),
2 Code 1973, is amended to read as follows:

3 2. For a pay plan within the purview of an appropriation made by
4 the general assembly and not otherwise provided by law for all em-
5 ployees in the merit system, after consultation with appointing author-
6 ities and after a public hearing held by the commission. Such pay plan
7 shall become effective only after it has been approved by the executive
8 council after submission from the commission. Review of the pay plan
9 for revisions shall be made in the same manner at the discretion of the
10 director, but not less than annually. Each employee shall be paid at
11 one of the rates set forth in the pay plan for the class of position in
12 which employed and, unless otherwise designated by the commission,
13 shall begin employment at the first step of the established range for
14 ~~his~~ *the employee's* class. Unless otherwise established by law, the gov-
15 ernor, with the approval of the executive council, shall establish a pay
16 plan for all exempt positions in the executive branch of government
17 except for employees of the governor, board of regents, the state educa-
18 tional radio and television facility board, the superintendent of public
19 instruction and members of the professional staff of the department of
20 public instruction, appointed under the provisions of section 257.24,
21 who possess a current, valid teacher's certificate or who are assigned
22 to vocational activities or programs, the commission for the blind,
23 members of the Iowa highway safety patrol and other peace officers,
24 as defined in section 97A.1, employed by the department of public
25 safety, and officers and enlisted ~~men~~ *personnel* of the armed services
26 under state jurisdiction.

1 SEC. 3. Section twenty-nine A point one (29A.1), subsection seven
2 (7), Code 1973, is amended to read as follows:

3 7. "On duty" shall mean and include drill periods, all other training,
4 and service which may be required under state or federal law, regula-
5 tions, or orders, and the necessary travel of an officer or enlisted ~~man~~
6 *person* to the place of performance of such duty and return home after
7 performance of such duty, but shall not include federal service.

1 SEC. 4. Section twenty-nine A point twenty-six (29A.26), unnum-
2 bered paragraph one (1), Code 1973, is amended to read as follows:

3 The number and grade of officers and enlisted ~~men~~ *personnel* in the
4 state headquarters and headquarters detachment shall be as prescribed
5 by federal law and regulations, but in case of war, invasion, insurrec-
6 tion, riot or imminent danger thereof, the governor may temporarily
7 increase such force to meet such emergency.

1 SEC. 5. Section twenty-nine A point thirty-one (29A.31), Code
2 1973, is amended to read as follows:

3 **29A.31 Unlawful organizations.** It shall be unlawful for any body
4 of ~~men~~ *persons*, other than the national guard and the troops of the
5 United States, to associate themselves together as a military organiza-
6 tion within the limits of this state without the written permission of
7 the governor, which ~~he~~ *the governor* may at any time revoke, but this
8 provision shall not prevent civic, social, or benevolent organizations
9 from wearing uniforms and swords not in conflict with the other pro-
10 visions of this chapter.

1 SEC. 6. Section twenty-nine A point thirty-five (29A.35), Code
2 1973, is amended to read as follows:

3 **29A.35 Use for military only.** All arms, clothing, equipment, and
4 other military property furnished or issued by the federal government
5 or the state or for which an allowance has been made, shall be used for
6 military purposes only, and each officer and enlisted ~~man~~ *person* upon
7 being separated from the military forces of the state, or upon demand
8 of ~~his~~ *the* commanding officer, shall forthwith surrender such military
9 property in ~~his~~ *the officer or enlisted person's* possession to said com-
10 manding officer. Any member of the national guard who shall neglect
11 to return to the armory of the unit, or place in charge of the command-
12 ing officer of the organization to which ~~he~~ *the member* belongs, any
13 arms, clothing, equipment, or other military property or portion
14 thereof, belonging to the federal government or the state, upon being
15 notified by said commanding officer to do so, shall be guilty of a mis-
16 demeanor.

1 SEC. 7. Section twenty-nine A point thirty-eight (29A.38), Code
2 1973, is amended to read as follows:

3 **29A.38 Misdemeanors.** Any officer or enlisted ~~man~~ *person* of the
4 national guard who knowingly makes any false certificate of muster or
5 false return of federal or state property or funds in ~~his~~ *the officer or*
6 *enlisted person's* possession shall be guilty of a misdemeanor.

1 SEC. 8. Section twenty-nine A point thirty-nine (29A.39), Code
2 1973, is amended to read as follows:

3 **29A.39 Embezzlement.** Any officer or enlisted ~~man~~ *person* of the
4 national guard who willfully neglects or refuses to apply all money, in
5 ~~his~~ *the officer or enlisted person's* possession drawn from the state
6 treasury, to the purpose for which such money was appropriated or
7 who fails or refuses to account for or return any state or federal prop-
8 erty or funds in ~~his~~ *the officer or enlisted person's* possession shall be
9 guilty of the crime of embezzlement by bailee and punished accord-
10 ingly.

1 SEC. 9. Section twenty-nine A point forty-one (29A.41), Code
2 1973, is amended to read as follows:

3 **29A.41 Exemption from jury and other exemptions.** Every officer
4 and enlisted ~~man~~ *person* of the national guard shall be exempt from
5 jury duty. No member of the national guard shall be arrested, or
6 served with any summons, order, warrant, or other civil process after
7 having been ordered to any duty, or while going to, attending, or
8 returning from, any place to which ~~he~~ *the officer or enlisted person* is
9 required to go for military duty. Nothing herein shall prevent ~~his~~ *the*

10 *officer or enlisted person's* arrest by order of a military officer or for a
11 felony or breach of the peace committed while not in the actual perform-
12 ance of ~~his~~ *the officer or enlisted person's* duty. The articles of equip-
13 ment personally owned by such members shall be exempt from seizure
14 or sale for debt. Every member of the national guard who has faith-
15 fully served the full term of ~~his~~ *the member's* commission, warrant or
16 enlistment, shall, upon application, be entitled to an honorable dis-
17 charge, exempting ~~him~~ *the member* from military duty except in time
18 of war or public danger.

1 SEC. 10. Section twenty-nine A point forty-three (29A.43), Code
2 1973, is amended to read as follows:

3 **29A.43 Discrimination prohibited—leave of absence.** No person,
4 firm, or corporation, shall discriminate against any officer or enlisted
5 ~~man~~ *person* of the national guard or organized reserves of the armed
6 forces of the United States because of ~~his~~ membership therein. No
7 employer, or agent of any employer, shall discharge any person from
8 employment because of being an officer or enlisted ~~man~~ *person* of the
9 military forces of the state, or hinder or prevent ~~him~~ *the officer or*
10 *enlisted person* from performing any military service ~~he~~ *such person*
11 may be called upon to perform by proper authority. Any member of
12 the national guard or organized reserves of the armed forces of the
13 United States ordered to temporary active duty for the purpose of
14 military training or ordered on active state service, shall be entitled
15 to a leave of absence during the period of such duty or service from
16 ~~his~~ *the member's* private employment, other than employment of a
17 temporary nature, and upon completion of such duty or service the
18 employer shall restore such person to the position held prior to such
19 leave of absence, or employ such person in a similar position, provided,
20 however, that such person shall give evidence to the employer of satis-
21 factory completion of such training or duty, and further provided that
22 such person is still qualified to perform the duties of such position.
23 Such period of absence shall be construed as an absence with leave,
24 and shall in no way affect the employee's rights to vacation, sick leave,
25 bonus, or other employment benefits relating to ~~his~~ *the employee's*
26 particular employment. Any person violating any of the provisions
27 of this section shall be punished by a fine of not to exceed one hundred
28 dollars, or by imprisonment in the county jail for a period of not to
29 exceed thirty days.

1 SEC. 11. Section twenty-nine A point fifty-one (29A.51), Code
2 1973, is amended to read as follows:

3 **29A.51 Suit or proceeding—defense.** In the event any suit or pro-
4 ceeding shall be commenced in any court by any person against any
5 officer of the military forces for any act done by such officer in ~~his~~ *the*
6 *officer's* official capacity in the discharge of any duty under this chap-
7 ter, or against any enlisted ~~man~~ *person* acting under the authority or
8 order of any such officer, or by virtue of any warrant issued by ~~him~~
9 *the officer* pursuant to law, it shall be the duty of the attorney general
10 or state judge advocate, upon the request of the adjutant general, to
11 defend any member of the military forces of the state against whom
12 any such suit or proceeding has been instituted. The costs of such
13 defense shall be paid out of any funds in the state treasury not other-
14 wise appropriated. Before any suit or proceeding shall be filed or

15 maintained against any officer or enlisted ~~man~~ *person* as herein pro-
 16 vided, the plaintiff shall be required to give security, to be approved
 17 by the court in a sum not less than one hundred dollars to secure the
 18 costs. If the plaintiff fails to recover judgment, such costs shall be
 19 taxed and judgment rendered therefor against ~~him~~ *the plaintiff* and
 20 ~~his~~ *the plaintiff's* sureties. When troops are called into active state
 21 service by the governor under martial law or as aid to the civil author-
 22 ities, in addition to ~~his~~ *the judge advocate's* other duties, any judge
 23 advocate on duty with such troops may be appointed by the attorney
 24 general as an assistant attorney general, without pay for ~~his~~ *the judge*
 25 *advocate's* services for acting in such capacity.

1 SEC. 12. Section twenty-nine A point fifty-three (29A.53), unnum-
 2 bered paragraph three (3), Code 1973, is amended to read as follows:

3 Officers and enlisted ~~men~~ *personnel* called into federal service
 4 through the national guard shall upon completion of such service con-
 5 tinue to serve the balance of their enlistment period the same as
 6 though it had not been interrupted by such service.

1 SEC. 13. Section twenty-nine A point fifty-five (29A.55), Code
 2 1973, is amended to read as follows:

3 **29A.55 Insurance.** The adjutant general is hereby authorized to
 4 procure insurance against the liability of officers and enlisted ~~men~~
 5 *personnel* of the national guard, and employees of the adjutant general
 6 by reason of claims for bodily injuries, death, or property damage,
 7 made upon such officers, enlisted ~~men~~ *personnel* and employees result-
 8 ing from their operation of a motor vehicle while in the performance of
 9 their duties.

1 SEC. 14. Section twenty-nine A point sixty-nine (29A.69), Code
 2 1973, is amended to read as follows:

3 **29A.69 Officers and duties.** The powers and duties of officers and
 4 enlisted ~~men~~ *personnel* of the Iowa state guard shall be the same as
 5 those prescribed in this chapter for officers and enlisted ~~men~~ *personnel*
 6 of the national guard and the punitive and disciplinary provisions of
 7 this chapter relating to the national guard shall be applicable to the
 8 Iowa state guard.

1 SEC. 15. Section twenty-nine A point seventy-one (29A.71), Code
 2 1973, is amended to read as follows:

3 **29A.71 Pay and allowances.** Officers and enlisted ~~men~~ *personnel*
 4 of the Iowa state guard while in active state service shall receive the
 5 same pay, allowances, and compensation as provided by law for mem-
 6 bers of the Iowa national guard.

1 SEC. 16. Section forty-eight point six (48.6), subsection one (1),
 2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
 3 1973 Session, chapter one hundred thirty-six (136), section one hun-
 4 dred one (101), is amended to read as follows:

5 1. The name of the applicant in full. Whenever any change of name
 6 shall occur ~~due to marriage, or divorce or dissolution of marriage, or~~
 7 ~~otherwise~~, the registrant shall not be allowed to vote until the regis-
 8 trant has reregistered, and after such reregistration the previous regis-
 9 tration record shall be removed from the files. Where the only change
 10 in the previous registration information is a *legal* change of surname

11 ~~by reason of marriage, divorce or dissolution of marriage, or other~~
 12 ~~legal procedure,~~ the registrant may effect the reregistration required
 13 by this subsection by mailing the county commissioner a written notice
 14 stating in full both the name under which the registrant was previous-
 15 ly registered and the name under which the registrant is now to be
 16 registered, and the registrant's social security number, if available.

1 SEC. 17. Section eighty point two (80.2), Code 1973, is amended
 2 to read as follows:

3 **80.2 Commissioner—appointment.** The chief executive officer of
 4 the department of public safety shall be the commissioner of public
 5 safety. The governor shall appoint, with the approval of two-thirds of
 6 the members of the senate, a commissioner of public safety, who shall
 7 be a ~~man~~ *person* of high moral character, of good standing in the com-
 8 munity in which ~~he~~ *the commissioner* lives, of recognized executive
 9 and administrative capacity, and who shall not be selected on the basis
 10 of political affiliation. The commissioner of public safety shall devote
 11 ~~his entire full~~ *full* time to the duties of this office; ~~he~~ *the commissioner*
 12 shall not engage in any other trade, business, or profession, nor shall
 13 ~~he~~ engage in any partisan or political activity. ~~He~~ *The commissioner*
 14 shall serve at the pleasure of the governor, at an annual salary as fixed
 15 by the general assembly.

1 SEC. 18. Section eighty-six point ten (86.10), unnumbered para-
 2 graph one (1), Code 1973, is amended to read as follows:

3 All books, records, and payrolls of the employers, showing or reflect-
 4 ing in any way upon the amount of wage expenditure of such employ-
 5 ers, shall always be open for inspection by the industrial commissioner
 6 or any of ~~his~~ *the commissioner's* representatives presenting a certifi-
 7 cate of authority from said commissioner for the purpose of ascertain-
 8 ing the correctness of the wage expenditure, the number of ~~men~~
 9 *persons* employed, and such other information as may be necessary for
 10 the uses and purposes of the commissioner in ~~his~~ *the* administration of
 11 the law.

1 SEC. 19. Section ninety-seven A point one (97A.1), subsection
 2 eight (8), Code 1973, is amended to read as follows:

3 8. "~~Widow~~ *Surviving spouse*" shall mean only such surviving spouse
 4 of a marriage consummated prior to retirement of a deceased member
 5 from active service.

1 SEC. 20. Section ninety-seven A point six (97A.6), subsection
 2 eight (8), paragraph* c, d, and e, Code 1973, are amended to read as
 3 follows:

4 c. To ~~his widow~~ *the surviving spouse* to continue ~~during her widow-~~
 5 ~~hood so long as said partner remains unmarried;~~ or

6 d. If there be no ~~widow surviving spouse,~~ or if the ~~widow spouse~~
 7 dies or remarries before any child of such deceased member shall have
 8 attained the age of eighteen years, then to the guardian of ~~his~~ *the*
 9 *member's* child or children under said age, divided in such manner as
 10 the board of trustees in its discretion shall determine, to continue as
 11 a joint and survivor pension until every such child dies or attains the
 12 age of eighteen; or

*According to enrolled Act

13 e. If there be no surviving ~~widow~~ *widow spouse* or child under age eighteen,
14 then to ~~his~~ *the member's* dependent father or mother, as the board of
15 trustees in its discretion shall determine, to continue until remarriage
16 or death.

1 SEC. 21. Section ninety-seven A point six (97A.6), subsection nine
2 (9), paragraphs b, c, and d, Code 1973, are amended to read as fol-
3 lows:

4 b. A pension equal to one-half of the average final compensation of
5 such member shall be paid to ~~his~~ *widow the surviving spouse*, children
6 or dependent parents as provided in paragraphs "c", "d", and "e" of
7 subsection 8 of this section.

8 c. If there be no ~~widow~~ *surviving spouse*, children under the age of
9 eighteen years or dependent parent surviving such deceased member,
10 the death shall be treated as an ordinary death case and the benefit
11 payable in accordance with the provisions of subsection 8, paragraph
12 "b" of this section, in lieu of the pension provided in paragraph "b" of
13 this subsection 9, shall be paid to ~~his~~ *the member's* estate.

14 d. In addition to the benefits for the ~~widow~~ *surviving spouse* herein
15 enumerated, there shall also be paid for each dependent child of a mem-
16 ber under the age of eighteen years the sum of twenty dollars per
17 month.

1 SEC. 22. Section ninety-seven A point six (97A.6), subsection
2 thirteen (13), Code 1973, is amended to read as follows:

3 13. Pension to ~~widow~~ *surviving spouse* and children of deceased pen-
4 sioned member. In the event of the death of any member receiving a
5 retirement allowance under the provisions of subsections 2, 4 or 6 of
6 this section there shall be paid a pension:

7 a. To ~~his~~ *the member's* ~~widow~~ *surviving spouse* to continue ~~during~~
8 ~~her widowhood~~ *so long as said party remains unmarried*, equal to one-
9 half the amount received by such deceased beneficiary, but in no in-
10 stance less than fifty dollars per month, and in addition thereto the
11 sum of twenty dollars per month for each child under eighteen years of
12 age; or

13 b. In the event of the death of the ~~wife~~ *spouse* either prior or sub-
14 sequent to the death of the member, to the guardian of each surviving
15 child under eighteen years of age, in the sum of twenty dollars per
16 month for the support of such child.

1 SEC. 23. Section one hundred three point seven (103.7), subsec-
2 tion two (2), unnumbered paragraph one (1),* Code 1973, is amended
3 to read as follows:

4 2. Class "C" shall not be used on any building over three stories in
5 height in which more than five persons are at any one time allowed
6 upon any one of the floors above said third story nor where any of
7 the persons allowed upon any floor above the third story are ~~females~~
8 ~~or~~ minors; but the state fire marshal may under peculiar conditions
9 and where the hazards are not great:

1 SEC. 24. Section one hundred six point five (106.5), subsection five
2 (5), unnumbered paragraph two (2), Code 1973, is amended to read
3 as follows:

*According to enrolled Act

4 Whenever the name of any person, who has registered a vessel, is
 5 thereafter changed by marriage or otherwise, he shall, within ten days,
 6 notify the county recorder of *such** former and new name.

1 SEC. 25. Section one hundred fifty-three point nineteen (153.19),
 2 Code 1973, is amended to read as follows:

3 **153.19 Practice under own name.** No person shall operate any
 4 place in which dentistry is practiced under any other name than ~~his~~
 5 *the person's own*, or display, in connection with ~~his the dentist's~~ prac-
 6 tice, on any advertising matter any other than ~~his the dentist's own~~
 7 name; but two or more licensed dentists who are associated in the
 8 practice shall use all of their names, and a ~~widow spouse~~, heir, or any
 9 legal representative of a deceased dentist, may operate such office for
 10 a reasonable time for the purpose of disposing of the same.

1 SEC. 26. Section one hundred fifty-seven point one (157.1), Code
 2 1973, is amended to read as follows:

3 **157.1 Definitions.** For the purpose of this chapter the following
 4 classes of persons shall be deemed to be engaged in the practice of
 5 cosmetology:

6 1. Persons who, for compensation, engage in or who hold them-
 7 selves out to the public as being engaged in any one or any combina-
 8 tion of the following practices: Cutting, dressing, curling, waving,
 9 bleaching, coloring, and similar work, on the hair of any ~~woman or~~
 10 ~~child~~ *person* by any means whatever.

11 2. Persons who, with hands or mechanical or electrical apparatus or
 12 appliances, or by the use of cosmetic preparations, antiseptics, tonics,
 13 lotions, or creams, engage for compensation in any one or any com-
 14 bination of the following practices: Massaging, cleansing, stimulat-
 15 ing, manipulating, exercising, manicuring, beautifying, or similar
 16 work, the scalp, face, neck, hands, arms, bust or upper part of the
 17 body, or the removing of superfluous* hair by the use of electricity or
 18 otherwise, on or about the body of any ~~woman or child~~ *person*.

1 SEC. 27. Section one hundred fifty-eight point two (158.2), un-
 2 numbered paragraph two (2), Code 1973, is amended to read as fol-
 3 lows:

4 The provisions of this section shall not be construed as to permit
 5 any person other than a licensed barber or students in a barber school
 6 approved by the board of barber examiners or registered barber ap-
 7 prentice while pursuing a regular course of study of barbering to
 8 shave or trim the beard or cut the hair of any person for cosmetic
 9 purposes, except that licensed cosmetologists may cut the hair of any
 10 ~~female person and of any male person under twelve years of age~~.

1 SEC. 28. Section one hundred seventy point nineteen (170.19),
 2 subsection six (6), Code 1973, is amended by striking the subsection
 3 and inserting in lieu thereof the following:

4 6. While preparing food, employees whose hair does not extend
 5 below their ears shall wear suitable head covering, and employees
 6 whose hair extends below their ears shall wear hairnets.

*According to enrolled Act

1 SEC. 29. Section one hundred seventy-six point two (176.2), Code
2 1973, is amended to read as follows:

3 **176.2 Method of incorporation.** Such body corporate may be
4 formed by the acknowledging and filing articles of incorporation with
5 the county recorder, signed by at least ten farmers, landowners, or
6 other ~~business men~~ *persons engaged in business* of the county.

1 SEC. 30. Section one hundred seventy-six point three (176.3), un-
2 numbered paragraph two (2), Code 1973, is amended to read as fol-
3 lows:

4 We, the undersigned farmers, landowners, and ~~business men~~ *persons*
5 *engaged in business* of county, Iowa, do hereby adopt the
6 following articles of incorporation:

1 SEC. 31. Section two hundred ten point twenty-three (210.23),
2 Code 1973, is amended to read as follows:

3 **210.23 Exception.** Any ~~woman~~ *person* engaged in home baking is
4 exempt from the provisions of sections 210.19 to 210.22.

1 SEC. 32. Section two hundred fifteen point fifteen (215.15), Code
2 1973, is amended to read as follows:

3 **215.15 Scale pit.** Scale pit shall have proper room for inspector
4 or service ~~man~~ *person* to repair or inspect scale. Scale pit shall remain
5 dry at all times and adequate drainage shall be provided for the pur-
6 pose of inspecting and cleaning.

1 SEC. 33. Section two hundred eighteen point fourteen (218.14),
2 Code 1973, is amended to read as follows:

3 **218.14 Dwelling house and provisions.** The division director hav-
4 ing control over any state institution shall furnish the executive head
5 of each of said institutions, in addition to salary, with a dwelling
6 house or with appropriate quarters in lieu thereof, and, from supplies
7 purchased for the institution, the necessary household provisions for
8 ~~himself, wife~~ *the executive head, spouse*, and minor children or the
9 particular division director may compensate the executive head of each
10 of said institutions in lieu of furnishing all of the above items.

1 SEC. 34. Section two hundred nineteen point one (219.1), Code
2 1973, is amended to read as follows:

3 **219.1 For whom maintained.** The Iowa soldiers home, located in
4 Marshalltown, shall be maintained for honorably discharged soldiers,
5 sailors, marines and nurses who have served the United States in any
6 of its wars, including the Korean conflict at any time between June
7 27, 1950, and July 27, 1953, both dates inclusive, and including the
8 Vietnam conflict at any time between August 5, 1964, and ending on
9 the date the armed forces of the United States are directed by formal
10 order of the government of the United States to cease hostilities, both
11 dates inclusive, and who do not have sufficient means or ability to sup-
12 port themselves, and for the dependent ~~widows and wives~~ *widows and*
13 *surviving spouses* of such soldiers, sailors or marines.

14 For the purposes of this section World War II shall be from Decem-
15 ber 7, 1941, to September 2, 1945, both dates inclusive.

1 SEC. 35. Section two hundred nineteen point four (219.4), Code
2 1973, is amended to read as follows:

3 **219.4 Married couples.** When a married ~~man~~ *person* is or becomes
 4 a member of the home, ~~his wife~~ *the spouse*, if ~~she has been married to~~
 5 ~~him~~ *the person* for one year and is otherwise eligible under this chap-
 6 ter, may be admitted as a member of the home subject to all rules and
 7 regulations of said home. Husband and wife may be permitted to
 8 occupy, together, cottages or other quarters on the grounds of the
 9 home.

1 SEC. 36. Section two hundred nineteen point five (219.5), Code
 2 1973, is amended to read as follows:

3 **219.5 Widows Surviving spouses of veterans.** If any deceased sol-
 4 dier, sailor or marine, who would be entitled to admission to the home
 5 if ~~he~~ *the deceased soldier, sailor, or marine* were living, has left a
 6 ~~widow surviving him~~ *surviving spouse*, such ~~widow~~ *spouse* shall be
 7 entitled to admission to the home with the same rights, privileges and
 8 benefits as though ~~her~~ *the soldier, sailor or marine* ~~husband~~ *spouse*
 9 were living and a member of the home, provided, however, that such
 10 ~~widow has been the wife of~~ *spouse has been married to* said veteran
 11 for at least one year immediately prior to ~~his~~ *the veteran's* death, and
 12 has reached the age of fifty years or is found by the commandant to
 13 be totally and permanently disabled and ~~she~~ *the spouse* does not have
 14 sufficient means or is ~~unable to~~ *does not possess sufficient funds for*
 15 support and ~~maintain herself~~ *maintenance*, and provided further that
 16 ~~she~~ *the surviving spouse* has been for the three years preceding the
 17 date of ~~her~~ application, a resident of the state of Iowa, and ~~that she~~
 18 has not married at any time since the death of ~~her~~ *the veteran* ~~husband~~
 19 *spouse* except to a member of the home.

1 SEC. 37. Section two hundred nineteen point fifteen (219.15),
 2 Code 1973, is amended to read as follows:

3 **219.15 Payment to dependents.** Each member of the home who
 4 receives a pension or compensation and who has a dependent ~~wife~~
 5 *spouse* or child, as defined in section 234.1, shall deposit with the com-
 6 mandant forthwith on receipt of ~~his~~ *the member's* pension or compen-
 7 sation check one-half of the amount thereof, which shall be sent at
 8 once to the ~~wife~~ *spouse* if ~~she be~~ *the spouse is* dependent upon ~~her own~~
 9 ~~labor~~ *employment* or others for support, or, if there be no ~~wife~~ *spouse*,
 10 to the guardian of the child, as defined in section 234.1, if dependent
 11 upon others for support. The commandant, if satisfied that the ~~wife~~
 12 *spouse* has deserted ~~her husband~~ *the member of the home*, or is of bad
 13 character, or is not dependent upon others for support, may pay the
 14 money deposited as herein provided to the guardian of the dependent
 15 child, as defined in section 234.1.

1 SEC. 38. Section two hundred twenty-six point twelve (226.12),
 2 Code 1973, is amended to read as follows:

3 **226.12 Monthly visitation—~~women~~ inspectors.** The state director
 4 shall make monthly and thorough examinations of each hospital. ~~He~~
 5 *The director* may appoint a ~~woman~~ *an inspector* to make examinations
 6 of any hospital and to make written report thereof to the state direc-
 7 tor.

1 SEC. 39. Section two hundred forty-two point fifteen (242.15),
 2 Code 1973, is amended to read as follows:

3 **242.15 Transfers to work in parks.** The state director may detail
 4 boys *and girls*, classed as trustworthy, from the Iowa training school
 5 **for boys at Eldora and the Iowa training school for girls at Mitchell-**
 6 **ville,** to perform services for the state conservation commission within
 7 the state parks, state game and forest areas and other lands under the
 8 jurisdiction of said commission. The conservation commission shall
 9 provide such permanent housing and work guidance supervision, but
 10 the care and custody of said boys *and girls* shall remain under em-
 11 ployees of the division of child and family services of the department
 12 of social services. All such programs shall have as their primary
 13 purpose and shall provide for inculcation or the activation of attitudes,
 14 skills and habit patterns which will be conducive to the habilitation
 15 of said youths.

16 The state director is hereby authorized to use state-owned mobile
 17 housing equipment and facilities in performing such services at tem-
 18 porary locations in the above areas.

1 SEC. 40. Section two hundred forty-five point two (245.2), Code
 2 1973, is amended to read as follows:

3 **245.2 Superintendent—salary.** The superintendent of the wom-
 4 en's reformatory shall be ~~a female and shall~~ receive a salary as deter-
 5 mined by the state director.

1 SEC. 41. Section two hundred forty-six A point one (246A.1),
 2 Code 1973, is amended to read as follows:

3 **246A.1 Established by department of social services.** The depart-
 4 ment of social services is hereby authorized to establish a facility for
 5 the preparation of all ~~male~~ inmates of the corrective institutions under
 6 the department's jurisdiction for discharge or parole. The facility
 7 shall be known as the correctional release center and shall be operated
 8 in conjunction with and utilize the facilities of the prison honor farm
 9 at Newton, Iowa.

1 SEC. 42. Section two hundred forty-six A point three (246A.3),
 2 Code 1973, is amended to read as follows:

3 **246A.3 Transfer of prisoners to center.** The department may
 4 transfer any ~~male~~ inmate of a corrective institution within ninety days
 5 of the inmate's approaching release from custody to the release center
 6 for intensive training to assist the inmate in the transition to civilian
 7 living.

1 SEC. 43. Section two hundred forty-seven A point two (247A.2),
 2 Code 1973, is amended to read as follows:

3 **247A.2 Program.** The department of social services shall estab-
 4 lish a work release program under which inmates sentenced to an in-
 5 stitution under the jurisdiction of the department may be granted the
 6 privilege of leaving actual confinement during necessary and reason-
 7 able hours for the purpose of working at gainful employment in this
 8 state. Under appropriate conditions the program may also include
 9 release for the purpose of seeking employment and attendance at an
 10 educational institution. In the case of ~~female~~ inmates ~~the program~~
 11 ~~may include housekeeping in her domicile who have children in their~~
 12 ~~homes under the age of eighteen years, the program may include child~~
 13 ~~care and housekeeping in their homes.~~

1 SEC. 44. Section two hundred fifty point thirteen (250.13), Code
2 1973, is amended to read as follows:

3 250.13 **Burial—expenses.** The board shall designate some suitable
4 person in each township to cause to be decently interred in a suitable
5 cemetery and not in any cemetery or part thereof used exclusively for
6 the burial of the pauper dead, the body of any honorably discharged
7 man or woman of the United States, who served in the military or
8 naval forces of the United States during any war, including the
9 Korean Conflict at any time between June 27, 1950, and July 27, 1953,
10 both dates inclusive, and including the Vietnam Conflict at any time
11 between August 5, 1964, and ending on the date the armed forces of
12 the United States are directed by formal order of the government of
13 the United States to cease hostilities, both dates inclusive, or ~~his wife,~~
14 ~~widow the spouse, surviving spouse,~~ or child of such person, if any
15 such person has died without leaving sufficient means to defray the
16 funeral expenses. The commission shall pay such expenses in a sum
17 not exceeding two hundred dollars in any case.

1 SEC. 45. Section two hundred fifty-two point five (252.5), Code
2 1973, is amended to read as follows:

3 252.5 **Remote relatives.** In the absence or inability of nearer rela-
4 tives, the same liability shall extend to grandparents, if of ability
5 without personal labor, and to the ~~male~~ grandchildren who are of
6 ability by personal labor or otherwise.

1 SEC. 46. Section two hundred fifty-two point sixteen (252.16),
2 subsections four (4) and six (6), Code 1973, are amended by striking
3 the subsections and renumbering the remaining subsections.

1 SEC. 47. Section two hundred fifty-two point sixteen (252.16),
2 subsection five (5), Code 1973, is amended by striking the subsection
3 and inserting in lieu thereof the following:

4 5. Minor children who reside with both parents take the settlement
5 of the parents. If the minor child resides on a permanent basis with
6 only one parent or a guardian, the minor child takes the settlement of
7 the parent or guardian with whom the child resides.

1 SEC. 48. Section three hundred seventeen point twenty-two
2 (317.22), Code 1973, is amended to read as follows:

3 317.22 **Duty of highway maintenance ~~man~~ personnel.** It shall be
4 the duty of all officers directly responsible for the care of public high-
5 ways to make complaint to the weed commissioners or board of super-
6 visors, whenever it shall appear that the provisions of this chapter
7 may not be complied with in time to prevent the blooming and maturity
8 of noxious weeds or the unlawful growth of weeds, whether in the
9 streets or highways for which they are responsible or upon lands
10 adjacent to the same.

1 SEC. 49. Section three hundred twenty-one point forty-one
2 (321.41), unnumbered paragraph two (2), Code 1973, is amended to
3 read as follows:

4 Whenever the name of any person who has made application for or
5 obtained the registration of a vehicle is thereafter *legally* changed by
6 ~~marriage or otherwise~~ such person shall within ten days notify the
7 county treasurer of the county in which the title of said vehicle is of
8 record, of such former and new name.

1 SEC. 50. Section three hundred twenty-one E point fourteen
2 (321E.14), Code 1973, is amended to read as follows:

3 **321E.14 Fees for permits.** The commission or local authorities
4 issuing such permits shall charge a fee of ten dollars for an annual
5 permit and a fee of five dollars for a single-trip permit. Fees for the
6 movement of buildings, parts of buildings, or unusual vehicles or
7 loads may be increased to cover the costs of inspections by the issuing
8 authority. A fee not to exceed sixty dollars per ten-hour day or
9 prorated fraction thereof per ~~man~~ *person* and car for escort service
10 may be charged when requested or when required under this chapter.
11 Proration of escort fees between state and local authorities when more
12 than one governmental authority provides or is required to provide
13 escort for a movement during the period of a day shall be determined
14 by rule under section 321E.15. The commission and local authorities
15 may charge any permit applicant for the cost of trimming trees and
16 removal and replacement of natural obstructions or official signs and
17 signals or other public or private property required to be removed
18 during the movement of a vehicle and load.

1 SEC. 51. Section three hundred thirty-eight point four (338.4),
2 Code 1973, is amended to read as follows:

3 **338.4 Cook and assistants.** The sheriff may with the approval of
4 the board of supervisors appoint a competent cook for each of the
5 county jails of his county; also such assistants at each of said jails as
6 said board may deem necessary. ~~One or more of said assistants may be~~
7 ~~women.~~ Said appointments shall be made by the board of supervisors
8 when the sheriff fails to make them.

1 SEC. 52. Section three hundred forty-seven point nine (347.9),
2 Code 1973, is amended to read as follows:

3 **347.9 Trustees—appointment—terms of office.** When it has been
4 determined by the voters of a county to establish a county public hos-
5 pital, the board shall appoint seven trustees chosen from among the
6 resident citizens of the county with reference to their fitness for such
7 office, ~~three of whom may be women~~, and not more than four of such
8 trustees shall be residents of the city, town, or village at which such
9 hospital is located. Such trustees shall hold office until the following
10 general election, at which time their successors shall be elected, two
11 for a term of two years, two for four years, and three for six years,
12 and they shall determine by lot their respective terms, and thereafter
13 their successors shall be elected for regular terms of six years each,
14 none of whom shall be physicians or licensed practitioners.

1 SEC. 53. Section three hundred fifty-six point sixteen (356.16),
2 Code 1973, is amended to read as follows:

3 **356.16 Hard labor.** Able-bodied ~~male~~ persons over the age of six-
4 teen, confined in any jail under the judgment of any tribunal author-
5 ized to imprison for the violation of any law, ordinance, bylaw or police
6 regulation, may be required to labor during the whole or part of the
7 time of ~~his sentence~~ *their sentences*, as hereinafter provided, and such
8 tribunal, when passing final judgment of imprisonment, whether for
9 nonpayment of fine or otherwise, shall have the power to and shall
10 determine whether such imprisonment shall be at hard labor or not.

1 SEC. 54. Section three hundred fifty-six point twenty-six (356.26),
2 subsection three (3), Code 1973, is amended to read as follows:

3 3. Conducting his own business or other self-employed occupation,
4 including, ~~in the case of a woman,~~ housekeeping and attending ~~the~~ *to*
5 *family needs of her family.*

1 SEC. 55. Section four hundred eleven point one (411.1), subsection
2 ten (10), Code 1973, is amended to read as follows:

3 10. "~~Widow~~ *Surviving spouse*" shall mean only such surviving spouse
4 of a marriage consummated prior to retirement of a deceased member
5 from active service.

1 SEC. 56. Section four hundred twenty-eight point one (428.1), sub-
2 section two (2), Code 1973, is amended to read as follows:

3 2. The property of a married ~~woman~~ *person*, by ~~herself or husband~~
4 *either party.*

1 SEC. 57. Section four hundred forty-one point thirteen (441.13),
2 Code 1973, is amended to read as follows:

3 441.13 *Office personnel.* Other office personnel shall be appointed
4 by the assessor subject to the limitations of the annual budget as here-
5 inafter provided. The assessor shall select field ~~men~~ *persons*, so far
6 as possible, from the eligible list of deputy assessors. Their compensa-
7 tion shall be fixed as provided in section 441.16. They shall serve at the
8 pleasure of the assessor.

1 SEC. 58. Section four hundred forty-one point sixteen (441.16),
2 unnumbered paragraph three (3), and subsections one (1) and two
3 (2), Code 1973, are amended to read as follows:

4 Such combined budgets shall contain an itemized list of the proposed
5 salaries of the assessor and each deputy, the amount required for field
6 ~~men~~ *personnel* and other personnel, their number and their compensa-
7 tion; the estimated amount needed for expenses, printing, mileage and
8 other expenses necessary to operate the assessor's office, the estimated
9 expenses of the examining board and the salaries and expenses of the
10 local board of review.

11 1. The number of deputies, field ~~men~~ *personnel*, and other personnel
12 of the assessor's office.

13 2. The salaries and compensation of members of the board of
14 review, the assessor, chief deputy, other deputies, field ~~men~~ *personnel*,
15 and other personnel, and determine the time and manner of payment.

1 SEC. 59. Section four hundred fifty point nine (450.9), Code 1973,
2 is amended by striking subsections one (1) and two (2) and inserting
3 in lieu thereof the following:

4 1. Surviving spouse, forty thousand dollars.

1 SEC. 60. Section four hundred fifty-five point four (455.4), unnum-
2 bered paragraphs two (2) and three (3), Code 1973, are amended to
3 read as follows:

4 The term "commissioners" shall mean the ~~men~~ *persons* appointed
5 and qualified to classify lands, fix percentages of benefits, apportion
6 and assess costs and expenses in any levee or drainage district, unless
7 otherwise specifically indicated by law.

8 The term "appraisers" shall mean the ~~men~~ *persons* appointed and
9 qualified to ascertain the value of all land taken and the amount of

10 damage arising from the construction of levee or drainage improve-
11 ments.

1 SEC. 61. Section four hundred seventy-seven point twenty-two
2 (477.22), Code 1973, is amended to read as follows:

3 477.22 **Headlights and taillights.** It shall be the duty of every
4 person, firm, or corporation owning or operating any line of railway
5 within the state, except lines under twenty miles in length operated
6 wholly within this state, to equip all locomotives, power vehicles, power
7 cars, or other equipment used as the equivalent of or in place of a
8 locomotive, when used in the transportation of passengers, employees
9 or freight, with a headlight of sufficient candlepower, measured with a
10 reflector, to throw a light in clear weather that will enable the operator
11 of same to plainly discern an object the size of ~~a man~~ *an adult person*
12 lying prone on the track at a distance of eleven hundred feet from the
13 headlight, and thereafter to maintain and use such headlights upon
14 every such locomotive, vehicle, car, or other equipment; provided,
15 however, that track power cars when used during the nighttime by
16 employees in the performance of work, shall be equipped with an
17 electric headlight of sufficient candlepower, measured with a reflector
18 to throw a light in clear weather that will enable the operator to see
19 an obstruction on the track for a distance of five hundred feet, also
20 two rear electric red lights of such construction and sufficient candle-
21 power to be plainly visible.

1 SEC. 62. Section four hundred seventy-nine point ninety-four
2 (479.94), subsections three (3), nine (9), and fifteen (15), Code 1973,
3 are amended to read as follows:

4 3. Sleeping car and express company employees, ~~linemen~~ *line per-*
5 *sons* of telegraph and telephone companies operated in connection with
6 such carriers, railway mail service employees, post office inspectors,
7 customs inspectors, immigration inspectors, ~~newsboys~~ *newspaper sell-*
8 *ers* on trains, and baggage agents.

9 9. Superannuated and pensioned employees and members of their
10 families, ~~widows~~ *spouses* of employees who die while in the service of
11 such common carrier, and ~~widows~~ *spouses* of pensioned employees.

12 15. The adjutant general of Iowa for the transportation of officers
13 or enlisted ~~men~~ *personnel* of the Iowa national guard or other military
14 organization of the state, when traveling under the order of the com-
15 mander in chief.

1 SEC. 63. Section four hundred ninety-six A point forty-four
2 (496A.44), unnumbered paragraph three (3), Code 1973, is amended
3 to read as follows:

4 A director shall not be liable under subsections 1, 2, or 3 of this sec-
5 tion if ~~he~~ *the director* relied and acted in good faith upon financial
6 statements of the corporation, represented to ~~him~~ *the director* to be
7 correct by the president or the officer of such corporation having
8 charge of its books of account, or stated in a written report by an
9 independent public or certified public accountant or firm of such ac-
10 countants fairly to reflect the financial condition of such corporation,
11 nor shall ~~he~~ *the director* be so liable if in good faith in determining
12 the amount available for any such dividend or distribution ~~he~~ *the*
13 *director* considered the assets to be of their book value. If an officer

14 willfully or negligently submits an incorrect financial statement to a
 15 director or directors, and board of directors action, contrary to the
 16 provisions of this chapter or of any restrictions in the articles of
 17 incorporation, is taken in reliance thereon, ~~he~~ *the officer* shall be liable
 18 to the same extent as if ~~he~~ *the officer* were a director voting for or
 19 assenting to such action. No director or officer shall be deemed to be
 20 negligent within the meaning of this section if ~~he~~ *the director or officer*
 21 exercised that diligence, care and skill which an ordinarily prudent
 22 ~~man~~ *person* would exercise under similar circumstances.

1 SEC. 64. Section five hundred four point one (504.1), Code 1973,
 2 is amended to read as follows:

3 504.1 Articles. Except as may be otherwise specifically provided
 4 in this chapter, any three or more persons of full age, a majority of
 5 whom shall be citizens of the state, may incorporate themselves for the
 6 establishment of churches, colleges, seminaries, lyceums, libraries,
 7 fraternal lodges or societies, temperance societies, trades unions or
 8 other labor organizations, commercial clubs, associations of business
 9 ~~men~~ *persons*, agricultural societies, farmers granges, or organiza-
 10 tions of a benevolent, charitable, scientific, political, athletic, military,
 11 or religious character, or for the acquisition and ownership of rural
 12 fire fighting equipment or for the promotion of the establishment and
 13 expansion of industries and the doing of all things necessary thereto.
 14 The incorporators shall adopt, and sign and acknowledge the articles
 15 of incorporation, stating the name by which the corporation or asso-
 16 ciation shall be known, the location of its principal office or place of
 17 business, its business or objects, the number of trustees, directors,
 18 managers, or other officers to conduct the same, the names thereof for
 19 the first year, the time of its annual meeting and of annual meeting of
 20 its trustees or directors and the manner in which the articles may be
 21 amended. Said articles of incorporation shall be filed with the secretary
 22 of state who shall, if ~~he~~ *the secretary of state* approves the same,
 23 endorse ~~his~~ approval thereon, record same, and thereafter forward
 24 the same to the county recorder of the county where the principal place
 25 of business is to be located and there it shall be recorded and, upon
 26 recording, be returned to the corporation. The said articles shall not
 27 be filed by the secretary of state until a filing fee of five dollars is paid
 28 and upon the payment of said fee and the approval of the articles by
 29 the secretary of state, ~~he~~ *the secretary of state* shall issue to said
 30 corporation a certificate of incorporation as a corporation not for
 31 pecuniary profit. Amendments to articles may be filed and receive
 32 approval as provided herein for articles, and the fee therefor shall be
 33 five dollars in each instance, and no amendment shall be effective until
 34 the same is approved and the fee therefor is paid.

1 SEC. 65. Section five hundred seven B point four (507B.4), subsec-
 2 tion nine (9), paragraph h, Code 1973, is amended to read as follows:

3 h. Attempting to settle a claim for less than the amount to which a
 4 reasonable ~~man~~ *person* would have believed ~~he~~ *the person* was entitled
 5 by reference to written or printed advertising material accompanying
 6 or made part of an application.

1 SEC. 66. Section five hundred twelve point fifty-five (512.55), Code
 2 1973, is amended to read as follows:

3 **512.55 Applicability—exceptions.** The provisions of this chapter
 4 shall not be construed to apply to organizations, societies, or associa-
 5 tions, the membership of which consists of ~~female~~ members of the
 6 families of members of any one occupation, guild, profession, or reli-
 7 gious denomination, nor shall the provisions of this chapter be con-
 8 strued to apply to auxiliary societies or associations, the membership
 9 of which consists of ~~female~~ members of the families of members of any
 10 one occupation, guild, profession, or religious denomination.

1 SEC. 67. Section five hundred fourteen A point one (514A.1), un-
 2 numbered paragraphs two (2) and three (3), Code 1973, are amended
 3 to read as follows:

4 This chapter shall not apply to an association organized, existing
 5 and operating under chapter 510 which limits its contracts to provid-
 6 ing benefits for ~~widows spouses~~, heirs, orphans or legatees of deceased
 7 members whose death is caused by accident or accidental means, or of
 8 providing benefits for members for specific loss or loss of time from
 9 injuries caused by accident or accidental means, nor shall said chapter
 10 apply to a fraternal beneficiary association, as defined in section 512.1
 11 and licensed under the provisions of section 510.23 thereof, which
 12 limits its contracts to providing benefits to beneficiaries of deceased
 13 members whose death is caused by accident or accidental means or of
 14 providing benefits for members for specific loss or loss of time from
 15 injuries caused by accident or accidental means.

16 Orders, societies or associations which admit to membership only
 17 persons engaged in one or more crafts or hazardous occupations in the
 18 same or similar lines of business and the ~~ladies'~~ societies or ~~ladies'~~
 19 auxiliaries to such orders shall not be subject to the provisions of this
 20 chapter nor shall any religious order be subject to the provisions of
 21 this chapter.

1 SEC. 68. Section five hundred seventeen point two (517.2), unnum-
 2 bered paragraph five (5), Code 1973, is amended to read as follows:

3 The terms "loss payments" and "loss expense payments" as used
 4 herein shall include all payments to claimants, including payments for
 5 medical and surgical attendance, legal expenses, salaries and expenses
 6 of investigators, and ~~fieldmen~~ *field personnel*, rents, stationery, tele-
 7 graph and telephone charges, postage, salaries and expenses of office
 8 employees, home office expenses, and all other payments made on
 9 account of claims, whether such payments shall be allocated to specific
 10 claims or unallocated.

1 SEC. 69. Section five hundred twenty-four point six hundred four
 2 (524.604), unnumbered paragraph two (2), Code 1973, is amended to
 3 read as follows:

4 Directors of a state bank shall discharge the duties of their position
 5 in good faith and with that diligence, care and skill which ordinarily
 6 prudent ~~men~~ *persons* would exercise under similar circumstances in
 7 like positions. The directors shall have a continuing responsibility to
 8 assure themselves that the bank is being managed according to law
 9 and that the practices and policies adopted by the board are being
 10 implemented.

1 SEC. 70. Section five hundred twenty-four point six hundred five
2 (524.605), unnumbered paragraph three (3), Code 1973, is amended
3 to read as follows:

4 A director shall not be liable under subsections 1, 2, 3, or 4 of this
5 section if ~~he~~ *the director* relied and acted in good faith upon informa-
6 tion represented to ~~him~~ *the director* to be correct by an officer or offi-
7 cers of such state bank or stated in a written report by a certified
8 public accountant or firm of such accountants. No director shall be
9 deemed to be negligent within the meaning of this section if ~~he~~ *the*
10 *director* in good faith exercised that diligence, care and skill which an
11 ordinarily prudent ~~man~~ *person* would exercise as a director under
12 similar circumstances.

1 SEC. 71. Section five hundred twenty-four point seven hundred two
2 (524.702), subsection two (2), Code 1973, is amended to read as fol-
3 lows:

4 2. If an officer willfully or negligently submits any incorrect infor-
5 mation to a director or directors, and action by the board of directors
6 contrary to the provisions of this chapter, or of any restrictions in the
7 articles of incorporation, is taken in reliance thereon, the officer shall
8 be liable to the same extent as if ~~he~~ *the officer* were a director voting
9 for or assenting to such action, as provided in section 524.605. An
10 officer shall also be liable to the extent of any loss sustained by the
11 state bank as a result of ~~his~~ *the officer's* willful or negligent violation
12 of any provision of this chapter. The superintendent may require an
13 officer or officers whom ~~he~~ *the superintendent* reasonably believes to be
14 liable to a state bank pursuant to this section, to place in an escrow
15 account an amount sufficient to discharge such liability in the manner
16 provided for in section 524.605. No officer shall be deemed to be negli-
17 gent within the meaning of this section if ~~he~~ *the officer* exercised that
18 diligence, care and skill which an ordinarily prudent ~~man~~ *person*
19 would exercise as an officer under similar circumstances.

1 SEC. 72. Section five hundred thirty-three point eight (533.8),
2 Code 1973, is amended to read as follows:

3 533.8 Elections. At the organization meeting there shall be elected
4 a board of directors of not less than nine members to hold office for
5 such terms as the bylaws provide and until successors are elected and
6 qualify. At each annual meeting there shall be elected one member to
7 fill each position vacated by reason of expiring terms or other causes.
8 A record of the names and addresses of the directors, officers and com-
9 mittee ~~men~~ *persons* shall be filed with the superintendent of banking
10 within ten days following each election.

1 SEC. 73. Section five hundred fifty-four point seven thousand two
2 hundred four (554.7204), subsection one (1), Code 1973, is amended
3 to read as follows:

4 1. A ~~warehouseman~~ *warehouse person* is liable for damages for loss
5 of or injury to the goods caused by ~~his~~ *the warehouse person's* failure
6 to exercise such care in regard to them as a reasonably careful ~~man~~
7 *person* would exercise under like circumstances but unless otherwise
8 agreed ~~he~~ *the warehouse person* is not liable for damages which could
9 not have been avoided by the exercise of such care.

1 SEC. 74. Section five hundred fifty-four point seven thousand three
2 hundred nine (554.7309), subsection one (1), Code 1973, is amended
3 to read as follows:

4 1. A carrier who issues a bill of lading whether negotiable or non-
5 negotiable must exercise the degree of care in relation to the goods
6 which a reasonably careful ~~man~~ *person* would exercise under like cir-
7 cumstances. This subsection does not repeal or change any law or rule
8 of law which imposes liability upon a common carrier for damages not
9 caused by its negligence.

1 SEC. 75. Section five hundred sixty-five A point four (565A.4),
2 subsection five (5), Code 1973, is amended to read as follows:

3 5. The custodian, notwithstanding statutes restricting investments
4 by fiduciaries, shall invest and reinvest the custodial property as would
5 a prudent ~~man~~ *person* of discretion and intelligence who is seeking a
6 reasonable income and the preservation of ~~his~~ *the prudent person's*
7 capital, except that ~~he~~ *the custodian* may, in ~~his~~ *the custodian's* discre-
8 tion and without liability to the minor or ~~his~~ *the minor's* estate, retain
9 a security given to the minor in a manner prescribed in this chapter.

1 SEC. 76. Section five hundred sixty-seven point one (567.1), un-
2 numbered paragraph two (2), Code 1973, is amended to read as fol-
3 lows:

4 The ~~widow~~ *spouse* and heirs and devisees, being nonresident aliens,
5 of any alien or naturalized citizen who has acquired real estate in this
6 state, may hold the same by devise, descent, or distribution, for a
7 period of twenty years; and if at the end of that time such real estate
8 has not been sold to a bona fide purchaser for value, or such alien heirs
9 have not become residents of this state, such land shall escheat to the
10 state.

1 SEC. 77. Section five hundred ninety-five point sixteen (595.16),
2 Code 1973, is amended to read as follows:

3 **595.16 Husband Spouse responsible for return.** When a marriage
4 is consummated without the services of a ~~clergyman~~ *cleric* or magis-
5 trate, the required return thereof ~~shall~~ *may* be made to the clerk by
6 ~~the husband~~ *either spouse*.

1 SEC. 78. Section five hundred ninety-seven point nineteen (597.19),
2 Code 1973, is amended to read as follows:

3 **597.19 Husband Spouse not liable for wife's torts of other spouse.**
4 For civil injuries committed by a married ~~woman~~ *person*, damages
5 may be recovered from ~~her~~ *the person* alone, and ~~her husband~~ *the*
6 *partner* shall not be liable therefor, except in cases where ~~he~~ *the*
7 *partner* would be jointly liable ~~with her~~ if the marriage did not exist.

1 SEC. 79. Section six hundred twenty-seven point four (627.4),
2 Code 1973, is amended to read as follows:

3 **627.4 Absconding debtor.** When a debtor absconds and leaves ~~his~~
4 *the debtor's* family, such property as is exempt to ~~him~~ *the debtor* under
5 this chapter shall be exempt in the hands of ~~his~~ *the debtor's* ~~wife~~
6 *spouse* and children, or either of them.

1 SEC. 80. Section six hundred twenty-seven point six (627.6), sub-
2 sections twenty-one (21) and twenty-two (22), Code 1973, are
3 amended to read as follows:

4 21. If the debtor is a resident of this state and is the head of a
 5 family, and does not own one or more of the foregoing items of prop-
 6 erty, ~~his wife the spouse, if she the spouse is an actual member of the~~
 7 family, and owns one or more such items, and is the debtor, shall be
 8 entitled to hold such items exempt from execution.

9 22. If the debtor is a resident of this state and a woman other than
 10 the head of a family, she may hold exempt from execution one sewing
 11 machine, and poultry to the value of fifty dollars.

1 SEC. 81. Section six hundred thirty-three point one hundred
 2 twenty-three (633.123), title and subsection one (1), Code 1973, is
 3 amended to read as follows:

4 **633.123 Model prudent ~~man~~ person investment Act.**

5 1. Investments by fiduciaries. In acquiring, investing, reinvesting,
 6 exchanging, retaining, selling and managing property for the benefit of
 7 another, a fiduciary shall exercise the judgment and care under the
 8 circumstances then prevailing, which ~~men persons~~ of prudence, discre-
 9 tion and intelligence exercise in the management of their own affairs,
 10 not for the purpose of speculation, but with regard to the permanent
 11 disposition of their funds, considering the probable income, as well as
 12 the probable safety, of their capital. Within the limitations of the
 13 foregoing standards, a fiduciary is authorized to acquire and retain
 14 every kind of property and every kind of investment, specifically in-
 15 cluding, but not by way of limitation, bonds, debentures, and other
 16 corporate obligations, and stocks and shares and preferred or common,
 17 which ~~men persons~~ of prudence, discretion and intelligence acquire or
 18 retain for their own account.

1 SEC. 82. Section six hundred seventy-four point five (674.5), Code
 2 1973, is amended to read as follows:

3 **674.5 Contents of decree.** The decree shall describe the petitioner,
 4 giving his or her name and former name, height, weight, color of hair,
 5 color of eyes, race, sex, date and place of birth and, ~~if a male and mar-~~
 6 ~~ried,~~ the given name of ~~his wife the spouse~~ and any minor children
 7 affected by the change. The decree shall also give a legal description
 8 of all real property owned by the petitioner.

1 SEC. 83. Section six hundred eighty-seven point two (687.2), Code
 2 1973, is amended to read as follows:

3 **687.2 "Felony" defined.** A felony is a public offense which is, or in
 4 the discretion of the court may be, punished by imprisonment in the
 5 penitentiary* or men's reformatory or *the women's reformatory*.

1 SEC. 84. Section seven hundred seven point six (707.6), Code 1973,
 2 is amended to read as follows:

3 **707.6 Married ~~women~~ persons.** Sections 707.1 to 707.5 of this
 4 chapter extend to a married ~~woman~~ person who commits either of the
 5 offenses therein described, though the property burnt or set fire to may
 6 belong partly or wholly to ~~her husband~~ *the other spouse*.

1 SEC. 85. Section seven hundred twenty-four point seven (724.7),
 2 Code 1973, is amended to read as follows:

*According to enrolled Act

3 **724.7 Permitting minor females persons to be inmates.** Whoever,
 4 being the keeper of a house of prostitution, or assignation house, build-
 5 ing, or premises in this state where prostitution, fornication, or con-
 6 cubinage is allowed, or practiced, shall suffer or permit any unmarried
 7 female person under the age of eighteen years to live, board, stop, or
 8 room in such house, building, or premises, shall, on conviction, be
 9 imprisoned in the penitentiary not less than one year nor more than
 10 five years.

1 SEC. 86. Section seven hundred twenty-four point eight (724.8),
 2 Code 1973, is amended to read as follows:

3 **724.8 Detention of females.** Whoever shall unlawfully detain or
 4 confine any female person, by force, false pretense, or intimidation, in
 5 any room, house, building, or premises in this state, against the will of
 6 such female person, for purposes of prostitution or with intent to cause
 7 such female person to become a prostitute, and be guilty of fornication
 8 or concubinage therein, or shall by force, false pretense, confinement
 9 or intimidation attempt to prevent any female person so as aforesaid
 10 detained, from leaving such room, house, building, or premises, and
 11 whoever aids, assists, or abets by force, false pretense, confinement, or
 12 intimidation, in keeping, confining, or unlawfully detaining any female
 13 person in any room, house, building, or premises in this state, against
 14 the will of such female person, for the purpose of prostitution, fornication,
 15 or concubinage, shall, on conviction, be imprisoned in the peniten-
 16 tiary not more than ten years.

1 SEC. 87. Section seven hundred twenty-four point nine (724.9),
 2 Code 1973, is amended to read as follows:

3 **724.9 Enticing to house of ill fame.** If any person inveigle or
 4 entice any female person, before reputed virtuous, to a house of ill
 5 fame, or knowingly conceal or aid or abet in concealing such female
 6 person so deluded or enticed, for the purpose of prostitution or lewd-
 7 ness, or entice back into a life of prostitution any female person who
 8 has theretofore been guilty of prostitution and has abandoned it, ~~he~~
 9 the person shall be imprisoned in the penitentiary not more than ten
 10 years.

1 SEC. 88. Section seven hundred twenty-four point ten (724.10),
 2 Code 1973, is amended to read as follows:

3 **724.10 Enticing female child minor for prostitution.** If any person
 4 take or entice away any unmarried female minor under the age of
 5 eighteen years for the purpose of prostitution, ~~he the person~~ shall be
 6 imprisoned in the penitentiary not more than five years, or be fined not
 7 more than one thousand dollars and imprisoned in the county jail not
 8 more than one year.

1 SEC. 89. Section seven hundred forty-two point two (742.2), Code
 2 1973, is amended to read as follows:

3 **742.2 Calling out power of county.** When the sheriff or other offi-
 4 cer authorized to execute process has reason to apprehend that resist-
 5 ance will be made, or finds that resistance is made, to the execution
 6 thereof, ~~he the sheriff or other person~~ may command as many male
 7 inhabitants of ~~his the~~ county as ~~he the sheriff or other person~~ may
 8 think proper, and may call upon the governor for the assistance of the

9 military force to assist ~~him~~ *the sheriff or other person* in overcoming
10 the resistance, and, if necessary, in seizing, arresting, and confining
11 the resisters, their aiders, and abettors, to be held for punishment by
12 law.

1 SEC. 90. Section seven hundred sixty-one point twenty-three
2 (761.23), Code 1973, is amended to read as follows:

3 **761.23 Minors and married women may be bound.** Minors and
4 ~~married women~~ who are material witnesses against the defendant may
5 in like manner be required to procure sureties for their appearance as
6 provided in section 761.22.

1 SEC. 91. The provisions of this Act relating to settlement as de-
2 fined in chapter two hundred fifty-two (252) of the Code shall not
3 affect the assessment of payments based upon a determination of settle-
4 ment made prior to July 1, 1974.

1 SEC. 92. Sections two hundred forty-five point four (245.4), as
2 amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
3 chapter one hundred forty (140), section eight (8),* six hundred
4 eighty-seven point three (687.3), and seven hundred forty-six point
5 two (746.2), Code 1973, are repealed.

1 SEC. 93. There is appropriated from the general fund of the state
2 for the fiscal year beginning July 1, 1974 and ending June 30, 1975,
3 to the board of barber examiners, the sum of five thousand (5,000)
4 dollars, or so much thereof as may be necessary, and to the board of
5 cosmetology examiners, the sum of five thousand (5,000) dollars, or so
6 much thereof as may be necessary, to be used by the two examining
7 boards for per diem and expenses of board members and not more
8 than three additional persons appointed by each board for joint meet-
9 ings held for the purpose of making recommendations to the Sixty-
10 sixth General Assembly, 1975 Session, regarding changes in the
11 cosmetology and barbering laws, including but not limited to the
12 establishment of a joint license for the practice of barbering and
13 cosmetology, the establishment of a joint board, the scope of practice
14 of barbers and cosmetologists, and licensing and educational qualifica-
15 tions. Any funds not expended under this section shall revert to the
16 general fund of the state on September 30, 1975.

1 SEC. 94. Notwithstanding any other provision of law, any licensed
2 cosmetologist under chapter one hundred fifty-seven (157) of the Code
3 may practice barbering as defined in chapter one hundred fifty-eight
4 (158) of the Code until June 30, 1975. Notwithstanding any other
5 provision of law, any licensed barber and registered barber apprentice
6 under chapter one hundred fifty-eight (158) of the Code may practice
7 cosmetology as defined in chapter one hundred fifty-seven (157) of the
8 Code until June 30, 1975. The provisions of this section shall expire
9 June 30, 1975.

1 SEC. 95. Effective July 1, 1975, chapters one hundred fifty-seven
2 (157) and one hundred fifty-eight (158), Code 1973, are repealed.

*According to enrolled Act

- 1 SEC. 96. This Act, being deemed of immediate importance, shall
 2 take effect and be in force from and after its publication in the Mus-
 3 catine Journal, a newspaper published in Muscatine, Iowa, and in The
 4 Cedar Rapids Gazette, a newspaper published in Cedar Rapids, Iowa.

Approved May 30, 1974

I hereby certify that the foregoing Act, Senate File 1093, was published in the Muscatine Journal, Muscatine, Iowa, June 4, 1974, and in The Cedar Rapids Gazette, Cedar Rapids, Iowa, June 5, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1094

MERIT SYSTEM

H. F. 1380

AN ACT relating to the method by which state agencies appoint persons from a merit system eligible list.

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

- 1 SECTION 1. Section nineteen A point nine (19A.9), subsection
 2 seven (7), Code 1973, is amended to read as follows:

3 7. For the appointment by the appointing authority of a person
 4 standing among the highest ~~three~~ *ten percent* on the appropriate eli-
 5 gible list to fill a vacancy *or among highest five if there are less than*
 6 *fifty on the list.*

- 1 SEC. 2. Section nineteen A point nine (19A.9), subsection eight
 2 (8), Code 1973, is amended to read as follows:

3 8. For a probation period of ~~one year~~ *six months*, excluding educa-
 4 tional or training leave, before appointment may be made complete,
 5 and during which period a probationer may be discharged or reduced
 6 in class or rank, or replaced on the eligible list. The appointing author-
 7 ity shall within ten days prior to the expiration of an employee's pro-
 8 bation period notify the director in writing whether the services of the
 9 employee have been satisfactory or unsatisfactory. If the employee's
 10 services are unsatisfactory, he shall be dropped from the payroll on or
 11 before the expiration of his probation period. If satisfactory, the
 12 appointment shall be deemed permanent. The determination of the
 13 appointing authority shall be final and conclusive.

Approved May 27, 1974

CHAPTER 1095

PUBLIC EMPLOYMENT RELATIONS

(Collective Bargaining)

S. F. 531

AN ACT relating to public employment relations and providing penalties for violations.

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

1 SECTION 1. NEW SECTION. **Public policy.** The general assembly
2 declares that it is the public policy of the state to promote harmonious
3 and cooperative relationships between government and its employees
4 by permitting public employees to organize and bargain collectively;
5 to protect the citizens of this state by assuring effective and orderly
6 operations of government in providing for their health, safety, and
7 welfare; to prohibit and prevent all strikes by public employees; and
8 to protect the rights of public employees to join or refuse to join, and
9 to participate in or refuse to participate in, employee organizations.

1 SEC. 2. NEW SECTION. **Title.** This Act shall be known as the
2 "Public Employment Relations Act".

1 SEC. 3. NEW SECTION. **Definitions.** When used in this Act, un-
2 less the context otherwise requires:

3 1. "Public employer" means the state of Iowa, its boards, commis-
4 sions, agencies, departments, and its political subdivisions including
5 school districts and other special purpose districts.

6 2. "Governing body" means the board, council, or commission,
7 whether elected or appointed, of a political subdivision of this state,
8 including school districts and other special purpose districts, which
9 determines the policies for the operation of the political subdivision.

10 3. "Public employee" means any individual employed by a public
11 employer, except individuals exempted under the provisions of section
12 four (4) of this Act.

13 4. "Employee organization" means an organization of any kind in
14 which public employees participate and which exists for the primary
15 purpose of representing public employees in their employment rela-
16 tions.

17 5. "Board" means the public employment relations board estab-
18 lished under section five (5) of this Act.

19 6. "Strike" means a public employee's refusal, in concerted action
20 with others, to report to duty, or his willful absence from his position,
21 or his stoppage of work, or his abstinence in whole or in part from the
22 full, faithful, and proper performance of the duties of employment,
23 for the purpose of inducing, influencing, or coercing a change in the
24 conditions, compensation, rights, privileges, or obligations of public
25 employment.

26 7. "Confidential employee" means any public employee who works
27 in the personnel offices of a public employer or who has access to in-
28 formation subject to use by the public employer in negotiating or who
29 works in a close continuing working relationship with public officers
30 or representatives associated with negotiating on behalf of the public
31 employer.

32 "Confidential employee" also includes the personal secretary of any
 33 of the following: any elected official or person appointed to fill a
 34 vacancy in an elective office, member of any board or commission, the
 35 administrative officer, director, or chief executive officer of a public
 36 employer or major division thereof, or the deputy or first assistant of
 37 any of the foregoing.

38 8. "Mediation" means assistance by an impartial third party to
 39 reconcile an impasse between the public employer and the employee
 40 organization through interpretation, suggestion, and advice.

41 9. "Arbitration" means the procedure whereby the parties involved
 42 in an impasse submit their differences to a third party for a final and
 43 binding decision or as provided in this Act.

44 10. "Impasse" means the failure of a public employer and the em-
 45 ployee organization to reach agreement in the course of negotiations.

46 11. "Professional employee" means any one of the following:

47 a. Any employee engaged in work:

48 (1) Predominantly intellectual and varied in character as opposed
 49 to routine mental, manual, mechanical, or physical work;

50 (2) Involving the consistent exercise of discretion and judgment in
 51 its performance;

52 (3) Of such a character that the output produced or the result ac-
 53 complished cannot be standardized in relation to a given period of
 54 time; and

55 (4) Requiring knowledge of an advanced type in a field of science
 56 or learning customarily acquired by a prolonged course of specialized
 57 intellectual instruction and study in an institution of higher learning
 58 or a hospital, as distinguished from a general academic education or
 59 from an apprenticeship or from training in the performance of routine
 60 mental, manual, or physical processes.

61 b. Any employee who (i) has completed the courses of specialized
 62 intellectual instruction and study described in subparagraph four (4)
 63 of paragraph a of this subsection, and (ii) is performing related work
 64 under the supervision of a professional person to qualify himself or
 65 herself to become a professional employee as defined in paragraph a
 66 of this subsection.

67 12. "Fact-finding" means the procedure by which a qualified person
 68 shall make written findings of fact and recommendations for resolu-
 69 tion of an impasse.

1 SEC. 4. NEW SECTION. **Exclusions.** The following public employ-
 2 ees shall be excluded from the provisions of this Act:

3 1. Elected officials and persons appointed to fill vacancies in elective
 4 offices, and members of any board or commission.

5 2. Representatives of a public employer, including the administra-
 6 tive officer, director, or chief executive officer of a public employer or
 7 major division thereof as well as his deputy, first assistant, and any
 8 supervisory employees.

9 Supervisory employee means any individual having authority in the
 10 interest of the public employer to hire, transfer, suspend, layoff, recall,
 11 promote, discharge, assign, reward or discipline other public employ-
 12 ees, or the responsibility to direct them, or to adjust their grievances,
 13 or effectively to recommend such action, if in connection with the fore-
 14 going exercise of such authority is not of a merely routine or clerical
 15 nature, but requires the use of independent judgment. All school

16 superintendents, assistant superintendents, principals, and assistant
17 principals shall be deemed to be supervisory employees.

18 3. Confidential employees.

19 4. Students working as part-time public employees twenty hours
20 per week or less, except graduate or other post-graduate students in
21 preparation for a profession who are engaged in academically related
22 employment as a teaching, research, or service assistant.

23 5. Temporary public employees employed for a period of four
24 months or less.

25 6. Commissioned and enlisted personnel of the Iowa national guard.

26 7. Judges of the supreme court, district judges, district associate
27 judges, and judicial magistrates, and the employees of such judges
28 and courts.

29 8. Patients and inmates employed, sentenced, or committed to any
30 state or local institution.

31 9. Persons employed by the state department of justice.

32 10. Persons employed by the commission for the blind.

1 **SEC. 5. NEW SECTION. Public employment relations board.**

2 1. There is established a board to be known as the public employ-
3 ment relations board. The board shall consist of three members ap-
4 pointed by the governor, with approval of two-thirds of the senate.
5 No more than two members shall be of the same political affiliation
6 and no member shall engage in any political activity while holding
7 office and the members shall devote full time to their duties.

8 Each member shall be appointed for a term of four years, except
9 that of the members first appointed, two members shall be appointed
10 for a term of two years commencing July 1, 1974 and ending June 30,
11 1976, and one member shall be appointed for a term of four years
12 commencing July 1, 1974 and ending June 30, 1978.

13 The member first appointed for a term of four years shall serve as
14 chairman and each of his successors shall also serve as chairman.

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

25 3. In selecting the members of the board, consideration shall be
26 given to their knowledge, ability, and experience in the field of labor-
27 management relations. The chairman shall receive an annual salary
28 of twenty-four thousand (24,000) dollars. The remaining two mem-
29 bers shall each receive an annual salary equal to ninety percent of the
30 salary received by the chairman.

31 4. The board may employ such persons as are necessary for the
32 performance of its functions. Personnel of the board shall be em-
33 ployed pursuant to the provisions of chapter nineteen A (19A) of the
34 Code.

35 5. Members of the board and other employees of the board shall be
36 allowed their actual and necessary expenses incurred in the perform-

37 ance of their duties. All expenses and salaries shall be paid from
 38 appropriations for such purposes and the board shall be subject to the
 39 budget requirements of chapter eight (8) of the Code.

1 **SEC. 6. NEW SECTION. General powers and duties of the board.**

2 The board shall:

3 1. Administer the provisions of this Act.

4 2. Collect, for public employers other than the state and its boards,
 5 commissions, departments, and agencies, data and conduct studies
 6 relating to wages, hours, benefits and other terms and conditions of
 7 public employment and make the same available to any interested
 8 person or organization.

9 3. Maintain, after consulting with employee organizations and pub-
 10 lic employers, a list of qualified persons representative of the public
 11 to be available to serve as mediators and arbitrators and establish
 12 their compensation rates.

13 4. Hold hearings and administer oaths, examine witnesses and docu-
 14 ments, take testimony and receive evidence, issue subpoenas to compel
 15 the attendance of witnesses and the production of records, and dele-
 16 gate such power to a member of the board, or persons appointed or
 17 employed by the board, including hearing officers for the performance
 18 of its functions. The board may petition the district court at the seat
 19 of government or of the county wherein any hearing is held to enforce
 20 a board order compelling the attendance of witnesses and production
 21 of records.

22 5. Adopt rules and regulations in accordance with the provisions of
 23 chapter seventeen A (17A) of the Code as it may deem necessary to
 24 carry out the purposes of this Act.

1 **SEC. 7. NEW SECTION. Public employer rights.** Public employ-
 2 ers shall have, in addition to all powers, duties, and rights established
 3 by constitutional provision, statute, ordinance, charter, or special act,
 4 the exclusive power, duty, and the right to:

5 1. Direct the work of its public employees.

6 2. Hire, promote, demote, transfer, assign, and retain public em-
 7 ployees in positions within the public agency.

8 3. Suspend or discharge public employees for proper cause.

9 4. Maintain the efficiency of governmental operations.

10 5. Relieve public employees from duties because of lack of work or
 11 for other legitimate reasons.

12 6. Determine and implement methods, means, assignments and per-
 13 sonnel by which the public employer's operations are to be conducted.

14 7. Take such actions as may be necessary to carry out the mission
 15 of the public employer.

16 8. Initiate, prepare, certify, and administer its budget.

17 9. Exercise all powers and duties granted to the public employer by
 18 law.

1 **SEC. 8. NEW SECTION. Public employee rights.** Public employ-
 2 ees shall have the right to:

3 1. Organize, or form, join, or assist any employee organization.

4 2. Negotiate collectively through representatives of their own choos-
 5 ing.

- 6 3. Engage in other concerted activities for the purpose of collective
7 bargaining or other mutual aid or protection insofar as any such
8 activity is not prohibited by this Act or any other law of the state.
- 9 4. Refuse to join or participate in the activities of employee organ-
10 izations, including the payment of any dues, fees or assessments or
11 service fees of any type.

1 SEC. 9. NEW SECTION. **Scope of negotiations.** The public em-
2 ployer and the employee organization shall meet at reasonable times,
3 including meetings reasonably in advance of the public employer's
4 budget-making process, to negotiate in good faith with respect to
5 wages, hours, vacations, insurance, holidays, leaves of absence, shift
6 differentials, overtime compensation, supplemental pay, seniority,
7 transfer procedures, job classifications, health and safety matters,
8 evaluation procedures, procedures for staff reduction, in-service train-
9 ing and other matters mutually agreed upon. Negotiations shall also
10 include terms authorizing dues checkoff for members of the employee
11 organization and grievance procedures for resolving any questions
12 arising under the agreement, which shall be embodied in a written
13 agreement and signed by the parties. If an agreement provides for
14 dues checkoff, a member's dues may be checked off only upon the mem-
15 ber's written request and the member may terminate the dues checkoff
16 at any time by giving thirty days written notice. Such obligation to
17 negotiate in good faith does not compel either party to agree to a
18 proposal or make a concession.

19 Nothing in this section shall diminish the authority and power of
20 the merit employment department, board of regents' merit system,
21 educational radio and television facility board's merit system, or any
22 civil service commission established by constitutional provision, stat-
23 ute, charter or special act to recruit employees, prepare, conduct, and
24 grade examinations, rate candidates in order of their relative scores
25 for certification for appointment or promotion or for other matters
26 of classification, reclassification or appeal rights in the classified
27 service of the public employer served.

28 The public employee retirement systems provided under chapters
29 ninety-seven A (97A), ninety-seven B (97B), four hundred ten (410),
30 and four hundred eleven (411) of the Code shall be excluded from the
31 scope of negotiations.

1 SEC. 10. NEW SECTION. **Prohibited practices.**

2 1. It shall be a prohibited practice for any public employer, public
3 employee, or employee organization to willfully refuse to negotiate in
4 good faith with respect to the scope of negotiations as defined in sec-
5 tion nine (9) of this Act.

6 2. It shall be a prohibited practice for a public employer or his
7 designated representative willfully to:

8 a. Interfere with, restrain, or coerce public employees in the exer-
9 cise of rights granted by this Act.

10 b. Dominate or interfere in the administration of any employee or-
11 ganization.

12 c. Encourage or discourage membership in any employee organiza-
13 tion, committee, or association by discrimination in hiring, tenure, or
14 other terms or conditions of employment.

15 d. Discharge or discriminate against a public employee because he
 16 has filed an affidavit, petition, or complaint or given any information
 17 or testimony under this Act, or because he has formed, joined, or
 18 chosen to be represented by any employee organization.

19 e. Refuse to negotiate collectively with representatives of certified
 20 employee organizations as required in this Act.

21 f. Deny the rights accompanying certification or exclusive recogni-
 22 tion granted in this Act.

23 g. Refuse to participate in good faith in any agreed upon impasse
 24 procedures or those set forth in this Act.

25 h. Engage in a lockout.

26 3. It shall be a prohibited practice for public employees or an em-
 27 ployee organization or for any person, union, or organization or their
 28 agents willfully to:

29 a. Interfere with, restrain, coerce, or harass any public employee
 30 with respect to any of his rights under this Act or in order to prevent
 31 or discourage his exercise of any such right, including, without limi-
 32 tation, all rights under section eight (8) of this Act.

33 b. Interfere, restrain, or coerce a public employer with respect to
 34 rights granted in this Act or with respect to selecting a representative
 35 for the purposes of negotiating collectively on the adjustment of
 36 grievances.

37 c. Refuse to bargain collectively with a public employer as required
 38 in this Act.

39 d. Refuse to participate in good faith in any agreed upon impasse
 40 procedures or those set forth in this Act.

41 e. Violate section twelve (12) of this Act.

42 f. Violate the provisions of chapter seven hundred thirty-six B
 43 (736B), sections one (1), two (2) and three (3) of the Code, which
 44 are hereby made applicable to public employers, public employees and
 45 public employee organizations.

46 g. Picket in a manner which interferes with ingress and egress to
 47 the facilities of the public employer.

48 h. Engage in, initiate, sponsor or support any picketing that is per-
 49 formed in support of a strike, work stoppage, boycott or slowdown
 50 against a public employer.

51 i. Picket for any unlawful purpose.

52 4. The expressing of any views, argument, or opinion, or the dis-
 53 semination thereof, whether in written, printed, graphic, or visual
 54 form, shall not constitute or be evidence of any unfair labor practice
 55 under any of the provisions of this Act, if such expression contains no
 56 threat of reprisal or force or promise of benefit.

1 SEC. 11. NEW SECTION. **Prohibited practice violations.**

2 1. Proceedings against a party alleging a violation of section ten
 3 (10) of this Act, shall be commenced by filing a complaint with the
 4 board within ninety days of the alleged violation causing a copy of
 5 the complaint to be served upon the accused party in the manner of an
 6 original notice as provided in this Act. The accused party shall have
 7 ten days within which to file a written answer to the complaint.
 8 However, the board may conduct a preliminary investigation of the
 9 alleged violation, and if the board determines that the complaint
 10 has no basis in fact, the board may dismiss the complaint. The
 11 board shall promptly thereafter set a time and place for hearing in the

12 county where the alleged violation occurred. The parties shall be per-
13 mitted to be represented by counsel, summon witnesses, and request
14 the board to subpoena witnesses on the requestor's behalf. Compliance
15 with the technical rules of pleading and evidence shall not be required.

16 2. The board may designate a hearing officer to conduct the hearing.
17 The hearing officer shall have such powers as may be exercised by the
18 board for conducting the hearing and shall follow the procedures
19 adopted by the board for conducting the hearing. The decision of the
20 hearing officer may be appealed to the board and the board may hear
21 the case de novo or upon the record as submitted before the hearing
22 officer, utilizing procedures governing appeals to the district court in
23 this section so far as applicable.

24 3. The board shall appoint a certified shorthand reporter to report
25 the proceedings and the board shall fix the reasonable amount of com-
26 pensation for such service, which amount shall be taxed as other costs.

27 4. The board shall file its findings of fact and conclusions of law.
28 If the board finds that the party accused has committed a prohibited
29 practice, the board may, within thirty days of its decision, enter into
30 a consent order with the party to discontinue the practice, or petition
31 the district court for injunctive relief pursuant to chapter six hundred
32 sixty-four (664) of the Code.

33 5. Any party aggrieved by any decision or order of the board may
34 within ten days from the date such decision or order is filed, appeal
35 therefrom to the district court of the county in which the hearing was
36 held, by filing with the board a written notice of appeal setting forth
37 in general terms the decision appealed from and the grounds of the
38 appeal. The board shall forthwith give notice to the other parties in
39 interest.

40 6. Within thirty days after a notice of appeal is filed with the board,
41 it shall make, certify, and file in the office of the clerk of court to
42 which the appeal is taken, a full and complete transcript of all docu-
43 ments in the case, including any depositions and a transcript or cer-
44 tificate of the evidence together with the notice of appeal.

45 7. The appeal shall be triable at any time after the expiration of
46 twenty days from the date of filing the transcript by the board and
47 after twenty days notice in writing by either party and the board upon
48 the other.

49 8. The transcript as certified and filed by the board shall be the
50 record on which the appeal shall be heard, and no additional evidence
51 shall be heard. In the absence of fraud, the findings of fact made by
52 the board shall be conclusive if supported by substantial evidence on
53 the record considered as a whole.

54 9. Any order or decision of the board may be modified, reversed, or
55 set aside on one or more of the following grounds and on no other:

- 56 a. If the board acts without or in excess of its powers.
57 b. If the order was procured by fraud or is contrary to law.
58 c. If the facts found by the board do not support the order.
59 d. If the order is not supported by a preponderance of the competent
60 evidence on the record considered as a whole.

61 10. When the district court, on appeal, reverses or sets aside an
62 order or decision of the board, it may remand the case to the board for
63 further proceedings in harmony with the holdings of the court, or it
64 may enter the proper judgment, as the case may be. Such judgment or

65 decree shall have the same force and effect as if action had been
 66 originally brought and tried in said court. The assessment of costs in
 67 such appeals shall be in the discretion of the court.

68 11. An appeal may be taken to the supreme court from any final
 69 order, judgment, or decree of the district court.

1 SEC. 12. NEW SECTION. **Strikes prohibited.**

2 1. It shall be unlawful for any public employee or any employee
 3 organization, directly or indirectly, to induce, instigate, encourage,
 4 authorize, ratify, or participate in a strike against any public em-
 5 ployer.

6 2. It shall be unlawful for any public employer to authorize, con-
 7 sent to, or condone a strike; or to pay or agree to pay any public
 8 employee for any day in which the employee participates in a strike;
 9 or to pay or agree to pay any increase in compensation or benefits to
 10 any public employee in response to or as a result of any strike or any
 11 act which violates subsection one (1) of this section. It shall be unlaw-
 12 ful for any official, director, or representative of any public employer
 13 to authorize, ratify, or participate in any violation of this subsection.
 14 Nothing in this subsection shall prevent new or renewed bargaining
 15 and agreement within the scope of negotiations as defined by this Act,
 16 at any time after such violation of subsection one (1) has ceased;
 17 but it shall be unlawful for any public employer or employee organ-
 18 ization to bargain at any time regarding suspension or modification
 19 of any penalty provided in this section or regarding any request by
 20 the public employer to a court for such suspension or modification.

21 3. In the event of any violation or imminently threatened violation
 22 of subsection one (1) or two (2) of this section, any citizen domiciled
 23 within the jurisdictional boundaries of the public employer may peti-
 24 tion the district court for the county in which the violation occurs or
 25 the district court for Polk county for an injunction restraining such
 26 violation or imminently threatened violation. Chapter six hundred
 27 sixty-four (664) of the Code and the pertinent rules of civil procedure
 28 regarding injunctions shall apply. However, the court shall grant a
 29 temporary injunction if it appears to the court that a violation has
 30 occurred or is imminently threatened; the plaintiff need not show that
 31 the violation or threatened violation would greatly or irreparably
 32 injure him; and no bond shall be required of the plaintiff unless the
 33 court determines that a bond is necessary in the public interest. Fail-
 34 ure to comply with any temporary or permanent injunction granted
 35 pursuant to this section shall constitute a contempt punishable pur-
 36 suant to chapter six hundred sixty-five (665) of the Code. The punish-
 37 ment shall not exceed five hundred dollars for an individual, or ten
 38 thousand dollars for an employee organization or public employer, for
 39 each day during which the failure to comply continues, or imprison-
 40 ment in a county jail not exceeding six months, or both such fine and
 41 imprisonment. An individual or an employee organization which
 42 makes an active good faith effort to comply fully with the injunction
 43 shall not be deemed to be in contempt.

44 4. If a public employee is held to be in contempt of court for failure
 45 to comply with an injunction pursuant to this section, or is convicted
 46 of violating this section, he shall be ineligible for any employment by
 47 the same public employer for a period of twelve months. His public

48 employer shall immediately discharge him, but upon his request the
49 court shall stay his discharge to permit further judicial proceedings.

50 5. If an employee organization or any of its officers is held to be in
51 contempt of court for failure to comply with an injunction pursuant
52 to this section, or is convicted of violating this section, the employee
53 organization shall be immediately decertified, shall cease to represent
54 the bargaining unit, shall cease to receive any dues by checkoff, and
55 may again be certified only after twelve months have elapsed from the
56 effective date of decertification and only after a new compliance with
57 section fourteen (14) of this Act. The penalties provided in this sec-
58 tion may be suspended or modified by the court, but only upon request
59 of the public employer and only if the court determines the suspension
60 or modification is in the public interest.

61 6. Each of the remedies and penalties provided by this section is
62 separate and several, and is in addition to any other legal or equitable
63 remedy or penalty.

1 **SEC. 13. NEW SECTION. Bargaining unit determination.**

2 1. Board determination of an appropriate bargaining unit shall be
3 upon petition filed by a public employer, public employee, or employee
4 organization.

5 2. Within thirty days of receipt of a petition or notice to all inter-
6 ested parties if on its own initiative, the board shall conduct a public
7 hearing, receive written or oral testimony, and promptly thereafter
8 file an order defining the appropriate bargaining unit. In defining the
9 unit, the board shall take into consideration, along with other relevant
10 factors, the principles of efficient administration of government, the
11 existence of a community of interest among public employees, the
12 history and extent of public employee organization, geographical loca-
13 tion, and the recommendations of the parties involved.

14 3. Appeals from such order shall be governed by appeal provisions
15 provided in section eleven (11) of this Act.

16 4. Professional and nonprofessional employees shall not be included
17 in the same bargaining unit unless a majority of both agree.

1 **SEC. 14. NEW SECTION. Bargaining representative determination.**

2 1. Board certification of an employee organization as the exclusive
3 bargaining representative of a bargaining unit shall be upon a petition
4 filed with the board by a public employer, public employee, or an
5 employee organization and an election conducted pursuant to section
6 fifteen (15) of this Act.

7 2. The petition of an employee organization shall allege that:

8 a. The employee organization has submitted a request to a public
9 employer to bargain collectively with a designated group of public
10 employees.

11 b. The petition is accompanied by written evidence that thirty per-
12 cent of such public employees are members of the employee organiza-
13 tion or have authorized it to represent them for the purposes of collec-
14 tive bargaining.

15 3. The petition of a public employee shall allege that an employee
16 organization which has been certified as the bargaining representa-
17 tive does not represent a majority of such public employees and that
18 the petitioners do not want to be represented by an employee organ-
19 ization or seek certification of an employee organization.

20 4. The petition of a public employer shall allege that it has received
21 a request to bargain from an employee organization which has not
22 been certified as the bargaining representative of the public employees
23 in an appropriate bargaining unit.

24 5. The board shall investigate the allegations of any petition and
25 shall give reasonable notice of the receipt of such a petition to all
26 public employees, employee organizations and public employers named
27 or described in such petitions or interested in the representation ques-
28 tioned. The board shall thereafter call an election under section fifteen
29 (15) of this Act, unless:

30 a. It finds that less than thirty percent of the public employees in
31 the unit appropriate for collective bargaining support the petition for
32 decertification or for certification.

33 b. The appropriate bargaining unit has not been determined pur-
34 suant to section thirteen (13) of this Act.

35 6. The hearing and appeal procedures shall be the same as provided
36 in section eleven (11) of this Act.

1 SEC. 15. NEW SECTION. Elections.

2 1. Upon the filing of a petition for certification of an employee
3 organization, the board shall submit two questions to the public em-
4 ployees at an election in an appropriate bargaining unit. The first
5 question on the ballot shall permit the public employees to determine
6 whether or not such public employees desire exclusive bargaining
7 representation. The second question on the ballot shall list any em-
8 ployee organization which has petitioned for certification or which
9 has presented proof satisfactory to the board of support of ten percent
10 or more of the public employees in the appropriate unit.

11 2. If a majority of the votes cast on the first question are in the
12 negative, the public employees shall not be represented by an em-
13 ployee organization. If a majority of the votes cast on the first
14 question is in the affirmative, then the employee organization receiv-
15 ing a majority of the votes cast on the second question shall represent
16 the public employees in an appropriate bargaining unit.

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

21 4. Upon written objections filed by any party to the election within
22 ten days after notice of the results of the election, if the board finds
23 that misconduct or other circumstances prevented the public employees
24 eligible to vote from freely expressing their preferences, the board
25 may invalidate the election and hold a second election for the public
26 employees.

27 5. Upon completion of a valid election in which the majority choice
28 of the employees who could be represented by an employee organiza-
29 tion is determined, the board shall certify the results of the election
30 and shall give reasonable notice of the order to all employee organiza-
31 tions listed on the ballot, the public employers, and the public employ-
32 ees in the appropriate bargaining unit.

33 6. A petition for certification as an exclusive bargaining representa-
34 tive shall not be considered by the board for a period of one year from
35 the date of the certification or noncertification of an exclusive bargain-
36 ing representative or during the duration of a collective bargaining

37 agreement which shall not exceed two years. A collective bargaining
38 agreement with the state, its boards, commissions, departments, and
39 agencies shall be for two years and the effective date of any such agree-
40 ment shall be July first of odd-numbered years. However, if a petition
41 for decertification is filed during the duration of a collective bargaining
42 agreement, the board shall award an election under this section not
43 more than one hundred eighty days nor less than one hundred fifty
44 days prior to the expiration of the collective bargaining agreement.
45 If an employee organization is decertified, the board may receive peti-
46 tions under section fourteen (14) of this Act, provided that no such
47 petition and no election conducted pursuant to such petition within
48 one year from decertification shall include as a party the decertified
49 employee organization.

1 **SEC. 16. NEW SECTION. Duty to bargain.** Upon the receipt by a
2 public employer of a request from an employee organization to bargain
3 on behalf of public employees, the duty to engage in collective bargain-
4 ing shall arise if the employee organization has been certified by the
5 board as the exclusive bargaining representative for the public em-
6 ployees in that bargaining unit.

1 **SEC. 17. NEW SECTION. Procedures.**

2 1. The employee organization certified as the bargaining representa-
3 tive shall be the exclusive representative of all public employees in the
4 bargaining unit and shall represent all public employees fairly. How-
5 ever, any public employee may meet and adjust individual complaints
6 with a public employer.

7 2. The employee organization and the public employer may desig-
8 nate any individual as its representative to engage in collective bar-
9 gaining negotiations.

10 3. Negotiating sessions, including strategy meetings of public em-
11 ployers or employee organizations, mediation and the deliberative
12 process of arbitrators shall be exempt from the provisions of chapter
13 twenty-eight A (28A) of the Code. Hearings conducted by arbitrators
14 shall be open to the public.

15 4. The terms of a proposed collective bargaining agreement shall be
16 made public and reasonable notice shall be given to the public employ-
17 ees prior to a ratification election. The collective bargaining agree-
18 ment shall become effective only if ratified by a majority of those
19 voting by secret ballot.

20 5. Terms of any collective bargaining agreement may be enforced
21 by a civil action in the district court of the county in which the agree-
22 ment was made upon the initiative of either party.

23 6. No collective bargaining agreement or arbitrators' decision shall
24 be valid or enforceable if its implementation would be inconsistent
25 with any statutory limitation on the public employer's funds, spend-
26 ing, or budget or would substantially impair or limit the performance
27 of any statutory duty by the public employer. A collective bargaining
28 agreement or arbitrators' award may provide for benefits conditional
29 upon specified funds to be obtained by the public employer, but the
30 agreement shall provide either for automatic reduction of such condi-
31 tional benefits or for additional bargaining if the funds are not
32 obtained or if a lesser amount is obtained.

33 7. If agreed to by the parties nothing in this Act shall be construed
34 to prohibit supplementary bargaining on behalf of public employees

35 in a part of the bargaining unit concerning matters uniquely affecting
 36 those public employees or cooperation and coordination of bargaining
 37 between two or more bargaining units.

38 8. The salaries of all public employees of the state under a merit
 39 system and all other fringe benefits which are granted to all public
 40 employees of the state shall be negotiated with the governor or his
 41 designee on a statewide basis, except those benefits which are not sub-
 42 ject to negotiations pursuant to the provisions of section nine (9) of
 43 this Act.

44 9. A public employee or any employee organization shall not nego-
 45 tiate or attempt to negotiate directly with a member of the governing
 46 board of a public employer if the public employer has appointed or
 47 authorized a bargaining representative for the purpose of bargaining
 48 with the public employees or their representative, unless the member
 49 of the governing board is the designated bargaining representative of
 50 the public employer.

1 SEC. 18. NEW SECTION. **Grievance procedures.** An agreement
 2 with an employee organization which is the exclusive representative
 3 of public employees in an appropriate unit may provide procedures
 4 for the consideration of public employee grievances and of disputes
 5 over the interpretation and application of agreements. Negotiated
 6 procedures may provide for binding arbitration of public employee
 7 grievances and of disputes over the interpretation and application of
 8 existing agreements. An arbitrator's decision on a grievance may not
 9 change or amend the terms, conditions or applications of the collective
 10 bargaining agreement. Such procedures shall provide for the invoking
 11 of arbitration only with the approval of the employee organization,
 12 and in the case of an employee grievance, only with the approval of
 13 the public employee. The costs of arbitration shall be shared equally
 14 by the parties.

15 Public employees of the state shall follow either the grievance pro-
 16 cedures provided in a collective bargaining agreement, or in the event
 17 that no such procedures are so provided, shall follow grievance proce-
 18 dures established pursuant to chapter nineteen A (19A) of the Code.

1 SEC. 19. NEW SECTION. **Impasse procedures—agreement of par-**
 2 **ties.** As the first step in the performance of their duty to bargain,
 3 the public employer and the employee organization shall endeavor to
 4 agree upon impasse procedures. Such agreement shall provide for
 5 implementation of these impasse procedures not later than one hun-
 6 dred twenty days prior to the certified budget submission date of the
 7 public employer. If the parties fail to agree upon impasse procedures
 8 under the provisions of this section, the impasse procedures provided
 9 in sections twenty (20), twenty-one (21) and twenty-two (22) of this
 10 Act shall apply.

1 SEC. 20. NEW SECTION. **Mediation.** In the absence of an im-
 2 passe agreement between the parties or the failure of either party to
 3 utilize its procedures, one hundred twenty days prior to the certified
 4 budget submission date, the board shall, upon the request of either
 5 party, appoint an impartial and disinterested person to act as medi-
 6 ator. It shall be the function of the mediator to bring the parties
 7 together to effectuate a settlement of the dispute, but the mediator
 8 may not compel the parties to agree.

1 **SEC. 21. NEW SECTION. Fact-finding.** If the impasse persists
2 ten days after the mediator has been appointed, the board shall appoint
3 a fact-finder representative of the public, from a list of qualified per-
4 sons maintained by the board. The fact-finder shall conduct a hearing,
5 may administer oaths, and may request the board to issue subpoenas.
6 The fact-finder shall make written findings of facts and recommenda-
7 tions for resolution of the dispute and, not later than fifteen days from
8 the day of appointment, shall serve such findings on the public em-
9 ployer and the certified employee organization.

10 The public employer and the certified employee organization shall
11 immediately accept the fact-finder's recommendation or shall within
12 five days submit the fact-finder's recommendations to the governing
13 body and members of the certified employee organization for accept-
14 ance or rejection. If the dispute continues ten days after the report is
15 submitted, the report shall be made public by the board.

1 **SEC. 22. NEW SECTION. Binding arbitration.**

2 1. If an impasse persists after the findings of fact and recommenda-
3 tions are made public by the fact-finder, the parties may continue to
4 negotiate or, the board shall have the power, upon request of either
5 party, to arrange for arbitration, which shall be binding. The request
6 for arbitration shall be in writing and a copy of the request shall be
7 served upon the other party.

8 2. Each party shall submit to the board within four days of request
9 a final offer on the impasse items with proof of service of a copy upon
10 the other party. Each party shall also submit a copy of a draft of the
11 proposed collective bargaining agreement to the extent to which agree-
12 ment has been reached and the name of its selected arbitrator. The
13 parties may continue to negotiate all offers until an agreement is
14 reached or a decision rendered by the panel of arbitrators.

15 As an alternative procedure, the two parties may agree to submit
16 the dispute to a single arbitrator. If the parties cannot agree on the
17 arbitrator within four days, the selection shall be made pursuant to
18 subsection five (5) of this section. The full costs of arbitration under
19 this provision shall be shared equally by the parties to the dispute.

20 3. The submission of the impasse items to the arbitrators shall be
21 limited to those issues that had been considered by the fact-finder and
22 upon which the parties have not reached agreement. With respect to
23 each such item, the arbitration board award shall be restricted to the
24 final offers on each impasse item submitted by the parties to the arbi-
25 tration board or to the recommendation of the fact-finder on each
26 impasse item.

27 4. The panel of arbitrators shall consist of three members appointed
28 in the following manner:

29 a. One member shall be appointed by the public employer.

30 b. One member shall be appointed by the employee organization.

31 c. One member shall be appointed mutually by the members appoint-
32 ed by the public employer and the employee organization. The last
33 member appointed shall be the chairman of the panel of arbitrators.

34 No member appointed shall be an employee of the parties.

35 d. The public employer and employee organization shall each pay
36 the fees and expenses incurred by the arbitrator each selected. The

37 fee and expenses of the chairman of the panel and all other costs of
38 arbitration shall be shared equally.

39 5. If the third member has not been selected within four days of
40 notification as provided in subsection two (2) of this section, a list of
41 three arbitrators shall be submitted to the parties by the board. The
42 two arbitrators selected by the public employer and the employee
43 organization shall determine by lot which arbitrator shall remove the
44 first name from the list submitted by the board. The arbitrator having
45 the right to remove the first name shall do so within two days and the
46 second arbitrator shall have one additional day to remove one of the
47 two remaining names. The person whose name remains shall become
48 the chairman of the panel of arbitrators and shall call a meeting within
49 ten days at a location designated by him.

50 6. If a vacancy should occur on the panel of arbitrators, the selec-
51 tion for replacement of such member shall be in the same manner and
52 within the same time limits as the original member was chosen. No
53 final selection under subsection nine (9) of this section shall be made
54 by the board until the vacancy has been filled.

55 7. The panel of arbitrators shall at no time engage in an effort to
56 mediate or otherwise settle the dispute in any manner other than that
57 prescribed in this section.

58 8. From the time of appointment until such time as the panel of
59 arbitrators makes its final determination, there shall be no discussion
60 concerning recommendations for settlement of the dispute by the
61 members of the panel of arbitrators with parties other than those who
62 are direct parties to the dispute. The panel of arbitrators may conduct
63 formal or informal hearings to discuss offers submitted by both
64 parties.

65 9. The panel of arbitrators shall consider, in addition to any other
66 relevant factors, the following factors:

67 a. Past collective bargaining contracts between the parties includ-
68 ing the bargaining that led up to such contracts.

69 b. Comparison of wages, hours and conditions of employment of the
70 involved public employees with those of other public employees doing
71 comparable work, giving consideration to factors peculiar to the area
72 and the classifications involved.

73 c. The interests and welfare of the public, the ability of the public
74 employer to finance economic adjustments and the effect of such
75 adjustments on the normal standard of services.

76 d. The power of the public employer to levy taxes and appropriate
77 funds for the conduct of its operations.

78 10. The chairman of the panel of arbitrators may hold hearings and
79 administer oaths, examine witnesses and documents, take testimony
80 and receive evidence, issue subpoenas to compel the attendance of wit-
81 nesses and the production of records, and delegate such powers to
82 other members of the panel of arbitrators. The chairman of the panel
83 of arbitrators may petition the district court at the seat of government
84 or of the county in which any hearing is held to enforce the order of
85 the chairman compelling the attendance of witnesses and the produc-
86 tion of records.

87 11. A majority of the panel of arbitrators shall select within fifteen
88 days after its first meeting the most reasonable offer, in its judgment,

89 of the final offers on each impasse item submitted by the parties, or
90 the recommendations of the fact-finder on each impasse item.

91 12. The selections by the panel of arbitrators and items agreed upon
92 by the public employer and the employee organization, shall be deemed
93 to be the collective bargaining agreement between the parties.

94 13. The determination of the panel of arbitrators shall be by major-
95 ity vote and shall be final and binding subject to the provisions of
96 section seventeen (17), subsection six (6), of this Act. The panel of
97 arbitrators shall give written explanation for its selection and inform
98 the parties of its decision.

1 SEC. 23. NEW SECTION. **Legal actions.** Any employee organiza-
2 tion and public employer may sue or be sued as an entity under the
3 provisions of this Act. Service upon the public employer shall be in
4 accordance with law or the rules of civil procedure. Nothing in this
5 Act shall be construed to make any individual or his assets liable for
6 any judgment against a public employer or an employee organization.

1 SEC. 24. NEW SECTION. **Notice and service.** Any notice required
2 under the provisions of this Act shall be in writing, but service
3 thereof shall be sufficient if mailed by restricted certified mail, return
4 receipt requested addressed to the last known address of the parties,
5 unless otherwise provided in this Act. Refusal of restricted certified
6 mail by any party shall be considered service. Prescribed time periods
7 shall commence from the date of the receipt of the notice. Any party
8 may at any time execute and deliver an acceptance of service in lieu
9 of mailed notice.

1 SEC. 25. NEW SECTION. **Internal conduct of employee organiza-**
2 **tions.**

3 1. Every employee organization which is certified as a representa-
4 tive of public employees under the provisions of this Act shall file with
5 the board a registration report, signed by its president or other appro-
6 priate officer. The report shall be in a form prescribed by the board
7 and shall be accompanied by two copies of the employee organization's
8 constitution and bylaws. A filing by a national or international em-
9 ployee organization of its constitution and bylaws shall be accepted in
10 lieu of a filing of such documents by each subordinate organization.
11 All changes or amendments to such constitutions and bylaws shall be
12 promptly reported to the board.

13 2. Every employee organization shall file with the board an annual
14 report and an amended report whenever changes are made. The
15 reports shall be in a form prescribed by the board, and shall provide
16 the following information:

17 a. The names and addresses of the organization, any parent organ-
18 ization or organizations with which it is affiliated, the principal offi-
19 cers, and all representatives.

20 b. The name and address of its local agent for service of process.

21 c. A general description of the public employees the organization
22 represents or seeks to represent.

23 d. The amounts of the initiation fee and monthly dues members
24 must pay.

25 e. A pledge, in a form prescribed by the board, that the organiza-
26 tion will comply with the laws of the state and that it will accept

27 members without regard to age, race, sex, religion, national origin,
28 or physical disability as provided by law.

29 f. A financial report and audit.

30 3. The constitution or bylaws of every employee organization shall
31 provide that:

32 a. Accurate accounts of all income and expenses shall be kept, and
33 annual financial report and audit shall be prepared, such accounts
34 shall be open for inspection by any member of the organization, and
35 loans to officers and agents shall be made only on terms and conditions
36 available to all members.

37 b. Business or financial interests of its officers and agents, their
38 spouses, minor children, parents, or otherwise, that conflict with the
39 fiduciary obligation of such persons to the organization shall be pro-
40 hibited.

41 c. Every official or employee of an employee organization who han-
42 dles funds or other property of the organization, or trust in which an
43 organization is interested, or a subsidiary organization, shall be
44 bonded. The amount, scope, and form of the bond shall be deter-
45 mined by the board.

46 4. The governing rules of every employee organization shall provide
47 for periodic elections by secret ballot subject to recognized safeguards
48 concerning the equal right of all members to nominate, seek office, and
49 vote in such elections, the right of individual members to participate
50 in the affairs of the organization, and fair and equitable procedures in
51 disciplinary actions.

52 5. The board shall prescribe rules and regulations necessary to gov-
53 ern the establishment and reporting of trusteeships over employee
54 organizations. Establishment of such trusteeships shall be permitted
55 only if the constitution or bylaws of the organization set forth reason-
56 able procedures.

57 6. An employee organization that has not registered or filed an
58 annual report, or that has failed to comply with other provisions of this
59 Act, shall not be certified. Certified employee organizations failing to
60 comply with this Act may have such certification revoked by the board.
61 Prohibitions may be enforced by injunction upon the petition of the
62 board to the district court of the county in which the violation occurs.
63 Complaints of violation of this section shall be filed with the board.

64 7. Upon the written request of any member of a certified employee
65 organization, the auditor of state may audit the financial records of
66 the certified employee organization.

1 SEC. 26. NEW SECTION. **Employee organizations — political con-**
2 **tributions.** An employee organization shall not make any direct or
3 indirect contribution out of the funds of the employee organization to
4 any political party or organization or in support of any candidate for
5 elective public office.

6 Any employee organization which violates the provisions of this
7 section or fails to file any required report or affidavit or files a false
8 report or affidavit shall, upon conviction, be subject to a fine of not
9 more than two thousand dollars.

10 Any person who willfully violates this section, or who makes a false
11 statement knowing it to be false, or who knowingly fails to disclose a
12 material fact shall, upon conviction, be subject to a fine or not more
13 than one thousand dollars or imprisoned for not more than thirty days

14 or shall be subject to both such fine and imprisonment. Each indi-
 15 vidual required to sign affidavits or reports under this section shall be
 16 personally responsible for filing such report or affidavit and for any
 17 statement contained therein he knows to be false.

18 Nothing in this section shall be construed to prohibit voluntary con-
 19 tributions by individuals to political parties or candidates.

20 Nothing in this section shall be construed to limit or deny any civil
 21 remedy which may exist as a result of action which may violate this
 22 section.

1 SEC. 27. Section nineteen A point nine (19A.9), subsection two
 2 (2), Code 1973, is amended to read as follows:

3 2. For a pay plan within the purview of an appropriation made by
 4 the general assembly and not otherwise provided by law for all em-
 5 ployees in the merit system, after consultation with appointing author-
 6 ities *with due regard to the results of a collective bargaining agree-*
 7 *ment negotiated under the provisions of this Act* and after a public
 8 hearing held by the commission. Such pay plan shall become effective
 9 only after it has been approved by the executive council after sub-
 10 mission from the commission. Review of the pay plan for revisions
 11 shall be made in the same manner at the discretion of the director, but
 12 not less than annually. *The annual review by the director shall be*
 13 *made available to the governor a sufficient time in advance of collec-*
 14 *tive bargaining negotiations to permit its recommendations to be con-*
 15 *sidered during such negotiations.* Each employee shall be paid at one
 16 of the rates set forth in the pay plan for the class of position in which
 17 employed and, unless otherwise designated by the commission, shall
 18 begin employment at the first step of the established range for his
 19 class. Unless otherwise established by law, the governor, with the
 20 approval of the executive council, shall establish a pay plan for all
 21 exempt positions in the executive branch of government except for
 22 employees of the governor, board of regents, the state educational
 23 radio and television facility board, the superintendent of public in-
 24 struction and members of the professional staff of the department of
 25 public instruction, appointed under the provisions of section 257.24,
 26 who possess a current, valid teacher's certificate or who are assigned
 27 to vocational activities or programs, the commission for the blind,
 28 members of the Iowa highway safety patrol and other peace officers,
 29 as defined in section 97A.1, employed by the department of public
 30 safety, and officers and enlisted men of the armed services under state
 31 jurisdiction.

1 SEC. 28. NEW SECTION. If any provision of this Act jeopardizes
 2 the receipt by the state or any of its political subdivisions of any
 3 federal grant-in-aid funds or other federal allotment of money, the
 4 provisions of this Act shall, insofar as the fund is jeopardized, be
 5 deemed to be inoperative.

1 SEC. 29. This Act shall become effective on July 1, 1974, but the
 2 provisions of this Act relative to the duty to bargain shall not become
 3 effective until July 1, 1975. However, public employees of the state,
 4 its boards, commissions, departments, and agencies may not bargain
 5 collectively until June 1, 1976.

Approved April 23, 1974

CHAPTER 1096

FISCAL YEAR

H. F. 1028

AN ACT relating to implementation of the change in the dates of the fiscal year to July first through June thirtieth and correcting conflicting statutes.

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

1 SECTION 1. Acts of the Sixty-fourth General Assembly, 1972 Ses-
2 sion, chapter one thousand twenty (1020), section ten (10), is
3 amended to read as follows:

4 Sec. 10. NEW SECTION. In the event that funds are not available
5 during the extended fiscal year *or in any fiscal year as provided in this*
6 *chapter for cities, counties, and other political subdivisions to make*
7 *their legal and timely payments upon the principal or interest of any*
8 *special assessment or general obligation bonds as due by reason of the*
9 *tax collection periods established in this Act, then the affected city,*
10 *county, or other political subdivision shall transfer funds from any*
11 *other source to meet this obligation, notwithstanding any other statute.*
12 *Any such funds so transferred shall be repayable from the general tax*
13 *collections or applicable special assessment collections, when received.*
14 *This section shall not be printed as a permanent part of the Code and*
15 *shall be printed in the session laws only.*

16 *The state comptroller may advance funds from any moneys in the*
17 *road use tax fund, created in section three hundred twelve point one*
18 *(312.1) of the Code, from the beer and liquor control fund, established*
19 *in section one hundred twenty-three point fifty-three (123.53) of the*
20 *Code, from the municipal assistance fund, created in section four hun-*
21 *dred five point one (405.1) of the Code, from the state aid to be paid*
22 *to merged areas pursuant to chapter one hundred ten (110), Acts of*
23 *the Sixty-fifth General Assembly, 1973 Session, from funds appropri-*
24 *ated to the department of public instruction for distribution to local*
25 *school districts pursuant to section two hundred eighty-one point*
26 *eleven (281.11) of the Code, and from state foundation aid as defined*
27 *in section four hundred forty-two point one (442.1) of the Code, to the*
28 *public official charged with the duty of making payment of the prin-*
29 *cipal and interest of general obligation bonds of cities, counties, school*
30 *districts and merged areas when such payment cannot be made when*
31 *due from current funds on hand or because of a delay in the collection*
32 *of taxes which have been levied, pursuant to section seventy-six point*
33 *two (76.2) of the Code. Any advance shall be made by the state comp-*
34 *troller within five working days after the receipt of a certified state-*
35 *ment from the public official charged with the duty of making payment,*
36 *specifying the principal and interest which is due and any other infor-*
37 *mation the state comptroller may require. The state comptroller shall*
38 *credit any advance made under this section against any future advance*
39 *to that city, county, merged area or school district until reimbursement*
40 *has been made by the city, county, merged area or school district for*
41 *the full amount of the advance. Any funds advanced from the road use*
42 *tax fund shall be used only for those purposes stated in chapter three*
43 *hundred twelve (312) of the Code.*

1 SEC. 2. Acts of the Sixty-fourth General Assembly, 1972 Session,
 2 chapter one thousand twenty (1020), is amended by adding the fol-
 3 lowing new section:
 4 NEW SECTION. All payments and advances of funds by the state
 5 comptroller to cities, counties, and other political subdivisions shall
 6 be made within five working days after proper application has been
 7 made. If no application is required, payment shall be made no later
 8 than the date provided by law. If payment is not made within the
 9 time specified in this section, the state comptroller shall pay interest
 10 from the date payment should have been made at the rate of interest
 11 paid on state public funds pursuant to section four hundred fifty-three
 12 point six (453.6) of the Code on that date.

1 SEC. 3. Section twenty-four point seventeen (24.17), Code 1971,
 2 as amended by Acts of the Sixty-fourth General Assembly, 1972 Ses-
 3 sion, chapter one thousand twenty (1020), section fifteen (15), and
 4 chapter one thousand twenty-one (1021), section one (1), is amended
 5 by striking the section and inserting in lieu thereof the following:
 6 **24.17 Budgets certified.** The local budgets of the various political
 7 subdivisions, except for local school districts, shall be certified by the
 8 chairman of the certifying board or levying board, as the case may
 9 be, in duplicate to the county auditor not later than March fifteenth
 10 of each year on blanks prescribed by the state board, and according
 11 to the rules and instruction which shall be furnished all certifying
 12 and levying boards in printed form by the state board. The local
 13 budgets of local school districts shall be certified not later than Febru-
 14 ary fifteenth in the same manner as local budgets of the various polit-
 15 ical subdivisions are certified.
 16 One copy of the budget shall be retained on file in his office by the
 17 county auditor and the other shall be certified by him to the state
 18 board.

1 SEC. 4. Acts of the Sixty-fourth General Assembly, 1972 Session,
 2 chapter one thousand twenty (1020), section one (1), is amended to
 3 read as follows:
 4 Section 1. **Purpose and effective date.** The purpose of this Act is
 5 to change the budget year of cities, counties, and all other political
 6 subdivisions of the state from a calendar year beginning January
 7 first and ending December thirty-first to a fiscal year beginning July
 8 first and ending the following June thirtieth. The provisions of sec-
 9 tions ~~twelve (12) through ninety-four (94)~~ of this Act, except sections
 10 ~~fifty-three (53) through sixty (60), inclusive, and sections ninety-two~~
 11 ~~(92) and ninety-three (93)~~ *twenty-two (22), twenty-seven (27), thirty*
 12 *(30), thirty-two (32), thirty-three (33), thirty-four (34), thirty-seven*
 13 *(37) through forty (40), inclusive, forty-two (42), forty-three (43),*
 14 *forty-nine (49), sixty-one (61) through sixty-five (65), inclusive,*
 15 *sixty-seven (67), seventy-one (71), seventy-two (72), seventy-four*
 16 *(74), seventy-five (75), seventy-seven (77), eighty (80) through*
 17 *eighty-three (83), inclusive, and eighty-five (85) through ninety-one*
 18 *(91), inclusive, of this Act, shall become effective July 1, 1975 except*
 19 *that budget procedures necessary for implementation of the fiscal year*
 20 *budget shall be in effect as otherwise provided in sections twelve (12)*
 21 *through ninety-four (94) of this Act. Sections ~~fifty-three (53) through~~*
 22 *sixty (60), inclusive, and sections ~~ninety-two (92) and ninety-three~~*

23 ~~(93)~~ twelve (12) through twenty-one (21), inclusive, twenty-three
 24 (23) through twenty-six (26), inclusive, twenty-eight (28), thirty-one
 25 (31), thirty-five (35), thirty-six (36), forty-one (41), forty-four (44),
 26 forty-five (45), forty-six (46), forty-seven (47), fifty (50), fifty-one
 27 (51), fifty-two (52) through sixty (60), inclusive, sixty-six (66),
 28 sixty-eight (68), sixty-nine (69), seventy (70), seventy-three (73),
 29 seventy-six (76), ninety-two (92) and ninety-three (93) of this Act,
 30 shall become effective December 1, 1974, with respect to all special
 31 assessments levied after December 1, 1974, ~~or~~ bonds issued in anti-
 32 cipation of the payment of such assessments and budget procedures and
 33 levies necessary for the implementation of the fiscal year budget and
 34 levies. Sections forty-eight (48), seventy-eight (78), seventy-nine
 35 (79), and eighty-four (84) of Acts of the Sixty-fourth General Assem-
 36 bly, 1972 Session, chapter one thousand twenty (1020), shall be effec-
 37 tive upon publication as provided in section sixty-one (61) of this Act.
 38 In order to implement the provisions of this Act there shall be an
 39 extended calendar budget year commencing January 1, 1974 and end-
 40 ing June 30, 1975. Budgets for this period of time shall be as provided
 41 in section three (3) of this Act. For the purpose of this Act, the term
 42 political subdivision includes school districts. For the purpose of this
 43 Act, the term school district, when applicable, shall apply to merged
 44 area schools and joint county systems or their successor agencies.

1 SEC. 5. Acts of the Sixty-fourth General Assembly, 1972 Session,
 2 chapter one thousand twenty (1020), section three (3), unnumbered
 3 paragraph three (3), is amended to read as follows:

4 For the extended fiscal year, budgets shall be prepared in the same
 5 manner as prepared for a calendar year, except that they shall include
 6 estimated expenditures for the extended year of eighteen months.
 7 The amounts certified by the various taxing districts to the county
 8 auditor shall be for the extended year of eighteen months. The county
 9 auditor shall cause the taxes to be levied for the extended eighteen-
 10 month period in the same manner as previously accomplished under a
 11 twelve-month period, and based on the property tax valuations of
 12 January 1, 1973. Any annual millage limitation, including those for
 13 emergency levies, applicable to the taxing districts otherwise provided
 14 by law shall for this extended period be increased by the fifty percent,
 15 except that the fifty percent allowable increase shall not apply if the
 16 limitation is waived by the levying board of the political subdivision
 17 and approved by the state appeal board after the levying board has
 18 presented evidence to the state appeal board that either insufficient
 19 funding or overfunding of the budget of the political subdivision will
 20 result, due to the unequal expense payments of the political subdivision
 21 between the first half and the last half of a calendar year.

1 SEC. 6. Acts of the Sixty-fourth General Assembly, 1972 Session,
 2 chapter one thousand twenty (1020), section three (3), unnumbered
 3 paragraph five (5), is amended to read as follows:

4 All statutes relating to delinquencies, liens, ~~tax sales~~, and the like
 5 shall be in full force and effect, except that applicable dates shall be
 6 extended for the same manner as the payment dates. For the extended
 7 fiscal year, the first third of property taxes due shall become delinquent
 8 on April 1, 1974, the second third of property taxes due shall become
 9 delinquent on October 1, 1974, and the third third of property taxes

10 *due shall become delinquent on April 1, 1975, pursuant to the provi-*
 11 *sions of chapter four hundred forty-five (445) of the Code. The tax*
 12 *sale for the extended fiscal year period shall be conducted on June 16,*
 13 *1975 pursuant to the provisions of chapter four hundred forty-six*
 14 *(446) of the Code.*

1 SEC. 7. Acts of the Sixty-fourth General Assembly, 1972 Session,
 2 chapter one thousand twenty (1020), section three (3), is amended
 3 by adding the following new unnumbered paragraphs before the last
 4 unnumbered paragraph:

5 NEW UNNUMBERED PARAGRAPHS. The county auditor may use a
 6 uniform levy for the extended fiscal year period in order to achieve
 7 three equal installments specified in this section. Any overfunding or
 8 underfunding of budgets for political subdivisions previously operat-
 9 ing on a fiscal year commencing July first and ending June thirtieth
 10 shall be adjusted in the succeeding fiscal years and the millage rate
 11 shall be established accordingly.

12 The verified statement and designation of homestead, claimed by a
 13 person who desires to avail himself of the homestead tax credit or
 14 the homestead tax credit to the elderly or disabled pursuant to sec-
 15 tion four hundred twenty-five point two (425.2) of the Code, and de-
 16 livered to the assessor during the period commencing January 1, 1973
 17 and ending July 1, 1973, shall be applicable to taxes levied for the
 18 extended fiscal year.

19 The claim for military service tax exemption filed by a person who
 20 desires to avail himself of the military service tax exemption pursu-
 21 ant to section four hundred twenty-seven point five (427.5) of the
 22 Code and delivered to the assessor during the period commencing
 23 January 1, 1973 and ending July 1, 1973, shall be applicable to taxes
 24 levied for the extended fiscal year.

25 The application for personal property tax credit filed pursuant to
 26 section four hundred twenty-seven A point four (427A.4) of the Code
 27 and delivered to the assessor during the period commencing January
 28 1, 1973 and ending July 1, 1973 shall be applicable to taxes levied for
 29 the extended fiscal year.

1 SEC. 8. Acts of the Sixty-fourth General Assembly, 1972 Session,
 2 chapter one thousand twenty (1020), section four (4), subsection
 3 two (2), is amended to read as follows:

4 2. The second half of the amount of taxes due for each school
 5 district, certified in December, 1974 for the school year beginning
 6 July 1, 1974, shall be canceled, void, not spread, and never collected;
 7 *however, the provisions of this subsection shall not be construed to*
 8 *restrict or impair the levy and collection of taxes which result from a*
 9 *voted levy approved at an election.*

1 SEC. 9. Acts of the Sixty-fourth General Assembly, 1972 Session,
 2 chapter one thousand twenty (1020), section eighteen (18), subsec-
 3 tion two (2), amending section twenty-four point twenty-five (24.25),
 4 subsection two (2), of the Code, is amended to read as follows:

5 2. On or before January ~~tenth~~ *twentieth* of each year, the auditor
 6 shall submit to the board of supervisors, a compilation of the various
 7 office and department estimates in as much detail as they were sub-
 8 mitted to him. With this compilation, the auditor shall show the item-
 9 ized expenditures and revenues for the two years preceding the current

10 fiscal year and an estimate of the cash and unencumbered balances of
11 each county fund at the end of the current fiscal year.

1 SEC. 10. Acts of the Sixty-fourth General Assembly, 1972 Session,
2 chapter one thousand twenty (1020), section twenty-one (21), amend-
3 ing section seventy-six point two (76.2), unnumbered paragraph two
4 (2), of the Code, is amended to read as follows:

5 Sec. 21. Section seventy-six point two (76.2), unnumbered para-
6 graph two (2), Code 1971, is amended to read as follows:

7 If the resolution is so filed prior to April first said annual levy shall
8 begin with the tax levy of the year of filing. If the resolution is filed
9 after April first in any year, such levy shall begin with the levy of the
10 fiscal year succeeding the year of the filing of such resolution. How-
11 ever, the governing authority of a political subdivision may adjust any
12 levy of taxes made under the provisions of this section ~~prior to July 1,~~
13 ~~1975,~~ for the purpose of adjusting the annual levies and collections in
14 accordance with the provisions of this Act ~~and the extended fiscal year~~
15 ~~provided herein,~~ *subject to the approval of the state comptroller.*

1 SEC. 11. Acts of the Sixty-fourth General Assembly, 1972 Session,
2 chapter one thousand twenty (1020), section thirty-one (31), amend-
3 ing section three hundred seventeen point twenty-one (317.21), sub-
4 sections one (1), two (2), and three (3), of the Code, is amended to
5 read as follows:

6 Sec. 31. Section three hundred seventeen point twenty-one
7 (317.21), subsections one (1), two (2), and three (3), Code 1971, are
8 amended to read as follows:

9 1. Annually, after the weed commissioner has completed his pro-
10 gram of destruction of weeds by reason of noncompliance by persons
11 responsible therefor, the board of supervisors shall determine as to
12 each tract of real estate the actual cost of labor and materials used
13 by the commissioner in cutting, burning or otherwise destroying said
14 weeds, the cost of serving notice and special meetings or proceedings,
15 if any. To the total of all such sums expended, they shall add an
16 amount equal to twenty-five percent thereof to compensate for the cost
17 of supervision and administration and assess the resulting sum against
18 said tract of real estate by a special tax, which shall be certified to
19 the county auditor and county treasurer by the clerk of the board of
20 supervisors, and shall be placed upon the tax books, and collected, to-
21 gether with interest and penalty after due, in the same manner as
22 other unpaid taxes. Such tax shall be due on ~~September~~ *March* first
23 after such assessment, and shall be delinquent after ~~September~~ *March*
24 thirtieth. When collected, said funds shall be paid into the fund from
25 which said costs were originally paid.

26 2. Before making any such assessment, the board of supervisors
27 shall prepare a plat or schedule showing the several lots, tracts of
28 land or parcels of ground to be assessed which shall be in accord with
29 the assessor's records and the amount proposed to be assessed against
30 each of the same for destroying or controlling weeds during the fiscal
31 year.

32 3. Such board shall thereupon fix a time for the hearing on such
33 proposed assessments, which time shall not be later than ~~June~~ *Decem-*
34 *ber* fifteenth of the year, and at least twenty days prior to the time
35 thus fixed for such hearing shall give notice thereof to all concerned

36 that such plat or schedule is on file, and that the amounts as shown
 37 therein will be assessed against the several lots, tracts of land or par-
 38 cels of ground described in said plat or schedule at the time fixed for
 39 such hearing, unless objection is made thereto. Notice of such hear-
 40 ing shall be given by one publication in official county newspapers in
 41 the county in which the property to be assessed is situated; or by post-
 42 ing a copy of such notice on the premises affected and by mailing a
 43 copy by certified mail to the last known address of the person owning
 44 or controlling said premises. At such time and place the owner of
 45 said premises or anyone liable to pay such assessment, may appear
 46 with the same rights given by law before boards of review, in refer-
 47 ence to assessments for general taxation.

1 SEC. 12. Acts of the Sixty-fourth General Assembly, 1972 Session,
 2 chapter one thousand twenty (1020), section thirty-seven (37), amend-
 3 ing section three hundred forty-four point two (344.2) of the Code, is
 4 amended to read as follows:

5 Sec. 37. Section three hundred forty-four point two (344.2), Code
 6 1971, is amended to read as follows:

7 **344.2 Appropriation.** On or before July thirty-first of every year,
 8 the board of supervisors shall appropriate, by resolution, such amounts
 9 as are deemed necessary for each of the different county officers and
 10 departments during the ensuing fiscal year, and shall specify from
 11 which of the different county funds created by law the appropriated
 12 sums shall be derived. The appropriations to each separate county
 13 office or department shall be itemized in the same manner that the
 14 accounts are itemized on the records of the county auditor.

15 ~~For the extended fiscal year commencing January 1, 1974 and end-~~
 16 ~~ing June 30, 1975, the board of supervisors no later than January 31,~~
 17 ~~1974, shall appropriate by resolution such amounts as are deemed~~
 18 ~~necessary for each of the different county officers and departments,~~
 19 ~~and shall specify from which of the different county funds established~~
 20 ~~by law the appropriated sums shall be derived. The appropriations to~~
 21 ~~each separate county office or department shall be itemized in the~~
 22 ~~manner that the accounts are itemized on the records of the county~~
 23 ~~auditor.~~

1 SEC. 13. Acts of the Sixty-fourth General Assembly, 1972 Session,
 2 chapter one thousand twenty (1020), section seventy-one (71), amend-
 3 ing section four hundred forty-four point one (444.1) of the Code, is
 4 amended to read as follows:

5 Sec. 71. Section four hundred forty-four point one (444.1), Code
 6 1971, is amended to read as follows:

7 **444.1 Basis for amount of tax.** In all taxing districts in the state,
 8 including townships, school districts, cities, towns, and counties, when
 9 by law then existing the people are authorized to determine by vote,
 10 or officers are authorized to estimate or determine, a rate of taxation
 11 required for any public purpose, such rate shall in all cases be esti-
 12 mated and based upon the adjusted taxable valuation of such taxing
 13 district for the preceding ~~fiscal~~ calendar year.

1 SEC. 14. Acts of the Sixty-fourth General Assembly, 1972 Session,
 2 chapter one thousand twenty (1020), section seventy-six (76), amend-
 3 ing section four hundred forty-five point thirteen (445.13) of the
 4 Code, is amended to read as follows:

5 Sec. 76. Section four hundred forty-five point thirteen (445.13),
6 Code 1971, is amended to read as follows:

7 **445.13 Entries—delivery to treasurer—informalities.** Said county
8 auditor shall make an entry upon the special assessment tax list show-
9 ing what it is, for what county, and deliver it to the county treasurer
10 on or before ~~June thirtieth~~ *July thirty-first*, taking his receipt there-
11 for; such list shall be a sufficient authority for the county treasurer to
12 collect the taxes therein levied. No informality therein and no delay in
13 delivering the same after the time above specified, shall affect the
14 validity of any special assessment taxes, sales or other proceeding for
15 the collection of such special assessment taxes.

1 SEC. 15. Acts of the Sixty-fourth General Assembly, 1972 Session,
2 chapter one thousand twenty (1020), section seventy-eight (78),
3 amending section four hundred forty-five point twenty-nine (445.29)
4 of the Code, is amended to read as follows:

5 Sec. 78. Section four hundred forty-five point twenty-nine
6 (445.29), Code 1971, is amended to read as follows:

7 **445.29 Lien of personal taxes.** All ~~poll taxes and~~ taxes due from
8 any person upon personal property shall, for a period of one year fol-
9 lowing June thirtieth of the year of levy, be a lien upon any and all real
10 estate owned by such person or to which he may acquire title and situ-
11 ated in the county in which the tax is levied. From and after the
12 expiration of said one year said taxes shall be a lien on all such real
13 estate for an additional period of nine years provided said taxes are
14 entered upon the delinquent personal tax list as provided by law. But
15 in no instance shall said taxes be a lien after the expiration of ten years
16 from June thirtieth of the year in which levied. This section shall
17 apply to all ~~poll taxes and to~~ all taxes on personal property whether
18 levied prior or subsequent to the time this section takes effect. Per-
19 sonal property taxes, together with any interest, penalty, or costs,
20 shall be a lien in favor of the county upon all the taxable personal
21 property and rights to property belonging to the taxpayer, such lien
22 to relate back to and exist from ~~July~~ *January* first of the year in which
23 such personal property is assessed. Such a lien shall not be effective
24 or applicable, however, as against the rights of purchasers or mort-
25 gagees who acquired an interest in or lien against real estate owned
26 by the resident against whom such tax is assessed before the date that
27 the treasurer files notice of such lien.

1 SEC. 16. Acts of the Sixty-fourth General Assembly, 1972 Session,
2 chapter one thousand twenty (1020), section eighty (80), amending
3 section four hundred forty-five point thirty-six (445.36) of the Code, is
4 amended to read as follows:

5 Sec. 80. Section four hundred forty-five point thirty-six (445.36),
6 Code 1971, is amended to read as follows:

7 **445.36 Payment—installments.** No demand of taxes shall be nec-
8 essary, but it shall be the duty of every person subject to taxation to
9 attend at the office of the treasurer, at some time between the first
10 Monday in ~~July~~ *August* and September first following, and pay his
11 taxes in full, or one-half thereof before September first succeeding the
12 levy, and the remaining half before March first following.

1 SEC. 17. Acts of the Sixty-fourth General Assembly, 1972 Session,
2 chapter one thousand twenty (1020), section eighty-four (84), amend-
3 ing section four hundred forty-five point forty-three (445.43) of the
4 Code, is amended to read as follows:

5 Sec. 84. Section four hundred forty-five point forty-three (445.43),
6 Code 1971, is amended to read as follows:

7 **445.43 Lien on migratory personal property—maturity of tax.** A
8 lien for the tax upon said property as herein provided shall relate back
9 to and exist from ~~July~~ *January* first of the year for which it is
10 assessed, and if anyone seeks to remove the said property from the
11 county before the tax for said year shall be paid, the tax shall imme-
12 diately become due and collectible.

1 SEC. 18. Acts of the Sixty-fourth General Assembly, 1972 Session,
2 chapter one thousand twenty (1020), section eighty-six (86), amend-
3 ing section four hundred forty-six point seven (446.7), unnumbered
4 paragraph one (1), of the Code, is amended to read as follows:

5 Sec. 86. Section four hundred forty-six point seven (446.7), un-
6 numbered paragraph one (1), Code 1971, is amended to read as fol-
7 lows:

8 Annually, on the ~~first~~ *third* Monday in June the treasurer shall offer
9 at his office at public sale all lands, town lots, or other real property on
10 which taxes of any description for the preceding fiscal year or years
11 are delinquent, which sale shall be made for the total amount of taxes,
12 interest, and costs due and unpaid thereon, including all prior sus-
13 pended taxes, provided, however, that no property, against which the
14 county holds a tax sale certificate, shall be offered or sold. No interest
15 or penalty on suspended taxes shall be included in the sale price, except
16 that six percent interest per annum from the date of suspension shall
17 be included as to taxes suspended under the provisions of section 427.8.

1 SEC. 19. Acts of the Sixty-four General Assembly, 1972 Session,
2 chapter one thousand twenty (1020), section eighty-seven (87),
3 amending section four hundred forty-six point twenty-eight (446.28),
4 of the Code, is amended to read as follows:

5 Sec. 87. Section four hundred forty-six point twenty-eight
6 (446.28), Code 1971, is amended to read as follows:

7 **446.28 Subsequent sale.** If, from neglect of officers to make re-
8 turns, or other good cause, real estate cannot be advertised and offered
9 for sale on the ~~first~~ *third* Monday of June, the treasurer shall make the
10 sale on the first Monday of the next succeeding month in which the
11 required notice can be given.

1 SEC. 20. Acts of the Sixty-fourth General Assembly, 1972 Session,
2 chapter one thousand twenty (1020), is amended by adding the fol-
3 lowing new sections:

4 **NEW SECTION.** A city, county, or other political subdivision may
5 establish an encumbrance system for any obligation not liquidated at
6 the close of the fiscal year in which the obligation has been encum-
7 bered. The encumbered obligations may be retained upon the books
8 of the city, county, or other political subdivision until liquidated, all
9 in accordance with generally accepted governmental accounting prac-
10 tices.

11 **NEW SECTION.** For the extended fiscal year commencing January
12 1, 1974 and ending June 30, 1975, the board of supervisors no later

13 than January 31, 1974, shall appropriate by resolution such amounts
 14 as are deemed necessary for each of the different county offices and
 15 departments, and shall specify from which of the different county
 16 funds established by law the appropriated sums shall be derived. The
 17 appropriations to each separate county office or department shall be
 18 itemized in the manner that the accounts are itemized on the records
 19 of the county auditor.

1 SEC. 21. Acts of the Sixty-fourth General Assembly, 1972 Session,
 2 chapter one thousand eighty-eight (1088), section forty-eight (48),
 3 subsection five (5), paragraph a, is amended to read as follows:

4 a. The elective officers provided for in the adopted form are to be
 5 elected at the next regular city election held more than sixty days
 6 after the special election at which the form was adopted, and the
 7 adopted form becomes effective at the beginning of the ~~fiscal~~ calendar
 8 year which follows such regular city election.

1 SEC. 22. Acts of the Sixty-fourth General Assembly, 1972 Session,
 2 chapter one thousand eighty-eight (1088), section eighty-three (83),
 3 unnumbered paragraph one (1), is amended to read as follows:

4 Except as otherwise provided for special charter cities, a city's
 5 fiscal year and tax year is from ~~January first through December thirty-~~
 6 ~~first, inclusive shall be as provided in Acts of the General Assembly,~~
 7 ~~1972 Session, chapter one thousand twenty (1020), as amended by this~~
 8 ~~Act.~~ All city property taxes must be certified by a city to the county
 9 auditor on or before the fifteenth day of ~~October~~ March of each year,
 10 unless otherwise provided by state law.

1 SEC. 23. Acts of the Sixty-fourth General Assembly, 1972 Session,
 2 chapter one thousand eighty-eight (1088), section ninety-nine (99),
 3 unnumbered paragraph one (1), is amended to read as follows:

4 A city budget as finally adopted for the following fiscal year becomes
 5 effective ~~January~~ July first and constitutes the city appropriation for
 6 each program and purpose specified therein until amended as provided
 7 in this section. A city budget for the current fiscal year may be
 8 amended for any of the following purposes:

1 SEC. 24. Acts of the Sixty-fourth General Assembly, 1972 Session,
 2 chapter one thousand eighty-eight (1088), section one hundred (100),
 3 unnumbered paragraph three (3), is amended to read as follows:

4 The state appeal board shall proceed to consider the protest in ac-
 5 cordance with the same provisions that protests to budgets of munici-
 6 palities are considered under chapter 24 of the Code, except that final
 7 disposition of appeals of city budgets shall be made on or before
 8 ~~November~~ April 24 of each year. The state appeal board shall certify
 9 its decision with respect to the protest to the county auditor, and such
 10 decision shall be final.

1 SEC. 25. Acts of the Sixty-fourth General Assembly, 1972 Session,
 2 chapter one thousand eighty-eight (1088), section one hundred three
 3 (103), is amended to read as follows:

4 Sec. 103. Not later than ~~April~~ October first of each year, a city
 5 shall publish an annual report as provided in section three (3) of this
 6 Act containing a summary for the preceding fiscal year of all collections
 7 and receipts, all accounts due the city, and all expenditures, the current

8 public debt of the city, and the legal debt limit of the city for the cur-
 9 rent fiscal year. A copy of this report must be furnished to the auditor
 10 of state.

1 SEC. 26. Acts of the Sixty-fourth General Assembly, 1972 Session,
 2 chapter one thousand eighty-eight (1088), section one hundred forty-
 3 one (141), subsection five (5), is amended to read as follows:

4 5. Direct the clerk to certify the final schedule to the auditor of the
 5 county or counties in which the assessed property is located, and to
 6 publish notice thereof once each week for two consecutive weeks in
 7 the manner provided in section three (3) of this Act, the first publi-
 8 cation of which shall be not more than fifteen days from the date of
 9 filing of the final schedule. On or before the second publication of
 10 the notice, the clerk shall send by certified mail to each property
 11 owner whose property is subject to assessment for the improvement,
 12 as shown by the records in the office of the county auditor, a copy of
 13 the notice. Such notice shall also include a statement in substance
 14 that assessments may be paid in full without interest within thirty
 15 days after the date of certification, and thereafter all unpaid special
 16 assessments will draw annual interest at seven percent, computed to
 17 the ~~June~~ *December* first next following the due dates of the respective
 18 installments, and each installment will be delinquent on ~~March thirty-~~
 19 ~~first~~ *September thirtieth* following its due date, and will draw addition-
 20 ally the same delinquent interest and the same penalties as ordinary
 21 taxes. Such notice shall also state substantially that property owners
 22 may elect to pay any installment semiannually in advance. If a prop-
 23 erty is shown by the records to be in the name of more than one owner
 24 at the same mailing address, a single notice may be mailed to all
 25 owners at that address. Failure to receive a mailed notice is not a
 26 defense to the special assessment.

27 The county auditor shall place on the tax list the amounts to be
 28 assessed against each lot within the assessment district, as certified.

1 SEC. 27. Acts of the Sixty-fourth General Assembly, 1972 Session,
 2 chapter one thousand eighty-eight (1088), section one hundred forty-
 3 six (146), subsections one (1), two (2), three (3), and four (4), are
 4 amended to read as follows:

5 1. The first installment of each assessment, or the total amount if
 6 less than fifty dollars, is due and payable on ~~January~~ *July* first next
 7 succeeding the date of the levy, unless the assessment is filed with the
 8 county auditor ~~less than thirty days prior to January first~~ *after May*
 9 *thirty-first in any year*. The first installment shall bear interest on the
 10 whole assessment from the date of acceptance of the work by the coun-
 11 cil to the first day of ~~June~~ *December* following the due date.

12 2. The succeeding annual installments, with interest on the whole
 13 unpaid amount, to the first day of ~~June~~ *December* following the due
 14 date, are respectively due on ~~January~~ *July* first annually, and must be
 15 paid at the same time and in the same manner as the ~~March~~ *September*
 16 semiannual payment of ordinary taxes.

17 3. All future installments of an assessment may be paid on any date
 18 by payment of the then outstanding balance, plus interest to ~~June~~
 19 *December* first following the due date of the next maturing install-
 20 ment.

21 4. Each installment of an assessment with interest on the unpaid
22 balance is delinquent after the ~~thirty-first~~ *thirtieth* day of ~~March~~
23 *September* next after its due date, and bears the same delinquent
24 interest with the same penalties as ordinary taxes. When collected, the
25 interest and penalties must be credited to the same fund as the special
26 assessment.

1 SEC. 28. Acts of the Sixty-fourth General Assembly, 1972 Session,
2 chapter one thousand eighty-eight (1088), section one hundred forty-
3 nine (149), subsection two (2), unnumbered paragraph one (1), is
4 amended to read as follows:

5 All special assessment bonds are negotiable, must state on their
6 face that they are issued under the provisions of this part, and are
7 payable as to both principal and interest from the proceeds of the
8 special assessments levied for the public improvement. Such bonds
9 may bear interest at a rate not exceeding seven percent per annum
10 payable annually or semiannually, must mature serially on ~~June~~
11 *December* first of the years in which any of the principal is scheduled
12 to become due, and may contain a provision that the city reserves the
13 right and option of calling and redeeming any or all of the bonds prior
14 to maturity on any interest payment date or within forty-five days
15 thereafter upon the terms specified therein.

1 SEC. 29. Acts of the Sixty-fourth General Assembly, 1972 Session,
2 chapter one thousand eighty-eight (1088), section one hundred ninety-
3 nine (199), is amended to read as follows:

4 Sec. 199. Chapters three hundred sixty-two (362), three hundred
5 sixty-three (363), three hundred sixty-three A (363A), three hun-
6 dred sixty-three B (363B), three hundred sixty-three C (363C), three
7 hundred sixty-three D (363D), three hundred sixty-three E (363E),
8 three hundred sixty-four (364), three hundred sixty-six (366), three
9 hundred sixty-eight (368), three hundred sixty-eight A (368A), three
10 hundred sixty-nine (369), three hundred seventy (370), three hun-
11 dred seventy-one (371), three hundred seventy-two (372), three hun-
12 dred seventy-three (373), three hundred seventy-four (374), three
13 hundred seventy-four A (374A), three hundred seventy-five (375),
14 three hundred seventy-six (376), three hundred seventy-seven (377),
15 three hundred seventy-eight (378), three hundred seventy-eight A
16 (378A), three hundred seventy-nine (379), three hundred seventy-
17 nine A (379A), three hundred seventy-nine B (379B), three hun-
18 dred eighty (380), three hundred eighty-one (381), three hundred
19 eighty-two (382), three hundred eighty-three (383), three hundred
20 eighty-four (384), three hundred eighty-five (385), three hundred
21 eighty-six (386), three hundred eighty-six A (386A), three hundred
22 eighty-six B (386B), three hundred eighty-six C (386C), three hun-
23 dred eighty-seven (387), three hundred eighty-nine (389), three hun-
24 dred ninety (390), three hundred ninety A (390A), three hundred
25 ninety-one (391), three hundred ninety-one A (391A), three hundred
26 ninety-two (392), three hundred ninety-three (393), three hundred
27 ninety-four (394), three hundred ninety-five (395), three hundred
28 ninety-six (396), three hundred ninety-seven (397), three hundred
29 ninety-seven A (397A), three hundred ninety-eight (398), three
30 hundred ninety-eight A (398A), three hundred ninety-nine (399),
31 four hundred (400), four hundred one (401), four hundred two (402),

32 four hundred four (404), four hundred seven (407), four hundred
 33 eight (408), four hundred eight A (408A), ~~four hundred thirteen~~
 34 ~~(413)~~, four hundred fifteen (415), and four hundred seventeen (417),
 35 Code 1971, are repealed.

1 SEC. 30. It is the intent of the general assembly in enacting sec-
 2 tion twenty-nine (29) of this Act that chapter four hundred thirteen
 3 (413) of the Code shall not be repealed upon the effective date of Acts
 4 of the Sixty-fourth General Assembly, 1972 Session, chapter one thou-
 5 sand eighty-eight (1088), section one hundred ninety-nine (199), and
 6 the legal doctrine that the repeal of a repealing Act does not reinstate
 7 the original statute repealed shall not apply.

1 SEC. 31. Section twenty-four point twenty-seven (24.27), Code
 2 1973, as amended by Acts of the Sixty-fourth General Assembly, 1972
 3 Session, chapter one thousand twenty (1020), section nineteen (19),
 4 and Acts of the Sixty-fifth General Assembly, 1973 Session, chapter
 5 one hundred thirty-six (136), section three hundred forty-two (342),
 6 is amended to read as follows:

7 **24.27 Protest to budget.** Not later than the first Tuesday in ~~March~~
 8 *April*, a number of persons in any municipality equal to one-fourth of
 9 one percent of those voting for the office of president of the United
 10 States or governor, as the case may be, at the last general election in
 11 said municipality, but in no event less than ten, who are affected by
 12 any proposed budget, expenditure or tax levy, or by any item thereof,
 13 may appeal from any decision of the certifying board or the levying
 14 board, as the case may be, by filing with the county auditor of the
 15 county in which such municipal corporation is located, a written pro-
 16 test setting forth their objections to such budget, expenditure or tax
 17 levy, or to one or more items thereof, and the grounds for such objec-
 18 tions; provided that at least three of such persons shall have filed a
 19 joint written objection, at or before the time of the meeting contem-
 20 plated in section 24.11 which shall include a detailed statement of the
 21 objections to said budget, expenditures or tax levy for each and every
 22 fund, or the items therein to which objection is taken and an analysis
 23 of the fund or funds, or items therein showing grounds for such objec-
 24 tions or shall have appeared and made objection, either general or
 25 specific, as provided by section 24.11. Upon the filing of any such pro-
 26 test, the county auditor shall immediately prepare a true and complete
 27 copy of said written protest, together with the budget, proposed tax
 28 levy or expenditure to which objections are made, and shall transmit
 29 the same forthwith to the state board, and shall also send a copy of
 30 such protest to the certifying board or to the levying board, as the case
 31 may be.

1 SEC. 32. Section twenty-four point thirty-two (24.32), Code 1973,
 2 is amended to read as follows:

3 **24.32 Decision certified to county.** After a hearing upon such
 4 appeal, the state board shall certify its decision with respect thereto
 5 to the county auditor, and such decision shall be final. The county
 6 auditor shall make up his records in accordance with such decision
 7 and the levying board shall make its levy in accordance therewith.
 8 Upon receipt of such decision, the county auditor shall immediately
 9 notify both parties thereof, whereupon the certifying board shall cor-

10 rect its records accordingly, if necessary. Final disposition of all
 11 such appeals shall be made by the state board on or before ~~October 15~~
 12 *April twenty-fourth* of each year.

1 SEC. 33. Section twenty-nine C point seven (29C.7), unnumbered
 2 paragraphs two (2) and four (4), Code 1973, are amended to read as
 3 follows:

4 Not later than ~~March 15~~ *November fifteenth* of each year the joint
 5 county-municipal civil defense director and the joint administration
 6 shall prepare a proposed budget of all expenses for the ensuing fiscal
 7 year, July 1 to June 30. The proposed budget shall include estimated
 8 expenses that might be incurred in the event of a natural disaster,
 9 including, but not limited to hurricanes, tornadoes, windstorms or
 10 floods, and the necessary training, warning, protection facilities, and
 11 equipment necessary to minimize the loss of life in the event of acts
 12 of aggression.

13 Each year the chairman of the joint administration shall, by written
 14 notice, call a meeting of the joint administration to consider such pro-
 15 posed budget and shall fix and adopt a budget for the ensuing federal
 16 fiscal year not later than ~~May 15~~ *January fifteenth*.

1 SEC. 34. Section two hundred two point four (202.4), Code 1973,
 2 is amended to read as follows:

3 **202.4 Assessment lien.** The board shall have full power and au-
 4 thority to quarry, pulverize and sell or to purchase and resell to said
 5 farm owners in their respective counties, limestone for their use on
 6 their farms and may either sell same for cash, or on application of any
 7 farm owner in the county, written notice having been first given to
 8 the mortgage or lien holder and consent of said lien holders having
 9 been obtained in writing, which consent shall be filed in the office of
 10 the county auditor, provide agricultural lime, and deliver same to
 11 farm of applicant, payment for same to be provided for by a special
 12 assessment tax levy against the real estate so benefited in the amount
 13 of the sales value and transportation of said agricultural lime, which
 14 assessment shall be payable at the option of the owner of the farm or
 15 his legal heirs or assignees in its entirety on or before December ~~1~~
 16 *first* following the receipt ~~er~~ of said lime or may be paid in five equal
 17 annual installments payable on ~~March 1~~ *October first* of each succeed-
 18 ing year with the ordinary taxes until said special assessment is fully
 19 paid. The special assessment shall, by consent, be a lien prior to any
 20 lien or liens upon said real estate.

1 SEC. 35. Section two hundred fifty-three point three (253.3), Code
 2 1973, as amended by House File six hundred fifty-nine (659), section
 3 three (3), as enacted by the Sixty-fifth General Assembly, 1974 Ses-
 4 sion, is amended to read as follows:

5 **253.3 Annual published report.** The board of supervisors shall,
 6 during the month of ~~January~~ *July* of each year, publish in the official
 7 papers of the county as part of its proceedings, a financial statement
 8 of the receipts of the county care facility, or county farm, itemizing
 9 the same and stating the source thereof, which report shall also set
 10 forth the total expenditures thereof and the value of the property on
 11 hand on January first of the year for which the report is made and a
 12 comparison with the inventory of the previous year.

1 SEC. 36. Section two hundred eighty A point seventeen (280A.17),
2 unnumbered paragraph one (1), Code 1973, is amended to read as fol-
3 lows:

4 The board of directors of each merged area shall prepare an annual
5 budget designating the proposed expenditures for operation of the
6 area vocational school or area community college. The board shall
7 further designate the amounts which are to be by local taxation and
8 the amounts which are to be raised by other sources of revenue for
9 such operation. The budget of each merged area shall be submitted
10 to the state board no later than ~~June 1~~ *December first* preceding the
11 next fiscal year for approval. The state board shall review the pro-
12 posed budget and shall, prior to ~~July 1~~ *January first*, either grant its
13 approval or return the budget without approval with the comments of
14 the state board attached thereto. Any unapproved budget shall be
15 resubmitted to the state board for final approval. Upon approval of
16 the budget by the state board, the board of directors shall prorate
17 the amount to be raised by local taxation among the respective county
18 school systems, or parts thereof, in the proportion that the value of
19 taxable property in each system, or part thereof, bears to the total
20 value of taxable property in the area. The board of directors shall
21 certify the amount so determined to the respective county auditors
22 and the boards of supervisors shall levy a tax sufficient to raise the
23 amount. No tax in excess of three fourths mill shall be levied on tax-
24 able property in a merged area for the operation of an area vocational
25 school or area community college. Taxes collected pursuant to such
26 levy shall be paid by the respective county treasurers to the treasurer
27 of the merged area in the same manner that other school taxes are
28 paid to local school districts.

1 SEC. 37. Section two hundred ninety-eight point nine (298.9),
2 Code 1973, is amended to read as follows:

3 **298.9 Special levies.** If a schoolhouse tax is voted at a special
4 election and certified to said board after the regular levy is made, it
5 shall at its next regular meeting levy such tax and cause the same to be
6 forthwith entered upon the tax list to be collected as other school taxes.
7 If the certification is so filed prior to ~~the first day of October~~ *April first*,
8 said annual levy shall begin with the tax levy of the year of filing. If
9 the certification is filed after ~~the first day of October~~ *April first* in any
10 year, such levy shall begin with the levy of the ~~calendar~~ *fiscal* year
11 succeeding the year of the filing of such certification.

1 SEC. 38. Section two hundred ninety-eight point eighteen (298.18),
2 unnumbered paragraph one (1), Code 1973, is amended to read as fol-
3 lows:

4 The board of each school corporation shall, when estimating and
5 certifying the amount of money required for general purposes, esti-
6 mate and certify to the board of supervisors of the proper county for
7 the schoolhouse fund the amount required to pay interest due or that
8 may become due for the *fiscal* year beginning ~~January 1~~ *July first*
9 thereafter, upon lawful bonded indebtedness, and in addition thereto
10 such amount as the board may deem necessary to apply on the prin-
11 cipal.

1 SEC. 39. Section three hundred point three (300.3), Code 1973, is
2 amended to read as follows:

3 **300.3 Levy—collection—limitation.** Boards of school directors in
 4 such districts shall fix and certify to the board of supervisors on or
 5 before the first Monday of ~~September~~ *March* the amount of money
 6 required for the next fiscal year for the support of the aforementioned
 7 activities, in the same manner as the amount of necessary taxes for
 8 other school purposes is certified, and said board of supervisors shall
 9 levy and collect a tax upon all the property subject to taxation in said
 10 school district at the same time and in the same manner as other taxes
 11 are levied and collected by law, which shall be equal to the amount of
 12 money so required for such purposes by the said board of school direc-
 13 tors; provided that the tax so levied upon each dollar of the assessed
 14 valuation of all property, real and personal, in said district, subject to
 15 taxation, shall not in any one year exceed one-half mill for the purpose
 16 of the activities hereinbefore mentioned. The said tax shall not be
 17 used or appropriated directly or indirectly for any other purpose than
 18 provided in this chapter.

1 SEC. 40. Section three hundred thirty-two point thirty-eight
 2 (332.38), Code 1973, is amended to read as follows:

3 **332.38 Tax to support fund.** If the balance in the fund on ~~March 30~~
 4 *September thirtieth* of any year is less than three hundred thousand
 5 dollars, the treasurer of state shall notify the board of supervisors of
 6 each county to levy for that year a two-hundredths mill levy to be col-
 7 lected with other taxes in the next ~~calendar~~ year.

1 SEC. 41. Section three hundred thirty-two point thirty-nine
 2 (332.39), Code 1973, is amended to read as follows:

3 **332.39 Deposit of tax—investment.** Not later than ~~the fifteenth~~
 4 ~~of June~~ *December fifteenth* or ~~the fifteenth day of December~~ *June fif-*
 5 *teenth* of each year in which the tax is collected, the county auditor
 6 shall transmit the amount of the tax levied and collected, by warrant,
 7 to the treasurer of state who shall credit it to the county indemnifica-
 8 tion fund. The treasurer of state shall invest any moneys in the fund
 9 in the same manner as other public funds and shall credit any interest
 10 received from that investment to the county indemnification fund.

1 SEC. 42. Section three hundred thirty-three point fourteen
 2 (333.14), Code 1973, is amended to read as follows:

3 **333.14 Printing and distribution.** Said financial report shall be or-
 4 dered printed by the board of supervisors in pamphlet form in such
 5 numbers as the board may direct, for distribution among the taxpayers
 6 of the county. The county auditor of each county shall, on or before
 7 ~~April 1~~ *October first* of each year, furnish to the auditor of state the
 8 information contained in such financial report and any other informa-
 9 tion relative to the financial affairs of the county which he may
 10 require, upon blank forms provided by the auditor of state for this
 11 purpose.

1 SEC. 43. Section three hundred fifty-nine point thirty (359.30),
 2 Code 1973, is amended to read as follows:

3 **359.30 Cemetery and park tax.** They shall, at the regular meeting
 4 in ~~April~~ *November*, levy a tax sufficient to pay for any lands so con-
 5 demned or purchased, or for the necessary improvement and mainte-
 6 nance of cemeteries thus established, and for the necessary improve-
 7 ment and the maintenance of public parks acquired by gift, devise, or

8 bequest under section 359.29, or for the maintenance and improvement
 9 of cemeteries so established in adjoining townships, in case they deem
 10 such action advisable.

1 SEC. 44. Section four hundred four point three (404.3), Code 1973,
 2 is amended to read as follows:

3 **404.3 Certification of taxes and assessments.** All assessments and
 4 taxes of every kind and nature caused to be levied by the council, ex-
 5 cept taxes for the payment of bonds and the interest thereon, and
 6 except as otherwise provided by law, shall be certified by the clerk on
 7 or before ~~the fifteenth day of August~~ *March fifteenth* to the county
 8 auditor, and by him placed upon the tax list for the current year, and
 9 the county treasurer shall collect such assessments and taxes in the
 10 same manner as other taxes, and when delinquent they shall draw the
 11 same interest and penalties.

1 SEC. 45. Section four hundred five point one (405.1), unnumbered
 2 paragraph two (2), Code 1973, is amended to read as follows:

3 On or before ~~June 15~~ *December fifteenth* of each *fiscal* year, the state
 4 comptroller shall distribute the moneys in the municipal assistance
 5 fund to each city and town in the state in the proportion that the pop-
 6 ulation of each city and town is to the total population of all cities
 7 and towns in the state. However, the comptroller shall in no event
 8 distribute in any year to any city or town an amount in excess of
 9 one-half the amount to be collected from property tax levies by that
 10 city or town for that year. Any moneys remaining in the municipal
 11 assistance fund shall remain in the fund and be available for distri-
 12 bution the following year.

1 SEC. 46. Section four hundred eleven point eleven (411.11), sub-
 2 section one (1), Code 1973, is amended to read as follows:

3 1. On or before ~~the first day of July~~ *in January first* of each year
 4 the respective boards of trustees shall certify to the superintendent of
 5 public safety the amounts which will become due and payable during
 6 the year next following to the pension accumulation fund and the
 7 expense fund. The amounts so certified shall be included by the super-
 8 intendent of public safety in his annual budget estimate. The amounts
 9 so certified shall be appropriated by the said cities and transferred to
 10 the retirement system for the ensuing year. Said cities shall annually
 11 levy a tax sufficient in amount to cover such appropriations.

1 SEC. 47. Section four hundred twenty-two point seventy-eight
 2 (422.78), unnumbered paragraph one (1), Code 1973, as amended by
 3 Acts of the Sixty-fifth General Assembly, 1973 Session, chapter two
 4 hundred forty-eight (248), section one (1), is amended to read as fol-
 5 lows:

6 There is created a permanent fund in the office of the treasurer of
 7 state to be known as the "moneys and credits replacement fund". The
 8 director shall determine the percentage which the aggregate taxable
 9 value for the year 1965 of the property described in and subject to
 10 taxation under section 429.2, Code 1966, owned or held by individ-
 11 uals, administrators, executors, guardians, conservators, trustees or
 12 an agent or nominee thereof, and the aggregate taxable value for the
 13 year 1965 of the property described in and subject to taxation under
 14 section 431.1, Code 1966, for the year 1965 but not subject to taxa-

15 tion under said section for the year 1966, in each county bears to the
 16 total aggregate taxable value of such property reported from all of
 17 the counties in the state and shall certify the percentage for each
 18 county to the state comptroller prior to January 1, 1967. ~~In January~~
 19 *Commencing July 1, 1975, in July* of each year, the state comptroller
 20 shall apply said percentage to the money which shall have accumulated
 21 in the moneys and credits tax replacement fund prior to such ~~January~~
 22 *July* and thereby determine the amount thereof due to each county.
 23 The state comptroller shall draw warrants on the moneys and credits
 24 tax replacement fund in such amounts payable to the county treasurer
 25 of each county and transmit them. The county treasurer shall appor-
 26 tion these amounts as follows: For the amounts received in January
 27 1972, and all previously collected amounts, twenty percent to the
 28 county general fund, fifty percent to the school general fund, and the
 29 remaining thirty percent to cities and towns in the proportion that the
 30 taxable values for each city and town for 1965 of property subject to
 31 taxation in 1965 under sections 429.2, Code 1966, and 431.1, Code 1966,
 32 is to the total of such taxable values for all cities and towns within the
 33 county; for the amounts received in January 1973, and all subse-
 34 quently collected amounts, forty percent to the county general fund,
 35 and the remaining sixty percent to cities and towns in the proportion
 36 that the taxable values for each city and town for the year 1965 under
 37 sections 429.2 and 431.1, Code 1966, is to the total of such taxable
 38 values for all the cities and towns within the county.

1 SEC. 48. Section four hundred twenty-six point seven (426.7),
 2 Code 1973, is amended to read as follows:

3 **426.7 Warrants drawn by comptroller.** After receiving from the
 4 several county auditors of the state the certifications provided for in
 5 section 426.6, and on or before ~~March 15~~ *September fifteenth of the*
 6 *following year*, the state comptroller shall draw warrants on the agri-
 7 cultural land credits fund created by this chapter, payable to the
 8 county treasurers of the several counties of the state in the total
 9 amount certified by the county auditors of the respective counties and
 10 mail said warrants to the county auditors of said counties, provided
 11 that in the event the agricultural land credits fund is insufficient to
 12 pay in full the total of the amounts certified to the state comptroller
 13 on the first of June, he shall prorate the fund to the several county
 14 treasurers and notify the several county auditors of the pro rata per-
 15 centage on or before August 1.

1 SEC. 49. Section four hundred twenty-seven A point six (427A.6),
 2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
 3 1973 Session, chapter two hundred fifty-five, section three (3), is
 4 amended to read as follows:

5 **427A.6 Listing by auditor.** On or before ~~January 1~~ *July first of*
 6 *each year*, the auditor of each county shall prepare a statement listing
 7 for each taxing district in the county all personal property upon which
 8 taxes shall not be collected due to the tax credit granted in this chap-
 9 ter. The statement shall show the tax rates of the various taxing dis-
 10 tricts and the total amount of taxes which shall not be collected in
 11 each district because of the tax credit. The auditor shall certify and
 12 forward one copy each of the statement to the state comptroller and
 13 to the department of revenue on or before ~~January 15~~ *July fifteenth*

14 of such year. The department of revenue shall have the responsibility
 15 of auditing credits allowed in all counties in the state and the assessed
 16 values and assessment practices which affect the amounts of credits
 17 and such audit shall be completed within ~~eighteen~~ *twenty-four* months
 18 from July 1 of the year the claims were filed. A copy of the audit con-
 19 taining disallowed credits shall be sent to the county auditor, the
 20 county treasurer and state comptroller, and such individuals shall be
 21 directed to correct their books and records accordingly. The amount of
 22 such erroneous credit shall be charged to the county by the state comp-
 23 troller. The director of revenue shall be authorized and directed to
 24 disallow any claim where the audit or investigation revealed that the
 25 claimant was not entitled to the credit claimed. Persons and business
 26 enterprises may appeal any disallowed personal property credit to the
 27 state board of tax review.

1 SEC. 50. Section four hundred thirty-eight point eighteen (438.18),
 2 Code 1973, is amended to read as follows:

3 438.18 **Nonpayment of tax—effect.** If said tax is not paid within
 4 the ~~calendar~~ *fiscal* year in which the same is due, the company shall not
 5 be permitted thereafter to use the public or private property of the
 6 state of Iowa, or to operate in Iowa for any purpose.

1 SEC. 51. Section four hundred forty-two point nine (442.9), sub-
 2 section two (2), Code 1973, is amended to read as follows:

3 2. No later than ~~December 1~~ *August first* of each year, the state
 4 comptroller shall notify the county auditor of each county the amount,
 5 both in dollars and mills, of the additional property tax levy in each
 6 school district in the county. Each county auditor shall spread the
 7 additional property tax levy for each school district over all taxable
 8 property in the district.

1 SEC. 52. Section four hundred sixty-seven A point twenty
 2 (467A.20), unnumbered paragraph two (2), Code 1973, is amended to
 3 read as follows:

4 On or before ~~July 10~~ *January tenth* of each year its governing body
 5 shall make an estimate of the amount it deems necessary to be raised
 6 by such special tax for the ensuing year and transmit said estimate
 7 in dollars to the board of supervisors of the county in which the sub-
 8 district lies.

1 SEC. 53. Acts of the Sixty-fourth General Assembly, 1972 Session,
 2 chapter one thousand twenty (1020), sections eleven (11), twenty-
 3 nine (29), and ninety-four (94), are repealed.

1 SEC. 54. Acts of the Sixty-fourth General Assembly, 1972 Session,
 2 chapter one thousand eighty-eight (1088), sections one hundred two
 3 (102), two hundred thirty-six (236), two hundred thirty-seven (237),
 4 two hundred thirty-eight (238), and two hundred forty (240) are
 5 repealed.

1 SEC. 55. Notwithstanding the provisions of section seven (7) of
 2 this Act, any veteran who files a claim for a military service tax ex-
 3 emption under section four hundred twenty-seven point five (427.5)
 4 of the Code for the extended fiscal year and who subsequently sells
 5 his property and purchases property upon which no claim for a mili-
 6 tary service tax exemption has been allowed for the extended fiscal

7 year may file a claim by December 1, 1974 with the department of revenue for reimbursement in an amount equal to one-third of the amount
8 determined by multiplying the exemption by the millage.
9

1 SEC. 56. For the person who liquidated personal property at any
2 time between January 2, 1973 and December 31, 1973 and who files a
3 claim with the county board of supervisors, the county board of super-
4 visors shall forgive the third third of personal property taxes due
5 that become delinquent on April 1, 1975.

1 SEC. 57. Notwithstanding the millage limitations in section two
2 hundred eighty A point seventeen (280A.17) of the Code, for the fiscal
3 year commencing July 1, 1976 and ending June 30, 1977, the board
4 of directors of any merged area which closed the fiscal year ending
5 June 30, 1975 with a deficit cash balance may levy an additional tax
6 pursuant to section two hundred eighty A point seventeen (280A.17)
7 of the Code of not to exceed three-eighths mill to repay funds bor-
8 rowed pursuant to Acts of the Sixty-fourth General Assembly, 1972
9 Session, chapter one thousand twenty (1020), section five (5).

1 SEC. 58. Notwithstanding the millage limitations in section two
2 hundred eighty A point twenty-two (280A.22) of the Code, a merged
3 area which has an authorized three-fourths mill voted levy pursuant
4 to section two hundred eighty A point twenty-two (280A.22) of the
5 Code for which the period of time of the voted levy extends beyond
6 June 30, 1975, may increase the final full fiscal year levy to equal one
7 and one-eighth mills.

1 SEC. 59. Nothing in this Act shall be construed to prevent the
2 completion and enforcement of the levy of taxes lawfully made and
3 provided for either under this Act, or under chapter one thousand
4 twenty (1020), Acts of the Sixty-fourth General Assembly, 1972 Ses-
5 sion, or under any other law enacted prior to the effective dates of
6 chapter one thousand twenty (1020), Acts of the Sixty-fourth General
7 Assembly, 1972 Session.

8 For any special assessments levied under any special assessment
9 law on or before December 1, 1974, the annual installments, with in-
10 terest on the whole unpaid amount, to the first day of June following
11 the due date, are respectively due in consecutive years on January first
12 annually, and must be paid at the same time and in the same manner
13 as the March semiannual payment of ordinary taxes.

14 It is the intent of the General Assembly that commencing July 1,
15 1975, to the end that all cities, counties, and other political subdivi-
16 sions are to operate on a fiscal year commencing July 1, 1975 and each
17 July first thereafter, the provisions of this Act and of chapter one
18 thousand twenty (1020), Acts of the Sixty-fourth General Assembly,
19 1972 Session, shall be liberally construed to effect that purpose, and
20 any ambiguous, conflicting, or irreconcilable provisions shall be con-
21 strued to bring into effect the fiscal year which commences July first
22 of each year.

1 SEC. 60. An action of an official or employee of a city, county, or
2 other political subdivision, made prior to the effective date of this
3 Act, which was made in the manner authorized by this Act shall be
4 deemed to have been made in compliance with the provisions of this
5 Act, and to this extent the provisions of this Act are retroactive.

1 SEC. 61. This Act, being deemed of immediate importance, shall
 2 take effect and be in force from and after its publication in The Sioux
 3 City Journal, a newspaper published in Sioux City, Iowa, and in the
 4 Muscatine Journal, a newspaper published in Muscatine, Iowa.
 5 The provisions of sections one (1), two (2), four (4) through eight
 6 (8), fifteen (15), seventeen (17), twenty (20), twenty-one (21),
 7 twenty-two (22), twenty-nine (29), thirty (30), thirty-three (33),
 8 and fifty-three (53) through sixty (60), inclusive, of this Act shall
 9 be effective upon publication as provided in this section. The provi-
 10 sions of sections three (3), nine (9), ten (10), eleven (11), fourteen
 11 (14), twenty-four (24), twenty-seven (27), twenty-eight (28), thirty-
 12 one (31), thirty-two (32), thirty-five (35), thirty-six (36), thirty-
 13 seven (37), thirty-nine (39), forty-six (46), forty-nine (49), fifty-one
 14 (51) and fifty-two (52) of this Act shall be effective December 1, 1974.
 15 The provisions of sections twelve (12), thirteen (13), sixteen (16),
 16 eighteen (18), nineteen (19), twenty-three (23), twenty-five (25),
 17 twenty-six (26), thirty-four (34), thirty-eight (38), forty (40) through
 18 forty-five (45), inclusive, forty-seven (47), forty-eight (48), and fifty
 19 (50) of this Act shall be effective July 1, 1975.

Approved May 28, 1974

I hereby certify that the foregoing Act, House File 1028, was published in The Sioux City Journal, Sioux City, Iowa, June 4, 1974, and in the Muscatine Journal, Muscatine, Iowa, June 12, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1097

PROMOTION OF AGRICULTURAL PRODUCTS

H. F. 1305

AN ACT relating to the promotion of agricultural products.

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

1 SECTION 1. Section twenty-eight point seven (28.7), Code 1973, as
 2 amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
 3 chapter one hundred thirty (130), sections two (2) and three (3), is
 4 amended by adding the following new subsection:

5 NEW SUBSECTION. Advise, consult, and cooperate with the agricul-
 6 tural marketing division of the department of agriculture in the pro-
 7 motion of Iowa agricultural products.

1 SEC. 2. Section one hundred fifty-nine point twenty-one (159.21),
 2 Code 1973, is amended to read as follows:

3 159.21 **Director's powers.** The director, under the general super-
 4 vision and direction of the secretary of agriculture, is empowered and
 5 directed: (1) To appoint such competent and experienced persons to
 6 assist him in the performance of his duties and powers as may be
 7 necessary to effectuate the purposes of this section, and to delegate to
 8 any employee of such division any of the powers and duties conferred

9 upon the director; (2) to investigate into methods and practices in con-
10 nection with the processing, handling, standardizing, grading, classi-
11 fying, sorting, weighing, packing, transportation, storage, inspection
12 and merchandising of farm and food products within the state and all
13 matters relevant thereto; (3) to co-operate with the Iowa State Uni-
14 versity of science and technology extension service in disseminating
15 information relative to such matters described in (2) above; (4) to
16 ascertain sources of supply of Iowa farm and food products, and pre-
17 pare and publish from time to time lists of names and addresses of
18 producers and consignors thereof and furnish the same to persons
19 applying therefor; (5) to perform the acts of inspection and grading,
20 or both, of any farm product where requested by any person, group
21 of persons, partnership, firm, company, corporation, co-operative, or
22 association engaged in the production, marketing, or processing of
23 such farm products, providing such person or persons, partnership,
24 firm, company, corporation, co-operative, or association is willing to
25 pay for such services under such rules and regulations as he may
26 prescribe, including payment of such fees as he may deem reasonable,
27 for the services rendered or performed by employees of the division
28 of marketing. Such standards, grades, or classification shall not be
29 lower in their requirements than the minimum requirements of the
30 official standards for corresponding standards, grades and classifica-
31 tions commonly known as United States grades promulgated from
32 time to time by the secretary of agriculture of the United States;
33 (6) *to advise, consult, and cooperate with the Iowa development com-*
34 *mission in the development and implementation of programs for the*
35 *promotion of Iowa agricultural products;* (7) to make rules and
36 regulations necessary to carry out the provisions of this section.

1 SEC. 3. Section one hundred fifty-nine point twenty-five (159.25),
2 unnumbered paragraph two (2), Code 1973, is amended to read as
3 follows:

4 The agriculture marketing board shall be composed of the secretary
5 of agriculture, *the director of the Iowa development commission or*
6 *his designee*, and the dean of agriculture at Iowa State University of
7 science and technology ~~who~~ *each of whom* shall serve as ~~members~~ *a*
8 *member* of the advisory board without vote, and a producer member
9 from each of the following statutory associations: Iowa swine pro-
10 ducers association, Iowa turkey federation, Iowa beef cattle producers
11 association, Iowa state sheep association, Iowa poultry association,
12 incorporated, Iowa state dairy association, Iowa crop improvement
13 association, Iowa soybean association, Iowa corn growers association,
14 and state horticulture society. The names of three persons shall be
15 certified to the secretary of agriculture by the presidents of the Iowa
16 swine producers association, Iowa turkey federation, Iowa beef cattle
17 producers association, Iowa poultry association, incorporated, and
18 state horticulture society by June \pm *first* of each odd-numbered
19 year. The secretary of agriculture shall appoint by July \pm *first* one
20 of these three from each organization to the agriculture marketing
21 board. Such an appointee shall serve for a period of two years begin-
22 ning on July \pm *first* of the year of his appointment and until his suc-
23 cessor is appointed or qualified. Three names shall be submitted and
24 appointments made in the same manner in even-numbered years for
25 representation from the Iowa state dairy association, Iowa soybean

26 association, Iowa corn growers association, Iowa state sheep associa-
 27 tion, and Iowa crop improvement association. Any vacancy occurring
 28 in the agriculture marketing board shall be filled within two months
 29 of the vacancy in the manner provided in this section.

Approved April 8, 1974

CHAPTER 1098

INTERCHANGE OF EMPLOYEES

H. F. 1107

AN ACT relating to the interchange of federal, state, and local government employees.

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

1 SECTION 1. Section twenty-eight D point three (28D.3), subsection
 2 two (2), Code 1973, is amended to read as follows:

3 2. The period of individual assignment or detail under an inter-
 4 change program shall not exceed ~~twelve~~ *twenty-four* months, ~~nor shall~~
 5 ~~any person be assigned or detailed for more than twelve months during~~
 6 ~~any thirty-six month period except that an employee may be assigned~~
 7 ~~for an additional twenty-four month period upon the agreement of the~~
 8 ~~employee and both the sending and receiving agencies.~~ No employee
 9 shall be assigned or detailed without his expressed consent or by using
 10 undue coercion to obtain said consent. Details relating to any matter
 11 covered in this chapter may be the subject of an agreement between
 12 the sending and receiving agencies. Elected officials shall not be as-
 13 signed from a sending agency nor detailed to a receiving agency.

1 SEC. 2. Section twenty-eight D point six (28D.6), subsection three
 2 (3), Code 1973, is amended to read as follows:

3 3. Employees who are detailed to the receiving agency shall not by
 4 virtue of such detail be considered to be employees thereof, except as
 5 provided in subsection 4, ~~nor shall they be paid a salary or wage by~~
 6 ~~the receiving agency during the period of their detail.~~ The supervision
 7 of the duties of such employees, *as well as the contribution of each*
 8 *agency to the salary or wage of such employees* during the period of
 9 detail, may be governed by agreement between the sending agency and
 10 the receiving agency. *The agreement shall be subject to the approval*
 11 *of the executive council for state participation and the local governing*
 12 *body in the case of an agreement involving a political subdivision of*
 13 *the state.*

1 SEC. 3. This Act, being deemed of immediate importance, shall
 2 take effect and be in force from and after its publication in The Sioux

- 3 City Journal, a newspaper published in Sioux City, Iowa, and in The
4 Bloomfield Democrat, a newspaper published in Bloomfield, Iowa.

Approved March 21, 1974

I hereby certify that the foregoing Act, House File 1107, was published in The Sioux City Journal, Sioux City, Iowa, March 28, 1974, and in The Bloomfield Democrat, Bloomfield, Iowa, March 28, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1099
PENSION REPEALS

H. F. 425

AN ACT relating to pensions.

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

- 1 SECTION 1. Chapter thirty-four (34), Code 1973, is repealed.

Approved May 27, 1974

CHAPTER 1100
REVOLUTIONARY WAR MEMORIAL COMMISSION

H. F. 531

AN ACT abolishing the revolutionary war memorial commission.

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

- 1 SECTION 1. Chapter thirty-six (36), Code 1973, is repealed.

Approved April 25, 1974

CHAPTER 1101

ELECTIONS

H. F. 1399

AN ACT to revise certain statutes relating to elections which were amended or affected by passage of chapter one hundred thirty-six (136), Acts of the Sixty-fifth General Assembly, 1973 Session, and which appear in chapters thirty-nine (39), forty-three (43), forty-four (44), forty-seven (47), forty-nine (49), fifty (50), fifty-two (52), fifty-three (53), sixty-nine (69), two hundred seventy-three (273), two hundred seventy-five (275), two hundred seventy-seven (277), two hundred seventy-eight (278), two hundred seventy-nine (279), two hundred eighty A (280A), two hundred ninety-six (296), two hundred ninety-eight (298), three hundred sixty-three (363), and six hundred nine (609) of the Code, chapter one thousand eighty-eight (1088), Acts of the Sixty-fourth General Assembly, 1972 Session, and chapter two hundred (200), Acts of the Sixty-fifth General Assembly, 1973 Session, and to revise and clarify a temporary statute appearing in chapter one hundred thirty-six (136), Acts of the Sixty-fifth General Assembly, 1973 Session.

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

1 SECTION 1. Section thirty-nine point four (39.4), Code 1973, as
2 amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
3 chapter one hundred thirty-six (136), section four (4), is amended to
4 read as follows:

5 **39.4 Proclamation concerning revision of Constitution.** In the
6 years in which the Constitution requires, *or at other times when the*
7 *general assembly by law provides for*, a vote on the question of calling
8 a convention and revising the Constitution, the governor shall at least
9 sixty days before the general election issue a proclamation directing
10 that at the general election there be proposed to the people the follow-
11 ing question:

12 "Shall there be a convention to revise the Constitution, and amend
13 ~~the propose amendment or amendments to same?"~~

1 SEC. 2. Section thirty-nine point twenty-three (39.23), Code 1973,
2 is amended to read as follows:

3 **39.23 Township clerk.** There shall be elected, ~~biennially~~ *at the*
4 *general election held in the year 1974 and every four years thereafter*,
5 in each civil township one township clerk, who shall hold his office for
6 the term of ~~two~~ *four* years.

1 SEC. 3. Section forty-three point four (43.4), unnumbered para-
2 graphs one (1) and two (2), Code 1973, are amended to read as fol-
3 lows:

4 Delegates to county conventions of political parties and party com-
5 mitteemen shall be elected at precinct caucuses held not later than the
6 second Monday in May of each ~~election~~ *even-numbered* year. The state
7 central committee of each political party shall set the date for said
8 caucuses. In accordance therewith, the county central committee of
9 each political party shall issue the call for said caucuses. The county
10 chairman shall file with the county ~~auditor~~ *commissioner* the meeting
11 place of each precinct caucus at least seven days prior to the date of
12 holding such caucus.

13 There shall be selected among those present at a precinct caucus a
14 chairman and a secretary who shall forthwith certify to the county
15 central committee and the county ~~auditor~~ *commissioner* the names of
16 those elected as party committeemen and delegates to the county con-
17 vention.

1 SEC. 4. Section forty-three point eleven (43.11), subsection one
 2 (1), Code 1973, and subsection two (2), Code 1973, as amended by
 3 Acts of the Sixty-fifth General Assembly, 1973 Session, chapter one
 4 hundred thirty-six (136), section eighteen (18), are amended to read
 5 as follows:

6 1. For an elective county office, in the office of the county commis-
 7 sioner ~~of elections at least fifty-five days not later than five o'clock~~
 8 ~~p.m. on the fifty-fifth day~~ prior to the day fixed for holding the pri-
 9 mary election.

10 2. For United States senator, for an elective state office, for repre-
 11 sentative in Congress, and for member of the general assembly, in the
 12 office of the state commissioner not ~~more earlier~~ than eighty-five days
 13 nor ~~less than sixty-seven days later than five o'clock p.m. on the sixty-~~
 14 ~~seventh day~~ prior to the day fixed for holding ~~said the~~ primary elec-
 15 tion.

1 SEC. 5. Section forty-three point twenty (43.20), unnumbered
 2 paragraph one (1) and subsections one (1) and two (2), Code 1973,
 3 as amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
 4 chapter one hundred thirty-six (136), section twenty-two (22), are
 5 amended to read as follows:

6 Nomination papers shall be signed *by eligible electors* as follows:

7 1. If for a state office, or United States senator, by at least one per-
 8 cent of the voters of the *candidate's party of such candidates*, in each
 9 of at least ten counties of the state, and in the aggregate not less than
 10 one-half of one percent of the total vote of ~~his the candidate's~~ party in
 11 the state, as shown by the last general election.

12 2. If for a representative in Congress, in districts composed of more
 13 than one county, by at least two percent of the voters of ~~his the candi-~~
 14 ~~date's~~ party, as shown by the last general election, in each of at least
 15 one-half of the counties of the district, and in the aggregate not less
 16 than one percent of the total vote of ~~his the candidate's~~ party in such
 17 district, as shown by the last general election. If for a representative
 18 in the general assembly, not less than fifty voters of the representative
 19 district; and if for a senator in the general assembly, not less than one
 20 hundred voters of the senatorial district.

1 SEC. 6. Section forty-three point twenty (43.20), subsection three
 2 (3), Code 1973, as amended by Acts of the Sixty-fifth General Assem-
 3 bly, 1973 Session, chapter one hundred thirty-six (136), section
 4 twenty-two (22), is amended to read as follows:

5 3. If for an office to be filled by the voters of the *county or for the*
 6 *office of county supervisor elected from a district within the county*,
 7 by at least two percent of the party vote in the county *or supervisor*
 8 *district*, as shown by the last general election, or by at least one hun-
 9 dred persons, whichever is less.

1 SEC. 7. Section forty-three point twenty-one (43.21), Code 1973,
 2 as amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
 3 chapter one hundred thirty-six (136), section twenty-three (23), is
 4 amended by striking the section and inserting in lieu thereof the fol-
 5 lowing:

6 **43.21 Township office.** The name of a candidate for a township
 7 office shall be printed on the official primary ballot of his party if he

8 files his personal affidavit, in the form prescribed by section forty-
 9 three point eighteen (43.18) of the Code, with the commissioner not
 10 later than five o'clock p.m. of the fifty-fifth day prior to the primary
 11 election. If prior to that time there is presented to the commissioner
 12 a nomination paper signed by at least ten eligible electors of the town-
 13 ship requesting that the name of any person be placed on the primary
 14 ballot as a candidate for a township office, and the nomination paper
 15 is not accompanied by the candidate's personal affidavit, the commis-
 16 sioner shall advise the candidate that such an affidavit is required
 17 before his name may be placed on the ballot.

1 SEC. 8. Section forty-three point forty-five (43.45), subsection six
 2 (6), Code 1973, as amended by Acts of the Sixty-fifth General Assem-
 3 bly, 1973 Session, chapter one hundred thirty-six (136), section thirty-
 4 two (32) is amended to read as follows:

5 6. Seal the precinct election register and the tally sheets and cer-
 6 tificates of the election judges in an envelope, *or other secure con-*
 7 *tainer*, on the outside of which are written or printed in perpendicular
 8 columns the names of the several political parties with the names of
 9 the candidates for the different offices under their party name, and
 10 opposite each candidate's name enter the number of votes cast for such
 11 candidate in said precinct.

1 SEC. 9. Section forty-three point forty-six (43.46), Code 1973, as
 2 amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
 3 chapter one hundred thirty-six (136), section thirty-three (33), is
 4 amended to read as follows:

5 **43.46 Delivering returns.** Said judges and clerks shall deliver the
 6 election register, tally sheets, certificates, envelopes containing ballots,
 7 and all unused supplies, within ~~twenty-four hours~~ *two days* after the
 8 close of the polls, to the commissioner who shall carefully preserve the
 9 returns and envelopes in the condition in which received and deliver
 10 them to the county board of canvassers.

1 SEC. 10. Section forty-three point forty-eight (43.48), Code 1973,
 2 is amended to read as follows:

3 **43.48 Elector may ascertain vote cast.** Any elector of the county
 4 shall have the right, before the day fixed for canvassing the returns,
 5 to ascertain the vote cast for any candidate in any precinct in the
 6 county, as shown on the outside of the envelope containing the ~~poll~~
 7 ~~books~~ *election register*.

1 SEC. 11. Section forty-three point fifty-nine (43.59), Code 1973, is
 2 amended to read as follows:

3 **43.59 Death or resignation of candidates.**

4 1. When any primary candidate dies or resigns between the date for
 5 filing nomination papers and the holding of the primary election, the
 6 appropriate county, *legislative district*, or state central committee or
 7 district convention may place one additional name on the ballot.

8 2. Candidates nominated in primary elections may withdraw their
 9 names from the nominations any time prior to sixty-five days preced-
 10 ing the general election and the appropriate county, *legislative district*,
 11 or state central committee or district convention shall designate a
 12 person to fill such vacancy. Vacancies shall be filled by the appropriate

13 central committee or *district convention* within five days following the
14 day of such withdrawal.

1 SEC. 12. Section forty-three point sixty-six (43.66), Code 1973, as
2 amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
3 chapter one hundred thirty-six (136), section forty-four (44), is
4 amended to read as follows:

5 **43.66 Write-in candidates.** The fact that the candidate who re-
6 ceives the highest number of votes cast for any party's nomination
7 for an office to which section *forty-three point fifty-two (43.52)* or
8 43.65 of the Code is applicable is a person whose name was not printed
9 on the official primary election ballot shall not affect the validity of the
10 person's nomination as a candidate for that office in the general elec-
11 tion. *However, if there is no candidate on the official primary ballot*
12 *of a political party for nomination to a particular office, a write-in*
13 *candidate may obtain the party's nomination to that office in the pri-*
14 *mary if the candidate receives a number of votes equal to at least*
15 *thirty-five percent of the total vote cast for all of that party's candi-*
16 *dates for that office in the last preceding primary election for which*
17 *the party had candidates on the ballot for that office. When two or*
18 *more nominees are required, the division procedure prescribed in sec-*
19 *tion forty-three point fifty-two (43.52) of the Code shall be applied to*
20 *establish the minimum number of write-in votes necessary for nomi-*
21 *nation. If the primary is inconclusive, the necessary nominations shall*
22 *be made in accordance with section forty-three point ninety-seven*
23 *(43.97), forty-three point one hundred one (43.101), or forty-three*
24 *point one hundred nine (43.109) of the Code, whichever is applicable.*

1 SEC. 13. Section forty-three point seventy-three (43.73), Code
2 1973, as amended by Acts of the Sixty-fifth General Assembly, 1973
3 Session, chapter one hundred thirty-six (136), section forty-eight
4 (48), is amended to read as follows:

5 **43.73 State commissioner to certify nominees.** Not less than fifty-
6 five days before the general election the state commissioner shall cer-
7 tify to each commissioner, under separate party headings, the name of
8 each person nominated as shown by the official canvass made by the
9 executive council, or as certified to him by the proper persons when
10 any person has been nominated by a convention or by a party commit-
11 tee, or by petition, ~~his place of residence~~, the office to which he is
12 nominated, and the order in which the tickets of the several political
13 parties shall appear on the official ballot.

1 SEC. 14. Section forty-three point seventy-four (43.74), Code 1973,
2 as amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
3 chapter one hundred thirty-six (136), section forty-nine (49), is
4 amended to read as follows:

5 **43.74 Certificate in case of additional nominations.** If, after the
6 foregoing certificate has been forwarded, other authorized nominations
7 are certified to the state commissioner, including nominations to be
8 voted on at any time at a special election, the state commissioner shall
9 at once, in the form provided in section 43.73, certify said nominations
10 to the commissioners with a statement showing the reason therefor.
11 *Authorized nominations must be submitted to the state commissioner*
12 *at least forty-five days prior to the general election.*

1 SEC. 15. Section forty-three point seventy-five (43.75), Code 1973,
2 is amended to read as follows:

3 **43.75 Tie vote.** In case of a tie vote resulting in no nomination for
4 any office, the tie shall forthwith be determined by lot by the board of
5 canvassers, ~~or judges of election, as the case may be.~~

1 SEC. 16. Section forty-three point eighty-four (43.84), unnum-
2 bered paragraphs one (1) and two (2) and subsection two (2), Code
3 1973, are amended to read as follows:

4 There shall be a legislative ~~representative~~ *district* central committee
5 for each legislative ~~representative~~ *district*, which committee shall be
6 composed of the same precinct members chosen for each county central
7 committee and who reside within that part of the county located
8 within the legislative ~~representative~~ *district*. A senate legislative central
9 committee shall be composed of the two legislative representative
10 central committees from the two representative districts comprising
11 the senate district. The precinct members of the legislative ~~representa-~~
12 ~~tive~~ *district* central committee for the various parts of counties com-
13 prising the representative district ~~or senatorial district, as the case~~
14 ~~may be~~, shall meet and, organize by election of officers, ~~on the next~~
15 ~~Monday following their election and conduct business as appropriate~~
16 at some convenient place within the legislative district to be chosen
17 by the state chairman.

18 The committee shall ~~meet in convention~~, on call of the *state chair-*
19 *man* to:

20 2. Make nominations of candidates for the party to membership in
21 the general assembly when no *nomination exists due to the failure of*
22 *any candidate to file nomination papers for such office, when no candi-*
23 *date for such office has been nominated at the preceding primary elec-*
24 *tion by reason of the failure of any candidate to receive the legally*
25 *required number of votes cast by such party therefor, or to place a*
26 *name on the ballot as authorized under section forty-three point fifty-*
27 *nine (43.59) of the Code* if such convention is held following the
28 preceding primary election.

1 SEC. 17. Section forty-three point one hundred one (43.101), un-
2 numbered paragraph one (1) and subsection one (1), Code 1973, is
3 amended to read as follows:

4 Each political party shall hold a ~~senatorial, representational or~~ con-
5 gressional *district* convention in districts composed of more than one
6 county:

7 1. When no nomination was made in the primary election for the
8 office of ~~senator or representative in the general assembly, or of repre-~~
9 ~~sentative in Congress, as the case may be~~, because of the failure of a
10 *candidate to file nomination papers for such office, failure of any candi-*
11 *date to receive the legally required number of votes cast by his party*
12 *for such candidates, or to place a name on the ballot as authorized*
13 *under subsection one (1) of section forty-three point fifty-nine (43.59)*
14 *of the Code.*

1 SEC. 18. Section forty-three point one hundred two (43.102), Code
2 1973, as amended by Acts of the Sixty-fifth General Assembly, 1973
3 Session, chapter one hundred thirty-six (136), section fifty-seven (57),
4 is amended by striking the section and inserting in lieu thereof the
5 following:

6 **43.102 Call for district convention.** When a district convention
 7 is called for any of the purposes listed in section forty-three point one
 8 hundred one (43.101) of the Code, a copy of the call stating the num-
 9 ber of delegates to which each county or portion of a county will be
 10 entitled, and the time, place and purpose of the convention shall be filed
 11 at the earliest practicable time with the commissioner of each county
 12 in which any part of the district is located. The call for the convention
 13 shall be issued by the congressional district chairman, as soon as prac-
 14 ticable after the necessity for a congressional district convention is
 15 known.

1 **SEC. 19.** Section forty-four point four (44.4), unnumbered para-
 2 graph one (1), Code 1973, as amended by Acts of the Sixty-fifth Gen-
 3 eral Assembly, 1973 Session, chapter one hundred thirty-six (136),
 4 section seventy-one (71), is amended to read as follows:

5 Nominations made under *the* provisions of this chapter, ~~chapter 43~~
 6 and chapter 45 which are required to be filed in the office of the state
 7 commissioner shall be filed in ~~said that~~ office not more than eighty-five
 8 nor ~~less than sixty-seven days later than five o'clock p.m. on the sixty-~~
 9 ~~seventh day~~ prior to the date of the general election to be held in
 10 November; and those nominations *made for a special election called*
 11 *pursuant to section sixty-nine point fourteen (69.14) of the Code shall*
 12 *be filed not less than twenty days prior to the date of an election called*
 13 *upon at least forty days' notice and not less than seven days prior to*
 14 *the date of an election called upon at least ten days' notice. Nomina-*
 15 *tions made pursuant to this chapter and chapter forty-five (45) of the*
 16 *Code which are required to be filed in the office of the commissioner*
 17 *shall be filed in said that office not less later than five o'clock p.m. on*
 18 *the ~~forty-five days~~ fifty-fifth day* prior to the date of ~~said the~~ general
 19 election. ~~Such nominations~~ *Nominations made under this chapter or*
 20 *chapter forty-five (45) of the Code for city office shall be filed not more*
 21 *than sixty-five days nor less later than five o'clock p.m. on the ~~forty~~*
 22 *days fortieth day* prior to the city election with the city clerk, who
 23 shall process them as provided by law.

1 **SEC. 20.** Section forty-four point eleven (44.11), Code 1973, as
 2 amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
 3 chapter one hundred thirty-six (136), section seventy-six (76), is
 4 amended to read as follows:

5 **44.11 Vacancies filled.** If a candidate named under this chapter
 6 declines a nomination, or dies before election day, or should any cer-
 7 tificate of nomination be held insufficient or inoperative by the officer
 8 with whom it is required to be filed, or in case any objection made to
 9 any certificate of nomination, or to the eligibility of any candidate
 10 therein named, is sustained by the board appointed to determine such
 11 questions, the vacancy or vacancies thus occasioned may be filled by
 12 the convention, or caucus, or in such manner as such convention or
 13 caucus has previously provided. The vacancy or vacancies shall be
 14 filled not less than sixty days prior to the election in the case of nomi-
 15 nations required to be filed with the state commissioner, not less than
 16 fifty days prior to the election in the case of nominations required to
 17 be filed with the commissioner, and not less than ~~thirty-five~~ *thirty*
 18 *days* prior to the election in the case of nominations required to be
 19 filed in the office of the city clerk.

1 SEC. 21. Section forty-nine point eight (49.8), Code 1973, as
 2 amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
 3 chapter one hundred thirty-six (136), section one hundred fourteen
 4 (114), is amended by inserting after subsection three (3) the follow-
 5 ing new subsection:

6 **NEW SUBSECTION.** Precinct boundaries established by or pursuant
 7 to section forty-nine point four (49.4) of the Code, and not changed
 8 under subsection one (1) of this section since the most recent federal
 9 decennial census, may be changed once during the period beginning
 10 January first of the second year following a year in which a federal
 11 decennial census is taken and ending June thirtieth of the year im-
 12 mediately following the year in which the next succeeding federal
 13 decennial census is taken, if the commissioner recommends and the
 14 board of supervisors finds that the change will effect a substantial
 15 savings in election costs.

1 SEC. 22. Section forty-nine point eleven (49.11), Code 1973, as
 2 amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
 3 chapter one hundred thirty-six (136), section one hundred sixteen
 4 (116), is amended to read as follows:

5 **49.11 Notice of boundaries of precincts—merger or division.** The
 6 board of supervisors or council shall number or name the several pre-
 7 cincts established, and cause the boundaries of each to be recorded in
 8 the records of said board of supervisors or council, as the case may be,
 9 and publish notice thereof in some newspaper of general circulation,
 10 published in such county or city, once each week for three consecutive
 11 weeks, the last to be made at least thirty days before the next general
 12 election. The precincts thus established shall continue until changed
 13 in the manner provided by law, except that for any election other than
 14 the primary or general election or any special election held under sec-
 15 tion sixty-nine point fourteen (69.14) of the Code the county commis-
 16 sioner of elections may consolidate:

17 1. *Consolidate* two or more precincts into one. However, he shall
 18 not do so if there is filed with him at least twenty days before the
 19 election a petition signed by twenty-five or more eligible electors of
 20 any precinct requesting that it not be merged with any other precinct.
 21 There shall be attached to the petition the affidavit of an eligible elec-
 22 tor of the precinct that the signatures on the petition are genuine and
 23 that all of the signers are to the best of the affiant's knowledge and
 24 belief eligible electors of the precinct.

25 If a special election is to be held in which only those qualified electors
 26 residing in a specified portion of any established precinct are entitled
 27 to vote, that portion of the precinct may be merged by the commis-
 28 sioner with one or more other established precincts or portions of
 29 established precincts for the special election, and the right to petition
 30 against merger of a precinct shall not apply.

31 2. *Divide any precinct permanently established under this section*
 32 *which contains all or any parts of two or more mutually exclusive*
 33 *political subdivisions, each of which is independently electing one or*
 34 *more officers on the same date, into two or more temporary precincts*
 35 *and designate a polling place for each.*

36 3. *Notwithstanding the provisions of the first unnumbered para-*
 37 *graph of this section the commissioner may consolidate precincts for*
 38 *any election including a primary and general election if one of the*

39 *precincts involved consists entirely of dormitories that are closed at*
 40 *the time the election is held.*

1 SEC. 23. Section forty-nine point twelve (49.12), Code 1973, as
 2 amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
 3 chapter one hundred thirty-six (136), section one hundred seventeen
 4 (117), is amended to read as follows:

5 **49.12 Election boards.** There shall be appointed in each election
 6 precinct an election board which shall ordinarily consist of ~~three~~
 7 ~~judges and two clerks~~ *five precinct election officials*. However, in pre-
 8 cincts using only one voting machine *at any one time, and in precincts*
 9 *voting by paper ballot where no more than one hundred votes were*
 10 *cast in the last preceding similar election, the board shall consist of*
 11 *three judges, two of whom shall also act as clerks, precinct election*
 12 *officials; and in precincts using more than three two voting machines*
 13 *one additional judge precinct election official may be appointed for*
 14 *each such additional machine. Not more than a simple majority of the*
 15 *members of the election board in any precinct shall be members of the*
 16 *same political party or organization if one or more qualified electors*
 17 *of another party or organization are qualified and willing to serve on*
 18 *the board. Double election boards may be appointed for any precinct*
 19 *as provided by chapter fifty-one (51) of the Code.*

20 *If double counting boards are not appointed for precincts using*
 21 *paper ballots and using only three precinct election officials a fourth*
 22 *precinct election official shall be appointed from the election board*
 23 *panel to serve beginning at 8:00 P.M. to assist in counting the paper*
 24 *ballots.*

1 SEC. 24. Section forty-nine point fifteen (49.15), Code 1973, as
 2 amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
 3 chapter one hundred thirty-six (136), section one hundred nineteen
 4 (119), is amended to read as follows:

5 **49.15 Commissioner to draw up election board panel.** Not less
 6 than twenty days before each primary election, the commissioner shall
 7 draw up for each precinct an election board panel from which members
 8 of the precinct election board shall be appointed for each election held
 9 in the precinct during the ensuing two years. Each panel shall include
 10 members of each of the political parties referred to in section forty-
 11 nine point thirteen (49.13) of the Code, whose names may be desig-
 12 nated by the county chairmen of each of these political parties not less
 13 than thirty days prior to each primary election. The commissioner
 14 may place on the election board panel names of persons known to him
 15 to be members of these political parties, if the respective county chair-
 16 men fail to designate a sufficient number of names, and may also add
 17 names of persons, *whether or not they are* members of either of these
 18 political parties, who have advised him they are willing to serve on the
 19 election board for elections in which no candidates appear on the ballot
 20 under the heading of either of these political parties, *or whom either a*
 21 *school board or the city council of a city of three thousand five hundred*
 22 *or less population has advised the commissioner at least thirty days*
 23 *before each primary election are willing to serve without pay at elec-*
 24 *tions conducted for that school district or city, as the case may be,*
 25 *during the tenure of the election board panel on which these names are*
 26 *included.*

1 SEC. 25. Section forty-nine point sixteen (49.16), subsection two
2 (2), Code 1973, as amended by Acts of the Sixty-fifth General Assem-
3 bly, 1973 Session, chapter one hundred thirty-six (136), section one
4 hundred twenty (120), is amended to read as follows:

5 2. When all or portions of two or more precincts are merged for any
6 election as permitted by section forty-nine point eleven (49.11), *sub-*
7 *section one (1)*, of the Code, the commissioner may appoint the elec-
8 tion board for the merged precinct from the election board panels of
9 any of the precincts so merged. *When any permanent precinct is*
10 *divided as permitted by section forty-nine point eleven (49.11), sub-*
11 *section two (2), of the Code, the commissioner shall so far as possible*
12 *appoint the election board for each of the temporary precincts so cre-*
13 *ated from the election board panel of the permanent precinct.*

1 SEC. 26. Section forty-nine point sixteen (49.16), Code 1973, as
2 amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
3 chapter one hundred thirty-six (136), section one hundred twenty
4 (120), is amended by adding the following new subsection:

5 NEW SUBSECTION. In appointing the election board for any elec-
6 tion conducted for any school district or a city of three thousand five
7 hundred or less population, the commissioner may give preference to
8 any persons who are willing to serve without pay at those elections.

1 SEC. 27. Section forty-nine point twenty (49.20), Code 1973, as
2 amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
3 chapter one hundred thirty-six (136), section one hundred twenty-two
4 (122), is amended to read as follows:

5 **49.20 Compensation of members.** The members of election boards
6 shall receive two dollars per hour while engaged in the discharge of
7 their duties and ten cents per mile for actual and necessary travel,
8 *except that persons whom the commissioner has been advised prior to*
9 *their appointment to the election board are willing to serve without*
10 *pay at elections conducted for any school district or a city of three*
11 *thousand five hundred or less population shall receive no compensa-*
12 *tion for service at those elections.* Compensation shall be paid to
13 members of election boards only after the vote has been canvassed and
14 it has been determined in the course of such canvass that the election
15 record certificate has been properly executed by the election board.

1 SEC. 28. Section forty-nine point twenty-one (49.21), Code 1973,
2 as amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
3 chapter one hundred thirty-six (136), section one hundred twenty-
4 three (123), is amended by inserting before unnumbered paragraph
5 one (1) of that section the following new unnumbered paragraph:

6 NEW UNNUMBERED PARAGRAPH. It is the responsibility of the
7 commissioner to designate a polling place for each precinct in the
8 county.

1 SEC. 29. Section forty-nine point twenty-five (49.25), unnumbered
2 paragraph one (1), Code 1973, as amended by Acts of the Sixty-fifth
3 General Assembly, 1973 Session, chapter one hundred thirty-six (136),
4 section one hundred twenty-six (126), is amended to read as follows:

5 In any county or portion of a county ~~where~~ for which voting
6 machines ~~are not in use~~ ~~the~~ have been acquired under section fifty-two
7 point two (52.2) of the Code the commissioner shall determine pur-

8 *suant to section forty-nine point twenty-six (49.26) of the Code, in*
 9 *advance of each election conducted for any school district or a city of*
 10 *three thousand five hundred or less population, and individually for*
 11 *each precinct, whether voting in that election shall be by machine or*
 12 *by paper ballot. The commissioner shall furnish to each precinct*
 13 *where paper ballots are to be used the necessary ballot boxes, suitably*
 14 *equipped with locks and keys, and shall insure that the number, ar-*
 15 *rangement, and construction of voting booths at the polling place in*
 16 *each precinct are as follows:*

1 SEC. 30. Section forty-nine point twenty-six (49.26), Code 1973,
 2 as amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
 3 chapter one hundred thirty-six (136), section one hundred twenty-
 4 seven (127), is amended by striking the section and inserting in lieu
 5 thereof the following:

6 **49.26 Commissioner to decide method of voting.** When voting
 7 machines are available for an election precinct, the commissioner shall
 8 determine in advance of each election conducted for any school district
 9 or a city of three thousand five hundred or less population in which
 10 voting occurs in that precinct whether voting there shall be by ma-
 11 chine or paper ballot. If the commissioner concludes, on the basis of
 12 voter turnout for recent similar elections and factors considered likely
 13 to affect voter turnout for the forthcoming election, that voting will
 14 probably be so light as to make preparation and use of paper ballots
 15 less expensive than preparation and use of a voting machine, paper
 16 ballots shall be used.

1 SEC. 31. Section forty-nine point twenty-eight (49.28), Code 1973,
 2 as amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
 3 chapter one hundred thirty-six (136), section one hundred twenty-nine
 4 (129), is amended to read as follows:

5 **49.28 Commissioner to furnish registers and supplies.** The com-
 6 missioner shall prepare and furnish to each precinct an election regis-
 7 ter, and all other books, blanks, materials, and supplies necessary to
 8 carry out the provisions of this chapter. Voter registration records
 9 shall be kept so that the election register for each precinct contains
 10 the names of no electors except those eligible to vote in that precinct.
 11 When a precinct lies in more than one political subdivision or district
 12 from which any officer is elected, the election register must clearly
 13 indicate who are the eligible electors of each political subdivision or
 14 district in which the precinct lies. *The election register does not need*
 15 *to indicate the eligible electors of school director districts.*

1 SEC. 32. Section forty-nine point thirty (49.30), Code 1973, as
 2 amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
 3 chapter one hundred thirty-six (136), section one hundred thirty-one
 4 (131), is amended to read as follows:

5 **49.30 All candidates on one ballot—exception.** The names of all
 6 candidates to be voted for in each election precinct, ~~except~~ *other than*
 7 presidential electors, shall be printed on one ballot, *except as otherwise*
 8 *required by section forty-six point twenty-two (46.22) of the Code and*
 9 *except that at any election where voting machines are used, and it is*
 10 *impossible to place the names of all candidates on the machine ballot,*
 11 *the commissioner may provide a separate printed ballot for the candi-*

12 dates for judge of district court and the township ticket, or either;
13 one of each of said printed ballots to be furnished each qualified voter.

1 SEC. 33. Section forty-nine point forty-nine (49.49), Code 1973, is
2 amended to read as follows:

3 **49.49 Printing of ballots on public measures.** All of such ballots for
4 the same polling place shall be of the same size, similarly printed, upon
5 yellow colored paper. On the back of each such ballot shall be printed
6 appropriate words, showing that such ballot relates to a constitutional
7 or other question to be submitted to the electors, so as to distinguish
8 the said ballots from the official ballot for candidates for office, and a
9 facsimile of the signature of the ~~auditor or other officer~~ *commissioner*
10 who has caused the ballot to be printed.

1 SEC. 34. Section forty-nine point fifty-three (49.53), Code 1973, as
2 amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
3 chapter one hundred thirty-six (136), section one hundred thirty-eight
4 (138), is amended by striking the section and inserting in lieu thereof
5 the following:

6 **49.53 Publication of ballot and notice.** The commissioner shall not
7 less than four nor more than twenty days prior to the day of each
8 election, except those for which different publication requirements are
9 prescribed by law, publish notice of the election. The notice shall con-
10 tain a sample ballot of the first rotation as prescribed by section forty-
11 nine point thirty-one (49.31), unnumbered paragraph two (2), of the
12 Code and shall show the names of all candidates or nominees and the
13 office each seeks, and all public questions, to be voted upon at the elec-
14 tion. The notice shall also state the date of the election, the hours the
15 polls will be open, the location of each polling place at which voting is
16 to occur in the election, and the names of the precincts voting at each
17 polling place. The notice shall be published in at least one newspaper,
18 as defined in section six hundred eighteen point three (618.3) of the
19 Code, which is published in the county or other political subdivision in
20 which the election is to occur or, if no newspaper is published there,
21 in at least one newspaper of substantial circulation in the county or
22 political subdivision. For the general election or the primary election
23 the foregoing notice shall be published in at least two newspapers pub-
24 lished in the county representing, if possible, the two political parties
25 whose candidates for president of the United States or for governor,
26 as the case may be, received the largest and next largest number of
27 votes in the county at the last preceding general election. However,
28 if there is only one newspaper published in the county, publication in
29 one newspaper shall be sufficient.

1 SEC. 35. Section forty-nine point fifty-four (49.54), Code 1973, as
2 amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
3 chapter one hundred thirty-six (136), section one hundred thirty-nine
4 (139), is amended to read as follows:

5 **49.54 Cost of publication of ballot.** ~~For~~ *The cost of the publication*
6 *of the official ballot and accompanying notice in the manner required*
7 *by section forty-nine point fifty-three (49.53) of the Code, the cost*
8 *shall not exceed an amount determined by the director of the state*
9 *department of general services or his designee.*

1 SEC. 36. Section forty-nine point fifty-seven (49.57), subsection
2 five (5), Code 1973, as amended by Acts of the Sixty-fifth General
3 Assembly, 1973 Session, chapter one hundred thirty-six (136), section
4 one hundred forty-two (142), is amended to read as follows:

5 5. On the outside of the ballot, so as to appear when folded, shall be
6 printed the words "Official ballot", followed by the ~~designation~~ *name*
7 *and location* of the polling place for which the ballot is prepared, the
8 date of the election, and a facsimile of the signature of the commis-
9 sioner who has caused the ballot to be printed.

1 SEC. 37. Section forty-nine point seventy-three (49.73), Code 1973,
2 as amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
3 chapter one hundred thirty-six (136), section one hundred fifty-three
4 (153), is amended to read as follows:

5 **49.73 Time of opening and closing polls.** At all elections, *except*
6 *as otherwise permitted by this section*, the polls shall be opened at
7 seven o'clock a.m., or as soon thereafter as vacancies in the places of
8 ~~judges or clerks of~~ *on the precinct* election board have been filled. *The*
9 *commissioner may direct that the polls be opened at twelve o'clock*
10 *noon for any election conducted for any school district or a city of*
11 *three thousand five hundred or less population at which he concludes,*
12 *on the basis of voter turnout for recent similar elections and factors*
13 *considered likely to affect voter turnout for the forthcoming election,*
14 *that voting will probably be so light as to justify shortened voting*
15 *hours for that election, except that the commissioner shall not do so*
16 *for any election if there is filed in the commissioner's office, at least*
17 *twenty days before the election, a petition signed by at least fifty eli-*
18 *gible electors of the school district or city, as the case may be, request-*
19 *ing that the polls not be opened later than seven o'clock a.m. All polling*
20 *places where the candidates of or any public question submitted by any*
21 *one political subdivision are being voted upon shall be opened at the*
22 *same hour. The hours at which the respective precinct polling places*
23 *are to open shall not be changed after publication of the notice required*
24 *by section forty-nine point fifty-three (49.53) of the Code. In all cases*
25 the polling places shall be closed at eight o'clock p.m.

1 SEC. 38. Section forty-nine point eighty-two (49.82), Code 1973, is
2 amended to read as follows:

3 **49.82 Voter to receive one ballot—endorsement by judge.** One of
4 the ~~judges of~~ *precinct election officials* shall give the voter one ballot
5 and only one of each of the ballots to be voted at that election in that
6 precinct, *except as provided by section forty-nine point one hundred*
7 *(49.100) of the Code, on the back of which a judge precinct election*
8 *official shall endorse his initials, in such manner so that they may be*
9 *seen when the ballot is properly folded. No ballot without said the*
10 *required official endorsement shall be deposited in the ballot box. The*
11 *voter's name shall immediately be checked on the registry list.*

1 SEC. 39. Section forty-nine point eighty-four (49.84), Code 1973,
2 as amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
3 chapter one hundred thirty-six (136), section one hundred sixty-two
4 (162), is amended to read as follows:

5 **49.84 Marking and return of ballot.** On receipt of the ballot, the
6 voter shall, ~~without leaving the enclosed space,~~ *immediately* retire alone
7 to one of the voting booths, and without delay mark his ballot, and,

8 before leaving the voting booth, shall fold the ~~same in such manner~~
 9 ~~ballot so as to conceal the marks thereon, and deliver the same it to~~
 10 one of the ~~judges of precinct~~ election officials. No identifying mark or
 11 symbol shall be endorsed on the back of his ballot.

1 SEC. 40. Section forty-nine point eighty-five (49.85), Code 1973, is
 2 amended to read as follows:

3 **49.85 Depositing ballots.** One of the ~~judges of precinct~~ election
 4 officials shall at once, after receiving the ballot, in the presence of the
 5 voter, deposit ~~such ballot it~~ in the ballot box and the voter shall quit
 6 said enclosed space as seen as he has voted.

1 SEC. 41. Chapter forty-nine (49), Code 1973, is amended by add-
 2 ing the following new section:

3 **NEW SECTION. Optional authority for certain city elections.** The
 4 commissioner may appoint unpaid election precinct officials to election
 5 boards, as provided by sections forty-nine point fifteen (49.15), forty-
 6 nine point sixteen (49.16) and forty-nine point twenty (49.20) of the
 7 Code, elect not to use voting machines even though they are available,
 8 as permitted by section forty-nine point twenty-six (49.26) of the
 9 Code, and direct that the polls be opened at twelve o'clock noon, as
 10 permitted by section forty-nine point seventy-three (49.73) of the
 11 Code, for any election held for a city, regardless of the city's popula-
 12 tion, if there is no contest for any office on the ballot and no public
 13 question is being submitted to the voters at that election.

1 SEC. 42. Section fifty point eight (50.8), Code 1973, as amended by
 2 Acts of the Sixty-fifth General Assembly, 1973 Session, chapter one
 3 hundred thirty-six (136), section one hundred eighty-three (183), is
 4 amended to read as follows:

5 **50.8 Error on state or district office—tie vote.** If the error be in
 6 relation to a district or state office, it shall be certified with the number
 7 of the excess to the state ~~canvassers~~ commissioner. If the error affects
 8 the result of the election, the canvass shall be suspended and a new
 9 vote ordered in the precinct where the error occurred. When there is a
 10 tie vote due to such an excess, there shall be a new election. No person
 11 who was not a qualified elector in that precinct at the time of the gen-
 12 eral election shall be allowed to vote at such special election. When the
 13 new vote is taken and returned, the canvass shall be completed.

1 SEC. 43. Section fifty point nineteen (50.19), Code 1973, as
 2 amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
 3 chapter one hundred thirty-six (136), section one hundred ninety-one
 4 (191), is amended to read as follows:

5 **50.19 Preservation of books—when destroyed.** The commissioner
 6 shall file precinct election registers, and the ~~registry lists and other~~
 7 papers pertaining to registration, together with the ~~affidavits declara-~~
 8 tions of eligibility signed by voters at the election, in his office and
 9 preserve the same for four years and until the determination of any
 10 contest then pending, after which they shall be destroyed.

1 SEC. 44. Section fifty point twenty-seven (50.27), Code 1973, as
 2 amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
 3 chapter one hundred thirty-six (136), section one hundred ninety-six
 4 (196), is amended to read as follows:

5 **50.27 Declaration of election.** Each abstract of the votes for such
6 officers as the county alone elects at the general election, except dis-
7 trict judges and senators and representatives in the general assembly,
8 or of the votes for officers of political subdivisions whose elections are
9 conducted by the commissioner, shall contain a declaration of whom
10 the canvassers determine to be elected. *Each abstract of votes for and*
11 *against each public question submitted to and decided by the voters of*
12 *the county alone, or of a single political subdivision whose elections the*
13 *county board canvasses, shall contain a declaration of the result as*
14 *determined by the canvassers. When a public question has been sub-*
15 *mitted to the voters of a political subdivision whose elections the*
16 *county board canvasses, the commissioner shall certify a duplicate of*
17 *the abstract and declaration to the governing body of the political*
18 *subdivision.*

1 SEC. 45. Section fifty point thirty-seven (50.37), Code 1973, as
2 amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
3 chapter one hundred thirty-six (136), section two hundred five (205),
4 is amended to read as follows:

5 **50.37 State canvassing board.** The executive council shall consti-
6 tute a board of canvassers of all abstracts of votes required to be filed
7 with the state commissioner, except for the offices of governor and
8 lieutenant governor. No member of such board shall take part in can-
9 vassing the votes for an office for which he is a candidate. *Any clerical*
10 *error found by the state board of canvassers shall be corrected by the*
11 *county commissioner in a letter addressed to the state board of can-*
12 *vassers.*

1 SEC. 46. Section fifty point thirty-nine (50.39), Code 1973, is
2 amended to read as follows:

3 **50.39 Abstract.** It shall make an abstract stating, in words writ-
4 ten at length, the number of ballots cast for each office, the names of
5 all the persons voted for, for what office, the number of votes each
6 received, and whom it declares to be elected, *and if a public question*
7 *has been submitted to the voters of the state, the number of ballots*
8 *cast for and against the question and a declaration of the result as*
9 *determined by the canvassers; which abstract shall be signed by the*
10 *canvassers in their official capacity and as state canvassers, and have*
11 *the seal of the state affixed.*

1 SEC. 47. Section fifty point forty-two (50.42), Code 1973, as
2 amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
3 chapter one hundred thirty-six (136), section two hundred seven
4 (207), is amended to read as follows:

5 **50.42 Certificates mailed.** The state commissioner shall *prepare*
6 *and deliver or mail certificates of election to the persons declared*
7 *elected.*

1 SEC. 48. Section fifty-two point nine (52.9), unnumbered para-
2 graph one (1), Code 1973, as amended by Acts of the Sixty-fifth Gen-
3 eral Assembly, 1973 Session, chapter one hundred thirty-six (136),
4 section two hundred twenty-four (224), is amended to read as follows:

5 The commissioner having jurisdiction of any precinct for which the
6 board of supervisors has adopted voting by machine shall, as soon as
7 practicable thereafter, provide for the precinct polling place one or

8 more voting machines in complete working order, and shall thereafter
9 keep them in repair, and shall have the custody thereof and of the
10 furniture and equipment of the polling place when not in use at an
11 election. *The machines shall be used for voting at all elections unless*
12 *the commissioner directs otherwise pursuant to section forty-nine*
13 *point twenty-six (49.26) of the Code.* If it shall be impracticable to
14 supply each and every election precinct for which machine voting has
15 been adopted with a voting machine or voting machines at any election
16 following such adoption, as many may be supplied as it is practicable
17 to procure, and the same may be used in such election precincts as the
18 commissioner may direct.

1 SEC. 49. Section fifty-two point thirteen (52.13), Code 1973, as
2 amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
3 chapter one hundred thirty-six (136), section two hundred twenty-six
4 (226), is amended to read as follows:

5 **52.13 Sample ballots.** The commissioner shall provide for each
6 precinct polling place at which votes are to be cast by machine two
7 sample ballots, which shall be arranged in the form of a diagram
8 showing the entire front of the voting machine as it will appear after
9 the official ballots are arranged for voting on election day. Such sample
10 ballots shall be open to public inspection at such polling place during
11 the day of election ~~and the day next preceding election day.~~

1 SEC. 50. Section fifty-two point sixteen (52.16), Code 1973, as
2 amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
3 chapter one hundred thirty-six (136), section two hundred twenty-
4 eight (228), is amended to read as follows:

5 **52.16 Duties of election officers—~~independent~~ ballots.** The elec-
6 tion board of each precinct in which votes are to be cast by machine
7 shall meet at the precinct polling place, at least one hour before the
8 time set for the opening of the polls at each election, and shall proceed
9 to arrange ~~within the guardrail~~ the furniture, stationery, and voting
10 machine for the conduct of the election. The ~~judges board~~ shall cause
11 at least two instruction cards to be posted conspicuously within the
12 polling place. If not previously done, they shall arrange, in their
13 proper place on the voting machine, the ballots containing the names
14 of the offices to be filled at such election, and the names of the candi-
15 dates nominated therefor. If not previously done, the machine shall
16 be so arranged as to show that no vote has been cast, and the same
17 shall not be thereafter operated, except by electors in voting. Before
18 the polls are open for election, ~~each judge the board~~ shall carefully
19 examine every machine and see that no vote has been cast, and the
20 same shall be subject to inspection of the election officers. Ballots
21 voted for any person whose name does not appear on the machine as a
22 nominated candidate for office, are herein referred to as independent
23 ballots. When two or more persons are to be elected to the same office,
24 and the machine requires that all independent ballots voted for that
25 office be deposited in a single receptacle or device, an elector may vote
26 in or by such receptacle or device for one or more persons whose
27 names do not appear upon the machine with or without the names of
28 one or more persons whose names do so appear. With that exception,
29 and except for presidential electors, no independent ballot shall be
30 voted for any person for any office whose name appears on the machine

31 as a nominated candidate for that office; any independent ballot so
 32 voted shall not be counted. An independent ballot must be cast in its
 33 appropriate place on the machine, or it shall be void and not counted.

1 SEC. 51. Section fifty-two point twenty-two (52.22), Code 1973,
 2 unnumbered paragraph one (1), as amended by the Acts of the Sixty-
 3 fifth General Assembly, 1973 Session, chapter one hundred thirty-six
 4 (136), section two hundred thirty (230), is amended to read as fol-
 5 lows:

6 The judges of election shall, as soon as the count is completed and
 7 fully ascertained as in this chapter required, lock the machine against
 8 voting, and it shall so remain until thirty days after the proclamation
 9 of the results of said election, except that it shall remain locked only
 10 ten days after a primary election, including a city primary election,
 11 if such election is not contested. However, if the machines in any
 12 precinct are so constructed as to deliver, immediately upon conclusion
 13 of the voting at any election, multiple copies of a printed record of the
 14 votes cast and the totals for each candidate or question appearing on
 15 the face of the machine, the machines may be unlocked ~~upon expiration~~
 16 ~~of the time for requesting a recount of votes in a primary election or~~
 17 ~~for contesting any other election, immediately following the canvass of~~
 18 ~~votes unless the precinct election board informs the commissioner that~~
 19 ~~the printed record produced by the machine is smeared, torn or other-~~
 20 ~~wise unreadable. In the latter case, the machines shall be kept locked~~
 21 ~~for the period of time prescribed for machines which do not print~~
 22 ~~such a record.~~

1 SEC. 52. Section fifty-two point twenty-five (52.25), Code 1973, as
 2 amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
 3 chapter one hundred thirty-six (136), section two hundred thirty-three
 4 (233), is amended to read as follows:

5 **52.25 Summary of amendment or public measure.** The question of
 6 a constitutional convention, amendments and public measures including
 7 bond issues may be voted on the voting machines in the following man-
 8 ner:

9 The entire convention question, amendment or public measure shall
 10 be printed and displayed prominently in at least two places within the
 11 voting precinct and on the left-hand side inside the curtain of each
 12 voting machine, said printing to be in conformity with the provisions
 13 of chapter 49. The public measure shall be summarized by the ~~auditor~~
 14 ~~or city clerk commissioner~~ and in the largest type possible printed on
 15 the inserts used in said voting machines, except in the case of the
 16 question of a constitutional convention, or of an amendment or mea-
 17 sure to be voted on in more than one county, the summary to be placed
 18 in the voting machine inserts shall be worded by the state commis-
 19 sioner of elections as required by section forty-nine point forty-four
 20 (49.44) of the Code.

1 SEC. 53. Section fifty-three point two (53.2), unnumbered para-
 2 graph three (3), Code 1973, as amended by Acts of the Sixty-fifth
 3 General Assembly, 1973 Session, chapter one hundred thirty-six (136),
 4 section two hundred thirty-five (235), is amended to read as follows:

5 Each application shall contain the name *and signature* of the quali-
 6 fied elector, the address at which he is qualified to vote, and the name

7 or date of the election for which the absentee ballot is requested, and
8 such other information as may be necessary to determine the correct
9 absentee ballot for the qualified elector. If insufficient information has
10 been provided, the commissioner shall, by the best means available,
11 obtain the additional necessary information.

1 SEC. 54. Section fifty-three point eleven (53.11), Code 1973, as
2 amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
3 chapter one hundred thirty-six (136), section two hundred thirty-eight
4 (238), is amended to read as follows:

5 **53.11 Personal delivery of absentee ballot.** The commissioner shall
6 deliver an absentee ballot to any qualified elector applying in person at
7 his office not more than forty days before the date of the general elec-
8 tion ~~and~~ or the primary election, and for all other elections, as soon as
9 the ballot is available. The qualified elector shall immediately mark
10 the ballot, enclose it in a ballot envelope with proper affidavit, and
11 return the absentee ballot to the commissioner. The commissioner
12 shall record the numbers appearing on the application and ballot
13 envelope along with the name of the qualified elector. *The commis-*
14 *sioner of any county in which there is located a city of twenty-five*
15 *thousand or more population, which is not the county seat, may permit*
16 *qualified electors to appear in person at some designated place within*
17 *each such city and there cast an absentee ballot in the manner pre-*
18 *scribed by this section.*

1 SEC. 55. Section fifty-three point seventeen (53.17), unnumbered
2 paragraph two (2), Code 1973, as amended by Acts of the Sixty-fifth
3 General Assembly, 1973 Session, chapter one hundred thirty-six (136),
4 section two hundred forty-one (241), is amended to read as follows:

5 An applicant who is a resident or patient in a health care facility or
6 hospital *located in the county to which the application has been sub-*
7 *mitted* shall have his absentee ballot delivered to him by one member
8 of each of the political parties referred to in section forty-nine point
9 thirteen (49.13) of the Code, who shall be appointed by the commis-
10 sioner from the panel drawn up as provided by section forty-nine
11 point fifteen (49.15) of the Code for the special precinct established by
12 section fifty-three point twenty-three (53.23) of the Code. The per-
13 sons so appointed by the commissioner shall be notaries public and
14 shall be sworn in the manner provided by section forty-nine point
15 seventy-five (49.75) of the Code for election board members. They
16 may assist the qualified electors in filling out the ballot as provided in
17 section forty-nine point ninety (49.90) of the Code. The voted absentee
18 ballots shall be deposited in a sealed container which shall be returned
19 to the commissioner on the same day.

1 SEC. 56. Section fifty-three point twenty-three (53.23), unnum-
2 bered paragraphs two (2) and three (3), Code 1973, as amended by
3 Acts of the Sixty-fifth General Assembly, 1973 Session, chapter one
4 hundred thirty-six (136), section two hundred forty-five (245), are
5 amended to read as follows:

6 The election board of the special precinct shall be known as the
7 absentee ballot counting board. There shall be only one absentee ballot
8 counting board existing at any time in each county, and when two or
9 more political subdivisions in the county hold elections simultaneously

10 the absentee ballot counting board shall count absentee ballots cast in
 11 all of the elections so held. The commissioner shall appoint the absen-
 12 tee ballot counting board in the manner prescribed in sections 49.12
 13 and ~~49.15~~ *forty-nine point thirteen (49.13) of the Code*, except that
 14 the number of *precinct election judges and clerks officials* on the
 15 absentee ballot counting board shall be sufficient to complete the count-
 16 ing of absentee ballots by nine o'clock p.m. *and*

17 ~~The commissioner~~ shall set the convening time for the ~~absentee~~
 18 ~~ballot counting~~ board, allowing a reasonable amount of time to com-
 19 plete counting the absentee ballots prior to ~~closing of the polls that~~
 20 *hour. The commissioner may direct the board to meet on the day prior*
 21 *to the election solely for the purpose of reviewing the absentee voters'*
 22 *affidavits appearing on the sealed ballot envelopes, if in the commis-*
 23 *sioner's judgment this procedure is necessary due to the number of*
 24 *absentee ballots received, but under no circumstances shall a sealed*
 25 *ballot envelope be opened before the board convenes on election day.*

1 SEC. 57. Section fifty-three point forty-nine (53.49), Code 1973, is
 2 amended by striking unnumbered paragraph three (3).

1 SEC. 58. Section sixty-nine point eleven (69.11), Code 1973, is
 2 amended to read as follows:

3 **69.11 Tenure of vacancy appointee.** An officer filling a vacancy in
 4 an office which is filled by election of the people shall continue to hold
 5 until the next ~~regular~~ election at which such vacancy can be filled as
 6 *provided by section sixty-nine point twelve (69.12) of the Code*, and
 7 until a successor is elected and qualified. Appointments to all other
 8 offices, made under this chapter, shall continue for the remainder of
 9 the term of each office, and until a successor is appointed and qualified.

1 SEC. 59. Section sixty-nine point twelve (69.12), Code 1973, is
 2 amended by striking the section and inserting in lieu thereof the fol-
 3 lowing:

4 **69.12 Officers elected to fill vacancies—tenure.** When a vacancy
 5 occurs in any elective office of a political subdivision of this state, and
 6 a method for electing a person to the vacant office for the remainder of
 7 the unexpired term is not otherwise provided by law, the vacancy shall
 8 be filled pursuant to this section. As used in this section, "pending
 9 election" means any election at which there will be on the ballot either
 10 the office in which the vacancy exists, or any other office to be filled or
 11 any public question to be decided by the voters of the same political
 12 subdivision.

13 1. If the unexpired term in which the vacancy occurs has more than
 14 seventy days to run after the date of the next pending election, the
 15 vacancy shall be filled as follows:

16 a. A vacancy occurring forty or more days prior to the next pending
 17 election shall be filled at that election. The fact that absentee ballots
 18 were distributed or voted before the vacancy occurred or was declared
 19 shall not invalidate the election.

20 b. A vacancy occurring less than forty days prior to the next pend-
 21 ing election shall be filled by appointment as provided by law until the
 22 succeeding pending election.

23 2. When the unexpired term of office in which the vacancy occurs
 24 will expire within seventy days after the date of the next pending

25 election, or after the date of a preceding election in which that office
 26 was on the ballot, the person elected to the office for the succeeding
 27 term shall also be deemed elected to fill the remainder of the unexpired
 28 term. If the vacancy is on a multi-member body to which more than
 29 one nonincumbent is elected for the succeeding term, the nonincum-
 30 bent* who received the most votes shall be deemed elected to fill the
 31 remainder of the unexpired term. A person so elected to fill an un-
 32 expired term shall qualify within the time required by sections sixty-
 33 three point three (63.3) and sixty-three point eight (63.8) of the Code.
 34 Unless other requirements are imposed by law, qualification for the
 35 unexpired term shall also constitute qualification for the full term to
 36 which the person was elected.

1 SEC. 60. Section two hundred seventy-three point five (273.5),
 2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
 3 1973 Session, chapter one hundred thirty-six (136), section two hun-
 4 dred fifty-eight (258), is amended to read as follows:

5 **273.5 Nomination papers.** Nomination papers in behalf of a candi-
 6 dicate for member of the county board of education shall be filed with
 7 the county superintendent of schools not more than sixty-five days,
 8 nor less than forty days prior to the election at which a member is
 9 to be elected. Nomination petitions shall be filed not later than five
 10 o'clock p.m. on the last day for filing. Each candidate shall be nomi-
 11 nated by a petition signed by not less than twenty-five eligible elec-
 12 tors of the area from which a member is to be elected, which petition
 13 shall state the name of the area from which a member is to be elected,
 14 the office to which he is to be elected, the name of the candidate and
 15 that he is a resident and elector in the named area. Signers of the
 16 petition shall, in addition to signing their names, show their residence,
 17 including street and number, if any, the school district in which they
 18 reside, and the date of signing, and each nomination paper shall have
 19 appended to it an affidavit of an elector other than the candidate in
 20 substantially the form provided in section 43.17 except as to the party
 21 affiliation. *The petition shall include the affidavit of the candidate*
 22 *being nominated, stating his name, his residence, that he is a candi-*
 23 *date and is eligible for the office he seeks, and that if elected he will*
 24 *qualify for the office.*

25 The county superintendent of schools shall deliver all nomination
 26 petitions to the county commissioner of elections not later than five
 27 o'clock p.m. on the day following the last day on which nomination
 28 petitions can be filed. *Any person on whose behalf nomination peti-*
 29 *tions have been filed under this section may withdraw as a candidate*
 30 *by filing a signed statement to that effect with the commissioner at*
 31 *any time prior to five o'clock p.m. on the twenty-first day before the*
 32 *election.*

1 SEC. 61. Section two hundred seventy-three point seven (273.7),
 2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
 3 1973 Session, chapter one hundred thirty-six (136), section two hun-
 4 dred fifty-nine (259), is amended to read as follows:

5 **273.7 Canvass.** Within five days following the election, the county
 6 commissioner of elections shall make return of the votes cast in said

*According to enrolled Act

7 district, ~~to the county board of education~~ on forms provided therefor,
 8 ~~and to the county board of supervisors,~~ *which* shall meet at eight
 9 o'clock a.m. on the last Monday in September, and canvass the vote
 10 and the county commissioner of elections shall issue certificates of
 11 election.

1 SEC. 62. Section two hundred seventy-five point eighteen (275.18),
 2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
 3 1973 Session, chapter one hundred thirty-six (136), section two hun-
 4 dred sixty-one (261), is amended to read as follows:

5 275.18 **Special election called—time.** When the boundaries of the
 6 territory to be included in a proposed school corporation and the num-
 7 ber and method of the election of the school directors of such proposed
 8 school corporation have been determined as herein provided, the
 9 county superintendent with whom such petition is filed shall call a
 10 special election in such proposed school corporation within thirty days
 11 from the date of the final determination of such boundaries and serve
 12 notice on the county commissioner of elections of the county in the
 13 proposed school corporation which has the greatest taxable base in the
 14 proposed school corporation. The county commissioner of elections
 15 shall give notice of the election by one publication in the same news-
 16 paper in which previous notices have been published regarding the
 17 proposed school reorganization, and in addition thereto, if more than
 18 one county is involved, by one publication in a legal newspaper in each
 19 county other than that of the first publication, which publication shall
 20 be not less than ~~ten~~ *four* nor more than ~~fifteen~~ *twenty* days prior to the
 21 election. In the case of joint districts, no notice for an election shall be
 22 published until the time for appeal, which shall be the same as that
 23 provided in section 285.12, has expired; and in the event of an appeal,
 24 not until the same has been disposed of.

1 SEC. 63. Section two hundred seventy-five point thirty-seven
 2 (275.37), Code 1973, as amended by Acts of the Sixty-fifth General
 3 Assembly, 1973 Session, chapter one hundred thirty-six (136), section
 4 two hundred sixty-six (266), is amended by striking the section and
 5 inserting in lieu thereof the following:

6 275.37 **Increase in number of directors.** At the next succeeding
 7 annual school election in a district where the number of directors has
 8 been increased from five to seven, and directors are elected at large,
 9 there shall be elected a director to succeed each incumbent director
 10 whose term is expiring in that year, and two additional directors.
 11 Upon organizing as required by section two hundred seventy-nine
 12 point one (279.1) of the Code, the newly elected director who received
 13 the fewest votes in the election shall be assigned a term of either one
 14 year or two years if necessary in order that as nearly as possible one
 15 third of the members of the board shall be elected each year.

1 SEC. 64. Section two hundred seventy-five point thirty-eight
 2 (275.38), Code 1973, is amended by striking the section and inserting
 3 in lieu thereof the following:

4 275.38 **Implementing changed method of election.** If change in
 5 the method of election of school directors is approved at a regular or
 6 special school election, the directors who were serving unexpired terms
 7 or were elected concurrently with approval of the change of method

8 shall serve out the terms for which they were elected. If the plan
 9 adopted is that described in section two hundred seventy-five point
 10 twelve (275.12), subsection two (2), paragraph b, c or d, of the Code,
 11 the board shall at the earliest practicable time designate the districts
 12 from which residents are to be elected as school directors at each of the
 13 next three succeeding annual school elections, arranging so far as
 14 possible for elections of directors as residents of the respective dis-
 15 tricts to coincide with the expiration of terms of incumbent members
 16 residing in those districts. If an increase in the size of the board from
 17 five to seven members is approved concurrently with the change in
 18 method of election of directors, the board shall make the necessary
 19 adjustment in the manner prescribed in section two hundred seventy-
 20 five point thirty-seven (275.37) of the Code, as well as providing for
 21 implementation of the districting plan under this section.

1 SEC. 65. Section two hundred seventy-seven point four (277.4),
 2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
 3 1973 Session, chapter one hundred thirty-six (136), section two hun-
 4 dred sixty-eight (268), is amended to read as follows:

5 **277.4 Nominations required.** Nomination papers for all candidates
 6 for election to office in each school district shall be filed with the secre-
 7 tary of the school board not more than sixty-five days, nor less than
 8 forty days prior to the election. Nomination petitions shall be filed not
 9 later than five o'clock p.m. on the last day for filing. Each candidate
 10 shall be nominated by a petition signed by not less than ten ~~qualified~~
 11 *eligible* electors of the district. To each such petition shall be attached
 12 the affidavit of a ~~qualified~~ *an eligible* elector of the district, *other than*
 13 *the candidate being nominated*, that all of the signers thereof are elec-
 14 tors of such district and that the signatures thereto are genuine. *The*
 15 *petition shall include the affidavit of the candidate being nominated,*
 16 *stating his name, his residence, that he is a candidate and is eligible*
 17 *for the office he seeks, and that if elected he will qualify for the office.*

18 The secretary of the school board shall deliver all nomination peti-
 19 tions to the county commissioner of elections not later than five o'clock
 20 p.m. on the day following the last day on which nomination petitions
 21 can be filed. *Any person on whose behalf nomination petitions have*
 22 *been filed under this section may withdraw as a candidate by filing a*
 23 *signed statement to that effect with the commissioner at any time*
 24 *prior to five o'clock p.m. on the twenty-first day before the election.*

1 SEC. 66. Section two hundred seventy-seven point twenty-seven
 2 (277.27), Code 1973, is amended to read as follows:

3 **277.27 Qualification.** A school officer or member of the board
 4 shall, at the time of election or appointment, be a ~~qualified voter an~~
 5 *eligible elector* of the corporation or subdistrict. Notwithstanding any
 6 contrary provision of the Code, no member of the board of directors
 7 of any school district, or his or her spouse, shall receive compensation
 8 directly from the school board. No director or spouse affected by this
 9 provision on July 1, 1972, whose term of office for which elected has
 10 not expired, or whose contract of employment has a fixed date of
 11 expiration and has not expired, shall be affected by this provision until
 12 the expiration of the term of office to which elected, or the expiration
 13 date of the contract for which employed.

1 SEC. 67. Section two hundred seventy-eight point one (278.1), sub-
2 section ten (10), Code 1973, is amended to read as follows:

3 10. Authorize the establishment *or abandonment* of director dis-
4 tricts or a change of boundaries of director districts.

1 SEC. 68. Section two hundred seventy-nine point seven (279.7),
2 unnumbered paragraph one (1), Code 1973, as amended by Acts of
3 the Sixty-fifth General Assembly, 1973 Session, chapter one hundred
4 thirty-six (136), section two hundred seventy-three (273), is amended
5 to read as follows:

6 In any case where a vacancy or vacancies occur among the elective
7 officers or members of a school board and the remaining members of
8 such board have not filled such vacancy within ten days after the
9 occurrence thereof, or when the board is reduced below a quorum for
10 any cause, the secretary of the board, or if there be no secretary, the
11 county superintendent of schools shall call a special election in the
12 district, subdistrict, or subdistricts, as the case may be, to fill such
13 vacancy or vacancies. The county commissioner of elections shall
14 publish the notices required by law for such special elections, which
15 election shall be held not sooner than thirty days nor later than forty
16 days ~~thereafter~~ *after the tenth day following the occurrence of the*
17 *vacancy*. In any case where the secretary fails for more than three
18 days to call such election, the county superintendent shall call it.

1 SEC. 69. Section two hundred eighty A point fifteen (280A.15),
2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
3 1973 Session, chapter one hundred thirty-six (136), section two hun-
4 dred seventy-seven (277), is amended to read as follows:

5 **280A.15 Conduct of elections.** The nomination of candidates, prep-
6 aration of ballots, and canvass for all elections of members of the
7 board of directors of an area vocational school or an area community
8 college, except as otherwise directed, shall be conducted in the manner
9 provided in sections 273.5, ~~273.6~~, and 273.7 for members of county
10 boards of education. Nomination papers in behalf of a candidate shall
11 be filed with the secretary of the board of the merged area. Each
12 candidate shall be nominated by a petition signed by not less than fifty
13 ~~qualified~~ *eligible* electors of the district from which the member is to
14 be elected. The election notice shall be published as provided in ~~chapter~~
15 *section forty-nine (49) point fifty-three (49.53) of the Code* and the
16 election shall be conducted by the county commissioner of elections
17 pursuant to the provisions of chapters thirty-nine (39) through fifty-
18 three (53) of the Code. The votes cast in the election shall be can-
19 vassed by the county board of supervisors and the county commis-
20 sioner of elections shall issue certificates of election as prescribed in
21 section 273.7. Members elected to the board of directors of a merged
22 area shall qualify by taking the oath of office prescribed in section
23 277.28.

1 SEC. 70. Section two hundred eighty A point thirty-nine
2 (280A.39), unnumbered paragraph one (1), Code 1973, as amended
3 by Acts of the Sixty-fifth General Assembly, 1973 Session, chapter one
4 hundred thirty-six (136), section two hundred seventy-eight (278), is
5 amended to read as follows:

6 Any merged area may combine with any adjacent merged area after
7 a favorable vote by the electors of each of the areas involved. If the

8 boards of directors of two or more merged areas agree to a combina-
 9 tion, the question shall be submitted to the electors of each area at a
 10 special election to be held on the same day in each area. The special
 11 election shall not be held within thirty days of any general election.
 12 Prior to the special election, the board of each merged area shall notify
 13 the county commissioner of elections of the county in which the *great-*
 14 *est proportion of the merged area's administrative offices are taxable*
 15 *base is located* who shall publish notice of the election at least three
 16 times, no oftener than once a week, in one or more newspapers of
 17 general circulation within the merged area. The two respective county
 18 commissioners of elections shall conduct the election pursuant to the
 19 provisions of chapters thirty-nine (39) through fifty-three (53) of the
 20 Code. The votes cast in the election shall be canvassed by the county
 21 board of supervisors and the county commissioners of elections who
 22 conducted the election shall certify the results to the board of directors
 23 of each merged area.

1 SEC. 71. Section two hundred ninety-six point four (296.4), Code
 2 1973, as amended by Acts of the Sixty-fifth General Assembly, 1973
 3 Session, chapter one hundred thirty-six (136), section two hundred
 4 eighty-one (281), is amended to read as follows:

5 **296.4 Notice—ballots.** Notice of ~~such~~ *the* election shall be given
 6 by the county commissioner of elections by publication once each week
 7 for four weeks in some newspaper published in the district, ~~or, if there~~
 8 ~~is none, in some newspaper published in the county~~ and of general
 9 circulation in the district. The notice shall state the date of the elec-
 10 tion, the hours of opening and closing the polls and the exact location
 11 thereof, and the questions to be submitted, and shall be in lieu of any
 12 other notice, any other statute to the contrary notwithstanding. The
 13 county commissioner of elections shall conduct the election pursuant
 14 to the provisions of chapters thirty-nine (39) through fifty-three (53)
 15 of the Code and certify the results to the board of directors.

1 SEC. 72. Section two hundred ninety-eight point eighteen (298.18),
 2 unnumbered paragraph five (5), Code 1973, as amended by Acts of
 3 the Sixty-fifth General Assembly, 1973 Session, chapter one hundred
 4 thirty-six (136), section two hundred eighty-two (282), is amended to
 5 read as follows:

6 Notice of ~~such~~ *the* election shall be given by the county commissioner
 7 of elections by publication once each week for four consecutive weeks
 8 in a newspaper published in the school corporation, ~~or if there is no~~
 9 ~~newspaper published in the school corporation, in a newspaper pub-~~
 10 ~~lished in the county~~ and of general circulation in the school corpora-
 11 tion. Such notice shall state the date of the election, the hours of open-
 12 ing and closing the polls and the exact location thereof, and the question
 13 to be submitted. The election shall be held on a date not less than ~~five~~
 14 ~~four~~ nor more than twenty days after the last publication of the notice.
 15 Such notice shall be sufficient and shall be in lieu of any other notice
 16 required by any other statute. At such election the ballot used for the
 17 submission of said proposition shall be in substantially the form for
 18 submitting special questions at general elections. The county commis-
 19 sioner of elections shall conduct the election pursuant to the provisions
 20 of chapters thirty-nine (39) through fifty-three (53) of the Code and
 21 certify the results to the board of directors. Such proposition shall not

22 be deemed carried or adopted unless the vote in favor of such proposi-
 23 tion is equal to at least sixty percent of the total vote cast for and
 24 against said proposition at said election. Whenever such a proposition
 25 has been approved by the voters of a school corporation as herein-
 26 before provided, no further approval of the voters of such school
 27 corporation shall be required as a result of any subsequent change in
 28 the boundaries of such school corporation.

1 SEC. 73. Section two hundred ninety-eight point twenty-two
 2 (298.22), Code 1973, is amended to read as follows:

3 **298.22 Form—rate of interest—where registered.** All of said
 4 bonds shall be substantially in the form provided for county bonds,
 5 but subject to changes that will conform them to the action of the
 6 board providing therefor; shall run not more than twenty years, and
 7 may be sooner paid if so nominated in the bond; ~~be in denomination~~
 8 ~~of not more than one thousand dollars or less than one hundred dol-~~
 9 ~~lars each;~~ bear a rate of interest not exceeding seven percent per
 10 annum, payable semiannually; be signed by the president and counter-
 11 signed by the secretary of the board of directors; and shall not be dis-
 12 posed of for less than par value, nor issued for other purposes than
 13 this chapter provides.

14 All of said bonds ~~shall be registered in the office of the county audi-~~
 15 ~~ter, when issued, shall be delivered to the secretary of the board of~~
 16 ~~directors, who shall register them in a book to be kept for that pur-~~
 17 ~~pose, and shall deliver them when they have been properly counter-~~
 18 ~~signed.~~

19 The expenses of engraving and printing of bonds may be paid out
 20 of the general fund.

1 SEC. 74. Section three hundred sixty-three point seven (363.7),
 2 Code 1973, is amended to read as follows:

3 **363.7 Wards.** Cities may be by ordinance divided into wards, new
 4 wards created, or the boundaries changed, but in all cases the bound-
 5 aries of wards shall *follow the boundaries of election precincts and*
 6 *shall* be as far as practicable established so as to give all wards an
 7 equal population. Any ordinance of annexation entered into or ordi-
 8 nance passed by a city or town or cities and towns prior to the year
 9 1900 that prevents or has prevented an equal population of wards as
 10 provided by this section or provides that a specified number of repre-
 11 sentatives on the city or town council shall represent certain wards
 12 may be amended by a simple majority of votes of the existing city or
 13 town council, any provisions in the city or town charter, rules, ordi-
 14 nances, or ordinances of annexation notwithstanding.

1 SEC. 75. Section three hundred sixty-three point eleven (363.11),
 2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
 3 1973 Session, chapter one hundred thirty-six (136), section two hun-
 4 dred ninety-four (294), is amended to read as follows:

5 **363.11 Candidates—filing.** Any person desiring to become a can-
 6 didate for any elective municipal office shall, not more than sixty-five
 7 days nor less than forty days prior to the election, file with the clerk
 8 of the municipal corporation a petition signed by ~~qualified voters eli-~~
 9 ~~gible electors~~ equaling in number at least two percent of the greatest
 10 number of votes cast for any candidate for such office at the last regu-

11 lar municipal election, and in no case less than ten, requesting that his
12 (or her) name be printed upon the official election ballot. *When a*
13 *municipal office is filled by the voters of a ward, signers of a nominat-*
14 *ing petition for a candidate for that office must be eligible electors of*
15 *that ward.* Nomination petitions shall be filed not later than five o'clock
16 p.m. on the last day for filing. Provided that any city having a popula-
17 tion of ten thousand or less or any town may by ordinance provide that
18 all candidates for all elective city or town offices shall be nominated
19 under the provisions of chapter 44 or 45. In such event nomination for
20 all such offices in the manner provided for in this chapter shall not be
21 authorized.

22 The clerk of the municipal corporation shall deliver all nomination
23 petitions to the county commissioner of elections not later than five
24 o'clock p.m. on the day following the last day on which nomination
25 petitions can be filed. *Any person on whose behalf nomination peti-*
26 *tions have been filed under this section may withdraw as a candidate*
27 *by filing a signed statement to that effect with the commissioner at*
28 *any time prior to five o'clock p.m. on the twenty-first day before the*
29 *election.*

1 SEC. 76. Section three hundred sixty-three point twelve (363.12),
2 Code 1973, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **363.12 Form of petition.** A petition filed pursuant to section three
5 hundred sixty-three point eleven (363.11) of the Code shall include the
6 signatures of each of the petitioners, a statement of their places of
7 residence, and the date on which each petitioner signed the petition.

1 SEC. 77. Section three hundred sixty-three point thirteen (363.13),
2 Code 1973, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **363.13 Elector's affidavit.** A petition filed pursuant to section
5 three hundred sixty-three point eleven (363.11) of the Code shall
6 include the affidavit of at least one eligible elector, other than the
7 petitioners and the candidate being nominated, stating the affiant's
8 knowledge, information, and belief as to the residence of the peti-
9 tioners.

1 SEC. 78. Section three hundred sixty-three point fourteen (363.14),
2 Code 1973, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **363.14 Candidate's affidavit.** A petition filed pursuant to section
5 three hundred sixty-three point eleven (363.11) of the Code shall
6 include the affidavit of the candidate being nominated, stating his
7 name, his residence, that he is a candidate for and eligible for the office
8 he seeks, and that if elected he will qualify for the office.

1 SEC. 79. Section three hundred sixty-three point sixteen (363.16),
2 subsection one (1), Code 1973, as amended by Acts of the Sixty-fifth
3 General Assembly, 1973 Session, chapter one hundred thirty-six (136),
4 section two hundred ninety-six (296), is amended to read as follows:

5 1. In cities having a population of more than ten thousand, as shown
6 by the latest federal census, the procedure shall be as follows:
7 a. If the county commissioner of elections and mayor find that the
8 number of candidates for any office, as shown by candidates' petitions

9 filed with the county commissioner of elections, be not more than twice
 10 the number of persons that may be elected to said office, said candi-
 11 dates shall be found to be the nominees, and for said office no primary
 12 election shall be held. For any office or offices, for which the number
 13 of candidates, as shown by the candidates' petitions filed with the
 14 county commissioner of elections, is found to be more than twice the
 15 number of persons that may be elected to said office or offices, the
 16 nominees shall be determined by a municipal primary election, as
 17 hereinafter provided. The county commissioner of elections and
 18 mayor shall file a written report with the council, stating the nominees
 19 for such office or offices, if any, for which no municipal primary elec-
 20 tion is required, and also stating the office, or offices, if any, for which
 21 the nominees shall be determined by a municipal primary election.

22 b. Any such city, under one hundred thousand population, may by
 23 ordinance provide that all candidates for all elective city offices shall
 24 be nominated under the provisions of chapter 44 and chapter 45. In
 25 ~~such~~ that event ~~neither~~ nomination for all such offices by primary ~~nor~~
 26 a runoff election shall ~~not~~ be authorized, and the candidates receiving
 27 the greatest number of votes in the election held as required by section
 28 three hundred sixty-three point eight (363.8) of the Code shall be
 29 declared elected.

1 SEC. 80. Section three hundred sixty-three point sixteen (363.16),
 2 subsection two (2), unnumbered paragraph two (2), Code 1973, as
 3 amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
 4 chapter one hundred thirty-six (136), section two hundred ninety-six
 5 (296), is amended to read as follows:

6 The provisions of chapters thirty-nine (39) through fifty-three (53)
 7 of the Code shall apply to the conduct of run-off elections except that
 8 there shall be no added voter registrations accepted for said election
 9 but transfers may be accepted until ten days before the election, as
 10 now provided under law. *If a city provides by ordinance for a runoff*
 11 *election, the county board of supervisors shall publicly canvass the*
 12 *tally lists of the vote cast in the election held by that city pursuant to*
 13 *section three hundred sixty-three point eight (363.8) of the Code,*
 14 *following the procedures prescribed in section fifty point twenty-four*
 15 *(50.24) of the Code, at a meeting to be held beginning at one o'clock*
 16 *p.m. in the afternoon on the day following that city election.*

1 SEC. 81. Section six hundred nine point seven (609.7), Code 1973,
 2 as amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
 3 chapter one hundred thirty-six (136), section three hundred ninety-
 4 two (392), is amended to read as follows:

5 **609.7 Apportionment in other counties.** The county commissioner
 6 of elections, in counties having no appointive jury commission, shall,
 7 prior to furnishing the *precinct election judges officials* the election
 8 registers, apportion the number of grand and petit jurors to be selected
 9 from among the several election precincts, and the talesmen of which
 10 there shall be at least two, among the precincts from which the same
 11 are to be selected, in each case as nearly as practicable in proportion
 12 to the number of electors registered in each precinct as shown by the
 13 election registers of the ~~last preceding~~ general election. Such appor-
 14 tionment shall be computed on the same basis as provided in section
 15 609.1.

1 SEC. 82. Acts of the Sixty-fourth General Assembly, 1972 Session,
2 chapter one thousand eighty-eight (1088), section three (3), subsec-
3 tion one (1), is amended to read as follows:

4 1. If notice of an election, hearing, or other official action is required
5 by this Act, the notice must be published at least once, not less than ~~ten~~
6 *four* nor more than ~~twenty-five~~ *twenty* days before the date of the
7 election, hearing, or other action.

1 SEC. 83. Acts of the Sixty-fourth General Assembly, 1972 Session,
2 chapter one thousand eighty-eight (1088), section sixty-four (64), un-
3 numbered paragraph seven (7), as contained in Acts of the Sixty-fifth
4 General Assembly, 1973 Session, chapter one hundred thirty-six (136),
5 section three hundred thirty-one (331), is amended to read as follows:

6 The city clerk shall deliver all nomination petitions to the county
7 commissioner of elections not later than five o'clock p.m. on the day
8 following the last day on which nomination petitions can be filed. *Any*
9 *person on whose behalf nomination petitions have been filed under this*
10 *section may withdraw as a candidate by filing a signed statement to*
11 *that effect with the commissioner at any time prior to five o'clock p.m.*
12 *on the twenty-first day before the election.*

1 SEC. 84. Acts of the Sixty-fourth General Assembly, 1972 Session,
2 chapter one thousand eighty-eight (1088), section sixty-five (65), is
3 amended to read as follows:

4 Sec. 65. Notice ~~and containing~~ a copy of the ballot for each regu-
5 lar, special, primary, or run-off city election must be published as
6 provided in section three (3) of this Act, except that notice of a regu-
7 lar, primary, or run-off election may be published not less than ~~five~~
8 *four* days before the date of the election. The published ballot must
9 contain the names of all candidates, and may not contain any party
10 designations. The published ballot must contain any question to be
11 submitted to the voters.

1 SEC. 85. Acts of the Sixty-fourth General Assembly, 1972 Session,
2 chapter one thousand eighty-eight (1088), section sixty-six (66), is
3 amended to read as follows:

4 Sec. 66. An individual for whom a valid petition is filed becomes
5 a candidate in the regular city election for the office for which he has
6 filed, except that a primary election must be held for offices for which
7 the number of individuals for whom valid petitions are filed is more
8 than twice the number of positions to be filled. However, ~~the~~:

9 1. *The council may by ordinance choose to have a run-off election,*
10 *as provided in section sixty-nine (69) of this Act, in lieu of a primary*
11 *election.*

12 2. *If the council has by ordinance chosen to have nominations made*
13 *in the manner provided by chapter forty-four (44) or forty-five (45)*
14 *of the Code, neither a primary election nor a runoff election are re-*
15 *quired.*

1 SEC. 86. Acts of the Sixty-fourth General Assembly, 1972 Session,
2 chapter one thousand eighty-eight (1088), section sixty-eight (68), is
3 amended to read as follows:

4 Sec. 68. In a regular city election following a primary, the candi-
5 dates who receive the highest number of votes cast for the office for
6 which they have filed are elected, to the extent necessary to fill the

7 positions for which they have filed. In a regular city election when a
 8 council has chosen a run-off election in lieu of a primary, the candi-
 9 dates who receive the highest number of votes and a majority of the
 10 votes cast for the office for which they have filed are elected, to the
 11 extent necessary to fill the positions for which they have filed. *In a*
 12 *regular city election when a council has chosen to have nominations*
 13 *made in the manner provided by chapter forty-four (44) or forty-five*
 14 *(45) of the Code, the candidates who receive the highest number of*
 15 *votes for the office for which they are nominated are elected, to the*
 16 *extent necessary to fill the positions for which they are nominated.*

1 SEC. 87. Acts of the Sixty-fourth General Assembly, 1972 Session,
 2 chapter one thousand eighty-eight (1088), section sixty-nine (69), un-
 3 numbered paragraph one (1), is amended to read as follows:

4 A run-off election may be held only for positions unfilled because of
 5 failure of a sufficient number of candidates to receive a majority vote
 6 in the regular city election. *When a council has chosen a runoff*
 7 *election in lieu of a primary, the county board of supervisors shall*
 8 *publicly canvass the tally lists of the vote cast in the regular city*
 9 *election, following the procedures prescribed in section fifty point*
 10 *twenty-four (50.24) of the Code, at a meeting to be held beginning at*
 11 *one o'clock in the afternoon on the day following the regular city elec-*
 12 *tion. Candidates who do not receive a majority of the votes cast for*
 13 *the office for which they have filed, but who receive the highest number*
 14 *of votes cast for that office in the regular city election, to the extent of*
 15 *twice the number of unfilled positions, are candidates in the run-off*
 16 *election.*

1 SEC. 88. Acts of the Sixty-fourth General Assembly, 1972 Session,
 2 chapter one thousand eighty-eight (1088), section one hundred seven
 3 (107), subsection three (3), is amended to read as follows:

4 3. Notice of the election must be given by publication once each
 5 week for at least three consecutive weeks in a newspaper of general
 6 circulation in the city. The notice must state the date of the election,
 7 the hours of opening and closing the polls and the location thereof, and
 8 the question to be submitted. The election must be held on a date not
 9 less than ~~five~~ *four* nor more than twenty days after the last publica-
 10 tion of the notice. Such notice is sufficient and is in lieu of any other
 11 notice required by any other statute. At the election the ballot used
 12 for the submission of the proposition must be in substantially the form
 13 for submitting special questions at general elections.

1 SEC. 89. Acts of the Sixty-fifth General Assembly, 1973 Session,
 2 chapter one hundred thirty-six (136), section ten (10), is amended to
 3 read as follows:

4 **NEW SECTION. Officers of cities.** The times at which officers of
 5 cities shall be elected and their terms of office shall be as provided by
 6 or established pursuant to Acts of the Sixty-fourth General Assembly,
 7 1972 Session, chapter one thousand eighty-eight (1088), sections
 8 sixty-one (61) and sixty-two (62). However, the times at which
 9 officers of cities and towns shall be elected and their terms of office
 10 shall be governed until July 1, ~~1974~~ *1975* by sections three hundred
 11 sixty-three point eight (363.8), three hundred sixty-three point nine
 12 (363.9), three hundred sixty-three point ten (363.10), three hundred

13 seventy point one (370.1), three hundred seventy-two point three
 14 (372.3) and three hundred eighty point one (380.1), Code 1973, in the
 15 respective cities and towns to which these sections are applicable.

1 SEC. 90. Acts of the Sixty-fifth General Assembly, 1973 Session,
 2 chapter one hundred thirty-six (136), section ninety-six (96), unnum-
 3 bered paragraph one (1), is amended to read as follows:

4 The commissioner shall take bids for any goods and services which
 5 will be performed or provided by persons who are not employees of the
 6 commissioner and where the costs of such services exceed five thousand
 7 *dollars per contract in the case of contracts for the printing of ballots*
 8 *or, in the case of other services, two thousand five hundred dollars per*
 9 *contract. No bids shall be required for legal services. The commis-*
 10 *sioner shall publish notice to bidders, including specifications regarding*
 11 *the goods or services to be purchased or a description of the nature*
 12 *and object of the services to be retained, in a newspaper of general*
 13 *circulation in the county not less than fifteen days before the final date*
 14 *for submission of bids. The commissioner shall also file a copy of the*
 15 *bid specifications in the office of the state commissioner for a period*
 16 *of not less than twenty days prior to the date the bid is let. When*
 17 *competitive bidding procedures are used, the purchase of goods or*
 18 *services shall be made from the lowest responsible bidder which meets*
 19 *the specifications or description of the services needed or the commis-*
 20 *sioner may reject all bids and readvertise. In determining the lowest*
 21 *responsible bidder, various factors may be considered, including but*
 22 *not limited to the past performance of the bidder relative to quality*
 23 *of product or service, the past experience of the purchaser in relation*
 24 *to the product or service, the relative quality of products or services,*
 25 *the proposed terms of delivery and the best interest of the county.*

1 SEC. 91. Acts of the Sixty-fifth General Assembly, 1973 Session,
 2 chapter one hundred thirty-six (136), section one hundred six (106),
 3 subsection one (1) and paragraph b are amended to read as follows:

4 1. Mobile deputy registrars shall be appointed by the county com-
 5 missioner of registration *not more than one hundred eighty days prior*
 6 *to any general election or not more than one hundred twenty days*
 7 *prior to any primary, general, or partisan city election, or any election*
 8 *held pursuant to section sixty-nine point fourteen (69.14) of the Code,*
 9 *in accordance with the following guidelines:*

10 b. Each political party shall submit a list of nominees, ~~not later~~
 11 ~~than sixty days prior to the election,~~ and may request not more than
 12 one person for each one thousand six hundred (1,600) residents or
 13 major fraction thereof in the county to be appointed as mobile deputy
 14 registrars.

1 SEC. 92. Acts of the Sixty-fifth General Assembly, 1973 Session,
 2 chapter one hundred thirty-six (136), section four hundred (400), is
 3 amended to read as follows:

4 Sec. 400. At each election held after the effective date of this Act
 5 and before January 1, 1975 in any county or portion of a county in
 6 which registration is not required as a prerequisite to voting, pursuant
 7 to section three hundred ~~eighty-eight (388)~~ *ninety-nine (399)* of this
 8 Act, there shall be provided to each elector appearing at the polls on
 9 election day an opportunity to register to vote in elections to be held

10 after January 1, 1975. At each such election there shall be promi-
 11 nently displayed in every polling place one or more signs which state
 12 "You May Register To Vote Here Today. You Will Not Be Allowed
 13 To Vote After January 1, 1975 Until You Are Registered." Registra-
 14 tion of voters at the polls under this section shall be conducted in
 15 accordance with chapter forty-eight (48) of the Code as amended by
 16 this Act, insofar as possible. It shall be the duty of the precinct elec-
 17 tion judges ~~and clerks~~ officials, in addition to their usual duties, to
 18 register all eligible electors as defined by this Act who desire to regis-
 19 ter at the polls as permitted by this section, unless the county com-
 20 missioner of registration appoints other persons to perform this duty.
 21 The county commissioner of registration shall in advance of the 1974
 22 general election, and may in advance of any other election occurring
 23 after the effective date of this Act and before January 1, 1975, appoint
 24 two or more persons in the manner provided by ~~section ninety-four~~
 25 ~~(94) of this Act~~ addition to the precinct election officials to register
 26 electors at each polling place on election day as permitted by this sec-
 27 tion. The appointments shall be made in the manner prescribed by
 28 section forty-eight point twenty-seven (48.27), subsection one (1),
 29 paragraph a, of the Code for appointment of mobile deputy registrars,
 30 and the persons so appointed shall be compensated for their services at
 31 the polling place on election day in the same manner as provided by
 32 section forty-nine point twenty (49.20) of the Code for precinct elec-
 33 tion officials.

1 SEC. 93. Acts of the Sixty-fifth General Assembly, 1973 Session,
 2 chapter two hundred (200), section three (3), is amended to read as
 3 follows:

4 Sec. 3. NEW SECTION. Election. A trustee of a regional board
 5 shall be elected without regard to political affiliation at the general
 6 election by the vote of the electors of his district from a list of nomi-
 7 nees, the names of which have been taken from nomination papers
 8 filed in accordance with chapter forty-five (45) of the Code in all
 9 respects except that they shall be signed by not less than twenty-five
 10 ~~qualified voters~~ eligible electors of the respective district. The election
 11 shall be administered by the commissioner who has jurisdiction under
 12 section forty-seven point two (47.2) of the Code.

1 SEC. 94. The appointment, pursuant to Acts of the Sixty-fifth Gen-
 2 eral Assembly, 1973 Session, chapter one hundred thirty-six (136),
 3 section four hundred (400), as amended by section eighty-five (85) of
 4 this Act, of two or more persons in addition to the precinct election
 5 officials to register electors at each polling place at the June 4, 1974
 6 primary election shall be mandatory in each county or portion of a
 7 county to which Acts of the Sixty-fifth General Assembly, 1973 Ses-
 8 sion, chapter one hundred thirty-six (136), section three hundred
 9 ninety-nine (399), is applicable if on May 15, 1974 the total number
 10 of persons in that county or portion of a county who are registered to
 11 vote does not equal or exceed ten percent of the total population of
 12 that county or portion of a county as shown by the 1970 federal decen-
 13 nial census.

1 SEC. 95. At each precinct located in a county or portion of a
 2 county to which Acts of the Sixty-fifth General Assembly, 1973 Session,

3 chapter one hundred thirty-six (136), section three hundred ninety-
4 nine (399), is applicable, any elector who seeks to vote the ballot of a
5 political party at the primary election on June 4, 1974, and is chal-
6 lenged on the ground that he has previously registered as an elector
7 of that precinct pursuant to chapter forty-eight (48) of the Code and
8 in so doing made a declaration regarding political party affiliation
9 inconsistent with the affiliation indicated by his request for a primary
10 election ballot, may overcome the challenge by the procedure pre-
11 scribed in section forty-three point forty-four (43.44) of the Code.

1 SEC. 96. The county commissioner of elections of each county to
2 all or any portion of which Acts of the Sixty-fifth General Assembly,
3 1973 Session, chapter one hundred thirty-six (136), section three hun-
4 dred ninety-nine (399), is applicable, shall on August 30, 1974 send a
5 report to the state commissioner of elections stating the total number
6 of persons registered to vote in that county or portion of a county as
7 of that date. If the report has not been received by the state commis-
8 sioner by September 10, 1974 he shall investigate the cause of the
9 delay. If it appears from the report that the number of persons reg-
10 istered to vote in that county or portion of a county is unduly low, the
11 state commissioner shall consult with the county commissioner of the
12 county involved regarding measures which may be employed to en-
13 courage registration of eligible electors as voters prior to January 1,
14 1975.

1 SEC. 97. The limitations imposed by section forty-nine point eight
2 (49.8) of the Code notwithstanding, a county board of supervisors or
3 city council having jurisdiction over a precinct which includes the
4 places of residence of fewer than fifty qualified electors may prior to
5 July 1, 1975 attach the precinct to an abutting precinct if the attach-
6 ment is permissible under section forty-nine point three (49.3), sub-
7 section two (2), paragraph a, of the Code.

1 SEC. 98. A school district which has a seven-member board of
2 directors for which the term of office has been shortened by law from
3 four years to three years commencing with the election held Septem-
4 ber 9, 1975, shall hold elections as follows:

- 5 1. At the regular school election held September 9, 1975, two mem-
6 bers shall be elected for two-year terms and three members shall be
7 elected for three-year terms.
- 8 2. At the regular school election held September 14, 1976, two mem-
9 bers shall be elected for three-year terms.
- 10 3. At the regular school election held September 13, 1977, two mem-
11 bers shall be elected for three-year terms.

1 SEC. 99. The code editor is directed to:

- 2 1. Substitute the term "state commissioner" for each reference to
3 the secretary of state found in sections fifty-two point five (52.5),
4 fifty-four point five (54.5), fifty-five point nine (55.9), fifty-five point
5 eleven (55.11), fifty-five point thirteen (55.13), fifty-five point four-
6 teen (55.14), fifty-five point fifteen (55.15), fifty-five point twenty-one
7 (55.21) and fifty-five point twenty-two (55.22), Code 1973, and to such
8 extent the enumerated sections are amended.
- 9 2. Substitute the term "commissioner" for each reference to the
10 county auditor found in sections fifty-three point forty (53.40), fifty-

11 three point forty-one (53.41), fifty-three point forty-two (53.42), fifty-
 12 five point ten (55.10), fifty-five point eleven (55.11), fifty-five point
 13 eighteen (55.18) and three hundred sixty-three point twenty-two
 14 (363.22), Code 1973, and to such extent the enumerated sections are
 15 amended.

1 SEC. 100. Section fifty point one (50.1), Code 1973, as amended by
 2 Acts of the Sixty-fifth General Assembly, 1973 Session, chapter one
 3 hundred thirty-six (136), section one hundred eighty (180), is amended
 4 to read as follows:

5 **50.1 Canvass by judges.** At every election conducted under chapter
 6 forty-nine (49) of the Code, except the primary election provided
 7 for by chapter forty-three (43) of the Code, and at every other elec-
 8 tion unless the law authorizing the election otherwise requires, the
 9 vote shall be canvassed at each polling place by the election board in
 10 the manner prescribed by this chapter. When the poll is closed, the
 11 ~~judges~~ *precinct election officials* shall forthwith, and without adjourn-
 12 ment:

13 1. Publicly canvass the vote, and credit each candidate with the
 14 number of votes counted for him.

15 2. Ascertain the result of the vote.

16 3. Prepare in writing a list of any apparently or possibly erroneous
 17 information appearing in the precinct election register.

18 4. ~~Cause each clerk to~~ *Designate two election board members, not*
 19 *members of the same political party, who shall each separately keep a*
 20 tally list of the count.

1 SEC. 101. Section fifty point eleven (50.11), Code 1973, as amended
 2 by Acts of the Sixty-fifth General Assembly, 1973 Session, chapter one
 3 hundred thirty-six (136), section one hundred eighty-six (186), is
 4 amended to read as follows:

5 **50.11 Proclamation of result.** When the canvass is completed one
 6 of the ~~judges~~ *precinct election officials* shall publicly announce the total
 7 number of votes received by each of the persons voted for, the office
 8 for which he is designated, as announced by the ~~clerks~~ *designated tally*
 9 *keepers*, and the number of votes for, and the number of votes against,
 10 any proposition which shall have been submitted to a vote of the
 11 people, and he shall communicate said information by telephone or
 12 telegraph or in person to the commissioner who is conducting the
 13 election immediately upon completion of the canvass; and the commis-
 14 sioner shall remain on duty until such information is communicated
 15 to him from each polling place in his county.

1 SEC. 102. Section fifty point sixteen (50.16), Code 1973, as
 2 amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
 3 chapter one hundred thirty-six (136), section one hundred eighty-nine
 4 (189), is amended to read as follows:

5 **50.16 Tally list of board.** The tally list shall be prepared in writing
 6 by the election board, giving, in legibly printed numerals, the whole
 7 number of ballots cast for each officer, except those rejected, the name
 8 of each person voted for, and the number of votes given to each person
 9 for each different office; which tally list shall be signed by the ~~judges~~
 10 *precinct election officials*, and be substantially as follows:

11 At an election at in township, or in
 12 precinct of city or township, in county, state of
 13 Iowa, on the day of A.D., there were
 14 ballots cast for the office of of which
 15 A..... B..... had votes.
 16 C..... D..... had votes.
 17 (and in the same manner for any other officer).

18 A true tally list:

19		L.....	M.....	} Judges of Election Board Members
20		N.....	O.....	
21		P.....	Q.....	
22	Attest:	R.....	S.....	} Clerks of Election
23		T.....	U.....		} Designated Tally Keepers.

1 SEC. 103. Section fifty-one point one (51.1), Code 1973, as amended
 2 by Acts of the Sixty-fifth General Assembly, 1973 Session, chapter one
 3 hundred thirty-six (136), section two hundred nine (209), is amended
 4 to read as follows:

5 **51.1 Election counting board.** In all election precincts the board of
 6 supervisors may authorize the commissioner to appoint for each pri-
 7 mary and general election ~~three additional judges and two five addi-~~
 8 ~~tional clerks~~ *precinct election officials* to be known as the election
 9 counting board.

1 SEC. 104. The code editor is directed to change sections forty-three
 2 point thirty-eight (43.38), forty-three point forty-four (43.44), forty-
 3 nine point fifty (49.50), forty-nine point sixty-two (49.62), forty-nine
 4 point sixty-seven (49.67), forty-nine point seventy-one (49.71), forty-
 5 nine point seventy-five (49.75), forty-nine point eighty-seven (49.87),
 6 fifty point three (50.3), fifty point four (50.4), fifty point five (50.5),
 7 fifty-one point six (51.6), fifty-one point fourteen (51.14), fifty-two
 8 point eighteen (52.18), fifty-two point nineteen (52.19) and fifty-two
 9 point twenty (52.20), Code 1973, and sections forty-three point thirty-
 10 six (43.36), forty-three point forty-two (43.42), forty-three point
 11 forty-five (43.45), forty-three point forty-six (43.46), forty-nine point
 12 eighteen (49.18), forty-nine point fifty-five (49.55), forty-nine point
 13 sixty (49.60), forty-nine point sixty-one (49.61), forty-nine point
 14 sixty-four (49.64), forty-nine point sixty-five (49.65), forty-nine point
 15 sixty-six (49.66), forty-nine point seventy (49.70), forty-nine point
 16 seventy-six (49.76), forty-nine point seventy-seven (49.77), forty-nine
 17 point seventy-nine (49.79), forty-nine point eighty (49.80), forty-
 18 nine point eighty-one (49.81), forty-nine point eighty-three (49.83),
 19 forty-nine point eighty-nine (49.89), forty-nine point ninety-one
 20 (49.91), forty-nine point one hundred five (49.105), forty-nine point
 21 one hundred twenty-four (49.124), fifty point nine (50.9), fifty point
 22 twelve (50.12), fifty point seventeen (50.17), fifty-one point three
 23 (51.3), fifty-one point four (51.4), fifty-one point five (51.5), fifty-one
 24 point seven (51.7), fifty-one point eight (51.8), fifty-one point nine
 25 (51.9), fifty-one point twelve (51.12), fifty-two point fifteen (52.15),
 26 fifty-two point twenty-one (52.21), fifty-two point twenty-two (52.22),
 27 fifty-two point twenty-three (52.23) and fifty-three point twenty-three
 28 (53.23), Code 1973, as amended by Acts of the Sixty-fifth General
 29 Assembly, 1973 Session, chapter one hundred thirty-six (136), by
 30 inserting the term "precinct election officials" or "precinct election

31 official" or, where it is determined alternative terms are required,
 32 either the term "election board" or the term "board member" in place
 33 of the term "judge" or the term "clerk" or the term "judges and
 34 clerks" or any similar terms referring to the officers heretofore known
 35 as precinct judges of election or clerks of election, and to such extent
 36 the enumerated sections are amended.

1 SEC. 105. Sections forty-three point one hundred six (43.106),
 2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
 3 1973 Session, chapter one hundred thirty-six (136), section fifty-nine
 4 (59), and fifty point two (50.2), Code 1973, are repealed.

1 SEC. 106. If Senate File one thousand one hundred sixty-three
 2 (1163) of the Sixty-fifth General Assembly, 1974 Session, is enacted
 3 into law, sections sixty (60), sixty-one (61) and sixty-nine (69) of this
 4 Act shall be of no force or effect.*

1 SEC. 107. Sections one (1) through fifty-nine (59), sixty-two (62)
 2 through sixty-eight (68), and seventy (70) through one hundred seven
 3 (107) of this Act shall take effect and be in force on April 26, 1974
 4 after its publication in the Muscatine Journal, a newspaper published
 5 in Muscatine, Iowa, and in the West Des Moines Express, a newspaper
 6 published in West Des Moines, Iowa.

Approved April 24, 1974

I hereby certify that the foregoing Act, House File 1399, was published in the Muscatine Journal, Muscatine, Iowa, April 25, 1974, and in the West Des Moines Express, West Des Moines, Iowa, April 25, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

*See chapter 1172 hereof

CHAPTER 1102

CAMPAIGN DISCLOSURE

S. F. 1200

AN ACT relating to the campaign disclosure-income tax checkoff law.

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

1 SECTION 1. Acts of the Sixty-fifth General Assembly, 1973 Ses-
 2 sion, chapter one hundred thirty-eight (138), section six (6), subsec-
 3 tion one (1), is amended by striking the subsection and inserting in
 4 lieu thereof the following:

5 1. Every political committee which receives or expends any amount
 6 of money shall file a statement of organization within ten days from
 7 the date of its organization. For the purposes of this section, "political
 8 committee" means a person or committee, but not a candidate,* includ-
 9 ing a statutory committee which accepts any contributions or makes
 10 any expenditures for the purpose of supporting or opposing a candi-
 11 date for public office.

1 SEC. 2. Acts of the Sixty-fifth General Assembly, 1973 Session,
 2 chapter one hundred thirty-eight (138), section six (6), subsection two
 3 (2), is amended by adding the following new paragraph:

*See 65 GA, ch 138, §3

4 NEW PARAGRAPH. A signed statement by the candidate or an offi-
5 cer of the political party which shall be in the following form:

6 "I am aware that I am required to file additional reports if I receive
7 or expend more than one hundred dollars for the purpose of supporting
8 or opposing any candidate for public office."

1 SEC. 3. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter one hundred thirty-eight (138), section six (6), is amended by
3 adding the following new subsection:

4 NEW SUBSECTION. All affidavits of candidacy required by law shall
5 contain a sworn statement by the candidate in substantially the fol-
6 lowing form:

7 "I am aware that I am required to file additional reports if I receive
8 or expend more than one hundred dollars for the purpose of supporting
9 or opposing any candidate for public office."

1 SEC. 4. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter one hundred thirty-eight (138), section seven (7), subsection
3 one (1), is amended to read as follows:

4 1. Each treasurer of a political committee shall file with the state
5 commissioner or commissioner reports of contributions received and
6 disbursed on forms prescribed by the state commissioner. The reports
7 *from all committees, except those committees for municipal and school*
8 *elective offices, shall be filed on the twentieth day of January, May,*
9 *July, and October of each year. The January and July reports shall be*
10 *current to the end of the month preceding the filing. The May and*
11 *October reports shall be current as of five days prior to the filing dead-*
12 *line. The January report shall be the annual report. Reports from*
13 *political committees for municipal and school elective offices shall file*
14 *reports five days prior to any election in which the name of the candi-*
15 *date which they support or oppose appears on the printed ballot and*
16 *thirty days following the general or run-off election.*

1 SEC. 5. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter one hundred thirty-eight (138), section seven (7), subsection
3 two (2), is amended to read as follows:

4 2. If any political committee, after having filed one or more state-
5 ments of organization, dissolves or determines that it shall no longer
6 receive contributions or make disbursements, the treasurer of the
7 political committee shall notify the state commissioner or the commis-
8 sioner within thirty days following such dissolution by filing a dissolu-
9 tion report on forms prescribed by the state commissioner. *Moneys*
10 *refunded in accordance with a dissolution statement shall not be con-*
11 *sidered a disbursement or expense and the names of persons receiving*
12 *refunds shall not be released or reported unless the contributors' names*
13 *were required to be reported when the contribution was received.*

1 SEC. 6. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter one hundred thirty-eight (138), section seven (7), subsection
3 three (3), paragraph g, is amended to read as follows:

4 g. The name and mailing address of each person to whom disburse-
5 ments have been made by the political committee from contributions
6 during the reporting period and the amount and date of each disburse-
7 ment except that disbursements of less than five dollars may be shown
8 as miscellaneous disbursements so long as the aggregate miscellaneous

9 disbursements to any one person during a calendar year do not exceed
10 ~~five~~ *one hundred* dollars.

1 SEC. 7. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter one hundred thirty-eight (138), section seven (7), subsection
3 four (4), is amended to read as follows:

4 4. The reports required to be filed by this section shall be cumulative
5 during the calendar year, but where there has been no change in an
6 item reported in a previous report during the year, only the amount
7 shall be carried forward. If no contributions have been accepted nor
8 any disbursements made during ~~a calendar year~~ *that reporting period*,
9 the treasurer of the political committee shall also be required to file a
10 statement. *A candidate who does not receive or expend an amount of*
11 *money in excess of one hundred dollars shall not be required to file*
12 *disclosure statements.*

1 SEC. 8. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter one hundred thirty-eight (138), section eleven (11), subsec-
3 tion two (2), is amended to read as follows:

4 2. Review reports and statements filed under the provisions of this
5 Act and may, upon its own motion, initiate action and conduct a hear-
6 ing as provided in section twelve (12), subsections one (1) and two (2)
7 of this Act. *The campaign finance disclosure commission may require*
8 *the state and county commissioners to file summary reports with them*
9 *periodically.*

1 SEC. 9. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter one hundred thirty-eight (138), section twelve (12), subsec-
3 tion one (1), is amended to read as follows:

4 1. Any opposing candidate, candidate's political committee or statu-
5 tory political committee may file a complaint of an alleged violation
6 with the commission and such complaint shall be verified and shall be
7 supported by affidavit detailing the circumstances of the violation
8 alleged. If the commission initiates action on its own motion, the com-
9 mission shall file a complaint of an alleged violation supported by an
10 affidavit detailing the violation alleged. The commission shall send a
11 copy of the complaint and a notice of hearing, which shall be set not
12 more than ~~four~~ *fifteen* days from the date the complaint is received
13 by the commission, to the person, candidate, or political committee
14 against which the complaint is filed and to each candidate, if any,
15 for the public office affected. *The commission shall serve the person,*
16 *candidate, or political committee with a copy of the complaint, sup-*
17 *porting affidavit, and notice in the manner provided by the Rules of*
18 *Civil Procedure. However, any complaint which is filed within a*
19 *period of time less than fifteen days prior to the election shall be cause*
20 *for the commission to set a hearing at the earliest possible date so as*
21 *to allow the issue to be resolved prior to the election. An extension of*
22 *time for the hearing may be granted when both parties mutually agree*
23 *on an alternate date for the hearing. In such instances as shall be*
24 *determined by the commission, the county attorney or the attorney*
25 *general shall assist the commission in any investigation and report to*
26 *the commission as directed.*

1 SEC. 10. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter one hundred thirty-eight (138), section twelve (12), subsec-
3 tion two (2), is amended to read as follows:

4 2. The commission shall investigate the complaint and conduct the
5 hearing. The commission shall have the power to subpoena and review
6 all records of a candidate or political committee required to be kept
7 under this Act. Due process, including the right to be represented by
8 counsel, shall be accorded the accused. The commission shall provide
9 for the confidentiality of the records of a candidate or political com-
10 mittee during the investigation and hearing process and shall provide
11 for confidential hearings if requested by either party to the complaint.
12 After the hearing the commission shall determine whether or not there
13 is a reasonable belief that a violation of the provisions of this Act did
14 occur. The commission shall send a copy of its findings of fact and
15 decision to the person, candidate or political committee against which
16 the complaint was filed and to each candidate for the public office
17 affected. *The campaign finance disclosure commission may assess the*
18 *cost of such hearings against either party involved in the hearing.*

1 SEC. 11. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter one hundred thirty-eight (138), section thirteen (13), is
3 amended by adding the following new paragraph:

4 NEW PARAGRAPH. Any candidate or committee receiving funds, the
5 original source of which was a loan, shall be required to list the lender
6 as a contributor. No candidate or committee shall knowingly receive
7 funds from a contributor who has borrowed the money without listing
8 the original source of said money.

1 SEC. 12. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter one hundred thirty-eight (138), section fifteen (15), is
3 amended by adding the following new paragraph:

4 NEW PARAGRAPH. The campaign expense limitation amount shall
5 apply only to items specified in section sixteen (16) of this Act and not
6 to the total campaign expenses.

1 SEC. 13. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter one hundred thirty-eight (138), section eighteen (18), is
3 amended to read as follows:

4 Sec. 18. NEW SECTION. This Act shall apply to candidates *and*
5 *political committees* for federal office only in the event such candidates
6 are not subject to a federal law requiring the disclosure of campaign
7 financing. Any such federal law shall supersede the provisions of this
8 Act.

1 SEC. 14. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter one hundred thirty-eight (138), section twenty (20), is
3 amended to read as follows:

4 Sec. 20. NEW SECTION. The "Iowa election campaign fund" is
5 created within the office of the treasurer of state. The fund shall con-
6 sist of funds paid by persons having an Iowa income tax liability as
7 provided in section nineteen (19) of this Act. The director of revenue
8 shall remit funds collected as provided in section nineteen (19) of this
9 Act to the treasurer of state who shall deposit such funds in the appro-
10 priate account within the Iowa election campaign fund. *Any interest*
11 *income received by the treasurer of state from investment of moneys*
12 *deposited in the fund shall be deposited in the Iowa election campaign*

13 *fund*. Such funds shall be subject to payment to the ~~treasurer~~
 14 *chairman* of the specified political party by the state comptroller in
 15 the manner provided in this Act.

1 SEC. 15. Acts of the Sixty-fifth General Assembly, 1973 Session,
 2 chapter one hundred thirty-eight (138), section twenty-four (24), un-
 3 numbered paragraph one (1), is amended to read as follows:

4 The chairman of the state statutory political committee shall pro-
 5 duce evidence to the state comptroller and campaign finance disclosure
 6 commission not later than thirty days after the election returns have
 7 been certified by the ~~state commissioner~~ *board of state canvassers*, that
 8 all funds paid for the campaign expenses of that election have been
 9 utilized exclusively for such campaign expenses.

1 SEC. 16. Acts of the Sixty-fifth General Assembly, 1973 Session,
 2 chapter one hundred thirty-eight (138), section twenty-five (25), is
 3 amended to read as follows:

4 Sec. 25. NEW SECTION. All funds on account for the campaign
 5 expenses of any designated political party which are not utilized by
 6 that political party by the ~~thirty-first day after the state commissioner~~
 7 ~~has certified the election returns of~~ *January first of the year following*
 8 a general election, shall revert to the general fund of the state.

1 SEC. 17. The provisions of this Act, except sections two (2), three
 2 (3), and five (5), shall take effect and be in force on May 19, 1974
 3 after its publication in The Record, a newspaper published in Cedar
 4 Falls, Iowa, and in the Ames Daily Tribune, a newspaper published
 5 in Ames, Iowa. Sections two (2), three (3), and five (5) of this Act
 6 shall become effective January 21, 1975.

Approved May 10, 1974

I hereby certify that the foregoing Act, Senate File 1200, was published in The Record,
 Cedar Falls, Iowa, May 15, 1974, and in the Ames Daily Tribune, Ames, Iowa, May 14,
 1974.

MELVIN D. SYNHORST, *Secretary of State*.

CHAPTER 1103

LEGISLATIVE ETHICS COMMITTEE

H. F. 1471

AN ACT to make appropriations for members of the House of Representatives ethics
 committee and relating to the compensation of nonlegislative members of the ethics
 committees.

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

1 SECTION 1. Section sixty-eight B point ten (68B.10), unnumbered
 2 paragraph one (1), Code 1973, is amended to read as follows:

3 There shall be an ethics committee in the senate and an ethics com-
 4 mittee in the house, each to consist of seven members; three members
 5 to be appointed by the majority leader in each house, two members by
 6 the minority leader in each house and two individuals who shall not be

7 employees of the general assembly by the chief justice of the Iowa
 8 supreme court. *The two individuals appointed by the chief justice of*
 9 *the supreme court shall receive a per diem of forty dollars and travel*
 10 *expenses at the same rate as paid members of interim committees for*
 11 *attending meetings of the ethics committee. Members of the general*
 12 *assembly shall receive a per diem of forty dollars and travel expenses*
 13 *at the same rate as paid members of interim committees for attending*
 14 *meetings held when the general assembly is not in session. The per*
 15 *diem and expenses shall be paid from funds appropriated by section*
 16 *two point twelve (2.12) of the Code.*

1 SEC. 2. There is appropriated from the general fund of the state
 2 to the following named persons the amounts set opposite their names
 3 in full settlement of all per diem and expense claims they may have
 4 against the state for services rendered the house ethics committee
 5 through March 11, 1974:

6 Don W. Burington	\$104.45
7 Howard M. Remley	\$129.27

1 SEC. 3. The state comptroller may issue warrants to the persons
 2 named in this Act in the amounts stated, and the treasurer of state
 3 shall pay the same from the general fund of the state.

1 SEC. 4. The acceptance of the sums by the persons named in this
 2 Act shall be in full settlement of all claims against the state of Iowa
 3 growing out of the claims described.

Approved May 27, 1974

CHAPTER 1104

IOWA PRODUCTS AND LABOR

H. F. 1410

AN ACT relating to statutory preferences for Iowa products and labor, and providing a limitation on that preference.

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

1 SECTION 1. Chapter seventy-three (73), Code 1973, is amended by
 2 adding the following new section:

3 NEW SECTION. **Inconsistency with federal law.** If it is determined
 4 by the attorney general that any provision of this chapter would cause
 5 denial of funds or services from the United States government which
 6 would otherwise be available, or would otherwise be inconsistent with
 7 requirements of federal law, such provision shall be suspended, but
 8 only to the extent necessary to prevent denial of such funds or services
 9 or to eliminate the inconsistency with federal requirements.

1 SEC. 2. Section seventy-three point three (73.3), Code 1973, is
 2 amended to read as follows:

3 **73.3 Iowa labor.** Every commission, board, committee, officer or
 4 other governing body of the state, or of any county, township, school

5 district, city or town, and every person acting as contracting agent for
 6 any such commission, board, committee, officer or other governing
 7 body of the state, or of any county, township, school district, city or
 8 town, shall give preference to Iowa labor in the constructing or build-
 9 ing of any public improvement or works, and every contract entered
 10 into by any such commission, board, committee, officer or other gov-
 11 erning body of the state for the construction or building of any public
 12 improvement or works shall contain a provision requiring that prefer-
 13 ence shall be given to Iowa domestic labor in the constructing or build-
 14 ing of such public improvement or works. ~~The provisions of this and~~
 15 ~~sections 73.4 and 73.5 shall not apply to the purchase of materials and~~
 16 ~~supplies to be used in the construction of any road or highway.~~

Approved May 27, 1974

CHAPTER 1105

PUBLIC EMPLOYEE LEAVE OF ABSENCE

H. F. 388

AN ACT relating to public employee leave of absence with pay.

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

1 SECTION 1. Section seventy-nine point one (79.1), unnumbered
 2 paragraph four (4), Code 1973, is amended to read as follows:
 3 Leave of absence of two and one-half working days each month with
 4 pay may be granted in the discretion of the head of any department,
 5 agency or commission to employees of such department, agency or
 6 commission when necessary by reason of sickness or injury; unused
 7 portions of such leave for any one year may be accumulative to a total
 8 of ninety working days. ~~Provided, however, that notwithstanding the~~
 9 ~~foregoing limitations, state highway commission maintenance employ-~~
 10 ~~ees, uniformed members of the division of highway safety and uni-~~
 11 ~~formed firee and members of the division of criminal investigation~~
 12 ~~and bureau of identification and the division of drug law enforcement,~~
 13 ~~except clerical workers, of the department of public safety may upon~~
 14 ~~the recommendation of the commissioner with the approval of the~~
 15 ~~executive council, be granted additional leave of absence with pay,~~
 16 ~~for injuries sustained in line of duty. Leave of absence in excess of~~
 17 ~~two and one-half working days each month may be granted on recom-~~
 18 ~~mendation of the head of any department, agency, or commission and~~
 19 ~~with the approval of the executive council for an employee when un-~~
 20 ~~usual circumstances resulting from employment are present which~~
 21 ~~will cause hardship for the employee. It is further provided that~~
 22 employees of institutions under the state board of regents who are
 23 employed for nine months or more in any twelve-month period shall
 24 be entitled, in the discretion of the board, to a leave of absence with
 25 pay of two and one-half working days for each month of employment
 26 when necessary by reason of sickness or injury, and such portion as
 27 is unused, may be accumulated to a total of ninety working days.

Approved March 4, 1974

CHAPTER 1106

GENERAL FEES

S. F. 341

AN ACT relating to general fees.

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

1 SECTION 1. Section seventy-nine point three (79.3), Code 1973, is
 2 repealed.

Approved February 12, 1974

CHAPTER 1107

PUBLIC SAFETY DEPARTMENT ATTORNEY

H. F. 1140

AN ACT relating to the requirement of having an attorney in the department of public safety.

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

1 SECTION 1. Section eighty point one (80.1), Code 1973, is amended
 2 to read as follows:
 3 **80.1 Department created.** There is hereby created a department of
 4 the state government which shall be known and designated as the de-
 5 partment of public safety, which shall consist of a commissioner of
 6 public safety and of such officers and employees as may be required,
 7 *one of whom shall be an attorney admitted to practice law in this state.*
 8 *Such attorney shall be an assistant attorney general appointed by the*
 9 *attorney general who shall fix his salary. The department shall reim-*
 10 *burse the attorney general for the salary and expense of such assistant*
 11 *attorney general and furnish him a suitable office if requested by the*
 12 *attorney general.*

1 SEC. 2. Section eighty point twenty-five (80.25), Code 1973, is
 2 amended to read as follows:

3 **80.25 Division of beer and liquor enforcement.** The commissioner
 4 of public safety shall establish a division of beer and liquor law en-
 5 forcement and appoint a chief enforcement officer to head the division,
 6 ~~who shall be an attorney licensed to practice in this state, and the.~~ *The*
 7 *commissioner of public safety shall appoint* other agents needed in the
 8 division as are necessary to enforce the provisions of Title VI of the
 9 Code. All enforcement officers, assistants, and agents of the division,
 10 excluding clerical workers, shall be subject to the provisions of section
 11 80.15.

Approved May 27, 1974

CHAPTER 1108

LAW ENFORCEMENT ACADEMY COUNCIL

S. F. 1341

AN ACT relating to the membership of the Iowa law enforcement academy council and making an appropriation.

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

1 SECTION 1. Section eighty B point six (80B.6), Code 1973, is
2 amended by striking the section and inserting in lieu thereof the
3 following:

4 **80B.6 Council created—membership.** There is hereby created the
5 Iowa law enforcement academy council which shall consist of the fol-
6 lowing members:

7 1. The attorney general, or his designated representative.

8 2. Two members of the senate, not more than one of whom will be
9 from the same political party, appointed by the lieutenant governor
10 for a term of four years commencing on August 15, 1974.

11 3. Two members of the house of representatives, not more than one
12 of whom will be from the same political party, appointed by the
13 speaker of the house for a term of two years commencing on August 15,
14 1974.

15 4. Two members appointed by the governor with the consent of the
16 senate. One member shall be appointed by the governor for a term of
17 four years commencing on August 15, 1974. One member shall be
18 appointed by the governor for a term of two years commencing on
19 August 15, 1974. All succeeding appointments by the governor shall
20 be for a term of four years.

21 5. One member, knowledgeable in law enforcement, appointed by the
22 superintendent of public instruction from an area school for a term
23 of two years commencing on August 15, 1974. All succeeding appoint-
24 ments by the superintendent of public instruction shall be for a term
25 of four years.

26 6. One member from the higher education facilities commission for
27 a term of four years commencing on August 15, 1974. This member
28 shall be the commissioner who represents the private colleges.

29 7. One member appointed by the commissioner of social services
30 from the division of adult corrections for a term of two years com-
31 mencing on August 15, 1974. All succeeding appointments by the
32 commissioner of social services shall be for a term of four years.

33 8. One member appointed by the commissioner of public safety from
34 the department of public safety for a term of four years commencing
35 on August 15, 1974.

36 9. One member elected by the state board of regents for a term of
37 four years commencing August 15, 1974.

38 In the event a member appointed pursuant to this section is unable
39 to complete his term, the vacancy shall be filled for the unexpired term
40 in the same manner as the original appointment.

1 SEC. 2. Section eighty B point eight (80B.8), Code 1973, as
2 amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
3 chapter one hundred twenty-four (124), section five (5), is amended
4 to read as follows:

5 **80B.8 Compensation and expenses.** The members of the council,
6 *who are not employees of the state or a political subdivision*, shall be
7 paid a forty dollar per diem ~~and~~. *All members of the council shall be*
8 reimbursed for necessary and actual expenses incurred in attending
9 meetings and in the performance of their duties. All per diem and
10 expense moneys paid to members shall be paid from funds appropri-
11 ated to the Iowa law enforcement academy.

1 **SEC. 3.** There is appropriated from the general fund of the state
2 to the Iowa law enforcement academy the sum of one hundred thou-
3 sand (100,000) dollars, or so much thereof as may be necessary to be
4 used to pay the tuition of selected law enforcement academy recruits
5 assigned to an approved law enforcement training facility for training
6 by the Iowa law enforcement academy.

1 **SEC. 4.** It is the intent of the general assembly that the funds
2 appropriated by this Act be used by the Iowa law enforcement
3 academy to allow selected law enforcement recruits to attend approved
4 law enforcement training facilities and, thus, reduce the number of
5 recruits waiting to receive training at the Iowa law enforcement
6 academy. The Iowa law enforcement academy in cooperation with
7 the approved law enforcement training facilities shall select the
8 recruits to be assigned to law enforcement training facilities from the
9 list of those recruits awaiting training at the Iowa law enforcement
10 academy.

Approved April 18, 1974

CHAPTER 1109

SURFACE MINING

H. F. 1108

AN ACT relating to grading of spoil banks on land affected by surface mining operations.

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

1 **SECTION 1.** Section eighty-three A point seventeen (83A.17), sub-
2 section one (1), Code 1973, as contained in Acts of the Sixty-fifth Gen-
3 eral Assembly, 1973 Session, chapter one hundred thirty-nine (139),
4 section sixteen (16), is amended to read as follows:

5 1. Grade spoil banks ~~other than irregular spoil banks~~ to slopes hav-
6 ing a maximum of one foot of vertical rise for each four feet of hori-
7 zontal distance except that where the original topography of the
8 affected land was steeper than one foot of vertical rise for each four
9 feet of horizontal distance, the spoil bank shall be graded to blend with
10 the surrounding terrain.

Approved May 2, 1974

CHAPTER 1110

WORKMEN'S COMPENSATION

H. F. 1406

AN ACT relating to workmen's compensation.

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

1 SECTION 1. Section eighty-five point one (85.1), subsection one
 2 (1), Code 1973, as amended by Acts of the Sixty-fifth General Assem-
 3 bly, 1973 Session, chapter one hundred forty-four (144), section one
 4 (1), is amended to read as follows:

5 1. Any employee engaged in any type of service in or about a pri-
 6 vate dwelling except that after July 1, 1974, this chapter shall apply
 7 to such persons who earn two hundred dollars or more from such em-
 8 ployer for whom employed at the time of the injury ~~in during the any~~
 9 ~~calendar quarter~~ *thirteen consecutive weeks prior to the injury*, pro-
 10 vided said employee is not a regular member of the household.

11 *For purposes of this subsection "member of the household" is defined*
 12 *to be the spouse of the employer or relatives of either the employer or*
 13 *spouse residing on the premises of the employer.*

1 SEC. 2. Section eighty-five point one (85.1), subsection two (2),
 2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
 3 1973 Session, chapter one hundred forty-four (144), section two (2),
 4 is amended to read as follows:

5 2. Persons whose employment is purely casual and not for the pur-
 6 pose of the employer's trade or business, except that after July 1, 1974,
 7 this chapter shall apply to such employees who earn two hundred dol-
 8 lars or more from such employer for whom employed at the time of the
 9 injury ~~in during any the calendar quarter~~ *thirteen consecutive weeks*
 10 *prior to the injury.*

1 SEC. 3. Section eighty-five point one (85.1), subsection three (3),
 2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
 3 1973 Session, chapter one hundred forty-four (144), section three (3),
 4 and chapter one hundred forty-five (145), section one (1), is amended
 5 by adding the following new subparagraph:

6 NEW SUBPARAGRAPH. For purposes of this subsection, commencing
 7 January 1, 1975, the following shall not be included within the classifi-
 8 cation of persons engaged in agriculture: (1) the spouse of the em-
 9 ployer and relatives of either the employer or spouse residing on the
 10 premises of the employer, and (2) any person engaged in agriculture
 11 as an owner-operator or tenant-operator or spouse or relatives of
 12 either residing on the premises of such owner-operator or tenant-oper-
 13 ator, while exchanging labor with an employer, or spouse, or relatives
 14 of either residing on the premises of such employer, for the mutual
 15 benefit of any or all of such persons.

1 SEC. 4. NEW SECTION. When no memorandum of agreement has
 2 been filed and approved by the industrial commissioner, the parties to
 3 a contested case may enter into a settlement of any claim arising under
 4 chapter eighty-five (85) or eighty-five A (85A) of the Code, pro-
 5 viding for final disposition of the claim. The settlement shall be in
 6 writing and submitted to the industrial commissioner for approval.

7 The settlement shall not be approved unless evidence of a bona fide dis-
8 pute exists concerning any of the following:

9 1. The claimed injury arose out of or in the course of the employ-
10 ment.

11 2. The injured employee gave notice under section eighty-five point
12 twenty-three (85.23) of the Code.

13 3. The original proceeding was filed within two years from the date
14 of the injury causing death or disability for which compensation is
15 claimed.

16 4. The injury was caused by the employee's willful intent to injure
17 himself or to willfully injure another.

18 5. Intoxication of the employee was the proximate cause of the
19 injury.

20 6. The injury was caused by the willful act of a third party directed
21 against the employee for reasons personal to such employee.

22 7. Chapter eighty-five (85) or eighty-five A (85A) applies to the
23 injured party.

24 Approval by the industrial commissioner shall be binding on the
25 parties and shall not be construed as an original proceeding. Notwith-
26 standing any provisions of chapters eighty-five (85), eighty-five A
27 (85A), eighty-six (86), and eighty-seven (87) of the Code, an approved
28 settlement shall constitute a final bar to any further rights arising
29 under chapters eighty-five (85), eighty-five A (85A), eighty-six (86),
30 and eighty-seven (87) of the Code. Such payment shall not be con-
31 strued as the payment of weekly compensation.

1 SEC. 5. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter one hundred forty-four (144), section twelve (12), subsection
3 ten (10), unnumbered paragraph one (1), is amended to read as fol-
4 lows:

5 In the case of an employee who earns either no wages or less than
6 the usual weekly earnings of the regular full-time adult laborer in the
7 line of industry *in which he is injured* in that locality, the earnings
8 shall be taken to be the average weekly wages of the average wage
9 earner in that particular kind or class of work *weekly earnings shall be*
10 *one-fiftieth of the total earnings which the employee has earned from*
11 *all employment during the twelve calendar months immediately pre-*
12 *ceding the injury but shall be not less than forty-five dollars per week.*
13 *If information of that kind is not obtainable, then the class most kin-*
14 *dred or similar in the same general employment in the same neighbor-*
15 *hood shall be used.*

1 SEC. 6. Section eighty-five point thirty-one (85.31), Code 1973, is
2 amended by striking subsection four (4).

Approved May 27, 1974

CHAPTER 1111

WORKMEN'S COMPENSATION REMEDY EXCLUSIVE

H. F. 1426

AN ACT to provide that the right to workmen's compensation shall be the exclusive remedy to an employee against his employer or fellow employee on account of injury or occupational disease.

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

1 SECTION 1. Section eighty-five point twenty (85.20), Code 1973, is
2 amended to read as follows:

3 **85.20 Rights of employee exclusive.** The rights and remedies pro-
4 vided in this chapter or chapter eighty-five A (85A) of the Code for an
5 employee on account of injury or occupational disease for which benefits
6 under this chapter or chapter eighty-five A (85A) of the Code, are
7 recoverable, shall be the exclusive of all other and only rights and
8 remedies of such employee, his personal or legal representatives,
9 dependents, or next of kin, at common law or otherwise, on account
10 of such injury or occupational disease against:

11 (1) his employer; or

12 (2) any other employee of such employer, provided that such injury
13 or occupational disease arises out of and in the course of such employ-
14 ment and is not caused by the other employee's gross negligence
15 amounting to such lack of care as to amount to wanton neglect for the
16 safety of another.

1 SEC. 2. Section eighty-five point twenty-two (85.22), unnumbered
2 paragraph one (1), Code 1973, is amended to read as follows:

3 When an employee receives an injury or incurs an occupational dis-
4 ease for which compensation is payable under this chapter or chapter
5 eighty-five A (85A) of the Code, and which injury or occupational dis-
6 ease is caused under circumstances creating a legal liability against
7 some person, other than the his employer or any employee of such
8 employer as provided in section eighty-five point twenty (85.20) of the
9 Code, to pay damages, the employee, or his dependent, or the trustee
10 of such dependent, may take proceedings against his employer for
11 compensation, and the employee or, in case of death, his legal repre-
12 sentative may also maintain an action against such third party
13 for damages. When an injured employee or his legal representative
14 brings an action against such third party, a copy of the original notice
15 shall be served upon the employer by the plaintiff, not less than ten
16 days before the trial of the case, but a failure to give such notice shall
17 not prejudice the rights of the employer, and the following rights and
18 duties shall ensue:

Approved May 27, 1974

CHAPTER 1112

WORKMEN'S COMPENSATION BENEFITS

S. F. 606

AN ACT relating to workmen's compensation benefits.

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

1 SECTION 1. Section eighty-five point thirty-four (85.34), subsection
2 tion two (2), paragraph s, Code 1973, is amended to read as follows:
3 s. The loss of both arms, or both hands, or both feet, or both legs,
4 or both eyes, or any two thereof, caused by a single accident, shall
5 equal a permanent total disability, and shall be compensated as such
6 five hundred weeks and shall be compensated as such, however, if said
7 employee is permanently and totally disabled he may be entitled to
8 benefits under subsection three (3) of this section.

1 SEC. 2. Section eighty-five point sixty-one (85.61), Code 1973, is
2 amended by adding the following new subsection:
3 NEW SUBSECTION. "Gross earnings" means recurring payments by
4 employer to the employee for employment, before any authorized or
5 lawfully required deduction or withholding of funds by the employer,
6 excluding irregular bonuses, retroactive pay, overtime, penalty pay,
7 reimbursement of expenses, expense allowances, and the employer's
8 contribution for welfare benefits.

Approved April 4, 1974

CHAPTER 1113

ENERGY POLICY COUNCIL

S. F. 1222

AN ACT relating to a transportation and energy policy for the state by creating an energy policy council, providing tax relief and financial assistance for rail transportation by the energy policy council, requiring the state department of transportation to conduct a study of rail and mass transit facilities, and making appropriations to the energy policy council and the state department of transportation.

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

1 SECTION 1. **Definitions.** As used in this Act, unless the context
2 otherwise requires:
3 1. "Council" means the energy policy council established in section
4 two (2) of this Act.
5 2. "Energy" or "energy sources" means gasoline, fuel oil, natural
6 gas, propane, coal, special fuels, and electricity.
7 3. "Supplier" means any person engaged in the business of selling,
8 importing, storing, or generating energy sources in Iowa.
9 4. "Director" means the director of energy policy.

1 SEC. 2. **Establishment.** There is established an energy policy
2 council which shall consist of thirteen members. Two members shall

3 be appointed by the president of the senate from the membership of
4 the senate with no more than one member being appointed from the
5 same political party. Two members shall be appointed by the speaker
6 of the house of representatives from the members of the house with
7 no more than one member being appointed from the same political
8 party. The governor shall appoint five members who shall be reason-
9 ably knowledgeable in the field of energy. Not more than three of
10 the governor's appointees shall be of the same political party. They
11 shall be subject to confirmation by two-thirds of the membership of
12 the senate. The state geologist, the secretary of agriculture, the
13 chairman of the Iowa state commerce commission and the executive
14 director of environmental quality shall serve as ex officio nonvoting
15 members of the council.

1 **SEC. 3. Personnel.** The governor shall appoint a director of energy
2 policy who shall carry out duties assigned to him by the council or
3 duties assigned to him by the governor pursuant to a proclamation of
4 emergency issued under the provisions of section eight (8) of this
5 Act. The appointment of the director shall be subject to confirmation
6 by two-thirds of the members of the senate. The director shall be
7 paid an annual salary in an amount not to exceed twenty-two thou-
8 sand dollars. Other personnel utilized by the council shall be em-
9 ployed through a program of interchange of personnel between the
10 council and other governmental agencies pursuant to chapter twenty-
11 eight D (28D) of the Code.

1 **SEC. 4. Meetings.** The council shall organize within ten days fol-
2 lowing the effective date of this Act by electing one of its members
3 to serve as chairman and one to serve as vice chairman. The council
4 shall establish procedures and requirements with respect to quorum,
5 place and conduct of meetings and may provide for the establishment
6 of an executive committee selected from among the voting members of
7 the council to supervise the administrative duties assigned to the
8 director.

1 **SEC. 5. Compensation and expenses.** Council members who are
2 not employees of the state shall receive a per diem at the rate of forty
3 dollars for each day devoted to council business and all members shall
4 be reimbursed for actual expenses incurred in carrying out their
5 duties as members of the council.

1 **SEC. 6. Vacancies.** Vacancies in the membership of the council
2 shall be filled in the manner of original appointment. A vacancy shall
3 occur when a legislative member ceases to be a member of the general
4 assembly.

1 **SEC. 7. Duties of the council.** The council shall:
2 1. Annually prepare a state policy for the development, utilization,
3 and conservation of all energy sources in the state and submit the
4 same to the governor and the general assembly by January fifteenth
5 of each year. The council shall evaluate the future energy needs of
6 Iowa. This study shall include, but is not limited to:
7 a. the historical use and distribution of energy in Iowa,
8 b. determining the growth rate of energy consumption in Iowa,
9 c. projecting Iowa's energy needs at least ten years in the future,

10 d. determining the impact of meeting these needs on the economy
11 of the state,

12 e. determining the impact of meeting these needs on the environ-
13 ment of the state,

14 f. evaluating alternative sources and uses of energy, and

15 g. evaluating the feasibility of coal gasification for the purpose of
16 producing combustible gas.

17 The council shall serve as policy advisor to the governor on all energy
18 matters.

19 2. The council shall exchange information with other states on
20 energy and especially on the allocation of fuel and shall request all
21 information necessary to determine the reasonableness of any reduc-
22 tion of Iowa's fuel allocation.

23 3. Establish a central depository within the state for energy data.
24 The council may require a supplier to provide information pertaining
25 to the supply, storage, distribution and sale of energy sources in this
26 state. The information shall be furnished on a periodic basis, shall
27 be of a nature which directly relates to the supply, storage, distribu-
28 tion and sale of energy sources, and shall not include any records,
29 documents, books, or other data which relate to the financial position
30 of the supplier. Provided the council, prior to requiring any supplier
31 to furnish it with such information, shall make every reasonable
32 effort to determine if the same is available from any other govern-
33 mental source. If it finds such information is available, the council
34 shall not require submission of the same from a supplier. Notwith-
35 standing the provisions of chapter sixty-eight A (68A) of the Code,
36 information and reports obtained under this section shall be confiden-
37 tial except when used for statistical purposes without identifying a
38 specific supplier and when release of the information will not give
39 an advantage to competitors and serves a public purpose.

40 The council may subpoena witnesses, administer oaths, and require
41 the production of records, books, and documents for examination in
42 order to obtain information required to be submitted under this section.
43 In case of failure or refusal on the part of any person to comply with
44 a subpoena issued by the council, or in case of the refusal of any wit-
45 ness to testify as to any matter regarding which he may be interro-
46 gated under this Act, the district court, upon the application of the
47 council, may order the person to show cause why the person should not
48 be held in contempt for failure to testify or comply with a subpoena,
49 and may order the person to produce the records, books, and docu-
50 ments for examination, and to give his testimony. The courts may
51 punish for contempt as in the case of disobedience to a like subpoena
52 issued by the court, or for refusal to testify.

53 4. On at least a quarterly basis submit to the governor and the gen-
54 eral assembly, and to each member of the senate and the house of
55 representatives and the legislative council when the general assembly
56 is not in session, a report identifying trends relating to energy sup-
57 ply, demand, and conservation and making recommendations to the
58 governor and the general assembly for additional action in accord-
59 ance with the report. The council shall include in its report the
60 amount, price, and disposition of the fuel contracted for each month
61 pursuant to subsection (9) of this section and the name of the
62 supplier of the fuel.

63 5. Review, propose and recommend legislation relating to the devel-
64 opment and use of energy in this state.

65 6. Develop and recommend public education and communication
66 programs in energy conservation.

67 7. When necessary to carry out its duties under this Act, enter into
68 contracts with state agencies and other qualified contractors.

69 8. Receive and accept grants made available for programs relating
70 to duties of the council under this Act.

71 9. Allocate state-owned or operated energy supplies to those deter-
72 mined to be in need. In the performance of this duty the director
73 may, with the approval of the council, contract with fuel suppliers for
74 the purpose of establishing a state-owned emergency fuel reserve and
75 may cooperate with the federal government in implementing federally-
76 mandated allocation and rationing programs for refined petroleum
77 products.

78 10. Promulgate rules necessary to carry out the provisions of this
79 Act, subject to review in accordance with chapter seventeen A (17A)
80 of the Code. Before a proposed rule is submitted to the departmen-
81 tal rules review committee, a public hearing shall be held in regard
82 to the rule, and members of the departmental rules review committee
83 shall be notified of the hearing as required in section seventeen A
84 point sixteen (17A.16) of the Code. Rules promulgated by the gov-
85 ernor pursuant to a proclamation issued under the provisions of sec-
86 tion eight (8) of this Act shall not be subject to review or a public
87 hearing as required in this subsection.

1 SEC. 8. **Emergency powers.** If the council by resolution deter-
2 mines the health, safety, or welfare of the people of this state is
3 threatened by an actual or impending acute shortage of usable energy,
4 it shall transmit the resolution to the governor together with its rec-
5 ommendation on the declaration of an emergency by the governor and
6 recommended actions, if any, to be undertaken. Within thirty days
7 of the date of the resolution, the governor may issue a proclamation
8 of emergency which shall be filed with the secretary of state. The
9 proclamation shall state the facts relied upon and the reasons for
10 the proclamation.

11 Pursuant to the proclamation of an emergency, the governor by ex-
12 ecutive order may:

13 1. Regulate the operating hours of energy consuming instrumental-
14 ities of state government, political subdivisions, private institutions
15 and business facilities to the extent the regulation is not hazardous
16 or detrimental to the health, safety, or welfare of the people of this
17 state. However, the governor shall have no authority to suspend,
18 amend or nullify any service being provided by a public utility pur-
19 suant to an order or rule of a federal agency which has jurisdiction
20 over the public utility.

21 2. Establish a system for the distribution and supply of energy.
22 The system shall not include a coupon rationing program, unless the
23 program is federally mandated.

24 3. Curtail public and private transportation utilizing energy
25 sources. Curtailment may include measures designed to promote the
26 use of car pools and mass transit systems.

27 4. Delegate any administrative authority vested in him to the coun-
28 cil or the director.

29 5. Provide for the temporary transfer of directors, personnel, or
30 functions of state departments and agencies, for the purpose of per-
31 forming or facilitating emergency measures pursuant to subsections
32 one (1) and two (2) of this section.

33 If the general assembly is in session, it may revoke by concurrent
34 resolution any proclamation of emergency issued by the governor. If
35 the general assembly is not in session, the proclamation of emergency
36 by the governor may be revoked by a majority vote of the standing
37 membership of the legislative council. Such revocation shall be effec-
38 tive upon receipt of notice of the revocation by the secretary of state
39 and any functions being performed pursuant to the governor's procla-
40 mation shall cease immediately.

1 SEC. 9. The energy policy council shall identify those segments of
2 branch line railroad trackage which, if improved, may provide in-
3 creased transportation services for the citizens of this state. The
4 council shall develop and implement programs to encourage the im-
5 provement of railfreight services on such railroad trackage. If the
6 council determines that public assistance is in the best interest of the
7 citizens of this state, the council may, in emergencies, provide finan-
8 cial assistance on behalf of the citizens of this state to railroad com-
9 panies, which assistance shall be used exclusively to upgrade branch
10 line railroad roadbeds in order to improve the freight-carrying capac-
11 ity of the railroad and to increase the speed limitations of the railroad
12 trackage. In the alternative, there is granted a tax exemption to the
13 branch line railroad roadbeds if the council determines that there is
14 a need for continuation of rail transportation services to the area and
15 communities served by the railroad, that discontinuance of rail serv-
16 ices will not be in the best interest of the citizens of this state who
17 reside in the area or community served, that an undue economic hard-
18 ship will result in that area or community if service is discontinued,
19 and that other transportation facilities are not available or are inade-
20 quate to meet the economic needs of the area or community. Before
21 granting the tax exemption, the council shall require and the railroad
22 company shall agree that an amount equal to the amount which would
23 otherwise be paid for taxes if the tax exemption was not granted,
24 shall be expended by the railroad company to upgrade the railroad
25 roadbed for which the tax exemption is granted.

1 SEC. 10. If the energy policy council determines that a tax ex-
2 emption shall be granted for certain branch line railroad trackage,
3 the council shall notify the county auditor of the county in which the
4 railroad trackage is located of such fact not later than October first
5 of each year. The exemption shall be granted on the valuation of
6 the railroad trackage as of January first of the year in which the
7 exemption is granted and such exemption shall be for a period of
8 one year. The county auditor shall reduce by fifty percent the valua-
9 tion of all railroad trackage which has been granted a tax exemption
10 by the energy policy council.

1 SEC. 11. Each year in which a tax exemption is granted for
2 branch line railroad trackage in the county and the county auditor
3 receives notice from the energy policy council to reduce the valuation
4 on railroad trackage by fifty percent, the county auditor shall levy
5 the taxes against the reduced value of the property and give notice

6 of the assessment to the energy policy council and to the state comp-
7 troller.

1 SEC. 12. The energy policy council shall pay all taxes due because
2 of the reduced valuation of branch line railroad trackage granted an
3 exemption from property taxes by the council. The council shall not
4 grant exemptions for railroad trackage for which the council has in-
5 sufficient funds under the provisions of this Act to reimburse counties
6 for that portion of the taxes levied against railroad trackage in the
7 counties which would be reimbursed by the state.

1 SEC. 13. There is appropriated from the general fund of the state
2 to the energy policy council for the fiscal year beginning July 1, 1974
3 and ending June 30, 1975 the sum of three million (3,000,000) dol-
4 lars, or so much thereof as may be necessary, to carry out sections
5 nine (9) through twelve (12) of this Act.

1 SEC. 14. Any unencumbered balance of the funds appropriated
2 pursuant to section thirteen (13) of this Act remaining as of June
3 30, 1977 shall revert to the general fund of the state as of June 30,
4 1977.

1 SEC. 15. The energy policy council, the governor, and the state
2 comptroller may obtain and accept federal grants to the state to be
3 used in connection with funds appropriated by sections thirteen (13)
4 and twenty-one (21) of this Act.

1 SEC. 16. NEW SECTION. The state department of transportation
2 shall conduct a study of the state's rail transportation and mass tran-
3 sit systems. In conducting the study, the department shall:

4 1. Determine the existing plant, equipment, and facilities of each
5 railroad company providing rail service in the state.

6 2. Determine the type of rail service presently provided in this state
7 by each railroad company.

8 3. Determine the economic and energy requirements for alternative
9 transportation modes in the movement of passengers and commodities
10 within the state.

11 4. Develop a cost-benefit analysis to determine the effect of state
12 financial assistance on rail transportation in this state.

13 5. Develop a comprehensive plan for a system of rail transportation
14 which will best serve the economic and social needs of the citizens of
15 this state.

16 6. Determine the feasibility of providing railroad passenger service
17 in this state. The study shall also include a cost analysis of and the
18 procedures for providing such service and the availability and condi-
19 tions of the railroad trackage over which railroad passenger service
20 may be provided.

21 7. Determine the problems of mass transit facilities in this state
22 and the role of the state in providing adequate mass transit services
23 for the urban and rural areas of the state.

24 The state department of transportation shall submit a report of its
25 findings and specific recommendations to the governor and the general
26 assembly not later than March 1, 1975.

1 SEC. 17. There is appropriated from the general fund of the state
2 to the state department of transportation for the fiscal year begin-
3 ning July 1, 1974 and ending June 30, 1975 the sum of three hundred

4 thousand (300,000) dollars, or so much thereof as may be necessary,
 5 to be used for salaries, support, maintenance, and miscellaneous pur-
 6 poses and to conduct the study required under section sixteen (16) of
 7 this Act.

1 SEC. 18. The state department of transportation, the governor,
 2 and the state comptroller may obtain and accept federal grants to the
 3 state to be used in connection with funds appropriated by section sev-
 4 enteen (17) of this Act.

1 SEC. 19. The state department of transportation, the governor,
 2 and the state comptroller may obtain and accept private grants to the
 3 state to be used in connection with funds appropriated by section sev-
 4 enteen (17) of this Act.

1 SEC. 20. Any unencumbered balance of the funds appropriated
 2 pursuant to section seventeen (17) of this Act remaining as of June
 3 30, 1975 shall revert to the general fund of the state as of September
 4 30, 1975.

1 SEC. 21. There is appropriated from the general fund of the state
 2 to the energy policy council for each year of the fiscal biennium begin-
 3 ning July 1, 1973 and ending June 30, 1975, the following amounts,
 4 or so much thereof as may be necessary, to be used in the manner
 5 designated:

	1973-74	1974-75
	Fiscal Year	Fiscal Year
8 For salaries, support, maintenance and miscellaneous purposes		
9	\$10,000	\$150,000
10 Unencumbered or unobligated funds as of June 30, 1977 appropriated		
11 by this Act shall revert to the general fund of the state on Septem-		
12 ber 30, 1977.		

1 SEC. 22. Sections one (1) through twelve (12) of this Act are
 2 repealed effective June 30, 1977.

1 SEC. 23. This Act, being deemed of immediate importance, shall
 2 take effect and be in force from and after its publication in the Citi-
 3 zen Herald, a newspaper published in Jesup, Iowa, and in The Red Oak
 4 Express, a newspaper published in Red Oak, Iowa.

Approved May 30, 1974

I hereby certify that the foregoing Act, Senate File 1222, was published in the Citizen Herald, Jesup, Iowa, June 12, 1974, and in The Red Oak Express, Red Oak, Iowa, June 6, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1114

EMPLOYMENT SECURITY

H. F. 1311

AN ACT correcting and clarifying certain sections of chapter ninety-six (96), and providing provisions mandated by federal standards.

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

1 SECTION 1. Section ninety-six point four (96.4), subsection seven
2 (7), Code 1973, is amended to read as follows:

3 7. Notwithstanding any other provisions in this subsection, no other-
4 wise eligible individual shall be denied benefits for any week because
5 he is in training with the approval of the commission, nor shall such
6 individual be denied benefits with respect to any week in which he is
7 in training with the approval of the commission by reason of the appli-
8 cation of the provision in subsection 3 of this section relating to avail-
9 ability for work, and an active search for work or the provision of sub-
10 section 3 of ~~this section~~ *ninety-six point five (96.5) of the Code* relating
11 to failure to apply for or a refusal to accept suitable work.

1 SEC. 2. Section ninety-six point six (96.6), subsection two (2),
2 Code 1973, is amended to read as follows:

3 2. Initial determination. A representative designated by the com-
4 mission shall promptly notify all interested parties to the claim of the
5 filing thereof, and said parties shall have seven days from the date of
6 mailing the notice of the filing of said claim by ordinary mail to the
7 last known address to protest payment of benefits to said claimant.
8 The representative shall promptly examine the claim and any protest
9 thereto and, on the basis of the facts found by him, shall either deter-
10 mine whether or not such claim is valid, the week with respect to which
11 benefits shall commence, the weekly benefit amount payable and the
12 maximum duration thereof, and whether any disqualification shall be
13 imposed, or shall refer such claim or any question involved therein to
14 an appeal tribunal or to the commission, which shall make its deter-
15 mination with respect thereto in accordance with the procedure de-
16 scribed in subsection 3 of this section, except that in any case in which
17 the payment or denial of benefits will be determined by the provisions
18 of section 96.5, subsection 4, the representative shall promptly trans-
19 mit his full findings of fact with respect to that subsection to the com-
20 mission, which, on the basis of the evidence submitted and such addi-
21 tional evidence as it may require, shall affirm, modify, or set aside
22 such findings of fact and transmit to the representative a decision
23 upon the issues involved under that subsection. The representative
24 shall promptly notify the claimant and any other interested party of
25 the decision and the reasons therefor. Unless the claimant or other
26 interested party, ~~within five calendar days after the delivery of such~~
27 ~~after notification,~~ or within ~~seven~~ *ten* calendar days after such notifica-
28 tion was mailed to his last known address, files an appeal from such
29 decision, such decision shall be final and benefits shall be paid or denied
30 in accordance therewith. If an appeal tribunal affirms a decision of the
31 representative, or the commission affirms a decision of an appeal tri-
32 bunal, allowing benefits, such benefits shall be paid regardless of any
33 appeal which may thereafter be taken, but if such decision is finally
34 reversed, no employer's account shall be charged with benefits so paid.

1 SEC. 3. Section ninety-six point six (96.6), subsection three (3),
 2 Code 1973, is amended to read as follows:
 3 3. Appeals. Unless such appeal is withdrawn, an appeal tribunal,
 4 after affording the parties reasonable opportunity for fair hearing,
 5 shall affirm or modify the findings of fact and decision of the deputy.
 6 The parties shall be duly notified of such tribunal's decision, together
 7 with its reasons therefor, which shall be deemed to be the final deci-
 8 sion of the commission, unless within ~~ten~~ *fifteen* days after the date
 9 of notification or mailing of such decision, further appeal is initiated
 10 pursuant to subsection 5 of this section.

1 SEC. 4. Section ninety-six point six (96.6), subsection nine (9),*
 2 Code 1973, is amended to read as follows:
 3 *9. Court review. Within ~~ten~~ *twenty* days after the decision of the
 4 commission has become final, any party aggrieved thereby may secure
 5 judicial review thereof by commencing an action in the district court
 6 of the county in which the claimant was last employed or resides, pro-
 7 vided that if the claimant does not reside in the state of Iowa the
 8 action shall be brought in the district court of Polk county, Iowa,
 9 against the commission for the review of its decision, in which action
 10 any other party to the proceeding before the commission shall be made
 11 a defendant. In such action, a petition which need not be verified, but
 12 which shall state the grounds upon which a review is sought, shall be
 13 served on a member of the commission or upon such person as the com-
 14 mission may designate and such service shall be deemed completed
 15 service on all parties, but there shall be left with the party so served
 16 as many copies of the petition as there are defendants and the com-
 17 mission shall forthwith mail one such copy to each such defendant.
 18 The commission shall within sixty days after notice of appeal has been
 19 served on the commission certify and file with said district court all
 20 documents and papers and a transcript of all testimony taken in the
 21 matter, together with its findings of fact and decision therein, or so
 22 much thereof as may be agreed upon by the parties to such appeal.
 23 Such agreement as to the records, papers and documents to be certified
 24 shall be in writing, signed by the parties to the appeal, and shall be
 25 filed with the commission. A copy of such agreement shall be filed
 26 with the transcript of the records filed with the district court. With
 27 such transcript the commission shall file its answer. The transcript as
 28 certified and filed by the commission shall be the record on which
 29 the appeal shall be heard, and no additional evidence shall be heard.
 30 In the absence of fraud any finding of fact by the commission, after
 31 notice and hearing as herein provided, shall be binding upon the court
 32 on appeal, when supported by substantial and competent evidence. The
 33 commission may also, in its discretion, certify to such courts, ques-
 34 tions of law involved in any decision by it. Such actions, and the ques-
 35 tions so certified, shall be heard in a summary manner and shall be
 36 given precedence over all other civil cases except cases arising under
 37 the workmen's compensation law of this state.

1 SEC. 5. Section ninety-six point six (96.6), subsection twelve (12),*
 2 Code 1973, is amended to read as follows:
 3 *12. Appeal. An appeal may be taken from any final order, judg-
 4 ment, or decree of the district court to the supreme court of Iowa, in

*Repealed effective July 1, 1975, 65 GA, ch 1090, §62

5 the same manner, but not inconsistent with the provisions of this chap-
6 ter, as is provided in civil cases, *irrespective of the amount involved*.
7 It shall not be necessary in any judicial proceeding under this section,
8 to enter exceptions to the rulings of the commission and no bond shall
9 be required for entering such appeal. Upon the final determination of
10 such judicial proceeding, the commission shall enter an order in accord-
11 ance with such determination. A petition for judicial review shall not
12 act as a supersedeas or stay unless the commission shall so order.

1 SEC. 6. Section ninety-six point seven (96.7), subsection three (3),
2 paragraph a, subparagraph seven (7), Code 1973, is amended to read
3 as follows:

4 (7) Any employer may at any time make voluntary payments to his
5 account in excess of the other requirements of this chapter, and all
6 such payments shall be considered on any computation date as con-
7 tributions required under the provisions of this chapter if they are
8 paid by the employer not later than the next ~~December 31~~ *March*
9 *fifteenth* after such computation date.

1 SEC. 7. Section ninety-six point seven (96.7), subsection three (3),
2 paragraph c, is amended to read as follows:

3 c. Each contributing employer's rate of contribution shall be two
4 and seven-tenths percent except as otherwise provided in this chapter.
5 No reduced rate of contribution shall be granted to a contributing em-
6 ployer until there shall have been twelve consecutive calendar quarters
7 immediately preceding the *first* computation date throughout which his
8 account has been chargeable with benefit payments. Provided, that
9 with respect to the calendar year commencing January 1, 1972, and
10 each calendar year thereafter, except as provided in paragraphs "d"
11 and "e" of this subsection, a contributing employer who has not been
12 subject to this chapter for a sufficient period of time to meet the
13 twelve-quarter requirement shall qualify for a computed rate of con-
14 tribution if there shall have been a lesser period throughout which his
15 account has been chargeable, but in no event less than eight consecu-
16 tive calendar quarters immediately preceding the computation date;
17 provided further, that with respect to the calendar year commencing
18 January 1, 1972, and each calendar year thereafter, except as provided
19 in paragraphs "d" and "e" of this subsection, each contributing em-
20 ployer newly subject to this chapter shall pay contributions at the rate
21 of one and five-tenths percent until the end of the calendar year in
22 which the employer shall have had eight consecutive calendar quarters
23 immediately preceding the computation date throughout which his
24 account has been chargeable with benefit payments, thereafter his con-
25 tribution rate shall be determined in accordance with paragraphs "d"
26 and "e" of this subsection.

1 SEC. 8. Section ninety-six point fourteen (96.14), subsection three
2 (3), unnumbered paragraph eleven (11), Code 1973, is amended to
3 read as follows:

4 The courts of this state shall recognize and enforce liabilities for
5 unemployment contributions, penalties, interest and benefit overpay-
6 ments imposed by other states which extend a like comity to this state.
7 The commission is hereby empowered to sue in the courts of any other
8 jurisdiction which extends such comity to collect unemployment contri-
9 butions, penalties, interest and benefit overpayments due this state.
10 The officials of other states which, by statute or otherwise, extend a

11 like comity to this state may sue in the district court to collect for such
 12 contributions, penalties, interest and benefit overpayments. In any
 13 such case the chairman of the commission of this state, as agent for
 14 and on behalf of any other state, may, ~~through the attorney general,~~
 15 institute and conduct such suit for such other state. Venue of such
 16 proceedings shall be the same as for actions to collect delinquent con-
 17 tributions, penalties, interest and benefit overpayments due under this
 18 chapter. A certificate by the secretary of any such state attesting the
 19 authority of such official to collect the contributions, penalties, interest
 20 and benefit overpayments, is conclusive evidence of such authority.
 21 The requesting state shall pay the court costs.

1 SEC. 9. Section ninety-six point fourteen (96.14), subsection four
 2 (4), Code 1973, is amended to read as follows:

3 4. Priorities under legal dissolutions or distributions. In the event
 4 of any distribution of an employer's assets pursuant to an order of
 5 any court under the laws of this state, including any receivership,
 6 assignment for benefit of creditors, adjudicated insolvency, composi-
 7 tion, or similar proceeding, contributions then or thereafter due shall
 8 be paid in full prior to all other claims except taxes and claims for
 9 wages preferred as provided by statute. In the event of an employer's
 10 adjudication in bankruptcy, judicially confirmed extension proposal,
 11 or composition, under the federal Bankruptcy Act of 1898, as amended,
 12 contributions then or thereafter due shall be entitled to such priority
 13 as is provided in section 64 ~~"b"~~ ^a of that Act.

1 SEC. 10. Section ninety-six point nineteen (96.19), subsection
 2 seven (7), paragraph a, subparagraph six (6), item d, Code 1973, is
 3 amended to read as follows:

4 (d) In a facility conducted for the purpose of carrying out a pro-
 5 gram of rehabilitation for individuals whose earning capacity is im-
 6 paired by age or physical or mental deficiency or injury or providing
 7 remunerative work for individuals who, because of their impaired
 8 physical or mental capacity, cannot be readily absorbed in the competi-
 9 tive labor market, by an individual receiving such rehabilitation or
 10 remunerative work.

1 SEC. 11. Section ninety-six point nineteen (96.19), subsection ten
 2 (10), paragraph b, Code 1973, is amended to read as follows:

3 b. An individual shall be deemed partially unemployed in any week
 4 in which, while employed at his then regular job, he works less than
 5 the regular full-time week and in which he earns less than his weekly
 6 benefit amount plus ~~three six~~ ^{three six} dollars.

1 SEC. 12. Section ninety-six point nineteen (96.19), subsection ten
 2 (10), paragraph c, Code 1973, is amended to read as follows:

3 c. An individual shall be deemed partially unemployed in any week
 4 in which he, having been separated from his regular job, earns at odd
 5 jobs less than his weekly benefit amount plus ~~three six~~ ^{three six} dollars.

1 SEC. 13. Section ninety-six point twenty (96.20), subsection two
 2 (2), Code 1973, is amended to read as follows:

3 2. The commission may enter into arrangements with the appropri-
 4 ate agencies of other states, or a contiguous country with which the
 5 United States has an agreement with respect to unemployment compen-
 6 sation or of the federal government (a) whereby wages or serv-

7 ices, upon the basis of which an individual may become entitled to bene-
 8 fits under the unemployment compensation law of another state or of
 9 the federal government, shall be deemed to be wages for employment
 10 by employers for the purposes of section 96.3 and section 96.4, subsec-
 11 tion 5; provided such other state agency or agency of the federal gov-
 12 ernment has agreed to reimburse the fund for such portion of benefits
 13 paid under this chapter upon the basis of such wages or services as the
 14 commission finds will be fair and reasonable as to all affected interests,
 15 and (b) whereby the commission will reimburse other state or federal
 16 agencies charged with the administration of unemployment compensa-
 17 tion laws with such reasonable portion of benefits, paid under the law
 18 of any such other states or of the federal government upon the basis
 19 of employment or wages for employment by employers, as the com-
 20 mission finds will be fair and reasonable as to all affected interests.
 21 Reimbursements so payable shall be deemed to be benefits for the pur-
 22 poses of section 96.3, subsection 5, and section 96.9, but no reimburse-
 23 ment so payable shall be charged against any employer's account for
 24 the purposes of section 96.7, *unless wages so transferred are sufficient*
 25 *to establish a valid claim in Iowa, and that such charges shall not ex-*
 26 *ceed the amount that would have been charged on the basis of a valid*
 27 *claim.* The commission is hereby authorized to make to other state
 28 or federal agencies and receive from such other state or federal agen-
 29 cies, reimbursements from or to the fund, in accordance with arrange-
 30 ments pursuant to this section. The commission shall participate in
 31 any arrangements for the payment of compensation on the basis of
 32 combining an individual's wages and employment covered under this
 33 Act with his wages and employment covered under the unemployment
 34 compensation laws of other states which are approved by the United
 35 States secretary of labor in consultation with the state unemployment
 36 compensation agencies as reasonably calculated to assure the prompt
 37 and full payment of compensation in such situations and which include
 38 provisions for: Applying the base period of a single state law to a
 39 claim involving the combining of an individual's wages and employ-
 40 ment covered under two or more state unemployment compensation
 41 laws, and avoiding the duplication use of wages and employment by
 42 reason of such combining.

Approved May 27, 1974

CHAPTER 1115

UNEMPLOYMENT COMPENSATION FUND

H. F. 1080

AN ACT relating to the control, management and use of the unemployment compensa-
 tion fund to assure entitlement to funds under section nine hundred three (903) of
 the social security Act.

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

1 SECTION 1. Section ninety-six point nine (96.9), subsection four
 2 (4), paragraphs a and b, Code 1973, are amended to read as fol-
 3 lows:

4 a. Money credited to the account of this state in the unemployment
 5 trust fund by the secretary of the treasury of the United States pursu-
 6 ant to section 903 of the Social Security Act may not be requisitioned
 7 from this state's account or used except for the payment of benefits
 8 and for the payment of expenses incurred for the administration of
 9 this chapter. Such money may be requisitioned pursuant to subsection 3
 10 of this section for the payment of benefits. Such money may also be
 11 requisitioned and used for the payment of expenses incurred for the
 12 administration of this chapter but only pursuant to a specific appro-
 13 priation by the legislature and only if the expenses are incurred and
 14 the money is requisitioned after the enactment of an appropriation law
 15 which (1) specifies the purposes for which such money is appropriated
 16 and the amounts appropriated therefor, (2) limits the period within
 17 which such money may be obligated to a period ending not more than
 18 two years after the date of the enactment of the appropriation law,
 19 and (3) limits the amount which may be obligated during a twelve-
 20 month period beginning on July 1 ~~first~~ and ending on the next June 30
 21 ~~thirtieth~~ to an amount which does not exceed the amount by which (i)
 22 the aggregate of the amounts credited to the account of this state
 23 pursuant to section 903 of the Social Security Act during the same
 24 twelve-month period and the ~~fourteen~~ *twenty-four* preceding twelve-
 25 month periods, exceeds (ii) the aggregate of the amounts obligated for
 26 administration and paid out for benefits and charged against the
 27 amounts credited to the account of this state during such ~~fifteen~~
 28 *twenty-five* twelve-month periods.

29 b. Amounts credited to this state's account in the unemployment
 30 trust fund under section 903 of the Social Security Act which are obli-
 31 gated for administration or paid out for benefits shall be charged
 32 against equivalent amounts which were first credited and which are
 33 not already so charged; except that no amount obligated for admin-
 34 istration during a twelve-month period specified herein may be charged
 35 against any amount credited during such a twelve-month period earlier
 36 than the ~~fourteenth~~ *twenty-fourth* preceding such period.

Approved May 27, 1974

CHAPTER 1116

CIGARETTES* AND LITTLE CIGARS

S. F. 1213

AN ACT relating to manufacturer's samples of cigarettes and little cigars and repealing the retailers' cigarette bond.

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

1 SECTION 1. Section ninety-eight point fourteen (98.14), subsec-
 2 tion one (1), Code 1973, is amended to read as follows:

3 1. No ~~retail permit~~, state ~~permit~~, or manufacturer's permit shall be
 4 issued until the applicant therefor shall file a bond, with good and
 5 sufficient surety, to be approved by the director ~~or the body granting~~

*See reference to Surgeon General's report required to be printed on each package

6 the permit, which bond shall be in favor of the state and for the benefit
 7 of the county, city, or town, as the case may be, and conditioned upon
 8 the payment of taxes, damages, fines, penalties, and costs adjudged
 9 against the permit holder for violation of any of the provisions of this
 10 chapter.

11 Said bonds shall be on forms prescribed by the director and in the
 12 following amounts:

13 a. ~~Retail permit, not less than five hundred dollars.~~

14 b. a. State permit, not less than five hundred dollars.

15 e. b. Manufacturer's permit, not less than five thousand dollars.

1 SEC. 2. Section ninety-eight point thirty-nine (98.39), Code 1973,
 2 is amended to read as follows:

3 **98.39 Manufacturer's samples.** The director may authorize a
 4 manufacturer to distribute in the state through his factory representa-
 5 tive, free sample packages of cigarettes or little cigars containing five
 6 four cigarettes or little cigars or less, ~~when such individual packages~~
 7 ~~bear a stamp equal to the tax herein imposed.~~ *Such packages of cig-*
 8 *arettes or little cigars shall be shipped to a distributor that has a per-*
 9 *mit to stamp cigarettes or little cigars with Iowa tax. The manufac-*
 10 *turer shipping cigarettes or little cigars under this section shall send*
 11 *an affidavit to the director stating the quantity and to whom the ciga-*
 12 *rettes or little cigars were shipped. The distributor receiving the ship-*
 13 *ment shall send an affidavit to the director stating the quantity and*
 14 *from whom the cigarettes or little cigars were shipped. These affi-*
 15 *davits shall be duly notarized and submitted to the director at time of*
 16 *shipment and receipt of cigarettes or little cigars. The distributor*
 17 *shall pay the tax on sample cigarettes or little cigars by separate remit-*
 18 *tance along with the affidavit. An acknowledgment in a form pre-*
 19 *scribed by the director that the tax has been paid shall be placed by*
 20 *the distributor on each carton of sample cigarettes or little cigars*
 21 *before distribution of sample cigarettes or little cigars. Such packages*
 22 *shall bear the word "Sample" in letters easily read. ~~Such authority~~*
 23 *Authority granted under this section for disbursement and payment*
 24 *of sample packages may be withdrawn at any time in the discretion*
 25 *of the director.*

Approved June 3, 1974

CHAPTER 1117

LAWFUL GAMBLING

S. F. 1047

AN ACT relating to gambling, games of skill and games of chance, which makes participation in certain athletic contests, sports events and exhibitions lawful.

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

1 SECTION 1. Acts of the Sixty-fifth General Assembly, 1973 Session,
 2 chapter one hundred fifty-three (153), is amended by adding the
 3 following new section:

4 **NEW SECTION. Exempt activities.**

5 1. Except as provided in subsection two (2) of this section, the
6 following activities are exempt from the provisions of this Act:

7 a. Athletic or sporting contests, leagues or tournaments, including,
8 but not limited to, rodeos, horse shows, golf, bowling, trap or skeet
9 shoots, fly casting, tractor pulling, rifle, pistol, musket, muzzle-loader,
10 archery and horseshoe contests, leagues or tournaments, whether or
11 not an entry fee or other participation fee is charged.

12 b. Horse races, harness racing, ski, airplane, snowmobile, raft, boat,
13 bicycle and motor vehicle races, whether or not an entry fee or other
14 participation fee is charged.

15 c. Contests or exhibitions of cooking, horticulture, livestock, poul-
16 try, fish or other animals, artwork, hobbywork or craftwork, whether
17 or not an entry fee or other participation fee is charged.

18 2. An activity included in paragraph a of subsection one (1) of this
19 section is not exempt if conducted in the midway area or amusement
20 section, or as an amusement attraction, of any carnival, circus, fair,
21 bazaar, centennial or celebration.

1 SEC. 2. Chapter seven hundred twenty-six (726), Code 1973, is
2 amended by adding the following new section:

3 **NEW SECTION. Activities permitted.** Participation by a person,
4 upon the payment of an entry fee or other participation charge and
5 for prizes or awards of any sum of money or other property of value,
6 in the following activities is not a violation of this chapter:

7 1. Athletic or sporting contests, leagues, or tournaments, including,
8 but not limited to, rodeos, horse shows, golf, bowling, trap or skeet
9 shoots, fly casting, tractor pulling, rifle, pistol, musket, muzzle-loader,
10 archery and horseshoe contests, leagues, or tournaments.

11 2. Horse races, harness racing, ski, airplane, snowmobile, raft, boat,
12 bicycle and motor vehicle races.

13 3. Contests or exhibitions of cooking, horticulture, livestock, poul-
14 try, fish or other animals, artwork, hobbywork or craftwork.

15 Wagering or betting on the outcome of an activity permitted by this
16 section, whether by participants or others is permitted only to the
17 extent permitted by Acts of the Sixty-fifth General Assembly, 1973
18 Session, chapter one hundred fifty-three (153), section twenty (20).

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

Approved February 12, 1974

I hereby certify that the foregoing Act, Senate File 1047, was published in The Marion Sentinel, Marion, Iowa, February 21, 1974, and in The Monticello Express, Monticello, Iowa, February 21, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1118

PASSENGER ELEVATORS

S. F. 1370

AN ACT creating a state elevator code, requiring the owners of elevators to register and comply with rules of the labor commissioner, authorizing the labor commissioner to promulgate standards for the construction, maintenance, and use of elevators, establishing licensing requirements and procedures for elevator inspectors, and requiring fees for inspection, permits and licenses and providing penalties for violations.

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

- 1 SECTION 1. NEW SECTION. Definitions. As used in this Act, ex-
 2 cept as otherwise expressly provided:
- 3 1. "Facility" means any elevator, dumbwaiter, escalator, moving
 4 walk, or manlift subject to regulation under the provisions of this
 5 Act, and includes hoistways, rails, guides and all other related me-
 6 chanical and electrical equipment.
- 7 2. "Alteration" means any change made to an existing facility,
 8 other than the repair or replacement of damaged, worn, or broken
 9 parts necessary for normal maintenance.
- 10 3. "Division" means the elevator safety division created by this
 11 Act as a part of the bureau of labor.
- 12 4. "Commissioner" means the labor commissioner or his designee.
- 13 5. "Elevator" means a hoisting and lowering mechanism equipped
 14 with a car or platform which moves in guides in a substantially
 15 vertical direction, and which serves two or more floors of a building
 16 or structure. The term elevator does not include a dumbwaiter, end-
 17 less belt, conveyor, chain or bucket hoist, construction hoist, or other
 18 device used for the primary purpose of elevating or lowering build-
 19 ing or other materials and not used as a means of conveyance for
 20 individuals, nor shall it include tiering, piling, feeding, or other ma-
 21 chines or devices giving service within only one story.
- 22 6. "Dumbwaiter" means a hoisting and lowering mechanism
 23 equipped with a car which moves in guides in a substantially vertical
 24 direction, when the floor area does not exceed nine square feet, the
 25 total compartment height does not exceed four feet, the capacity does
 26 not exceed five hundred pounds, and which is used exclusively for car-
 27 rying materials.
- 28 7. "Escalator" means a power-driven, inclined, continuous stair-
 29 way used for raising or lowering passengers.
- 30 8. "Moving walk" means a type of passenger-carrying device on
 31 which passengers stand or walk, and in which the passenger carrying
 32 surface remains parallel to its direction in motion and is uninter-
 33 rupted.
- 34 9. "Manlift" means a device consisting of a power-driven endless
 35 belt, provided with steps or platforms and handholds attached to it
 36 for the transportation of persons from floor to floor.
- 37 10. "Passenger elevator" means an elevator that is used to carry
 38 persons other than the operator and person necessary for loading and
 39 unloading.
- 40 11. "Freight elevator" means an elevator used for carrying freight
 41 and on which only the operator and persons necessary for unloading
 42 and loading the freight are permitted to ride.

43 12. "Dormant facility" means an elevator or dumbwaiter whose
44 cables have been removed, whose car and counterweight rest at the
45 bottom of the shaftway and whose shaftway doors are permanently
46 boarded up or barricaded such that entry into the shaft through each
47 door or other entryway is substantially precluded, or an escalator,
48 moving walk, or manlift, the main power feed lines of which have
49 been disconnected, and the top and bottom entrances of which have
50 been permanently boarded up or barricaded.

51 13. "New installation" means a facility the construction or relo-
52 cation of which is begun, or for which an application for a new instal-
53 lation permit is filed, on or after the effective date of rules relating
54 to those permits adopted by the commissioner under authority of this
55 Act. All other installations are existing installations.

56 14. "Inspector" means an inspector employed by the bureau of
57 labor for the purpose of administering this Act.

58 15. "Special inspector" means an inspector licensed by the labor
59 commissioner, and not employed by the bureau of labor.

60 16. "Provisions of this Act" includes rules adopted by the commis-
61 sioner pursuant to this Act.

1 SEC. 2. NEW SECTION. **Scope of Act.** The provisions of this Act
2 shall not apply to any facility installed in any single private dwelling
3 residence, to facilities subject to regulation under I.D.R., chapter
4 twenty-six (26) of the bureau of labor rules (regulation twenty-nine
5 (29) C.F.R. one thousand nine hundred twenty-six point five hundred
6 fifty-two (1926.552)), to manlifts subject to regulation under chapter
7 eighty-eight (88) of the Code or to facilities over which an agency of
8 the federal government is asserting similar enforcement jurisdiction.
9 Provisions of this Act supersede similar provisions contained in build-
10 ing codes of this state or any subdivision thereof.

1 SEC. 3. NEW SECTION. **Promulgation of rules.**

2 1. The commissioner may adopt rules governing maintenance, con-
3 struction, alteration, and installation of facilities, and the inspection
4 and testing of new and existing installations as necessary to provide
5 for the public safety, and to protect the public welfare.

6 The commissioner shall adopt, amend, or repeal rules pursuant to
7 chapter seventeen A (17A) of the Code as he deems necessary for the
8 execution of his duties under this Act, which shall include, but not be
9 limited to, rules providing for:

10 a. Classifications of types of facilities.

11 b. Maintenance, inspection, testing, and operation of the various
12 classes of facilities.

13 c. Construction of new facilities.

14 d. Alteration of existing facilities.

15 e. Minimum safety requirements for all existing facilities.

16 f. Control or prevention of access to facilities or dormant facilities.

17 g. The reporting of accidents and injuries arising from the use of
18 facilities.

19 h. The specification of hearing and appeal procedures used by the
20 commissioner.

21 i. Qualifications for obtaining an inspector's license.

22 j. The adoption of procedures for the issuance of variances.

23 k. The amount of fees charged and collected for inspection, per-
24 mits, and licenses.

25 2. Insofar as applicable, rules adopted for facilities installed after
 26 the effective date of this Act shall be based on the American National
 27 Standard Safety Code for Elevators, Dumbwaiters, Escalators, and
 28 Moving Walks, and supplements thereto, A point seventeen point one
 29 (A.17.1). The commissioner shall adopt rules and regulations for
 30 facilities installed prior to the effective date of this Act according to
 31 the applicable provisions of such American National Standard Safety
 32 Code as he deems necessary. In adopting rules the commissioner may
 33 adopt the American National Standard Safety Code, or any part
 34 thereof, by reference. Before adopting, amending, or repealing any
 35 rule, the commissioner shall hold a public hearing on the proposed
 36 rule, amendment or repeal. The commissioner shall notify in writ-
 37 ing each permit holder and any other person requesting notification
 38 of each hearing at least thirty days in advance of the hearing date.
 39 Any interested person may appear and be heard at the hearing in
 40 person or by agent or counsel. The commissioner shall give the news
 41 media notice of each hearing at least thirty days in advance of the
 42 hearing date and shall make available a copy of the proposed rule or
 43 amendment to a rule to any person requesting same.

44 3. The commissioner shall furnish copies of the rules adopted by the
 45 commissioner to any person who requests them, without charge, or
 46 upon payment of a charge not to exceed the actual cost of printing
 47 of the rules.

1 SEC. 4. NEW SECTION. **Commissioner's duties and personnel.** The
 2 commissioner shall enforce the provisions of this Act. The commis-
 3 sioner shall employ personnel for the administration of this Act pur-
 4 suant to chapter nineteen A (19A) of the Code.

1 SEC. 5. NEW SECTION. **Registration of facilities.** Within three
 2 months after the date of adoption of rules under this Act relating to
 3 registration of facilities, the owner of every existing facility,
 4 whether or not dormant, shall register each such facility with the
 5 commissioner, giving type, contract load and speed, name of manufac-
 6 turer, its location and the purpose for which it is used, and such
 7 other information as the commissioner may require. Registration
 8 shall be made on a form to be furnished by the division upon request.
 9 Facilities the construction of which is commenced subsequent to the
 10 date of adoption of those rules shall be registered in the manner pre-
 11 scribed by the commissioner.

1 SEC. 6. NEW SECTION. **Inspection of facilities.** All new and exist-
 2 ing facilities, except dormant facilities, shall be tested and inspected
 3 in accordance with the following schedule:

4 1. Every new or altered facility shall be inspected and tested before
 5 the operating permit is issued.

6 2. Every existing facility registered with the commissioner shall
 7 be inspected within one year after the effective date of the registration,
 8 except that the commissioner may, at his discretion, extend by rule
 9 the time specified for making inspections.

10 3. Every facility shall be inspected not less frequently than annu-
 11 ally.

12 4. The inspections required by subsections one (1) through three
 13 (3) of this section shall be made only by inspectors or special inspec-

14 tors. An inspection by a special inspector may be accepted by the
15 commissioner in lieu of a required inspection by an inspector.

16 5. A report of every inspection shall be filed with the commissioner
17 by the inspector or special inspector, on a form approved by and con-
18 taining all information required by the commissioner, after the inspec-
19 tion has been completed and within the time provided by rule, but not
20 to exceed thirty days. The report shall include all information re-
21 quired by the commissioner to determine whether the owner of the
22 facility has complied with applicable rules. For the inspection
23 required by subsection one (1) of this section, the report shall indicate
24 whether the facility has been installed in accordance with the detailed
25 plans and specifications approved by the commissioner, and meets the
26 requirements of the applicable rules.

27 6. In addition to the inspections required by subsections one (1)
28 through three (3) of this section, the commissioner may provide by
29 rule for additional inspections as he deems necessary to enforce the
30 provisions of this Act.

1 SEC. 7. NEW SECTION. **Alteration permits.** On and after the ef-
2 fective date of rules relating to alterations, detailed plans of each
3 facility to be altered shall be submitted to the commissioner, together
4 with an application for an alteration permit, on forms to be furnished
5 or approved by the commissioner. Repairs or replacements necessary
6 for normal maintenance are not alterations, and may be made on ex-
7 isting installations with parts equivalent in material, strength and
8 design to those replaced and no plans or specifications or application
9 need be filed for such repairs or replacements. However, nothing in
10 this section shall authorize the use of any facility contrary to an order
11 issued pursuant to subsections two (2) and three (3) of section ten
12 (10) of this Act.

1 SEC. 8. NEW SECTION. **New installation permits.** A permit shall
2 be issued by the commissioner before construction on a new installa-
3 tion is begun. The division shall issue a permit for relocation or in-
4 stallation, as applicable, if the plans and specifications indicate com-
5 pliance with applicable rules.

6 If such plans and specifications indicate a failure of compliance
7 with applicable rules, the division shall give notice of necessary
8 changes to the person filing the application. After such changes have
9 been made and approved, the division shall issue a permit.

10 Plans shall be submitted in triplicate and shall be accompanied by
11 an application for the permit on a form to be furnished by the com-
12 missioner. The plans shall include:

- 13 1. Sectional plan of car and hoistway.
- 14 2. Sectional plan of machine room.
- 15 3. Sectional elevation of hoistway and machine room, including the
16 pit, bottom and top clearance of car, and counterweight.
- 17 4. Size and weight of guide rails, and guide rail bracket spacing.
- 18 5. Other information which the division may require.

1 SEC. 9. NEW SECTION. **Operating permits.** Operating permits
2 shall be issued by the commissioner to the owner of every facility
3 when the inspection report indicates compliance with the applicable
4 provisions of this Act. However, no permits shall be issued if the
5 fees required by section fourteen (14) of this Act have not been paid.

6 Permits shall be issued within thirty days after filing of the inspec-
7 tion report required by section six (6) of this Act, unless the time is
8 extended for cause by the division. No facility shall be operated
9 after the thirty days or after any extension granted by the commis-
10 sioner has expired, unless an operating permit has been issued.

11 The operating permit shall indicate the type of equipment for
12 which it is issued, and in the case of elevators shall state whether pas-
13 senger or freight, and also shall state the contract load and speed for
14 each facility. The permit shall be posted conspicuously in the car of
15 an elevator, or on or near a dumbwaiter, escalator, moving walk or
16 manlift.

1 SEC. 10. NEW SECTION. Enforcement orders by commissioner.

2 1. If an inspection report indicates a failure to comply with appli-
3 cable rules, or with the detailed plans and specifications approved by
4 the commissioner, the commissioner may, upon giving notice, order
5 the owner thereof to make the changes necessary for compliance.

6 2. If the owner does not make the changes necessary for compli-
7 ance as required in subsection one (1) of this section within the pe-
8 riod specified by the commissioner, the commissioner, upon notice
9 and hearing, may suspend or revoke the operating permit, or may
10 refuse to issue the operating permit for the facility. The commis-
11 sioner shall notify the owner of any action to suspend, revoke or re-
12 fuse to issue an operating permit and the reason therefor by certified
13 mail. Any owner who, after hearing before the commissioner, is
14 aggrieved by a suspension, revocation or refusal to issue an operat-
15 ing permit may appeal to the occupational safety and health review
16 commission established under chapter eighty-eight (88) of the Code.
17 Notice of appeal shall be filed with the occupational safety and health
18 review commission within thirty calendar days from receipt of the
19 notice of the commissioner's action. Any party adversely affected or
20 aggrieved by an order of the occupational safety and health review
21 commission issued under this subsection may obtain a review of such
22 order in the district court of the county in which the facility is located
23 by filing in such court within sixty days following the issuance of
24 such order a written petition that the order be modified or set aside.
25 A copy of such petition shall be forthwith transmitted by the clerk
26 of the court to the occupational safety and health review commis-
27 sion and to all other parties, and thereupon the occupational safety
28 and health review commission shall promptly file in the court the
29 transcript of record in the proceedings. Upon filing of the petition,
30 the court shall have jurisdiction of the proceedings and of the ques-
31 tions determined therein, and shall have power to grant such tempo-
32 rary relief or restraining order as it deems just and proper, and to
33 make and enter upon the pleadings, testimony and proceedings set
34 forth in such record a decree affirming, modifying or setting aside
35 in whole or in part, the order of the occupational safety and health
36 review commission and enforcing the same to the extent that such
37 order is affirmed, modified or denied. No proceedings before the com-
38 missioner or his agents, the occupational safety and health review
39 commission or any district court of this state shall be deemed to
40 deny any owner his operating permit until there is a final adjudication
41 of the matter. No objection which has not been urged before the
42 occupational safety and health review commission shall be consid-

43 ered by the court, unless the failure or neglect to urge such objection
44 shall be excused because of extraordinary circumstances. The find-
45 ings of the occupational safety and health review commission with
46 respect to questions of fact, if supported by substantial evidence on
47 the record considered as a whole, shall be conclusive. The occupa-
48 tional safety and health review commission's copy of the testimony
49 shall be available to all parties for examination at all reasonable times,
50 without cost, and for the purpose of judicial review of the occupational
51 safety and health review commission's orders. Upon the filing of the
52 record with it, the jurisdiction of the court shall be exclusive and its
53 judgment and decree shall be final, except that the same shall be sub-
54 ject to review by the Iowa Supreme Court.

55 3. If the commissioner has reason to believe that the continued
56 operation of a facility constitutes an imminent danger which could
57 reasonably be expected to seriously injure or cause death to members
58 of the public, the commissioner may apply to the district court in the
59 county in which such imminently dangerous condition exists for a
60 temporary order for the purpose of enjoining such imminently dan-
61 gerous facility. Upon hearing, if deemed appropriate by the court, a
62 permanent injunction may be issued to insure that such imminently
63 dangerous facility be prevented or controlled. Upon the elimination
64 or rectification of such imminently dangerous condition the tempo-
65 rary or permanent injunction shall be vacated.

1 SEC. 11. NEW SECTION. **Nonconforming facilities.** The commis-
2 sioner, pursuant to rule, may grant exceptions and variances from
3 the requirements of rules adopted for any facility existing on the
4 effective date of this Act. Exceptions or variations shall be reason-
5 ably related to the age of the facility, and may be conditioned upon
6 a repair or modification of the facility deemed necessary by the com-
7 missioner to assure reasonable safety. However, no exception or
8 variance may be granted except to prevent undue hardship, and no
9 exception or variation shall be granted for a period extending beyond
10 five years from the effective date of applicable rules. Such facilities
11 shall be subject to orders issued pursuant to section ten (10) of this
12 Act.

1 SEC. 12. NEW SECTION. **Access to facilities.** Every owner of a
2 facility subject to regulation by this Act shall grant access to that
3 facility to the commissioner and bureau of labor personnel adminis-
4 tering the provisions of this Act. Inspections shall be permitted at
5 reasonable times, with or without prior notice.

1 SEC. 13. NEW SECTION. **Fees.** The commissioner, pursuant to
2 chapter seventeen A (17A) of the Code, shall adopt rules to charge
3 and collect fees for inspection, permits and licenses. Fees may be set
4 by rule not more than once each year, and shall be effective from the
5 first day of January next following the date of adoption of the rule.
6 Fees established by the commissioner shall be based upon the costs
7 of administering the provisions of this Act, and shall give due regard
8 to the time spent by bureau of labor personnel in performing duties,
9 and to any travel expenses incurred. Before adopting any rule to
10 establish or increase any fees for inspection, permits or licenses, the
11 commissioner shall hold a public hearing on the proposed rule or
12 amendment. The commissioner shall notify in writing each permit

13 holder and any other person requesting notification of each hearing
14 at least thirty days in advance of the hearing date. Any interested
15 person may appear and be heard at the hearing in person or by agent
16 or counsel.

1 SEC. 14. NEW SECTION. **Continuing duty of owner.** Every facil-
2 ity shall be maintained by the owner in a safe operating condition and
3 in conformity with the rules adopted by the commissioner.

1 SEC. 15. NEW SECTION. **Inspections by local authorities.** No city,
2 town, or other governmental subdivision shall make or maintain any
3 ordinance, bylaw or resolution providing for the licensing of special
4 inspectors. An ordinance or resolution relating to the inspection,
5 construction, installation, alteration, maintenance, or operation of
6 facilities within the limits of the city, town, or governmental subdivi-
7 sion, which conflicts with this Act or with rules adopted by the com-
8 missioner is void. The commissioner, in his discretion, may accept
9 inspections by local authorities in lieu of inspections required by sec-
10 tion six (6) of this Act, but only upon a showing by the local author-
11 ity that applicable laws and rules will be consistently and literally
12 enforced, and that inspections will be performed by special inspectors.

1 SEC. 16. NEW SECTION. **Prosecution of offenses.** The division
2 shall cause prosecution for the violation of the provisions of this Act
3 to be instituted by the attorney general in the county in which the
4 violation occurred.

1 SEC. 17. NEW SECTION. **Penalties.**

2 1. Any owner who violates any of the provisions of this Act shall
3 be punished for each offense by a fine of not more than one hundred
4 dollars, or by imprisonment for not more than thirty days in the
5 county jail, unless otherwise specifically provided in this Act.

6 2. Any person who bribes or attempts to bribe an inspector shall
7 be subject to criminal proceedings under section seven hundred thirty-
8 nine point one (739.1) of the Code.

1 SEC. 18. This section* shall take effect on January 1, 1975. Chap-
2 ter one hundred four (104), Code 1973, is repealed.

1 SEC. 19. NEW SECTION. **Short title.** This chapter shall be known
2 as the "Iowa State Elevator Code".

Approved May 28, 1974

*According to enrolled Act

CHAPTER 1119

CONSTRUCTION OF BUILDINGS USED BY PUBLIC

S. F. 1125

AN ACT relating to the construction of private and public buildings and facilities which are intended for use by the general public.

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

1 SECTION 1. Section one hundred four A point one (104A.1), Code
2 1973, is amended to read as follows:

3 **104A.1 Intent of chapter.** It is the intent of this chapter that
4 ~~state and political subdivisions follow standards and specifications are~~
5 *followed* in the construction of public *and private* buildings and facili-
6 *ties which are intended for use by the general public* to ensure that
7 ~~such~~ *these* buildings and facilities are accessible to and functional for
8 the physically handicapped.

1 SEC. 2. Section one hundred four A point two (104A.2), Code
2 1973, is amended to read as follows:

3 **104A.2 Applicability.** The standards and specifications set forth
4 in this chapter shall apply to all *public and private* buildings and facili-
5 *ties, temporary and permanent, used by the general public which are*
6 ~~constructed in whole or in part by the use of state funds or the funds~~
7 ~~of any political subdivision of the state from and after July 4, 1965.~~
8 *The specific occupancies and extent of accessibility shall be in accord-*
9 *ance with the conforming standards set forth in section one hundred*
10 *four A point six (104A.6) of the Code. Notwithstanding the standards*
11 *set forth in section one hundred four A point six (104A.6) of the Code,*
12 *in every multiple-dwelling-unit building containing five or more indi-*
13 *vidual dwelling units the requirements of this chapter which apply to*
14 *apartments shall be met by at least one dwelling unit or by at least ten*
15 *percent of the dwelling units, whichever is the greater number, on the*
16 *ground floor level and on each of the other floor levels in the building*
17 *which are accessible to the physically handicapped.*

1 SEC. 3. Section one hundred four A point three (104A.3), Code
2 1973, is amended by adding the following new subsections:

3 **NEW SUBSECTION.** At each floor level which is accessible to the
4 physically handicapped there shall be available to persons of each sex
5 at least one public toilet or bathroom which is equipped with a door
6 at least thirty-two inches wide that swings outward. There shall be
7 within each such public toilet or bathroom at least one water closet
8 in front of which there is a clear space not less than thirty-two inches
9 wide by thirty-two inches deep, and unobstructed by door swing, grab
10 bars or other projections. Grab bars shall be provided within easy
11 reach (within approximately eighteen inches) of such water closet at
12 the side and back, or on each side of the compartment.

13 **NEW SUBSECTION.** At levels which are accessible to the physically
14 handicapped where there are drinking fountains and public telephones,
15 at least one drinking fountain and one public telephone shall be sup-
16 plied at such height to be accessible to the handicapped.

1 SEC. 4. Section one hundred four A point six (104A.6), Code 1973,
2 is amended to read as follows:

3 **104A.6 Conforming standards.** In addition to complying with the
 4 standards and specifications set forth in sections 104A.3 and 104A.4,
 5 the authority responsible for the construction of any building or facil-
 6 ity covered by section 104A.2 shall insofar as feasible in the opinion of
 7 the contracting authority conform with the standards and specifica-
 8 tions approved by American Standards Association, Inc. on October 31,
 9 1961, known as "American Standard Specifications for Making Build-
 10 ings and Facilities Accessible to and Usable by the Physically Handi-
 11 capped, A-117.1-1961" rules and regulations promulgated by the state
 12 building code commissioner as provided in section one hundred three A
 13 point seven (103A.7) of the Code.

1 SEC. 5. Section one hundred three A point seven (103A.7), unnum-
 2 bered paragraph two (2), paragraph five (5), Code 1973, is amended
 3 to read as follows:

4 5. The accessibility and use by physically handicapped and elderly
 5 persons, of buildings, structures, and facilities which are constructed
 6 in whole or part with public funds and are intended for use by the
 7 general public.

1 SEC. 6. The standards and specifications extending the provisions
 2 of chapter one hundred four A (104A) of the Code to private buildings
 3 and facilities which are intended for use by the general public and the
 4 additional standards to chapter one hundred four A (104A) of the
 5 Code provided by this Act, shall apply to all public and private build-
 6 ings intended for use by the general public, the construction of which
 7 commences on or after January 1, 1975 or the construction of which is
 8 continuing on January 1, 1975, unless the state building code commis-
 9 sioner shall determine that the construction has reached a state in
 10 which compliance will result in a substantial increase in cost or delay
 11 in construction.

Approved May 29, 1974

CHAPTER 1120

WATER NAVIGATION

H. F. 282

AN ACT relating to water navigation regulations.

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

1 SECTION 1. Section one hundred six point two (106.2), Code 1973,
 2 is amended by adding the following new subsection:

3 NEW SUBSECTION. "Wake" means any movement of water created
 4 by a vessel which adversely affects the activities of another person who
 5 is involved in activities approved for that area or which may adversely
 6 affect the natural features of the shoreline.

Approved March 4, 1974

CHAPTER 1121

REGISTRATION OF VESSELS

H. F. 1359

AN ACT relating to the registration of vessels.

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

1 SECTION 1. Section one hundred six point four (106.4), Code
 2 1973, is amended to read as follows:
 3 **106.4 Operation of unnumbered ~~motorboats~~ vessels prohibited.**
 4 Every undocumented ~~motorboat~~ vessel on the waters of this state
 5 under the jurisdiction of the state conservation commission and
 6 waters specifically delegated to local authorities shall be numbered.
 7 No person shall operate, maintain or give permission for the opera-
 8 tion or maintenance of any such vessel on such waters unless the
 9 vessel is numbered in accordance with this chapter or in accordance
 10 with applicable federal laws or in accordance with a federally ap-
 11 proved numbering system of another state and unless the certificate
 12 of number awarded to such vessel is in full force and effect and the
 13 identifying number set forth in the certificate of number is displayed
 14 on each side of the bow of such vessel.

1 SEC. 2. Section one hundred six point five (106.5), Code 1973, is
 2 amended to read as follows:
 3 **106.5 Registration and identification number.**
 4 1. The owner of each ~~motorboat~~ vessel required to be numbered by
 5 this state shall register it every two years with the county recorder
 6 of the county in which the owner resides, or, if the owner is a non-
 7 resident, he shall register it in the county in which such ~~motorboat~~
 8 vessel is principally used. The commission shall have supervisory
 9 responsibility over the registration of all ~~motorboats~~ vessels and shall
 10 provide each county recorder with registration forms and certificates
 11 and shall allocate identification numbers to each county.
 12 The owner of such ~~motorboat~~ vessel shall file an application for
 13 registration with the appropriate county recorder on forms provided
 14 by the commission. The application shall be completed and signed by
 15 the owner of the ~~motorboat~~ vessel and shall be accompanied by a fee
 16 of ~~four~~ eight dollars for each motorboat or sailboat, four dollars for
 17 any other vessel without sail or motor, and a writing fee of fifty cents.
 18 Upon receipt of the application in approved form accompanied by the
 19 required fees, the county recorder shall enter the same upon the rec-
 20 ords of his office and shall issue to the applicant a pocket-size regis-
 21 tration certificate. The certificate shall be executed in triplicate, one
 22 copy to be delivered to the owner, one copy to the commission, and
 23 one copy to be retained on file by the county recorder. The registra-
 24 tion certificate shall bear thereon the number awarded to such ~~motor-~~
 25 ~~boat~~ vessel, the passenger capacity of such vessel and the name and
 26 address of the owner. The registration certificate shall be carried
 27 either in the ~~motorboat~~ vessel or on the person of the operator of such
 28 vessel when in use.
 29 The owner shall cause the identification number to be painted on or
 30 attached to each side of the bow of the ~~motorboat~~ vessel in such size

31 and manner as may be prescribed by the rules and regulations of the
32 commission and shall be maintained in a legible condition at all times.

33 No number, other than the number awarded to a vessel under the
34 provisions of this chapter or granted reciprocity pursuant to this
35 chapter, shall be painted, attached or otherwise displayed on either
36 side of the bow of such vessel.

37 The owner of each vessel must display and maintain, in a legible
38 manner and in a prominent spot on the exterior of such vessel, other
39 than the bow, the passenger capacity of the vessel which must con-
40 form with the passenger capacity designated on the registration
41 certificate.

42 ~~2. The owner of any vessel already covered by a number in full
43 force and effect, which has been awarded to it pursuant to then oper-
44 ating federal law, shall not be required to register such vessel under
45 the provisions of this chapter for one year from the date of approval
46 of such numbering system by the United States coast guard unless
47 such number expires prior to that time.~~

48 ~~3 2.~~ When an agency of the United States government shall have
49 in force an over-all system of identification numbering for ~~motorboats~~
50 *vessels*, the numbering system prescribed by the commission pursuant
51 to this chapter, shall be in conformity therewith.

52 ~~4 3.~~ Every registration certificate and number issued hereunder
53 shall become delinquent at midnight April 30 ~~1969~~ 1975, and every
54 two years thereafter unless sooner terminated or discontinued in
55 accordance with the provisions of this chapter. After the first day
56 of January in odd-numbered years any unregistered vessels and
57 renewals of registrations may be so registered for the subsequent
58 biennium beginning May ~~1~~ first. ~~After the first day of January in~~
59 ~~even-numbered years any unregistered vessels may be registered for~~
60 ~~the remainder of the current biennium and such registration shall be~~
61 ~~at the rate of two dollars and a writing fee of fifty cents. After the~~
62 ~~first day of January in even-numbered years any unregistered motor-~~
63 ~~boat or sailboat may be registered at the rate of four dollars and any~~
64 ~~other unregistered vessel without sail or motor may be registered at~~
65 ~~the rate of two dollars for the remainder of the current biennium,~~
66 ~~plus a writing fee of fifty cents for each registration. All registra-~~
67 ~~tions shall become delinquent as hereinabove stated. Registration~~
68 ~~certificates and numbers may be renewed upon application of the~~
69 ~~owner in the same manner as provided for in securing the original~~
70 ~~registration.~~

71 If a timely application for renewal is made, the applicant shall
72 receive the same registration number allocated to him for the pre-
73 vious registration period. If the application for registration for the
74 biennium is not made before May ~~1~~ first of each odd-numbered year,
75 the applicant shall be charged a penalty of one dollar for each six
76 months, or any portion thereof, he is delinquent. Provided, however,
77 that if the registration is not renewed for two consecutive registra-
78 tion periods, the number of said delinquent registration may be as-
79 signed to another applicant, and upon application for registration by
80 said delinquent registrant, he shall be assigned a new registration
81 number and shall not be charged any penalties.

82 ~~5 4.~~ Whenever any person, after registering a vessel, moves from
83 the address shown on the registration certificate, he shall, within ten

84 days, notify the county recorder in writing of his old and new address.
 85 *If appropriate, the county recorder shall forward all past records of*
 86 *such vessel to the recorder of the county in which the owner resides.*

87 Whenever the name of any person, who has registered a vessel, is
 88 thereafter changed by marriage or otherwise, he shall, within ten
 89 days, notify the county recorder of such former and new name.

90 No fee shall be paid to the county recorder for making the afore-
 91 mentioned changes, unless the owner requests a new registration
 92 certificate showing the change, in which case a fee of one dollar plus
 93 a twenty-five-cent writing fee shall be paid to the recorder.

94 If a registration certificate is lost, mutilated or becomes illegible,
 95 the owner shall immediately make application for and obtain a dupli-
 96 cate registration certificate by furnishing information satisfactory
 97 to the county recorder.

98 A fee of one dollar plus a twenty-five-cent writing fee shall be paid
 99 to the county recorder for a duplicate registration certificate.

100 If a vessel, registered under the provisions of this chapter, is de-
 101 stroyed or abandoned, such destruction or abandonment shall be
 102 reported to the county recorder and the registration certificate shall
 103 be forwarded to the office of the county recorder within ten days after
 104 such destruction or abandonment.

105 § 5. All records of the commission and the county recorder, other
 106 than those declared by law to be confidential for the use of the com-
 107 mission and the county recorder, shall be open to public inspection
 108 during office hours.

1 SEC. 3. Section one hundred six point twenty-three (106.23), sub-
 2 section four (4), Code 1973, is amended to read as follows:

3 4. The commission is hereby authorized to suspend or revoke the
 4 certificate of registration of a ~~motorboat~~ vessel registered under the
 5 provisions of this chapter when:

6 a. It is satisfied that such registration certificate was fraudulently
 7 or erroneously obtained.

8 b. It determines that a registered ~~motorboat~~ vessel is unsafe to be
 9 operated on waters of the state under the jurisdiction of the commis-
 10 sion.

11 c. A registered ~~motorboat~~ vessel has been abandoned or wrecked.

12 d. Identification numbers are knowingly displayed on a ~~motorboat~~
 13 vessel other than the one to which assigned.

1 SEC. 4. Section one hundred six point thirty-five (106.35), Code
 2 1973, is amended to read as follows:

3 106.35 **Special certificate for manufacturer or dealer.** A manu-
 4 facturer or dealer owning any ~~motorboat~~ vessel required to be regis-
 5 tered under the provisions of this chapter may operate the same for
 6 purposes of transporting, testing, demonstrating, or selling the same
 7 without registering each such ~~motorboat~~ vessel, provided that any
 8 such ~~motorboat~~ vessel displays thereon a special certificate issued to
 9 such owner as provided in this chapter. This special certificate may
 10 not be used for any ~~motorboat~~ vessel offered for hire or for any work
 11 or service ~~motorboats~~ vessels owned by a manufacturer or dealer.

1 SEC. 5. Section one hundred six point forty (106.40), Code 1973,
 2 is amended to read as follows:

3 **106.40 Record of use.** Every manufacturer or dealer shall keep a
4 written record of the ~~motorboats~~ *vessels* upon which such special cer-
5 tificates are used, which record shall be open to inspection by any law
6 enforcement officer or any officer or employee of the commission.

1 SEC. 6. Section one hundred six point forty-two (106.42), Code
2 1973, is amended to read as follows:

3 **106.42 List of used boats on hand furnished.** Dealers using spe-
4 cial certificates* under the provisions of this chapter shall, before May
5 ~~5~~ *fifth* of each year, furnish the commission with a list of all used
6 ~~motorboats~~ *vessels* held by them for sale or trade, and upon which the
7 registration fee for the current year has not been paid, giving the
8 previous registration number, name of previous owner at the time
9 such ~~motorboat~~ *vessel* was transferred to the dealer, and such other
10 information as the commission may require.

1 SEC. 7. Section one hundred six point forty-three (106.43), Code
2 1973, is amended to read as follows:

3 **106.43 Transfer of ownership.** Upon the transfer of ownership
4 of any ~~motorboat~~ *vessel*, the owner, except as otherwise provided by
5 this chapter, shall complete the form on the back of the registration
6 certificate and shall deliver it to the purchaser or transferee at the
7 time of delivering the ~~motorboat~~ *vessel*.

1 SEC. 8. Section one hundred six point forty-five (106.45), Code
2 1973, is amended to read as follows:

3 **106.45 Transfer by dealer.** When the purchaser or transferee of
4 a ~~motorboat~~ *vessel* is a dealer who holds the same for resale and
5 operates the ~~motorboat~~ *vessel* only for purposes incident to a resale
6 and displays thereon his special dealers' certificate, or does not oper-
7 ate such ~~motorboat~~ *vessel* or permit it to be operated, such transferee
8 shall not be required to obtain a new registration certificate but upon
9 transferring his title or interest to another person he shall sign the
10 reverse side of the registration certificate of such ~~motorboat~~ *vessel*
11 indicating the name and address of the new purchaser.

1 SEC. 9. Section one hundred six point forty-six (106.46), Code
2 1973, is amended to read as follows:

3 **106.46 Purchase of registered ~~boat~~ *vessel* by dealer.** Whenever a
4 dealer purchases or otherwise acquires a ~~motorboat~~ *vessel* registered
5 in this state, he shall issue a signed receipt to the previous owner,
6 indicating the date of purchase or acquisition, the name and address
7 of such previous owner, and the registration number of the ~~motorboat~~
8 *vessel* purchased or acquired. The original receipt shall be delivered
9 to the previous owner and one copy shall be mailed or delivered by
10 the dealer to the county recorder of the county in which the ~~motorboat~~
11 *vessel* is registered, and one copy shall be delivered to the commission
12 within forty-eight hours.

1 SEC. 10. Section one hundred six point forty-eight (106.48), Code
2 1973, is amended to read as follows:

3 **106.48 Sales by dealer.** Upon the sale of a ~~motorboat~~ *vessel* by a
4 manufacturer or dealer, the purchaser shall within five days make
5 application for registration and he may operate the ~~motorboat~~ *vessel*
6 without its individual identification number thereon for a period of

*According to enrolled Act

7 not more than ten days after the purchase date, provided that during
8 such period the ~~meterbeat~~ vessel shall have attached thereto, in ac-
9 cordance with the provisions of this chapter, a pasteboard card bear-
10 ing the words "registration applied for" and the special certificate
11 number of the dealer from whom the ~~meterbeat~~ vessel was purchased
12 together with the date of purchase plainly stamped or stenciled
13 thereon.

1 SEC. 11. Section one hundred six point fifty-one (106.51), Code
2 1973, is amended to read as follows:

3 **106.51 County recorder—duties.** The county recorder shall be
4 responsible for all fees and penalties for the issuance of ~~meterbeat~~
5 vessel registrations. All unused registration certificates shall be sur-
6 rendered to the commission upon demand.

1 SEC. 12. Section one hundred six point fifty-five (106.55), Code
2 1973, is amended to read as follows:

3 **106.55 Sales or use tax to be paid before registration.** No ~~meter-~~
4 ~~beat~~ vessel shall be registered by the county recorder until there has
5 been presented to the recorder receipts, bills of sale, or other satis-
6 factory evidence that the sales or use tax has been paid for the pur-
7 chase of ~~said~~ ~~beat~~ the vessel. If the owner of the ~~meterbeat~~ vessel is
8 unable to present satisfactory evidence that the sales or use tax has
9 been paid, the county recorder shall collect ~~said~~ the tax. On or before
10 the tenth day of each month, the county recorder shall remit to the
11 department of revenue the amount of the taxes so collected during the
12 preceding month, together with an itemized statement on forms fur-
13 nished by the department of revenue showing the name of each tax-
14 payer, the make and purchase price of each ~~meterbeat~~ vessel and
15 motor, the amount of tax paid, and such other information as the
16 department of revenue shall require.

Approved May 27, 1974

CHAPTER 1122

FISH AND GAME

H. F. 158

AN ACT relating to fish and game.

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

1 SECTION 1. Section one hundred nine point twenty-three (109.23),
2 Code 1973, is amended to read as follows:

3 **109.23 Transportation for sale prohibited.** It shall be unlawful for
4 any person, firm, or corporation, *except as otherwise provided*, to offer
5 for transportation or to transport by common carrier or vehicle of any
6 kind, to any place within or without the state, for the purposes of sale,
7 any of the fish, game, animals, or birds taken, caught, or killed within
8 the state, or to peddle any of such fish, game, animals, or birds.

9 It shall be unlawful to ship from the state any birds caught, taken,
10 or killed in the state, or to take, ship, or carry from the state for any
11 purpose any such fish, game, animals, or birds unless lawfully caught,
12 taken, or killed by a nonresident licensee under the provisions of this
13 chapter, who may take or carry such birds as have been lawfully
14 caught, taken, or killed, or take, carry, or ship such fish, game, or ani-
15 mals as have been lawfully caught, taken, or killed, to his place of resi-
16 dence as indicated on such license.

1 SEC. 2. Section one hundred nine point sixty-three (109.63), un-
2 numbered paragraph one (1), Code 1973, is amended to read as fol-
3 lows:

4 Any person may be authorized to sell minnows, frogs, and clams for
5 fish bait upon the payment of a license fee of five dollars to the com-
6 mission. Minnow and bait boxes and tanks shall be open to inspection
7 by the director and conservation officers at all times. They shall have
8 tanks and bait boxes of sufficient size, with proper aeration to keep the
9 bait alive and prevent heavy loss.

1 SEC. 3. Section one hundred nine point seventy-six (109.76), Code
2 1973, is amended to read as follows:

3 **109.76 Unlawful means—exception.** It shall be unlawful, except
4 as otherwise provided, to use on or in the waters of the state any grab-
5 hook, snaghook, artificial light, any kind of a net, seine, trap, firearm,
6 dynamite, or other explosives, or poisonous or stupefying substances,
7 lime, ashes or electricity in the taking or attempting to take any fish,
8 except that gaffhooks or landing nets may be used to assist in landing
9 fish. No person shall take or kill, or attempt to take or kill any fish by
10 hand fishing. *The snagging of paddlefish may be permitted at such*
11 *times and at such places as may be determined by rule of the commis-*
12 *sion.* The spearing of carp, buffalo, quillback, gar, sheepshead and
13 dogfish, or the taking of such fish with a bow and arrow with attached
14 bow fishing reel and ninety-pound minimum line attached to the arrow
15 may be permitted under section 111.42 by persons lawfully permitted
16 to fish shall be lawful between the hours of sunrise and sunset each day
17 and at such times and at such places as the commission may determine
18 necessary to carry out the purposes of subsection 1 of section 109.38,
19 except that it shall be unlawful to spear from within an enclosure of
20 the type that materially hides the fisherman from view. This provision
21 shall not be construed to prevent the spearing of such fish by a person
22 using skin diving equipment, or underwater breathing apparatus,
23 where the only concealment is the fact that he is wholly or partially
24 submerged in the water. The commission may make rules regulating
25 such activity by said persons.

1 SEC. 4. Section one hundred nine point eighty-four (109.84), un-
2 numbered paragraphs one (1) and two (2), Code 1973, is amended by
3 striking these unnumbered paragraphs.

1 SEC. 5. Sections one hundred nine point twenty-four (109.24), one
2 hundred nine point twenty-five (109.25), one hundred nine point
3 twenty-seven (109.27), one hundred nine point twenty-eight (109.28),
4 and one hundred nine point eighty-three (109.83), Code 1973, are
5 repealed.

Approved May 27, 1974

CHAPTER 1123

SALE OF GAME FEATHERS PROHIBITED

H. F. 713

AN ACT relating to the sale of game and providing penalties.

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

1 SECTION 1. Section one hundred nine point fifty-five (109.55),
 2 Code 1973, is amended to read as follows:
 3 **109.55 Selling game.** Except as otherwise provided, it shall be
 4 unlawful for any person to buy or sell, dead or alive, any bird or animal
 5 or any part thereof which is protected by this chapter but nothing in
 6 this section shall apply to fur-bearing animals, rabbits, and the skins
 7 *and plumage* of legally taken ~~deer~~ *game*. ~~Such deer~~ *Deer* hides shall
 8 be plainly labeled with the owner's name and address and license
 9 number prior to the sale. This name and address and license number
 10 must remain attached to the hide while such hide is within the bound-
 11 aries of this state. *No person shall purchase, sell, barter or offer to*
 12 *purchase, sell, or barter for millinery or ornamental use the feathers*
 13 *of migratory game birds; and no person shall purchase, sell, barter, or*
 14 *offer to purchase, sell, or barter mounted specimens of migratory game*
 15 *birds.*

Approved April 10, 1974

CHAPTER 1124

TROTLINES

H. F. 272

AN ACT relating to the use of trotlines.

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

1 SECTION 1. Section one hundred nine point seventy-three (109.73),
 2 Code 1973, is amended to read as follows:
 3 **109.73 Trotlines.** It shall be unlawful for any person to use in the
 4 ~~inland~~ waters of the state open to the use of trotlines or throw lines,
 5 more than five trotlines or throw lines. Such trotlines or throw lines
 6 shall not have in the aggregate more than fifteen hooks. Each separate
 7 line when in use shall have attached a tag plainly labeled with the
 8 owner's name and address, shall be checked at least once each twenty-
 9 four hours, and no person shall use such throw lines or trotlines in
 10 any stocked lake or within three hundred feet of any dam or spillway
 11 or in any stream or portion of stream, closed or posted against the use
 12 of such tackle. One end of such throw lines or trotlines shall be set
 13 from the shore and be visible above the shore water line, but no such
 14 throw line or trotline shall be set entirely across a stream or body of

15 water. Any untagged lines when found in use shall be confiscated by
16 any officer appointed by the commission.

1 SEC. 2. Section one hundred nine point seventy-five (109.75),
2 Code 1973, is repealed.

Approved March 4, 1974

CHAPTER 1125

WILDLIFE PENALTIES AND CIVIL DAMAGES

H. F. 160

AN ACT relating to liability for the unlawful destruction, taking, or possession of wild-
life owned by the state and imposing civil damages.

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

1 SECTION 1. Chapter one hundred nine (109), Code 1973, is
2 amended by adding sections two (2) and three (3) of this Act.

1 SEC. 2. NEW SECTION. In addition to the penalties for violations
2 of this chapter, any person convicted of unlawfully taking, catching,
3 killing, injuring, destroying, or having in possession any game, shall
4 reimburse the state for the value of such game as follows:

5 1. For each deer, three hundred dollars.

6 2. For each wild turkey, one hundred dollars.

7 3. For each game bird or game animal or the raw pelt or plumage of
8 such game for which damages are not otherwise prescribed, twenty-
9 five dollars.

1 SEC. 3. NEW SECTION. In each case of conviction of unlawfully
2 taking, catching, killing, injuring, destroying, or having in possession
3 any game, the court shall enter a judgment in favor of the state of
4 Iowa for liquidated damages in an amount as provided in section two
5 (2) of this Act, and it shall be the duty of the state conservation com-
6 mission, with the assistance of the prosecuting attorney, to collect the
7 liquidated damages by execution or otherwise. If two or more persons
8 who have acted together are convicted of the unlawful taking, catch-
9 ing, killing, injuring, destroying, or having possession of any game,
10 the judgment shall be entered against them jointly. Any liquidated
11 damages received under this Act shall be remitted to the treasurer of
12 state who shall credit such damages to the state fish and game pro-
13 tection fund.

14 The return of any uninjured game which has been unlawfully taken,
15 caught, or possessed, to the place where taken or caught or to any other
16 place approved by the state conservation commission, shall constitute
17 the discharge of any liquidated damages provided under section two
18 (2) of this Act.

19 Civil suits authorized by this Act may be prosecuted by the attorney
20 general or by county attorneys.

Approved April 25, 1974

CHAPTER 1126

TROUT LICENSE STAMPS

H. F. 310

AN ACT relating to trout stamps.

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

- 1 SECTION 1. Section one hundred ten point one (110.1), lines seven-
 2 teen (17) through twenty-three (23), Code 1973, are amended to read
 3 as follows:
 4 No person, resident or nonresident, required to have a fishing license,
 5 shall fish for trout in waters designated by the state conservation
 6 commission as "trout waters" without having a special license stamp
 7 affixed to his fishing license have in his possession, trout, unless at the
 8 time of such possession he has on his person an unexpired special trout
 9 license stamp validated by his signature written across the face of the
 10 stamp in ink or a receipt or other evidence showing that such trout
 11 was acquired lawfully. A person who has not reached his sixteenth
 12 birthday is not required to have a trout license stamp.
 13 Special trout fishing license stamp 5.00

Approved April 19, 1974

CHAPTER 1127

HUNTING, FISHING AND TRAPPING LICENSES

H. F. 543

AN ACT relating to the accounting of license sale date for county recorders.

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

- 1 SECTION 1. Section one hundred ten point eight (110.8), Code
 2 1973, is amended to read as follows:
 3 110.8 Accounting. Within five days after the end of each month,
 4 each county recorder shall remit to the director, all duplicate licenses
 5 and all fees for such licenses issued during the previous month. On or
 6 before the tenth of April thirty-first of January each year, each county
 7 recorder shall remit to the director all unused license blanks for the
 8 previous year, and he shall make a final accounting for all license fees
 9 received for that period.

Approved March 29, 1974

CHAPTER 1128

COUNTY CONSERVATION UNIFORMS

H. F. 674

AN ACT relating to the cost of uniforms for county conservation officers and employees.

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

1 SECTION 1. Section one hundred eleven A point four (111A.4),
2 subsection ten (10), Code 1973, is amended to read as follows:

3 10. To furnish suitable uniforms for the executive officer and such
4 employees as he may designate to wear, when on official duty. The cost
5 of said uniforms *shall* not ~~to~~ exceed three hundred dollars *per person*
6 in any given year. The uniforms shall at all times remain the prop-
7 erty of the county.

Approved March 4, 1974

CHAPTER 1129

PRACTICE OF PUBLIC ACCOUNTING

S. F. 134

AN ACT relating to the regulation of the practice of public accounting; to enlarge the state board of accountancy; to prescribe its powers and duties; to provide for the licensing of accounting practitioners and establishing an accounting practitioner advisory committee; and to provide penalties for violations of the provisions of this Act.

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

1 SECTION 1. NEW SECTION. **Title.** This Act may be cited as the
2 "Public Accountant* Act of 1974".

1 SEC. 2. NEW SECTION. **Definitions.** As used in this Act unless
2 the context otherwise requires: "Accounting practitioner" means a
3 person licensed by the board as provided in this Act, who does not
4 hold a certificate as a certified public accountant or public accountant
5 under chapter one hundred sixteen (116) of the Code, and who offers
6 to perform or performs for the public, and for compensation, any of
7 the following services:

8 1. The recording of financial transactions in books of record.
9 2. The making of adjustments of such transactions in books of rec-
10 ord.

11 3. The making of trial balances from books of record.

12 4. Internal verification and analysis of books or accounts of orig-
13 inal entry.

14 5. The preparation of financial statements, schedules, or reports.

15 6. The devising and installing of systems or methods of bookkeep-
16 ing, internal controls of financial data, or the recording of financial
17 data.

18 Nothing contained in this definition or elsewhere in this Act shall
19 be construed to permit an accounting practitioner to give an opinion

*According to enrolled Act

20 attesting to the reliability of any representation embracing financial
21 information as defined in section twenty-five (25), subsections eight
22 (8) and nine (9) of this Act. Any transmittal letters and titles to
23 financial statements included in reports prepared by accounting
24 practitioners shall be labeled as unaudited.

1 **SEC. 3. NEW SECTION. Board of accountancy members—funds**
2 **—reports—rules.** 1. There is established a board of accountancy.
3 The board of accountancy shall consist of seven members, five of
4 whom shall be certified public accountants and two members who
5 shall not be certified public accountants and who shall represent the
6 general public. A certified member shall be actively engaged in
7 practice as a certified public accountant and shall have been so en-
8 gaged for five years preceding his appointment, the last two of
9 which shall have been in Iowa. Professional associations or socie-
10 ties composed of certified public accountants may recommend the
11 names of potential board members to the governor, but the governor
12 shall not be bound by the recommendations. A board member shall
13 not be required to be a member of any professional association or
14 society composed of certified public accountants. Members shall be
15 appointed by the governor, subject to the approval of two-thirds of
16 the members of the senate. The term "board" as used in this Act
17 means the board of accountancy established by this section. Within
18 sixty days after the effective date of this Act, the governor shall
19 appoint the certified public accountant members of the board for
20 terms as follows: Two members for a term ending June 30, 1976,
21 and two members for a term ending June 30, 1977, one member for
22 a term ending June 30, 1978. Within sixty days after the effective
23 date of this Act, the governor shall appoint the members represent-
24 ing the general public, one member for a term ending June 30, 1976
25 and one member for a term ending June 30, 1978. Upon the expira-
26 tion of each of the terms and of each succeeding term, a successor
27 shall be appointed for a term of three years. Members shall serve a
28 maximum of three terms or nine years, whichever is less. Vacancies
29 occurring in the membership of the board for any cause shall be
30 filled in the same manner by the governor for the unexpired term
31 and shall be subject to senate confirmation. The terms of the mem-
32 bers of the board of accountancy who were serving on June 30, 1974
33 shall continue until the board of accountancy established by this Act
34 has been appointed. The public members of the board of account-
35 ancy shall not participate in devising, administering or grading of
36 examinations referred to in section five (5) of this Act.

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

39 The governor shall remove from the board any member whose cer-
40 tificate as a certified public accountant has been revoked or sus-
41 pended.

42 2. The board shall elect annually a chairman, a secretary, and a
43 treasurer from its members.

44 The board shall meet as often as deemed necessary, but shall hold
45 at least one meeting per year at the seat of government.

46 The board may adopt regulations for the orderly conduct of its
47 affairs and for the administration of this Act.

48 A majority of the members of the board shall constitute a quorum
49 for the transaction of business.

50 The board shall keep records of its proceedings, and in any pro-
51 ceeding in court arising out of or founded upon any provision of
52 this Act, copies of its records certified as correct shall be admissible
53 in evidence to prove the contents of the records.

54 The board shall have printed and published for public distribu-
55 tion, in October of each year, an annual register which shall contain
56 the names, arranged alphabetically by classifications, of all persons,
57 partnerships, and corporations registered or licensed under this Act;
58 the names of the members of the board; and such other matters as
59 may be deemed proper by the board. Copies of the registers shall be
60 mailed to each person, partnership and corporation named.

61 The board may employ such personnel and arrange for such assist-
62 ance as it may require for the performance of its duties.

63 Each member of the board shall be paid a per diem set by the
64 board in an amount not to exceed forty dollars per day for each day
65 the member is performing official duties and shall be reimbursed for
66 his actual and necessary expenses, including travel, incurred in the
67 discharge of his official duties.

68 3. All fees and other moneys received by the board, pursuant to
69 the provisions of this Act, shall be paid monthly to the treasurer of
70 state.

71 Warrants for the payment of the expenses of the board or its mem-
72 bers provided by this Act shall be issued by the state comptroller
73 drawn upon funds appropriated to the board upon presentation of
74 vouchers drawn by the chairman of the board and authorized by
75 the members of the board.

76 The board shall make a biennial report to the governor of its pro-
77 ceedings, with an account of all moneys received and disbursed, a
78 list of the names of certified public accountants, public accountants,
79 and accounting practitioners whose certificates, permits to practice,
80 or licenses have been revoked or suspended, and such other infor-
81 mation as it may deem proper or the governor requests.

82 4. The board may promulgate rules of professional conduct appro-
83 priate to establishing and maintaining high standards of integrity
84 and dignity in the practice as a certified public accountant, public ac-
85 countant, or accounting practitioner. Rules shall be adopted relat-
86 ing to the following matters:

87 a. Rules relating to the propriety of opinions on financial state-
88 ments by a certified public accountant or public accountant who is
89 not independent.

90 b. Actions discreditable to the practice as a certified public ac-
91 countant, public accountant, or accounting practitioner.

92 c. Rules relating to the professional confidences between a certified
93 public accountant, public accountant, or accounting practitioner and
94 his client.

95 d. Contingent fees.

96 e. Rules relating to technical competence and the expression of
97 opinions on financial statements.

98 f. Rules relating to the failure to disclose a material fact known
99 to the certified public accountant or public accountant, or accounting
100 practitioner.

101 g. Rules relating to material misstatement known to the certified
102 public accountant, public accountant, or accounting practitioner.

103 h. Rules relating to negligent conduct in an examination or in
104 making a report on an examination.

105 i. Rules relating to the failure to direct attention to any material
106 departure from generally accepted accounting principles.

107 5. A certified public accountant, public accountant, or accounting
108 practitioner shall not commit and shall not permit persons associ-
109 ated with him or who are under his supervision to commit any of
110 the following acts:

111 a. Pay a commission, brokerage, or other participation in the fees
112 or profits of professional work directly or indirectly to the laity.

113 b. Directly or indirectly accept commission, brokerage, or other
114 participation in the fees, charges, or profits of work recommended or
115 turned over to the laity as incident to services for clients.

116 c. Permit others to carry out on his behalf, either with or without
117 compensation, acts which, if carried out by him, would place him in
118 violation of rules of the board adopted pursuant to this Act.

119 6. The board shall establish rules and regulations relative to the
120 conduct of practice as a certified public accountant, public account-
121 ant, and accounting practitioner in respect to the enumerated items
122 in subsections four (4) and five (5) of this section, but such direc-
123 tion shall not be construed as a limitation upon the rights of the
124 board to make and adopt any rules and regulations relating to the
125 rules of conduct of certified public accountants, public accountants,
126 or accounting practitioners, which are not specifically enumerated
127 in this Act.

128 7. The board may issue further rules and regulations, including
129 but not limited to rules of professional conduct, pertaining to cor-
130 porations practicing public accounting, which it deems consistent
131 with or required by the public welfare. The board may prescribe
132 regulations governing the style, name, and title of corporations and
133 governing the affiliation of corporations with other organizations.

134 Regulations adopted by the board shall not be in conflict with the
135 Iowa Professional Corporation Act, provided in chapter four hun-
136 dred ninety-six C (496C) of the Code.

1 SEC. 4. NEW SECTION. **Applications.** Applications for certifica-
2 tion as a certified public accountant shall be on forms prescribed and
3 furnished by the board and the board may require that the application
4 contain a recent photograph of the applicant. An applicant shall not
5 be ineligible for certification because of age, citizenship, sex, race,
6 religion, marital status, or national origin although the application
7 may require citizenship information. The board may consider the past
8 felony record of an applicant only if the felony conviction relates
9 directly to the practice of accountancy. Character references may
10 be required, but shall not be obtained from certified public account-
11 ants.

1 SEC. 5. NEW SECTION. **Granting the certificate.** The certificate
2 of "certified public accountant" shall be granted by the board to any
3 person who meets all of the following requirements:

4 1. Is a resident of this state or has a place of business in this state,
5 or, as an employee, is regularly employed in this state.

6 2. Has a baccalaureate degree conferred by a college or univer-
7 sity recognized by the board, with a concentration in accounting,
8 or what the board determines to be substantially the equivalent of
9 those requirements; or with a nonaccounting concentration, supple-
10 mented by what the board determines to be substantially the equiva-
11 lent of an accounting concentration, including related courses in
12 other areas of business administration; or is a graduate of a high
13 school having at least a four-year course of study or its equivalent
14 as determined by the board of accountancy and has had three years'
15 continuous experience under the direct supervision of a certified pub-
16 lic accountant holding a current permit to practice, which experience
17 shall include a significant amount of accounting work involving third
18 party reliance on financial statements.

19 3. Has passed a written examination in accounting and auditing,
20 and such related subjects as the board determines to be appropriate.

21 None of the education or experience requirements in subsection
22 two (2) of this section shall apply to a candidate who within four
23 years after the effective date of this Act fulfills the education and
24 experience requirements provided for by law prior to the effective
25 date of this Act and passes the examination required in subsection
26 three (3) of this section.

27 The examination described in subsection three (3) of this section
28 shall be conducted by the certified public accountant members of the
29 board and shall take place as often as the board shall determine to
30 be desirable, but shall be held at least once each year. All examina-
31 tions in theory shall be in writing and the identity of the person tak-
32 ing the examination shall be concealed until after the examination
33 papers have been graded. Applicants who fail the examination
34 once shall be allowed to take the examination at the next scheduled
35 time. Thereafter, the applicant shall be allowed to take the exami-
36 nation at the discretion of the board. An applicant who has failed
37 the examination may request in writing information from the board
38 concerning his examination grade and subject areas or questions
39 which he failed to answer correctly, except that if the board admin-
40 isters a uniform, standardized examination, the board shall only be
41 required to provide the examination grade and such other informa-
42 tion concerning the applicant's examination results which are avail-
43 able to the board.

44 The board shall make such use of all or any part of the uniform
45 certified public accountants' examination or advisory grading ser-
46 vice, or both, as it deems appropriate to assist it in performing its
47 duties under this Act.

48 The board may admit to the examination described in subsection
49 three (3) of this section any candidate who will complete the edu-
50 cational requirements for a baccalaureate degree within one hundred
51 twenty days immediately following the date of the examination.
52 However, the board shall not report the results of the examination
53 until the candidate has met the educational requirements.

54 A candidate for the certificate of certified public accountant who
55 has successfully completed the examination under subsection three
56 (3) of this section and the educational requirements under subsec-
57 tion two (2) of this section shall receive a certificate as a certified
58 public accountant.

59 The board may by regulation provide for granting a credit to a
60 candidate for satisfactory completion of a written examination in
61 one or more of the subjects prescribed by the board in this state,
62 but conducted by the licensing authority in another state, if when the
63 candidate took the examination in another state, he was not a resi-
64 dent of this state, had no place of business in this state, and, as an
65 employee, was not employed regularly in this state.

66 Such regulations shall include such requirements as the board
67 determines to be appropriate in order that any examination approved
68 as a basis for any such credit shall, in the judgment of the board, be
69 at least as thorough as that included in the most recent examination
70 given by the board at the time of the granting of such credit.

71 The board may by regulation prescribe the terms and conditions
72 under which a candidate who passes one or more subjects of the ex-
73 amination prescribed by the board may be reexamined in only the
74 remaining subjects, with credit for the subjects previously passed.

75 It may also provide by regulation for a reasonable waiting period
76 for a candidate's reexamination in a subject he has failed.

77 The board shall charge each candidate an examination fee, to be
78 determined by the board which shall be based upon the annual cost
79 of administering the examination. Fees for reexamination or par-
80 tial examination under subsection three (3) of this section shall
81 also be charged by the board in amounts determined by it. The
82 applicable fee shall be paid by the candidate* at the time he applies
83 for examination or reexamination.

84 Any person who has received from the board a certificate as a cer-
85 tified public accountant and who is currently registered under sec-
86 tion twenty (20) of this Act, shall be styled and known as a "certi-
87 fied public accountant", and may also use the abbreviation "CPA".

88 Persons who, on the effective date of this Act, hold certified public
89 accountant certificates issued under the laws of this state shall not
90 be required to obtain additional certificates under this Act, but shall
91 otherwise be subject to all provisions of this Act; and such certifi-
92 cates shall, for all purposes, be considered certificates issued under
93 this Act, and subject to the provisions of this Act.

94 The board may, in its discretion, waive the examinations under
95 subsection three (3) of this section and may issue a certificate as cer-
96 tified public accountant to any person possessing what the board
97 determines to be substantially equivalent of the applicable qualifica-
98 tions under subsection two (2) of this section; and who is the holder
99 of a certificate as a certified public accountant, then in full force and
100 effect, issued under the laws of another state, or is the holder of a
101 certificate, license or degree in a foreign country constituting a rec-
102 ognized qualification for the practice of public accounting in such
103 country, comparable to that of a certified public accountant of this
104 state, which is then in full force and effect; or who, as a holder of
105 such certificate, license, or degree shall have been in continuous prac-
106 tice thereunder for at least seven years.

1 SEC. 6. NEW SECTION. Public accountants. Any person, part-
2 nership, or corporation who is registered as a public accountant by the

*According to enrolled Act

3 state of Iowa on the effective date of this Act may continue to regis-
4 ter with the board as a public accountant within one hundred eighty
5 days after the effective date of this Act.

1 SEC. 7. NEW SECTION. **Accounting practitioner.** The license of
2 "accounting practitioner" shall be granted by the board to any person
3 who meets all of the following requirements:

4 1. Is a resident of this state, or has a place of business in this
5 state, or, as an employee, is regularly employed in this state.

6 2. Meets the following educational and experience requirements
7 and applies for a license by July 1, 1976.

8 a. Was engaged as an accounting practitioner, as defined in this Act,
9 as a principal and (1) has qualified for limited practice without en-
10 rollment before the United States internal revenue service under rev-
11 enue procedure sixty-eight dash twenty (68-20) and becomes enrolled
12 by July 1, 1976 as an agent entitled to practice before the United States
13 internal revenue service as provided in the United States treasury
14 department circular number two hundred thirty (230) revised, or
15 (2) is an enrolled agent entitled to practice before the United States
16 internal revenue service as provided in the United States treasury
17 department circular number two hundred thirty (230) revised on
18 the effective date of this Act; and

19 b. Was engaged as an accounting practitioner for at least three
20 years prior to the effective date of this Act. The applicant shall sub-
21 mit and establish to the satisfaction of the board copies of contracts
22 or agreements, or affidavits of clients, which verify that the appli-
23 cant has performed services as an accounting practitioner for com-
24 pensation. Any evidence which indicates that the applicant has
25 only performed bookkeeping services or prepared tax returns shall
26 not be deemed sufficient for the purposes of meeting the experience
27 requirements.

1 SEC. 8. NEW SECTION. **Examination required.** An applicant not
2 qualified under section seven (7) of this Act shall be granted a
3 license if the applicant passes a written examination prescribed by
4 the board, and:

5 1. If the applicant has had two or more years actual experience
6 in practice as an accounting practitioner as an employee of a certified
7 public accountant, a public accountant, or an accounting practitioner,
8 or

9 2. If the applicant was employed for at least twenty-four months
10 prior to the effective date of this Act by the United States govern-
11 ment, by this state, or by a political subdivision of this state in an
12 accounting or auditing position for which an examination in account-
13 ing knowledge or qualifying education or experience in practice as
14 an accounting practitioner was required. The applicant shall sub-
15 mit to the board an official copy of the job description and educa-
16 tional or experience qualifications required, or an affidavit of the
17 immediate superior of the applicant attesting to his accounting or
18 auditing duties. Any evidence which indicates that the applicant
19 has performed only clerical or bookkeeping work shall not be deemed
20 sufficient for the purposes of this subsection, or

21 3. If the applicant submits evidence satisfactory to the board
22 that applicant is a graduate of a four-year college or university ac-

23 credited by the north central accreditation association or other re-
24 gional accreditation association having equivalent standards, with a
25 major in accounting, or that he is a graduate in accountancy from a
26 business or correspondence school accredited by the accrediting
27 commission for business schools or the accrediting commission of
28 the national home study council.

1 **SEC. 9. NEW SECTION. Advisory committee.** There is established
2 an accounting practitioner advisory committee with whom the board
3 shall consult on matters relating to the qualifications, examination,
4 licensing, and practice of accounting practitioners. The advisory
5 committee shall consist of three members appointed by the governor
6 who shall be licensed accounting practitioners. A member shall be
7 actively engaged in the practice of accounting and shall have been
8 so engaged for five years preceding his appointment, the last two of
9 which shall have been in Iowa. Professional associations or socie-
10 ties composed of accounting practitioners may recommend the names
11 of potential committee members to the governor, but the governor
12 shall not be bound by the recommendations. A committee member
13 shall not be required to be a member of any professional association
14 or society composed of accounting practitioners. The initial appoint-
15 ees shall possess the basic qualifications set forth in section seven
16 (7) of this Act and shall be eligible for licensure. For the initial
17 committee, one member shall serve a term of one year, one member
18 shall serve a term of two years, and one member shall serve a term of
19 three years. Thereafter, members shall serve three-year terms.
20 Members shall serve a maximum of three terms or nine years, which-
21 ever is less. Any vacancy occurring during a term shall be filled by
22 the governor for the remainder of the unexpired term. Upon com-
23 pletion of his term, a member shall continue to serve until his succes-
24 sor is appointed and qualified. The governor shall remove from
25 office any member whose license to practice has become void, or has
26 been suspended or revoked, and may, after a hearing, remove any
27 member from office for neglect of duty or other just cause.

28 A majority of the members of the advisory committee shall consti-
29 tute a quorum.

30 Members of the advisory committee shall set their own per diem
31 compensation not exceeding forty dollars per day for each day spent
32 in the discharge of their official duties, and shall be reimbursed for
33 actual and necessary expenses.

1 **SEC. 10. NEW SECTION. Applications.** Applications for licensure
2 as accounting practitioners shall be on forms prescribed by the board.
3 The board may require that the application contain a recent photo-
4 graph of the applicant. An applicant shall not be ineligible for licen-
5 sure because of age, citizenship, sex, race, religion, marital status,
6 or national origin although the application may require citizenship
7 information. The board may consider the past felony record of an
8 applicant only if the felony conviction relates directly to practice as
9 an accounting practitioner. Character references may be required,
10 but shall not be obtained from licensed accounting practitioners.

1 **SEC. 11. NEW SECTION. Examinations.** Each applicant for a
2 license to practice as an accounting practitioner shall pay to the

3 board an examination fee before being examined. The amount of the
4 fee shall be set by the board based upon the annual cost of adminis-
5 tering the examination.

6 Examinations shall be conducted by the board as often as deemed
7 necessary, but not less than one time per year.

8 Each examination shall be designed and given in a manner as to
9 fairly test the applicant's knowledge of accounting theory and ac-
10 counting practice as prescribed by the board. The examination shall
11 not include questions relating to the subject of auditing.

12 The board shall make use of all or any part of standard or uniform
13 examinations and advisory grading services which are provided or
14 furnished by national accounting organizations or societies as the
15 board deems appropriate to assist it in performing its duties as pro-
16 vided in this Act. All examinations in theory shall be in writing
17 and the identity of the person taking the examination shall be con-
18 cealed until after the examination papers have been graded.

19 If an applicant has partially passed an examination given in an-
20 other state, under requirements which the board finds to be substan-
21 tially equivalent to those required in examinations given in this
22 state, the results of the other state examination shall be accepted as
23 though given in this state.

24 Every applicant successfully passing all subjects in which exam-
25 ined shall be granted and issued a license as an accounting practi-
26 tioner by the board. The cost of the license shall be based upon
27 the administrative costs of the board and advisory committee and the
28 costs of issuing the license.

29 An applicant who fails the examination once shall be allowed to
30 take the examination at the next scheduled time. Thereafter, the
31 applicant shall be allowed to take the examination at the discretion
32 of the board. An applicant who passes a portion of the examina-
33 tion shall have the right to be reexamined in the remaining subjects
34 at a future examination, and if he passes in the remaining subjects,
35 he shall be considered to have passed the entire examination. An
36 applicant who has failed the examination may request in writing
37 information from the board concerning his examination grade and
38 subject areas or questions which he failed to answer correctly, except
39 that if the board administers a uniform, standardized examination,
40 the board shall only be required to provide the examination grade
41 and such other information concerning the applicant's examination
42 results which are available to the board.

1 **SEC. 12. NEW SECTION. Renewals.** Licenses as accounting prac-
2 tioners shall expire annually as determined by the board. The
3 board shall notify every person licensed under this Act of the date of
4 expiration of his license and the amount of the fee required for its
5 renewal for one year. The notice shall be mailed at least one month
6 in advance of the expiration date. A person who fails to renew his
7 license to practice as an accounting practitioner by the expiration
8 date shall be allowed to do so within thirty days following its expira-
9 tion, but the board may assess a reasonable penalty.

1 **SEC. 13. NEW SECTION. Reciprocity.** In its discretion, the board
2 may waive an examination and issue a license as an accounting prac-
3 tioner to any applicant who:

- 4 1. Holds, or is eligible to hold, an accounting practitioner license
5 issued, after examination, by a state which extends by reciprocity
6 similar privileges to an accounting practitioner of this state, and who,
7 as of the time of issuance of the license, possessed the basic qualifi-
8 cations set forth in section eight (8) of this Act; or
9 2. Has passed the examination required under the laws of another
10 state and who possesses the basic qualifications set forth in section
11 eight (8) of this Act at the time he applied for a license in this state.
12 Every person applying for a license to be issued pursuant to the
13 provisions of this section shall pay a fee as determined by the board
14 based upon the costs of issuing the license.

1 SEC. 14. NEW SECTION. **Actions not prohibited.** Nothing in this
2 Act shall be construed to prohibit any officer of a corporation or any
3 employee of a corporation or other business entity from signing or
4 affixing his name to any report or financial statement of a corpora-
5 tion or other business entity and designating the office, title, or posi-
6 tion he holds in or with the same, nor to prohibit any act of a public
7 official or public employee done in the performance of his duties as
8 such.

1 SEC. 15. NEW SECTION. A secretary may be employed to collect
2 and account for all fees and pay them to the treasurer of state for
3 deposit in the general fund of the state. The board shall set the fees
4 for examination as a certified public accountant, and for examination
5 as an accounting practitioner, based upon the annual cost of admin-
6 istering the examinations. The fees for registration and renewal of
7 a certificate and permit as a certified public accountant, registration
8 as a public accountant, registration of a foreign public accountant,
9 and licensure and renewal as an accounting practitioner, shall be
10 based upon the administrative costs of sustaining the board which
11 shall include, but shall not be limited to, the costs for:
12 1. Per diem, expenses and travel for board members.
13 2. Office supplies and equipment.
14 3. Clerical assistance.

1 SEC. 16. NEW SECTION. **Disclosure of confidential information.** A
2 member of the board shall not disclose information relating to the
3 following:
4 1. Criminal history or prior misconduct of the applicant.
5 2. Information relating to the contents of the examination.
6 3. Information relating to the examination results other than final
7 score except for information about the results of an examination
8 which is given to the person who took the examination.
9 A member of the board who willfully communicates or seeks to
10 communicate such information, and any person who willfully re-
11 quests, obtains, or seeks to obtain such information, is guilty of a
12 public offense which is punishable by a fine not exceeding one hun-
13 dred dollars or by imprisonment in the county jail for not more than
14 thirty days.

1 SEC. 17. NEW SECTION. **Foreign licensees.** The board may, in its
2 discretion, permit the registration of any person of good moral char-
3 acter who is a holder in good standing of a certificate, license, or de-
4 gree in a foreign country constituting a recognized qualification for

5 the practice of public accounting in such country. A person so
6 registered shall use only the title under which he is generally known
7 in his own country, followed by the license, or degree. The board shall
8 charge a fee for registration under this Act, based upon the costs of
9 registration.

1 SEC. 18. NEW SECTION. **Partnerships and corporations.** A part-
2 nership engaged in this state in the practice of public accounting
3 shall register with the board as a partnership of certified public ac-
4 countants or accounting practitioners and shall meet the following
5 requirements:

6 1. At least one general partner shall be a certified public account-
7 ant or accounting practitioner in good standing of this state and
8 have a permit to practice.

9 2. Each partner shall be a certified public accountant or account-
10 ing practitioner, or similar title, in good standing of some state.

11 3. Each resident manager in charge of an office of a firm in this
12 state, and each partner personally engaged within this state in the
13 practice of public accounting as a member of the partnership, shall
14 be a certified public accountant or accounting practitioner in good
15 standing of this state and have a permit to practice.

16 A corporation organized for the practice of public accounting
17 shall register with the board as a corporation of certified public
18 accountants or accounting practitioners.

19 Application for registration as a partnership or corporation shall
20 be made upon the affidavit of a general partner of the partnership
21 or officer of the corporation who is a certified public accountant or
22 accounting practitioner of this state having a current permit to
23 practice.

24 The board shall in each case determine whether the applicant is
25 eligible for registration.

26 A partnership or corporation which is so registered, and which
27 holds a permit issued under section twenty (20) of this Act, may use
28 the words "certified public accountant" or the abbreviation "CPA"
29 or "accounting practitioner" or the abbreviation "AP" in connection
30 with its partnership or corporation name.

31 Notification shall be given the board, within ninety days after the
32 admission or withdrawal of a partner who holds a permit to practice
33 under section twenty (20) of this Act, from any partnership so regis-
34 tered.

1 SEC. 19. NEW SECTION. **Registration of office.** Each office es-
2 tablished or maintained in this state for the practice of public account-
3 ing in this state by a certified public accountant, or partnership or cor-
4 poration of certified public accountants, or by a public accountant or
5 a partnership of public accountants, or by an accounting practitioner
6 or partnership of accounting practitioners, or by a person registered
7 under section seventeen (17) of this Act, shall be registered bien-
8 nially under this Act with the board, but no fee shall be charged for
9 such registration.

10 Each such office shall be under the direct supervision of a resident
11 manager who may be either a principal, shareholder, or a staff em-
12 ployee holding a current permit under section twenty (20) of this Act.
13 The title or designation "certified public accountant" or the abbrevia-

14 tion "CPA" or "accounting practitioner" or the abbreviation "AP"
15 shall not be used in connection with an office unless the resident man-
16 ager is the holder of a certificate as a certified public accountant un-
17 der section five (5) of this Act, or a license as an accounting practi-
18 tioner issued under section seven (7) or eight (8) of this Act, and a
19 permit issued under section twenty (20) of this Act, both of which
20 are in full force and effect.

21 A resident manager may serve at one office only.

22 The board shall by regulation prescribe the procedure to be followed
23 in effecting such registration.

1 SEC. 20. NEW SECTION. **Permit to practice.** 1. The certificate of
2 certified public accountant granted by the board under section five (5)
3 of this Act and the registration with the board as a public accountant
4 under section six (6) of this Act, and the license to practice as an
5 accounting practitioner under section seven (7) or eight (8) of this
6 Act shall be renewed annually as determined by the board. There
7 shall be an annual renewal fee, in the amount to be determined from
8 time to time by the board, not to exceed fifty dollars.

9 2. In addition to the certificates and licenses, permits to engage in
10 the practice of public accounting in this state shall be issued by the
11 board to holders of the certificate of certified public accountant in
12 force and effect as specified in subsection one (1) of this section, upon
13 payment of the fees, as follows:

14 a. Persons holding the certificate of certified public accountant on
15 the effective date of this Act and who have had three years' continu-
16 ous practical accounting experience as a public accountant or a staff
17 accountant, or three years' continuous employment as a field examiner
18 under a revenue agent-in-charge of the income tax bureau of the
19 treasury department of the United States, or as a field examiner in
20 the office of the auditor of state, office of the state comptroller,
21 department of revenue, or the insurance department, of this state,
22 or a bank examiner employed by the department of banking of this
23 state pursuant to section five hundred twenty-four point two hundred
24 eight (524.208) of the Code, shall be issued permits by the board.

25 b. Persons holding the certificate of certified public accountant
26 under the provisions of section five (5) of this Act who are high
27 school graduates and who have had three years' continuous experi-
28 ence under the direct supervision of a certified public accountant
29 holding a current permit to practice, which experience must include
30 a significant amount of accounting work involving third party reli-
31 ance on the financial statements, shall be issued permits by the board.
32 The experience required in section five (5), subsection four (4), of
33 this Act shall be counted as the experience required in this paragraph.

34 c. Persons holding the certificate of certified public accountant
35 under the provisions of section five (5) of this Act who have a bac-
36 calaureate degree conferred by a college or university recognized by
37 the board with a concentration in accounting, or what the board deter-
38 mines to be substantially the equivalent of an accounting concentra-
39 tion including related courses in other areas of business administra-
40 tion, and who have had at least two years of experience in the practice
41 of public accounting, such experience being acceptable to the board,
42 shall be issued permits by the board.

43 d. Persons holding the certificate of certified public accountant
 44 under the provisions of section five (5) of this Act who have a bac-
 45 calaureate degree conferred by a college or university recognized by
 46 the board and not less than thirty semester credit hours additional
 47 study, the total educational program to include an accounting concen-
 48 tration or its equivalent and such related subjects as the board deter-
 49 mines to be appropriate, and who have had at least one year of experi-
 50 ence in the practice of public accounting such experience being accept-
 51 able to the board, shall be issued permits by the board.

52 e. All offices of a holder of a certificate of certified public account-
 53 ant shall be maintained and registered as required under section nine-
 54 teen (19) of this Act.

55 3. Permits to engage in the practice of public accounting in this
 56 state shall also be issued by the board to persons, partnerships, and
 57 corporations registered under sections six (6), seventeen (17) and
 58 eighteen (18) of this Act if all offices of the registrant are maintained
 59 and registered as required under section nineteen (19) of this Act.

60 4. There shall be a biennial permit fee in an amount to be deter-
 61 mined, from time to time, by the board, payable by certified public
 62 accountants, public accountants, and accounting practitioners engaged
 63 in practice in this state. No fee shall be charged for the renewal of a
 64 partnership or corporation permit to practice. All permits shall expire
 65 annually as determined by the board.

66 5. No person, firm or corporation shall practice as a certified public
 67 accountant, public accountant, or accounting practitioner without a
 68 permit.

69 6. The board shall prescribe continuing education requirements for
 70 all certified public accountants and accounting practitioners holding
 71 permits and all other certified public accountants and accounting prac-
 72 titioners working under permits to engage in the practice of public
 73 accounting in this state and compliance by certified public accountants
 74 and accounting practitioners shall be a condition precedent to the
 75 renewal of a permit to practice under this section.

76 7. A person who fails to renew his permit to practice as a certified
 77 public accountant by the expiration date shall be allowed to do so
 78 within thirty days following its expiration, but the board may assess
 79 a reasonable penalty.

1 SEC. 21. NEW SECTION. Causes for revocation, suspension, or
 2 refusal to renew. After notice and hearing as provided in section
 3 twenty-three (23) of this Act, the board may revoke or may suspend
 4 for a period not to exceed two years, any certificate issued under sec-
 5 tion five (5) of this Act, or any registration granted under section
 6 six (6) of this Act, or any license issued under section seven (7) or
 7 eight (8) of this Act, or may revoke, suspend, or refuse to renew any
 8 permit issued under section twenty (20) of this Act, or may censure
 9 the holder of any such permit, for any one or any combination of the
 10 following causes:

11 1. The certificate, permit, or license shall be permanently revoked
 12 if fraud or deceit was used in obtaining a certificate as a certified
 13 public accountant, registration as a public accountant, or a license as
 14 an accounting practitioner, or in obtaining a permit to practice public
 15 accounting under this Act.

- 16 2. Dishonesty, fraud, or gross negligence in the practice of public
17 accounting.
- 18 3. Violation of any of the provisions of section twenty-five (25) of
19 this Act.
- 20 4. Violation of a rule of professional conduct promulgated by the
21 board under the authority granted by this Act.
- 22 5. Conviction of a felony under the laws of any state or of the
23 United States.
- 24 6. Engaging in any activity prohibited under section three (3) of
25 this Act or permitting persons associated with him who are under his
26 supervision to do so.
- 27 7. Conviction of any crime, an element of which is dishonesty or
28 fraud, under the laws of any state or of the United States.
- 29 8. Cancellation, revocation, suspension, or refusal to renew the
30 authority to practice as a certified public accountant, a public ac-
31 countant, or an accounting practitioner by any other state, for any
32 cause other than failure to pay appropriate fees in the other state.
- 33 9. Suspension or revocation of the right to practice before any state
34 or federal agency.
- 35 10. Failure of a certificate holder, registrant, or licensee to obtain
36 a renewal of his certificate, registration, or license under section
37 twenty (20), subsection one (1) of this Act.
- 38 11. Conduct discreditable to the public accounting profession.

1 **SEC. 22. NEW SECTION. Revocation, suspension, and refusal to**
2 **renew registration and permit of partnership or corporation.** After
3 notice and hearing as provided in section twenty-three (23) of this
4 Act, the board shall revoke the registration and permit to practice of
5 a partnership or corporation if at any time it does not possess the
6 qualifications prescribed by the section of this Act under which it
7 qualified for registration.

8 After notice and hearing as provided in section twenty-three (23)
9 of this Act, the board may revoke or suspend the registration of a
10 partnership or corporation, or may revoke, suspend, or refuse to
11 renew its permit to practice or may censure the holder of any such
12 permit for any of the following additional causes:

13 1. The revocation or suspension of the certificate, registration, or
14 license or the revocation or suspension or refusal to renew the permit
15 to practice of any partner, officer, or shareholder.

16 2. The cancellation, revocation, suspension, or refusal to renew the
17 authority of the partnership or corporation, or any partner, officer,
18 or shareholder thereof to practice public accounting in any other state
19 for any cause other than failure to pay appropriate fees in such other
20 state.

1 **SEC. 23. NEW SECTION. Notice and hearing.** 1. The board may
2 initiate proceedings under this Act either on its own motion or on the
3 complaint of any person.

4 2. A written notice stating the nature of the charge or charges
5 against the accused and the time and place of the hearing before the
6 board on such charges shall be served on the accused not less than
7 thirty days prior to the date of hearing either personally or by mail-
8 ing a copy by registered mail to the last known address of the accused.

9 3. If, after having been served with the notice of hearing, the
10 accused fails to appear at the hearing and defend himself, the board
11 may proceed to hear evidence against him and may enter such order
12 as is justified by the evidence, which order shall be final unless the
13 accused petitions for its review as provided in this section. However,
14 within thirty days from the date of any order, upon a showing of good
15 cause for failing to appear and defend, the board may reopen the pro-
16 ceedings and may permit the accused to submit evidence in his
17 defense.

18 4. At any hearing the accused may appear in person and by coun-
19 sel, produce evidence and witnesses on his own behalf, cross-examine
20 witnesses, and examine evidence which is produced against him. A
21 corporation may be represented before the board by counsel, or by
22 shareholder who is a certified public accountant, public accountant,
23 or accounting practitioner of this state in good standing. The accused
24 shall be entitled, on application to the board, to the issuance of sub-
25 poenas to compel the attendance of witnesses on his behalf.

26 5. Any member of the board may issue subpoenas to compel the
27 attendance of witnesses and the production of documents, and may
28 administer oaths, take testimony, hear proofs, and receive exhibits
29 in evidence in connection with or upon hearing under this Act.

30 In case of disobedience to a subpoena the board may invoke the aid
31 of any court of this state in requiring the attendance and testimony
32 of witnesses and the production of documentary evidence.

33 6. The board shall not be bound by technical rules of evidence.

34 7. A stenographic record of the hearings shall be kept and a tran-
35 script thereof filed with the board.

36 8. At all hearings, the attorney general of this state, or one of his
37 assistants designated by him, or such other legal counsel as may be
38 employed, shall appear and represent the board.

39 9. The decision of the board shall be by majority vote of its mem-
40 bers.

41 10. Anyone adversely affected by an order of the board may obtain
42 a review of that order by filing a written petition for review with the
43 district court within thirty days after the entry of the order. The
44 petition shall state the grounds upon which the review is asked and
45 shall pray that the order of the board be modified or set aside in whole
46 or in part. A copy of the petition shall be immediately served upon
47 any member of the board and the board shall then certify and file in
48 the court a transcript of the record upon which the order complained
49 of was entered.

50 The case shall then be tried de novo on the record made before the
51 board without the introduction of new or additional evidence but the
52 parties shall be permitted to file briefs as in an ordinary case at law.

53 The court may affirm, modify, or set aside the board's order in
54 whole or in part, or may remand the case to the board for further
55 evidence, and may, in its discretion, stay the effect of the board's
56 order pending its determination of the case.

57 The court's decision shall have the force and effect of a decree in
58 equity.

1 **SEC. 24. NEW SECTION. Issuance of new certificate or permit.**
2 Upon application in writing and after hearing pursuant to notice, the
3 board may issue a new certificate to a certified public accountant

4 whose certificate has been revoked, or may permit the reregistration
5 of anyone whose registration has been revoked, or may issue a new
6 license to an accounting practitioner whose license has been revoked,
7 or may reissue or modify the suspension of any permit to practice
8 public accounting which has been revoked or suspended.

1 **SEC. 25. NEW SECTION. Use of title.** 1. No person shall assume
2 or use the title or designation "certified public accountant" or the
3 abbreviation "CPA" or any other title, designation, words, letters,
4 abbreviation, sign, card, or device tending to indicate that the person
5 is a certified public accountant, unless the person has received and
6 holds a valid certificate as a certified public accountant under section
7 five (5) of this Act. However, a foreign accountant who has reg-
8 istered under the provisions of section seventeen (17) of this Act
9 may use the title under which he is generally known in his country,
10 followed by the name of the country from which he received his cer-
11 tificate, license, or degree.

12 2. No partnership or corporation shall assume or use the title or
13 designation "certified public accountant" or the abbreviation "CPA"
14 or any other title, designation, words, letters, abbreviation, sign,
15 card, or device tending to indicate that the partnership or corporation
16 is composed of certified public accountants unless the partnership or
17 corporation is registered as a partnership of certified public account-
18 ants under section eighteen (18) of this Act, holds a current permit
19 issued under section twenty (20) of this Act, and all offices of such
20 partnership or corporation in this state for the practice of public
21 accounting are maintained and are registered as required under sec-
22 tion nineteen (19) of this Act.

23 3. No person shall assume or use the title or designation "public
24 accountant" or any other title, designation, words, letters, abbrevia-
25 tion, sign, card, or device tending to indicate that such person is a
26 public accountant, unless such person is registered as a public
27 accountant under section six (6) of this Act, or unless such person
28 has received a certificate as a certified public accountant under section
29 five (5) of this Act.

30 4. No partnership or corporation shall assume or use the title or
31 designation "public accountant" or any other title, designation,
32 words, letters, abbreviation, sign, card, or device tending to indicate
33 that such partnership or corporation is composed of public account-
34 ants, unless such partnership or corporation is registered as a part-
35 nership or corporation of public accountants under section six (6)
36 of this Act, or as a partnership or corporation of certified public
37 accountants under section eighteen (18) of this Act.

38 5. No person shall assume or use the title or designation "account-
39 ing practitioner" or the abbreviation "AP" or any other title, desig-
40 nation, words, letters, abbreviation, sign, card, or device tending to
41 indicate that the person is a licensed accounting practitioner, unless
42 the person has received and holds a license as an accounting practi-
43 tioner issued under either section seven (7) or eight (8) of this Act.

44 6. No partnership or corporation shall assume or use the title or
45 designation "accounting practitioner" or the abbreviation "AP" or
46 any other title, designation, words, letters, abbreviation, sign, card,
47 or device, tending to indicate that the partnership or corporation is
48 composed of licensed accounting practitioners unless the partnership

49 or corporation under section eighteen (18) of this Act holds a permit
50 issued under section twenty (20) of this Act, and all offices of the
51 partnership or corporation in this state are maintained and are reg-
52 istered as required under section nineteen (19) of this Act.

53 7. No person, partnership, or corporation shall assume or use the
54 title or designation "certified accountant", "chartered accountant",
55 "enrolled accountant", "licensed accountant", "registered account-
56 ant", or any other title or designation likely to be confused with
57 "certified public accountant" or "public accountant" or any of the
58 abbreviations "CA", "PA", "EA", "RA", or "LA", or similar abbrevi-
59 ations, likely to be confused with "CPA". However, a foreign
60 accountant registered under section seventeen (17) of this Act may
61 use the title under which he is generally known in his country, fol-
62 lowed by the name of the country from which he received his certifi-
63 cate, license, or degree. Nothing in this subsection shall prohibit the
64 use of the title or designation "accountant" by persons other than
65 those holding a current permit issued under section twenty (20) of
66 this Act.

67 8. No person shall sign or affix his name or any trade or assumed
68 name used by him in his profession or business, to any opinion
69 attesting to the reliability of any representation in regard to any per-
70 son or organization embracing either financial information or facts
71 respecting compliance with conditions established by law or con-
72 tract, including but not limited to statutes, ordinances, regulations,
73 grants, loans and appropriations, unless he holds a current permit
74 issued under section twenty (20) of this Act, and all of his offices in
75 this state for the practice of public accounting are maintained and
76 registered under section nineteen (19) of this Act. However, the
77 provisions of this subsection shall not prohibit any officer, employee,
78 partner, or principal of any organization from affixing his signature
79 to any statement or report in reference to the financial affairs of
80 said organization with any wording designating the position, title,
81 or office which he holds in the organization, nor shall the provisions
82 of this subsection prohibit any act of a public official or public
83 employee in the performance of his duties.

84 9. No person shall sign or affix a partnership or corporation name
85 to any opinion attesting to the reliability of any representation in
86 regard to any person or organization embracing financial informa-
87 tion or facts respecting compliance with conditions established by
88 law or contract, including but not limited to statutes, ordinances,
89 regulations, grants, loans and appropriations, unless the partnership
90 or corporation holds a current permit issued under section twenty
91 (20) of this Act and all of its offices in this state for the practice of
92 certified public accounting are maintained and registered as
93 required under section nineteen (19) of this Act.

94 10. No person shall assume or use the title or designation "certi-
95 fied public accountant" or "public accountant" in conjunction with
96 names indicating or implying that there is a partnership or corpora-
97 tion or in conjunction with the designation "and company", and "and
98 co." or a similar designation, if in any such case, there is in fact no
99 bona fide partnership or corporation registered under section six (6)
100 or eighteen (18) of this Act; however, a sole proprietor or partner-
101 ship lawfully using such title or designation on the effective date of

102 this Act, may continue to do so if he otherwise complies with the
103 provisions of this Act.

1 **SEC. 26. NEW SECTION. Employees of accountants.** Nothing con-
2 tained in this Act shall prohibit any person not a certified public
3 accountant, public accountant, or accounting practitioner from serv-
4 ing as an employee of, or an assistant to, a certified public account-
5 ant, public accountant, or accounting practitioner, or partnership or
6 corporation composed of certified public accountants, public account-
7 ants, or accounting practitioners, holding a permit to practice issued
8 under section twenty (20) of this Act or a foreign accountant reg-
9 istered under section seventeen (17) of this Act; however, such
10 employee or assistant shall not issue any accounting or financial state-
11 ment over his name.

1 **SEC. 27. NEW SECTION. Temporary residence.** Nothing contained
2 in this Act shall prohibit a certified public accountant of another
3 state, or accounting practitioner, or similar title, or any accountant
4 who holds a certificate, degree, or license in a foreign country, con-
5 stituting a recognized qualification for the practice of public account-
6 ing in such country, from temporarily and periodically practicing in
7 this state, if he is conducting a regular practice in such other state
8 or foreign country; however, such temporary practice shall be con-
9 ducted in conformity with the requirements of this Act and the regu-
10 lations and rules promulgated by the board.

1 **SEC. 28. NEW SECTION. Violation of use of title.** Whenever in
2 the judgment of the board any person has engaged, or is about to
3 engage, in any acts or practices which constitute, or will constitute
4 a violation of section twenty-five (25) of this Act, the board may
5 make application to the appropriate court for an order enjoining such
6 acts or practices, and upon a showing by the board that such person
7 has engaged, or is about to engage, in any such acts or practices, an
8 injunction, restraining order, or such other order as may be appro-
9 priate shall be granted by the court without bond.

1 **SEC. 29. NEW SECTION. Penalty.** Any person who violates any
2 provisions of section twenty-five (25) of this Act shall be guilty of a
3 misdemeanor, and upon conviction, shall be subject to a fine of not
4 more than five hundred dollars, or to imprisonment for not more than
5 one year, or to both such fine and imprisonment.

6 Whenever the board has reason to believe that any person is liable
7 to punishment under this section, it may certify the facts to the
8 attorney general of this state, or to the county attorney of the county
9 where the person maintains a business office, who may, in his dis-
10 cretion, cause appropriate charges to be filed.

1 **SEC. 30. NEW SECTION. Competent evidence.** The display or
2 uttering by a person of a card, sign, advertisement, or other printed,
3 engraved, or written, instrument or device, bearing a person's name
4 in conjunction with the words "certified public accountant", "public
5 accountant", or "accounting practitioner", or any abbreviation
6 thereof shall be competent evidence in any action brought before sec-
7 tions twenty-eight (28) or twenty-nine (29) of this Act that the
8 person whose name is displayed, caused or procured the display or

9 uttering of such card, sign, advertisement, or other printed, en-
 10 graved, or written instrument or device, and that such person is
 11 holding himself out to be a certified public accountant, a public
 12 accountant, or an accounting practitioner registered under section
 13 twenty (20) of this Act.

14 In any such action evidence of the commission of a single act pro-
 15 hibited by this Act shall be sufficient to justify an injunction or a
 16 conviction without evidence of a general course of conduct.

1 SEC. 31. **NEW SECTION. Ownership or transfer of records.** All
 2 statements, records, schedules, working papers, and memoranda
 3 made by a certified public accountant, public accountant, or account-
 4 ing practitioner incident to or in the course of professional service to
 5 clients by such accountant, except reports submitted by a certified
 6 public accountant, public accountant, or accounting practitioner to a
 7 client, shall be and remain the property of such accountant in the
 8 absence of an express agreement between such accountant and the
 9 client to the contrary.

10 No such statement, record, schedule, working paper, or memo-
 11 randa, shall be sold, transferred, or bequeathed, without the consent
 12 of the client or his personal representative or assignee, to anyone
 13 other than one or more surviving partners or new partners of the
 14 accountant or to his corporation.

1 SEC. 32. Chapter one hundred sixteen (116), Code 1973, is re-
 2 pealed.

1 SEC. 33. The provisions of this Act shall become effective on
 2 July 1, 1975.

Approved June 3, 1974

CHAPTER 1130

BREWERY TAX REBATE

H. F. 1243

AN ACT providing a rebate on the barrel tax for each barrel of beer produced in Iowa by an Iowa-based brewery producing less than fifty thousand barrels annually, and providing an appropriation therefor.

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

1 SECTION 1. Chapter one hundred twenty-three (123), Code 1973,
 2 is amended by adding the following new section:

3 **NEW SECTION. Barrel tax rebate.**

4 1. Any class "A" permittee which owns and operates a brewery
 5 located in Iowa and which manufactures less than fifty thousand bar-
 6 rels annually is entitled to and may apply for the barrel tax rebate
 7 provided in subsection two (2) of this section. Any person which,
 8 together with all other persons controlling, controlled by, or under
 9 common control with such person, manufactures a total of fifty thou-
 10 sand or more barrels annually, at one or more locations within or
 11 without Iowa, shall not be eligible for this rebate.

12 2. Upon application a class "A" permittee qualified under subsection
 13 one (1) of this section shall receive a rebate of fifty percent of the
 14 barrel tax paid by the permittee pursuant to this chapter for each
 15 barrel manufactured in this state. The rebate shall not apply to any
 16 penalty paid.

17 3. The rebate provided in subsection two (2) of this section shall be
 18 payable after the tenth day of January of the year in which applica-
 19 tion is received and the amount paid shall consist of the rebate due for
 20 manufacture during the preceding calendar year.

1 SEC. 2. The rebate provided by this Act shall apply only to barrel
 2 tax paid for beer manufactured after June 30, 1974.

1 SEC. 3. There is appropriated from the general fund of the state
 2 not otherwise appropriated, a sum sufficient to pay the barrel tax
 3 rebate provided by this Act.

Approved May 27, 1974

CHAPTER 1131

ALCOHOLISM DIVISION

S. F. 1354

AN ACT relating to the establishment of a division on alcoholism and the Iowa commis-
 sion on alcoholism, providing for a comprehensive program for the treatment, edu-
 cation, and rehabilitation of alcoholics in Iowa and making an appropriation.

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

1 SECTION 1. NEW SECTION. **Declaration of policy.** It is the pol-
 2 icy of this state that alcoholics and intoxicated persons be directed
 3 into and afforded the opportunity to receive treatment which will
 4 help them lead normal lives as productive members of society, and
 5 that criminal prosecution for the consumption of alcoholic beverages
 6 be kept at a minimum and that treatment for the protection of intoxi-
 7 cated and other persons be emphasized and increased.

1 SEC. 2. NEW SECTION. **Definitions.** For purposes of this Act,
 2 unless the context clearly indicates otherwise:

3 1. "Alcoholic" means a person who habitually lacks self-control as
 4 to the use of alcoholic beverages, or uses alcoholic beverages to the
 5 extent that his health is substantially impaired or endangered or that
 6 his social or economic function is substantially disrupted.

7 2. "Facility" means a hospital, institution, detoxification center, or
 8 installation providing care, maintenance, and treatment for alcoholics
 9 and approved by the director under section thirteen (13) of this Act.

10 3. "Commissioner" means the commissioner of public health.

11 4. "Department" means the state department of health.

12 5. "Division" means the division on alcoholism established in sec-
 13 tion three (3) of this Act.

14 6. "Director" means the director of the Iowa division on alcohol-
 15 ism.

16 7. "Commission" means the Iowa commission on alcoholism within
17 the division.

18 8. "Alcoholism service unit" means a unit established under section
19 twenty-two (22) of this Act.

20 9. "Incapacitated by alcohol" means that a person, as a result of
21 the use of alcohol, is unconscious or has his judgment otherwise so
22 impaired that he is incapable of realizing and making a rational deci-
23 sion with respect to his need for treatment.

24 10. "Incompetent person" means a person who has been adjudged
25 incompetent by a court of law.

26 11. "Intoxicated person" means a person whose mental or physical
27 functioning is substantially impaired as a result of the use of alcohol.

28 12. "Treatment" means the broad range of emergency, outpatient,
29 intermediate, and inpatient services and care, including diagnostic
30 evaluation, medical, nursing, psychiatric, psychological, and social
31 service care, vocational rehabilitation and career counseling, which
32 may be extended to alcoholics and intoxicated persons.

1 SEC. 3. NEW SECTION. **Establishment.** There is established
2 within the state department of health a division on alcoholism which
3 shall develop, implement, and administer a comprehensive alcoholism
4 program pursuant to sections one (1) through thirty-three (33) of
5 this Act. There is established within the division a commission on
6 alcoholism to establish policies governing the performance of the
7 division in the discharge of duties imposed on it by this Act. The
8 commission shall consist of nine members appointed by the governor.
9 Appointments shall be made on the basis of interest in and knowledge
10 of alcoholism. All members shall be electors of the state of Iowa and
11 no more than five members shall belong to the same political party.
12 No member shall be a director of a local or regional alcoholism center.

1 SEC. 4. NEW SECTION. **Terms of office.** Commission members
2 shall be appointed to terms of four years, except that initial appoint-
3 ments to the membership of the commission shall be staggered so
4 that four members shall be appointed to terms of two years and five
5 members shall be appointed to terms of four years. Terms of office
6 shall commence on the first day of July of the year of appointment.
7 Vacancies occurring during a term of office shall be filled for the
8 balance of the unexpired term in the manner of original appointment.
9 No member shall be appointed to serve more than two consecutive
10 four-year terms.

1 SEC. 5. NEW SECTION. **Meetings.** The commission shall organ-
2 ize annually and shall select from its membership a chairman and a
3 vice chairman. The commission shall meet at least six times a year.
4 Other meetings shall be called by the chairman or upon written re-
5 quest of a majority of the members of the commission. The chairman
6 shall preside at all meetings or in his absence the vice chairman shall
7 preside. Five members of the commission shall constitute a quorum
8 but the concurrence of a majority of the commission shall be re-
9 quired to determine any matter relating to its duties.

1 SEC. 6. NEW SECTION. **Compensation.** Each member of the
2 Iowa commission on alcoholism shall receive forty dollars per day
3 for each day spent in performance of the duties of the commission.

4 Each member shall also receive his actual necessary expenses in-
5 curred in the performance of his duties.

1 SEC. 7. NEW SECTION. **Duties of the commission.** The com-
2 mission shall:

3 1. Act as the sole agency to allocate state, federal, and private
4 funds which are appropriated or granted to, or solicited by the divi-
5 sion.

6 2. Approve the comprehensive alcoholism program developed by
7 the division pursuant to sections one (1) through thirty-three (33)
8 of this Act.

9 3. Establish policies governing the performance of the division in
10 the discharge of any duties imposed on it by law.

11 4. Establish policies governing the performance of the director in
12 the discharge of his duties.

13 5. Advise or make recommendations to the governor and the gen-
14 eral assembly relative to alcoholism treatment programs in this state.

15 6. Promulgate rules necessary to carry out the provisions of this
16 Act, subject to review in accordance with the provisions of chapter
17 seventeen A (17A) of the Code.

18 7. Investigate the work of the division, and for this purpose it shall
19 have access at any time to all books, papers, documents, and records
20 of the division.

21 8. Submit to the governor an annual report covering the activities
22 of the division.

1 SEC. 8. NEW SECTION. **Director.** A director shall be appointed
2 by the commission with the approval of the commissioner. Notwith-
3 standing the provisions of section nineteen A point three (19A.3) of
4 the Code, the director of the division shall be subject to the state
5 merit system. The director shall be a qualified person who has train-
6 ing or experience in handling alcohol problems and the ability to
7 organize and otherwise supervise delivery systems providing treat-
8 ment services to persons suffering from alcoholism problems. The
9 director shall represent the department at meetings of the commis-
10 sion and shall serve as secretary to the commission.

1 SEC. 9. NEW SECTION. **Powers of director.** The director may:

2 1. Plan, establish, and maintain treatment programs as necessary
3 or desirable with the approval of the commission.

4 2. Make contracts necessary or incidental to the performance of
5 his duties and the execution of his powers, including contracts with
6 public and private agencies, organizations, and individuals to pay
7 them for services rendered or furnished to alcoholics or intoxicated
8 persons.

9 3. Solicit and accept for use any gift of money or property made
10 by will or otherwise, and any grant of money, services, or property
11 from the federal government, the state, or any political subdivision
12 thereof or any private source, and do all things necessary to co-
13 operate with the federal government or any of its agencies and the
14 commission in making an application for any grant.

15 4. Coordinate the activities of the division and cooperate with al-
16 choolism programs in this and other states, and make contracts and
17 other joint or cooperative arrangements with state, local, or private

18 agencies in this and other states for the treatment of alcoholics and
19 intoxicated persons and for the common advancement of alcoholism
20 programs.

21 5. Keep records and engage in research and the gathering of rele-
22 vant statistics.

23 6. Employ staff necessary to carry out the duties assigned to him.

24 7. Do other acts and things necessary or convenient to execute the
25 authority expressly granted to him.

1 SEC. 10. NEW SECTION. **Duties of director.** The director shall:

2 1. Prepare and submit a state plan subject to approval by the com-
3 mission and in accordance with the provisions of title forty-two
4 (XLII), United States Code, section four thousand five hundred
5 seventy-three (4573). The state plan shall designate the division as
6 the sole agency for supervising the administration of the plan and
7 may provide for the appointment of a citizens advisory council on
8 alcoholism.

9 2. Develop, encourage, and foster statewide, regional, and local
10 plans and programs for the prevention of alcoholism and the treat-
11 ment of alcoholics and intoxicated persons in cooperation with public
12 and private agencies, organizations, and individuals, and provide
13 technical assistance and consultation services for these purposes.

14 3. Coordinate the efforts and enlist the assistance of all public and
15 private agencies, organizations, and individuals interested in the pre-
16 vention of alcoholism and the treatment of alcoholics and intoxicated
17 persons.

18 4. Cooperate with the department of social services in establishing
19 and conducting programs to provide treatment for alcoholics and
20 intoxicated persons.

21 5. Cooperate with the department of public instruction, boards of
22 education, schools, police departments, courts, and other public and
23 private agencies, organizations and individuals in establishing pro-
24 grams for the prevention of alcoholism and the treatment of alco-
25 holics and intoxicated persons, and in preparing curriculum materials
26 thereon for use at all levels of school education.

27 6. Prepare, publish, evaluate, and disseminate educational material
28 dealing with the nature and effects of alcohol.

29 7. Develop and implement, as an integral part of treatment pro-
30 grams, an educational program for use in the treatment of alcoholics
31 and intoxicated persons, which program shall include the dissemina-
32 tion of information concerning the nature and effects of alcohol.

33 8. Organize and foster training programs for all persons engaged
34 in treatment of alcoholics and intoxicated persons.

35 9. Sponsor and encourage research into the causes and nature of
36 alcoholism and treatment of alcoholics and intoxicated persons, and
37 serve as a clearing house for information relating to alcoholism.

38 10. Specify uniform methods for keeping statistical information by
39 public and private agencies, organizations, and individuals, and col-
40 lect and make available relevant statistical information, including
41 number of persons treated, frequency of admission and readmission,
42 and frequency and duration of treatment.

43 11. Advise the commission and the governor in the preparation of
44 a comprehensive plan for treatment of alcoholics and intoxicated
45 persons for inclusion in the state's comprehensive health plan.

46 12. Assist in the development of, and cooperate with, alcohol edu-
47 cation and treatment programs for employees of state and local
48 governments and businesses and industries in the state.

49 13. Utilize the support and assistance of interested persons in the
50 community, particularly recovered alcoholics, to encourage alcoholics
51 to voluntarily undergo treatment.

52 14. Cooperate with the commissioner of public safety in establish-
53 ing and conducting programs designed to deal with the problem of
54 persons operating motor vehicles while intoxicated.

55 15. Encourage general hospitals and other appropriate health facil-
56 ities to admit without discrimination alcoholics and intoxicated per-
57 sons and to provide them with adequate and appropriate treatment.

58 16. Encourage all health and disability insurance programs to in-
59 clude alcoholism as a covered illness.

60 17. Review all state health, welfare, and treatment plans to be sub-
61 mitted for federal funding under federal legislation, and advise the
62 governor on provisions to be included relating to alcoholism and
63 intoxicated persons.

1 **SEC. 11. NEW SECTION. Citizens advisory council on alcoholism.**

2 If the state plan submitted pursuant to section ten (10), subsection
3 one (1) of this Act provides for a citizens advisory council on alco-
4 holism, the council shall be composed of fifteen members appointed by
5 the governor. Members shall serve for overlapping terms of three
6 years each; one third of the members first appointed shall be ap-
7 pointed for one, two, and three-year terms respectively. Members
8 shall have professional, research, or personal interest in alcoholism
9 problems. Upon appointment, the council shall meet at least once
10 every three months and report on its activities and make recommen-
11 dations to the commission at least once a year.

12 The council shall advise the commission on broad policies, goals,
13 and operation of the alcoholism program and on other matters the
14 commission refers to it, and shall encourage public understanding
15 and support of the alcoholism program.

16 Members of the council shall serve without compensation but shall
17 receive reimbursement for travel and other necessary expenses actu-
18 ally incurred in the performance of their duties.

1 **SEC. 12. NEW SECTION. Comprehensive program for treatment**
2 **—regional facilities.**

3 1. The commission shall establish a comprehensive and coordinated
4 program for the treatment of alcoholics and intoxicated persons.
5 Subject to the approval of the commissioner, the director shall divide
6 the state into appropriate regions for the conduct of the program and
7 establish standards for the development of the program on the
8 regional level. In establishing the regions, consideration shall be
9 given to city, town, and county lines, population concentrations and
10 existing alcoholism treatment services. In determining the regions,
11 the director shall not be required to follow the regional map as pre-
12 pared by the office for planning and programming.

13 2. The program of the commission shall include:

14 a. Emergency treatment provided by a facility affiliated with or
15 part of the medical service of a general hospital.

16 b. Inpatient treatment.

- 17 c. Intermediate treatment.
 18 d. Outpatient and follow-up treatment.
 19 e. Prevention.
- 20 3. The director shall provide for adequate and appropriate treat-
 21 ment for alcoholics and intoxicated persons admitted under sections
 22 sixteen (16) through nineteen (19) of this Act. Treatment shall not
 23 be provided at a correctional institution except for inmates.
- 24 4. The director shall maintain, supervise, and control all facilities
 25 operated by him pursuant to this Act. The administrator of each
 26 facility shall make an annual report of the activities of the facility
 27 to the director in the form and manner the director specifies.
- 28 5. All appropriate public and private resources shall be coordinated
 29 with and utilized in the program if possible.
- 30 6. The director shall prepare, publish, and distribute annually a
 31 list of all facilities.
- 32 7. The director may contract for the use of a facility if the direc-
 33 tor, subject to the policies of the commission and pursuant to section
 34 one hundred twenty-three B point four (123B.4) of the Code, con-
 35 siders this to be an effective and economical course to follow.

1 **SEC. 13. NEW SECTION. Approval of facilities — enforcement**
 2 **procedures—penalties.**

- 3 1. The commission shall establish standards for treatment pro-
 4 grams and facilities. The standards may concern only the health
 5 standards to be met and minimum standards of treatment to be
 6 afforded patients. A person shall not operate a public or private
 7 alcoholism treatment facility or program until it is approved by the
 8 commission, except as provided in section fourteen (14) of this Act.
- 9 2. The director periodically shall inspect facilities and shall fix the
 10 fees to be charged for the inspection.
- 11 3. The director shall maintain a list of approved facilities.
- 12 4. Each facility shall file with the director on request, data, sta-
 13 tistics, schedules, and information the commission reasonably re-
 14 quires. A facility that without good cause fails to furnish any data,
 15 statistics, schedules, or information as requested, or files fraudulent
 16 returns thereof, shall be removed from the list of approved facilities.
- 17 5. The director may grant or, after holding a hearing, may sus-
 18 pend, revoke, limit, or restrict an approval, or refuse to grant an
 19 approval, for failure to meet the standards of the commission.
- 20 6. A district court judge may restrain any violation of this section,
 21 review any denial, restriction, or revocation of approval, and grant
 22 other relief required to enforce its provisions.
- 23 7. Upon petition of the director and after a hearing held upon rea-
 24 sonable notice to the facility, the district court may issue an order to
 25 an officer or employee of the division authorizing him to enter and
 26 inspect at reasonable times, and examine the books and accounts of,
 27 a facility refusing to consent to inspection or examination by the
 28 director or which the director has reasonable cause to believe is
 29 operating in violation of this Act.

1 **SEC. 14. NEW SECTION. Exceptions.** Approval of the director
 2 is not required for the operation of the following:

- 3 1. A hospital or alcoholic treatment facility under the control of
 4 the veterans administration or other federal agency.

5 2. The private practice of medicine and surgery or osteopathic
6 medicine and surgery. However, no program shall be exempted from
7 approval by the director by virtue of its utilization of the services
8 of a medical practitioner or a practitioner of osteopathic medicine
9 or surgery.

10 3. A private institution conducted by and for persons who adhere
11 to a religious faith or belief for the purpose of providing nonmedical
12 services to alcoholics, and who rely primarily on prayer or other
13 spiritual means for healing in the practice of their religion.

14 4. An agency, institution or program which, in the judgment of the
15 director, provides services which are only informational or educa-
16 tional in nature.

1 SEC. 15. NEW SECTION. **Acceptance for treatment—rules.** The
2 commission shall adopt and may amend and repeal rules for accep-
3 tance of persons into the treatment program, subject to the provisions
4 of chapter seventeen A (17A) of the Code, considering available
5 treatment resources and facilities, for the purpose of early and effec-
6 tive treatment of alcoholics and intoxicated persons. In establishing
7 the rules the commission shall be guided by the following standards:

8 1. If possible a patient shall be treated on a voluntary rather than
9 an involuntary basis.

10 2. A patient shall be initially assigned or transferred to outpatient
11 or intermediate treatment, unless he is found to require inpatient
12 treatment.

13 3. A person shall not be denied treatment solely because he has
14 withdrawn from treatment against medical advice on a prior occasion
15 or because he has relapsed after earlier treatment.

16 4. An individualized treatment plan shall be prepared and main-
17 tained on a current basis for each patient.

18 5. Provision shall be made for a continuum of coordinated treat-
19 ment services, so that a person who leaves a facility or a form of
20 treatment will have available and may utilize other appropriate
21 treatment.

1 SEC. 16. NEW SECTION. **Voluntary treatment of alcoholics.**

2 1. An alcoholic may apply for voluntary treatment directly to a
3 facility. If the proposed patient is a minor or an incompetent person,
4 he, a parent, a legal guardian, or other legal representative may make
5 the application.

6 2. Subject to rules adopted by the commission, the administrator in
7 charge of a facility may determine who shall be admitted for treat-
8 ment. If a person is refused admission, the administrator, subject to
9 rules adopted by the commission, shall refer the person to another
10 facility for treatment if possible and appropriate.

11 3. If a patient receiving inpatient care leaves a facility, he shall be
12 encouraged to consent to appropriate outpatient or intermediate
13 treatment. If it appears to the administrator in charge of the facility
14 that the patient is an alcoholic who requires help, the director may
15 arrange for assistance in obtaining supportive services and resi-
16 dential facilities.

17 4. If a patient leaves a facility, with or against the advice of the
18 administrator in charge of the facility, the director may make rea-
19 sonable provisions for his transportation to another facility or to his

20 home. If he has no home he shall be assisted in obtaining shelter.
21 If he is a minor or an incompetent person the request for discharge
22 from an inpatient facility shall be made by a parent, legal guardian,
23 or other legal representative or by the minor or incompetent if he
24 was the original applicant.

1 **SEC. 17. NEW SECTION. Treatment and services for intoxicated**
2 **persons and persons incapacitated by alcohol.**

3 1. An intoxicated person may come voluntarily to a facility for
4 emergency treatment. A person who appears to be intoxicated or
5 incapacitated by alcohol in a public place and in need of help may be
6 taken to a facility by a peace officer or the alcoholism service unit. If
7 the person refuses the proffered help, he may be arrested and charged
8 with intoxication.

9 2. If no facility is readily available the person may be taken to an
10 emergency medical service customarily used for incapacitated per-
11 sons. The peace officer or the alcoholism service unit, in detaining
12 the person and in taking him to a facility, is taking him into protec-
13 tive custody and shall make every reasonable effort to protect his
14 health and safety. In taking the person into protective custody, the
15 detaining officer may take reasonable steps to protect himself. A
16 taking into protective custody under this section is not an arrest and
17 no entry or other record shall be made to indicate that the person who
18 is taken into protective custody has been arrested or charged with a
19 crime.

20 3. A person who comes voluntarily or is brought to a facility shall
21 be examined by a licensed physician as soon as possible, but not later
22 than twelve hours after the person comes voluntarily or is brought
23 to the facility. He may then be admitted as a patient or referred to
24 another health facility. The referring facility shall arrange for his
25 transportation.

26 4. A person who by medical examination is found to be intoxicated
27 or incapacitated by alcohol at the time of his admission or is found to
28 have become incapacitated at any time after his admission, shall be
29 required to remain at the facility until he is no longer intoxicated or
30 incapacitated by alcohol, but no longer than three days from the time
31 of his admission as a patient unless he is committed under section
32 eighteen (18) of this Act. A person may consent to remain in the
33 facility as long as the physician in charge believes appropriate.

34 5. If a patient is admitted to a facility, his family or next of kin
35 shall be notified as promptly as possible. If an adult patient who is
36 not incapacitated requests that there be no notification, his request
37 shall be respected.

38 6. A peace officer or member of the alcoholism service unit who
39 acts in compliance with this section is acting in the course of his
40 official duty and is not criminally or civilly liable therefor, unless such
41 acts constitute willful malice or abuse.

42 7. If the physician in charge of the facility determines it is for the
43 patient's benefit, the patient shall be encouraged to agree to further
44 diagnosis and appropriate voluntary treatment.

1 **SEC. 18. NEW SECTION. Emergency commitment.**

2 1. An intoxicated person who has threatened, attempted, or in-
3 flicted physical harm on himself or another and is likely to inflict

4 physical harm on himself or another unless committed, or who is
5 incapacitated by alcohol, may be committed to a facility for emer-
6 gency treatment. A refusal to undergo treatment does not constitute
7 evidence of lack of judgment as to the need for treatment.

8 2. The certifying physician, spouse, guardian, or relative of the
9 person to be committed, or any other responsible person, may make
10 a written application for commitment under this section, directed to
11 the administrator of the facility. The application shall state facts to
12 support the grounds for commitment established in subsection one
13 (1) of this section.

14 3. Upon approval of the application by the administrator in charge
15 of the facility, the person shall be brought to the facility by a peace
16 officer, health officer, alcoholism service unit, the applicant for com-
17 mitment, the patient's spouse, the patient's guardian, or any other
18 interested person. The person shall be retained at the facility to
19 which he was admitted, or transferred to another facility, until dis-
20 charged under subsection five (5) of this section.

21 4. The administrator in charge of a facility shall refuse an appli-
22 cation if in his opinion the application and certificate fail to sustain
23 the grounds for commitment.

24 5. When on the advice of the medical staff the administrator deter-
25 mines that the grounds for commitment no longer exist, he shall
26 discharge a person committed under this section. No person com-
27 mitted under this section may be detained in any treatment facility for
28 more than five days. If a petition for involuntary commitment under
29 section nineteen (19) of this Act has been filed within the five days
30 and the administrator in charge of a facility finds that grounds for
31 emergency commitment still exist, he may detain the person until the
32 petition has been heard and determined, but no longer than ten days
33 after filing the petition.

34 6. A copy of the written application for commitment and a written
35 explanation of the person's right to counsel, shall be given to the
36 person within twenty-four hours after commitment by the admin-
37 istrator, who shall provide a reasonable opportunity for the person
38 to consult counsel.

1 **SEC. 19. NEW SECTION. Involuntary commitment of alcoholics.**

2 1. A person may be committed to the custody of the division by the
3 district court upon the petition of his spouse or guardian, a relative,
4 the certifying physician, or the administrator in charge of a facility.
5 The petition shall allege that the person is an alcoholic who habit-
6 ually lacks self-control as to the use of alcoholic beverages, and (a)
7 that he has threatened, attempted, or inflicted physical harm on
8 another and that he is likely to inflict physical harm on himself or
9 another unless committed; or (b) that he is incapacitated by alcohol.
10 A refusal to undergo treatment does not constitute evidence of lack
11 of judgment as to the need for treatment. The petition shall be
12 accompanied by a certificate of a licensed physician who has examined
13 the person within two days before submission of the petition, unless
14 the person whose commitment is sought has refused to submit to a
15 medical examination or was unavailable for examination, in which
16 case the fact of refusal or unavailability shall be alleged in the peti-
17 tion. The certificate shall set forth the physician's findings in support
18 of the allegations of the petition. A physician employed by the

19 admitting facility or the division is not eligible to be the certifying
20 physician.

21 2. Upon the filing of the petition, the court shall fix a date for a
22 hearing no later than ten days after the date the petition was filed.
23 A copy of the petition and the notice of hearing shall be served in the
24 manner of an original notice on the person whose commitment is
25 sought and upon a parent or legal guardian if the person is a minor.
26 A copy of the petition and the notice of hearing shall be mailed or
27 delivered in the manner provided for motions in civil cases to the
28 petitioner, the next of kin of the person other than the petitioner,
29 the administrator of the facility to which the person has been com-
30 mitted for emergency care, and any other person the court believes
31 should receive copies. A petition shall have attached a copy of the
32 certificate specified in this section.

33 3. At the hearing the court shall hear all relevant testimony, in-
34 cluding, if possible, the testimony of at least one licensed physician
35 who has examined the person whose commitment is sought. The
36 person shall be present unless the court believes that his presence is
37 likely to be injurious to him; in this event the court shall appoint a
38 guardian ad litem to represent him throughout the proceeding. The
39 court shall examine the person in open court, or if advisable, shall
40 examine the person out of court. If the person has refused to be
41 examined by a licensed physician, he shall be given an opportunity
42 to be examined by a court-appointed licensed physician. If he refuses
43 and there is sufficient evidence to believe that the allegations of the
44 petition are true, or if the court believes that more medical evidence
45 is necessary, the court may make a temporary order committing him
46 to the division for a period of not more than five days for purposes
47 of a diagnostic examination.

48 4. If after hearing all relevant evidence, including the results of
49 any diagnostic examination, the court finds that the allegations of the
50 petition have been established by clear and convincing proof, it shall
51 make an order of commitment to the division. It may not order com-
52 mitment of a person unless it determines that the division is able to
53 provide adequate and appropriate treatment for him and the treat-
54 ment is likely to be beneficial.

55 5. A person committed under this section shall remain in the cus-
56 tody of the division for treatment for a period of thirty days unless
57 sooner discharged. At the end of the thirty-day period, he shall be
58 discharged automatically unless the director before expiration of the
59 period petitions the court for an order for his recommitment upon the
60 grounds set forth in subsection one (1) of this section for a further
61 period not to exceed ninety days.

62 6. A person recommitment under subsection five (5) of this section
63 who has not been discharged by the division before the end of the
64 ninety-day period shall be discharged at the expiration of that period
65 unless the director, before expiration of the period, obtains a court
66 order on the grounds set forth in subsection one (1) of this section
67 for recommitment for a further period not to exceed ninety days.

68 7. Upon the filing of a petition for recommitment under subsec-
69 tions five (5) or six (6) of this section, the court shall fix a date for
70 hearing no later than ten days after the date the petition was filed.
71 A copy of the petition and the notice of hearing shall be served in the

72 manner of an original notice on the person whose commitment is
73 sought, and upon a parent or legal guardian if the person is a minor.
74 A copy of the petition and the notice of hearing shall be mailed or
75 delivered in the manner provided for motions in civil cases to the
76 petitioner, the next of kin of the person other than the petitioner, the
77 administrator of the facility to which the person has been committed
78 for emergency care, and any other person the court believes should
79 receive copies. A petition shall have attached a copy of the certifi-
80 cate specified in this section. At the hearing the court shall proceed
81 as provided in subsection three (3) of this section.

82 8. The director shall provide for adequate and appropriate treat-
83 ment of a person committed to the custody of the division. The direc-
84 tor may transfer any person committed to the custody of the division
85 from one facility to another if transfer is medically advisable, and if
86 notice is provided to the court of commitment, the counselor advocate,
87 and the spouse or next of kin of the person.

88 9. A person committed to the custody of the commission for treat-
89 ment shall be discharged at any time before the end of the period for
90 which he has been committed if either of the following conditions is
91 met:

92 a. In case of an alcoholic committed under paragraph a of subsec-
93 tion one (1) of this section, that he is no longer an alcoholic or the
94 likelihood no longer exists.

95 b. In case of an alcoholic committed under paragraph b of subsec-
96 tion one (1) of this section, that the incapacity no longer exists, that
97 further treatment will not be likely to bring about significant im-
98 provement in the person's condition, or that treatment is no longer
99 adequate or appropriate.

100 10. The court shall inform the person whose commitment or re-
101 commitment is sought of his right to contest the application, to be
102 represented by counsel at every stage of any proceedings relating to
103 his commitment and recommitment, and to have counsel appointed
104 by the court or provided by the court, if he wants the assistance of
105 counsel and is unable to obtain counsel. If the court believes that the
106 person needs the assistance of counsel, the court shall require, by
107 appointment if necessary, counsel for him regardless of his wishes.
108 The person whose commitment or recommitment is sought shall be
109 informed of his right to be examined by a licensed physician of his
110 choice. If the person is unable to obtain a licensed physician and
111 requests examination by a physician, the court shall employ a licensed
112 physician.

113 11. If the administrator of a private treatment facility consents to
114 the request of a competent patient or his parent, sibling, adult child,
115 or guardian to accept the patient for treatment, the administrator of
116 the public treatment facility may transfer him to the private treat-
117 ment facility.

118 12. A person committed under this Act may at any time seek to be
119 discharged from commitment by writ of habeas corpus.

120 13. The venue for proceedings under this section is the place in
121 which a person to be committed resides or is present.

1 SEC. 20. NEW SECTION. Records of alcoholics and intoxicated
2 persons.

3 1. The registration and other records of facilities shall remain con-
4 fidential and are privileged to the patient.

5 2. Notwithstanding subsection one (1) of this section, the director
6 may make available information from patients' records for purposes
7 of research into the causes and treatment of alcoholism. Information
8 under this subsection shall not be published in a way that discloses
9 patients' names or other identifying information.

1 **SEC. 21. NEW SECTION. Rights and privileges of patients.**

2 1. Subject to reasonable rules regarding hours of visitation which
3 the commission may adopt, a patient in a facility shall be granted an
4 opportunity for adequate consultation with counsel, and for continu-
5 ing contact with family and friends consistent with an effective treat-
6 ment program.

7 2. Neither mail nor other communication to or from a patient in a
8 facility may be intercepted, read, or censored, except that the com-
9 mission may adopt reasonable rules regarding the use of telephones
10 by patients in facilities and the delivery of controlled substances and
11 other intoxicants.

12 3. The patient shall be provided an opportunity to receive prompt
13 evaluation, emergency services and care as indicated by sound medical
14 practice, and treatment which, in the judgment of the chief medical
15 officer of a facility, is most likely to result in the individual's recovery
16 or in the mitigation of his condition to an extent sufficient to permit
17 his discharge from the facility.

1 **SEC. 22. NEW SECTION. Alcoholism service unit—establishment**
2 **—rules.**

3 1. The division, regional alcoholism centers, counties, and cities
4 may establish alcoholism service units. A unit consists of persons
5 trained to give assistance in the streets and in other public places to
6 persons who are intoxicated. Members of an alcoholism service unit
7 shall be capable of providing first aid in emergency situations and
8 shall transport intoxicated persons to their homes and to and from
9 facilities.

10 2. The commission shall adopt rules for the establishment, train-
11 ing, and conduct of alcoholism service units.

1 **SEC. 23. NEW SECTION. Criminal laws limitations.**

2 1. No county or city may adopt or enforce a local law, ordinance,
3 resolution, or rule having the force of law in contravention of the
4 provisions of this Act.

5 2. No county or city may interpret or apply any law of general
6 application to circumvent the provision of subsection one (1) of this
7 section.

8 3. Nothing in this Act affects any law, ordinance, resolution, or
9 rule against drunken driving, driving under the influence of alcohol,
10 or other similar offense involving the operation of a vehicle, aircraft,
11 boat, machinery, or other equipment, or regarding the sale, purchase,
12 dispensing, possessing, or use of alcoholic* beverages or beer at stated
13 times and places or by a particular class of persons.

*According to enrolled Act

1 **SEC. 24. NEW SECTION. Public information—adoption of rules—**
2 **availability of rules and orders.**

3 1. In addition to other rule-making requirements imposed by law,
4 the commission shall:

5 a. Adopt as a rule a description of the organization of the division,
6 stating the general course and method of the operations of the divi-
7 sion and methods whereby the public may obtain information or make
8 submissions or requests.

9 b. Adopt rules of practice setting forth the nature and require-
10 ments of all formal and informal procedures available, including a
11 description of all forms and instructions used by the director or his
12 office.

13 c. Make available for public inspection all rules and all other writ-
14 ten statements of policy or interpretations formulated, adopted, or
15 used by the director in the discharge of his functions.

16 d. Make available for public inspection all final orders, decisions,
17 and opinions.

18 2. No rule, order, or decision of the commission is effective against
19 any person or party, nor may it be invoked by the director for any
20 purpose, until it has been made available for public inspection as
21 herein required. This provision is not applicable in favor of any
22 person or party who has knowledge thereof.

1 **SEC. 25. NEW SECTION. Petition for adoption of rules.** An in-
2 terested person may petition the director requesting the adoption,
3 amendment, or repeal of a rule. The commission shall prescribe by
4 rule the form for petitions and the procedure for their submission,
5 consideration, and disposition. Within thirty days after submission
6 of a petition, the director either shall deny the petition in writing,
7 stating his reasons for the denials, or shall initiate rule-making pro-
8 ceedings in accordance with chapter seventeen A (17A) of the Code.

1 **SEC. 26. NEW SECTION. Contested cases — notice — hearing —**
2 **records.**

3 1. In a contested case, all parties shall be afforded an opportunity
4 for hearing after reasonable notice.

5 2. The notice shall include:

6 a. A statement of the time, place, and nature of the hearing.

7 b. A statement of the legal authority and jurisdiction under which
8 the hearing is to be held.

9 c. A reference to the particular provisions of the statutes and rules
10 involved.

11 d. A short and plain statement of the matters asserted. If the
12 director or other party is unable to state the matters in detail at the
13 time the notice is served, the initial notice may be limited to a state-
14 ment of the issues involved. Thereafter upon application a more
15 definite and detailed statement shall be furnished.

16 3. Opportunity shall be afforded all parties to respond and present
17 evidence and argument on all issues involved.

18 4. Unless precluded by law, informal disposition may be made of
19 any contested case by stipulation, agreed settlement, consent order,
20 or default.

21 5. The record in a contested case shall include:

22 a. All pleadings, motions, intermediate rulings.

- 23 b. Evidence received or considered.
24 c. A statement of matters officially noticed.
25 d. Questions and offers of proof, objections, and rulings thereon.
26 e. Proposed findings and exceptions.
27 f. Any decision, opinion, or report by the officer presiding at the
28 hearing.
29 g. All staff memoranda or data submitted to the hearing officer or
30 the division in connection with its consideration of the case.
31 6. Oral proceedings or any part thereof shall be transcribed on
32 request of any party, but at his expense.
33 7. Findings of fact shall be based exclusively on the evidence and
34 on matters officially noticed.

1 SEC. 27. NEW SECTION. **Rules of evidence—official notice. In**
2 contested cases:

- 3 1. Irrelevant, immaterial, or unduly repetitious evidence shall be
4 excluded. The rules of evidence as applied in civil cases in the dis-
5 trict courts of this state shall be followed. When necessary to ascer-
6 tain facts not reasonably susceptible of proof under those rules, evi-
7 dence not admissible thereunder may be admitted, except where
8 precluded by statute, if it is of a type commonly relied upon by rea-
9 sonably prudent men in the conduct of their affairs. The director
10 shall give effect to the rules of privilege recognized by law. Objec-
11 tions to evidentiary offers may be made and shall be noted in the
12 record. Subject to these requirements, when a hearing will be ex-
13 pedited and the interests of the parties will not be prejudiced sub-
14 stantially, any part of the evidence may be received in written form.
15 2. Documentary evidence may be received in the form of copies or
16 excerpts, if the original is not readily available. Upon request, parties
17 shall be given an opportunity to compare the copy with the original.
18 3. A party may conduct cross-examinations required for a full and
19 true disclosure of the facts.
20 4. Notice may be taken of judicially cognizable facts. In addition,
21 notice may be taken of generally recognized technical or scientific
22 facts within the director's specialized knowledge. Parties shall be
23 notified either before or during the hearing, or by reference in pre-
24 liminary reports or otherwise, of the material notices, including any
25 staff memoranda or data, and they shall be afforded an opportunity
26 to contest the material so noticed. The director's experience, tech-
27 nical competence, and specialized knowledge may be utilized in the
28 evaluation of the evidence.

- 1 SEC. 28. NEW SECTION. **Decisions and orders.** A final decision
2 or order adverse to a party in a contested case shall be in writing or
3 stated in the record. A final decision shall include findings of fact
4 and conclusions of law, separately stated. Findings of fact, if set
5 forth in statutory language, shall be accompanied by a concise and
6 explicit statement of the underlying facts supporting the findings.
7 If, in accordance with rules of the commission, a party submitted
8 proposed findings of fact, the decision shall include a ruling upon
9 each proposed finding. Parties shall be notified either personally or
10 by mail of any decision or order. Upon request a copy of the decision
11 or order shall be delivered or mailed forthwith to each party and to
12 his attorney of record.

1 **SEC. 29. NEW SECTION. Judicial review of contested cases.**

2 1. A person who has exhausted all administrative remedies avail-
3 able before the director and who is aggrieved by a final decision in a
4 contested case is entitled to judicial review. This section does not limit
5 utilization of or the scope of judicial review available under other
6 means of review, redress, relief, or trial de novo provided by law.
7 A preliminary, procedural, or intermediate action or ruling of the
8 director is immediately reviewable if review of the final decision of
9 the director would not provide an adequate remedy.

10 2. Proceedings for review are instituted by filing a petition in the
11 district court within thirty days after the final decision of the direc-
12 tor or, if a rehearing is requested within thirty days after the deci-
13 sion thereon. Copies of the petition shall be served upon the director
14 and all parties of record.

15 3. The filing of the petition does not itself stay enforcement of the
16 decision of the director. The director may grant, or the reviewing
17 court may order, a stay upon appropriate terms.

18 4. Within thirty days after the service of the petition, or within
19 further time allowed by the court, the director shall transmit to the
20 reviewing court the original or a certified copy of the entire record
21 of the proceeding under review. By stipulation of all parties to the
22 review proceedings, the record may be shortened. A party unreason-
23 ably refusing to stipulate to limit the record may be taxed by the
24 court for the additional costs. The court may require or permit sub-
25 sequent corrections or additions to the record.

26 5. If, before the date set for hearing, application is made to the
27 court for leave to present additional evidence, and it is shown to the
28 satisfaction of the court that the additional evidence is material and
29 that there were good reasons for failure to present it in the proceeding
30 before the director, the court may order that the additional evidence
31 be taken before the director upon conditions determined by court.
32 The director may modify his findings and decision by reason of the
33 additional evidence and shall file that evidence and any modifications,
34 new findings, or decisions with the reviewing court.

35 6. The review shall be conducted by the district court without a
36 jury and shall be confined to the record. In cases of alleged irregu-
37 larities in procedure before the director, not shown in the record,
38 proof thereon may be taken in the court. The court, upon request,
39 shall hear oral argument and receive written briefs.

40 7. The court shall not substitute its judgment for that of the direc-
41 tor as to the weight of the evidence on questions of fact. The court
42 may affirm the decision of the director or remand the case for further
43 proceedings. The court may reverse or modify the decision if sub-
44 stantial rights of the appellant have been prejudiced because the
45 administrative findings, inferences, conclusions, or decisions are:

46 a. In violation of constitutional or statutory provisions.

47 b. In excess of the statutory authority of the director.

48 c. Made upon unlawful procedure.

49 d. Affected by other error of law.

50 e. Clearly erroneous in view of the reliable, probative, and sub-
51 stantial evidence on the whole record.

52 f. Arbitrary or capricious or characterized by abuse of discretion
53 or clearly unwarranted exercise of discretion.

1 SEC. 30. NEW SECTION. **Judicial review.** Commencing July 1,
2 1975 judicial review of the orders or actions of the director may be
3 sought in accordance with the provisions of the Iowa Administrative
4 Procedures Act.

1 SEC. 31. NEW SECTION. **Appeals.** An aggrieved party may ob-
2 tain a review of any final judgment of the court by appeal to the
3 supreme court. The appeal shall be taken as in other civil cases.

1 SEC. 32. NEW SECTION. **Funding at mental health institutes.**
2 Chapter two hundred thirty (230) of the Code shall govern the deter-
3 mination of the costs and payment for treatment provided to alco-
4 holics in a mental health institute under the department of social ser-
5 vices, except that the charges shall not constitute a lien on any real
6 estate owned by persons legally liable for support of the alcoholic and
7 and the daily per diem shall be billed at twenty-five percent. Begin-
8 ning July 1, 1976, the superintendent of a state hospital shall total
9 only those expenditures which can be attributed to the cost of pro-
10 viding inpatient treatment to alcoholics and intoxicated persons for
11 purposes of determining the daily per diem. The provisions of section
12 one hundred twenty-three B point eight (123B.8) of the Code shall
13 govern the determination of who is legally liable for the cost of care,
14 maintenance, and treatment of an alcoholic and of the amount for
15 which the person is liable.

1 SEC. 33. The commission shall, not later than February 1, 1975,
2 report to the general assembly on its experience with funding alco-
3 holism programs under this Act and make recommendations regard-
4 ing changes in the funding of alcoholism programs. This section shall
5 not become a permanent part of the Code and shall be printed in the
6 session laws only.

1 SEC. 34. NEW SECTION. **Short title.** Sections one (1) through
2 thirty-three (33) of this Act and chapter one hundred twenty-three B
3 (123B) of the Code may be cited as the Alcoholism and Intoxication
4 Treatment Act.

1 SEC. 35. Section one hundred twenty-three point thirty-six
2 (123.36), unnumbered paragraph two (2), Code 1973, as amended by
3 Acts of the Sixty-fifth General Assembly, 1973 Session, chapter one
4 hundred sixty-three (163), section two (2) is amended to read as
5 follows:

6 The department shall credit all fees to the beer and liquor control
7 fund and shall remit to the appropriate local authority, a sum equal
8 to sixty-five percent of the fees collected for each class "A", class
9 "B", or class "C" license covering premises located within their
10 respective jurisdictions. However, that amount remitted to the ap-
11 propriate local authority out of the fee collected for the privilege
12 authorized under section one (1) of this Act shall be deposited in the
13 county mental health and institutions fund to be used only for the
14 care and treatment of persons admitted or committed to the alcoholic
15 treatment center at Oakdale or any facilities as provided in chapter
16 one hundred twenty-three B (123B) of the Code *and pursuant to the*
17 *provisions of sections one (1) through thirty-three (33) of this Act.*

1 SEC. 36. Section one hundred twenty-three point one hundred
2 forty-three (123.143),* subsection one (1), Code 1973, as amended by
3 Acts of the Sixty-fifth General Assembly, 1973 Session, chapter one
4 hundred sixty-three (163), section six (6) is amended to read as
5 follows:

6 1. All retail beer permit fees collected by any local authority at the
7 time application for the permit is made, and remitted with the permit
8 application to the department, shall be refunded by the department to
9 the local authority at the time the permit is issued. Those amounts
10 refunded to the appropriate local authority out of the fee collected
11 for the privilege authorized under section four (4) of this Act shall
12 be deposited in the county mental health and institutions fund to be
13 used only for the care and treatment of persons admitted or com-
14 mitted to the alcoholic treatment center at Oakdale or any facilities
15 as provided in chapter one hundred twenty-three B (123B) of the
16 Code and pursuant to the provisions of sections one (1) through
17 thirty-three (33) of this Act.

1 SEC. 37. Section one hundred twenty-three B point four (123B.4),
2 Code 1973, is amended to read as follows:

3 123B.4 **Contract for care—rules adopted.** The ~~commission director~~
4 ~~may~~ shall enter into written agreements with any qualified a
5 facility as defined in section two (2) of this Act to pay for ~~one-half~~
6 ~~seventy-five percent~~ of the cost of the care, maintenance, and treat-
7 ment of an alcoholic confined as a voluntary patient within that
8 county. The ~~commission~~ shall formulate, adopt, and promulgate pur-
9 suant to chapter 17A, such rules and regulations pertaining to the
10 minimum qualifications necessary to qualify as such, which shall
11 include at least a minimum period of six months in which it shall
12 be demonstrated that a facility can successfully treat alcoholism.
13 Such contracts shall be for a period of no more than one year. The
14 commission shall review and evaluate at least once each year all
15 such agreements and determine whether or not they shall be con-
16 tinued.

17 The contract may be in such form and contain provisions as agreed
18 upon by the parties. Such contract shall provide that the facility
19 shall admit and treat alcoholics whose legal settlement is in counties
20 other than the contracting county. If one payment for care, mainte-
21 nance, and treatment is not made by the patient or those legally liable
22 therefor within thirty days after discharge the payment shall be
23 made by the ~~commission~~ division directly to the facility. Payments
24 shall be made each month and shall be based upon the facility's aver-
25 age daily per patient charge. *Provisions of this section shall not per-
26 tain to patients treated at the mental health institutes.*

27 *If the appropriation to the commission is insufficient to meet the
28 requirements of this section, the commission shall request a transfer
29 of funds and section eight point thirty-nine (8.39) of the Code shall
30 apply.*

1 SEC. 38. Section one hundred twenty-three B point five (123B.5),
2 Code 1973, is amended to read as follows:

3 123B.5 **Counties to share half of cost.** *Counties Except as pro-
4 vided in section thirty-two (32) of this Act, counties shall pay for the
5 remaining ~~one-half~~ twenty-five percent of the cost of the care, mainte-*

*Also amended by 65 GA, ch 165, §1

6 nance, and treatment of an alcoholic from ~~its state~~ *the county mental*
 7 *health and institutions fund* as provided in section 444.12. *However,*
 8 *a county shall not expend from the county general fund or the county*
 9 *mental health and institutions fund, for programs implemented pur-*
 10 *suant to sections one (1) through thirty-three (33) of this Act, an*
 11 *amount in excess of the total amount spent from these funds by the*
 12 *county on alcoholism programs for the calendar year ending Decem-*
 13 *ber 31, 1973 without the approval of the board of supervisors. The*
 14 *commission shall establish guidelines for use by the counties in esti-*
 15 *imating the amount of expense which the county will incur each year.*
 16 *The facility shall certify to the county of the alcoholic's legal settle-*
 17 *ment once each month ~~one-half~~ twenty-five percent of the unpaid cost*
 18 *of the care, maintenance, and treatment of an alcoholic who has been*
 19 *confined as a voluntary patient. Such county shall pay the cost so*
 20 *certified to the facility from its ~~state~~ county mental health and insti-*
 21 *tutions fund. However, the approval of the board of supervisors shall*
 22 *be required before payment is made by a county for costs incurred*
 23 *which exceed a total of five hundred dollars for one year for treat-*
 24 *ment provided to any one alcoholic or intoxicated person, except that*
 25 *such approval is not required for the cost of treatment provided to an*
 26 *alcoholic or intoxicated person who is committed pursuant to sections*
 27 *eighteen (18) and nineteen (19) of this Act. A facility may, upon*
 28 *approval of the board of supervisors, submit to a county a billing for*
 29 *the aggregate amount of all care, maintenance, and treatment of*
 30 *alcoholics for each month. The board of supervisors may demand an*
 31 *itemization of such billings at any time or may audit the same.*

1 SEC. 39. Section one hundred twenty-three B point seven
 2 (123B.7), Code 1973, is amended to read as follows:

3 **123B.7 Disputed settlement.** In the event any county to which
 4 certification of the cost of care, maintenance, and treatment of an
 5 alcoholic is made, disputes that such alcoholic has his legal settlement
 6 in that county, it shall immediately notify the facility that such dis-
 7 pute exists. The ~~commission~~ *director* shall immediately investigate
 8 the facts and determine in which county the patient has legal settle-
 9 ment. The ~~commission~~ *director* shall certify ~~its~~ *his* determination to
 10 the county wherein it is found the patient has legal settlement and
 11 to the facility. The county of legal settlement shall reimburse the
 12 facility as provided in this chapter. If the ~~commission~~ *director* finds
 13 that the legal settlement of an alcoholic at the time of admission was
 14 in another state or country or was unknown, then the ~~commission~~
 15 *division* shall pay for that portion of his care, maintenance, and treat-
 16 ment that his county of legal settlement would have been liable to pay.
 17 *For purposes of this section, a "facility" does not include a mental*
 18 *health institute under the control of the department of social services.*

1 SEC. 40. Section one hundred twenty-three B point eight
 2 (123B.8), Code 1973, is amended to read as follows:

3 **123B.8 Legal liability for care.** The alcoholic, ~~his or her spouse,~~
 4 and any person, firm, corporation or insurance company bound by
 5 contract to provide support, hospitalization, or medical services for
 6 the alcoholic shall be legally liable *to the county of the alcoholic's*
 7 *legal settlement for twenty-five percent of the total amount and to*
 8 *the division for seventy-five percent of the total amount of the cost*

9 of providing care, maintenance, and treatment for the alcoholic while
 10 a voluntary or committed patient in a facility when the commission
 11 has contracted with such facility to provide treatment even though
 12 one-half of the cost was paid by the commission. Such liability shall
 13 be to the county of the alcoholic's legal settlement after such coun-
 14 ty has made its payment for one-half of such treatment services,
 15 except when the state pays the total cost of care in which case liability
 16 of one hundred percent shall be to the state. Nothing in this section
 17 shall prohibit any individual from paying any portion of the cost of
 18 treatment.

1 SEC. 41. Section one hundred twenty-three B point eleven
 2 (123B.11), Code 1973, is amended to read as follows:

3 **123B.11 County auditor to keep accounts.** The auditor of each
 4 county shall keep an accurate account of the total cost of the care,
 5 maintenance, and treatment of any alcoholic and keep an index of the
 6 names of the alcoholics admitted from such county. The indexing and
 7 the record of the account of such alcoholic in the office of the county
 8 auditor shall constitute notice of such lien. The name of the spouse of
 9 such alcoholic shall also be indexed in the same manner as the names
 10 of alcoholics are indexed.

1 SEC. 42. Section one hundred twenty-three B point twelve
 2 (123B.12), Code 1973, is amended to read as follows:

3 **123B.12 Collection of claims by board of supervisors.** The board
 4 of supervisors shall collect the total amount of all such claims and
 5 direct the county attorney to proceed with the collection of such
 6 claims as a part of the duties of his office. The county shall be en-
 7 titled to keep the total amount of all such claims collected. The
 8 county attorney, with the consent of the board of supervisors, may
 9 execute an agreement providing for the acceptance of a lesser amount
 10 owed by an alcoholic, his spouse, or estate to the county. The execu-
 11 tion of such agreement may provide that the same is in satisfaction
 12 of all moneys owed the county. In such case any lien against the
 13 property of the alcoholic, his spouse, or estate shall be released.

1 SEC. 43. Section two hundred twenty-four point one (224.1), Code
 2 1973, as amended by Acts of the Sixty-fifth General Assembly, 1973
 3 Session, chapter one hundred eighty (180), section one (1) is amended
 4 to read as follows:

5 **224.1 Commitment.** Persons addicted to the excessive use of
 6 intoxicating liquors, or any controlled substance contained in sched-
 7 ules I, II, III, or IV of chapter two hundred four (204) of the Code
 8 may be committed by the commissioners of hospitalization of each
 9 county to such institutions as the commissioner of the state depart-
 10 ment of social services may designate, or to such private facilities as
 11 the commission on alcoholism, or a state department designated as
 12 the single state agency to prepare and administer a state plan to
 13 combat drug abuse pursuant to United States Public Law ninety-two
 14 dash two hundred fifty-five (92-255), Iowa drug abuse authority may
 15 designate; or to any hospital accredited to give psychiatric care,
 16 provided that, commitments to private facilities shall only be made
 17 upon approval of the board of supervisors or upon agreement by the
 18 patient or responsible relatives to pay the full costs of treatment and

19 upon having made the necessary arrangements for admission and
20 support.

1 SEC. 44. Section two hundred twenty-four point two (224.2),
2 Code 1973, is amended to read as follows:

3 **224.2 Statutes applicable.** All statutes governing the commit-
4 ment, custody, treatment, and maintenance of the mentally ill shall,
5 so far as applicable, govern the commitment, custody, treatment, and
6 maintenance of those addicted to the excessive use of ~~such~~ drugs as
7 *defined in section two hundred twenty-four point one (224.1) of the*
8 *Code and intoxicating liquors.*

1 SEC. 45. Section two hundred twenty-four point four (224.4),
2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
3 1973 Session, chapter one hundred eighty (180), section two (2) is
4 amended to read as follows:

5 **224.4 Places of commitment.** The commissioner of the state
6 department of social services shall designate the state institutions to
7 which commitments may be made under this chapter, and to that end
8 may divide the state into districts, and shall promptly notify each
9 clerk of the district court of such designation and all changes therein.
10 ~~The commission on alcoholism shall designate the private facilities to~~
11 ~~which persons suffering from alcoholism may be committed under~~
12 ~~section two hundred twenty-four point one (224.1) of the Code. The~~
13 ~~state department designated as the single state agency to prepare and~~
14 ~~administer a state plan to combat drug abuse pursuant to United~~
15 ~~States Public Law ninety-two dash two hundred fifty-five (92-255)~~
16 ~~Iowa drug abuse authority shall designate the private facilities to~~
17 which persons suffering from the effects of controlled substances
18 enumerated in section two hundred twenty-four point one (224.1) of
19 the Code shall be committed.

1 SEC. 46. Section two hundred twenty-four point five (224.5),
2 Code 1973, is amended to read as follows:

3 **224.5 Mental illness of narcotic addicts.** Should a person, com-
4 mitted because of his excessive use of narcotic drugs *as defined in*
5 *section two hundred twenty-four point one (224.1) of the Code or*
6 ~~intoxicating liquors~~, become mentally ill, the commissioner of the
7 state department of social services, on complaint of the superin-
8 tendent having the custody of such person, and on due hearing, may
9 order such person committed to a hospital for the mentally ill. Such
10 order shall have the same force and effect as though entered by the
11 commissioners of hospitalization of the county of the patient's resi-
12 dence, and such person may appeal from such order in the same
13 manner in which appeals are allowed from the orders of the com-
14 missioners of hospitalization.

1 SEC. 47. Section three hundred twenty-one B point seventeen
2 (321B.17), Code 1973, is amended to read as follows:

3 **321B.17 Referred on conviction.** After any conviction for oper-
4 ating a motor vehicle while under the influence of an alcoholic bev-
5 erage under section 321.281, the court may refer the defendant for
6 treatment at a facility as defined in ~~chapter 123B~~ *sections one (1)*
7 *through thirty-three (33), inclusive, of this Act.* The court may
8 prescribe the length of time for treatment or it may be left to the

9 discretion of the facility to which the defendant was referred. A
 10 person referred under this section shall be considered a state patient,
 11 *and charges and costs for treatment shall be paid for in the manner*
 12 *provided for payment for treatment of alcoholics who have no legal*
 13 *residence in this state.*

1 SEC. 48. Section four hundred forty-four point twelve (444.12),
 2 subsection one (1), paragraph e, Code 1973, is amended to read as
 3 follows:

4 e. Care and treatment of persons ~~admitted or committed to~~ *at* the
 5 alcoholic treatment center at Oakdale or any facilities as provided in
 6 *sections one (1) through thirty-two (32) of this Act and chapter*
 7 *123B, provided, however, that any such admission to a facility shall*
 8 *be reported to the county board of supervisors within five days by the*
 9 *center or facility offering such treatment.*

1 SEC. 49. Acts of the Sixty-fifth General Assembly, 1973 Session,
 2 chapter one hundred eleven (111), section one (1), subsection two
 3 (2), is amended to read as follows:

4 2. For purposes of carrying out the provisions of ~~section one hun-~~
 5 ~~dred twenty-three A point eight (123A.8)~~ *sections one (1) through*
 6 *thirty-three (33) of this Act and chapter one hundred twenty-three B*
 7 *(123B) of the Code relating to the treatment of alcoholism, subject to*
 8 *the approval of the governor:\$ 500,000 \$500,000 1,200,000*

1 SEC. 50. In addition to funds appropriated pursuant to the Acts
 2 of the Sixty-fifth General Assembly, 1973 Session, chapter one hun-
 3 dred eleven (111), there is appropriated from the general fund of the
 4 state for the fiscal year beginning July 1, 1974 and ending June 30,
 5 1975, to the Iowa commission on alcoholism, the sum of fifty thousand
 6 (50,000) dollars, or so much thereof as may be necessary, to carry
 7 out research into the causes of alcoholism and experimentation in and
 8 evaluation of methods of treating and rehabilitating alcoholics, in-
 9 cluding, but not limited to, programs conducted in halfway houses,
 10 alcoholism service centers and hospitals. Funds appropriated by this
 11 section which are unencumbered or unobligated as of June 30, 1975
 12 shall revert to the general fund of the state on September 30, 1975.

1 SEC. 51. Sections one hundred twenty-three B point one (123B.1),
 2 one hundred twenty-three B point two (123B.2), one hundred twenty-
 3 three B point three (123B.3), one hundred twenty-three B point ten
 4 (123B.10), one hundred twenty-three B point fourteen (123B.14),
 5 one hundred twenty-three B point fifteen (123B.15), one hundred
 6 twenty-three B point seventeen (123B.17), two hundred twenty-six
 7 point thirty-five (226.35), two hundred twenty-six point thirty-six
 8 (226.36), two hundred twenty-six point thirty-seven (226.37), two
 9 hundred twenty-six point thirty-eight (226.38), two hundred twenty-
 10 six point thirty-nine (226.39), and chapter one hundred twenty-three
 11 A (123A), Code 1973, are repealed.

1 SEC. 52. Sections twenty-four (24) through twenty-nine (29) of
 2 this Act are repealed effective July 1, 1975.

Approved May 29, 1974

CHAPTER 1132

WATER PIPE

H. F. 215

AN ACT relating to the quality of the pipe used for water well construction and providing a penalty for violations.

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

1 SECTION 1. NEW SECTION. Any pipe sold or offered for sale in
2 this state for use in the construction, reconstruction, or modification
3 of a water well shall be clearly marked to indicate whether the pipe
4 is new or used. If the manufacturer or any person who sells or offers
5 for sale any pipe for use in the construction, reconstruction, or modi-
6 fication of a water well classifies such pipe by grade or quality, a writ-
7 ten statement describing the grade or quality classification system
8 shall be filed with the commissioner of public health by the manufac-
9 turer or other person and the grade or quality of each pipe shall also
10 be clearly marked on it.

11 Any person who sells or offers to sell any pipe for use in the con-
12 struction, reconstruction, or modification of a water well which is not
13 clearly marked as provided in this Act or who willfully alters any
14 markings on such pipe in violation of this Act, shall be guilty of a
15 misdemeanor, and, upon conviction, shall be fined not more than one
16 hundred dollars or be imprisoned in the county jail not more than
17 thirty days. Each violation shall constitute a separate offense.

Approved May 27, 1974

CHAPTER 1133

HEALTH CARE FACILITIES

H. F. 1176

AN ACT to permit licensure of health care facilities under chapter one hundred thirty-five C of the Code on the basis of a conditional certificate of compliance with fire hazard and fire safety rules, regulations and standards, in certain circumstances.

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

1 SECTION 1. Section one hundred thirty-five C point nine (135C.9),
2 subsection two (2), Code 1973, is amended to read as follows:

3 2. The facility has been inspected by the state fire marshal or his a
4 deputy *appointed by him for such that purpose, the appointment of*
5 *whom, including members who may be a member of a municipal fire*
6 *departments department, is hereby authorized, and the department*
7 *has received either a certificate signed by such marshal or his deputy*
8 *that of compliance or a conditional certificate of compliance by the*
9 *premises comply facility with the fire-hazard and fire-safety rules,*
10 *regulations and standards of the department as promulgated by the*
11 *fire marshal. The certificate or conditional certificate shall be signed*
12 *by the fire marshal or his deputy who made the inspection.*

13 The rules, regulations and standards shall be substantially in keep-
 14 ing with the latest generally recognized safety criteria for the facili-
 15 ties covered, of which the applicable criteria recommended and pub-
 16 lished from time to time by the national fire protection association
 17 shall be prima facie evidence. *The state fire marshal or his deputy may*
 18 *issue a conditional certificate of compliance for a period of one year*
 19 *to a facility which is in substantial compliance with the fire-hazard and*
 20 *fire-safety rules, regulations and standards, upon satisfactory evidence*
 21 *of an intent, in good faith, by the owner or operator of the facility to*
 22 *correct the deficiencies noted upon inspection within a reasonable*
 23 *period of time as determined by the state fire marshal or his deputy.*
 24 *Renewal of a conditional certificate shall be based on a showing of sub-*
 25 *stantial progress in eliminating deficiencies noted upon the last pre-*
 26 *vious inspection of the facility without the appearance of additional*
 27 *deficiencies other than those arising from changes in the fire-hazard*
 28 *and fire-safety rules, regulations and standards which have occurred*
 29 *since the last previous inspection, except that substantial progress*
 30 *toward achievement of a good-faith intent by the owner or operator*
 31 *to replace the entire facility within a reasonable period of time, as*
 32 *determined by the state fire marshal or his deputy, may be accepted as*
 33 *a showing of substantial progress in eliminating deficiencies, for the*
 34 *purposes of this section.*

Approved May 27, 1974

CHAPTER 1134

HEALTH CARE FACILITIES

H. F. 1104

AN ACT relating to care review committees for health care facilities licensed under chapter one hundred thirty-five C (135C) of the Code.

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

1 SECTION 1. Section one hundred thirty-five C point nineteen
 2 (135C.19), Code 1973, is amended by striking the section and inserting
 3 in lieu thereof the following:
 4 135C.19 **Public disclosure of inspection findings.** Following inspec-
 5 tion of a health care facility by the department, the findings of the
 6 inspection with respect to compliance by the facility with requirements
 7 for licensing under this chapter shall be made public in a readily avail-
 8 able form and place forty-five days after the findings are made available
 9 to the applicant or licensee. However, if the applicant or licensee re-
 10 quests a hearing pursuant to section one hundred thirty-five C point
 11 eleven (135C.11) of the Code, the findings of the inspection shall not
 12 be made public until the hearing has been completed. Other informa-
 13 tion relating to any health care facility, obtained by the department
 14 through reports, investigations, complaints, or as otherwise author-
 15 ized by this chapter, which is not a part of the department's findings
 16 from an inspection of the facility, shall not be disclosed publicly except

17 in proceedings involving the denial, suspension or revocation of a
18 license under this chapter.

1 SEC. 2. Section one hundred thirty-five C point twenty-five
2 (135C.25), Code 1973, is amended to read as follows:

3 135C.25 Care review committee. Each health care facility shall
4 have a care review committee, established in accordance with the rules
5 of the department, which whose members shall be appointed by the
6 areawide health planning council recognized as such by this state
7 acting through the office for comprehensive health planning in the
8 office for planning and programming. The care review committee shall
9 periodically review the needs of each individual patient or resident of
10 the facility. The composition responsibilities of the care review com-
11 mittee shall be in accordance with rules of the department, which
12 shall in formulating such rules give consideration to the needs of
13 patients and residents of each license category of health care facility
14 and the services facilities of each category are authorized to render.

Approved April 8, 1974

CHAPTER 1135

MOBILE HOME TAX RELIEF

S. F. 1308

AN ACT to provide additional property tax relief for owners of mobile homes who are sixty-five years of age and older or are totally disabled.

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

1 SECTION 1. Section one hundred thirty-five D point twenty-two
2 (135D.22), Code 1973, is amended by striking subsection one (1) and
3 inserting in lieu thereof the following new subsections:

4 NEW SUBSECTION. Multiply the number of square feet of floor
5 space each mobile home contains when parked and in use by ten cents.
6 In computing floor space, the exterior measurements of the mobile
7 home shall be used as shown on the certificate of registration and title,
8 but not including any area occupied by a hitching device.

9 NEW SUBSECTION. Effective January 1, 1975, if the owner of the
10 mobile home is totally disabled as defined in Acts of the Sixty-fifth
11 General Assembly, 1973 Session, chapter two hundred fifty-one (251),
12 section three (3), subsection seven (7), or is sixty-five years of age or
13 older and his income when included with that of his spouse is less than
14 one thousand dollars per year, the semiannual tax shall be computed
15 by multiplying the number of square feet in the mobile home by one-
16 half of one cent. If such income is one thousand dollars or more but
17 less than two thousand dollars, the semiannual tax shall be computed
18 at the rate of two cents per square foot, if such income is two thou-
19 sand dollars or more but less than three thousand dollars, the semi-
20 annual tax shall be computed at the rate of three and one-half cents per
21 square foot, if such income is three thousand dollars or more but less
22 than four thousand dollars, the semiannual tax shall be computed at

23 the rate of five cents per square foot, if such income is four thousand
 24 dollars or more but less than five thousand dollars, the semiannual tax
 25 shall be computed at the rate of six and one-half cents per square foot,
 26 and if such income is five thousand dollars or more but less than six
 27 thousand dollars, the semiannual tax shall be computed at the rate of
 28 seven and one-half cents per square foot. For purposes of this sub-
 29 section, "income" means income as defined in Acts of the Sixty-fifth
 30 General Assembly, 1973 Session, chapter two hundred fifty-one (251),
 31 section three (3), subsection one (1).

1 SEC. 2. Acts of the Sixty-fifth General Assembly, 1973 Session,
 2 chapter two hundred fifty-one (251), section three (3), subsection nine
 3 (9), is amended to read as follows:

4 9. "Gross rent" means rental paid at arm's length solely for the
 5 right of occupancy of a homestead or mobile home, including rent for
 6 space occupied by a mobile home not to exceed one acre, exclusive of
 7 charges for any utilities, services, furniture, furnishings, or personal
 8 property appliances furnished by the landlord as a part of the rental
 9 agreement whether or not expressly set out in the rental agreement.
 10 If the director of revenue determines that the landlord and tenant have
 11 not dealt with each other at arm's length, and the director of revenue
 12 is satisfied that the gross rent charged was excessive, he shall adjust
 13 the gross rent to a reasonable amount as determined by the director.
 14 If the landlord does not supply the charges for any utilities, services,
 15 furniture, furnishings, or personal property appliances furnished by
 16 him, or if the charges appear to be incorrect, the director of revenue
 17 may apply a percentage determined from samples of similar gross
 18 rents paid solely for the right of occupancy.

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

Approved May 10, 1974

I hereby certify that the foregoing Act, Senate File 1308, was published in The Cedar Rapids Gazette, Cedar Rapids, Iowa, May 16, 1974, and in the Clinton Herald, Clinton, Iowa, May 15, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1136

DELINQUENT MOBILE HOME TAXES

S. F. 19

AN ACT relating to penalty on delinquent mobile home taxes.

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

1 SECTION 1. Section one hundred thirty-five D point twenty-four
 2 (135D.24), unnumbered paragraph one (1), Code 1973, is amended to
 3 read as follows:

4 The semiannual tax provided herein shall be due and payable to the
5 county treasurer semiannually on or before January 1 and July 1 in
6 each year; and shall be delinquent February 1 and August 1 in each
7 year, after which a penalty of ~~five~~ *one* percent shall be added each
8 month until paid. The semiannual payment of taxes and license may
9 be paid at one time if so desired. A mobile home parked and put to use
10 at any time after January 1 or July 1 shall be immediately subject to
11 the said taxes prorated for the remaining months or days of the tax
12 period. Said tax shall be due and payable immediately, and delinquent
13 thirty days after said parking and subject to the same penalties herein
14 set out. Not more than thirty days nor less than ten days prior to the
15 date that the tax becomes delinquent, the county treasurer shall cause
16 to be published in a newspaper of general circulation in the county, a
17 notice to mobile homeowners. The notification shall include the date
18 the tax becomes delinquent, and the penalty which will apply when
19 delinquent.

Approved April 25, 1974

CHAPTER 1137

VENEREAL DISEASE DIAGNOSIS

S. F. 157

AN ACT relating to the age of consent for venereal disease diagnosis and treatment.

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

1 SECTION 1. Section one hundred forty point nine (140.9), Code
2 1973, is amended to read as follows:
3 140.9 ~~Minors of sixteen or more.~~ A minor of age ~~sixteen or more,~~
4 who seeks diagnosis or treatment for a venereal disease, shall have the
5 legal capacity to act and give consent to medical care and service for
6 venereal disease by public and private hospitals or public and private
7 clinics or physicians. Such medical diagnosis and treatment is to be
8 provided by a physician licensed to practice medicine and surgery,
9 osteopathy, or osteopathic medicine and surgery. Such consent shall
10 not be subject to later disaffirmance by reason of such minority. The
11 consent of no other person or persons, including but not limited to
12 spouse, parent, custodian, or guardian, shall be necessary. ~~The physi-~~
13 ~~cian shall notify the parents of such minor child that the child does~~
14 ~~have a venereal disease when the results of the diagnosis indicate that~~
15 ~~the child might communicate the disease to other members of his~~
16 ~~family.~~

Approved March 4, 1974

CHAPTER 1138

SICKLE CELL ANEMIA TESTS

H. F. 489

AN ACT relating to the testing for sickle cell anemia and providing a penalty.

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

1 SECTION 1. NEW SECTION. **Definitions.** As used in this Act, un-
2 less the context otherwise requires:

- 3 1. "Commissioner" means the commissioner of public health.
4 2. "Sickle cell anemia" means the disease commonly referred to by
5 that name.
6 3. "Sickle cell trait" means the presence in an individual of the
7 recessive gene which creates the possibility that the children of the
8 individual, if the other parent also has sickle cell trait, may be afflicted
9 with sickle cell anemia.

1 SEC. 2. NEW SECTION. **Blood test available.** The commissioner
2 shall provide for a program that gives every child who is determined
3 to be susceptible to sickle cell anemia or sickle cell trait an opportunity
4 to be tested for the disease. The commissioner shall determine by rule
5 those children who are susceptible to sickle cell anemia or sickle cell
6 trait for the purposes of this Act. All state, district, county and city
7 health agencies shall cooperate and participate in the implementation
8 of this section, and the commissioner shall promulgate rules providing
9 for education, testing and counseling with regard to sickle cell anemia
10 and sickle cell trait. No individual shall be discriminated against in
11 any way because of either taking or refusing to take a test under this
12 section.

1 SEC. 3. NEW SECTION. **School programs.** The board of directors
2 of a school corporation in this state shall make available on a volun-
3 tary basis sickle cell trait and sickle cell anemia education and coun-
4 seling for all elementary and secondary students. This program shall
5 also be made available, as far as practicable, to the general public.
6 The cost of providing this service shall not be the responsibility of
7 the school corporation except insofar as the services are provided by
8 school corporation employees in the course of their usual duties.

1 SEC. 4. NEW SECTION. **Premarital test.** Each applicant for a
2 marriage license who has been determined to be susceptible to sickle
3 cell trait shall have an opportunity to have their blood test, taken
4 under section five hundred ninety-six point one (596.1) of the Code,
5 analyzed for the purpose of ascertaining the existence of the trait.
6 The commissioner shall promulgate rules to provide a method of im-
7 plementing this section. No applicant shall in any way be denied a
8 marriage license or discriminated against in any way because of either
9 the results of the test done under this section or the refusal to take
10 the test.

1 SEC. 5. NEW SECTION. **Confidential information.** All informa-
2 tion obtained through the administration of this Act, including all test
3 results, medical records and other information regarding screening,
4 counseling or treatment of any person treated, shall be held in strict

5 confidentiality, except for (a) such information as the patient or his
6 guardian consents to be released, or in the case of a minor, the parent
7 or guardian, or (b) such statistical data compiled without reference
8 to the identity of any patient.

1 SEC. 6. NEW SECTION. **Penalty.** A person who violates the con-
2 fidentiality provision of this Act shall be guilty of a misdemeanor and
3 shall, upon conviction, be punished by a fine of not more than one
4 hundred (100) dollars.

Approved April 8, 1974

CHAPTER 1139

VITAL STATISTICS

S. F. 1237

AN ACT relating to vital statistics.

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

1 SECTION 1. Section one hundred forty-four point forty-three
2 (144.43), Code 1973, is amended by adding the following new unnum-
3 bered paragraph:

4 NEW UNNUMBERED PARAGRAPH. The provisions of this section
5 shall not apply to the following vital statistics if they are sixty-five
6 years old or older:

- 7 1. A record of birth if that birth did not occur out of wedlock.
- 8 2. A record of marriage.
- 9 3. A record of divorce, dissolution of marriage, or annulment of
10 marriage.
- 11 4. A record of death if that death was not a fetal death.

12 However, a vital statistic, as described in this paragraph, shall be
13 inspected and copied, as of right under chapter sixty-eight A (68A)
14 of the Code, only when they are in the custody of a county or of a local
15 registrar.

1 SEC. 2. This Act, being deemed of immediate importance, shall
2 take effect and be in force from and after its publication in the Adams
3 County Free Press, a newspaper published in Corning, Iowa, and in The
4 Clayton County Register, a newspaper published in Elkader, Iowa.

Approved May 8, 1974

I hereby certify that the foregoing Act, Senate File 1237, was published in the Adams County Free Press, Corning, Iowa, May 16, 1974, and in The Clayton County Register, Elkader, Iowa, May 15, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1140

POSTMORTEM EXAMINATIONS

S. F. 509

AN ACT relating to autopsies and postmortem examinations.

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

1 SECTION 1. NEW SECTION. An autopsy or postmortem examina-
 2 tion may be performed upon the body of a deceased person by a physi-
 3 cian whenever the written consent to the examination or autopsy has
 4 been obtained by any of the following persons, in order of priority
 5 stated when persons in prior classes are not available at the time of
 6 death, and in the absence of actual notice of contrary indications by the
 7 decedent or actual notice of opposition by a member of the same or
 8 prior class:

- 9 1. The spouse.
- 10 2. An adult son or daughter.
- 11 3. Either parent.
- 12 4. An adult brother or sister.
- 13 5. A guardian of the person of the decedent at the time of his death.
- 14 6. Any other person authorized or under obligation to dispose of the
 15 body.

16 The provisions of this section shall not apply to any death investi-
 17 gated under the authority of sections three hundred thirty-nine point
 18 six (339.6) through three hundred thirty-nine point twelve (339.12)
 19 of the Code.

1 SEC. 2. Section three hundred thirty-nine point thirteen (339.13),
 2 Code 1973, unnumbered paragraph two (2), is amended by adding the
 3 following new sentence:

4 NEW SENTENCE. However, the body of a deceased person may be
 5 sent out of state for the purpose of an autopsy or postmortem exami-
 6 nation if the county medical examiner certifies in writing that the out-
 7 of-state autopsy or postmortem examination is necessary or, in the
 8 case of a death which is not in the public interest, as defined in section
 9 three hundred thirty-nine point six (339.6) of the Code, if the attend-
 10 ing physician certifies to the county medical examiner that the per-
 11 formance of the autopsy out of state is proper.

Approved May 2, 1974

CHAPTER 1141

PRACTICE OF MEDICINE AND SURGERY

H. F. 733

AN ACT relating to the practice of medicine and surgery, osteopathic medicine and surgery, and osteopathy and providing penalties.

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

1 SECTION 1. Section one hundred forty-seven point eighty (147.80),*
 2 subsection two (2), Code 1973, is amended to read as follows:

*Cannot apply—repealed by 65 GA, ch 1086, §89

3 2. For a license to practice medicine and surgery or osteopathic
 4 medicine and surgery, issued upon the basis of an examination given
 5 by the medical examiners, ~~fifty a fee to be determined by the medical~~
 6 *examiners, but not to exceed one hundred* dollars. For a license to
 7 practice medicine and surgery, osteopathic medicine and surgery or
 8 osteopathy, issued by endorsement or under a reciprocal agreement,
 9 one hundred dollars. For a license to practice chiropractic issued by
 10 endorsement or under a reciprocal agreement, one hundred dollars.

1 SEC. 2. Section one hundred forty-eight point two (148.2), Code
 2 1973, is amended by adding the following new subsection:

3 NEW SUBSECTION. A graduate of a medical school who is continu-
 4 ing his training and performing the duties of an intern, or who is
 5 engaged in postgraduate training deemed the equivalent of an intern-
 6 ship in a hospital approved for training by the medical examiners.

1 SEC. 3. Section one hundred forty-eight point three (148.3), sub-
 2 section one (1), paragraph b, Code 1973, is amended to read as fol-
 3 lows:

4 b. The completion of ~~three years~~ *one year* of training as a resident
 5 physician, which training has been approved by or is acceptable to the
 6 medical examiners; and

1 SEC. 4. Section one hundred forty-eight point three (148.3), Code
 2 1973, is amended by striking subsection two (2) and inserting in lieu
 3 thereof the following:

4 2. Pass an examination prescribed by the medical examiners which
 5 shall include subjects which determine the applicant's qualifications to
 6 practice medicine and surgery and which shall be given according to
 7 the methods deemed by the medical examiners to be the most appro-
 8 priate and practicable. However, the federation licensing examina-
 9 tion (FLEX) or any other national standardized examination which
 10 the medical examiners shall approve may be administered to any or
 11 all applicants in lieu of or in conjunction with other examinations
 12 which the medical examiners shall prescribe. The medical examiners
 13 may establish necessary achievement levels on all examinations for a
 14 passing grade and promulgate rules and regulations relating to
 15 examinations.

1 SEC. 5. Section one hundred forty-eight point three (148.3), sub-
 2 section four (4), Code 1973, is amended by striking the subsection.

1 SEC. 6. Section one hundred forty-eight point six (148.6), Code
 2 1973, is amended by striking the section and inserting in lieu thereof
 3 the following:

4 **148.6 Revocation.**

5 1. In addition to the provisions of sections one hundred forty-seven
 6 point fifty-eight (147.58) through one hundred forty-seven point
 7 seventy-one (147.71) of the Code, the medical examiners after due
 8 notice and hearing may direct the commissioner of health to issue an
 9 order to revoke or suspend a license to practice medicine and surgery,
 10 osteopathic medicine and surgery or osteopathy, or to discipline a
 11 person licensed to practice medicine and surgery, osteopathic medi-
 12 cine and surgery or osteopathy for any of the grounds set forth in
 13 sections one hundred forty-seven point fifty-five (147.55) and one

14 hundred forty-seven point fifty-six (147.56) of the Code or if, after
15 a hearing, the medical examiners determine that a physician licensed
16 to practice medicine and surgery, osteopathic medicine and surgery
17 or osteopathy is guilty of any of the following acts or offenses:

18 a. Knowingly making misleading, deceptive, untrue or fraudulent
19 representation in the practice of his profession.

20 b. Being convicted of a felony in the courts of this state or another
21 state, territory, or country. Conviction as used in this paragraph
22 shall include a conviction of an offense which if committed in this
23 state would be deemed a felony without regard to its designation else-
24 where, or a criminal proceeding in which a finding or verdict of guilt
25 is made or returned, but the adjudication of guilt is either withheld
26 or not entered. A certified copy of the final order or judgment of con-
27 viction or plea of guilty in this state or in another state shall be con-
28 clusive evidence.

29 c. Violating a statute or law of this state, another state, or the
30 United States, without regard to its designation as either felony or
31 misdemeanor, which statute or law relates to the practice of medi-
32 cine.

33 d. Having his license to practice medicine and surgery, osteopathic
34 medicine and surgery or osteopathy revoked or suspended, or having
35 other disciplinary action taken by a licensing authority of another
36 state, territory, or country. A certified copy of the record or order of
37 suspension, revocation, or disciplinary action is conclusive or prima
38 facie evidence.

39 e. Knowingly aiding, assisting, procuring, or advising a person to
40 unlawfully practice medicine and surgery, osteopathic medicine and
41 surgery or osteopathy.

42 f. Being adjudged mentally incompetent by a court of competent
43 jurisdiction. Such adjudication shall automatically suspend a license
44 for the duration of the license unless the board orders otherwise.

45 g. Being guilty of a willful or repeated departure from, or the fail-
46 ure to conform to, the minimal standard of acceptable and prevailing
47 practice of medicine and surgery, osteopathic medicine and surgery or
48 osteopathy in which proceeding actual injury to a patient need not
49 be established; or the committing by a physician of an act contrary to
50 honesty, justice, or good morals, whether the same is committed in
51 the course of his practice or otherwise, and whether committed within
52 or without this state.

53 h. Inability to practice medicine and surgery, osteopathic medicine
54 and surgery or osteopathy with reasonable skill and safety by reason
55 of illness, drunkenness, excessive use of drugs, narcotics, chemicals,
56 or other type of material or as a result of a mental or physical condi-
57 tion. The medical examiners shall, upon probable cause, have author-
58 ity to compel a physician to submit to a mental or physical examina-
59 tion by designated physicians. Failure of a physician to submit to an
60 examination shall constitute admission to the allegations made against
61 him and the finding of fact and decision of the medical examiners may
62 be entered without the taking of testimony or presentation of evi-
63 dence. At reasonable intervals, a physician shall be afforded an oppor-
64 tunity to demonstrate that he can resume the competent practice of
65 medicine with reasonable skill and safety to patients.

66 A person licensed to practice medicine and surgery, osteopathic
 67 medicine and surgery or osteopathy who makes application for the
 68 renewal of his license, as required by section one hundred forty-seven
 69 point ten (147.10) of the Code, gives his consent to submit to a mental
 70 or physical examination as provided by this paragraph when directed
 71 in writing by the medical examiners. All objections shall be waived
 72 as to the admissibility of the examining physicians' testimony or ex-
 73 amination reports on the grounds that they constitute privileged com-
 74 munication. The medical testimony or examination reports shall not
 75 be used against a physician in another proceeding and shall be confi-
 76 dential, except for other actions filed against a physician to revoke or
 77 suspend his license.

78 i. Willful or repeated violation of lawful rule or regulation promul-
 79 gated by the board or violating a lawful order of the board, previously
 80 entered by the board in a disciplinary hearing.

1 SEC. 7. Section one hundred forty-eight point seven (148.7), un-
 2 numbered paragraph one (1), Code 1973, is amended to read as fol-
 3 lows:

4 ~~Any A~~ proceeding for the revocation, or suspension or probation of
 5 a license to practice medicine and surgery, osteopathic medicine and
 6 surgery, or osteopathy or to discipline a person licensed to practice
 7 medicine and surgery, osteopathic medicine and surgery, or osteopathy
 8 shall be substantially in accord with the following procedure:

1 SEC. 8. Section one hundred forty-eight point seven (148.7), sub-
 2 sections three (3), five (5), seven (7), and eight (8), Code 1973, are
 3 amended to read as follows:

4 3. The hearing shall be before a member or members designated by
 5 the board or before a hearing officer appointed by the board. The
 6 board shall designate one member to serve as presiding member. Such
 7 The presiding board member or hearing officer is hereby empowered
 8 to issue subpoenas, administer oaths and take or cause depositions to
 9 be taken in connection with the hearing. He shall issue subpoenas at
 10 the request and on behalf of the licensee. The hearing shall be open
 11 to the public.

12 The compensation of the hearing officer shall be fixed by the medical
 13 examiners. The hearing officer shall be an attorney vested with full
 14 authority of the board to schedule and conduct hearings. The hearing
 15 officer shall prepare and file with the medical examiners his findings of
 16 fact and conclusions of law, together with a complete written transcript
 17 of all testimony and evidence introduced at the hearing and all exhibits,
 18 pleas, motions, objections and rulings of the hearing officer.

19 5. ~~In case any~~ If a person refuses to obey a subpoena issued by the
 20 presiding member or hearing officer or to answer any a proper question
 21 put to him during the hearing, the presiding member or hearing officer
 22 may invoke the aid of any a court of competent jurisdiction or judge
 23 thereof of this court in requiring the attendance and testimony of such
 24 person and the production of papers. Any A failure to obey such order
 25 of the court may be punished by the court as a civil contempt may be
 26 punished.

27 7. If a majority of the members of the board vote in favor of finding
 28 the licensee guilty of any an act or offense specified in section sections
 29 147.55, or 147.56, or one hundred forty-eight point six (148.6), the

30 board shall prepare written findings of fact and its decision based
 31 ~~thereon~~ imposing one or more of the following disciplinary measures:

32 a. Suspend his license to practice his profession for a period to be
 33 determined by the board.

34 b. Revoke his license to practice his profession.

35 c. Suspend imposition of judgment and penalty or impose the judg-
 36 ment and penalty, but suspend enforcement and place the physician on
 37 probation. The probation ordered may be vacated upon noncompli-
 38 ance. The board of medical examiners may direct the commissioner of
 39 health to restore and reissue a license to practice medicine and surgery,
 40 osteopathic medicine and surgery or osteopathy, but may impose a
 41 disciplinary or corrective measure which it might originally have
 42 imposed. Such findings of fact and decision shall be filed with the
 43 commissioner of public health who shall within ten days from such
 44 filing enter an order revoking, or suspending ~~or placing on probation~~
 45 the license issued to a physician licensed to practice medicine and sur-
 46 gery, osteopathic medicine and surgery or osteopathy, or discipline
 47 such physician as directed by the board in its decision. A copy of the
 48 commissioner's order shall immediately be sent by registered mail to
 49 the licensee's last known post-office address accompanied by a copy of
 50 the board's findings of fact and decision.

51 8. The licensee shall have the right to a judicial review of the
 52 board's decision and the order of the commissioner. Such review shall
 53 be initiated by application ~~to~~ or petition for a writ of certiorari filed
 54 with the district court in and for Polk county, or to the district court
 55 of the county in which the licensee resides, by any method permissible
 56 under the laws of this state. Such application or petition must be made
 57 filed within thirty days after the date of the commissioner's order. On
 58 any such review, the hearing shall be tried as a suit in equity and shall
 59 be de novo. All legal evidence pertaining to the action of the board
 60 may be submitted including new evidence not submitted to the board.

1 SEC. 9. Section one hundred forty-eight point seven (148.7), Code
 2 1973, is amended by adding the following new subsection:

3 NEW SUBSECTION. The commissioner's order revoking or suspend-
 4 ing a license to practice medicine and surgery, osteopathic medicine
 5 and surgery or osteopathy or to discipline a licensee shall remain in
 6 force and effect until the appeal is finally determined and disposed of
 7 upon its merit.

Approved May 27, 1974

CHAPTER 1142

INTERNSHIP OF PHYSICIANS AND SURGEONS

H. F. 416

AN ACT relating to the internship requirements of physicians and surgeons and osteo-
 pathic physicians and surgeons.

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

1 SECTION 1. Section one hundred forty-eight point three (148.3),
 2 subsection three (3), Code 1973, is amended to read as follows:

3 3. Present to the state department of health satisfactory evidence
4 that *the* applicant has completed one year of internship *or resident*
5 *training* in a hospital approved *for such training* by the state board of
6 medical examiners. ~~No hospital shall be approved which does not~~
7 ~~provide the internship without expense to the intern.~~

1 SEC. 2. Section one hundred fifty A point three (150A.3), subsection
2 one (1), paragraph c, Code 1973, is amended by striking the para-
3 graph and inserting in lieu thereof the following:

4 c. Present to the state department of health satisfactory evidence
5 that the applicant has completed one year of internship or resident
6 training in a hospital approved for such training by the medical
7 examiners.

Approved April 8, 1974

CHAPTER 1143

PODIATRISTS

H. F. 325

AN ACT to clarify the authority of podiatrists to continue to prescribe and dispense prescription drugs including controlled substances.

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

1 SECTION 1. Section one hundred forty-nine point five (149.5), Code
2 1973, is amended to read as follows:

3 **149.5 Amputations—general anesthetics.** A license to practice
4 podiatry shall not authorize the licensee to amputate the human foot
5 or perform any surgery on the human body at or above the ankle, or
6 use any anesthetics other than local.

7 *A registered podiatrist may prescribe and administer drugs for the*
8 *treatment of human foot ailments as provided in section one hundred*
9 *forty-nine point one (149.1) of the Code.*

1 SEC. 2. Section one hundred fifty-five point one (155.1), subsection
2 two (2), Code 1973, is amended to read as follows:

3 2. Persons who compound or dispense drugs and medicines or fill the
4 prescriptions of licensed physicians and surgeons, dentists, *podiatrists*,
5 or veterinarians.

1 SEC. 3. Section one hundred fifty-five point two (155.2), subsection
2 two (2), Code 1973, is amended to read as follows:

3 2. Persons licensed to practice medicine, dentistry, *podiatry*, or vet-
4 erinary medicine who dispense drugs and medicines as an incident to
5 the practice of their professions.

1 SEC. 4. Section one hundred fifty-five point three (155.3), subsection
2 eleven (11), Code 1973, is amended to read as follows:

3 11. "Medical practitioner" means a physician, dentist, *podiatrist*,
4 veterinarian, or any other person authorized by law to treat sick and
5 injured humans or animals and to use prescription drugs in such treat-
6 ment.

- 1 SEC. 5. Section one hundred fifty-five point six (155.6), Code 1973,
2 is amended to read as follows:
3 155.6 **Sales by unlicensed person.** No unlicensed person or licensed
4 pharmacist shall allow anyone who is not a licensed pharmacist to fill
5 the prescriptions of licensed physicians, dentists, *podiatrists*, or veteri-
6 narians, except a person who is registered with the board of pharmacy
7 examiners pursuant to the practical experience requirements of this
8 chapter and unless the same be done under the immediate personal
9 supervision of a licensed pharmacist. All drugs and medicines requir-
10 ing a prescription which are sold, exposed or offered for sale shall be
11 under the immediate personal supervision of a licensed pharmacist at
12 all times except for temporary absences. However, during a period of
13 temporary absence of a ~~license~~ *licensed* pharmacist no drugs or medi-
14 cines requiring a prescription shall be sold or offered for sale in the
15 pharmacy except proprietary medicines or domestic remedies.
- 1 SEC. 6. Section one hundred fifty-five point thirteen (155.13), sub-
2 section six (6), Code 1973, is amended to read as follows:
3 6. Substitution of a drug, substance, or brand other than the drug,
4 substance or brand ordered in the prescription of a physician, dentist,
5 *podiatrist*, or veterinarian licensed by law.
- 1 SEC. 7. Section one hundred fifty-five point twenty-two (155.22),
2 Code 1973, is amended to read as follows:
3 155.22 **Exceptions.** Sections 155.20 and 155.21 do not apply to
4 sales by wholesalers of drugs and medicines to licensed physicians,
5 dentists, *podiatrists*, or veterinarians.
- 1 SEC. 8. Section one hundred fifty-five point twenty-six (155.26),
2 Code 1973, is amended to read as follows:
3 155.26 **Possession of prescription drugs.** Any person found in pos-
4 session of a drug or medicine limited by law to dispensation by a pre-
5 scription, unless such drug or medicine was so lawfully dispensed,
6 shall be deemed guilty of violating the provisions of this section, and
7 upon conviction thereof, shall be fined not more than one thousand
8 dollars or be imprisoned in the county jail for not more than one year,
9 or both. This section shall not apply to a licensed pharmacy, licensed
10 wholesaler, physician, veterinarian, dentist, *podiatrist*, or nurse acting
11 under the direction of a physician or the board of pharmacy examiners,
12 its officers, agents, inspectors, and representatives, nor to a common
13 carrier or messenger when transporting such drug or medicine in the
14 same unbroken package in which the drug or medicine was delivered
15 to him for transportation.
- 1 SEC. 9. Section one hundred fifty-five point twenty-nine (155.29),
2 subsection three (3), Code 1973, is amended to read as follows:
3 3. For the purpose of obtaining a prescription drug, falsely assume
4 the title of or represent himself to be a manufacturer, wholesaler,
5 pharmacist, pharmacy owner, physician, dentist, *podiatrist*, veteri-
6 narian, or other authorized person.
- 1 SEC. 10. Section one hundred fifty-five point thirty (155.30), un-
2 numbered paragraph four (4), Code 1973, is amended to read as fol-
3 lows:

4 Nothing in this section shall be construed to prevent a licensed prac-
 5 titioner of medicine, dentistry, *podiatry*, nursing, veterinary medicine,
 6 or pharmacy from such acts necessary in the ethical and legal perform-
 7 ance of his profession.

1 SEC. 11. Section one hundred fifty-five point thirty-five (155.35),
 2 Code 1973, is amended to read as follows:

3 155.35 Name and strength of drug on prescription label. Unless
 4 the prescription indicates to the contrary, the label of any drug sold
 5 and dispensed on the prescription of a licensed physician or, dentist, or
 6 *podiatrist* shall include the name and strength of the drug.

1 SEC. 12. Section two hundred four point one hundred one
 2 (204.101), subsection one (1), the unnumbered paragraph following
 3 paragraph b, Code 1973, is amended to read as follows:

4 Nothing contained in this chapter shall be construed to prevent a
 5 physician, dentist, *podiatrist*, or veterinarian from delegating the ad-
 6 ministration of controlled substances under this chapter to a nurse or
 7 intern, or, as to veterinarians, to an orderly or assistant, under his
 8 direction and supervision; all pursuant to rules and regulations adopted
 9 by the board.

1 SEC. 13. Section two hundred four point one hundred one
 2 (204.101), subsection twenty-two (22), paragraph a, Code 1973, is
 3 amended to read as follows:

4 a. A physician, dentist, *podiatrist*, veterinarian, scientific investi-
 5 gator, or other person licensed, registered or otherwise permitted to
 6 distribute, dispense, conduct research with respect to or to administer
 7 a controlled substance in the course of professional practice or research
 8 in this state.

Approved February 20, 1974

CHAPTER 1144

CHIROPRACTIC

H. F. 299

AN ACT relating to the practice of chiropractic.

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

1 SECTION 1. Section one hundred fifty-one point one (151.1), sub-
 2 section two (2), Code 1973, is amended by striking the subsection and
 3 inserting in lieu thereof the following:

4 2. Persons who treat human ailments by the adjustment of the mus-
 5 culoskeletal* structures, primarily spinal adjustments by hand, or by
 6 other procedures incidental to said adjustments limited to heat, cold,
 7 exercise and supports, the principles of which chiropractors are sub-
 8 ject to examination under the provisions of section one hundred fifty-
 9 one point three (151.3) of the Code, but not as independent therapeu-
 10 tic means.

*According to enrolled Act

1 SEC. 2. NEW SECTION. A chiropractor shall not use in his practice the procedures otherwise authorized by law unless he has received
2 training in their use by a college of chiropractic offering courses of
3 instructions approved by the board of chiropractic examiners.

4 Any chiropractor licensed as of the effective date of this Act may
5 use the procedures authorized by law if he files with the board of chiropractic examiners an affidavit that he has completed the necessary
6 training and is fully qualified in these procedures and possesses that
7 degree of proficiency and will exercise that care which is common to
8 physicians in this state.
9
10

1 SEC. 3. Section one hundred fifty-one point seven (151.7), Code
2 1973, is amended to read as follows:

3 151.7 Probation—advertising restrictions. The license of a chiropractor shall be placed on probation upon a showing at a hearing conducted by the board of chiropractic examiners that such licensee is
4 guilty of false, fraudulent or misleading advertising or that such
5 licensee advertised in any publication or through any communication
6 media the prices for which his services are available. For purposes of
7 this section "advertising" is defined as a chiropractor publicizing himself, his partner, or associate as a chiropractor through newspaper or
8 magazine advertisements, radio or television announcements, display
9 advertisements in city or telephone directories, or other means of commercial publicity, or authorizing or permitting others to do so on his
10 behalf. "Advertising" does not include a simple boldface listing in a
11 phone directory, professional cards, letterheads, or professionally
12 discreet lettering identifying premises where chiropractic is practiced.
13 Any proceeding for the probation of a chiropractic license shall be
14 conducted by the board of chiropractic examiners in a manner substantially in accord with the provisions of section 148.7.
15
16
17
18
19

Approved May 29, 1974

CHAPTER 1145

HEARING AID DEALERS

H. F. 708

AN ACT relating to licensing and regulation of hearing aid dealers, appropriating license fees for purposes of administration, providing penalties for a violation, and to provide an appropriation.

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

1 SECTION 1. NEW SECTION. Definitions. As used in this Act,
2 unless the context requires otherwise:

3 1. "Department" means the state department of health.

4 2. "Board" means the board of examiners for the licensing and regulation of hearing aid dealers.

5 3. "Hearing aid" means a wearable instrument or device designed
6 for or offered for the purpose of aiding or compensating for impaired
7 human hearing, and any parts, attachments, or accessories, including
8 earmold, but excluding batteries and cords.
9

10 4. "Hearing aid dealer" means any person engaged in the fitting,
11 dispensing and the sale of hearing aids and providing hearing aid
12 services or maintenance, by means of procedures stipulated by this
13 Act or the board.

14 5. "Hearing aid fitting" means the measurement of human hearing
15 by any means for the purpose of selections, adaptations, and sales of
16 hearing aids, and the instruction and counseling pertaining thereto,
17 and demonstration of techniques in the use of hearing aids, and the
18 making of earmold impressions as part of the fitting of hearing aids.

19 6. "Dispense" or "sell" means a transfer of title or of the right to
20 use by lease, bailment, or any other means, but excludes a wholesale
21 transaction with a distributor or dealer, and excludes the temporary,
22 charitable loan or educational loan of a hearing aid without remun-
23 eration.

24 7. "Person" means a natural person.

25 8. "Temporary permit" means a permit issued while the applicant
26 is in training to become a licensed hearing aid dealer.

27 9. "License" means a license issued by the state under this Act to
28 hearing aid dealers.

1 SEC. 2. NEW SECTION. **Establishment of board.** A board for the
2 licensing and regulation of hearing aid dealers is established. The
3 board shall consist of three licensed hearing aid dealers and two mem-
4 bers who are not licensed hearing aid dealers who shall represent the
5 general public. Members, who shall be residents of the state of Iowa,
6 shall be appointed by the governor, subject to the approval of two-
7 thirds of the members of the senate. A licensed member shall be
8 actively employed as a hearing aid dealer and shall have been so
9 engaged for five years preceding his appointment, the last two of
10 which shall have been in Iowa. However, hearing aid dealers ap-
11 pointed to the initial board shall have not less than five years expe-
12 rience and shall fulfill the qualifications relating to experience for
13 licensure as provided in this Act.

14 No more than two members of the board shall be employees of, or
15 dealers principally, for the same hearing aid manufacturer.

16 Professional associations or societies composed of licensed hearing
17 aid dealers may recommend the names of potential board members to
18 the governor, but the governor shall not be bound by the recommenda-
19 tions. A board member shall not be required to be a member of any
20 professional association or society composed of licensed hearing aid
21 dealers.

1 SEC. 3. NEW SECTION. **Term of office.** Appointments shall be for
2 three-year terms and shall commence on July first of the year in which
3 the appointment is made. Vacancies shall be filled for the unexpired
4 term by appointment of the governor and shall be subject to senate
5 confirmation. Members shall serve a maximum of three terms or
6 nine years, whichever is least. For members appointed to the initial
7 board, the governor shall appoint one hearing aid dealer for a one-
8 year term, one hearing aid dealer for a two-year term, and one hear-
9 ing aid dealer for a three-year term; one member representing the
10 general public for a one-year term and one member representing the
11 general public for a three-year term.

1 **SEC. 4. NEW SECTION. Duties of the board.** Members of the
 2 board shall annually elect a chairman and a secretary-treasurer from
 3 their membership. The board shall prepare examinations drawn from
 4 comparable examinations given in other states which license hearing
 5 aid dealers, direct the department in administering the provisions of
 6 this Act, determine who is eligible for licensure, suspend or revoke
 7 licenses or temporary permits for cause, and promulgate rules and
 8 regulations for the administration of the provisions of this Act pur-
 9 suant to chapter seventeen A (17A) of the Code within the limits of
 10 funds appropriated to the board.

1 **SEC. 5. NEW SECTION. Public members.** The public members of
 2 the board shall not participate in administering or grading any por-
 3 tion of an examination, except that for the initial examination the pub-
 4 lic members may participate in administering and grading the exam-
 5 ination.

1 **SEC. 6. NEW SECTION. Disclosure of confidential information.** A
 2 member of the board shall not disclose information relating to the
 3 following:

- 4 1. Criminal history or prior misconduct of the applicant.
- 5 2. Information relating to the contents of the examination.
- 6 3. Information relating to the examination results other than final
 7 score except for information about the results of an examination which
 8 is given to the person who took the examination.

9 A member of the board who willfully communicates or seeks to com-
 10 municate such information, and any person who willfully requests,
 11 obtains, or seeks to obtain such information, is guilty of a public
 12 offense which is punishable by a fine not exceeding one hundred dol-
 13 lars or by imprisonment in the county jail for not more than thirty
 14 days.

1 **SEC. 7. NEW SECTION. Meetings and expenses.** The members of
 2 the board shall set their own per diem compensation at a rate not ex-
 3 ceeding forty dollars per day for the time actually spent in traveling
 4 to and from, and attending duly authorized functions of the board
 5 and its committees, and shall receive all necessary traveling and inci-
 6 dental expenses incurred in the discharge of their duties within the
 7 limits of funds appropriated to the board. The board shall meet at
 8 least one time per year at the seat of government and may hold addi-
 9 tional meetings as deemed necessary. Additional meetings shall be
 10 held at the call of the chairman or a majority of the members of the
 11 board. At any meeting of the board, a majority of the members shall
 12 constitute a quorum.

1 **SEC. 8. NEW SECTION. Duties of department.** The department,
 2 with the advice and assistance of the board shall:

- 3 1. Employ personnel, and authorize disbursements necessary to
 4 carry out the provisions of this Act.
- 5 2. Register and issue licenses to persons whom the board deems
 6 qualified to engage in the fitting or selection and sale of hearing aids.
- 7 3. Purchase, maintain, or rent equipment and other facilities nec-
 8 essary to carry out the examination of applicants.
- 9 4. Designate the time and place for examining applicants, and con-
 10 duct and supervise the examinations as directed by the board.

1 **SEC. 9. NEW SECTION. Applications.** Applications for licensure
 2 or for a temporary permit shall be on forms prescribed and furnished
 3 by the board and shall not require that a recent photograph of the
 4 applicant be attached to the application form. An applicant shall not
 5 be ineligible for certification because of age, citizenship, sex, race,
 6 religion, marital status, or national origin although the application
 7 may require citizenship information. The board may consider the
 8 past felony record of an applicant only if the felony conviction relates
 9 directly to the practice of fitting or selection and sale of hearing aids.
 10 Character references may be required, but shall not be obtained from
 11 licensed hearing aid dealers.

1 **SEC. 10. NEW SECTION. Issuance of licenses.** After the effective
 2 date of this Act, an applicant may obtain a license, if the applicant:
 3 1. Successfully passes the qualifying examination prescribed in sec-
 4 tion twelve (12) of this Act.
 5 2. Is free of contagious or infectious disease.
 6 3. Pays the necessary fees set by the board pursuant to section sev-
 7 enteen (17) of this Act.

1 **SEC. 11. NEW SECTION. Examinations.** Examinations for licens-
 2 ing shall be given as often as deemed necessary by the board, but no
 3 less than one time per year. The scope of the examination and meth-
 4 ods of procedure shall be prescribed by the board. Any written exami-
 5 nation may be given by representatives of the board.
 6 All examinations in theory shall be in writing and the identity of
 7 the person taking the examination shall be concealed until after the
 8 examination papers have been graded. For examinations in practice,
 9 the identity of the person taking the examination shall also be con-
 10 cealed as far as possible.

11 As soon as practicable after the close of each examination, a report
 12 shall be filed by the board. The report shall show the action of the
 13 board upon each application, and the department shall notify each
 14 applicant of the result of his examination. Applicants who fail the
 15 examination once shall be allowed to take the examination at the next
 16 scheduled time. Thereafter, the applicant shall be allowed to take
 17 the examination at the discretion of the board.

18 An applicant who has failed the examination may request in writ-
 19 ing information from the board concerning his examination grade
 20 and subject areas or questions which he failed to answer correctly,
 21 except that if the board administers a uniform, standardized exami-
 22 nation, the board shall only be required to provide the examination
 23 grade and such other information concerning the applicant's examina-
 24 tion results which are available to the board.

1 **SEC. 12. NEW SECTION. Scope of examination.** The examination
 2 required by this Act shall be designed to demonstrate the applicant's
 3 adequate technical qualifications including, but not limited to, the fol-
 4 lowing:
 5 1. Written tests of knowledge in areas such as physics of sound,
 6 anatomy and physiology of hearing, and the function of hearing aids,
 7 as these areas pertain to the fitting or selection and sale of hearing
 8 aids.

9 2. Practical tests of proficiency in hearing testing techniques as
10 these techniques pertain to the fitting or selection and sale of hearing
11 aids.

12 3. Evidence of knowledge of the medical and rehabilitation facilities
13 that are available in the area served, for children and adults who have
14 hearing problems.

15 4. Evidence of knowledge of situations in which it is commonly be-
16 lieved that a hearing aid is inappropriate.

17 5. The procedures and use of equipment established by the board
18 for the fitting or selection and sale of hearing aids.

19 6. Practical tests of proficiency in the taking of earmold impres-
20 sions.

21 The board shall not require the applicant to possess the degree of
22 professional competence normally expected of physicians.

1 **SEC. 13. NEW SECTION. Temporary permit.** A person who has
2 not been employed as a hearing aid dealer prior to the effective date of
3 the Act, may obtain a temporary permit from the department upon
4 completion of the application accompanied by the written verification
5 of employment from a licensed hearing aid dealer. The department
6 shall issue a temporary permit for one year which shall not be re-
7 newed or reissued. The fee for issuance of the temporary permit
8 shall be set by the board pursuant to section seventeen (17) of this
9 Act. The temporary permit entitles an applicant to engage in the fit-
10 ting or selection and sale of hearing aids under the supervision of a
11 person holding a valid license.

1 **SEC. 14. NEW SECTION. Reciprocity.** If the board determines
2 that another state or jurisdiction has requirements equivalent to or
3 higher than those provided in this Act, the department may issue a
4 license by reciprocity to applicants who hold valid certificates or
5 licenses to deal in and fit hearing aids in the other state or jurisdic-
6 tion. An applicant for a license by reciprocity is not required to take
7 a qualifying examination, but is required to pay the license fee as pro-
8 vided in section seventeen (17) of this Act. The holder of a license of
9 reciprocity is registered in the same manner as the holder of a regular
10 license. Fees, grounds for renewal, and procedures for the suspension
11 and revocation of license by reciprocity are the same as for a regular
12 license.

1 **SEC. 15. NEW SECTION. License renewal.** Licenses shall be re-
2 newed annually in a manner determined by the board. The renewal
3 fee shall be determined by the board pursuant to section seventeen
4 (17) of this Act. The department shall notify every person licensed
5 under this chapter of the date of expiration of his license and the
6 amount of fee required for its renewal for one year. The notice shall
7 be mailed at least one month in advance of the expiration date. A per-
8 son who fails to renew his license by the expiration date shall be
9 allowed to do so within thirty days following its expiration, but the
10 board may assess a reasonable penalty.

1 **SEC. 16. NEW SECTION. Continuing education.** Beginning Janu-
2 ary 1, 1976, in addition to payment of the annual renewal fee, each
3 hearing aid dealer applying for the renewal of his license shall furnish
4 to the department satisfactory evidence that he has completed at least

5 two days of education programs during the year preceding the date of
6 his application for renewal selected from the following:

- 7 1. Education programs conducted by the board;
- 8 2. Training school conducted by one of the various hearing aid man-
9 ufacturers for their representatives, which is approved by the board;
- 10 3. Periodic training sessions conducted by the national hearing aid
11 society which is approved by the board; or
- 12 4. Other educational means approved by the board.

13 The department shall send a written notice to this effect to every
14 person holding a valid license at least thirty days prior to the license
15 renewal date each year, directed to the last known address of such
16 licensee.

17 In the event that any licensee shall fail to meet the annual educa-
18 tional requirement, his license shall be suspended or withheld by the
19 board. The board shall reinstate the licensee upon the presentation
20 of satisfactory evidence of educational study of a standard approved
21 by the board, and upon the payment of all fees due.

1 SEC. 17. NEW SECTION. Fees. The fees for the examination shall
2 be set by the board on the basis of the annual cost of administration.
3 The fees for the temporary permit, license, renewal of a license, and
4 issuance of a duplicate license, shall be set by the board on the basis
5 of the cost of sustaining the board and the administrative costs of the
6 department. The fees for licensure and permit shall be based upon,
7 but not limited to:

- 8 1. Per diem, expenses, and travel of members of the board.
- 9 2. Supplies and other expenses.
- 10 3. Costs submitted by the department.

1 SEC. 18. NEW SECTION. Display of license. A person shall not
2 engage in business as a hearing aid dealer, or display a sign, or in any
3 other way advertise or represent himself as a hearing aid dealer after
4 January 1, 1975, unless he holds a valid license issued by the depart-
5 ment as provided in this Act. The license shall be conspicuously
6 posted in his office or place of business. The department shall issue
7 duplicate licenses to valid license holders operating more than one
8 office. A license confers upon the holder the right to operate a busi-
9 ness as a hearing aid dealer.

1 SEC. 19. NEW SECTION. Exceptions. This Act shall not prohibit
2 a corporation, partnership, trust, association, or other organization
3 maintaining an established business address, from engaging in the
4 business of selling or offering for sale hearing aids at retail without a
5 license, if it employs only licensed hearing aid dealers in the direct fit-
6 ting or selection and sale of hearing aids. Such an organization shall
7 file annually with the board a list of all licensed hearing aid dealers
8 and persons holding temporary permits directly or indirectly employed
9 by it. Such an organization shall also file with the board a statement
10 on a form approved by the board that the organization submits itself
11 to the rules and regulations of the board and the provisions of this Act
12 which the department deems applicable.

13 This Act shall not apply to a person who engages in the practices
14 covered by this Act if this activity is part of the academic curriculum
15 of an accredited institution of higher education, or part of a program
16 conducted by a public or charitable institution, or nonprofit organiza-

17 tion, unless the institution or organization also dispenses or sells hear-
18 ing aids.

19 This Act shall not prevent any person from engaging in practices
20 covered by this Act, provided the person, or organization employing
21 the person, does not dispense or sell hearing aids.

1 SEC. 20. NEW SECTION. **Rights of purchaser.** A hearing aid
2 dealer shall deliver, to each person supplied with a hearing aid, a re-
3 ceipt which contains the licensee's signature and shows his business
4 address and the number of his license, together with specifications as
5 to the make, model and serial number of the hearing aid furnished,
6 and full terms of sale clearly stated, including the date of consumma-
7 tion of the sale of the hearing aid. If a hearing aid is sold which is
8 not new, the receipt and the container must be clearly marked "used"
9 or "reconditioned", with the terms of guarantee, if any.

10 The receipt shall bear the following statement in type no smaller
11 than the largest used in the body copy portion of the receipt:

12 "The purchaser has been advised that any examination or represen-
13 tation made by a licensed hearing aid dealer in connection with the
14 fitting or selection and selling of this hearing aid is not an examina-
15 tion, diagnosis, or prescription by a person licensed to practice medi-
16 cine in this state and therefore, must not be regarded as medical opin-
17 ion or advice."

18 Whenever any of the following conditions are found to exist either
19 from observations by the licensed hearing aid dealer or person holding
20 a temporary permit or on the basis of information furnished by a pro-
21 spective hearing aid user, the hearing aid dealer or person holding a
22 temporary permit shall, prior to fitting and selling a hearing aid to
23 any individual, suggest to that individual in writing that his best in-
24 terests would be served if he would consult a licensed physician spe-
25 cializing in diseases of the ear, or if no such licensed physician is avail-
26 able in the community, then to a duly licensed physician:

- 27 1. Visible congenital or traumatic deformity of the ear.
- 28 2. History of, or active drainage from the ear within the previous
29 ninety days.
- 30 3. History of sudden or rapidly progressive hearing loss within the
31 previous ninety days.
- 32 4. Acute or chronic dizziness.
- 33 5. Unilateral hearing loss of sudden or recent onset within the pre-
34 vious ninety days.
- 35 6. Significant air-bone gap (greater than or equal to 15dB ANSI
36 500, 1000 and 2000 Hz. average).
- 37 7. Obstruction of the ear canal, either by structures of undeter-
38 mined origin, such as foreign bodies, impacted cerumen, redness,
39 swelling or tenderness from localized infections of the otherwise nor-
40 mal ear canal.

41 A copy of the written recommendation shall be retained by the
42 licensed hearing aid dealer for the period of seven years. A person
43 receiving the written recommendation who elects to purchase a hear-
44 ing aid shall sign a receipt for the same, and the receipt shall be kept
45 with the other papers retained by the licensed hearing aid dealer for
46 the period of seven years. Nothing in this section required to be per-
47 formed by a licensed hearing aid dealer shall mean that the hearing

48 aid dealer is engaged in the diagnosis of illness or the practice of
49 medicine or any other activity prohibited by this Act.

50 No hearing aid shall be sold by any individual licensed under this
51 bill to a person twelve years of age or younger, unless within the pre-
52 ceding six months a recommendation for a hearing aid has been made
53 by a physician specializing in otolaryngology. A replacement of an
54 identical hearing aid within one year shall be an exception to this
55 requirement.

56 A licensed hearing aid dealer shall, upon the consummation of a sale
57 of a hearing aid, keep and maintain records in his office or place of
58 business at all times and each such record shall be kept and main-
59 tained for a seven-year period. These records shall include:

60 1. Results of test techniques as they pertain to fitting of the hear-
61 ing aids.

62 2. A copy of the written receipt and the written recommendation.

1 SEC. 21. NEW SECTION. **Notice of address.** A licensee or person
2 holding a temporary permit shall notify the department in writing of
3 the address of the place where he engages or intends to engage in busi-
4 ness as a hearing aid dealer. The department shall keep a record of
5 the place of business of licensees and persons holding temporary per-
6 mits.

7 Any notice required to be given by the department to a licensee
8 shall be adequately served if sent by certified mail to the address of
9 the last place of business recorded.

1 SEC. 22. NEW SECTION. **Deposit of fees.** The department shall
2 deposit all fees collected under the provisions of this Act in the gen-
3 eral fund of the state. Compensation and travel expenses of mem-
4 bers and employees of the board, and other expenses necessary for the
5 board to administer and carry out the provisions of this Act shall
6 be paid from funds appropriated from the general fund of the state
7 and there is appropriated from the general fund of the state to the
8 board of hearing aid examiners for support, maintenance, equipment
9 and miscellaneous purposes of the board for the licensing and regu-
10 lation of hearing aid dealers for the fiscal year commencing July 1,
11 1974 and ending June 30, 1975, the sum of four thousand five hundred
12 (4,500) dollars, or so much thereof as may be necessary.

1 SEC. 23. NEW SECTION. **Complaints.** Any person wishing to make
2 a complaint against a licensee or holder of a temporary permit shall
3 file a written statement with the board within twelve months from
4 the date of the action upon which the complaint is based. If the board
5 determines that the complaint alleges facts which, if proven, would
6 be cause for the suspension or revocation of the license of the licensee
7 or holder of a temporary permit, it shall make an order fixing a time
8 and place for a hearing and requiring the licensee or holder of a tem-
9 porary permit complained against to appear and defend. The order
10 shall contain a copy of the complaint, and the order and copy of the
11 complaint shall be served upon the licensee or holder of a temporary
12 permit at least twenty days before the date set for hearing, either
13 personally or as provided in section twenty-one (21) of this Act. Con-
14 tinuance or adjournment of a hearing date may be made for good
15 cause. At the hearing the licensee or holder of a temporary permit
16 may be represented by counsel. The licensee or holder of a tempo-

17 rary permit and the board may take depositions in advance of hearing
 18 and after service of the complaint, and either may compel the attend-
 19 ance of witnesses by subpoenas issued by the board. The board shall
 20 issue such subpoenas at the request of a licensee or holder of a tempo-
 21 rary permit. Either party taking depositions shall give at least five
 22 days written notice to the other party of the time and place of such
 23 depositions, and the other party may attend, with counsel, if desired,
 24 and cross-examine.

25 If the board determines from the evidence and proofs submitted
 26 that the licensee or holder of a temporary permit is guilty of violat-
 27 ing any of the provisions of this Act, or any of the regulations promul-
 28 gated by the board pursuant to this Act, the department shall,
 29 within thirty days after the hearing, issue an order refusing to issue
 30 or renew, or revoking or suspending, as the case may be, the hearing
 31 aid dealer's license or temporary permit. The order shall include the
 32 findings of fact and the conclusions of law made by the board and
 33 counsel. A copy of the order shall be sent to the licensee or holder
 34 of a temporary permit by registered mail. The records of the depart-
 35 ment shall reflect the action taken by the board on the charges, and
 36 the department shall preserve a record of the proceedings in a man-
 37 ner similar to that used by courts of record in this state.

38 The final order of the board in the proceedings may be appealed to
 39 the district court of the county where the licensee or holder of a tem-
 40 porary permit resides, or in which the licensed hearing aid dealer's
 41 principal place of business is located.

42 The department shall send a copy of the complaint and a copy of
 43 the board's final order to the attorney general for purposes of infor-
 44 mation in the event the licensee or holder of a temporary permit pur-
 45 sues a court appeal and for consideration as to whether the violations
 46 are flagrant enough to justify prosecution. The attorney general and
 47 all county attorneys shall assist the department in the enforcement of
 48 the provisions of this Act.

1 SEC. 24. NEW SECTION. **Suspension or revocation.** The board may
 2 revoke or suspend a license or temporary permit permanently or for a
 3 fixed period for any of the following causes:

4 1. Conviction of a felony. The record of conviction, or a certified
 5 copy, shall be conclusive evidence of conviction.

6 2. Procuring a license or temporary permit by fraud or deceit.

7 3. Unethical conduct in any of the following forms:

8 a. Obtaining a fee or making a sale by fraud or misrepresentation.

9 b. Knowingly employing, directly or indirectly, any suspended or
 10 unregistered person to perform any work covered by this Act.

11 c. Using or causing or promoting the use of any advertising mat-
 12 ter, promotional literature, testimonial, guarantee, warranty, label,
 13 brand, insignia, or any other representation, however disseminated or
 14 published, which is misleading, deceptive or untruthful.

15 d. Advertising a particular model or type of hearing aid for
 16 sale when purchasers or prospective purchasers responding to the
 17 advertisement cannot purchase the advertised model or type, if it is
 18 established that the purpose of the advertisement is to obtain pros-
 19 pects for the sale of a different model or type than that advertised.

20 e. Representing that the service or advice of a person licensed to
 21 practice medicine, or one who is certificated as a clinical audiologist by

- 22 the board of examiners of speech pathology and audiology or its equiv-
23 alent, will be used or made available in the fitting or selection, adjust-
24 ment, maintenance, or repair of hearing aids when that is not true,
25 or using the words "doctor", "clinic", "clinical audiologist", "state
26 approved", or similar words, abbreviations, or symbols which tend to
27 connote the medical or other professions, except where the title "cer-
28 tified hearing aid audiologist" has been granted by the national hear-
29 ing aid society, or that the hearing aid dealer has been recommended
30 by this state or the board when such is not accurate.
- 31 f. Habitual intemperance.
- 32 g. Permitting another person to use his license or temporary per-
33 mit.
- 34 h. Advertising a manufacturer's product or using a manufacturer's
35 name or trademark to imply a relationship with the manufacturer that
36 does not exist.
- 37 i. Directly or indirectly giving or offering to give, or permitting or
38 causing to be given money or anything of value to a person who
39 advises another in a professional capacity, as an inducement to influ-
40 ence the person or cause him to influence others to purchase or con-
41 tract to purchase products sold or offered for sale by a hearing aid
42 dealer, or to influence others to refrain from dealing in the products
43 of competitors.
- 44 j. Conducting business while suffering from a contagious or infec-
45 tious disease.
- 46 k. Engaging in the fitting or selection and sale of hearing aids
47 under a false name or alias, with fraudulent intent.
- 48 l. Selling a hearing aid to a person who has not been given tests
49 utilizing appropriate established procedures and instrumentation in
50 fitting or selection of hearing aids, except in cases of selling replace-
51 ment hearing aids of the same make or model within one year of the
52 original sale.
- 53 m. Gross incompetence or negligence in fitting or selection and sell-
54 ing of hearing aids.
- 55 n. Using an advertisement or other representation which has the
56 effect of misleading or deceiving purchasers or prospective purchasers
57 into the belief that any hearing aid or device, or part or accessory
58 thereof, is a new invention or involves a new mechanical or scientific
59 principle when such is not the fact.
- 60 o. Representing, directly or by implication, that a hearing aid uti-
61 lizing bone conduction has certain specified features, such as the ab-
62 sence of anything in the ear or leading to the ear, or the like, without
63 disclosing clearly and conspicuously that the instrument operates on
64 the bone conduction principle, and that in many cases of hearing loss,
65 this type of instrument may not be suitable.
- 66 p. Stating or implying that the use of a hearing aid will restore nor-
67 mal hearing or preserve hearing or prevent or retard progressions of
68 hearing impairment or any other false or misleading claim regarding
69 the use or benefit of a hearing aid.
- 70 q. Representing or implying that a hearing aid is or will be "cus-
71 tom-made", "made to order", "prescription made", or in any other
72 sense especially fabricated for an individual person when such is not
73 the case.

74 r. Violating any of the provisions of section seven hundred thirteen
75 point twenty-four (713.24) of the Code.

76 s. Such other acts or omissions as the board may determine to be
77 unethical conduct.

1 SEC. 25. NEW SECTION. **Prohibitions.** A person shall not:

2 1. Sell, barter, or offer to sell or barter a license or temporary
3 permit.

4 2. Purchase or procure by barter a license or temporary permit
5 with intent to use it as evidence of the holder's qualifications to engage
6 in business as a hearing aid dealer.

7 3. Alter a license or temporary permit with fraudulent intent.

8 4. Use or attempt to use as a valid license a license or temporary
9 permit which has been purchased, fraudulently obtained, counter-
10 feited, or materially altered.

11 5. Willfully make a false statement in an application for a license
12 or temporary permit or for renewal of a license or temporary permit.

1 SEC. 26. NEW SECTION. **Consumer protection.** Nothing in this
2 Act shall be construed to limit the right of a person who desires to
3 file a complaint against a licensee or holder of a temporary permit
4 from filing a complaint with the attorney general pursuant to the pro-
5 visions of section seven hundred thirteen point twenty-four (713.24)
6 of the Code.

1 SEC. 27. NEW SECTION. **Penalties.** A violation of any provision
2 of this Act is punishable, upon conviction, by a fine of not more than
3 five hundred dollars or by imprisonment for not more than ninety
4 days in the county jail, or by both such fine and imprisonment.

1 SEC. 28. The provisions of this Act shall become effective January
2 1, 1975, except that the governor shall appoint the members of the
3 board to terms which shall commence July 1, 1974, and the board shall
4 commence its duties.

Approved May 28, 1974

CHAPTER 1146

AGRICULTURE DEPARTMENT

H. F. 1302

AN ACT relating to the publications by the department of agriculture.

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

1 SECTION 1. Section one hundred fifty-nine point nine (159.9), Code
2 1973, is amended to read as follows:

3 **159.9 Publication and distribution of rules.** A sufficient number of
4 ~~the rules pamphlets setting forth the statutes and rules~~ of the depart-
5 ment shall be published from time to time to supply the various needs
6 for the same. ~~A copy of the rules and~~ shall be furnished to any resi-
7 dent of the state upon request.

Approved May 2, 1974

CHAPTER 1147

CORRECTIVE CHANGES IN AGRICULTURE LAWS

H. F. 1190

AN ACT relating to corrective changes in laws administered by the department of agriculture.

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

1 SECTION 1. Section one hundred fifty-nine point twenty-two
2 (159.22), Code 1973, is amended to read as follows:

3 159.22 **Grants and gifts of funds.** The division may with the
4 approval of the secretary of agriculture accept grants and allotments
5 of funds from the federal government and enter into co-operative
6 agreements with the secretary of agriculture of the United States for
7 projects to effectuate any of the purposes of this division as described
8 herein; and to accept grants, gifts or allotments of funds from any
9 person, firm, co-operative, corporation, or association for the purpose
10 of carrying out the provisions of this section ~~chapter~~ for which an
11 itemized accounting must be made by the director to the Iowa secre-
12 tary of agriculture at the end of each fiscal year.

1 SEC. 2. Section one hundred eighty-four A point two (184A.2),
2 unnumbered paragraph two (2), Code 1973, is amended to read as
3 follows:

4 The fee shall be imposed on the producer and collected at the time
5 of delivery of a turkey to the processing plant and shall be deducted
6 by the processor at the time of delivery from the price paid to the
7 producer at the time of the sale to the ~~producer~~ processor.

Approved April 19, 1974

CHAPTER 1148

STANDARDS FOR CARE OF ANIMALS

H. F. 550

AN ACT to provide standards for the care of animals in animal shelters, pounds, and pet shops, and to regulate dealers, animal wardens, boarding kennels, commercial kennels, hobby kennels, public auctions, and commercial breeders, and provide penalties for violations.

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

1 SECTION 1. **NEW SECTION. Policy.** The purpose of this Act is:

2 1. To insure that all dogs and cats handled by boarding kennels,
3 commercial kennels, hobby kennels, commercial breeders, dealers, and
4 public auctions are provided with humane care and treatment by regu-
5 lating the transportation, sale, purchase, housing, care, handling and
6 treatment of such animals by persons or organizations engaged in
7 transporting, buying, or selling them and to provide that all vertebrate
8 animals consigned to pet shops are provided humane care and treat-
9 ment by regulating the transportation, sale, purchase, housing, care,
10 handling and treatment of such animals by pet shops.

- 11 2. To authorize the sale, trade, or adoption of only those animals
 12 which appear to be free of infectious or communicable disease.
 13 3. To protect the public from zoonotic disease.

1 SEC. 2. NEW SECTION. **Definitions.** As used in this Act, except
 2 as otherwise expressly provided:

3 1. "Pound" or "dog pound" means a facility for the prevention of
 4 cruelty to animals operated by the state, a municipal corporation, or
 5 other political subdivision of the state for the purpose of impounding
 6 or harboring seized stray, homeless, abandoned or unwanted dogs,
 7 cats or other animals; or a facility operated for such a purpose under
 8 a contract with any municipal corporation or incorporated society.

9 2. "Person" means person as defined in chapter four (4) of the
 10 Code.

11 3. "Animal shelter" means a facility which is used to house or con-
 12 tain dogs or cats, or both, and which is owned, operated, or maintained
 13 by an incorporated humane society, animal welfare society, society for
 14 the prevention of cruelty to animals, or other nonprofit organization
 15 devoted to the welfare, protection, and humane treatment of such
 16 animals.

17 4. "Pet shop" means an establishment where any dog, cat, rabbit,
 18 rodent, nonhuman primate, bird, or other vertebrate animal is bought,
 19 sold, exchanged or offered for sale to the general public.

20 5. "Boarding kennel" means a place or establishment other than a
 21 pound or animal shelter where dogs or cats not owned by the propri-
 22 etor are sheltered, fed, and watered in return for a consideration.

23 6. "Commercial kennel" means a kennel which performs grooming
 24 or training services for dogs or cats, or both, and may or may not
 25 render boarding services in return for a consideration.

26 7. "Hobby kennel" means a noncommercial kennel at, in, or adjoining
 27 a private residence where dogs or cats, or both, are kept for the
 28 hobby of the householder, in using them for hunting or practice train-
 29 ing or for exhibiting them in shows or field or obedience trials, or for
 30 guarding or protecting the householder's property and from which
 31 offspring with a total value in excess of one hundred dollars are sold,
 32 traded, or exchanged during a calendar year. The keeper of a hobby
 33 kennel may keep or maintain up to ten dogs or cats, or both, of either
 34 sex per year and may raise or sell not more than fifteen offspring of
 35 either dogs or cats, or both, during any calendar year without chang-
 36 ing the status of the kennel. If the keeper of a hobby kennel sells,
 37 trades, or transfers more than fifteen offspring during any calendar
 38 year, he shall be subject to licensing as a commercial breeder.

39 8. "Commercial breeder" means a person engaged in the business of
 40 breeding dogs or cats, or both, for sale, whether or not such animals
 41 are raised, trained, groomed, or boarded by such breeder.

42 9. "Public auction" means any place or location where dogs or cats,
 43 or both, are sold at auction to the highest bidder regardless of whether
 44 the dogs or cats are offered as individuals, as a group, or by weight.

45 10. "Secretary" means the secretary of agriculture of the state of
 46 Iowa.

47 11. "Dealer" means any person who is engaged in the business of
 48 buying for resale or selling or exchanging dogs or cats, or both, as a
 49 principal or agent, or who holds himself out to be so engaged.

50 12. "Research facility" means any school or college of medicine,
51 veterinary medicine, pharmacy, dentistry, or osteopathy, or hospital,
52 diagnostic or research laboratories, or other educational or scientific
53 establishment situated in this state concerned with the investigation
54 of, or instruction concerning the structure or function of living organ-
55 isms, the cause, prevention, control, or cure of diseases or abnormal
56 conditions of human beings or animals.

57 13. "Primary enclosure" means any structure used to immediately
58 restrict an animal to a limited amount of space, such as a room, pen,
59 cage, or compartment.

60 14. "Housing facility" means any room, building or area used to
61 contain a primary enclosure or enclosures.

62 15. "Euthanasia" means the humane destruction of an animal ac-
63 complished by a method that involves instantaneous unconsciousness
64 and immediate death or by a method that involves anesthesia, pro-
65 duced by an agent which causes painless loss of consciousness, and
66 death during the loss of consciousness.

67 16. "Adequate feed" means the provision at suitable intervals of not
68 more than twenty-four hours or longer if the dietary requirements of
69 the species so require, of a quantity of wholesome foodstuff suitable
70 for the species and age, sufficient to maintain a reasonable level of
71 nutrition in each animal. The foodstuff shall be served in a clean
72 receptacle, dish or container.

73 17. "Adequate water" means reasonable access to a supply of clean,
74 fresh, potable water provided in a sanitary manner or provided at
75 suitable intervals for the species and not to exceed twenty-four hours
76 at any interval.

77 18. "Animal warden" means any person employed, contracted, or
78 appointed by the state, municipal corporation, or any political sub-
79 division of the state, for the purpose of aiding in the enforcement of
80 the provisions of this Act or any other law or ordinance relating to the
81 licensing of animals, control of animals or seizure and impoundment
82 of animals and includes any peace officer, animal control officer, or
83 other employee whose duties in whole or in part include assignments
84 which involve the seizure or taking into custody of any animal.

1 SEC. 3. NEW SECTION. **Certificate of registration for pound.** After
2 January 1, 1975, no pound shall be operated unless a certificate of
3 registration for the pound is granted by the secretary. Application
4 for the certificate shall be made in the manner approved by the sec-
5 retary. No fee shall be required for the application or certificate.
6 Certificates of registration shall expire annually on March first unless
7 revoked and may be renewed upon application in the manner provided
8 by the secretary. A registered pound may engage in the sale of dogs
9 or cats, or both, under its control, if it obtains a license for such
10 activity, but no fee shall be charged therefor unless the registered
11 pound is privately owned.

1 SEC. 4. NEW SECTION. **Certificate of registration for animal shel-**
2 **ter.** After January 1, 1975, no person shall operate an animal shelter
3 unless a certificate of registration for the animal shelter is granted by
4 the secretary. Application for the certificate shall be made in the man-
5 ner provided by the secretary. No fee shall be required for the appli-
6 cation or certificate. Certificates of registration shall expire annually

7 on March first unless revoked and may be renewed in the manner
8 provided by the secretary. A registered animal shelter may engage
9 in the sale of dogs or cats, or both, under its control, if it obtains a
10 license for such activity, but no fee shall be charged therefor.

1 **SEC. 5. NEW SECTION. Pet shop license.** After January 1, 1975,
2 no person shall operate a pet shop unless he has obtained a license to
3 operate a pet shop issued by the secretary. Application for the license
4 shall be made in the manner provided by the secretary. The license
5 shall expire annually on March first of each year unless revoked and
6 may be renewed in the manner provided by the secretary. The license
7 fee shall be forty dollars per year or ten dollars for each quarter or
8 portion of a quarter of a year. The license may be renewed if the
9 licensee has conformed to all statutory and regulatory requirements.

1 **SEC. 6. NEW SECTION. Commercial kennel or public auction**
2 **license.** After January 1, 1975, no person shall operate a commercial
3 kennel or public auction, as defined in Section 2 of this Act, unless he
4 has obtained a license to operate a commercial kennel or a public
5 auction issued by the secretary or unless he has obtained a certificate
6 of registration issued by the secretary if his kennel is federally
7 licensed. Application for the license or the certificate shall be made
8 in the manner provided by the secretary. The license and the cer-
9 tificate shall expire annually on March first unless revoked. The license
10 fee shall be twenty-five dollars per year or seven dollars for each
11 quarter or portion of a quarter of a year and the certification fee shall
12 be five dollars annually. If the person has obtained a federal license,
13 he need only obtain a certificate. The license may be renewed upon
14 application and payment of the prescribed fee in the manner provided
15 by the secretary provided the licensee has conformed to all statutory
16 and regulatory requirements. The certificate may be renewed upon
17 application and payment of the prescribed fee in the manner provided
18 by the secretary.

1 **SEC. 7. NEW SECTION. Dealer license.** After January 1, 1975,
2 no person shall operate as a dealer unless he has obtained a license
3 issued by the secretary or unless he has obtained a certificate of
4 registration issued by the secretary if his kennel is federally licensed.
5 Application for the license or the certificate shall be made in the man-
6 ner provided by the secretary. The license and certificate shall expire
7 annually on March first unless revoked. The license fee shall be fifty
8 dollars per year or fifteen dollars for each quarter or portion of a
9 quarter of a year, and the certification fee shall be five dollars per year.
10 The license may be renewed upon application and payment of the
11 prescribed fee in the manner provided by the secretary, provided the
12 licensee has conformed to all statutory and regulatory requirements.
13 The certificate may be renewed upon application and payment of the
14 prescribed fee in the manner provided by the secretary.

1 **SEC. 8. NEW SECTION. Commercial breeder's license.** After Janu-
2 ary 1, 1975, no person shall operate as a commercial breeder unless he
3 has obtained a license issued by the secretary or unless he has ob-
4 tained a certificate of registration issued by the secretary if his kennel
5 is federally licensed. Application for the license or the certificate shall
6 be made in the manner provided by the secretary. The annual license

7 or the certification period shall commence March first of each year.
8 The license fee shall be twenty-five dollars per year or seven dollars
9 for each quarter or portion of a quarter of a year and the certificate
10 fee shall be five dollars per year. The license may be renewed upon
11 application and payment of the prescribed fee in the manner provided
12 by the secretary provided the licensee has conformed to all statutory
13 and regulatory requirements. The certificate may be renewed upon
14 application and payment of the prescribed fee in the manner provided
15 by the secretary.

1 SEC. 9. NEW SECTION. **Boarding kennel operator's license.** After
2 January 1, 1975, no person shall operate a boarding kennel unless he
3 has obtained a license to operate a boarding kennel issued by the secre-
4 tary. Application for the license shall be made in the manner provided
5 by the secretary. The annual license period shall commence March
6 first of each year. The license fee shall be fifteen dollars per year or
7 four dollars for each quarter or portion of a quarter of a year. The
8 license may be renewed upon application and payment of the pre-
9 scribed fee in the manner provided by the secretary provided the
10 licensee has conformed to all statutory and regulatory requirements.

1 SEC. 10. NEW SECTION. **Hobby kennel owner's license.** After
2 January 1, 1975, no person shall operate a hobby kennel unless he
3 obtains a license issued by the secretary. Application for the license
4 shall be in the manner provided by the secretary. The annual license
5 period shall commence March first. The license fee shall be two dollars
6 per year. The license may be renewed upon application in the manner
7 prescribed by the secretary, provided the licensee has conformed to all
8 statutory and regulatory requirements.

1 SEC. 11. NEW SECTION. **Exceptions.**
2 1. Any dealer or commercial breeder and any person who operates a
3 commercial kennel or public auction who has obtained and is operating
4 his business under a current and valid federal license shall, upon pay-
5 ment of the prescribed fee, be forwarded a certificate of registration
6 by the secretary.
7 2. The certificate of registration may be denied or revoked if the
8 person no longer possesses a current and valid federal license. Other
9 than obtaining the certificate of registration from the secretary, any
10 dealer or commercial breeder and any person who operates a commer-
11 cial kennel or public auction shall not be subject to further regulation
12 under the provisions of this Act.
13 3. Any person who possesses a current and valid federal license
14 may, in lieu of obtaining a certificate of registration, make application
15 for a state license as provided in this Act. If properly qualified, and
16 upon payment of the prescribed fee, a license shall be issued under the
17 provisions of this Act.

1 SEC. 12. NEW SECTION. **Denial or revocation of license or regis-**
2 **tration.** A certificate of registration may be denied to any pound or
3 animal shelter and a license may be denied to any public auction,
4 boarding kennel, commercial kennel, hobby kennel, pet shop, commer-
5 cial breeder, or dealer or, if granted such certificate or license, may be
6 revoked by the secretary if, after public hearing, it is determined that
7 the housing facilities or primary enclosures are inadequate under the

8 provisions of this Act or if the feeding, watering, cleaning and hous-
 9 ing practices at the pound, animal shelter, public auction, pet shop,
 10 boarding kennel, commercial kennel, hobby kennel, or those practices
 11 by the commercial breeder or dealer, are not in compliance with the
 12 provisions of this Act or with the rules and regulations which shall be
 13 promulgated pursuant to the authority of this Act. The premises of
 14 each licensee or certificate holder shall be open for inspection during
 15 normal business hours.

1 SEC. 13. NEW SECTION. Penalties. Operation of a pound, animal
 2 shelter, pet shop, boarding kennel, commercial kennel, hobby kennel
 3 or public auction, as defined in Section 2 of this Act, or dealing in
 4 dogs or cats, or both, either as a dealer or a commercial breeder, with-
 5 out a currently valid license or a certificate of registration shall con-
 6 stitute a misdemeanor and each day of such operation shall constitute
 7 a separate offense. Upon conviction, a violator shall be fined not more
 8 than one hundred dollars or imprisoned in the county jail not more
 9 than thirty days.

10 Failure of any person licensed or registered to adequately house, feed
 11 or water dogs or cats, or both, in his possession or custody or failure
 12 of any operator of a licensed pet shop to adequately house, feed, or
 13 water any vertebrate animal shall constitute a misdemeanor. Upon
 14 conviction, a violator shall be fined not more than one hundred dollars
 15 or imprisoned in the county jail not more than thirty days. Such
 16 animals shall be subject to seizure and impoundment and may be sold
 17 or destroyed by euthanasia at the discretion of the secretary and such
 18 failure shall also constitute grounds for revocation of license after
 19 public hearing. The commission of an act declared to be an unlawful
 20 practice under section seven hundred thirteen point twenty-four
 21 (713.24) of the Code, by any person licensed under this Act shall
 22 constitute grounds for revocation of license.

23 It shall be unlawful for a dealer, as defined in section two (2), sub-
 24 section eleven (11) of this Act, to knowingly ship a diseased animal.
 25 A dealer violating the provisions of this paragraph shall be subject
 26 to a fine not exceeding one hundred dollars. Each diseased animal
 27 shipped in violation of this paragraph shall constitute a separate
 28 offense.

1 SEC. 14. NEW SECTION. Custody by animal warden. An animal
 2 warden, upon taking custody of any animal in the course of his offi-
 3 cial duties, shall immediately make a record of the matter in the
 4 manner prescribed by the secretary and the record shall include a
 5 complete description of the animal, reason for seizure, location of
 6 seizure, the owner's name and address if known, and all license or
 7 other identification numbers, if any. Complete information relating
 8 to the disposition of the animal shall be added in the manner provided
 9 by the secretary immediately after disposition.

1 SEC. 15. NEW SECTION. Violation by animal warden. Violation
 2 of any provision of this Act which relates to the seizing, impound-
 3 ment, and custody of an animal by an animal warden shall constitute
 4 a misdemeanor and each animal handled in violation shall constitute
 5 a separate offense. Upon conviction, a violator shall be fined not more
 6 than one hundred dollars or imprisoned in the county jail not more
 7 than thirty days.

1 SEC. 16. NEW SECTION. **Rules and regulations.** The secretary
 2 shall promulgate rules consistent with the objectives and intent of this
 3 Act, for the purpose of carrying out such objectives and intent, within
 4 ninety days after the effective date of this Act, subject to chapter
 5 seventeen A (17A) of the Code. However, rules adopted by the sec-
 6 retary shall not exceed any federal standards or rules except as
 7 specifically provided for in this Act.

1 SEC. 17. NEW SECTION. **Exceptions.** This Act shall not apply to
 2 a place or establishment which operates under the immediate super-
 3 vision of a duly licensed veterinarian as a hospital where animals are
 4 harbored, hospitalized, and cared for incidental to the treatment,
 5 prevention, or alleviation of disease processes during the routine prac-
 6 tice of the profession of veterinary medicine, except that, if animals
 7 are accepted by such place, establishment, or hospital for boarding for
 8 consideration, the place, establishment, or hospital shall be subject to
 9 the provisions hereof applicable to a boarding kennel and the regula-
 10 tions relating thereto which shall hereafter be promulgated by the
 11 secretary.

1 SEC. 18. NEW SECTION. **Fees.** All fees collected by the secre-
 2 tary from licenses and certificates issued under this Act shall be paid
 3 to the treasurer of state.

Approved April 19, 1974

CHAPTER 1149

SHEEP DEALER'S LICENSE

H. F. 1362

AN ACT relating to the licensing of sheep dealers.

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

1 SECTION 1. Section one hundred sixty-six A point two (166A.2),
 2 Code 1973, is amended by adding the following new unnumbered para-
 3 graph:
 4 NEW UNNUMBERED PARAGRAPH. Any person who is licensed as a
 5 sheep dealer under chapter one hundred seventy-two A (172A) of the
 6 Code shall be exempt from this section.

Approved April 19, 1974

CHAPTER 1150

VETERINARY STUDENTS

S. F. 1103

AN ACT relating to authorizing students of veterinary medicine to perform the duties of a veterinarian under the direction of an instructor of veterinary medicine and under the direct supervision of a licensed veterinarian.

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

1 SECTION 1. Section one hundred sixty-nine point three (169.3),
2 Code 1973, is amended by adding the following new unnumbered para-
3 graph:

4 NEW UNNUMBERED PARAGRAPH. This section shall not prohibit a
5 person who has been issued a certificate from the secretary of agri-
6 culture which authorizes him to perform the duties of a veterinarian
7 under the direction of an instructor of veterinary medicine or under
8 the direct supervision of a licensed veterinarian from performing such
9 duties.

1 SEC. 2. Chapter one hundred sixty-nine (169), is amended by
2 adding the following new section:

3 NEW SECTION. **Certificate.** The secretary of agriculture shall
4 issue to any person, who attends an accredited veterinary medicine
5 college or school and who has been certified as being competent by an
6 instructor of such college or school to perform veterinary duties under
7 the direction of an instructor of veterinary medicine or under the direct
8 supervision of a licensed veterinarian, a certificate authorizing him to
9 perform such functions.

Approved March 29, 1974

CHAPTER 1151

PER DIEM AND EXPENSES OF COMMITTEES

H. F. 1478

AN ACT relating to the per diem rate, expenses and duties of specified boards and committees.

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

1 SECTION 1. Section one hundred seventy-three point eight (173.8),
2 Code 1973, is amended by striking the section and inserting in lieu
3 thereof the following:

4 173.8 **Compensation and expenses.** A member of the board elected
5 at the annual convention shall be paid a forty dollar per diem and
6 shall be reimbursed for actual and necessary expenses incurred while
7 engaged in official duties. All per diem and expense moneys paid to a
8 member shall be paid from funds of the state fair board.

1 SEC. 2. Acts of the Sixty-fourth General Assembly, 1972 Session,
2 chapter one thousand eighty-eight (1088), section ninety-five (95),
3 unnumbered paragraph two (2), is amended to read as follows:

4 Each member is entitled to receive his actual and necessary expenses
 5 incurred in the performance of committee duties. Each member other
 6 than the state official members is also entitled to receive ~~thirty~~ forty
 7 dollars compensation for each day spent in performance of committee
 8 duties.

1 SEC. 3. Acts of the Sixty-fourth General Assembly, 1972 Session,
 2 chapter one thousand eighty-eight (1088), section thirty-three (33),
 3 unnumbered paragraph two (2), is amended to read as follows:

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

1 SEC. 4. Section four hundred fifty-five B point six (455B.6), Code
 2 1973, is amended to read as follows:

3 **455B.6 Executive committee.** The executive committee of the de-
 4 partment shall consist of the chairmen of the four commissions within
 5 the department. *When a member of the executive committee is unable*
 6 *to attend a meeting, the vice-chairman of the respective commission*
 7 *shall serve in his or her place.* The director of the state conservation
 8 commission, the administrative officer of the department of soil conser-
 9 vation, the director of the bacteriological laboratory at the state Uni-
 10 versity of Iowa, the secretary of agriculture, the commissioner of
 11 public health, and the state geologist, or their designees shall be ex
 12 officio, nonvoting members of the executive committee. The executive
 13 committee shall organize annually during the month of July and select
 14 a chairman and vice-chairman. The executive director shall act as the
 15 secretary of the executive committee. Meetings shall be called by the
 16 chairman or upon written request of any two voting members. A ma-
 17 jority of the executive committee shall constitute a quorum and the
 18 concurrence of a majority of the executive committee shall be required
 19 to determine any matter relating to its duties. The voting members
 20 of the executive committee shall be paid a *forty dollar per diem* of
 21 ~~thirty dollars per day~~ while in session, ~~ten cents a mile for travel,~~ and
 22 *shall be reimbursed for their reasonable actual and necessary expenses*
 23 *while attending such meetings engaged in the performance of their*
 24 *official duties as members of the executive committee. All per diem*
 25 *and expense moneys paid to members shall be paid from funds appro-*
 26 *priated to the commission of which they are members.*

Approved May 27, 1974

CHAPTER 1152

AGRICULTURAL EXTENSION REPORTS

S. F. 1120

AN ACT relating to the filing and publishing of county agricultural extension education fund reports.

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

1 SECTION 1. Section one hundred seventy-six A point eight
 2 (176A.8), subsection seventeen (17), Code 1973, is amended to read
 3 as follows:

4 17. To file with the county auditor and to publish in two newspapers
 5 of general circulation in the district before February 1 *first* full and
 6 detailed reports under oath of all receipts, *from whatever source*
 7 *derived*, and expenditures of such county agricultural extension edu-
 8 cation fund showing from whom received, to whom paid and for what
 9 purpose for the last fiscal year.

Approved April 25, 1974

CHAPTER 1153

DAIRY INDUSTRY COMMISSION

H. F. 1226

AN ACT relating to the dairy industry commission.

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

1 SECTION 1. Section one hundred seventy-nine point one (179.1),
 2 Code 1973, is amended by adding the following new subsection:
 3 NEW SUBSECTION. "Collection period" means a calendar month.

1 SEC. 2. Section one hundred seventy-nine point two (179.2), Code
 2 1973, is amended by striking the section and inserting in lieu thereof
 3 the following:

4 179.2 **Commission created.** There is created an Iowa dairy indus-
 5 try commission, referred to in this chapter as the commission. The
 6 commission shall be composed of the head of the dairy science depart-
 7 ment and the head of the food technology department of Iowa state
 8 university of science and technology, the secretary of agriculture or
 9 his designee, and nine members appointed by the secretary of agricul-
 10 ture as provided in this section.

11 For purposes of this chapter, the board of directors of the Iowa
 12 state dairy association shall divide the state, by counties, into nine
 13 districts, each having approximately an equal number of cows kept for
 14 milking purposes, based on the latest available United States census.
 15 The districts shall be numbered consecutively by the board.

16 On or before May 15, 1975 and each year thereafter, the board of
 17 directors of the Iowa state dairy association shall nominate for the
 18 offices of appointive commissioners, three resident producers from each
 19 of the nine representative districts. The list of nominees shall be cer-
 20 tified to the secretary of agriculture by the president and secretary of
 21 the Iowa state dairy association. On or before June 10, 1975, the sec-
 22 retary of agriculture shall appoint one of the nominees so certified
 23 from each of the districts as a commissioner of the Iowa dairy industry
 24 commission. Commissioners selected from districts one, four, and
 25 seven shall be appointed for one-year terms; commissioners appointed
 26 from districts two, five, and eight shall be appointed for two-year
 27 terms; and commissioners appointed from districts three, six, and nine
 28 shall be appointed for three-year terms. Thereafter, commissioners
 29 shall be appointed for three-year terms in the manner provided in this
 30 section.

31 Commissioners shall serve until their successors are duly appointed
32 and qualify. Vacancies occurring in the membership of the commission
33 resulting from removal from the district, death, inability or refusal to
34 serve, or failure to meet the definition of a producer, shall be filled
35 within three months of the time the vacancy occurs in the manner
36 provided in this section. Vacancy appointments shall be only for the
37 remainder of the unexpired term. A commissioner shall not serve more
38 than two consecutive full terms.

39 Appointive members of the commission shall receive forty dollars
40 for each day spent on official business of the commission, not to exceed
41 six hundred dollars per annum, and their actual and necessary ex-
42 penses, including mileage at the rate of ten cents per mile, while
43 engaged in commission activity.

1 SEC. 3. Section one hundred seventy-nine point five (179.5), sub-
2 section one (1), Code 1973, is amended to read as follows:

3 1. ~~There~~ *Except as otherwise provided in section seven (7) of this*
4 *Act, there is hereby levied and imposed an excise tax of one cent per*
5 *pound or fraction thereof upon all butterfat sold in cream and four*
6 *cents per hundredweight or fraction thereof in milk produced in the*
7 *state during the period beginning May 1 and terminating June 30,*
8 *inclusive, annually; provided, however, that the provisions of this*
9 *section shall not apply to butterfat in milk and cream produced outside*
10 *the state. For the purpose of computing the tax in markets where*
11 *butterfat tests are not available, or the butterfat content not defi-*
12 *nitely known, the amount of butterfat in milk and cream shall be com-*
13 *puted on the basis of four percent in the case of milk, and thirty-two*
14 *percent in the case of cream.*

1 SEC. 4. Section one hundred seventy-nine point five (179.5), sub-
2 section two (2), paragraph a, Code 1973, is amended to read as fol-
3 lows:

4 a. Where the producer produces milk or cream from cows and there-
5 after sells the same as milk, cream, or other dairy products, directly to
6 the consumer the taxes aforesaid shall be ~~held~~ *remitted* by such pro-
7 ducer.

1 SEC. 5. Section one hundred seventy-nine point six (179.6), Code
2 1973, is amended to read as follows:

3 **179.6 Producers' records.** Every producer shipping milk, cream or
4 other dairy products to any dealer outside of Iowa who is not by agree-
5 ment with the commission collecting the tax imposed by this chapter,
6 and every first dealer within the state and every producer distributing
7 milk, cream, or other dairy products directly to the consumer, shall
8 keep a complete and accurate record of all butterfat taxed by this
9 chapter in milk or cream produced, bottled, processed or distributed
10 by him during ~~the any period of May 1 to June 30, inclusive, of each~~
11 ~~year for which an excise tax levy is imposed under the provisions of~~
12 ~~this chapter.~~ Such records shall be in such form and contain such
13 information as the commission shall by rule or regulation prescribe
14 and shall be preserved by the person charged with their making for a
15 period of two years and shall be offered or submitted for inspection at
16 any time upon written or oral request by the commission or its duly
17 authorized agent or employee.

1 SEC. 6. Section one hundred seventy-nine point seven (179.7),
2 Code 1973, is amended to read as follows:

3 **179.7 Returns filed with commission.** Every person charged by
4 this chapter or by agreement with the commission with the keeping of
5 records provided for in this chapter shall at such times as the com-
6 mission may by rule or regulation require, file with the commission a
7 return on forms to be prescribed and furnished by the commission
8 stating the quantity of dairy products produced, bottled, processed, or
9 distributed, and butterfat content of all milk or cream produced by,
10 delivered to or purchased by such person from the various producers
11 of dairy products or their agents in the state during the *collection*
12 period ~~of time~~ prescribed in subsection 1 of section 179.5 *and as a*
13 *result of any referendum*. Such return shall contain such other infor-
14 mation as the commission may require, and shall be made in triplicate,
15 one copy of which shall be for the files of the person making the return,
16 and one copy available at the office of such person, for the use of his
17 patrons, and the original filed with the commission.

1 SEC. 7. Chapter one hundred seventy-nine (179), Code 1973, is
2 amended by adding the following new sections:

3 **NEW SECTION.** Under such administrative procedures as the de-
4 partment of agriculture may prescribe for conduct of referendums
5 hereinafter provided for, the department shall, upon petition by one
6 thousand five hundred or more producers, conduct an initial refer-
7 endum within sixty days after receipt thereof on the proposition of
8 whether or not an excise tax of up to five cents per hundredweight on
9 all milk sold in this state separate from and in addition to that pro-
10 vided for in section one hundred seventy-nine point five (179.5) of the
11 Code, shall be levied and assessed.

12 Notice of any referendum hereunder to levy such additional excise
13 tax in the first instance, or any extension thereof, including the date of
14 the referendum and voting places, shall be given by the department
15 by publication for a period of not less than five days in a newspaper
16 of general circulation in the state and in such other newspapers as the
17 department may prescribe. Referendum voting shall be conducted no
18 sooner than ten days after the last date of publication of such notice.

19 Each producer, upon signing a statement certifying to the depart-
20 ment that he is a bona fide producer as defined in this chapter, shall be
21 entitled to one vote in each referendum. At the close of any referen-
22 dum, the department shall within thirty days thereafter count and
23 tabulate the ballots filed during such referendum. If from the tabula-
24 tion the department determines that a majority of the total number
25 of producers voting in the referendum favor the proposal, the excise
26 tax provided for in this section shall be imposed in the manner pro-
27 vided in section one hundred seventy-nine point five (179.5), subsec-
28 tion two (2) of the Code on the sixtieth day after the date of deter-
29 mination by the department that the referendum has passed. The
30 ballots thus cast shall constitute complete and conclusive evidence for
31 use in determinations made by the department under the provisions
32 of this chapter.

33 If the referendum vote favors imposition of the additional excise
34 tax provided for in this section, the commission shall not more fre-
35 quently than once per calendar year, set the initial and subsequent
36 assessment rates as follows:

37 1. For the months of May and June an amount which when added
38 to the excise tax provided for in section one hundred seventy-nine
39 point five (179.5) of the Code equates to a total of five cents or less
40 per hundredweight on taxable milk sold during those months.

41 2. For all other calendar months five cents or less per hundred-
42 weight of taxable milk sold during those months.

43 However, during the first year of the excise tax period created by
44 the first favorable referendum vote pursuant to the provisions of this
45 section, the assessment rate set by the commission for May and June
46 shall not exceed that established by section one hundred seventy-nine
47 point five (179.5) of the Code, and the assessment rate set by the
48 commission for all other calendar months of such year shall not exceed
49 three cents per hundredweight.

50 The commission shall give notice of all rates thus established by pub-
51 lication for a period of not less than three consecutive days in a news-
52 paper of general circulation in the state at least thirty days in
53 advance of the effective date thereof.

54 Any excise tax adopted under this section pursuant to the initial
55 referendum shall become of no force or effect five years after its
56 commencement unless it is extended for subsequent five-year periods
57 by additional referendums. Ninety days prior to termination of the
58 initial assessment period, or any extension period, the secretary shall
59 cause notice to be published in accordance with the notice required
60 in this section for the initial referendum, and a referendum on the
61 question of whether the excise tax as provided for in this section
62 should be extended for an additional five-year period shall be con-
63 ducted. If the department determines that a majority of the total
64 number of producers voting in the referendum favor the assessment,
65 the excise tax provided for herein shall continue to be levied for an
66 additional five years from the ending date of the preceding five-year
67 period.

68 All excise taxes due pursuant to this section shall be collected in
69 accordance with the provisions of this chapter relating to the collec-
70 tion of the excise tax provided for in section one hundred seventy-nine
71 point five (179.5) of the Code, as nearly as may be, and deposited in
72 the dairy industry fund. Such funds may only be expended by the
73 commission pursuant to the provisions of this chapter.

74 If the department determines that any referendum has failed, no
75 subsequent referendum shall be conducted sooner than one hundred
76 eighty days after such determination. Pursuant to petition or motion
77 as hereinabove provided filed within one year after its most recent
78 determination, the department shall then conduct a subsequent refer-
79 endum in accordance with the provisions of this section.

80 In the event of failure to make such petition within said period, or,
81 the second consecutive failure of any referendum to pass, no further
82 referendums shall be conducted and the levy and assessment created
83 in this section shall terminate and be of no further force or effect.

84 **NEW SECTION. Influencing legislation.** Neither commissioners, nor
85 employees of the commission, shall attempt in any manner to influ-
86 ence legislation affecting any matters pertaining to the activities of
87 the commission. No portion of the dairy industry fund shall be used
88 in any manner to influence legislation or support any political can-

89 didate for public office, either directly or indirectly, or to support any
90 political party.

1 SEC. 8. Section one hundred seventy-nine point twelve (179.12),
2 Code 1973, is repealed.

Approved April 19, 1974

CHAPTER 1154

EXCISE TAX ON BEEF

S. F. 1339

AN ACT to provide for the imposition of an excise tax on the sale of beef cattle and veal calves in lieu of the tax presently collected and to alter the amount of funds allocated to the national livestock and meat board.

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

1 SECTION 1. Section one hundred eighty-one point thirteen (181.13),
2 Code 1973, is amended to read as follows:

3 181.13 **Fund.** All excise taxes imposed and levied under this chap-
4 ter shall be paid to and collected by the executive committee and de-
5 posited with the treasurer of state in a separate cattle and veal calf
6 fund which is hereby created. From the moneys collected in accordance
7 with the provisions of this chapter, the executive committee shall first
8 pay the costs of referendums held pursuant hereto; the costs of collec-
9 tion of such excise tax, the expenses of its agents and expenses of
10 officers provided for in section 181.5. ~~At~~ *Except as otherwise provided*
11 *in section 2 of this Act*, at least thirty percent of the funds remaining
12 thereafter shall be remitted to the national livestock and meat board
13 and the beef industry council thereof, and at least ten percent of the
14 remaining funds shall be remitted to the Iowa beef cattle producers
15 association in such proportions as the committee may determine, for
16 use by them in a manner not inconsistent with section 181.7. The
17 remaining moneys received, with approval of a majority of the execu-
18 tive committee, shall be expended as found necessary to carry out the
19 provisions and purposes of this chapter. The cattle and veal calf fund
20 shall be subject at all times to warrants by the state comptroller,
21 drawn upon the written requisition of the chairman of the executive
22 committee and attested to by its secretary, for the payment of all
23 expenditures of the committee, which shall, at no time, exceed the
24 amount deposited to the credit of such fund.

1 SEC. 2. Chapter one hundred eighty-one (181), Code 1973, is
2 amended by adding the following new section:

3 **NEW SECTION. Additional referendum.** The secretary shall, upon
4 the petition of five hundred producers, conduct an initial referendum
5 to determine whether an excise tax of twenty-five cents per head on all
6 beef cattle and five cents per head on all veal calves sold for slaughter,
7 and ten cents per head on all sales of beef cattle for any other purpose,
8 shall be collected.

9 The initial referendum and subsequent referendums for extension
10 of such excise tax shall be conducted under the provisions of sections
11 one hundred eighty-one point nine (181.9) and one hundred eighty-one
12 point ten (181.10) of the Code, as nearly as may be. Upon determina-
13 tion by the secretary that assent to the assessment has been given,
14 there shall be assessed and levied an excise tax on each sale in the
15 amount provided in this section. The tax shall be due at or before the
16 time the animals are sold and shall be paid at a time prescribed by the
17 council, but not later than the last day of the month following the end
18 of the prior reporting period in which the animals are sold.

19 The tax shall be assessed and levied on any person selling beef cattle
20 or veal calves and shall be deducted by the purchaser from the price
21 paid to the seller. The purchaser, at the time of the sale, shall make
22 and deliver to the seller separate invoices for each sale showing the
23 names and addresses of the seller and the purchaser, the number and
24 kinds of animals sold, whether sold for slaughter or feeding, and the
25 date of sale.

26 On the date of the effective period for the collection of the excise tax
27 provided for in this section, any excise tax being assessed and levied
28 under section one hundred eighty-one point eleven (181.11) of the
29 Code shall terminate during any period for which any excise tax pro-
30 vided for in this section shall be in effect. The provisions of sections
31 one hundred eighty-one point twelve (181.12), one hundred eighty-
32 one point thirteen (181.13), one hundred eighty-one point fourteen
33 (181.14), one hundred eighty-one point fifteen (181.15), and one hun-
34 dred eighty-one point sixteen (181.16) of the Code shall also be appli-
35 cable to the tax provided for in this section, as nearly as may be. Not-
36 withstanding the provisions in section one hundred eighty-one point
37 thirteen (181.13) of the Code to the contrary, at least fifteen percent
38 of the funds collected from an excise tax assessed and levied under the
39 provisions of this section shall be remitted to the national livestock
40 and meat board and the beef industry council thereof, after first pay-
41 ing the costs and expenses referred to in section one hundred eighty-
42 one point thirteen (181.13) of the Code.

1 SEC. 3. Section one hundred eighty-one point six (181.6), subsec-
2 tion three (3), Code 1973, is amended to read as follows:

3 3. For the purposes of this chapter, "executive committee" means
4 two members appointed by the Iowa beef cattle producers association,
5 two members appointed by the Iowa livestock feeders association, *one*
6 *member appointed by the Iowa livestock auction market association,*
7 the secretary of agriculture, the dean of the college of agriculture of the
8 Iowa state university of science and technology, and a member of the
9 faculty of Iowa state university of science and technology engaged in
10 the teaching of animal husbandry designated by the dean of the college
11 of agriculture.

Approved May 29, 1974

CHAPTER 1155

ADULTERATION OF HONEY

H. F. 1276

AN ACT relating to the labeling and adulteration of honey and providing a penalty.

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

1 SECTION 1. Chapter one hundred eighty-nine (189), Division two
2 (II), Code 1973, is amended by adding the following new section:

3 NEW SECTION. No person shall package any liquid or semisolid
4 product or label any such product as honey, imitation honey or honey
5 blend, or use the word "honey" in any prominent location on the label
6 of such product or sell or offer for sale any such product which is
7 labeled as honey, imitation honey or honey blend or which contains a
8 label with the word "honey" prominently displayed thereon, unless the
9 entire product is honey as defined in section two (2) of this Act.

1 SEC. 2. Section one hundred ninety point one (190.1), Code 1973,
2 is amended by adding the following new subsection:

3 NEW SUBSECTION. Honey. Honey is the secretion of floral nectar
4 collected by the honeybee and stored in wax combs constructed by the
5 honeybee, or the liquid derived therefrom.

Approved May 2, 1974

CHAPTER 1156

COMMERCIAL FEED

S. F. 1235

AN ACT to regulate the manufacture and distribution of commercial feeds in this state and providing penalties.

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

1 SECTION 1. NEW SECTION. **Short title.** This Act shall be known
2 as the "Iowa Commercial Feed Law of 1974".

1 SEC. 2. NEW SECTION. **Enforcing official.** This Act shall be ad-
2 ministered by the secretary of agriculture.

1 SEC. 3. NEW SECTION. **Definitions.** For the purposes of this
2 Act:

3 1. "Secretary" means the secretary of agriculture.

4 2. "Distribute" means to offer for sale, sell, exchange, or barter,
5 commercial feed or to supply, furnish, or otherwise provide commer-
6 cial feed to a contract feeder.

7 3. "Distributor" means any person who distributes.

8 4. "Commercial feed" means all materials except whole seeds un-
9 mixed or physically altered entire unmixed seeds, when not adulter-
10 ated within the meaning of section seven (7), subsection one (1) of
11 this Act, which are distributed for use as feed or for mixing in feed.
12 The secretary by regulation may exempt from this definition, or from

13 specific provisions of this Act, commodities such as hay, straw, stover,
14 silage, cobs, husks, hulls, and individual chemical compounds or sub-
15 stances when such commodities, compounds or substances are not
16 intermixed or mixed with other materials, and are not adulterated
17 within the meaning of section seven (7), subsection one (1) of this
18 Act.

19 5. "Feed ingredient" means each of the constituent materials mak-
20 ing up a commercial feed.

21 6. "Mineral feed" means a commercial feed intended to supply pri-
22 marily mineral elements or inorganic nutrients.

23 7. "Drug" means any article intended for use in the diagnosis, cure,
24 mitigation, treatment, or prevention of disease in animals other than
25 man and articles other than feed intended to affect the structure or
26 any function of the animal body.

27 8. "Customer-formula feed" means commercial feed which consists
28 of a mixture of commercial feeds or feed ingredients, or both, each
29 batch of which is manufactured according to the specific instructions
30 of the final purchaser.

31 9. "Manufacture" means to grind, mix or blend, or further process
32 a commercial feed for distribution.

33 10. "Brand name" means any word, name, symbol, or device, or
34 any combination thereof, identifying the commercial feed of a dis-
35 tributor or registrant and distinguishing it from that of others.

36 11. "Product name" means the name of the commercial feed which
37 identifies it as to kind, class, or specific use.

38 12. "Label" means a display of written, printed, or graphic matter
39 upon or affixed to the container in which a commercial feed is dis-
40 tributed, or on the invoice or delivery slip with which a commercial
41 feed is distributed.

42 13. "Labeling" means all labels and other written, printed, or
43 graphic matter upon a commercial feed or any of its containers or
44 wrappers or, accompanying such commercial feed.

45 14. "Ton" means a net weight of two thousand pounds avoirdupois.

46 15. "Percent" or "percentages" means percentages by weight.

47 16. "Official sample" means a sample of feed taken by the secretary
48 or his agent in accordance with the provisions of section eleven (11),
49 subsections three (3), five (5), or six (6) of this Act.

50 17. "Contract feeder" means a person who as an independent con-
51 tractor, feeds commercial feed to animals pursuant to a contract
52 whereby such commercial feed is supplied, furnished, or otherwise
53 provided to such person and whereby such person's remuneration is
54 determined all or in part by feed consumption, mortality, profits, or
55 amount or quality of product.

56 18. "Pet food" means any commercial feed prepared and distributed
57 for consumption by pets.

58 19. "Pet" means any domesticated animal normally maintained in
59 or near the household of the owner thereof.

60 20. "Specialty pet food" means any commercial feed prepared and
61 distributed for consumption by specialty pets.

62 21. "Specialty pet" means any domesticated animal pet normally
63 maintained in a cage or tank, such as, but not limited to, gerbils, ham-
64 sters, canaries, psittacine birds, mynahs, finches, tropical fish, goldfish,
65 snakes and turtles.

1 **SEC. 4. NEW SECTION. Registration.**

2 1. No person shall manufacture a commercial feed in this state,
3 unless he has filed with the secretary on forms provided by the secre-
4 tary, his name, place of business and location of each manufacturing
5 facility in this state.

6 2. No person shall distribute in this state a commercial feed, except
7 a customer-formula feed, which has not been registered pursuant to
8 the provisions of this section. The application for registration shall be
9 submitted in the manner prescribed by the secretary. Upon approval
10 by the secretary the registration shall be issued to the applicant. A
11 registration shall continue in effect unless it is canceled by the regis-
12 trant or unless it is canceled by the secretary pursuant to subsection
13 three (3) of this section.

14 3. The secretary may refuse registration of any commercial feed
15 not in compliance with the provisions of this Act and may cancel any
16 registration found not to be in compliance with any provisions of this
17 Act, provided, that no registration shall be refused or canceled unless
18 the registrant shall have been given an opportunity to be heard before
19 the secretary and to amend his application in order to comply with the
20 requirements of this Act.

1 **SEC. 5. NEW SECTION. Labeling.** A commercial feed shall be
2 labeled as follows:

3 1. In case of a commercial feed, except a customer-formula feed, it
4 shall be accompanied by a label bearing the following information:

5 a. The net weight.

6 b. The product name and the brand name, if any, under which the
7 commercial feed is distributed.

8 c. The guaranteed analysis stated in such terms as the secretary by
9 regulation determines is required to advise the user of the composition
10 of the feed or to support claims made in the labeling. In all cases the
11 substances or elements must be determinable by laboratory methods
12 such as the methods published by the association of official analytical
13 chemists.

14 d. The common or usual name of each ingredient used in the manu-
15 facture of the commercial feed, provided, that the secretary by regu-
16 lation may permit the use of a collective term for a group of ingredi-
17 ents which perform a similar function, or he may exempt such com-
18 mercial feeds, or any group thereof, from this requirement of an
19 ingredient statement if he finds that such statement is not required in
20 the interest of consumers.

21 e. The name and principal mailing address of the manufacturer or
22 the person responsible for distributing the commercial feed.

23 f. Adequate directions for use for all commercial feeds containing
24 drugs and for such other feeds as the secretary may require by regu-
25 lation as necessary for their safe and effective use.

26 g. Such precautionary statements as the secretary by regulation de-
27 termines are necessary for the safe and effective use of the commercial
28 feed.

29 2. In the case of a customer-formula feed, it shall be accompanied
30 by a label, invoice, delivery slip, or other shipping document, bearing
31 the following information:

32 a. Name and address of the manufacturer.

33 b. Name and address of the purchaser.

34 c. Date of delivery.

35 d. The product name and brand name, if any, and the net weight of
36 each registered commercial feed used in the mixture, and the net
37 weight of each other ingredient used.

38 e. Adequate directions for use for all customer-formula feeds con-
39 taining drugs and for such other feeds as the secretary may require by
40 regulation as necessary for their safe and effective use.

41 f. Such precautionary statements as the secretary by regulation de-
42 termines are necessary for the safe and effective use of the customer-
43 formula feed.

1 SEC. 6. NEW SECTION. **Misbranding.** A commercial feed shall be
2 deemed to be misbranded:

3 1. If its labeling is false or misleading in any particular.

4 2. If it is distributed under the name of another commercial feed.

5 3. If it is not labeled as required in section six (6) of this Act.

6 4. If it purports to be or is represented as a commercial feed, or if
7 it purports to contain or is represented as containing a commercial
8 feed ingredient, unless such commercial feed or feed ingredient con-
9 forms to the definition, if any, prescribed by regulation by the secre-
10 tary.

11 5. If any word, statement, or other information required by this Act
12 to appear on the label is not prominently and conspicuously placed
13 thereon and in such terms as to render it likely to be read and under-
14 stood by the ordinary individual under customary conditions of pur-
15 chase and use.

1 SEC. 7. NEW SECTION. **Adulteration.** A commercial feed shall
2 be deemed to be adulterated:

3 1. a. If it bears or contains any poisonous or deleterious substance
4 which may render it injurious to health; but in case the substance is
5 not an added substance, such commercial feed shall not be considered
6 adulterated under this subsection if the quantity of such substance in
7 such commercial feed does not ordinarily render it injurious to health.

8 b. If it bears or contains any added poisonous, added deleterious, or
9 added nonnutritive substance which is unsafe within the meaning of
10 section four hundred six (406) of the Federal Food, Drug, and Cos-
11 metic Act, other than one which is a pesticide chemical in or on a
12 raw agricultural commodity or a food additive.

13 c. If it is, or it bears or contains any food additive which is unsafe
14 within the meaning of section four hundred nine (409) of the Federal
15 Food, Drug, and Cosmetic Act.

16 d. If it is a raw agricultural commodity and it bears or contains a
17 pesticide chemical which is unsafe within the meaning of section four
18 hundred eight (408) subparagraph a of the Federal Food, Drug, and
19 Cosmetic Act, provided, that where a pesticide chemical has been used
20 in or on a raw agricultural commodity in conformity with an exemp-
21 tion granted or a tolerance prescribed under section four hundred
22 eight (408) of the Federal Food, Drug, and Cosmetic Act and such raw
23 agricultural commodity has been subjected to processing such as can-
24 ning, cooking, freezing, dehydrating, or milling, the residue of such
25 pesticide chemical remaining in or on such processed feed shall not be
26 deemed unsafe if such residue in or on the raw agricultural commodity
27 has been removed to the extent possible in good manufacturing prac-

28 tice and the concentration of such residue in the processed feed is not
 29 greater than the tolerance prescribed for the raw agriculture com-
 30 modity unless the feeding of such processed feed will result or is
 31 likely to result in a pesticide residue in the edible product of the
 32 animal, which is unsafe within the meaning of section four hundred
 33 eight (408), subparagraph a of the Federal Food, Drug, and Cosmetic
 34 Act.

35 e. If it is, or it bears or contains any color additive which is unsafe
 36 within the meaning of section seven hundred six (706) of the Federal
 37 Food, Drug, and Cosmetic Act.

38 2. If any valuable constituent has been in whole or in part omitted
 39 or abstracted therefrom or any less valuable substance substituted
 40 therefor.

41 3. If its composition or quality falls below or differs from that
 42 which it is purported or is represented to possess by its labeling.

43 4. If it contains a drug and the methods used in or the facilities or
 44 controls used for its manufacture, processing, or packaging do not
 45 conform to current good manufacturing practice regulations promul-
 46 gated by the secretary to assure that the drug meets the requirement
 47 of this Act as to safety and has the identity and strength and meets
 48 the quality and purity characteristics which it purports or is repre-
 49 sented to possess. In promulgating such regulations, the secretary
 50 shall adopt the current good manufacturing practice regulations for
 51 medicated feed premixes and for medicated feeds established under
 52 authority of the Federal Food, Drug, and Cosmetic Act, unless he
 53 determines that they are not appropriate to the conditions which exist
 54 in this state.

55 5. If it contains viable weed seeds in amounts exceeding the limits
 56 which the secretary shall establish by rule or regulation.

1 SEC. 8. NEW SECTION. **Prohibited acts.** It shall be unlawful for
 2 any person to:

3 1. Manufacture or distribute any commercial feed that is adulter-
 4 ated or misbranded.

5 2. Adulterate or misbrand any commercial feed.

6 3. Distribute agricultural commodities such as whole seed, hay,
 7 straw, stover, silage, cobs, husks, and hulls, which are adulterated
 8 within the meaning of section seven (7), subsection one (1) of this
 9 Act.

10 4. Remove or dispose of a commercial feed in violation of an order
 11 under section twelve (12) of this Act.

12 5. Fail or refuse to register in accordance with section four (4) of
 13 this Act.

14 6. Violate section thirteen (13), subsection six (6) of this Act.

15 7. Fail to pay inspection fees and file reports as required by section
 16 nine (9) of this Act.

1 SEC. 9. NEW SECTION. **Inspection fees and reports.**

2 1. An inspection fee to be fixed annually by the secretary, at the
 3 rate of no more than ten cents per ton shall be paid on commercial
 4 feeds distributed in this state, by the person who distributes the com-
 5 mercial feed to the consumer, subject to the following:

6 a. A fee shall not be paid on a commercial feed if the payment has
 7 been made by a previous distributor.

8 b. A fee shall not be paid on customer-formula feeds if the inspec-
9 tion fee is paid on the commercial feeds which are used as ingredients
10 therein.

11 c. A fee shall not be paid on commercial feeds which are used as
12 ingredients for the manufacture of commercial feeds which are regis-
13 tered. If the fee has already been paid, credit shall be given for such
14 payment.

15 d. In the case of a commercial feed which is distributed in the state
16 only in packages of ten pounds or less, an annual fee of twenty-five
17 dollars, shall be paid in lieu of the inspection fee specified above.

18 e. The minimum inspection fee shall be a semiannual fee of ten dol-
19 lars.

20 f. In the case of specialty pet food, which is distributed in the state
21 in packages of one pound or less, an annual fee of twenty-five dollars
22 shall be paid in lieu of an inspection fee.

23 2. Each person who is liable for the payment of such fee shall:

24 a. File, not later than the last day of January and July of each year
25 a semiannual statement, setting forth the number of net tons of com-
26 mercial feeds distributed in this state during the preceding six months
27 and upon filing such statement shall pay the inspection fee at the rate
28 stated in subsection one (1) of this section. Inspection fees which are
29 due and owing and have not been remitted to the secretary within
30 fifteen days following the due date shall have a delinquency fee of
31 ten percent or five dollars, whichever is greater, added to the amount
32 due when payment is finally made. The assessment of this delinquency
33 fee shall not prevent the department from taking other actions as
34 provided in this Act.

35 b. Keep such records as may be necessary or required by the secre-
36 tary to indicate accurately the tonnage of commercial feed distributed
37 in this state, and the secretary shall have the right to examine such
38 records to verify statements of tonnage.

39 Failure to make an accurate statement of tonnage or to pay the
40 inspection fee or comply as provided herein shall constitute sufficient
41 cause for the cancellation of all registrations on file for the distributor.

42 3. Fees collected shall constitute a fund for the payment of the costs
43 of inspection, sampling, analysis, supportative* research, and other
44 expenses necessary for the administration of this Act.

1 **SEC. 10. NEW SECTION. Rules and regulations.**

2 1. The secretary may promulgate such rules and regulations for
3 commercial feeds and pet foods as are specifically authorized in this
4 Act and such other reasonable rules and regulations as may be neces-
5 sary for the efficient enforcement of this Act. In the interest of uni-
6 formity the secretary shall by regulation adopt, unless he determines
7 that they are inconsistent with the provisions of this Act or are not
8 appropriate to conditions which exist in this state, the following:

9 a. The official definitions of feed ingredients and official feed terms
10 adopted by the association of American feed control officials and pub-
11 lished in the official publication of that organization, and

12 b. Any regulation promulgated pursuant to the authority of the
13 Federal Food, Drug, and Cosmetic Act, U.S.C. section three hundred
14 one (301), et seq., provided, that the secretary would have the author-
15 ity under this Act to promulgate such regulations.

*According to enrolled Act

16 2. Before the issuance, amendment, or repeal of any rule or regula-
17 tion authorized by this Act, the secretary shall publish the proposed
18 regulation, amendment, or notice to repeal an existing regulation in a
19 manner reasonably calculated to give interested parties, including all
20 current registrants, adequate notice and shall afford all interested
21 persons an opportunity to be heard, orally or in writing, within a
22 reasonable period of time. After consideration of all views presented
23 by interested persons, the secretary shall take appropriate action to
24 issue the proposed rule or regulation or to amend or repeal an exist-
25 ing rule or regulation. The provisions of this paragraph notwithstand-
26 ing, if the secretary, pursuant to the authority of this Act, adopts the
27 official definitions of feed ingredients or official feed terms as adopted
28 by the association of American feed control officials, or regulations
29 promulgated pursuant to the authority of the Federal Food, Drug,
30 and Cosmetic Act, any amendment or modification adopted by said
31 association or by the secretary of health, education and welfare in the
32 case of regulations promulgated pursuant to the Federal Food, Drug
33 and Cosmetic Act, shall be adopted automatically under this Act with-
34 out regard to publication of the notice required by this subsection,
35 unless the secretary, by order specifically determines that said amend-
36 ment or modification shall not be adopted.

1 SEC. 11. NEW SECTION. **Inspection, sampling, and analysis.**

2 1. For the purpose of enforcement of this Act, and in order to de-
3 termine whether its provisions have been complied with, including
4 whether or not any operations may be subject to such provisions,
5 officers or employees duly designated by the secretary, upon presenting
6 appropriate credentials, and a written notice to the owner, operator
7 or agent in charge, are authorized:

8 a. To enter, during normal business hours, any factory, warehouse,
9 or establishment within the state in which commercial feeds are manu-
10 factured, processed, packed, or held for distribution, or to enter any
11 vehicle being used to transport or hold such feed.

12 b. To inspect at reasonable times and within reasonable limits and
13 in a reasonable manner, such factory, warehouse, establishment or
14 vehicle and all pertinent equipment, finished and unfinished materials,
15 containers, and labeling therein. The inspection may include the veri-
16 fication of only such records, and production and control procedures
17 as may be necessary to determine compliance with the good manufactur-
18 ing practice regulations established under section seven (7), subsection
19 four (4) of this Act.

20 2. A separate notice shall be given for each such inspection, but a
21 notice shall not be required for each entry made during the period
22 covered by the inspection. Each such inspection shall be commenced
23 and completed with reasonable promptness. Upon completion of the
24 inspection, the person in charge of the facility or vehicle shall be so
25 notified.

26 3. If the officer or employee making such inspection of a factory,
27 warehouse, or other establishment has obtained a sample in the course
28 of the inspection, upon completion of the inspection and prior to leav-
29 ing the premises he shall give to the owner, operator, or agent in
30 charge a receipt describing the samples obtained.

31 4. If the owner of any factory, warehouse, or establishment de-
32 scribed in subsection one (1) of this section, or his agent, refuses to

33 admit the secretary or his agent to inspect in accordance with subsections
34 one (1) and two (2) of this section, the secretary may obtain
35 from any state court a warrant directing such owner or his agent to
36 submit the premises described in such warrant to inspection.

37 5. For the purpose of the enforcement of this Act, the secretary or
38 his duly designated agent is authorized to enter upon any public or
39 private premises including any vehicle of transport during regular
40 business hours to have access to, and to obtain samples, and to examine
41 records relating to distribution of commercial feeds.

42 6. Sampling and analysis shall be conducted in accordance with
43 methods published by the association of official analytical chemists,
44 or in accordance with other generally recognized methods.

45 7. The results of all analyses of official samples shall be forwarded
46 by the secretary to the person named on the label. When the inspection
47 and analysis of an official sample indicates a commercial feed has been
48 adulterated or misbranded and upon request within thirty days following
49 receipt of the analysis the secretary shall furnish to the registrant
50 a portion of the sample concerned.

51 8. The secretary, in determining for administrative purposes
52 whether a commercial feed is deficient in any component, shall be
53 guided by the official sample as defined in section three (3), subsection
54 sixteen (16) of this Act and obtained and analyzed as provided
55 for in section eleven (11), subsections three (3), five (5), and six (6)
56 of this Act.

1 **SEC. 12. NEW SECTION. Detained commercial feeds.**

2 1. When the secretary or his authorized agent has reasonable cause
3 to believe any lot of commercial feed is being distributed in violation
4 of any of the provisions of this Act or of any of the prescribed regulations
5 under this Act, he may issue and enforce a written or printed
6 "withdrawal from distribution" order, warning the distributor not
7 to dispose of the lot of commercial feed in any manner until written
8 permission is given by the secretary or the court. The secretary shall
9 release the lot of commercial feed so withdrawn when said provisions
10 and regulations have been complied with. If compliance is not obtained
11 within thirty days, the secretary may begin, or upon request
12 of the distributor or registrant shall begin, proceedings for condemnation.
13

14 2. Any lot of commercial feed not in compliance with said provisions
15 and regulations shall be subject to seizure on complaint of the secretary
16 to a court of competent jurisdiction in the area in which said
17 commercial feed is located. In the event the court finds the said commercial
18 feed to be in violation of this Act and order the condemnation
19 of said commercial feed, it shall be disposed of in any manner consistent
20 with the quality of the commercial feed and the laws of the
21 state, provided, that in no instance shall the disposition of said commercial
22 feed be ordered by the court without first giving the claimant
23 an opportunity to apply to the court for release of said commercial
24 feed or for permission to process or relabel said commercial feed to
25 bring it into compliance with this Act.

1 **SEC. 13. NEW SECTION. Penalties.**

2 1. Any person convicted of violating any of the provisions of this
3 Act or who shall impede, hinder, or otherwise prevent, or attempt to

4 prevent, said secretary or his authorized agent in performance of his
5 duty in connection with the provisions of this Act, shall be guilty of a
6 misdemeanor and shall be fined not less than twenty-five dollars or
7 more than one hundred dollars for the first violation, and not less than
8 fifty dollars or more than three hundred dollars for a subsequent
9 violation.

10 2. Nothing in this Act shall be construed as requiring the secretary
11 or his representative to:

12 a. Report for prosecution.

13 b. Institute seizure proceedings.

14 c. Issue a withdrawal from distribution order, as a result of minor
15 violations of the Act, or when he believes the public interest will best
16 be served by suitable notice of warning in writing.

17 3. It shall be the duty of each county attorney to whom any viola-
18 tion is reported to cause appropriate proceedings to be instituted and
19 prosecuted in a court of competent jurisdiction without delay. Before
20 the secretary reports a violation for such prosecution, an opportunity
21 shall be given the distributor to present his view to the secretary.

22 4. The secretary may apply for and the court to grant a temporary
23 or permanent injunction restraining any person from violating or con-
24 tinuing to violate any of the provisions of this Act or any rule or
25 regulation promulgated under the Act notwithstanding the existence
26 of other remedies at law. Said injunction to be issued without bond.

27 5. Any person adversely affected by an act, order, or ruling made
28 pursuant to the provisions of this Act may within forty-five days
29 thereafter bring action in the district court for judicial review of
30 such actions. The form of the proceeding shall be any which may be
31 provided by statutes of this state to review decisions of administrative
32 agencies, or in the absence or inadequacy thereof, any applicable form
33 of legal action, including actions for declaratory judgments or writs
34 or prohibitory or mandatory injunctions.

35 6. Any person who uses to his own advantage, or reveals to other
36 than the secretary, or officers of the department or to the courts when
37 relevant in any judicial proceeding, any information acquired under
38 the authority of this Act, concerning any method, records, formula-
39 tions, or processes which as a trade secret is entitled to protection, is
40 guilty of a misdemeanor and shall on conviction thereof be fined not
41 less than one hundred dollars or imprisoned for not less than six
42 months, or both, provided that this prohibition shall not be deemed as
43 prohibiting the secretary, or his duly authorized agent, from exchang-
44 ing information of a regulatory nature with appointed officials of the
45 United States government, or of other states, who are similarly pro-
46 hibited by law from revealing this information.

1 SEC. 14. NEW SECTION. **Cooperation with other entities.** The
2 secretary may cooperate with and enter into agreements with govern-
3 mental agencies of this state, other states, agencies of the federal gov-
4 ernment, and private associations in order to carry out the purpose
5 and provisions of this Act.

1 SEC. 15. NEW SECTION. **Publication.** The secretary shall pub-
2 lish at least annually, in such forms as he may deem proper, informa-
3 tion concerning the sales of commercial feeds, together with such data
4 on their production and use as he may consider advisable, and a report

5 of the results of the analyses of official samples of commercial feeds
6 sold within the state as compared with the analyses guaranteed in the
7 registration and on the label. Provided, that the information concern-
8 ing production and use of commercial feed shall not disclose the oper-
9 ations of any person.

1 SEC. 16. Section two hundred three point eight (203.8), Code 1973,
2 is amended to read as follows:

3 **203.8 Commercial feeds feeds excepted.** Nothing in this chapter
4 shall be construed as applying to commercial feeds feeds so defined in
5 subsection 4 of section 198.3 section three (3) of this Act.

1 SEC. 17. Section one hundred fifty-five point two (155.2), subsec-
2 tion one (1), Code 1973, is amended to read as follows:

3 1. Persons who sell, offer or expose for sale, completely denatured
4 alcohol or concentrated lye, insecticides or fungicides in original pack-
5 ages or biological products as defined in chapter 166 or commercial
6 feeds or stock tonics as defined in chapter 198 as defined in section
7 three (3) of this Act, or stock tonic as defined in this section. For
8 purposes of this section, stock tonic shall mean commercial feed for
9 livestock and poultry such as remedies for the cure and mitigation of
10 diseases and other nonnutritional conditions. It shall include only
11 those articles and products for oral administration and shall not
12 include medicated livestock and poultry feeds.

1 SEC. 18. Section two hundred five point eight (205.8), subsection
2 three (3), Code 1973, is amended to read as follows:

3 3. To insecticides and fungicides as defined in chapter 206 and com-
4 mercial feeds as defined in chapter 198 section three (3) of this Act,
5 provided same be labeled in accordance with said chapter section and
6 sold in original unbroken packages, provided, however, that stock dips
7 and fly sprays may be sold in bulk or otherwise and the vessel or con-
8 tainer need not have printed on the label the most available antidote.

1 SEC. 19. Chapter one hundred ninety-eight (198), Code 1973, is
2 repealed.

Approved April 23, 1974

CHAPTER 1157

PESTICIDES

S. F. 1311

AN ACT relating to the use and application of pesticides and providing penalties for violations.

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

1 SECTION 1. Section two hundred six point two (206.2), subsection
2 four (4), Code 1973, is amended to read as follows:

3 4. The term "ingredient statement" means either:

4 a. A statement of the name and percentage by weight of each pesti-
5 cide active ingredient, together with the total percentage of the inert
6 ingredients, in the pesticide; and

7 b. ~~With respect to pesticides for household uses, not highly toxic to~~
 8 ~~man, a statement of the name of each active ingredient in descending~~
 9 ~~order of predominance and total percent of inert ingredients.~~
 10 e b. ~~In case~~ *When the pesticide contains arsenic in any form, a the*
 11 ~~ingredient statement of the shall also include percentages by weight of~~
 12 total and water soluble arsenic, each calculated as elemental arsenic.

1 SEC. 2. Section two hundred six point two (206.2), Code 1973, is
 2 amended by adding the following new subsections:

3 NEW SUBSECTION. "Certified applicator" means any individual who
 4 is certified under this chapter as authorized to use or supervise the use
 5 of any pesticide which is classified for restricted use.

6 NEW SUBSECTION. "Certified private applicator" means a certified
 7 applicator who uses or supervises the use of any pesticide which is clas-
 8 sified for restricted use for purposes of producing any agricultural
 9 commodity on property owned or rented by him or his employer or,
 10 if applied without compensation other than trading of personal ser-
 11 vices between producers of agricultural commodities, on the property
 12 of another person.

13 NEW SUBSECTION. "Certified commercial applicator" means a pes-
 14 ticide applicator or individual who applies or uses a restricted use
 15 pesticide or device for the purpose of producing any agricultural com-
 16 modity or on any property of another for compensation.

17 NEW SUBSECTION. "Public applicator" means an individual who
 18 applies pesticides as an employee of a state agency, county, municipal
 19 corporation, or other governmental agency. This term does not
 20 include employees who work only under the direct supervision of a
 21 public applicator.

22 NEW SUBSECTION. The term "distribute" means to offer for sale,
 23 hold for sale, sell, barter, or supply pesticides in this state.

24 NEW SUBSECTION. The term "hazard" means a probability that a
 25 given pesticide will have an adverse effect on man or the environment
 26 in a given situation, the relative likelihood of danger or ill effect being
 27 dependent on a number of interrelated factors present at any given
 28 time.

29 NEW SUBSECTION. The term "permit" means a written certificate,
 30 issued by the secretary or his authorized agent as authorized in rules
 31 adopted by the chemical technology commission authorizing the use of
 32 certain state restricted use pesticides.

33 NEW SUBSECTION. The term "pesticide dealer" means any person
 34 who distributes any restricted use pesticides which, by regulation, are
 35 restricted to application only by certified applicators.

36 NEW SUBSECTION. The term "restricted use pesticide" means any
 37 pesticide restricted as to use by rule of the secretary as adopted under
 38 section twenty (20) of this Act.

39 NEW SUBSECTION. The term "state restricted use pesticide" means
 40 any pesticide which is restricted for sale, use, or distribution under the
 41 authority of section four hundred fifty-five B point one hundred one
 42 (455B.101) of the Code.

43 NEW SUBSECTION. The term "under the direct supervision of"
 44 means the act or process whereby the application of a pesticide is
 45 made by a competent person acting under the instructions and control
 46 of a certified applicator or a state licensed commercial applicator who

47 is available if and when needed, even though such certified applicator
48 is not physically present at the time and place the pesticide is applied.

49 **NEW SUBSECTION.** The term "unreasonable adverse effects on the
50 environment" means any unreasonable risk to man or the environ-
51 ment, taking into account the economic, social and environmental costs
52 and benefits of the use of any pesticide.

1 **SEC. 3.** Section two hundred six point seven (206.7), Code 1973, is
2 amended to read as follows:

3 **206.7 Examination and orders.** The examination of pesticides *and*
4 *those products to which pesticides have been applied for the content of*
5 *pesticide residues* shall be made under the direction of the secretary, or
6 his authorized representative, for the purpose of determining whether
7 they comply with the requirements of this chapter *and rules and regu-*
8 *lations adopted under this chapter.* If it shall appear from such exami-
9 nation that a pesticide fails to comply with the provisions of this chap-
10 ter, and the secretary, or his authorized representative, contemplates
11 instituting criminal proceedings against any person, he shall cause
12 notice to be given to such person. Any person so notified shall be given
13 an opportunity to present his views, either orally or in writing, with
14 regard to such contemplated proceedings and if thereafter in the opin-
15 ion of the secretary, or his authorized representative, it shall appear
16 that the provisions of the chapter have been violated by such person,
17 then the secretary or his authorized representative may refer the facts
18 to the county attorney for the county in which the violation shall have
19 occurred with a copy of the results of the analysis or the examination
20 of such article; provided, however, that nothing in this chapter shall
21 be construed as requiring the secretary or his representative to report
22 for prosecution or for the institution of proceedings in minor viola-
23 tions of the chapter whenever he believes that the public interests will
24 be best served by a suitable notice of warning in writing.

1 **SEC. 4.** Chapter two hundred six (206), Code 1973, is amended by
2 adding the following new section:

3 **NEW SECTION. Classification of licenses.**

4 1. The secretary may classify or subclassify certifications or licenses
5 to be issued under this chapter. Each classification shall be subject to
6 separate testing procedures and requirements. However, no person
7 shall be required to pay an additional license fee if such person desires
8 to be licensed in one or all of the license classifications provided for by
9 the secretary under the authority of this section.

10 2. The secretary in promulgating regulations under this chapter
11 shall prescribe standards for the certification of applicators of pesti-
12 cides. In determining these standards the secretary shall take into
13 consideration standards of the United States environmental protection
14 agency and is authorized to adopt by regulation these standards.

1 **SEC. 5.** Chapter two hundred six (206), Code 1973, is amended by
2 adding the following new section:

3 **NEW SECTION. Certification requirements.** No person shall apply
4 any restricted use pesticide without first complying with the certifica-
5 tion requirements of this chapter and such other restrictions as deter-
6 mined by the secretary or being under the direct supervision of a cer-
7 tified applicator.

8 The secretary shall adopt, by rule, requirements for the examina-
9 tion, reexamination and certification of applicants and set a fee of not
10 more than ten dollars for the certification program of commercial
11 applicators and not more than five dollars for the certification program
12 of private applicators.

13 The secretary may adopt rules for the training of applicators in
14 cooperation with the cooperative extension service at Iowa state uni-
15 versity of science and technology.

1 SEC. 6. Section two hundred six point five (206.5), Code 1973, is
2 amended by striking the section and inserting in lieu thereof the fol-
3 lowing:

4 **206.5 License for commercial applicators.**

5 1. Commercial applicator. No person shall engage in the business
6 of applying pesticides to the lands or property of another at any time
7 without being licensed by the secretary. The secretary shall require
8 an annual license fee of not more than twenty-five dollars for each
9 license. Application for a license shall be made in writing to the de-
10 partment on a designated form obtained from the department. Each
11 application for a license shall contain information regarding the appli-
12 cant's qualifications and proposed operations, license classification or
13 classifications for which the applicant is applying.

14 A person who applies pesticides by use of any aircraft and who is
15 licensed as an aerial commercial applicator in another state shall apply
16 pesticides in Iowa under the direct supervision of a person holding a
17 valid Iowa aerial commercial applicator's license. The supervising
18 aerial commercial applicator shall be jointly liable with the person who
19 is licensed as an aerial commercial applicator in another state for dam-
20 ages. The supervising applicator shall immediately notify the secre-
21 tary of the commencement and of the termination of service provided
22 by the supervised applicator. A person licensed in another state as an
23 aerial commercial applicator may operate independently if he acquires
24 an aerial commercial applicator license from the secretary and posts
25 bond in amount to be determined by the secretary, and registers with
26 the Iowa aeronautics commission. Such person shall be liable for
27 damages.

28 2. Nonresident applicator. Any nonresident applying for a license
29 under this chapter to operate in the state shall file a written power of
30 attorney designating the secretary of state as the agent of such non-
31 resident upon whom service of process may be had in the event of any
32 suit against said nonresident person, and such power of attorney shall
33 be so prepared and in such form as to render effective the jurisdiction
34 of the courts of this state over such nonresident applicants. A non-
35 resident who has a duly appointed resident agent upon whom process
36 may be served as provided by law shall not be required to designate
37 the secretary of state as such agent. The secretary of state shall be
38 allowed such fees as provided by law for designating resident agents.
39 The secretary shall be furnished with a copy of such designation of the
40 secretary of state or of a resident agent, such copy to be certified by
41 the secretary of state.

42 3. Examination for commercial applicator license. The secretary
43 shall not issue a commercial applicator license until the individual
44 engaged in or managing the pesticide application business is qualified
45 by passing an examination to demonstrate to the secretary his knowl-

46 edge of how to apply pesticides under the classifications he has applied
 47 for, and his knowledge of the nature and effect of pesticides he may
 48 apply under such classifications. The applicant successfully completing
 49 this examination requirement shall be a licensed commercial applicator.

50 4. Renewal of applicants license. The secretary shall renew any
 51 applicant's license under the classifications for which such applicant is
 52 licensed, subject to reexamination for additional knowledge that may
 53 be required to apply pesticides.

54 5. Issue commercial applicator license. If the secretary finds the
 55 applicant qualified to apply pesticides in the classifications for which
 56 he has applied and if the applicant files the bonds or insurance required
 57 under section thirteen (13) of this Act, and if the applicant applying
 58 for a license to engage in aerial application of pesticides has met all
 59 of the requirements of the federal aviation administration, the Iowa
 60 aeronautics commission and any other applicable federal or state laws
 61 or regulations to operate the equipment described in the application,
 62 the secretary shall issue a commercial applicator license limited to the
 63 classifications for which he is qualified, which shall expire at the end
 64 of the calendar year of issue unless it has been revoked or suspended
 65 prior thereto by the secretary for cause. The secretary may limit the
 66 license of the applicant to the use of certain pesticides, or to certain
 67 areas, or to certain types of equipment if the applicant is only so quali-
 68 fied. If a license is not issued as applied for, the secretary shall inform
 69 the applicant in writing of the reasons therefor.

70 6. Public applicator.

71 a. All state agencies, counties, municipal corporations, and any other
 72 governmental agency shall be subject to the provisions of this chapter
 73 and rules adopted thereunder concerning the application of pesticides.

74 b. Public applicators for agencies listed in this subsection shall be
 75 subject to examinations as provided for in this section, however, the
 76 secretary shall issue a limited license without a fee to such public
 77 applicator who has qualified for such license. The public applicator
 78 license shall be valid only when such applicator is acting as an appli-
 79 cator applying or supervising the application of pesticides used by such
 80 entities. Government research personnel shall be exempt from this
 81 licensing requirement when applying pesticides only to experimental
 82 plots. Individuals licensed pursuant to this section shall be licensed
 83 public applicators.

84 c. Such agencies and municipal corporations shall be subject to legal
 85 recourse by any person damaged by such application of any pesticide,
 86 and such action may be brought in the county where the damage or
 87 some part thereof occurred.

1 SEC. 7. Chapter two hundred six (206), Code 1973, is amended by
 2 adding the following new section:

3 **NEW SECTION. Certified applicators.**

4 1. Requirement for certification. No commercial or public appli-
 5 cator shall apply any restricted use pesticide without first complying
 6 with the certification standards or being under the direct supervision
 7 of a certified applicator.

8 2. Certification standards. Certification standards shall be adopted
 9 by the secretary to determine the individual's competence with respect
 10 to the application and handling of the restricted use pesticides. In
 11 determining these standards, the secretary shall take into considera-

12 tion the standards of the United States environmental protection
13 agency.

14 3. Reasons for not qualifying. If the secretary does not qualify the
15 applicator under this section he shall inform the applicant in writing
16 of the reasons therefor.

1 SEC. 8. Chapter two hundred six (206), Code 1973, is amended by
2 adding the following new section:

3 **NEW SECTION. Pesticide dealer license.**

4 1. It shall be unlawful for any person to act in the capacity of a
5 pesticide dealer, or advertise as, or assume to act as a pesticide dealer
6 at any time without first having obtained a license from the secretary
7 which shall expire at the end of the calendar year of issue. A license
8 shall be required for each location or outlet located within this state
9 from which such pesticides are distributed. Any manufacturer, regis-
10 trant, or distributor who has no pesticide dealer outlet licensed within
11 this state and who distributes such pesticides directly into this state
12 shall obtain a pesticide dealer license for his principal out-of-state
13 location or outlet.

14 2. Application for a license shall be accompanied by a twenty-five
15 dollar annual license fee for the primary business location and an
16 additional five dollar annual license fee for each other location or outlet
17 within the state, and shall be on a form prescribed by the secretary
18 and shall include the full name of the person applying for such license.

19 3. Provisions of this section shall not apply to a pesticide applicator
20 who sells pesticides only as an integral part of his pesticide application
21 service when such pesticides are dispensed only through his equipment
22 used for such pesticide application; or any federal, state, county, or
23 municipal agency which provides pesticides only for its own programs.

1 SEC. 9. Section two hundred six point eleven (206.11), Code 1973,
2 is amended by striking the section and inserting in lieu thereof the
3 following:

4 **206.11 Cooperative agreements.** The secretary may cooperate, re-
5 ceive grants-in-aid, and enter into agreements with any agency of the
6 federal government, of this state or its subdivisions, or with any
7 agency of another state, or trade associations to obtain assistance in
8 the implementation of this chapter and to:

- 9 1. Secure uniformity of regulations;
- 10 2. Cooperate in the enforcement of the federal pesticide control laws
11 through the use of state or federal personnel and facilities and to
12 implement cooperative enforcement programs;
- 13 3. Develop and administer state programs for training and certifi-
14 cation of certified applicators consistent with federal standards;
- 15 4. Contract for training with other agencies including federal agen-
16 cies for the purpose of training certified applicators;
- 17 5. Contract for monitoring pesticides for the national plan;
- 18 6. Prepare and submit state plans to meet federal certification stan-
19 dards; and,
- 20 7. Regulate certified applicators.

1 SEC. 10. Chapter two hundred six (206), Code 1973, is amended by
2 adding the following new section:

3 **NEW SECTION. License renewals—delinquent fee.** If the applica-
4 tion for renewal of any license provided for in this chapter is not filed

5 prior to the first of January in any year, a delinquent fee of twenty-
6 five percent shall be assessed and added to the original fee and shall be
7 paid by the applicant before the renewal license shall be issued. A
8 delinquent fee shall not apply if the applicant furnishes an affidavit
9 certifying that he has not applied pesticides after the expiration of
10 his license. All licenses issued under this chapter shall expire Decem-
11 ber thirty-first each year.

1 SEC. 11. Section two hundred six point three (206.3), Code 1973, is
2 amended by adding the following new subsections:

3 NEW SUBSECTION. It shall be unlawful:

4 a. To distribute any restricted use pesticide to any person who is re-
5 quired by law or regulations promulgated under such law to be certified
6 to use or purchase such restricted pesticides unless such person or his
7 agent, to whom distribution is made, is certified to use or purchase
8 such restricted pesticide. Subject to conditions established by the
9 secretary such certification may be obtained immediately prior to dis-
10 tribution from any person designated by the secretary.

11 b. For any person to use or cause to be used any pesticide contrary
12 to its labeling or to regulations of the state of Iowa if those regulations
13 differ from or further restrict the usage.

14 c. For any person to handle, transport, store, display, or distribute
15 pesticides in such a manner as to endanger man and his environment
16 or to endanger food, feed, or any other products that may be trans-
17 ported, stored, displayed, or distributed with such pesticides.

18 d. For any person to dispose of, discard, or store any pesticides or
19 pesticide containers in such a manner as to cause injury to humans,
20 vegetation, crops, livestock, wildlife, pollinating insects or to pollute
21 any water supply or waterway.

22 NEW SUBSECTION. The secretary may suspend an applicator's
23 license pending inquiry, and, after opportunity for a hearing, to be
24 held within ten days, may deny, suspend, revoke or modify any provi-
25 sion of any license, permit or certification issued under this Act, if he
26 finds that the applicant or the holder of a license, permit or certifica-
27 tion has committed any of the following acts, each of which is declared
28 to be a violation of this Act. However, any licensed or unlicensed
29 person shall be subject to the penalties provided for by section two
30 hundred six point nine (206.9) of the Code.

31 a. Made a pesticide recommendation or application inconsistent with
32 the labeling.

33 b. Applied known ineffective or improper materials.

34 c. Operated faulty or unsafe equipment.

35 d. Operated in a faulty, careless or negligent manner.

36 e. Neglected or, after notice, refused to comply with the provisions
37 of this chapter, the rules adopted hereunder, or of any lawful order of
38 the secretary.

39 f. Refused or neglected to keep and maintain the records required
40 by this chapter, or to make reports when and as required.

41 g. Made false or fraudulent records, invoice or reports.

42 h. Refused or neglected to comply with any limitations or restric-
43 tions on or in a duly issued license, permit or certification.

44 i. Aided or abetted a licensed or an unlicensed person to evade the
45 provisions of this chapter, conspired with such a licensed or an un-

46 licensed person to evade the provisions of this chapter, or allowed one's
47 license, permit, or certification to be used by another person.

48 j. Made false or misleading statements during or after an inspection
49 concerning any infestation or infection of pests found on land.

50 k. Impersonated any federal, state, county or city inspector or official.
51

1 SEC. 12. Section two hundred six point four (206.4), subsections
2 one (1) and three (3), Code 1973, are amended to read as follows:

3 1. Every pesticide which is distributed, sold or offered for sale
4 within this state or delivered for transportation or transported in
5 intrastate commerce between points within the state through any point
6 outside this state shall be registered with the department of agricul-
7 ture. All registration of products shall expire on the thirty-first day
8 of ~~October~~ *December* following date of issuance, unless such registra-
9 tion shall be renewed annually, in which event expiration date shall be
10 extended for each year of renewal registration, or until otherwise
11 terminated; provided that:

12 a. ~~Products which have the same formula, and are manufactured by~~
13 ~~the same person, the labeling of which contains the same claims, and~~
14 ~~the labels of which bear a designation identifying the product as the~~
15 ~~same pesticide may be registered as a single pesticide; additional~~
16 ~~names and labels shall be added by supplement statements during the~~
17 ~~current period of registration. For the purpose of this chapter, fer-~~
18 ~~tilizers in mixed fertilizer-pesticide formulations shall be considered~~
19 ~~as inert ingredients.~~

20 b. Within the discretion of the secretary, or his authorized repre-
21 sentative, a change in the labeling or formulae of a pesticide may be
22 made within the current period of registration, without requiring a
23 reregistration of the product, provided the name of the item is not
24 changed.

25 3. The registrant, before selling or offering for sale any pesticide in
26 this state, shall register each brand and grade of such pesticide with
27 the secretary upon forms furnished by the secretary, and, for the
28 purpose of defraying expenses connected with the enforcement of this
29 chapter, ~~shall pay to the secretary an annual~~ *shall set the* registration
30 ~~fee of ten annually at no more than twenty~~ dollars for each and every
31 brand and grade to be offered for sale in this state ~~up to ten products.~~
32 ~~A fee of five dollars shall be paid for each product thereafter.~~ The fees
33 collected shall be deposited in the treasury to the credit of the pesticide
34 fund to be used only for the purpose of enforcing the provisions of
35 this chapter. ~~All moneys in said fund in excess of one hundred thou-~~
36 ~~sand dollars shall be placed in the general fund of the state at the end~~
37 ~~of each biennium.~~

1 SEC. 13. Chapter two hundred six (206), Code 1973, is amended by
2 adding the following new section:

3 **NEW SECTION. Surety bond or insurance required of commercial**
4 **applicator.** The secretary shall not issue a commercial applicator's
5 license as required in section six (6) of this Act until the applicant has
6 furnished evidence of financial responsibility with the secretary con-
7 sisting either of a surety bond or a liability insurance policy or certifi-
8 cation thereof protecting persons who may suffer legal damages as a
9 result of the pesticide operations of the applicant. The surety bond or

10 liability insurance policy submitted as evidence of financial responsi-
 11 bility need not apply to damages or injury to agricultural crops, plants,
 12 or land being worked upon by the applicant.

13 The amount of the surety bond or liability insurance as provided for
 14 in this section shall be not less than fifty thousand dollars for property
 15 damage and public liability, insurance, each separately, and including
 16 loss or damage arising out of the actual use of any pesticide. Such
 17 surety bond or liability insurance shall be maintained at not less than
 18 that sum at all times during the licensed period. The secretary shall
 19 be notified ten days prior to any reduction at the request of the appli-
 20 cant or cancellation of such surety bond or liability insurance by the
 21 surety or insurer. The total and aggregate of the surety and insurer
 22 for all claims shall be limited to the face of the bond or liability insur-
 23 ance policy. The secretary may accept a liability insurance policy or
 24 surety bond in the proper sum which has a deductible clause in an
 25 amount not exceeding five hundred dollars for aerial applicators and
 26 two hundred fifty dollars for all other applicators for the total amount
 27 of liability insurance or surety bond required.

1 SEC. 14. Section two hundred six point thirteen (206.13), Code
 2 1973, is amended by striking the section and inserting in lieu thereof
 3 the following:

4 **206.13 Reports of pesticide accidents, incidents, or loss.**

5 1. The secretary may, by regulation require the reporting of signifi-
 6 cant pesticide accidents or incidents to a designated state agency.

7 2. Any person claiming damages from a pesticide application shall
 8 have filed with the secretary on a form prescribed by the secretary a
 9 written statement claiming that he has been damaged.

10 a. This report shall have been filed within sixty days after the
 11 alleged date that damages occurred. If a growing crop is alleged to
 12 have been damaged, the report must be filed prior to the time that
 13 twenty-five percent of the crop has been harvested. Such statement
 14 shall contain, but shall not be limited to the name of the person alleg-
 15 edly responsible for the application of said pesticide, the name of the
 16 owner or lessee of the land on which the crop is grown and for which
 17 damage is alleged to have occurred, and the date on which the alleged
 18 damage occurred.

19 b. The secretary shall prepare a form to be furnished to persons to
 20 be used in such cases and such form shall contain such other require-
 21 ments as the secretary may deem proper. The secretary shall, upon
 22 receipt of such statement, notify the licensee and the owner or lessee
 23 of the land or other person who may be charged with the responsibility
 24 of the damages claimed, and furnish copies of such statements as may
 25 be requested. The secretary shall inspect damages whenever possible
 26 and when he determines that the complaint has sufficient merit he
 27 shall make such information available to the person claiming damage
 28 and to the person who is alleged to have caused the damage.

29 3. The filing of such a report or failure to give notice shall not pre-
 30 clude recovery in an action for damages and shall not affect the limi-
 31 tations of actions set forth in chapter six hundred fourteen (614) of
 32 the Code. Nothing herein shall prohibit an action for damages for
 33 bodily injury or death to any person.

34 a. The filing of such report or the failure to file such a report shall
 35 not be a violation of this chapter. However, if the person failing to file

36 such report is the only one injured from such use or application of a
 37 pesticide by others, the secretary may, when in the public interest,
 38 refuse to hold a hearing for the denial, suspension or revocation of a
 39 license or permit issued under this chapter until such report is filed.

40 b. Where damage is alleged to have occurred, the claimant shall
 41 permit the secretary, the licensee and his representatives, such as
 42 bondsman or insurer, to observe within reasonable hours the lands or
 43 nontarget organism alleged to have been damaged in order that such
 44 damage may be examined. Failure of the claimant to permit such
 45 observation and examination of the damaged lands shall automatically
 46 bar the claim against the licensee.

1 SEC. 15. Chapter two hundred six (206), Code 1973, is amended by
 2 adding the following new section:

3 NEW SECTION. **Licensee to keep records.** The secretary shall re-
 4 quire commercial applicators and certified commercial applicators to
 5 maintain records with respect to application of pesticides. Such rele-
 6 vant information as the secretary may deem necessary may be speci-
 7 fied by regulation. Such records shall be kept for a period of three
 8 years from the date of the application of the pesticide to which such
 9 records refer, and the secretary shall, upon request in writing, be fur-
 10 nished with a copy of such records forthwith.

1 SEC. 16. Section two hundred six point ten (206.10), Code 1973, is
 2 amended by adding the following new subsection:

3 NEW SUBSECTION. When the secretary has reasonable cause to
 4 believe a pesticide or device is being distributed, stored, transported,
 5 or used in violation of any of the provisions of this chapter, or of any
 6 of the prescribed regulations under this chapter, he may issue and
 7 serve a written "stop sale, use, or removal" order upon the owner or
 8 custodian of any such pesticide or device. If the owner or custodian is
 9 not available for service of the order upon him, the secretary may
 10 attach the order to the pesticide or device and notify the registrant.
 11 The pesticide or device shall not be sold, used, or removed until the
 12 provisions of this chapter have been complied with and the pesticide
 13 or device has been released in writing under conditions specified by the
 14 secretary or the violation has been otherwise disposed of as provided
 15 in this chapter by a court of competent jurisdiction.

1 SEC. 17. Chapter two hundred six (206), Code 1973, is amended by
 2 adding the following new section:

3 NEW SECTION. **Reciprocal agreement.** The secretary may waive
 4 all or part of the examination requirements provided for in sections
 5 six (6) and seven (7) of this Act on a reciprocal basis with any other
 6 state which has substantially the same standards.

1 SEC. 18. Section two hundred six point eight (206.8), Code 1973, is
 2 amended by adding the following new subsections:

3 NEW SUBSECTION. The provisions of section six (6) of this Act
 4 relating to licenses and requirements for their issuance shall not apply
 5 to any farmer applying pesticides for himself or with ground equip-
 6 ment or manually for his farmer neighbors; provided, that:

7 a. He operates farm property and operates and maintains pesticide
 8 application equipment primarily for his own use;

9 b. He is not regularly engaged in the business of applying pesticides
10 for hire amounting to a principal or regular occupation and that he
11 shall not publicly hold himself out as a pesticide applicator;

12 c. He operates his pesticide application equipment only in the vicin-
13 ity of his own property and for the accommodation of his neighbors.

14 NEW SUBSECTION. The licensing requirements of section six (6)
15 of this Act shall not apply to any person using hand-powered equip-
16 ment to applying pesticides to lawns, or to ornamental shrubs and trees
17 not in excess of twelve feet high, as an incidental part of taking care
18 of household lawns and yards provided, that such person shall not
19 publicly hold himself out as being in the business of applying pesti-
20 cides, and that such person does not apply restricted use pesticides or
21 state restricted use pesticides, restricted to use only by certified appli-
22 cators.

23 NEW SUBSECTION. The provisions of section six (6) of this Act
24 relating to licenses and requirements for their issuance shall not apply
25 to a doctor of veterinary medicine applying pesticides to animals dur-
26 ing the normal course of his veterinary practice; provided that he is
27 not regularly engaged in the business of applying pesticides for hire
28 amounting to a principal or regular occupation or does not publicly
29 hold himself out as a pesticide applicator; and that he does not apply
30 restricted use pesticides, or state restricted use pesticides, restricted
31 to use by certified applicators only.

1 SEC. 19. Section two hundred six point twelve (206.12), Code 1973,
2 is amended to read as follows:

3 206.12 **Rules adopted.** The rules and regulations promulgated
4 under the provisions of this chapter shall not be effective until ap-
5 proved by the chemical technology ~~review board~~ *commission of the*
6 *department of environmental quality* and submitted to the depart-
7 mental rules review committee as provided in chapter 17A.

1 SEC. 20. Chapter two hundred six (206), Code 1973, is amended by
2 adding the following new section:

3 NEW SECTION. **Restricted use pesticides classified.** The secretary
4 shall determine, by rule, the pesticides to be classified as restricted use
5 pesticides. In determining these rules the secretary shall take into
6 consideration the pesticides classified as restricted use by the United
7 States environmental protection agency and is authorized to adopt by
8 reference these classifications.

1 SEC. 21. This Act shall become effective January 1, 1975. How-
2 ever, certification for applicators of restricted use pesticides shall not
3 be required until October 21, 1976. Notwithstanding any of the pro-
4 visions of chapter two hundred and six (206) of the Code, all licenses
5 and product registrations that expire after June 30, 1974, and before
6 December 31, 1974, shall remain in full force and effect and be deemed
7 a current license or product registration during the period between
8 July 1, 1974 and December 31, 1974. All licenses and product registra-
9 tions so extended shall expire on December 31, 1974.

Approved May 2, 1974

CHAPTER 1158

INSTITUTIONAL SUPPORT FOR CHILDREN

H. F. 555

AN ACT relating to the liability for support for patients at a hospital-school or special unit and liability for support of mentally ill persons.

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

1 SECTION 1. Section two hundred twenty-two point seventy-eight
2 (222.78), Code 1973, is amended to read as follows:

3 222.78 **Parents and others liable for support.** The father and
4 mother of any person admitted or committed to a hospital-school or
5 to a special unit, as either an inpatient or an outpatient, and any
6 person, firm, or corporation bound by contract hereafter made for
7 support of such person shall be and remain liable for the support of
8 such person. Such person and those legally bound for the support of
9 the person shall be liable to the county for all sums advanced by the
10 county to the state under the provisions of sections 222.60 and 222.77.
11 The liability of any person, other than the patient, who is legally
12 bound for the support of any patient under ~~twenty-one~~ *eighteen* years
13 of age in a hospital-school or a special unit shall in no instance exceed
14 the average minimum cost of the care of a normally intelligent, non-
15 handicapped minor of the same age and sex as such minor patient.
16 The state director shall establish the scale for this purpose but the
17 scale shall not exceed the standards for personal allowances established
18 by the state division under the aid to dependent children program.
19 Provided further that the father or mother of such person shall not
20 be liable for the support of such person after such person attains the
21 age of ~~twenty-one~~ *eighteen* years and that the father or mother shall
22 incur liability only during any period when the father or mother either
23 individually or jointly receive a net income from whatever source,
24 commensurate with that upon which they would be liable to make an
25 income tax payment to this state. Nothing in this section shall be
26 construed to prevent a relative or other person from voluntarily paying
27 the full actual cost as established by the state director for caring for
28 such mentally retarded person.

1 SEC. 2. Section two hundred thirty point fifteen (230.15), unnum-
2 bered paragraph one (1), Code 1973, as amended by Acts of the Sixty-
3 fifth General Assembly, 1973 Session, chapter one hundred eighty-
4 three (183), section one (1), is amended to read as follows:

5 Mentally ill persons and persons legally liable for their support shall
6 remain liable for the support of such mentally ill. Persons legally
7 liable for the support of a mentally ill person shall include the spouse
8 of the mentally ill person, any person, firm, or corporation bound by
9 contract for support of the mentally ill person, and, with respect to
10 mentally ill persons under ~~twenty-one~~ *eighteen* years of age only, the
11 father and mother of the mentally ill person. The county auditor,
12 subject to the direction of the board of supervisors, shall enforce the
13 obligation herein created as to all sums advanced by the county. The
14 liability to the county incurred under this section on account of any
15 mentally ill person shall be limited to one hundred percent of the cost of
16 care and treatment of the mentally ill person at a state mental health
17 institute for one hundred twenty days of hospitalization, whether

18 occurring subsequent to a single admission or accumulated as a con-
 19 sequence of two or more separate admissions, and thereafter to an
 20 amount not in excess of the average minimum cost of the maintenance
 21 of a physically and mentally healthy individual residing in his own
 22 home, which standard shall be established and may from time to time
 23 be revised by the department of social services. No lien imposed by
 24 section 230.25 shall exceed the amount of the liability which may be
 25 incurred under this section on account of any mentally ill person.

Approved March 29, 1974

CHAPTER 1159

VOLUNTARY MENTAL PATIENTS

H. F. 1240

AN ACT requiring that the county board of supervisors receive written notice at the time any resident of the county is admitted as a voluntary patient of a mental health institute.

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

1 SECTION 1. Section two hundred twenty-six point thirty-five
 2 (226.35),* unnumbered paragraph one (1), Code 1973, is amended to
 3 read as follows:

4 Any resident of the state may apply for voluntary admission for the
 5 treatment of alcoholism to Mental Health Institute, Cherokee, Iowa,
 6 Mental Health Institute, Independence, Iowa, Mental Health Institute,
 7 Clarinda, Iowa, or Mental Health Institute, Mt. Pleasant, Iowa, the
 8 state hospital serving the district in which he resides. This applica-
 9 tion shall be made on forms provided by the state director and under
 10 such regulations as the director may prescribe. If the superintendent
 11 shall be satisfied, after examination of the applicant by the staff, that
 12 he is in need of hospital treatment and will be benefited thereby, the
 13 superintendent may receive and care for the applicant in the state hos-
 14 pital for such a period of time as he shall deem necessary for the
 15 treatment, improvement or recovery of said patient. *Upon receiving*
 16 *the patient in the state hospital the superintendent shall at once send*
 17 *written notice of the fact to the board of supervisors of the patient's*
 18 *county of legal settlement, unless the application of the patient is*
 19 *accompanied by a statement signed by the applicant, his spouse, guard-*
 20 *ian or some other responsible person, agreeing to pay the cost of the*
 21 *applicant's hospitalization in the manner provided by section two hun-*
 22 *dred twenty-nine point forty-one (229.41) of the Code.*

1 SEC. 2. Section two hundred twenty-nine point one (229.1), un-
 2 numbered paragraph two (2), Code 1973, is amended to read as fol-
 3 lows:

4 Provided, however, that application for admission may be made on
 5 behalf of a person by his attending physician and another physician
 6 experienced in the treatment of mental diseases, for a temporary ad-
 7 mission for observation, examination, diagnosis and treatment, which

*Repealed by 65 GA, ch 1131, §51

8 admission shall not be for a period of more than thirty days and only
 9 after the written consent of said person. The application shall be
 10 made to the superintendent of the state hospital in the district in
 11 which the county of his residence is located. Said application shall
 12 not be accepted by the superintendent if by doing so it will result in
 13 an overcrowded condition or if adequate facilities are not available.
 14 *If the application is accepted the superintendent shall at once send*
 15 *written notice of the fact to the board of supervisors of the patient's*
 16 *county of legal settlement, unless the application is accompanied by*
 17 *a statement signed by the applicant, his spouse, guardian or some*
 18 *other responsible person, agreeing to pay the cost of the applicant's*
 19 *hospitalization in the manner provided by section two hundred twenty-*
 20 *nine point forty-one (229.41) of the Code. At the expiration of the*
 21 admission period, the superintendent shall make a certified report of
 22 the findings as to the mental illness of said applicant, one copy of
 23 which shall be sent to the attending physician filing the application
 24 and, if said report finds that said person is mentally ill and in need
 25 of treatment, a copy shall be sent to the commission of hospitalization
 26 of the county in which the applicant is a resident.

1 SEC. 3. Section two hundred twenty-nine point forty-two (229.42),
 2 unnumbered paragraph one (1), Code 1973, is amended to read as fol-
 3 lows:

4 If a person wishing to make application for voluntary admission to
 5 a mental hospital is unable to pay the costs of hospitalization or those
 6 responsible for such person are unable to pay such costs, application
 7 for voluntary admission, must be made to any clerk of the district
 8 court. After determining the county of legal settlement the said
 9 clerk shall, on forms provided by the state director, authorize such
 10 person's admission to a mental health hospital as a voluntary case.
 11 *The clerk shall at once provide a duplicate copy of the form to the*
 12 *county board of supervisors. The costs of the hospitalization shall be*
 13 *paid by the county of legal settlement to the state comptroller and*
 14 *credited to the general fund of the state, providing the mental health*
 15 *hospital rendering the services has certified to the county auditor of*
 16 *the responsible county the amount chargeable thereto and has sent a*
 17 *duplicate statement of such charges to the state comptroller.*

Approved May 27, 1974

CHAPTER 1160

COMMUNITY MENTAL HEALTH CENTERS

H. F. 1060

AN ACT relating to establishment and operation of community mental health centers
 and to formulation of standards for evaluation of community mental health centers.

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

1 SECTION 1. NEW SECTION. **Establishment and support of com-**
 2 **munity mental health centers.** A county or affiliated counties having

3 a total or combined population of thirty-five thousand or more may by
4 action of the board or boards of supervisors, with approval of the Iowa
5 mental health authority, establish a community mental health center
6 to serve the county or counties. In establishing the community mental
7 health center, the board of supervisors of each county involved may
8 make a single nonrecurring expenditure from the county mental health
9 and institutions fund in an amount not exceeding two hundred fifty
10 dollars per thousand population or major fraction thereof in the
11 county, but no such expenditure shall be made under this section by
12 any county which has prior to the effective date of this Act expended
13 funds to assist in establishment of a community mental health center
14 under section two hundred thirty point twenty-four (230.24), unnum-
15 bered paragraph three (3), Code 1966 or Code 1971, or section two
16 hundred thirty point twenty-four (230.24), unnumbered paragraph
17 two (2), Code 1973. Nothing in this section shall limit the authority
18 of the board or boards of supervisors of any county or group of coun-
19 ties, which prior to July 1, 1974 established or joined in establishing
20 a community mental health center in a manner consistent with the
21 requirements of section three (3) of this Act, to continue to expend
22 money from the county mental health and institutions fund to support
23 operation of the center, and to form agreements with the board of
24 supervisors of any additional county for that county to join in sup-
25 porting and receiving services from or through the center.

1 SEC. 2. NEW SECTION. **Services offered.** A community mental
2 health center established or operating as authorized by section one (1)
3 of this Act may offer to residents of the county or counties it serves
4 any or all of the following services:

5 1. Diagnostic and treatment services for persons suffering from
6 mental illness, mental retardation, emotional disorders, other debilitat-
7 ing psychiatric conditions, and alcoholism or drug addiction or depen-
8 dency, provided, however, that an individual whose primary illness is
9 diagnosed as being an alcoholic shall be referred to a facility defined
10 in chapter one hundred twenty-three B (123B) of the Code if such a
11 facility exists in the county where the community mental health center
12 is located. The services may be provided, as indicated by the needs of
13 the person served, on:

- 14 a. An outpatient basis, or
15 b. A partial hospitalization basis, or
16 c. An inpatient basis.

17 2. Aftercare and, where indicated, rehabilitative services for per-
18 sons who have received services under subsection one (1) of this sec-
19 tion, or have been treated by a state mental health institute or other
20 psychiatric facility, and upon request of a state mental health institute
21 or other psychiatric facility, pre-hospitalization services to persons
22 seeking, awaiting, or being considered for admission or commitment
23 to such facility.

24 3. Emergency mental health services, which shall be continuously
25 available on a twenty-four hour a day basis.

26 4. Collaborative and cooperative programs and services with public
27 health and other groups for prevention of mental illness, emotional
28 disorders, and other debilitating psychiatric conditions.

29 5. Informational and educational services to the general public and
30 professional groups.

31 6. Consultative services to schools, courts, and health and welfare
32 agencies.

33 7. In-service training, research, and evaluation.

1 SEC. 3. NEW SECTION. **Forms of organization.** Each community
2 mental health center established or continued in operation as author-
3 ized by section one (1) of this Act shall be organized and administered
4 in accordance with one of the two alternative forms prescribed by this
5 Act. The two alternative forms are:

6 1. Direct establishment of the center by the county or counties sup-
7 porting it and administration of the center by an elected board of
8 trustees, pursuant to sections four (4) through eleven (11) of this
9 Act.

10 2. Establishment of the center by a nonprofit corporation providing
11 services to the county or counties on the basis of an agreement with
12 the board or boards of supervisors, pursuant to sections twelve (12)
13 and thirteen (13) of this Act.

1 SEC. 4. NEW SECTION. **Trustees—qualifications—manner of se-**
2 **lection.** When the board or boards of supervisors of a county or affli-
3 ated counties decides to directly establish a community mental health
4 center the supervisors, acting jointly in the case of affiliated counties,
5 shall appoint a board of community mental health center trustees to
6 serve until the next succeeding general election. The board of trustees
7 shall consist of at least seven members each of whom shall be a resi-
8 dent of the county or one of the counties served by the center. No
9 employee of the center shall be eligible for the office of community
10 mental health center trustee. At the first general election following
11 establishment of the center, all members of the board of trustees shall
12 be elected. They shall assume office on the second secular day of the
13 following January, and shall at once divide themselves by lot into three
14 classes of as nearly equal size as possible. The first class shall serve
15 for terms of two years, the second class for terms of four years, and
16 the third class for terms of six years. Thereafter, a member shall be
17 elected to the board of trustees for a term of six years at each general
18 election to succeed each member whose term will expire in the follow-
19 ing year.

1 SEC. 5. NEW SECTION. **Election of trustees.** The election of com-
2 munity mental health center trustees shall take place at the general
3 election on ballots which shall not reflect a nominee's political affilia-
4 tion. Nomination shall be made by petition in accordance with chapter
5 forty-five (45) of the Code. The petition form shall be furnished by the
6 county commissioner of elections, signed by eligible electors of the
7 county or affiliated counties equal in number to one percent of the vote
8 cast therein for president of the United States or governor, as the case
9 may be, in the last previous general election, and shall be filed with the
10 county commissioner of elections at least fifty-five days prior to the
11 date of the general election. A plurality shall be sufficient to elect com-
12 munity mental health center trustees, and no primary election for that
13 office shall be held.

1 **SEC. 6. NEW SECTION. Vacancies.** Vacancies on the community
2 mental health center board of trustees shall be filled by appointment
3 in accordance with sections sixty-nine point eleven (69.11) and sixty-
4 nine point twelve (69.12) of the Code, by the remaining trustees,
5 except that if the offices of more than half of the members of the board
6 are vacant at any one time the vacancies shall be filled by the board of
7 supervisors or boards of supervisors acting jointly in the case of affili-
8 ated counties. The office of any trustee who is absent from four con-
9 secutive regular board meetings, without prior excuse, may be declared
10 vacant by the board of trustees and filled in accordance with this sec-
11 tion.

1 **SEC. 7. NEW SECTION. Organization—meetings—quorum.** The
2 members of the board of community mental health center trustees
3 shall qualify by taking the usual oath of office within ten days after
4 their appointment or prior to the beginning of the term to which they
5 were elected, as the case may be. At the initial meeting following
6 appointment of a board of trustees or of a majority of the members
7 of a board, and at the first meeting in January after each biennial
8 general election, the board shall organize by election of one of the
9 trustees as chairman, one as secretary and one as treasurer. The sec-
10 retary and treasurer shall each file with the chairman a surety bond
11 in a penal sum set by the board of trustees and with sureties approved
12 by the board for the use and benefit of the center, the reasonable cost
13 of which shall be paid from the operating funds of the center. No
14 other members of the board shall be required to post bond. The board
15 shall meet at least once each month. One half plus one of the members
16 of the board shall constitute a quorum.

1 **SEC. 8. NEW SECTION. Duties of secretary.**

2 1. The secretary shall report to the county auditor and treasurer
3 the names of the chairman, secretary and treasurer of the community
4 mental health center board of trustees as soon as practicable after each
5 has qualified.

6 2. The secretary shall keep a complete record of all proceedings of
7 the board of trustees.

8 3. The secretary shall draw warrants on the funds of the center,
9 which shall be countersigned by the chairman of the board of trustees,
10 after claims are certified by the board.

11 4. The secretary shall file with the board of trustees, on or before
12 the tenth day of each month, a complete statement of all receipts and
13 disbursements from the center's funds during the preceding month and
14 the balance remaining on hand at the close of the month.

1 **SEC. 9. NEW SECTION. Duties of treasurer.**

2 1. The treasurer of the community mental health center shall receive
3 the funds made available to the center by the county or counties it
4 serves, and any other funds which may be made available to the cen-
5 ter, and shall disburse the center's funds upon warrants drawn as
6 required by section eight (8), subsection three (3) of this Act.

7 2. The treasurer shall keep an accurate account of all receipts and
8 disbursements and shall register all orders drawn and reported to
9 him by the secretary, showing the number, date, to whom drawn, the
10 purpose and amount.

11 3. At intervals specified by the county board of supervisors, not less
12 often than once each ninety days, the county treasurer of each county
13 served by the center shall notify the chairman of the center's board of
14 trustees of all amounts due the center from the county which have not
15 previously been paid over to the treasurer of the center. The chairman
16 shall then file a claim for payment as specified in sections three hun-
17 dred thirty-one point twenty (331.20), three hundred thirty-three point
18 two (333.2) and three hundred thirty-four point one (334.1) through
19 three hundred thirty-four point seven (334.7), Code 1973.

1 SEC. 10. NEW SECTION. Powers and duties of trustees. The com-
2 munity mental health center board of trustees shall:

3 1. Have authority to adopt bylaws and rules for its own guidance
4 and for the government of the center.

5 2. Employ a director and staff for the center, fix their compensation,
6 and have control over the director and staff.

7 3. Designate at least one of the trustees to visit and review the oper-
8 ation of the center at least once each month.

9 4. Procure and pay premiums on insurance policies required for the
10 prudent management of the center, including but not limited to public
11 liability, professional malpractice liability, workmen's compensation
12 and vehicle liability, any of which may include as additional insureds
13 the board of trustees and employees of the center.

14 5. Establish, with approval of the board or joint boards of super-
15 visors of the county or counties served by the center, standards to be
16 followed in determining whether and to what extent persons seeking
17 services from the center shall be considered able to pay the cost of the
18 services received.

19 6. Establish, with approval of the board or joint boards of super-
20 visors of the county or counties served by the center, policies regarding
21 whether the services of the center will be made available to persons
22 who are not residents of the county or counties served by the center,
23 and if so upon what terms.

24 7. Purchase or lease a site for the center, and provide and equip
25 suitable quarters for the center.

26 8. Prepare and approve plans and specifications for all center build-
27 ings and equipment, and advertise for bids as required by law for
28 county buildings before making any contract for the construction of
29 any building or purchase of equipment.

30 9. File with the board of supervisors within thirty days after the
31 close of each budget year, a report covering their proceedings with
32 reference to the center and a statement of all receipts and expendi-
33 tures during the preceding budget year.

34 10. Accept property by gift, devise, bequest, or otherwise; and, if
35 the board deems it advisable, may, at public sale, sell or exchange any
36 property so accepted upon a concurring vote of a majority of all mem-
37 bers of the board of trustees, and apply the proceeds thereof, or prop-
38 erty received in exchange therefor, to the purposes enumerated in
39 subsection seven (7) of this section, or to purchase equipment.

40 11. There shall be published quarterly in each of the official news-
41 papers of the county as selected by the board of supervisors pursuant
42 to section three hundred forty-nine point one (349.1) of the Code the
43 schedule of bills allowed and there shall be published annually in such
44 newspapers the schedule of salaries paid by job classification and cate-

45 gory, but not by listing names of individual employees. The names,
46 addresses, salaries, and job classification of all employees paid in whole
47 or in part from public funds shall be a public record and open to inspection
48 at reasonable times as designated by the board of trustees.

49 12. Recruit, promote, accept and use local financial support for the
50 community mental health center from private sources such as com-
51 munity service funds, business, industrial and private foundations,
52 voluntary agencies, and other lawful sources.

53 13. Accept and expend state and federal funds available directly to
54 the community mental health center for all or any part of the cost of
55 any service the center is authorized to provide.

56 14. Enter into contracts with affiliates, which may be an individual
57 or a public or private group, agency, or corporation, organized and
58 operating on either a profit or a nonprofit basis, for any of the services
59 described in section two (2), subsections one (1) through three (3) of
60 this Act to be provided by the affiliate to residents of the county or
61 counties served by the community mental health center who are
62 patients or clients of the center and are referred by the center to the
63 affiliate for service.

1 **SEC. 11. NEW SECTION. Trustees—reimbursement—restrictions.**

2 1. No community mental health center trustee shall receive any com-
3 pensation for his services in that office, but he shall be reimbursed for
4 actual and necessary personal expenses incurred in the performance of
5 his duties. An itemized and verified statement of any such expenses
6 may be filed with the secretary of the board of trustees, and shall be
7 allowed upon approval by the board.

8 2. No trustee shall have, directly or indirectly, any pecuniary inter-
9 est in the purchase or sale of any commodities or supplies procured for
10 or disposed of by the center.

1 **SEC. 12. NEW SECTION. Center organized as nonprofit corpora-**
2 **tion—agreement with county.** Each community mental health center
3 established or continued in operation pursuant to section three (3),
4 subsection two (2) of this Act shall be organized under the Iowa non-
5 profit corporation act appearing as chapter five hundred four A (504A)
6 of the Code, except that a community mental health center organized
7 under chapter five hundred four (504) of the Code prior to July 1, 1974
8 shall not be required by this Act to adopt the Iowa nonprofit corpora-
9 tion act if it is not otherwise required to do so by law. The board of
10 directors of each such community mental health center shall enter into
11 an agreement with the county or affiliated counties which are to be
12 served by the center, which agreement shall include but need not be
13 limited to the period of time for which the agreement is to be in force,
14 what services the center is to provide for residents of the county or
15 counties to be served, standards the center is to follow in determining
16 whether and to what extent persons seeking services from the center
17 shall be considered able to pay the cost of the services received, and
18 policies regarding availability of the center's services to persons who
19 are not residents of the county or counties served by the center. The
20 board of directors, in addition to exercising the powers of the board of
21 directors of a nonprofit corporation, may:

22 1. Recruit, promote, accept and use local financial support for the
23 community mental health center from private sources such as com-
24 munity service funds, business, industrial and private foundations,
25 voluntary agencies, and other lawful sources.

26 2. Accept and expend state and federal funds available directly to
27 the community mental health center for all or any part of the cost of
28 any service the center is authorized to provide.

29 3. Enter into contracts with affiliates, which may be an individual
30 or a public or private group, agency, or corporation, organized and
31 operating on either a profit or a nonprofit basis, for any of the services
32 described in section two (2), subsections one (1) through three (3)
33 of this Act to be provided by the affiliate to residents of the county or
34 counties served by the community mental health center who are
35 patients or clients of the center and are referred by the center to the
36 affiliate for service.

1 SEC. 13. NEW SECTION. **Annual budget.** The board of directors
2 of each community mental health center which is organized as a non-
3 profit corporation shall prepare an annual budget for the center and,
4 when satisfied with the budget, submit it to the auditor or auditors
5 of the county or affiliated counties served by the center, at the time
6 and in the manner prescribed by chapter twenty-four (24) of the Code.
7 The budget shall be subject to review by and approval of the board of
8 supervisors of the county which is served by the center or, in the case
9 of a center serving affiliated counties, by the board of supervisors of
10 each county, acting separately, to the extent the budget is to be
11 financed by taxes levied by that county or by funds allocated to that
12 county by the state which the county may by law use to help support
13 the center.

1 SEC. 14. NEW SECTION. **Support of center.** The board of super-
2 visors of any county served by a community mental health center
3 established or continued in operation as authorized by section one (1)
4 of this Act may expend money from the county mental health and insti-
5 tutions fund to pay the cost of any services described in section two
6 (2) of this Act which are provided by the center or by an affiliate under
7 contract with the center. However, the county board shall not expend
8 money from that fund, for mental health treatment obtained outside a
9 state institution in an amount exceeding eight dollars per capita in any
10 county having less than forty thousand population.

1 SEC. 15. NEW SECTION. **Comprehensive community mental health**
2 **program.** A community mental health center established or operating
3 as authorized by section one (1) of this Act, or which a county or
4 group of counties has agreed to establish or support pursuant to that
5 section, may with approval of the board or boards of supervisors of
6 the county or counties supporting or establishing the center, undertake
7 to provide a comprehensive community mental health program for the
8 county or counties. A center providing a comprehensive community
9 mental health program shall, at a minimum, make available to resi-
10 dents of the county or counties it serves all of the services described
11 in subsection one (1), including paragraphs a, b and c, and subsections
12 three (3), five (5) and six (6) of section two (2) of this Act.

1 **SEC. 16. NEW SECTION. Establishment of standards.** The Iowa
2 mental health authority, with approval of the committee on mental
3 hygiene and subject to the provisions of chapter seventeen A (17A)
4 of the Code, shall formulate and adopt and may from time to time
5 revise standards for community mental health centers and compre-
6 hensive community mental health programs, with the overall objective
7 of ensuring that each center and each affiliate providing services under
8 contract with a center furnishes high quality mental health services
9 within a framework of accountability to the community it serves. The
10 standards shall be in substantial conformity with those of the psychi-
11 atric committee of the joint committee on accreditation of hospitals
12 and other recognized national standards for evaluation of psychiatric
13 facilities unless in the judgment of the Iowa mental health authority,
14 with approval of the committee on mental hygiene, there are sound
15 reasons for departing from such standards. When formulating or
16 revising standards under this section, the Iowa mental health author-
17 ity shall designate an advisory committee representing boards of direc-
18 tors and professional staff of community mental health centers to
19 assist in the formulation or revision of standards. The standards
20 established under this section shall include requirements that each
21 community mental health center established or operating as author-
22 ized by section one (1) of this Act shall:

23 1. Maintain and make available to the public a written statement of
24 the services it offers to residents of the county or counties it serves,
25 and employ or contract for services with affiliates employing specified
26 minimum numbers of professional personnel possessing specified
27 appropriate credentials to assure that the services offered are fur-
28 nished in a manner consistent with currently accepted professional
29 standards in the field of mental health.

30 2. Unless it is governed by a board of trustees elected or selected
31 under sections five (5) and six (6) of this Act, be governed by a board
32 of directors which adequately represents interested professions, con-
33 sumers of the center's services, socio-economic, cultural and age
34 groups, and various geographical areas in the county or counties
35 served by the center.

36 3. The financial condition and transactions of each community men-
37 tal health center shall be audited once each year by the auditor of
38 state; provided, however, that in lieu of an audit by state accountants,
39 the local governing body of a community mental health center organ-
40 ized under the terms of this chapter in case it elects to do so, may
41 contract with or employ certified public accountants to conduct such
42 audit, pursuant to the applicable terms and conditions prescribed by
43 sections eleven point eighteen (11.18) and eleven point nineteen
44 (11.19) of the Code and audit format prescribed by the auditor of
45 state. Copies of each audit shall be furnished by the accountant
46 employed to the Iowa mental health authority and the board of super-
47 visors supporting the audited community mental health center.

1 **SEC. 17. NEW SECTION. Review and evaluation.** The committee
2 on mental hygiene may review and evaluate any community mental
3 health center upon its own motion or upon the recommendation of the
4 Iowa mental health authority, and the committee shall do so upon the
5 written request of the center's board of directors, its chief medical or

6 administrative officer, or the board of supervisors of any county from
7 which the center receives public funds. The cost of the review shall be
8 paid by the Iowa mental health authority.

1 SEC. 18. NEW SECTION. **Report of review and evaluation.** Upon
2 completion of a review made pursuant to section seventeen (17) of this
3 Act, the reviewing team shall submit its findings to the board of direc-
4 tors and chief medical or administrative officer of the center in such
5 manner as the team members deem most appropriate. If the reviewing
6 team concludes that the center fails to meet any of the standards estab-
7 lished pursuant to section sixteen (16), subsection one (1), of this Act
8 and that the response of the center to this finding is unsatisfactory,
9 these conclusions shall be reported to the committee on mental hygiene
10 which may forward the conclusions to the board of directors of the
11 center and request an appropriate response within a reasonable period
12 of time. If no response is received within a reasonable period of time,
13 or if the response is unsatisfactory, the committee may as its ultimate
14 sanction call this fact to the attention of the board of supervisors of
15 the county or counties served by the center, and in doing so shall indi-
16 cate what corrective steps have been recommended to the center's
17 board of directors.

1 SEC. 19. Section two hundred thirty point twenty-four (230.24),
2 Code 1973, is amended by striking unnumbered paragraph two (2).

Approved April 10, 1974

CHAPTER 1161

FOSTER CARE FOR CHILDREN

H. F. 1430

AN ACT relating to authority of the department of social services to arrange foster care placements for children, permitting the department to pay foster care parents directly for foster care, relating to responsibility for cost of foster care services, and authorizing the department to maintain accounts in the names of such children in which the funds of the children may be placed.

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

1 SECTION 1. Section two hundred thirty-two point fifty-three
2 (232.53), Code 1973, as amended by Acts of the Sixty-fifth General
3 Assembly, 1973 Session, chapter one hundred five (105), section six
4 (6), is amended to read as follows:

5 **232.53 Recovery of costs—from another county or from the state.**
6 The county charged with the cost and expenses under sections 232.51
7 and 232.52 may recover the costs and expenses from the county where
8 the child has legal settlement by filing verified claims which shall be
9 payable as are other claims against the county. A detailed statement
10 of the facts upon which the claim is based shall accompany the claim.
11 Any dispute involving the legal settlement of a child for which the
12 court has ordered payment under authority of this section shall be
13 settled in accordance with sections 252.22 and 252.23. ~~The county~~

14 charged with the cost of foster home care for a child may recover the
15 cost of such care from the general fund of the state if the child would
16 otherwise have been eligible for admission to the Iowa juvenile home
17 or The Annie Wittenmyer Home under the provisions of subsection 1
18 of section 244.3. The county shall make claim to the state department
19 of social services which shall audit the claim and certify it to the state
20 comptroller for payment.

1 SEC. 2. Chapter two hundred thirty-four (234), Code 1973, is
2 amended by adding the following new sections:

3 **NEW SECTION. When state to pay foster care costs.** The depart-
4 ment of social services shall be initially responsible for paying the cost
5 of foster care for a child under any of the following circumstances:

6 1. When a court has committed the child to the commissioner of
7 social services or his designee.

8 2. When a court has transferred legal custody of the child to the
9 department of social services.

10 3. When the department has agreed to provide foster care services
11 for the child on the basis of a signed placement agreement between the
12 department and the child's parent or guardian.

13 4. When the child has been placed in emergency care for a period of
14 not more than thirty days upon approval of the commissioner or his
15 designee.

16 **NEW SECTION. When county to pay foster care costs.** Each county
17 shall pay from the county mental health and institutions fund as pro-
18 vided by section eleven (11) of this Act the cost of foster care for a
19 child placed by a court as provided in section two hundred thirty-two
20 point thirty-three (232.33), subsection three (3) or four (4), or section
21 two hundred thirty-two point thirty-four (232.34), subsection three (3)
22 or four (4) of the Code. However, in any fiscal year for which the
23 general assembly appropriates state funds to pay for foster care for
24 children placed by courts under the statutes cited in this section, the
25 county shall become responsible for these costs only when the funds
26 so appropriated to the department for that fiscal year have been ex-
27 hausted. The rate of payment by the county or the state, as the case
28 may be, under this section shall be that fixed by the department of
29 social services pursuant to section four (4) of this Act.

1 SEC. 3. Chapter two hundred thirty-four (234), Code 1973, is
2 amended by adding the following new section:

3 **NEW SECTION. Department may establish accounts for certain chil-**
4 **dren.** The department of social services is authorized to establish an
5 account in the name of any child committed to the commissioner of
6 social services or his designee, or whose legal custody has been trans-
7 ferred to the department, or who is voluntarily placed in foster care
8 pursuant to section two (2), subsection three (3) of this Act. Any
9 money which the child receives from the United States government
10 or any private source shall be placed in the child's account, unless a
11 guardian of the child's property has been appointed and demands the
12 money, in which case it shall be paid to the guardian. The account
13 shall be maintained by the department as trustee for the child in an
14 interest-bearing account at a reputable bank or savings and loan associ-
15 ation, except that if the child is residing at an institution administered
16 by the department a limited amount of the child's funds may be main-

17 tained in a separate account, which need not be interest bearing, in the
18 child's name at the institution. Any money held in an account in the
19 child's name or in trust for the child under this section may be used,
20 at the discretion of the department and subject to restrictions lawfully
21 imposed by the United States government or other source from which
22 the child receives the funds, for the purchase of personal incidentals,
23 desires and comforts of the child. All of the money held for a child by
24 the department under this section and not used in the child's behalf as
25 authorized by law shall be promptly paid to the child or his parent or
26 legal guardian upon termination of the commitment of the child to the
27 commissioner or his designee, or upon transfer or cessation of legal
28 custody of the child by the department.

1 SEC. 4. Chapter two hundred thirty-four (234), Code 1973, is
2 amended by adding the following new section:

3 **NEW SECTION. Department may pay foster parents directly.** The
4 department of social services is authorized to make payments directly
5 to foster parents for services provided to children pursuant to Acts of
6 the Sixty-fifth General Assembly, 1973 Session, chapter one hundred
7 eighty-six (186), section fifteen (15), paragraph b, or section two (2)
8 of this Act. The rate of payment by the department for foster care
9 shall be fixed by the department by rules adopted pursuant to chapter
10 seventeen A (17A) of the Code. Payments may be made from any
11 money legally available to the department for that purpose, including
12 but not limited to funds appropriated by the general assembly, money
13 available under section three (3) of this Act, and money received from
14 the parent or legal guardian of a child to pay for that child's foster
15 care.

16 The department shall certify to the comptroller each month the
17 number of children served in foster care during the preceding month
18 who are the children of veterans as defined by applicable laws of the
19 United States or of this state, and the extent to which the cost of
20 foster care for them was paid from funds appropriated to the depart-
21 ment by the general assembly. The comptroller shall reimburse the
22 department for the appropriated funds so expended, from any money
23 in the general fund of the state not otherwise appropriated, and the
24 reimbursement shall be placed in the department's foster care account.

1 SEC. 5. Chapter two hundred thirty-four (234), Code 1973, is
2 amended by adding the following new section:

3 **NEW SECTION. Responsibility for cost of services.** It is the intent
4 of this Act that individuals served by the department of social services,
5 and their respective parents or guardians, shall have primary responsi-
6 bility for paying the cost of care and services provided by the depart-
7 ment, to the extent consistent with their incomes and resources. The
8 department shall establish a schedule of charges to be made for care
9 and services provided, on a graduated scale related to the income and
10 resources of the person responsible for payment, by rules adopted pur-
11 suant to chapter seventeen A (17A) of the Code. The schedule of
12 charges established and adopted under this section shall not be incon-
13 sistent with the limitations on legal liability established under sections
14 two hundred twenty-two point seventy-eight (222.78) and two hundred
15 thirty point fifteen (230.15) of the Code, and by any other statute

16 limiting legal liability which may be imposed on any person for the
17 cost of care and services provided by the department of social services.

1 SEC. 6. Section two hundred forty-two point seven (242.7), Code
2 1973, is amended to read as follows:

3 **242.7 Placing in families.** All children committed to and received
4 in the training schools may, ~~with the written approval of the state direc-~~
5 ~~tor,~~ be placed by the ~~superintendent~~ department, under foster care
6 arrangements, with any persons or in families of good standing and
7 character where they will be properly cared for and educated. *The*
8 *cost of foster care provided under these arrangements shall be paid as*
9 *provided in section two (2) of this Act.*

1 SEC. 7. Section two hundred forty-two point ten (242.10), Code
2 1973, is amended to read as follows:

3 **242.10 Unlawful interference.** It shall be unlawful for any parent
4 or other person not a party to such placing of a child to interfere in
5 any manner or assume or exercise any control over such child or his
6 earnings. Said earnings shall be used, held, or otherwise applied for
7 the exclusive benefit of such child, *in accordance with section three (3)*
8 *of this Act.*

1 SEC. 8. Section two hundred forty-four point six (244.6), Code
2 1973, is amended by striking the section and inserting in lieu thereof
3 the following:

4 **244.6 Profits and earnings.** Any money earned by a child who is
5 admitted to or placed in foster care from either of the homes shall be
6 used, held or otherwise applied for the exclusive benefit of that child,
7 in accordance with section three (3) of this Act.

1 SEC. 9. Section two hundred forty-four point ten (244.10), Code
2 1973, is amended to read as follows:

3 **244.10 Placing child under contract.** Any child received in said
4 homes, unless adopted, may, ~~under written contract approved by the~~
5 ~~state director,~~ be placed by the ~~superintendent~~ department in the cus-
6 ~~tody and foster care of~~ with any proper person or family. ~~Such con-~~
7 ~~tract~~ *The foster-care arrangement* shall provide for the custody, care,
8 education, maintenance, and earnings of the child for a fixed time
9 which shall not extend beyond the age of majority, except that the
10 time may extend beyond the child's eighteenth birthday until he is
11 twenty-one years of age if he is regularly attending an approved school
12 in pursuance of a course of study leading to a high school diploma or
13 its equivalent, or regularly attending a course of vocational technical
14 training either as a part of a regular school program or under special
15 arrangements adapted to the individual person's needs. ~~Such contract~~
16 ~~shall be signed by the superintendent and by the person taking the~~
17 ~~child.~~

1 SEC. 10. Section four hundred forty-four point twelve (444.12),
2 subsection one (1), paragraph f, Code 1973, is amended to read as
3 follows:

4 f. Care of children admitted or committed to the Iowa juvenile home
5 at Toledo or The Iowa Annie Wittenmyer home, ~~or placed in a foster~~
6 ~~home from either of such institutions if the cost of foster home care~~
7 ~~does not exceed the average cost of care of a child in the institution~~
8 ~~from which the placement was made.~~

1 SEC. 11. Section four hundred forty-four point twelve (444.12),
 2 subsection two (2), unnumbered paragraph one (1), Code 1973, is
 3 amended to read as follows:

4 Any portion which the board of supervisors may deem advisable of
 5 the cost of psychiatric examination and treatment of persons in need
 6 thereof or of professional evaluation, treatment, training, habilitation,
 7 and care of *persons who are mentally retarded persons or are afflicted*
 8 *by any other developmental disability*, at any suitable public or private
 9 facility providing inpatient or outpatient care in such county. *As used*
 10 *in this subsection, "developmental disability" has the meaning assigned*
 11 *that term by title forty-two (42), section two thousand six hundred*
 12 *ninety-one (2691), subsection one (1), United States Code, as amended*
 13 *to January 1, 1974.*

1 SEC. 12. Section four hundred forty-four point twelve (444.12),
 2 Code 1973, is amended by inserting after subsection four (4), the fol-
 3 lowing new subsection:

4 NEW SUBSECTION. Foster care and related services provided to any
 5 child who is under the jurisdiction of the juvenile court, if provided
 6 upon the order of the court.

Approved May 29, 1974

CHAPTER 1162

CHILD ABUSE

S. F. 1225

AN ACT relating to child abuse, the creation of a bureau of the central registry for child abuse information and providing penalties.

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

1 SECTION 1. Section two hundred thirty-five A point one (235A.1),
 2 Code 1973, is amended by striking the section and inserting in lieu
 3 thereof the following:

4 **235A.1 Legislative findings—purpose and policy.** Children in this
 5 state are in urgent need of protection from physical abuse. It is the
 6 purpose and policy of this Act to provide the greatest possible protec-
 7 tion to victims or potential victims of abuse through encouraging the
 8 increased reporting of suspected cases of such abuse, insuring the
 9 thorough and prompt investigation of these reports, and providing
 10 rehabilitative services, where appropriate and whenever possible to
 11 abused children and their families which will stabilize the home en-
 12 vironment so that the family can remain intact without further dan-
 13 ger to the child.

1 SEC. 2. Section two hundred thirty-five A point two (235A.2),
 2 Code 1973, is amended by striking the section and inserting in lieu
 3 thereof the following:

4 **235A.2 Definitions.** As used in this chapter, unless the context
 5 otherwise requires:

- 6 1. "Child" means any person under the age of eighteen years.
 7 2. "Child abuse" or "abuse" means any nonaccidental physical in-
 8 jury suffered by a child as the result of the acts or omissions of the
 9 child's parents, guardians or other person legally responsible for the
 10 child.
 11 3. "Department" means the state department of social services and
 12 includes the local, county, and regional offices of the department.
 13 4. "Health practitioner" includes a licensed physician and surgeon,
 14 osteopath, osteopathic physician and surgeon, dentist, optometrist, po-
 15 diatrist, or chiropractor; a resident or intern in any of such profes-
 16 sions; and any registered nurse or licensed practical nurse.
 17 5. "Registry" means the central registry for child abuse informa-
 18 tion established in section thirteen (13) of this Act.

1 SEC. 3. Section two hundred thirty-five A point three (235A.3),
 2 Code 1973, is amended by striking the section and inserting in lieu
 3 thereof the following:

4 **235A.3 Mandatory and permissive reporters.**

5 1. The following classes of persons shall make a report, as provided
 6 in section four (4) of this Act, of cases of child abuse and willful
 7 neglect and child abuse suffered by a child during the care or cus-
 8 tody of the child by a person not listed in section two hundred thirty-
 9 five A point two (235A.2), subsection two (2), of the Code:

10 a. Every health practitioner who examines, attends, or treats a
 11 child and who believes or has reason to believe that the child has had
 12 physical injury inflicted on the child as a result of abuse. If, however,
 13 the health practitioner examines, attends, or treats the child as a
 14 member of the staff of a hospital or similar institution, the examining
 15 health practitioner shall immediately notify and give complete infor-
 16 mation to the person in charge of the institution or the health practi-
 17 tioner's designated agent and the person in charge of the institution
 18 or designated agent shall make the report.

19 b. Every social worker under the jurisdiction of the department of
 20 social services, public or private health care facility (as defined in
 21 section one hundred thirty-five C point one (135C.1) of the Code),
 22 certified psychologist, certificated school employee, employee of a
 23 licensed day care facility, member of the staff of a mental health cen-
 24 ter, or peace officer, who, in the course of employment, examines, at-
 25 tends, counsels or treats a child and believes or has reason to believe
 26 that the child has had physical injury inflicted on the child as a result
 27 of abuse. Whenever such person is required to report under this sec-
 28 tion as a member of the staff of a public or private institution, agency
 29 or facility, that person shall immediately notify the person in charge
 30 of such institution, agency or facility, or that person's designated
 31 agent and the person in charge of the institution, agency, or facility,
 32 or the designated agent shall make the report.

33 2. Any other person who believes that a child has had physical
 34 injury inflicted upon him as a result of abuse may make a report as
 35 provided in section four (4) of this Act.

1 SEC. 4. Section two hundred thirty-five A point four (235A.4),
 2 Code 1973, is amended by striking the section and inserting in lieu
 3 thereof the following:

4 **235A.4 Reporting procedure.**

5 1. Each report made by a mandatory reporter, as defined in section
6 two hundred thirty-five A point three (235A.3), subsection one (1) of
7 the Code, shall be made both orally and in writing. Each report made
8 by a permissive reporter, as defined in section two hundred thirty-five
9 A point three (235A.3), subsection two (2) of the Code, may be oral,
10 written, or both.

11 2. The oral report shall be made by telephone or otherwise to the
12 department of social services. If the person making the report has
13 reason to believe that immediate protection for the child is advisable,
14 that person shall also make an oral report to an appropriate law en-
15 forcement agency.

16 3. The written report shall be made to the department of social
17 services within forty-eight hours after such oral report.

18 4. The department of social services shall:

19 a. Immediately, upon receipt of an oral report, make an oral report
20 to the registry;

21 b. Forward a copy of the written report to the registry; and

22 c. Notify the appropriate county attorney of the receipt of any
23 report.

24 5. The oral and written reports shall contain the following infor-
25 mation, or as much thereof as the person making the report is able
26 to furnish:

27 a. The names and home address of the child and his parents or
28 other persons believed to be responsible for his care;

29 b. The child's present whereabouts if not the same as the parent's
30 or other person's home address;

31 c. The child's age;

32 d. The nature and extent of the child's injuries, including any
33 evidence of previous injuries;

34 e. The name, age and condition of other children in the same home;

35 f. Any other information which the person making the report be-
36 lieves might be helpful in establishing the cause of the injury to the
37 child, the identity of the person or persons responsible for the injury,
38 or in providing assistance to the child; and

39 g. The name and address of the person making the report.

40 6. A report made by a permissive reporter, as defined in section two
41 hundred thirty-five A point three (235A.3), subsection two (2) of
42 the Code, shall be regarded as a report pursuant to this Act whether
43 or not the report contains all of the information required by this sec-
44 tion and may be made to the department of social services, county
45 attorney, or law enforcement agency. If the report is made to any
46 agency other than the department of social services, such agency
47 shall promptly refer the report to the department of social services.

1 SEC. 5. Section two hundred thirty-five A point five (235A.5),
2 Code 1973, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **235A.5 Duties of the department upon receipt of report.**

5 1. Whenever a report is received, the department of social services
6 shall promptly commence an appropriate investigation. The primary
7 purpose of this investigation shall be the protection of the child named
8 in the report.

9 2. The investigation shall include:

10 a. Identification of the nature, extent, and cause of the injuries, if
11 any, to the child named in the report;

12 b. The identification of the person or persons responsible therefor;

13 c. The name, age, and condition of other children in the same home
14 as the child named in the report;

15 d. An evaluation of the home environment and relationship of the
16 child named in the report and any other children in the same home
17 as the parents or other persons responsible for their care;

18 e. An investigation of all other pertinent matters.

19 3. The investigation may with the consent of the parent or guard-
20 ian include a visit to the home of the child named in the report and
21 examination of such child. If permission to enter the home and to
22 examine the child is refused, the juvenile court or district court upon a
23 showing of probable cause may authorize the person making the in-
24 vestigation to enter the home and examine the child.

25 4. The county attorney and any law enforcement or social services
26 agency in the state shall cooperate and assist in the investigation
27 upon the request of the department of social services. The county
28 attorney and appropriate law enforcement agencies shall also take
29 any other lawful action which may be necessary or advisable for the
30 protection of the child.

31 5. The department of social services, upon completion of its inves-
32 tigation, shall make a complete written report of its investigation of a
33 report of suspected abuse. A copy of this report shall be transmitted
34 to the juvenile court within ninety-six hours after the department of
35 social services initially receives the abuse report unless the juvenile
36 court grants an extension of time for good cause shown. The juve-
37 nile court shall notify the registry of any action it takes with respect
38 to a suspected case of child abuse.

39 6. The department of social services shall transmit a copy of the
40 report of its investigation, including actions taken or contemplated,
41 to the registry. The department of social services shall make periodic
42 follow-up reports thereafter in a manner prescribed by the registry
43 so that the registry is kept up-to-date and fully informed concerning
44 the handling of a suspected case of child abuse.

45 7. The department of social services shall also transmit a copy of
46 the report of its investigation to the county attorney. The county
47 attorney shall notify the registry of any actions or contemplated ac-
48 tions with respect to a suspected case of child abuse so that the reg-
49 istry is kept up-to-date and fully informed concerning the handling of
50 such a case.

51 8. Based on the investigation conducted pursuant to this section,
52 the department shall offer to the family of any child believed to be
53 the victim of abuse such services as appear appropriate for either the
54 child, the family, or both, if it is explained that the department has
55 no legal authority to compel such family to receive such services.

56 9. If, upon completion of the investigation, the department of social
57 services determines that the best interests of the child require juvenile
58 court action, the department shall take the appropriate action to initi-
59 ate such action under chapter two hundred thirty-two (232) of the
60 Code. The attorney shall assist the county department of social ser-
61 vices in the preparation of the necessary papers to initiate such action

62 and shall appear and represent the department at all juvenile court
63 proceedings.

64 10. The department of social services shall assist the juvenile court
65 or district court during all stages of court proceedings involving a
66 suspected child abuse case in accordance with the purposes of this Act.

67 11. The department of social services shall provide for or arrange
68 for and monitor rehabilitative services for abused children and their
69 families on a voluntary basis or under a final or intermediate order
70 of the juvenile court.

1 SEC. 6. Section two hundred thirty-five A point six (235A.6),
2 Code 1973, is amended to read as follows:

3 **235A.6 Jurisdiction—transfer.** ~~“County department~~ *Department*
4 *of social welfare services”* or “county attorney” ordinarily refer to *the*
5 *local or county office serving* the county in which the child’s home is
6 located.

7 However, if the person making the report pursuant to this chapter
8 does not know where the child’s home is located, or if the child’s home
9 is not located in the ~~county service area~~ where the health practi-
10 tioner examines, attends, or treats the child, the report may be made
11 to the ~~designated agencies for state department of social services or to~~
12 *the local office serving* the county where the person making the report
13 resides or the county where the health practitioner examines, attends,
14 or treats the child. These agencies shall promptly proceed as provided
15 in section 235A.5, unless the matter is transferred ~~to another county~~
16 as provided in this section.

17 If it ~~appears that~~ the child’s home is located in ~~another~~ a county *not*
18 *served by the office receiving the report*, the ~~county~~ department of
19 ~~social welfare~~ shall promptly transfer the matter ~~to the other county~~
20 by transmitting a copy of the report of injury and any other pertinent
21 information to the ~~county department of social welfare office~~ and the
22 county attorney ~~of serving~~ the other county. They shall promptly pro-
23 ceed as provided in section 235A.5.

1 SEC. 7. Section two hundred thirty-five A point seven (235A.7),
2 Code 1973, is amended to read as follows:

3 **235A.7 Immunity from liability.** Anyone participating in good
4 faith in the making of a report *or photographs or x-rays* pursuant to
5 this chapter shall have immunity from any liability, civil or criminal,
6 which might otherwise be incurred or imposed. Any such participant
7 shall have the same immunity with respect to participation in good
8 faith in any judicial proceeding resulting from such report or relating
9 to the subject matter of such report.

1 SEC. 8. Chapter two hundred thirty-five A (235A), Code 1973, is
2 amended by adding the following new section:

3 **NEW SECTION. Sanctions for failure to report.**

4 1. Any person, official, agency or institution, required by this Act
5 to report a suspected case of child abuse who knowingly and willfully
6 fails to do so is guilty of a misdemeanor and upon conviction shall be
7 fined not more than one hundred dollars or be imprisoned in the
8 county jail not more than ten days.

9 2. Any person, official, agency or institution, required by section
10 three (3) of this Act to report a suspected case of child abuse who

11 knowingly fails to do so is civilly liable for the damages proximately
12 caused by such failure.

1 SEC. 9. Chapter two hundred thirty-five A (235A), Code 1973, is
2 amended by adding the following new section:

3 **NEW SECTION. Publicity and educational programs.** The depart-
4 ment, within the limits of available funds, shall conduct a continuing
5 publicity and educational program for the personnel of the depart-
6 ment, persons required to report, and any other appropriate persons
7 to encourage the fullest possible degree of reporting of suspected
8 cases of child abuse. Educational programs shall include but not be
9 limited to the diagnosis and cause of child abuse, the responsibilities,
10 obligations, duties and powers of persons and agencies under this Act
11 and the procedures of the department and the juvenile court with re-
12 spect to suspected cases of child abuse and disposition of actual cases.

1 SEC. 10. Chapter two hundred thirty-five A (235A), Code 1973,
2 is amended by adding the following new section:

3 **NEW SECTION. Photographs and x-rays.** Any person who is re-
4 quired to report a case of child abuse may take or cause to be taken,
5 at public expense, photographs of the areas of trauma visible on a
6 child. Any health practitioner may, if medically indicated, cause to
7 be performed radiological examination of the child. Any person who
8 takes any photographs or x-rays pursuant to this section shall notify
9 the department of social services that such photographs or x-rays have
10 been taken, and shall retain such photographs or x-rays for a reason-
11 able time thereafter. Whenever such person is required to report
12 under section three (3) of this Act, in that person's capacity as a
13 member of the staff of a medical or other private or public institu-
14 tion, agency or facility, that person shall immediately notify the per-
15 son in charge of such institution, agency, or facility or that person's
16 designated delegate of the need for photographs or x-rays.

1 SEC. 11. **NEW SECTION. Legislative findings and purposes.** The
2 general assembly finds and declares that a central registry is required
3 to provide a single source for the statewide collection, maintenance
4 and dissemination of child abuse information. Such a registry is
5 imperative for increased effectiveness in dealing with the problem of
6 child abuse. The general assembly also finds that vigorous protection
7 of rights of individual privacy is an indispensable element of a fair
8 and effective system of collecting, maintaining and disseminating child
9 abuse information.

10 The purposes of sections eleven (11) through twenty-three (23) of
11 this Act are to facilitate the identification of victims or potential vic-
12 tims of child abuse by making available a single, statewide source of
13 child abuse data; to facilitate research on child abuse by making avail-
14 able a single, statewide source of child abuse data; and to provide
15 maximum safeguards against the unwarranted invasions of privacy
16 which such a registry might otherwise entail.

1 SEC. 12. **NEW SECTION. Definitions.** As used in sections eleven
2 (11) through twenty-three (23) of this Act, unless the context other-
3 wise requires:

- 4 1. "Child abuse information" means any or all of the following data
5 maintained by the registry in a manual or automated data storage sys-
6 tem and individually identified:
7 a. Report data.
8 b. Investigation data.
9 c. Disposition data.
- 10 2. "Report data" means information pertaining to any occasion
11 involving or reasonably believed to involve child abuse, including:
12 a. The name and address of the child and the child's parents or
13 other persons responsible for the child's care.
14 b. The age of the child.
15 c. The nature and extent of the injury, including evidence of any
16 previous injury.
17 d. Any other information believed to be helpful in establishing the
18 cause of the injury and the identity of the person or persons respon-
19 sible therefor.
- 20 3. "Investigation data" means information pertaining to the evalua-
21 tion of report data, including:
22 a. Additional information as to the nature, extent and cause of the
23 injury, and the identity of persons responsible therefor.
24 b. The names and conditions of other children in the home.
25 c. The child's home environment and relationships with parents or
26 others responsible for his or her care.
- 27 4. "Disposition data" means information pertaining to an opinion
28 or decision as to the occurrence of child abuse, including:
29 a. Any intermediate or ultimate opinion or decision reached by
30 investigative personnel.
31 b. Any opinion or decision reached in the course of judicial pro-
32 ceedings.
33 c. The present status of any case.
- 34 5. "Confidentiality" means the withholding of information from any
35 manner of communication, public or private.
- 36 6. "Expungement" means the process of destroying child abuse in-
37 formation.
- 38 7. "Individually identified" means any report, investigation or dis-
39 position data which names the person or persons responsible or be-
40 lieved responsible for the child abuse.
- 41 8. "Sealing" means the process of removing child abuse information
42 from authorized access as provided by this Act.

1 **SEC. 13. NEW SECTION. Creation and maintenance of a central**
2 **registry.**

- 3 1. There is created within the state department of social services a
4 central registry for child abuse information. The department shall
5 organize and staff the registry and adopt rules and regulations for its
6 operation.
- 7 2. The registry shall collect, maintain and disseminate child abuse
8 information as provided for by this Act.
- 9 3. The department shall maintain a toll-free telephone line, which
10 shall be available on a twenty-four hour a day, seven day a week basis
11 and which the department of social services and all other persons may
12 use to report cases of suspected child abuse and that all persons
13 authorized by this Act may use for obtaining child abuse information.

14 4. An oral report of suspected child abuse initially made to the cen-
15 tral registry shall be immediately transmitted by the department to
16 the appropriate county department of social services or law enforce-
17 ment agency, or both.

18 5. The registry, upon receipt of a report of suspected child abuse,
19 shall search the records of the registry, and if the records of the reg-
20 istry reveal any previous report of child abuse involving the same
21 child or any other child in the same family, or if the records reveal
22 any other pertinent information with respect to the same child or
23 any other child in the same family, the appropriate office of the de-
24 partment of social services or law enforcement agency shall be im-
25 mediately notified of that fact.

26 6. The central registry shall include but not be limited to report
27 data, investigation data and disposition data.

1 **SEC. 14. NEW SECTION. Authorized access.**

2 1. Notwithstanding chapter sixty-eight A (68A) of the Code, the
3 confidentiality of all child abuse information shall be maintained,
4 except as specifically provided by subsection two (2) of this section.

5 2. Access to child abuse information is authorized only:

6 a. To a health practitioner who is examining, attending or treat-
7 ing a child whom the practitioner believes or has reason to believe has
8 been the victim of abuse.

9 b. To employees of the department of social services having respon-
10 sibility for the investigation of a child abuse report.

11 c. To a law enforcement officer having responsibility for the tempo-
12 rary emergency removal of a child from the child's parent or other
13 legal guardian.

14 d. To a juvenile court or district court upon a finding that infor-
15 mation is necessary for the resolution of an issue arising in any
16 phase of a case involving child abuse, except that information ob-
17 tained through the registry shall not be utilized in any aspect of any
18 criminal prosecution.

19 e. To an authorized person or agency having responsibility for the
20 care or supervision of a child named in a report as a victim of abuse
21 or a person named in a report as having abused a child, if the juve-
22 nile court deems access to child abuse information by such person or
23 agency to be necessary.

24 f. To a person conducting bona fide research on child abuse, if the
25 details identifying any subject of a child abuse report are deleted.

26 g. To a person who is the subject of any report as provided in sec-
27 tion eighteen (18) of this Act.

28 h. To registry or department personnel where necessary to the per-
29 formance of their official duties.

30 i. To a court hearing an appeal for correction or expungement of
31 registry information as provided in section eighteen (18) of this Act.

1 **SEC. 15. NEW SECTION. Requests for child abuse information.**

2 1. Requests for child abuse information shall be in writing on forms
3 prescribed by the department, except as otherwise provided by subsec-
4 tion two (2) of this section. Request forms shall require informa-
5 tion sufficient to demonstrate authorized access.

6 2. Requests for child abuse information may be made orally by
7 telephone where a person making such a request believes that the

8 information is needed immediately and where information sufficient to
9 demonstrate authorized access is provided. In the event that a re-
10 quest is made orally by telephone, a written request form shall never-
11 theless be filed within seventy-two hours.

1 **SEC. 16. NEW SECTION. Redissemination of child abuse informa-**
2 **tion.** A person, agency or other recipient of child abuse information
3 authorized to receive such information shall not redisseminate such
4 information, except that redissemination shall be permitted when:

5 1. The redissemination is for official purposes in connection with
6 prescribed duties or, in the case of a health practitioner, pursuant to
7 professional responsibilities.

8 2. The person to whom such information would be redisseminated
9 would have independent access to the same information under section
10 fourteen (14) of this Act.

11 3. A written record is made of the redissemination, including the
12 name of the recipient and the date and purpose of the redissemina-
13 tion.

14 4. The written record is forwarded to the registry within thirty
15 days of the redissemination.

1 **SEC. 17. NEW SECTION. Sealing and expungement of child abuse**
2 **information.**

3 1. Child abuse information relating to a particular case of suspected
4 child abuse shall be sealed ten years after the receipt of the initial re-
5 port of such abuse by the registry unless good cause be shown why
6 the information should remain open to authorized access. If a subse-
7 quent report of a suspected case of child abuse involving the child
8 named in the initial report as the victim of abuse or a person named in
9 such report as having abused a child is received by the registry within
10 this ten-year period, the information shall be sealed ten years after
11 receipt of the subsequent report unless good cause be shown why the
12 information should remain open to authorized access.

13 2. Child abuse information may be expunged where the probative
14 value of the information is so doubtful as to outweigh its validity.
15 Child abuse information shall be expunged if it is determined to be
16 unfounded as a result of any of the following:

17 a. The investigation of a report of suspected child abuse by the
18 department.

19 b. A successful appeal as provided in section eighteen (18) of this
20 Act.

21 c. A court adjudication.

22 3. The registry, at least once a year, shall review and determine
23 the current status of child abuse reports which are transmitted or
24 made to the registry after July 1, 1974, which are at least one year
25 old and in connection with which no investigatory report has been
26 filed by the department of social services pursuant to section five (5)
27 of this Act. If no such investigatory report has been filed, the regis-
28 try shall request the department of social services to file a report. In
29 the event a report is not filed within ninety days subsequent to such
30 a request, the report and information relating thereto shall be sealed
31 and remain sealed unless good cause be shown why the information
32 should remain open to authorized access.

1 **SEC. 18. NEW SECTION. Examination, requests for correction or**
2 **expungement, and appeal.**

3 1. Any person or that person's attorney shall have the right to
4 examine child abuse information in the registry which refers to that
5 person. The registry may prescribe reasonable hours and places of
6 examination.

7 2. Any person who files with the registry a written statement to
8 the effect that child abuse information referring to such person is in
9 whole or in part erroneous, and requests a correction or expunge-
10 ment of that information, shall be notified within sixty days by the
11 registry, in writing, of its decision or order regarding the correction
12 or elimination. All decisions and orders shall be accompanied by find-
13 ings of fact, and the registry shall provide the opportunity for a fair
14 hearing when it initially determines that the information should not
15 be corrected or expunged as requested.

16 3. The registry's decision or order may be appealed to the district
17 court of Polk county by the person requesting the correction or ex-
18 pungement or to the district court of the district in which such person
19 resides. Immediately upon such appeal the court shall order the reg-
20 istry to file with the court a certified copy of the child abuse informa-
21 tion. Commencing July 1, 1975, appeal shall be taken in accordance
22 with the provisions of the Iowa administrative procedure act.

23 4. Upon the request of the appellant, the record and evidence in
24 such cases shall be closed to all but the court and its officers, and ac-
25 cess thereto shall be prohibited unless otherwise ordered by the court.
26 The clerk shall maintain a separate docket for such actions. No per-
27 son other than the appellant shall permit a copy of any of the testi-
28 mony or pleadings or the substance thereof to be made available to
29 any person other than a party to the action or his attorney. Violation
30 of the provisions of this subsection shall be a public offense punishable
31 under section twenty (20) of this Act.

32 5. Whenever the registry corrects or eliminates information as re-
33 quested or as ordered by the court, the registry shall advise all per-
34 sons who have received the incorrect information of such fact. Upon
35 application to the court and service of notice on the registry, any indi-
36 vidual may request and obtain a list of all persons who have received
37 child abuse information referring to him or her.

38 6. In the course of any proceeding provided for by this section, the
39 identity of the person who reported the disputed information and the
40 identity of any person who has been reported as having abused a child
41 may be withheld upon a determination by the registry that disclosure
42 of their identities would be detrimental to their interests.

1 **SEC. 19. NEW SECTION. Civil remedy.** Any aggrieved person may
2 institute a civil action for damages under chapter twenty-five A (25A)
3 or six hundred thirteen A (613A) of the Code or to restrain the dis-
4 semination of child abuse information in violation of this Act, and
5 any person, agency or other recipient proven to have disseminated or
6 to have requested and received child abuse information in violation of
7 this Act shall be liable for actual damages and exemplary damages
8 for each violation and shall be liable for court costs, expenses, and rea-
9 sonable attorney's fees incurred by the party bringing the action. In
10 no case shall the award for damages be less than one hundred dollars.

1 **SEC. 20. NEW SECTION. Criminal penalties.**

2 1. Any person who willfully requests, obtains, or seeks to obtain
3 child abuse information under false pretenses, or who willfully com-
4 municates or seeks to communicate child abuse information to any
5 agency or person except in accordance with sections fourteen (14)
6 and sixteen (16) of this Act, or any person connected with any re-
7 search authorized pursuant to section fourteen (14) of this Act who
8 willfully falsifies child abuse information or any records relating
9 thereto, is guilty of a criminal offense and upon conviction for each
10 such offense be punished by a fine of not more than one thousand dol-
11 lars or by imprisonment in the state penitentiary for not more than
12 two years, or by both such fine and imprisonment. Any person who
13 knowingly, but without criminal purposes, communicates or seeks to
14 communicate child abuse information except in accordance with sec-
15 tions fourteen (14) and sixteen (16) of this Act shall for each such
16 offense be fined not more than one hundred dollars or be imprisoned
17 not more than ten days.

18 2. Any reasonable grounds for belief that a person has violated any
19 provision of this Act shall be grounds for the immediate withdrawal
20 of any authorized access such person might otherwise have to child
21 abuse information.

1 **SEC. 21. NEW SECTION. Education program.** The department shall
2 require an educational program for employees of the registry on the
3 proper use and control of child abuse information.

1 **SEC. 22. NEW SECTION. Registry reports.**

2 1. The registry may compile statistics and issue reports on child
3 abuse, provided identifying details of the subject of child abuse re-
4 ports are deleted.

5 2. The registry shall issue an annual report on its administrative
6 operation, including information as to the number of requests for
7 child abuse data, the proportion of requests attributable to each type
8 of authorized access, the frequency and nature of irregularities, and
9 other pertinent matters.

1 **SEC. 23. NEW SECTION. Council on child abuse information.**

2 1. There is created a council on child abuse information consisting
3 of nine regular members. Two members shall be appointed from the
4 house of representatives by the speaker of the house, no more than
5 one of whom shall be from the same political party. Two members
6 shall be appointed from the senate by the lieutenant governor, no more
7 than one of whom shall be from the same political party. The remain-
8 ing members of the council shall consist of a judge of the district court
9 appointed by the chief justice of the supreme court, one local law en-
10 forcement official appointed by the governor, the commissioner of the
11 department of social services or his designee, and two private citi-
12 zens not connected with law enforcement appointed by the governor.
13 The council shall select its own chairman. The members shall serve
14 at the pleasure of those by whom their appointments are made.

15 2. The council shall meet at least annually and at any other time
16 upon the call of the chairman of the council, or any three of its mem-
17 bers. Each council member shall be entitled to reimbursement for
18 actual and necessary expenses incurred in the performance of official
19 duties from funds appropriated to the department of social services.

- 20 3. The council shall have the following responsibilities and duties:
 21 a. Shall periodically monitor the operation of the child abuse infor-
 22 mation registry established by sections eleven (11) through twenty-
 23 three (23) of this Act.
 24 b. Shall review the implementation and effectiveness of legislation
 25 and administrative rules and regulations concerning the registry.
 26 c. May recommend changes in said legislation and administrative
 27 rules and regulations to the legislature and the appropriate adminis-
 28 trative officials.
 29 d. May require such reports from state agencies as may be neces-
 30 sary to perform its duties.
 31 e. May receive and review complaints from the public concerning
 32 the operation of the registry.

1 SEC. 24. Section two hundred thirty-two point eleven (232.11),
 2 Code 1973, is amended to read as follows:

3 **232.11 Parent or guardian to be present.** The hearing on the merit
 4 of the petition shall not take place without the presence of one or both
 5 of the parents or the guardian, or if none is present a guardian ad
 6 litem shall be appointed by the court to protect the interests of the
 7 child. The court ~~may~~ shall also appoint a guardian ad litem whenever
 8 necessary for the welfare of the child whether or not a parent or
 9 guardian is present.

Approved May 29, 1974

CHAPTER 1163
 CHILD CARE CENTERS
 S. F. 434

AN ACT to provide financial assistance for the establishment and operation of licensed child care centers and to make an appropriation.

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

- 1 SECTION 1. NEW SECTION. **Definitions.** As used in this Act unless
 2 the context otherwise requires:
 3 1. "Commissioner" means the commissioner of social services.
 4 2. "Department" means the department of social services.
 5 3. "Director" means the director of the division designated by the
 6 commissioner to administer this Act.
 7 4. "County board" means the county board of social welfare.
 8 5. "Child care center" or "center" means a facility providing care
 9 for six or more children for more than four hours, but less than
 10 twenty-four hours, per day.
 11 6. "Licensed center" means a center applying for or issued a license
 12 by the department under the provisions of this Act.
 13 7. "Low-income family" means a family whose total income, rela-
 14 tive to the number of persons dependent on the family's total income
 15 for support, is designated by the department as insufficient to provide
 16 an adequate standard of living. Adequate standard of living shall be

17 defined as at or below the minimum living standard budget deter-
18 mined by the bureau of labor statistics of the United States depart-
19 ment of labor, adjusted regionally and for family size.

20 8. "State day care advisory committee" means the state day care
21 advisory committee established by regulation two hundred twenty point
22 four (220.4) of the Social Security Act of 1967 whose membership
23 is no less than nine nor no more than fifteen members and is com-
24 prised of one-third providers of services, one-third interested citizens
25 from urban and rural areas across the state and one-third parents of
26 children served. If for any reason the federal government eliminates
27 this advisory committee, this advisory committee shall continue to
28 function as a state advisory group to the department.

1 SEC. 2. NEW SECTION. **License voluntary.** A center may request
2 to be licensed by the department but is not required to be licensed in
3 order to operate in this state. The department shall issue a license if
4 it determines that the following conditions have been met:

5 1. An application for a license or a renewal has been filed with the
6 director on forms provided by the department.

7 2. The center possesses adequate financial resources to perform the
8 services it undertakes.

9 3. The center is maintained so as to comply with state and local
10 health, fire, and zoning laws.

11 4. The facility is maintained so as to comply with rules promulgated
12 under section twelve (12) of this Act.

13 A person denied a license under the provisions of this section shall
14 receive written notice of the denial stating the reasons for denial and
15 may appeal the decision as provided in sections ten (10) and eleven
16 (11) of this Act.

17 The director may issue a provisional license for a period of time
18 not to exceed one year if the center does not meet standards required
19 under this section. If written plans to bring the center up to stand-
20 ards, giving specific dates for completion of work, are submitted to
21 and approved by the department promulgating the regulations, the
22 provisional license shall be renewable.

1 SEC. 3. NEW SECTION. **Scope of licenses.** Licenses granted under
2 this Act shall be valid for one year from the date of issuance unless
3 revoked or suspended in accordance with the provisions of this Act.
4 A record of the license shall be kept by the department. The license
5 shall be posted in a conspicuous place in the facility and shall state
6 the name of the licensee, the type of facility being licensed, the par-
7 ticular premises in which the services may be offered, and the number
8 of individuals who may be received for care at any one time.

1 SEC. 4. NEW SECTION. **Examinations.** The director may make
2 periodic inspections of licensed centers as necessary to carry out the
3 provisions of this Act. The director may inspect records maintained
4 by a licensed center and may inquire into matters concerning these
5 centers and the persons in charge. The director shall require that the
6 center be inspected by the commissioner of public health and the state
7 fire marshal or their designees, before a license is granted or renewed.

1 SEC. 5. NEW SECTION. **Personnel.** All personnel having direct
2 responsibility for individual children in licensed child care centers

3 shall have good physical and mental health as evidenced by a report
 4 following an examination by a licensed physician at the time of initial
 5 employment. A new report shall be required every year thereafter. No
 6 staff member of a licensed center with direct responsibility for child
 7 care shall have a conviction by any law of any state involving lascivi-
 8 ous acts with a child, child neglect or child abuse.

1 SEC. 6. NEW SECTION. **Consultative services.** The department
 2 may provide consultative services to a person applying for a license or
 3 licensed by the director under this Act.

1 SEC. 7. NEW SECTION. **Confidential information.** Anyone who
 2 acquires through the administration of this Act information relative
 3 to an individual in a center or to a relative of the individual shall not,
 4 directly or indirectly, disclose the information except upon inquiry
 5 before a court of law or with the written consent of the individual or,
 6 in the case of a child, the written consent of the parent or guardian.

7 This section shall not prohibit the director from disclosing facts
 8 when it is in the best interests of a child or in the interest of the child's
 9 parents, guardian, or foster parents and not harmful to the child, or
 10 when disclosure is necessary to protect the interests of the child's
 11 prospective foster parents.

12 This section shall not prohibit the director from disclosing informa-
 13 tion relative to the structure and operation of a licensed center nor
 14 shall it prohibit the statistical analysis by duly authorized persons of
 15 data collected by virtue of this Act, or the publication of the results
 16 of the analysis in a manner which does not disclose information identi-
 17 fying individual persons.

1 SEC. 8. NEW SECTION. **Suspension and revocation.** The director,
 2 after notice and hearing, may suspend or revoke a license issued under
 3 the provisions of this Act if the person to whom a license is issued
 4 violates any provision of this Act or if a person makes false reports
 5 regarding the operation of the center to the director or his designee.

1 SEC. 9. NEW SECTION. **Administrative procedures.** Written
 2 charges for suspension or revocation of a license shall be served upon
 3 the licensee not less than thirty days before a hearing, together with
 4 a notice of time and place for hearing in the manner prescribed for
 5 the service of original notice in civil actions.

1 SEC. 10. NEW SECTION. **Grievance procedure.** A licensee or appli-
 2 cant for a license who is aggrieved by a decision of the director fol-
 3 lowing such administrative hearing may appeal to the hearing officer
 4 of the department within twenty days of the notice of decision.

1 SEC. 11. NEW SECTION. **Judicial review.** A licensee or applicant
 2 who is aggrieved by a decision of the hearing officer may appeal
 3 to the district court by serving on the director and filing with the
 4 clerk of the district court in the county where his facility is situated
 5 a written notice of appeal specifying the grounds upon which appeal
 6 is taken. Such action must be taken within thirty days after notice
 7 of the decision of the hearing officer.

1 SEC. 12. NEW SECTION. **Rules.** Subject to the provisions of chap-
 2 ter seventeen A (17A) of the Code, the director shall promulgate

3 rules for operating and maintaining licensed child care centers relat-
4 ing to:

5 1. The number of qualified personnel necessary to assure the health,
6 safety, and welfare of children in the centers.

7 2. The minimum number of square feet available for use both in-
8 doors and outdoors, by each child received into the center. Outdoor
9 areas used by the children shall be enclosed either by fencing or some
10 other appropriate method.

11 3. The adequacy of activity programs and food services available to
12 the children.

13 4. Policies established by the center for parental participation.

14 Before a proposed rule, as defined in chapter seventeen A (17A) of
15 the Code, is submitted to the departmental rules review committee, a
16 public hearing shall be held in regard to the rule, and members of the
17 departmental rules review committee shall be notified of the hearings
18 as required in section seventeen A point sixteen (17A.16) of the Code.

19 Rules promulgated by the state fire marshal and the commissioner
20 of public health for buildings used as child care centers as an adjunct
21 to the primary purpose of the building shall take into consideration
22 that children are received for temporary care only and shall not differ
23 from rules promulgated for these buildings when they are used by
24 groups of persons congregating from time to time in the primary use
25 and occupancy of the buildings. Furthermore, such rules shall govern
26 only portions of the building utilized for child care centers.

27 All rules, regulations, and standards promulgated under this Act
28 with respect to child care centers shall be developed in consultation
29 with the state day care advisory committee.

1 SEC. 13. NEW SECTION. **Apportionment of funds.** Funds appro-
2 priated to the department to assist child care centers shall be appor-
3 tioned among the counties as follows:

4 1. Each county shall receive a share of one half of the total amount
5 available for allocation among the counties which share is equivalent
6 to a percentage of the total amount available determined by dividing
7 the state's total population of children under seven years of age into
8 the total number of children under seven years of age residing in the
9 county. Data on the number and places of residence of children under
10 seven years of age shall be derived from the most recent federal decen-
11 nial census unless the commissioner with approval of the council of
12 social services directs that some other specified source of data be used.

13 2. Each county shall receive a share of one half of the total amount
14 available for allocation among the counties which share is equivalent
15 to a percentage of the total amount available determined by dividing
16 the total number of low-income families residing in the state into the
17 total number of low-income families residing in the county. Data on
18 the number and the places of residence of low-income families shall
19 be derived from the most recent federal decennial census unless the
20 commissioner with approval of the council of social services directs
21 that some other specified source of data be used.

22 3. Notwithstanding subsections one (1) and two (2) of this sec-
23 tion, no county's initial allocation shall be less than one quarter of
24 one percent of the total amount available for allocation among the
25 counties.

26 4. Any portion of the amount initially allocated to any county pur-
 27 suant to subsections one (1), two (2) and three (3) of this section
 28 which remains unencumbered as of April 30 of any year shall be
 29 reclaimed from the county by the department and immediately reallo-
 30 cated in the manner provided by subsections one (1) and two (2) of
 31 this section among those counties from which funds have not been
 32 reclaimed under this subsection. Any portion of the amounts so allo-
 33 cated which remains unencumbered as of June 30 of any year shall
 34 revert to the general fund of the state.

1 SEC. 14. NEW SECTION. **Allocation by the county.** The county
 2 board shall determine how the funds received by that county under
 3 this Act shall be allocated among existing or planned child care cen-
 4 ters in the county on the basis of the following factors as applied to
 5 each child care center considered for financial assistance under this
 6 Act:

7 1. The demonstrated need for child care services in the community
 8 served by the center.

9 2. The proportion of low-income families among all families served
 10 by the center.

11 3. The demonstrated need of the center for additional equipment,
 12 and improvement, enlargement or relocation of the center's physical
 13 facilities designed to bring the center into compliance with local
 14 health, fire and zoning laws.

15 4. The manner in which the center derives its support, other than
 16 funds made available to it under this Act, and in particular the extent
 17 to which it is supported from sources other than tuition or fees paid
 18 by the parents or guardians of the children served by the center.

1 SEC. 15. NEW SECTION. **Application for funds.** The department
 2 shall:

3 1. Prescribe forms for use by licensed centers in applying to their
 4 respective county boards for funds appropriated by the general assem-
 5 bly.

6 2. Establish a procedure by which a licensed center aggrieved by a
 7 decision of a county board under section seventeen (17) of this Act
 8 may appeal the decision to the commissioner or his designee, how-
 9 ever, the judgment of the county board on the merits of any applica-
 10 tion shall not be overturned in the absence of a determination that the
 11 county board has misinterpreted any of the provisions of this Act, has
 12 acted arbitrarily or capriciously, or both.

13 3. Seek to obtain from the federal government any funds which
 14 may be available to this state to pay any part of the cost of imple-
 15 menting or administering this Act.

1 SEC. 16. NEW SECTION. **Use of funds.** A child care center may
 2 use funds received pursuant to this Act only for the following pur-
 3 poses:

4 1. To acquire or improve physical facilities to house the center.

5 2. To acquire recreational or educational equipment or supplies.

1 SEC. 17. NEW SECTION. **Distribution.** The county board shall con-
 2 sider all applications which are submitted by child care centers in the
 3 county for funds allocated to the county under this Act, and shall
 4 determine the distribution of the funds. Each child care center sub-

5 mitting an application shall indicate the amount of money requested
 6 and the intended use of the money. The county board may establish
 7 a deadline for submission of applications, which shall not be earlier
 8 than thirty days after it is notified by the department of the amount
 9 initially allocated to the county pursuant to section thirteen (13) of
 10 this Act.

1 SEC. 18. NEW SECTION. **Restrictions on funding.** Funds shall be
 2 distributed only to licensed centers which serve primarily low-income
 3 families and which do not prohibit admission of children on the basis
 4 of race, creed, religion, sex, or national origin.

1 SEC. 19. Acts of the Sixty-fifth General Assembly, 1973 Session,
 2 chapter eight (8), section one (1), is amended to read as follows:

3 Section 1. There is appropriated from the general fund of the
 4 state for the fiscal biennium beginning July 1, 1973 and ending June 30,
 5 1975 to the state comptroller the following ~~amounts~~ *amount*, or so
 6 much thereof as may be necessary, for the following ~~purposes~~ *purpose*:

7 1. For the governor's youth opportunity program:\$1,234,000
 8 2. For the day care facilities program:\$ 579,000

1 SEC. 20. Section two hundred thirty-four point eleven (234.11),
 2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
 3 1973 Session, chapter one hundred eighty-six (186), section sixteen
 4 (16), is amended to read as follows:

5 234.11 **Duties of the county board—food stamp program.** The
 6 county board shall be vested with the authority to direct emergency
 7 relief with only such powers and duties as are prescribed in the laws
 8 relating thereto *and shall determine the allocation of funds to child*
 9 *care centers pursuant to sections fourteen (14) through eighteen (18)*
 10 *of this Act.* The board shall act in an advisory capacity on programs
 11 within the jurisdiction of the department of social services. The board
 12 shall review policies and procedures of the local departments of social
 13 services and make recommendations for changes to insure that effec-
 14 tive services are provided in their respective communities. The county
 15 board may also make recommendations for new programs which it is
 16 believed would meet needs in the community. The state department
 17 shall establish a procedure to insure that county board recommenda-
 18 tions receive appropriate review at the level of policy determination.

19 Each county shall participate in federal commodity or food stamp
 20 program.

1 SEC. 21. There is appropriated to the department of social ser-
 2 vices from the general fund of the state the sum of five hundred thou-
 3 sand (500,000) dollars, or so much thereof as may be necessary, for the
 4 fiscal year ending June 30, 1975 to be used for financial assistance to
 5 child care centers in the manner prescribed by sections thirteen (13)
 6 through eighteen (18) of this Act.

Approved June 3, 1974

CHAPTER 1164
ESCAPED CONVICTS

H. F. 170

AN ACT relating to escaped convicts.

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

1 SECTION 1. Section two hundred forty-six point thirty-four
2 (246.34), Code 1973, is amended to read as follows:

3 246.34 **Escape of prisoner.** If a convict escapes from the peniten-
4 tiary, *Iowa security medical facility*, or the men's reformatory, the
5 warden, or *superintendent*, shall take all proper measures for his
6 apprehension and for that purpose he may offer a reward, not exceed-
7 ing fifty dollars, to be paid by the state, for the apprehension and
8 delivery of such convict.

1 SEC. 2. Section two hundred forty-five point fifteen (245.15), Code
2 1973, is amended to read as follows:

3 245.15 **Escape—reward.** Any inmate of said reformatory who
4 shall escape therefrom may be arrested and returned to said reforma-
5 tory, by an officer or employee thereof without any other authority than
6 this chapter, and by any peace officer or other person on the request
7 in writing of the superintendent or the state director. ~~For the appre-~~
8 ~~hension and delivery of any such inmate, the superintendent may offer~~
9 ~~a reward, not to exceed fifty dollars, to be paid by the state in the same~~
10 ~~manner as provided for the payment of rewards for escaped convicts.~~

1 SEC. 3. Section two hundred forty-six point thirty-five (246.35),
2 Code 1973, is hereby repealed.

Approved March 4, 1974

CHAPTER 1165
SOCIAL SERVICES PAYMENTS

H. F. 1411

AN ACT relating to authority of the department of social services to provide state supplementary cash payments to certain persons, revising the state medical assistance Act, relating to claims for medical assistance, and providing a penalty.

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

1 SECTION 1. Chapter two hundred forty-nine (249), Code 1973, as
2 amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
3 chapter one hundred eighty-six (186), is amended by adding the
4 following new section:

5 **NEW SECTION. Fraud.** Any person who obtains assistance under
6 this chapter by misrepresentation or by failure with fraudulent intent
7 to bring forth all of the facts required of an applicant for assistance
8 under this chapter, or any person who shall knowingly make false
9 statements concerning an applicant's eligibility for assistance under
10 this chapter, is guilty of a misdemeanor.

1 SEC. 2. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter one hundred eighty-six (186), section four (4), is amended
3 by striking subsection two (2) and inserting in lieu thereof the fol-
4 lowing:

5 2. Any person who meets the criteria established by paragraphs
6 a, b and c of this subsection:

7 a. Is receiving either:

8 (1) Care in a licensed adult foster home, boarding home or custo-
9 dial home, as defined by section one hundred thirty-five C point one
10 (135C.1) of the Code, or in another type of protective living arrange-
11 ment as defined by the department; or

12 (2) Nursing care in his own home, certified by a physician as
13 being required, so long as the cost of the nursing care does not ex-
14 ceed standards established by the department.

15 b. Is in fact receiving or would, except for income in excess of
16 applicable maximums, be receiving federal supplemental security
17 income.

18 c. Does not have sufficient income to meet the cost of care in one of
19 the living arrangements defined in paragraph a of this subsection,
20 which cost of care shall not exceed the amount established by the
21 rules of the department for each of those living arrangements.

22 3. Any person living in any living arrangement other than as a
23 patient or resident of a facility licensed under chapter one hundred
24 thirty-five C (135C) of the Code, who meets the criteria established
25 by paragraphs a, b and c of this subsection:

26 a. Has living with him a dependent spouse, parent, child or adult
27 child who is sharing the recipient's living arrangement, so long as
28 the person continues in the relationship of dependent spouse, parent,
29 child or adult child to the recipient and to be in financial need accord-
30 ing to standards established by the department.

31 b. Is in fact receiving or would, except for income in excess of
32 applicable maximums, be receiving federal supplemental security
33 income.

34 c. Does not have sufficient income to meet the cost of providing for
35 the dependent spouse, parent, child or adult child, according to stand-
36 ards established by the department.

1 SEC. 3. Section two hundred forty-nine A point two (249A.2),
2 subsections five (5) and six (6), Code 1973, as amended by Acts of
3 the Sixty-fifth General Assembly, 1973 Session, chapter one hundred
4 eighty-six (186), section eighteen (18), is amended to read as fol-
5 lows:

6 5. "Medical assistance" shall mean payment of all or part of the
7 costs of the care and services enumerated in Title XIX, United
8 States Social Security Act, section 1905(a), paragraphs (1) through
9 (5), inclusive [Title XLII, United States Code, section 1396d(a),
10 paragraphs (1) through (5), inclusive], as amended to January 1,
11 1973 15, 1974.

12 6. "Additional medical assistance" shall mean payment of all or
13 part of the costs of any or all of the care and services enumerated
14 in Title XIX, United States Social Security Act, section 1905(a),
15 paragraphs (6), (7), and (9) through (17), inclusive [Title XLII,
16 United States Code, section 1396d(a), paragraphs (6), (7), and (9)
17 through (17), inclusive], as amended to January 1, 1973 15, 1974.

1 SEC. 4. Section two hundred forty-nine A point three (249A.3),
2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
3 1973 Session, chapter one hundred eighty-six (186), section nineteen
4 (19), is amended to read as follows:

5 249A.3 Eligibility. The extent of and the limitations upon eligi-
6 bility for assistance under this chapter shall be as prescribed by this
7 section, and by laws appropriating funds therefor.

8 1. Medical assistance shall be provided to, or on behalf of, any
9 individual or family residing in the state of Iowa, including those
10 residents who are temporarily absent from the state, who is:

11 a. Is a recipient of federal supplementary security income or who
12 would be eligible for federal supplemental security income if living
13 in their own home, as defined in section two (2) of this Act, or is.

14 b. Is a recipient of aid to dependent children payments under chap-
15 ter two hundred thirty-nine (239) of the Code, and having no spouse
16 or parent responsible under the law of this state and found by the
17 county board to be able to provide him or them with needed medical
18 care and services.

19 c. Was a recipient of one of the previous categorical assistance
20 programs as of December 31, 1973, and would continue to meet the
21 eligibility requirements for one of the previous categorical assistance
22 programs as the requirements existed on that date.

23 2. Medical assistance may also, within the limits of available funds
24 and in accordance with section 249A.4, subsections 1 and 2 be pro-
25 vided to, or on behalf of, other individuals and families who are not
26 excluded under subsection 4 of this section and whose incomes and
27 resources are insufficient to meet the cost of necessary medical care
28 and services, and who have no spouse or parent responsible under the
29 law of this state and found by the county board to be able to provide
30 him or them with such necessary medical care and services, in ac-
31 cordance with the following order of priorities:

32 a. Individuals who are receiving care in a hospital or in a basic
33 nursing home, intermediate nursing home, skilled nursing home or
34 extended care facility, as defined by section one hundred thirty-five C
35 point one (135C.1) of the Code, and who meet all eligibility require-
36 ments for federal supplementary security income except that their
37 income exceeds the allowable maximum therefor, but whose income
38 is not in excess of the maximum established by subsection four (4)
39 of this section for eligibility for medical assistance and is insufficient
40 to meet the full cost of their care in the hospital or health care facility
41 on the basis of standards established by the department, and who
42 were receiving assistance under a previous categorical assistance pro-
43 gram during the month of December, 1973.

44 b. Individuals under twenty-one years of age living in a licensed
45 foster home, or in a private home pursuant to a subsidized adoption
46 arrangement, for whom the department accepts financial responsi-
47 bility in whole or in part and who are not eligible under subsection
48 one (1) of this section.

49 c. Individuals and families whose incomes and resources are such
50 that they are eligible for federal supplementary security income or
51 aid to dependent children, but who are not actually receiving such
52 public assistance.

53 d. Individuals who are receiving state supplementary assistance as
54 defined by section two (2) of this Act, or other persons whose needs
55 are considered in computing the recipient's assistance grant.

56 e. Individuals and families who are ineligible under paragraph c of
57 this subsection solely because of their incomes and resources, but who
58 would otherwise be eligible under paragraph c of this subsection.

59 f. Persons under twenty-one years of age who qualify on a finan-
60 cial basis for, but who are otherwise ineligible to receive aid to
61 dependent children.

62 g. Individuals who have attained the age of twenty-one but have
63 not yet attained the age of sixty-five who qualify on a financial basis
64 for, but who are otherwise ineligible to receive, federal supplement-
65 ary security income or aid to dependent children.

66 3. Additional medical assistance may, within the limits of avail-
67 able funds and in accordance with section 249A.4, subsections 1 and
68 2, be provided to, or on behalf of, either:

69 a. Only those individuals and families described in subsection 1 of
70 this section; or

71 b. Those individuals and families described in both subsection 1
72 and subsection 2 of this section.

73 4. No assistance shall be granted under this chapter to:

74 a. Any individual or family whose income, exclusive of the value
75 of gifts or services contributed in kind to the individual or family,
76 exceeds the following maximums:

77 (1) For an individual, after deduction of health care expenses in-
78 curred by the applicant, exceeds ~~one~~ two thousand ~~eight~~ four hundred
79 dollars annually, or.

80 (2) For any family living together whose combined income, after
81 deduction of health care expenses incurred by the family, exceeds ~~one~~
82 two thousand ~~eight~~ four hundred dollars annually for the first adult
83 member plus ~~nine~~ one thousand two hundred dollars for the second
84 member and ~~six~~ nine hundred ~~seventy-five~~ dollars annually for each
85 additional member of the family. Income shall not include the value
86 of gifts or services contributed in kind to the individual or family.

87 (3) For any individual receiving care in a hospital, any health care
88 facility as defined in section one hundred thirty-five C point one
89 (135C.1) of the Code, or in another type of protective living arrange-
90 ment, an amount equal to the cost of care in the hospital, facility or
91 other arrangement, based on the department's standards.

92 b. Any individual whose resources, after deduction of health care
93 expenses incurred by the applicant, exceeds two thousand dollars, or
94 any family living together whose combined resources exceed two
95 thousand dollars for the first member, one thousand dollars for the
96 second member, plus two hundred dollars for each additional mem-
97 ber. The value of resources shall be the current market value minus
98 any encumbrances against such resource or resources. In deter-
99 mining the foregoing, the following resources shall be excluded:
100 Real property occupied as a residence, household goods and furnish-
101 ings, an automobile, personal effects and tools necessary for the pur-
102 suit of a trade, occupation or profession of a market value not to
103 exceed six thousand dollars and the cash surrender value of life insur-
104 ance not to exceed one thousand dollars, however, if the face value of
105 such individual's life insurance does not exceed one thousand dollars,

106 it shall be excluded without necessity for determining its cash sur-
107 render value.

1 SEC. 5. Section two hundred forty-nine A point four (249A.4),
2 subsection six (6), Code 1973, as amended by Acts of the Sixty-fifth
3 General Assembly, 1973 Session, chapter one hundred eighty-six
4 (186), section twenty-one (21), is amended to read as follows:

5 6. Shall co-operate with any agency of the state or federal gov-
6 ernment in any manner as may be necessary to qualify for federal
7 aid and assistance for medical assistance in conformity with the pro-
8 visions of *chapter two hundred forty-nine (249) of the Code*, this
9 chapter and Titles sixteen (XVI) and XIX of the federal Social
10 Security Act, as amended.

1 SEC. 6. Section two hundred forty-nine A point six (249A.6),
2 Code 1973, is repealed.

1 SEC. 7. This Act, being deemed of immediate importance, shall
2 take effect and be in force from and after its publication in *The*
3 *Hawk Eye*, a newspaper published in Burlington, Iowa, and in *The*
4 *New Iowa Bystander*, a newspaper published in Des Moines, Iowa.

Approved May 11, 1974

Pursuant to the authority vested in the undersigned, Secretary of State of Iowa, under the provisions of Section 3.9, Code of Iowa, 1973, there being no newspaper by the name of *The New Iowa Bystander*, published in Des Moines, Iowa, I hereby designate *The New Iowa Bystander*, published in West Des Moines, Iowa, to publish the foregoing Act, House File 1411.

MELVIN D. SYNHORST, *Secretary of State.*

I hereby certify that the foregoing Act, House File 1411, was published in *The Hawk Eye*, Burlington, Iowa, May 20, 1974, and in *The New Iowa Bystander*, West Des Moines, Iowa, May 16, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1166

COUNTY CARE FACILITIES

H. F. 659

AN ACT redesignating county homes as county care facilities, and revising the laws governing operation of those facilities.

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

1 SECTION 1. Section two hundred fifty-three point one (253.1),
2 Code 1973, is amended to read as follows:

3 253.1 ~~Establishment—submission to vote.~~ The board of super-
4 visors of each county may order the establishment of a county ~~home~~
5 *care facility* in such county whenever it is deemed advisable, and may
6 make the requisite contracts and carry such order into effect, provided
7 the cost of said county ~~home care facility~~, if in excess of fifteen thou-
8 sand dollars, shall be first estimated by said board and approved by
9 vote of the people.

1 SEC. 2. Section two hundred fifty-three point two (253.2), Code
2 1973, is amended to read as follows:

3 **253.2 Management.** The board of supervisors, or any committee
4 appointed by it for that purpose, may make all contracts and purchases
5 requisite for the county farm and ~~home care facility~~ and may prescribe
6 rules or regulations for the management and government of the same,
7 and for the sobriety, morality, and industry of its occupants.

1 SEC. 3. Section two hundred fifty-three point three (253.3), Code
2 1973, is amended to read as follows:

3 **253.3* Annual published report.** The board of supervisors shall,
4 during the month of January of each year, publish in the official papers
5 of the county as part of its proceedings, a financial statement of the
6 receipts of the county ~~home care facility~~, or county farm, itemizing the
7 same and stating the source thereof, which report shall also set forth
8 the total expenditures thereof and the value of the property on hand on
9 January ~~1~~ first of the year for which the report is made and a com-
10 parison with the inventory of the previous year.

1 SEC. 4. Section two hundred fifty-three point four (253.4), Code
2 1973, is amended to read as follows:

3 **253.4 Steward Administrator.** The board may appoint a ~~steward~~
4 ~~an administrator~~ of the county ~~home care facility~~, who shall be gov-
5 erned in all respects by the rules and regulations of the board and its
6 committees, and may be removed by the board at pleasure, and who
7 shall receive such compensation, perform such duties, and give such
8 security for his faithful performance as the board may direct.

1 SEC. 5. Section two hundred fifty-three point five (253.5), Code
2 1973, is amended by striking the section and inserting in lieu thereof
3 the following:

4 **253.5 Admission.** The administrator shall admit into the county
5 care facility as residents only those persons ordered admitted in the
6 manner prescribed by section two hundred fifty-three point six (253.6)
7 of the Code, and shall maintain a record of the name and age of each
8 person admitted and the date of his admission. The administrator may
9 require of any resident of the county care facility, with approval of a
10 physician, reasonable and moderate labor suited to the resident's age
11 and bodily strength. Any income realized through the labor of resi-
12 dents, together with the receipts from operation of the county farm
13 if one is maintained, shall be appropriated for use by the county care
14 facility in such manner as the board of supervisors may direct.

1 SEC. 6. Section two hundred fifty-three point six (253.6), Code
2 1973, is amended by striking the section and inserting in lieu thereof
3 the following:

4 **253.6 Order for admission.** No person shall be admitted into the
5 county care facility as a resident except upon order of the board of
6 supervisors, which shall be issued only after the person seeking
7 admission has received a preadmission physical examination by a
8 physician. However, if the need for admission of the person to the
9 county care facility is immediate and no physician is readily available
10 to perform the examination, the board may order the person's ad-
11 mission pending an examination by a physician, any provisions of
12 sections one hundred thirty-five C point three (135C.3) and one hun-

*See also 65 GA, ch 1096, §35

13 dred thirty-five C point four (135C.4) of the Code to the contrary
 14 notwithstanding. When an admission is so ordered, the physical
 15 examination shall be completed within three days after the person's
 16 admission to the county care facility.

1 SEC. 7. Section two hundred fifty-three point seven (253.7), Code
 2 1973, is amended to read as follows:

3 **253.7 Discharge.** When any ~~inmate~~ *of resident receiving treat-*
 4 *ment or care in the county home care facility* becomes able to support
 5 *and care for himself or provide for his own care*, the board ~~must~~ *may*
 6 *upon advice of a physician order his discharge from the county care*
 7 *facility.*

1 SEC. 8. Section two hundred fifty-three point eight (253.8), Code
 2 1973, is amended to read as follows:

3 **253.8 Visitation and inspection.** The board shall cause the county
 4 ~~home care facility~~ to be visited at least once a month by one of its
 5 body, who shall carefully examine the condition of the ~~inmates resi-~~
 6 *dents* and the manner in which they are fed and clothed and otherwise
 7 provided for and treated, ascertain what labor they are required to
 8 perform, inspect the books and accounts of the ~~steward administrator,~~
 9 and look into all matters pertaining to the county ~~home care facility~~
 10 and its ~~inmates residents,~~ and report to the board.

1 SEC. 9. Section two hundred fifty-three point nine (253.9), Code
 2 1973, is amended by striking the section and inserting in lieu thereof
 3 the following:

4 **253.9 Temporary admission.** The district court may order tem-
 5 porary admission of persons under its jurisdiction to the county care
 6 facility until other arrangements are made for care of such persons.

1 SEC. 10. Section two hundred fifty-three point ten (253.10), Code
 2 1973, is amended to read as follows:

3 **253.10 Letting out Leasing.** The board is ~~invested~~ *vested* with
 4 authority to ~~let out the support of the poor, with contract for the care~~
 5 *of the residents and the use and occupancy of the county home care*
 6 *facility and farm, if any, for a period not exceeding three years.*

1 SEC. 11. Section two hundred fifty-three point eleven (253.11),
 2 Code 1973, is amended by striking the section and inserting in lieu
 3 thereof the following:

4 **253.11 Joint care by two or more counties.** In the interest of effi-
 5 ciency and economy, counties may agree in the manner provided by
 6 chapter twenty-eight E (28E) of the Code to jointly operate county
 7 care facilities.

1 SEC. 12. Chapter two hundred fifty-three (253), Code 1973, is
 2 amended by adding sections thirteen (13) through fifteen (15) of this
 3 Act.

1 SEC. 13. NEW SECTION. **Medication.** Medication may be admin-
 2 istered to residents of a county care facility by a properly trained
 3 person qualified under the rules and regulations of the state depart-
 4 ment of health, and may be a person other than the person preparing
 5 the dosage to be administered if individual doses of medication have
 6 been clearly labeled with the resident's name, time, and date to be
 7 administered.

1 SEC. 14. NEW SECTION. **Monitoring of hallways and common**
 2 **areas.** County care facilities may install electronic audio and visual
 3 monitoring devices in lieu of other monitoring methods within require-
 4 ments of the fire safety rules and regulations.

1 SEC. 15. NEW SECTION. **Effect of approval of plans.** When plans
 2 for construction or modification of a county care facility have been
 3 properly approved by the department of health or other appropriate
 4 state agency, the facility constructed in accord with the plans so
 5 approved shall not for a period of at least ten years from completion
 6 of the construction or modification be considered deficient or ineligible
 7 for licensing by reason of failure to meet any regulation or standard
 8 established subsequent to approval of the construction and modifica-
 9 tion plans, unless a clear and present danger exists that would ad-
 10 versely affect the residents of the facility.

Approved March 15, 1974

CHAPTER 1167

GROUP ANNUITY CONTRACTS

H. F. 98

AN ACT to allow school boards, county school boards, area school boards, the state board of regents and the state board of public instruction to provide group contracts, and the board for the educational radio and television facility to provide group or individual contracts, for tax-sheltered annuities to employees.

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

1 SECTION 1. Section two hundred fifty-seven point ten (257.10),
 2 subsection thirteen (13), Code 1973, is amended to read as follows:
 3 13. At the request of an employee through contractual agreement the
 4 board may arrange for the purchase of ~~an~~ group or individual annuity
 5 ~~contract contracts~~ for any of ~~their~~ its respective employees from any
 6 company the employee may choose that is authorized to do business in
 7 this state and through an Iowa-licensed insurance agent that the
 8 employee may select, for retirement or other purposes and may make
 9 payroll deductions in accordance with such arrangements for the pur-
 10 pose of paying the entire premium due and to become due under such
 11 contract. The deductions shall be made in the manner which will
 12 qualify the annuity premiums for the benefits afforded under section
 13 403b of the Internal Revenue Code of 1954 and amendments thereto.
 14 The employee's rights under such annuity contract shall be nonforfeit-
 15 able except for the failure to pay premiums.

16 *Whenever an existing tax-sheltered annuity contract is to be re-*
 17 *placed by a new contract the agent or representative of the company*
 18 *shall submit a letter of intent to the company being replaced, to the*
 19 *insurance commissioner of the state of Iowa, and to his own company*
 20 *at least thirty days prior to any action by registered mail. This letter*
 21 *of intent shall contain the policy number and description of the con-*
 22 *tract being replaced and a description of the replacement contract.*

1 SEC. 2. Section two hundred seventy-three point thirteen (273.13),
2 subsection fifteen (15), Code 1973, is amended to read as follows:

3 15. At the request of an employee through contractual agreement the
4 board may arrange for the purchase of ~~an~~ *group* or individual annuity
5 ~~contract contracts~~ for any of ~~their~~ *its* respective employees from any
6 company the employee may choose that is authorized to do business in
7 this state and through an Iowa-licensed insurance agent that the
8 employee may select, for retirement or other purposes and may make
9 payroll deductions in accordance with such arrangements for the pur-
10 pose of paying the entire premium due and to become due under such
11 contract. The deductions shall be made in the manner which will
12 qualify the annuity premiums for the benefits afforded under section
13 403b of the Internal Revenue Code of 1954 and amendments thereto.
14 The employee's rights under such annuity contract shall be nonforfeit-
15 able except for the failure to pay premiums.

16 *Whenever an existing tax-sheltered annuity contract is to be re-*
17 *placed by a new contract the agent or representative of the company*
18 *shall submit a letter of intent to the company being replaced, to the*
19 *insurance commissioner of the state of Iowa, and to his own company*
20 *at least thirty days prior to any action by registered mail. This letter*
21 *of intent shall contain the policy number and description of the con-*
22 *tract being replaced and a description of the replacement contract.*

1 SEC. 3. Section two hundred eighty A point twenty-three
2 (280A.23), subsection ten (10), Code 1973, is amended to read as fol-
3 lows:

4 10. At the request of an employee through contractual agreement the
5 board may arrange for the purchase of ~~an~~ *group* or individual annuity
6 ~~contract contracts~~ for any of ~~their~~ *its* respective employees from any
7 company the employee may choose that is authorized to do business in
8 this state and through an Iowa-licensed insurance agent that the
9 employee may select, for retirement or other purposes and may make
10 payroll deductions in accordance with such arrangements for the pur-
11 pose of paying the entire premium due and to become due under such
12 contract. The deductions shall be made in the manner which will
13 qualify the annuity premiums for the benefits afforded under section
14 403b of the Internal Revenue Code of 1954 and amendments thereto.
15 The employee's rights under such annuity contract shall be nonforfeit-
16 able except for the failure to pay premiums.

17 *Whenever an existing tax-sheltered annuity contract is to be re-*
18 *placed by a new contract the agent or representative of the company*
19 *shall submit a letter of intent to the company being replaced, to the*
20 *insurance commissioner of the state of Iowa, and to his own company*
21 *at least thirty days prior to any action by registered mail. This letter*
22 *of intent shall contain the policy number and description of the con-*
23 *tract being replaced and a description of the replacement contract.*

1 SEC. 4. Section two hundred ninety-four point sixteen (294.16),
2 Code 1973, is amended to read as follows:

3 **294.16 Annuity contracts.** At the request of an employee through
4 contractual agreement a school district may purchase ~~an~~ *group* or
5 individual annuity ~~contract~~ *contracts* for an employee, from such
6 insurance organization authorized to do business in this state and
7 through an ~~Iowa~~ *Iowa-licensed* Iowa-licensed insurance agent as the em-

8 ployee may select, for retirement or other purposes and may make
 9 payroll deductions in accordance with such arrangements for the pur-
 10 pose of paying the entire premium due and to become due under such
 11 contract. The deductions shall be made in the manner which will
 12 qualify the annuity premiums for the benefit afforded under section
 13 403b (26 USC §403b) of the federal internal revenue code and amend-
 14 ments thereto. The employee's rights under such annuity contract
 15 shall be nonforfeitable except for the failure to pay premiums.

16 *Whenever an existing tax-sheltered annuity contract is to be re-*
 17 *placed by a new contract the agent or representative of the company*
 18 *shall submit a letter of intent to the company being replaced, to the*
 19 *insurance commissioner of the state of Iowa, and to his own company*
 20 *at least thirty days prior to any action by registered mail. This letter*
 21 *of intent shall contain the policy number and description of the con-*
 22 *tract being replaced and a description of the replacement contract.*

1 SEC. 5. Chapter eight A (8A), Code 1973, is amended by adding
 2 the following new section:

3 **NEW SECTION. Annuity contracts.** At the request of an employee
 4 through contractual agreement the board may arrange for the pur-
 5 chase of group or individual annuity contracts for any of its respective
 6 employees from any company the employee may choose that is author-
 7 ized to do business in this state and through an Iowa-licensed insur-
 8 ance agent that the employee may select, for retirement or other
 9 purposes and may make payroll deductions in accordance with such
 10 arrangements for the purpose of paying the entire premium due and
 11 to become due under such contract. The deductions shall be made in
 12 the manner which will qualify the annuity premiums for the benefits
 13 afforded under section four hundred three b (403b) of the Internal
 14 Revenue Code of 1954 and amendments thereto. The employee's rights
 15 under such annuity contract shall be nonforfeitable except for the fail-
 16 ure to pay premiums.

17 *Whenever an existing tax-sheltered annuity contract is to be re-*
 18 *placed by a new contract the agent or representative of the company*
 19 *shall submit a letter of intent to the company being replaced, to the*
 20 *insurance commissioner of the state of Iowa, and to his own company*
 21 *at least thirty days prior to any action by registered mail. This letter*
 22 *of intent shall contain the policy number and description of the con-*
 23 *tract being replaced and a description of the replacement contract.*

1 SEC. 6. Chapter two hundred sixty-two (262), Code 1973, is
 2 amended by adding the following new section:

3 **NEW SECTION. Annuity contracts.** At the request of an employee
 4 through contractual agreement the board may arrange for the pur-
 5 chase of group or individual annuity contracts for any of its respective
 6 employees from any company the employee may choose that is author-
 7 ized to do business in this state, for retirement or other purposes, and
 8 may make payroll deductions in accordance with such arrangements for
 9 the purpose of paying the entire premium due and to become due under
 10 such contract. The deductions shall be made in the manner which will
 11 qualify the annuity premiums for the benefits afforded under section
 12 four hundred three b (403b) of the Internal Revenue Code of 1954 and
 13 amendments thereto. The employee's rights under such annuity con-
 14 tract shall be nonforfeitable except for the failure to pay premiums.

15 Whenever an existing tax-sheltered annuity contract is to be re-
 16 placed by a new contract the agent or representative of the company
 17 shall submit a letter of intent to the company being replaced, to the
 18 insurance commissioner of the state of Iowa, and to his own company
 19 at least thirty days prior to any action by registered mail. This letter
 20 of intent shall contain the policy number and description of the con-
 21 tract being replaced and a description of the replacement contract.

Approved May 2, 1974

CHAPTER 1168

EDUCATIONAL PROGRAM

S. F. 126

AN ACT relating to the educational program of schools.

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

1 SECTION 1. Section two hundred fifty-seven point twenty-five
 2 (257.25), Code 1973, is amended to read as follows:

3 **257.25 Educational standards.** In addition to the responsibilities
 4 of the state board of public instruction and the state superintendent
 5 of public instruction under other provisions of the Code, the state
 6 board of public instruction shall, except as otherwise provided in this
 7 section, establish standards, regulations, and rules for the approval
 8 of approving all public, parochial, and private nursery, kindergarten,
 9 elementary, junior high, and high nonpublic schools and all area
 10 vocational schools, area community colleges, and public community
 11 or junior colleges in Iowa offering instruction at any or all levels
 12 from the prekindergarten level through grade twelve. A nonpublic
 13 school which offers only a prekindergarten program may, but shall
 14 not be required to, seek and obtain approval under this chapter. A list
 15 of approved schools shall be maintained by the department of public
 16 instruction. With respect to area or public community or junior col-
 17 leges, such standards, regulations, and rules shall be established by
 18 the state board of public instruction and the state board of regents,
 19 acting jointly. Such The approval standards, regulations, and rules
 20 established by the state board shall prescribe delineate and be based
 21 upon implement the minimum curriculum educational program de-
 22 scribed below:

23 1. ~~Nursery school activities~~ *If a school offers a prekindergarten*
 24 *program, the program shall be designed to help children to work and*
 25 *play with others, to express themselves, to learn to use and manage*
 26 *their bodies, and to extend their interests and understanding of the*
 27 *world about them, work and play with others and to express them-*
 28 *selves. The prekindergarten program shall relate the role of the*
 29 *family to the child's developing sense of self and his perception of*
 30 *others. Planning and carrying out prekindergarten activities de-*
 31 *signed to encourage cooperative efforts between home and school*
 32 *shall focus on community resources. A prekindergarten teacher*
 33 *employed by a school corporation or county or joint county school*

34 system, or its successor agency, and receiving a salary from state
35 and local funds shall hold a certificate certifying that the holder is
36 qualified to teach in prekindergarten.

37 2. ~~Kindergarten~~ If a school offers a kindergarten ~~programs~~ pro-
38 gram, the program shall include experiences designed to develop
39 healthy emotional and social ~~living~~ habits and growth in the language
40 arts and communication skills, as well as a capacity for the comple-
41 tion of individual tasks, and protection and development of physical
42 being, ~~growth in expression, and language arts and communication~~
43 ~~readiness~~. A kindergarten teacher shall hold a certificate certifying
44 that the holder is qualified to teach in kindergarten.

45 3. The following areas shall be taught in the elementary school,
46 grades one through six: Language arts, including reading, hand-
47 writing, spelling, oral and written English, and literature; social
48 studies, including geography, history of the United States and Iowa
49 with attention given to the role in history played by all persons, and
50 a positive effort shall be made to reflect the achievements of women,
51 minorities, and any others who, in the past, may have been ignored
52 or overlooked by reason of race, sex, religion, physical disability, or
53 ethnic background, cultures of other peoples and nations, and Amer-
54 ican citizenship, including the elementary study of national, state,
55 and local government in the United States; mathematics; science,
56 including conservation of natural resources and environmental
57 awareness; health and physical education, including the effects of
58 alcohol, ~~narcotics~~ tobacco, drugs, and poisons on the human body;
59 the characteristics of communicable diseases; traffic safety, including
60 pedestrian and bicycle safety procedures; music; and art.

61 4. The following shall be taught in grades seven and eight as a
62 minimum program: Science, including conservation of natural re-
63 sources and environmental awareness; mathematics; social studies
64 with attention given to the role in history played by all persons, and a
65 positive effort shall be made to reflect the achievements of women,
66 minorities, and any others who, in the past, may have been ignored
67 or overlooked by reason of race, sex, religion, physical disability, or
68 ethnic background, cultures of other peoples and nations, and Amer-
69 ican citizenship; language arts which may shall include reading, spell-
70 ing, grammar, oral and written composition, and may include other
71 communication subjects; health and physical education, including the
72 effects of alcohol, tobacco, drugs and poisons on the human body, the
73 characteristics of communicable diseases, including venereal diseases
74 and current crucial health issues; ~~reading; physical education;~~ music;
75 and art.

76 5. Provision for special education services and programs, which
77 may be shared by public schools, shall be made for children requiring
78 special education, who are or would otherwise be enrolled in kinder-
79 garten through grade eight of such schools.

80 6. School districts with organized and administered junior high
81 schools not limited to grades seven and eight must include the afore-
82 mentioned minimum program for grades seven and eight regardless
83 of the organizational structure of the district.

84 7 6. A high school, In grades nine through twelve, shall teach
85 annually the following as a unit of credit shall consist of a course or
86 equivalent related components or partial units taught throughout the

87 *academic year. The minimum program for grades nine through*
 88 *twelve shall be:*

89 a. Four units of science including physics and chemistry.; ~~How-~~
 90 ~~ever,~~ the units of physics and chemistry may be taught in alternate
 91 years.

92 b. Four units of the social studies. ~~Instruction in~~ American his-
 93 tory, American government, *government and cultures of other peoples*
 94 *and nations, and general consumer education, family law, and eco-*
 95 *nomics, including comparative and consumer economics, shall be*
 96 ~~included taught~~ *in said the units but need not be required as full*
 97 *units. All students shall be required to take one unit of American*
 98 *history which shall give attention to the role in history played by all*
 99 *persons, and a positive effort shall be made to reflect the achieve-*
 100 *ments of women, minorities, and any others who, in the past, may*
 101 *have been ignored or overlooked by reason of race, sex, religion,*
 102 *physical disability, or ethnic background and one half unit of the*
 103 *governments of Iowa and the United States, including instruction in*
 104 *voting statutes and procedures, voter registration requirements, the*
 105 *use of paper ballots and voting machines in the election process, and*
 106 *the method of acquiring and casting an absentee ballot.*

107 *The county auditor, upon request and at a site chosen by him, shall*
 108 *make available to schools within the county voting machines or sample*
 109 *ballots that are generally used within the county, at such times that*
 110 *these machines or sample ballots are not in use for their recognized*
 111 *purpose.*

112 c. Four units of English, including language arts.

113 d. Four units of a sequential program in mathematics.

114 e. One unit of general mathematics.

115 f. Two units of one foreign language. ~~However,~~; the units of for-
 116 eign language may be taught in alternate years, provided there is no
 117 break in the progression of instruction from one year to the next.

118 g. One unit of physical education with one-eighth unit each semes-
 119 ter required of each pupil, except that any pupil participating in an
 120 organized and supervised high school athletic program which requires
 121 at least as much time of participation per week as such one-eighth
 122 unit may be excused from the physical education course during the
 123 time of his participation in such athletic program. *All students*
 124 *physically able shall be required to participate in physical education*
 125 *activities during each semester a student is enrolled in school. A*
 126 *minimum of one-eighth unit each semester shall be required, except*
 127 *that any pupil participating in an organized and supervised high*
 128 *school athletic program which requires at least as much time of*
 129 *participation per week as one-eighth unit may be excused from the*
 130 *physical education course during the time of his participation in the*
 131 *athletic program. Physical education activities shall emphasize lei-*
 132 *sure time activities which will benefit the student outside the school*
 133 *environment and after graduation from high school.*

134 h. Five units of ~~practical arts~~ *occupational education subjects. Sub-*
 135 *jects in this area, which may include but shall not be limited to*
 136 *business education (including commercial typewriting), industrial*
 137 *arts, homemaking, agriculture, distributive education programs, ser-*
 138 *vices, and activities which prepare students for employment in office*

139 and clerical, trade and industrial, consumer and homemaking, agri-
140 culture, distributive, and health occupations.

141 A unit shall consist of one academic year instruction in the subject.

142 8 i. Courses Units or partial units in the fine arts shall be taught
143 which may include art, music, and dramatics:

144 e. Art.

145 b. Music.

146 e. Dramatics.

147 j. Health education, including an awareness of physical and mental
148 health needs, the effects of alcohol, tobacco, drugs and poisons on the
149 human body, the characteristics of communicable diseases, including
150 venereal diseases and current crucial health issues.

151 7. A pupil shall not be required to enroll in either physical educa-
152 tion or health courses if his parent or guardian files a written state-
153 ment with the school principal that the course conflicts with his
154 religious belief.

155 8. Upon request of the board of directors of any public school dis-
156 trict or the authorities in charge of any nonpublic school, the state
157 board of public instruction may, for a number of years to be speci-
158 fied by the state board, grant the district board or the authorities in
159 charge of any nonpublic school exemption from one or more of the
160 requirements of the educational program specified in subsection six
161 (6). The exemption may be renewed. Such exemptions shall be
162 granted only if the state board deems that the request made is an
163 essential part of a planned innovative curriculum project which the
164 state board determines will adequately meet the educational needs
165 and interests of the pupils and be broadly consistent with the intent
166 of the educational program as defined in subsection six (6).

167 The request for exemption shall include all of the following:

168 a. Rationale of the project to include supportive research evidence.

169 b. Objectives of the project.

170 c. Provisions for administration and conduct of the project, includ-
171 ing the use of personnel, facilities, time, techniques, and activities.

172 d. Plans for evaluation of the project by testing and observational
173 measures of pupil progress in reaching the objectives.

174 e. Plans for revisions of the project based on evaluation measures.

175 f. Plans for periodic reports to the department of public instruc-
176 tion.

177 g. The estimated cost of the project.

178 9. To facilitate the implementation and economical operation of
179 the aforementioned educational program defined in subsections four
180 (4) and six (6) of this section, each junior or senior high school
181 offering any of grades seven through twelve, except a school which
182 offers grades one through eight as an elementary school, shall have:

183 a. A qualified school ~~librarian~~ media specialist who shall meet the
184 certification and approval standards prescribed by the department
185 of public instruction and adequate ~~library~~ media center facilities as
186 hereinafter defined.

187 (1) ~~LIBRARIAN SCHOOL MEDIA SPECIALIST~~. The ~~librarian~~
188 media specialist may be employed on a part-time or full-time basis,
189 or may devote only part time to ~~library~~ media service activities,
190 according to the needs of the school and the availability of ~~library~~
191 media personnel, as determined by the local board. The state board

192 shall recommend standards based upon the number of students in
 193 attendance, the nature of the academic curriculum, and other appro-
 194 priate factors.

195 (2) PREPARATION. The librarian shall meet the requirements
 196 for classroom teachers with reference to a degree or to general and
 197 professional preparation.

198 (3) (2) ORGANIZATION AND ADEQUACY OF COLLECTION.
 199 The library media center shall be organized as a resource center of
 200 instructional material for the entire educational program. The num-
 201 ber and kind of library and reference books, periodicals, newspapers,
 202 pamphlets, information files, audio-visual materials, and other learn-
 203 ing aids shall be adequate for the number of pupils and the needs of
 204 instruction in all courses.

205 (4) ADEQUACY OF COLLECTION. A minimum collection of
 206 one thousand two hundred books exclusive of high school textbooks
 207 and appropriate for the instruction needs of pupils, or at least seven
 208 books per pupil enrolled, whichever is the larger, shall be provided in
 209 the library until a school's enrollment reaches five hundred, at least
 210 four additional books shall be provided for each pupil from five hun-
 211 dred to two thousand enrolled, and at least three additional books per
 212 pupil shall be provided for each pupil above two thousand enrolled.
 213 An adequate collection of periodical and file material shall be pro-
 214 vided.

215 b. A qualified school guidance counselor and other pupil personnel
 216 services who shall meet the certification and approval standards
 217 prescribed by the department of public instruction. The guidance
 218 counselor may be employed on a part-time or full-time basis, or may
 219 devote only part time to counseling services, according to the needs
 220 of the school and the availability of guidance personnel, as deter-
 221 mined by the local board. The state board shall recommend stan-
 222 dards based upon the number of students in attendance and other
 223 appropriate factors. Other members of the noninstructional profes-
 224 sional staff, including but not limited to physicians, dentists, nurses,
 225 school psychologists, speech therapists, and other specialists, may
 226 also be employed or shared by one or more schools. The guidance
 227 counselor shall meet the certification and approval standards of the
 228 department of public instruction and noninstructional staff members
 229 shall meet the professional practice requirements of this state relat-
 230 ing to their special services.

231 c. Provision Arrangement for special education services, which
 232 may be shared by public schools.

233 d. Adequate instructional materials for classrooms including audio-
 234 visual.

235 10. After July 1, 1966, no public school shall participate in or
 236 allow students representing such public school to participate in any
 237 extra-curricular interscholastic contest or competition which is spon-
 238 sored or administered by an organization as defined in this subsection,
 239 unless such organization (a) is registered with the state department
 240 of public instruction, (b) files financial statements with the state
 241 department in the form and at the intervals prescribed by the state
 242 board of public instruction, and (c) is in compliance with rules and
 243 regulations which the state board of public instruction shall adopt
 244 for the proper administration, supervision, operation, eligibility re-

245 quirements, and scheduling of such extracurricular interscholastic
246 contests and competitions and such organizations. For the purposes
247 of this subsection "organization" means any corporation, association,
248 or organization which has as one of its primary purposes the spon-
249 soring or administration of extracurricular interscholastic contests
250 or competitions; but shall not include any agency of this state, any
251 public or private school or school board, or any athletic conference
252 or other association whose interscholastic contests or competitions
253 do not include more than twenty schools.

254 ~~11~~ 10. The As a basis for inclusion on the list of approved schools,
255 the state department of public instruction shall supervise and evalu-
256 ate the school educational program in the several school districts sys-
257 tems of the state for the purpose purposes of school improvement
258 and approval, and each public and nonpublic school system shall make
259 such reports as the superintendent of public instruction deems neces-
260 sary to show compliance with the curriculum programs and other
261 requirements prescribed in the Code.

262 The state superintendent shall make recommendations and sug-
263 gestions in writing to each school, college, and school district which
264 is subject to this section wherein when the department of public
265 instruction determines, after due investigation, that deficiencies
266 exist in any school or school district.

267 In addition to all other requirements of the laws of Iowa, every
268 school, college or school district subject to this section shall have and
269 provide adequate administration, school staffing, personnel assign-
270 ment, teacher qualifications, certification, facilities, equipment,
271 grounds, graduation requirements, instruction, instructional mate-
272 rials, maintenance, and policies on extracurricular activities. Public
273 junior or community colleges shall provide adequate courses of study.

274 The state board of public instruction shall adopt approval stan-
275 dards, regulations, and rules to implement, interpret, and make
276 effective the provisions of this section. In adopting the same, the
277 board shall take into account recognized educational standards.
278 Standards, regulations and rules shall be adopted of general appli-
279 cation without specific regard to school population.

280 Such standards, regulations, and rules shall be subject to the pro-
281 visions of chapter 17A. In addition, such standards, rules, and regu-
282 lations shall be reported by the state board to the general assembly
283 within twenty days after the commencement of a regular legislative
284 session, and the general assembly may enact changes therein. No
285 school, college or school district shall be removed from the approved
286 list for failure to comply with such standards, rules, or regulations,
287 until at least one hundred twenty days have elapsed following the
288 reporting of such standards, rules, and regulations to the general
289 assembly as provided in this section.

290 ~~12~~ 11. The state board of public instruction shall remove for
291 cause, after due investigation and notice, any such school, college, or
292 school district failing from the approved list which fails to comply
293 with such approval standards, rules, and regulations from the
294 approved list; which removal shall, during the period of noncompli-
295 ance, permit parents of children eligible for school attendance to
296 request the county board of education to designate their children to
297 an approved school with the district of residence responsible for the

298 tuition and transportation costs. The county board of education is
299 hereby authorized to make such designation. Procedure, insofar as
300 applicable, shall be that provided in chapter 285. In the event a
301 parent of such child so designated is dissatisfied with said designa-
302 tion, appeal may be made to the state superintendent of public in-
303 struction as provided in section 285.12. A school, college, or school
304 district which is removed from the approved list in accordance with
305 this section shall be ineligible to receive state financial aid during
306 the period of noncompliance. The state board shall allow a reason-
307 able period of time, which shall be at least one year, for compliance
308 with such approval standards, rules, and regulations, if such school,
309 college, or school district is making a good faith effort and substan-
310 tial progress toward full compliance and if the failure to comply is
311 due to factors beyond the control of the board of directors or govern-
312 ing body of such school, college, or school district. In allowing such
313 time for compliance, the board shall follow consistent policies, taking
314 into account the circumstances of each case. The reasonable period
315 of time for compliance may be, but need not be, given prior to the
316 one-year notice requirement that is required under subsection ~~13~~
317 *twelve (12)* of this section. A school or school district which is
318 removed from the approved list pursuant to the provisions of this
319 section shall be ineligible to receive state financial aid during the
320 period of noncompliance.

321 *The superintendent of public instruction and the president of the*
322 *state board shall confer with the affected school board and with the*
323 *school boards of contiguous school districts to assist the affected*
324 *school board in determining how best to offer the students of that*
325 *district an approved educational program. When a school district*
326 *has been removed from the approved list, is ineligible to receive state*
327 *aid, and can no longer continue to operate, the board of directors*
328 *shall seek to merge the territory of the school district with one or*
329 *more contiguous school districts pursuant to the provisions of chap-*
330 *ter two hundred seventy-five (275) of the Code. If by the first of*
331 *July the following school year, the district has not met the approval*
332 *standards and any portion of the district has not been merged with*
333 *one or more contiguous school districts, the portion that has not been*
334 *merged shall be merged with one or more contiguous school districts*
335 *by the state board and the provisions of sections two hundred seventy-*
336 *five point twenty-five (275.25) through two hundred seventy-five*
337 *point thirty-eight (275.38) of the Code shall apply.*

338 ~~13~~ 12. The department of public instruction shall give any school,
339 college, or school district which is to be removed from the approved
340 list at least one-year notice. Such notice shall be given by registered
341 or certified mail addressed to the superintendent of the school district
342 or the corresponding official of a private school, and shall specify the
343 reasons for removal. Such notice shall also be sent by ordinary mail
344 to each member of the board of directors or governing body of the
345 school, college, or school district, and to the news media which serve
346 the area where the school, college, or school district is located; but
347 any good faith error or failure to comply with this sentence shall not
348 affect the validity of any action by the state board. If, during said
349 year, the school, college, or school district remedies the reasons for
350 removal and satisfies the state board that it will thereafter comply

351 with the laws, approval standards, rules, and regulations, the state
352 board shall continue such school, ~~college~~, or school district on the
353 approved list and shall give the school, ~~college~~, or school district
354 notice of such action by registered or certified mail. At any time
355 during said year, the board of directors or governing body of the
356 school, ~~college~~, or school district may request a public hearing before
357 the state board of public instruction, by mailing a written request
358 to the state superintendent by registered or certified mail. The presi-
359 dent of the state board shall promptly set a time and place for the
360 public hearing, which shall be either in Des Moines or in the affected
361 area. At least thirty days' notice of the time and place of the hearing
362 shall be given by registered or certified mail addressed to the super-
363 intendent of the school district or the corresponding official of a
364 private school. ~~Notice~~ *At least ten days before the hearing, notice*
365 *of the time and place of the hearing and the reasons for removal*
366 *shall also be published by the state department in a newspaper of*
367 *general circulation in the area where the school, ~~college~~, or school*
368 *district is located, at least ten days before the hearing.* At the hearing
369 the school, ~~college~~, or school district may be represented by counsel
370 and may present evidence. The state board may provide for the
371 hearing to be recorded or reported. If requested by the school, ~~col-~~
372 ~~lege~~, or school district at least ten days before the hearing, the state
373 board shall provide for the hearing to be recorded or reported at the
374 expense of such school, ~~college~~, or school district, using any reason-
375 able method specified by such school, ~~college~~, or school district.
376 Within ten days after the hearing, the state board shall render its
377 written decision, signed by a majority of its members, and shall
378 affirm, modify, or vacate the action or proposed action to remove the
379 school, ~~college~~, or school district from the approved list.

380 14 13. Notwithstanding the foregoing provisions of this section
381 and as an exception to their requirements, a private high school or
382 private combined junior-senior high school operated for the express
383 purpose of teaching a program designed to qualify its graduates for
384 matriculation at accredited four-year or equivalent liberal arts, sci-
385 entific, or technological colleges or universities shall be placed on
386 a special approved list of college preparatory schools, which list shall
387 signify approval of the school for such express purpose only, pro-
388 vided that:

389 a. Such school complies with minimum standards established by
390 provisions of the Code other than this section, and administrative
391 rules thereunder, applicable to:

392 (1) Courses comprising such limited program.

393 (2) Health requirements for personnel.

394 (3) Plant facilities.

395 (4) Other environmental factors affecting such programs.

396 b. At least eighty percent of those graduating from such school
397 within the annually most recent four calendar years, other than those
398 graduating who are aliens, graduates entering military or alternative
399 civilian service, or graduates deceased or incapacitated before college
400 acceptance, have been accepted by accredited four-year or equivalent
401 liberal arts, scientific, or technological colleges or universities.

402 Any school claiming to be a private college preparatory school
403 which fails in any year to comply with the requirement of paragraph

404 "b" of this subsection shall be placed on the special approved list of
 405 college preparatory schools probationally if such school complies with
 406 the requirements of paragraph "a" of this subsection, but such pro-
 407 bational approval shall not continue for more than four successive
 408 years.

409 ~~15. The board or governing body of each school or school district~~
 410 ~~shall provide such principals as it finds necessary to provide effective~~
 411 ~~supervision and administration for each school and its faculty and~~
 412 ~~student body.~~

413 ~~16. Any two or more school districts may jointly employ and share~~
 414 ~~the services of any school personnel, or acquire and share the use of~~
 415 ~~classrooms, laboratories, equipment, and facilities.~~

1 SEC. 2. Chapter two hundred eighty (280), Code 1973, is amend-
 2 ed by striking the chapter and inserting in lieu thereof sections
 3 three (3) through seventeen (17) of this Act.

1 SEC. 3. NEW SECTION. **Title.** This chapter may be known and
 2 shall be cited as the Uniform School Requirements Chapter.

1 SEC. 4. NEW SECTION. **Definitions.** The term "public school"
 2 means any school directly supported in whole or in part by taxation.
 3 The term "nonpublic school" means any other school.

1 SEC. 5. NEW SECTION. **Duties of board.** The board of directors
 2 of each public school district and the authorities in charge of each
 3 nonpublic school shall prescribe the minimum educational program
 4 for the schools under their jurisdictions. The minimum educational
 5 program shall be the curriculum set forth in section two hundred
 6 fifty-seven point twenty-five (257.25) of the Code, except as other-
 7 wise provided by law. The board of directors of a public school dis-
 8 trict shall not allow discrimination in any educational program on
 9 the basis of race, color, creed, sex, marital status or place of national
 10 origin.

11 A nonpublic school which is unable to meet the minimum educa-
 12 tional program may request an exemption from the state board of
 13 public instruction. The authorities in charge of the nonpublic school
 14 shall file with the superintendent of public instruction the names and
 15 locations of all schools desiring to be exempted and the names, ages,
 16 and post office addresses of all pupils of compulsory school age who
 17 are enrolled. The superintendent, subject to the approval of the state
 18 board, may exempt the nonpublic school from compliance with the
 19 minimum educational program for two school years. When the
 20 exemption has once been granted, renewal of the exemption for each
 21 succeeding school year may be conditioned by the state superintend-
 22 ent, with the approval of the board, upon proof of achievement in
 23 the basic skills of arithmetic, the communicative arts of reading,
 24 writing, grammar, and spelling, and an understanding of United
 25 States history, history of Iowa, and the principles of American gov-
 26 ernment, of the pupils of compulsory school age exempted in the
 27 preceding year. Proof of achievement shall be determined on the
 28 basis of tests or other means of evaluation prescribed by the super-
 29 intendent of public instruction with the approval of the board of
 30 public instruction. The testing or evaluation, if required, shall be
 31 accomplished prior to submission of the request for renewal of the

32 exemption. Renewal requests shall be filed with the superintendent
33 of public instruction by April fifteenth of the school year preceding
34 the school year for which the applicants desire exemption. This
35 section shall not apply to schools eligible for exemption under sec-
36 tion two hundred ninety-nine point twenty-four (299.24) of the Code.

37 The board of directors of each public school district and the
38 authorities in charge of each nonpublic school shall establish and
39 maintain attendance centers based upon the needs of the school age
40 pupils enrolled in the school district or nonpublic school. Kinder-
41 garten and prekindergarten programs may be provided. In addition,
42 the board of directors or governing authority may include in the
43 educational program of any school such additional courses, subjects,
44 or activities which it deems fit the needs of the pupils.

1 SEC. 6. NEW SECTION. **Medium of instruction.** The medium of
2 instruction in all secular subjects taught in both public and nonpublic
3 schools shall be the English language, except when the use of a for-
4 eign language is deemed appropriate in the teaching of any subject.

1 SEC. 7. NEW SECTION. **Display of United States flag and Iowa**
2 **state banner.** The board of directors of each public school district
3 and the authorities in charge of each nonpublic school shall provide
4 and maintain a suitable flagstaff on each school site under its control,
5 and the United States flag and the Iowa state banner shall be raised
6 on all school days when weather conditions are suitable.

1 SEC. 8. NEW SECTION. **Religious books.** Religious books such
2 as the Bible, the Torah, and the Koran shall not be excluded from
3 any public school or institution in the state, nor shall any child be
4 required to read such religious books contrary to the wishes of his
5 parent or guardian.

1 SEC. 9. NEW SECTION. **Dental clinics.** Boards of directors in
2 all public school districts may establish and maintain dental clinics
3 for children and offer courses of instruction on mouth hygiene. The
4 boards may employ such legally qualified dentists and dental hygien-
5 ists as may be necessary to accomplish the purpose of this section.
6 The cost of the dental clinic shall be paid from the general fund.

1 SEC. 10. NEW SECTION. **Special education required.** The board
2 in each public school district shall make provision whereby special
3 education services are made available to all handicapped pupils
4 enrolled or who would be entitled to enrollment in its schools except
5 the blind, the deaf, and other physically handicapped children attend-
6 ing special schools or institutions provided by the state. Programs
7 offered under this section shall comply with rules and standards
8 promulgated by the state board of public instruction and shall be
9 subject to approval and reimbursement of excess costs as provided
10 in chapter two hundred eighty-one (281) of the Code. Programs
11 offered under this section may be carried on by cooperative arrange-
12 ments between district boards of directors and county boards of
13 education as provided by chapter two hundred eighty-one (281) of
14 the Code. Where special services are not available, school boards
15 may enter into cooperative arrangements with county board of
16 supervisors or state agencies to provide such services.

1 SEC. 11. NEW SECTION. **Career education.** The board of direc-
2 tors of each local public school district and the authorities in charge
3 of each nonpublic school shall incorporate into the educational pro-
4 gram the total concept of career education to enable students to
5 become familiar with the values of a work-oriented society. Cur-
6 ricular and co-curricular teaching-learning experiences from the
7 prekindergarten level through grade twelve shall be provided for
8 all students currently enrolled in order to develop an understanding
9 that employment may be meaningful and satisfying. However, career
10 education does not mean a separate vocational-technical program is
11 required. A vocational-technical program includes units or partial
12 units in subjects which have as their purpose to equip students with
13 marketable skills.

14 Essential elements in career education shall include, but not be
15 limited to:

- 16 1. Awareness of self in relation to others and the needs of society.
- 17 2. Exploration of employment opportunities and experience in per-
18 sonal decision making.
- 19 3. Experiences which will help students to integrate work values
20 and work skills into their lives.

1 SEC. 12. NEW SECTION. **Eye-protective devices.** Every student
2 and teacher in any public or nonpublic school shall wear industrial
3 quality eye-protective devices at all times while participating, and
4 while in a room or other enclosed area where others are participat-
5 ing, in any phase or activity of a course which may subject the stu-
6 dent or teacher to the risk or hazard of eye injury from the materials
7 or processes used in any of the following courses:

- 8 1. Vocational or industrial arts shops or laboratories involving
9 experience with any of the following:
 - 10 a. Hot molten metals.
 - 11 b. Milling, sawing, turning, shaping, cutting, grinding, or stamp-
12 ing of any solid materials.
 - 13 c. Heat treatment, tempering, or kiln firing of any metal or other
14 materials.
 - 15 d. Gas or electric arc welding.
 - 16 e. Repair or servicing of any vehicle while in the shop.
 - 17 f. Caustic or explosive materials.

18 2. Chemical or combined chemical-physical laboratories involving
19 caustic or explosive chemicals or hot liquids or solids when risk is
20 involved. Visitors to such shops and laboratories shall be furnished
21 with and required to wear the necessary safety devices while such
22 programs are in progress.

23 It shall be the duty of the teacher or other person supervising the
24 students in said courses to see that the above requirements are com-
25 plied with. Any student failing to comply with such requirements
26 may be temporarily suspended from participation in the course and
27 the registration of a student for the course may be canceled for will-
28 ful, flagrant, or repeated failure to observe the above requirements.

29 The board of directors of each local public school district and the
30 authorities in charge of each nonpublic school shall provide the safety
31 devices required herein. Such devices may be paid for from the gen-
32 eral fund, but the board may require students and teachers to pay for

33 the safety devices and shall make them available to students and
34 teachers at no more than the actual cost to the district or school.

35 "Industrial quality eye-protective devices", as used in this section,
36 means devices meeting American National Standard, Practice for
37 Occupational and Educational Eye and Face Protection promulgated
38 by the American National Standards Institute, Inc.*

1 SEC. 13. NEW SECTION. **Ear-protective devices.** Every student
2 and teacher in any public or nonpublic school shall wear industrial
3 quality ear-protective devices while the student or teacher is par-
4 ticipating in any phase or activity of a course which may subject the
5 student or teacher to the risk or hazard of hearing loss from noise
6 in processes or procedures used in any of the following courses:

7 1. Vocational or industrial arts shops or laboratories involving
8 experiences with any of the following:

9 a. Milling, sawing, turning, shaping, cutting, grinding or stamping
10 of any solid materials.

11 b. Kiln firing of any metal or other materials.

12 c. Electric arc welding.

13 d. Repair or servicing of any vehicle while in shop.

14 e. Static tests, maintenance or repair of internal combustion en-
15 gines.

16 f. Letter press, paper folders, mono-type.

17 It shall be the duty of the teacher or other person supervising the
18 students in said courses to see that the above requirements are com-
19 plied with. Any student failing to comply with such requirements
20 may be temporarily suspended from participation in the course and
21 the registration of a student for the course may be cancelled for will-
22 ful, flagrant, or repeated failure to observe the above requirements.

23 The board of directors of each local public school district and the
24 authorities in charge of each nonpublic school shall provide the safety
25 devices required herein. Such devices may be paid for from the gen-
26 eral fund, but the board may require students and teachers to pay for
27 the safety devices and shall make them available to students and
28 teachers at no more than the actual cost to the district or school.

29 "Industrial quality ear-protective devices", as used in this section,
30 means devices meeting the American National Standard for Measure-
31 ment of the Real-Ear attenuation of Ear Protectors at Threshold
32 promulgated by the American National Standards Institute, Inc.*

33 "Noise" as used in this section, means a noise level that meets or
34 exceeds damage-risk criteria established by the present* federal stan-
35 dard for occupational noise exposure, Occupational Safety and Health
36 Standards.

1 SEC. 14. NEW SECTION. **Evaluation of educational program.**

2 The board of directors of each public school district and the author-
3 ities in charge of each nonpublic school shall:

4 1. Determine major educational needs and rank them in priority
5 order.

6 2. Develop long-range plans to meet such needs.

7 3. Establish and implement continuously evaluated year-by-year
8 short-range and intermediate-range plans to attain the desired levels
9 of pupil achievement.

10 4. Maintain a record of progress under the plan.

*This section effective July 1, 1974

11 5. Make such reports of progress as the superintendent of public
12 instruction shall require.

1 SEC. 15. NEW SECTION. **Requirements for interscholastic con-**
2 **tests and competitions.** No public school shall participate in or allow
3 students representing a public school to participate in any extra-
4 curricular interscholastic contest or competition which is sponsored
5 or administered by an organization as defined in this section, unless
6 the organization is registered with the state department of public
7 instruction, files financial statements with the state department in
8 the form and at the intervals prescribed by the state board of public
9 instruction, and is in compliance with rules and regulations which
10 the state board of public instruction shall adopt for the proper ad-
11 ministration, supervision, operation, adoption of eligibility require-
12 ments, and scheduling of such extracurricular interscholastic contests
13 and competitions and such organizations. For the purposes of this
14 section "organization" means any corporation, association, or organ-
15 ization which has as one of its primary purposes the sponsoring or
16 administration of extracurricular interscholastic contests or compe-
17 titions, but shall not include an agency of this state, a public or
18 private school or school board, or an athletic conference or other
19 association whose interscholastic contests or competitions do not
20 include more than twenty schools.

1 SEC. 16. NEW SECTION. **School requirements.** The board or
2 governing authority of each school or school district subject to the
3 provisions of this chapter shall establish and maintain adequate
4 administration, school staffing, personnel assignment policies, teach-
5 er qualifications, certification requirements, facilities, equipment,
6 grounds, graduation requirements, instructional requirements, in-
7 structional materials, maintenance procedures, and policies on extra-
8 curricular activities. In addition the board or governing authority
9 of each school or school district shall provide such principals as it
10 finds necessary to provide effective supervision and administration
11 for each school and its faculty and student body.

1 SEC. 17. NEW SECTION. **Joint employment and sharing.** Any
2 two or more public school districts may jointly employ and share the
3 services of any school personnel, or acquire and share the use of class-
4 rooms, laboratories, equipment, and facilities.

1 SEC. 18. Section two hundred eighty A point thirty-three
2 (280A.33), Code 1973, is amended by adding the following new un-
3 numbered paragraphs:

4 NEW UNNUMBERED PARAGRAPH. Approval standards shall be
5 subject to the provisions of chapter seventeen A (17A). In addition,
6 approval standards shall be reported by the state board to the gen-
7 eral assembly within twenty days after the commencement of a
8 regular legislative session. No area community college or area voca-
9 tional school shall be removed from the approved list for failure to
10 comply with the approval standards until at least one hundred twenty
11 days have elapsed following the reporting of such standards to the
12 general assembly as provided in this section.

13 NEW UNNUMBERED PARAGRAPH. The department of public in-
14 struction shall supervise and evaluate the educational program in the

15 several area community colleges and area vocational schools of the
16 state for the purpose of the improvement and approval of such insti-
17 tutions.

18 NEW UNNUMBERED PARAGRAPH. The superintendent of public in-
19 struction shall make recommendations and suggestions in writing to
20 each area community college and area vocational school if the depart-
21 ment of public instruction determines, after due investigation, that
22 deficiencies exist.

23 NEW UNNUMBERED PARAGRAPH. The state board shall maintain
24 a list of approved area community colleges and area vocational
25 schools, and it shall remove from the approved list for cause, after
26 due investigation and notice, any area community college or area
27 vocational school which fails to comply with the approval standards.
28 An area community college or area vocational school which is re-
29 moved from the approved list pursuant to this section shall be
30 ineligible to receive state financial aid during the period of such
31 removal. The state board shall allow a reasonable period of time,
32 which shall be at least one year, for compliance with approval stan-
33 dards if an area community college or area vocational school is
34 making a good faith effort and substantial progress toward full com-
35 pliance or if failure to comply is due to factors beyond the control
36 of the board of directors of the merged area operating the institution.
37 In allowing time for compliance, the board shall follow consistent
38 policies, taking into account the circumstances of each case. The
39 reasonable period of time for compliance may be, but need not be,
40 given prior to the one-year notice requirement that is provided in
41 this section.

42 NEW UNNUMBERED PARAGRAPH. The department of public in-
43 struction shall give any area community college or area vocational
44 school which is to be removed from the approved list at least one
45 year's notice. The notice shall be given by registered or certified
46 mail addressed to the superintendent of the area community college
47 or area vocational school and shall specify the reasons for removal.
48 The notice shall also be sent by ordinary mail to each member of the
49 board of directors of the area community college or area vocational
50 school, and to the news media which serve the merged area where
51 the school is located; but any good faith error or failure to comply
52 with this sentence shall not affect the validity of any action by the
53 state board. If, during the year, the area community college or area
54 vocational school remedies the reasons for removal and satisfies the
55 state board that it will thereafter comply with the laws and approval
56 standards the state board shall continue the area community college
57 or area vocational school on the approved list and shall transmit to
58 the area community college or area vocational school notice of the
59 action by registered or certified mail.

60 NEW UNNUMBERED PARAGRAPH. At any time during the year
61 after notice is given, the board of directors of the area community
62 college or area vocational school may request a public hearing before
63 the state board of public instruction, by mailing a written request
64 to the superintendent of public instruction by registered or certified
65 mail. The president of the state board shall promptly set a time and
66 place for the public hearing, which shall be either in Des Moines or
67 in the affected merged area. At least thirty days' notice of the time

68 and place of the hearing shall be given by registered or certified mail
 69 addressed to the superintendent of the area community college or
 70 area vocational school. At least ten days before the hearing, notice
 71 of the time and place of the hearing and the reasons for removal shall
 72 also be published by the state department in a newspaper of general
 73 circulation in the merged area where the area community college or
 74 area vocational school is located.

75 NEW UNNUMBERED PARAGRAPH. At the hearing the area com-
 76 munity college or area vocational school may be represented by coun-
 77 sel and may present evidence. The state board may provide for the
 78 hearing to be recorded or reported. If requested by the area com-
 79 munity college or area vocational school at least ten days before the
 80 hearing, the state board shall provide for the hearing to be recorded
 81 or reported at the expense of the area community college or area
 82 vocational school, using any reasonable method specified by the area
 83 community college or area vocational school. Within ten days after
 84 the hearing, the state board shall render its written decision, signed
 85 by a majority of its members, and shall affirm, modify, or vacate the
 86 action or proposed action to remove the area community college or
 87 area vocational school from the approved list.

1 SEC. 19. Section four hundred forty-two point thirteen (442.13),
 2 Code 1973, is amended by adding the following new subsection:

3 NEW SUBSECTION. The committee may recommend that two or
 4 more school districts jointly employ and share the services of any
 5 school personnel, or acquire and share the use of classrooms, labora-
 6 tories, equipment, and facilities as specified in section sixteen (16)
 7 of this Act.

1 SEC. 20. Sections two hundred fifty-seven point twenty-seven
 2 (257.27) and two hundred seventy-nine point thirty-nine (279.39),
 3 Code 1973, are repealed.

Approved April 10, 1974

CHAPTER 1169

PUBLIC SCHOOL AUXILIARY SERVICES

H. F. 1476

AN ACT to provide auxiliary services, including transportation, for nonpublic school children and to provide appropriations.

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

1 SECTION 1. Section two hundred fifty-seven point twenty-six
 2 (257.26), unnumbered paragraph two (2), Code 1973, as amended by
 3 Acts of the Sixty-fifth General Assembly, 1973 Session, chapter one
 4 hundred ninety-two (192), section one (1), is amended to read as
 5 follows:

6 The provisions of this section shall not deprive the respective boards
 7 of public school districts of any of their legal powers, statutory or

8 otherwise, and in accepting such specially enrolled students, each of
 9 said boards shall prescribe the terms of such special enrollment,
 10 including but not limited to scheduling of such courses and the length
 11 of class periods. In addition, the board of the affected public school
 12 district shall be given notice by the state board of its decision to
 13 permit such special enrollment not later than six months prior to the
 14 opening of the affected public school district's school year, except that
 15 the board of the public school district may, in its discretion, waive
 16 such notice requirement. *School districts and county school systems*
 17 *or joint county systems, or their successor agencies, may, when avail-*
 18 *able, make public school auxiliary services, which may include health*
 19 *services, special education services, services and materials for remedial*
 20 *education programs and library and resource centers, audio-visual ser-*
 21 *vices and materials, guidance services, scientific instruments, school*
 22 *testing services, and other services and materials, available to children*
 23 *attending nonpublic schools in the same manner and to the same extent*
 24 *that they are provided to public school students.*

1 SEC. 2. Section two hundred eighty-five point one (285.1), subsection
 2 tion one (1), unnumbered paragraphs two (2) and three (3), Code
 3 1973, as amended by Acts of the Sixty-fifth General Assembly, 1973
 4 Session, chapter one hundred ninety-seven (197), section one (1), is
 5 amended to read as follows:

6 For the purposes of this subsection, high school means a school
 7 which commences with either grade nine or grade ten, as determined
 8 by the board of directors of the school district *or by the governing*
 9 *authority of the nonpublic school in the case of nonpublic schools.*

10 Boards in their discretion may provide transportation for some or
 11 all resident pupils attending public school *or pupils who attend non-*
 12 *public schools* who are not entitled to transportation. Boards in their
 13 discretion may collect from the parent or guardian of the pupil not
 14 more than the pro rata cost for such optional transportation, deter-
 15 mined as provided in subsection twelve (12) of this section.

1 SEC. 3. Section two hundred eighty-five point one (285.1), Code
 2 1973, as amended by Acts of the Sixty-fifth General Assembly, 1973
 3 Session, chapter one hundred ninety-seven (197), section one (1), is
 4 amended by adding the following new subsection:*

5 NEW SUBSECTION.

6 1. Resident pupils attending a nonpublic school located either within
 7 or without the school district of the pupil's residence shall be entitled
 8 to transportation on the same basis as provided for resident public
 9 school pupils under this section. The public school district providing
 10 transportation to a nonpublic school pupil shall determine the days on
 11 which bus service is provided, which shall be based upon the days for
 12 which bus service is provided to public school pupils, and the public
 13 school district shall determine bus schedules and routes. In the case of
 14 nonpublic school pupils the term "school designated for attendance"
 15 means the nonpublic school which is designated for attendance by the
 16 parents of the nonpublic school pupil.

17 2. If the nonpublic school designated for attendance is located
 18 within the public school district in which the pupil is a resident, the

*According to enrolled Act

19 pupil shall be transported to the nonpublic school designated for
20 attendance as provided in this section.

21 3. If the nonpublic school designated for attendance of a pupil is
22 located outside the boundary line of the school district of the pupil's
23 residence, the pupil may be transported by the district of residence to
24 a public school or other location within the district of the pupil's resi-
25 dence. A public school district in which a nonpublic school is located
26 may establish school bus collection locations within its district from
27 which nonresident nonpublic school pupils may be transported to and
28 from a nonpublic school located in the district. If a pupil receives such
29 transportation, the district of the pupil's residence shall be relieved of
30 any requirement to provide transportation.

31 4. The public school district may meet the requirements of subsections
32 one (1), two (2) and three (3) of this section by any of the following:
33

34 a. Transportation in a school bus operated by a public school district.
35

36 b. Contracting with private parties as provided in section two hundred
37 eighty-five point five (285.5) of the Code. However, contracts
38 shall not provide payment in excess of the average per pupil transportation
39 costs of the school district for that year.

40 c. Utilizing the transportation reimbursement provision of section
41 two hundred eighty-five point one (285.1), subsection three (3) of the
42 Code. However no reimbursement shall exceed forty dollars per non-
43 public school pupil per year.

1 SEC. 4. Section two hundred eighty-five point one (285.1), subsection
2 three (3), Code 1973, is amended to read as follows:

3 3. In any district where transportation by school bus is impracticable or where school bus service is not available, the board may
4 require the parents or guardian to transport their children to the
5 school designated for attendance. The parent or guardian shall be
6 reimbursed for such transportation service for elementary pupils by
7 the board of resident district for the distance one way from the pupil's
8 residence to the school designated for attendance at the rate of twenty-
9 eight cents per mile per day irrespective of number of children transported. For high school pupils, the parent or guardian shall be re-
10 imbursed forty dollars per pupil per year for such service, provided
11 however no family shall receive more than eighty dollars per year for
12 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*
13 *nonpublic school pupils shall not exceed forty dollars per pupil per*
14 *year.*
15
16
17
18

1 SEC. 5. Section two hundred eighty-five point five (285.5), subsection
2 one (1), unnumbered paragraph one (1), Code 1973, is amended
3 to read as follows:

4 Contracts for school bus service with private parties shall be in writing and be for the transportation of children who attend public school
5 and children who attend nonpublic school. Such contracts shall define
6 the route, the length of time, service contracted for, the compensation,
7 the vehicle to be used. The contract shall prescribe the duties of the
8 contractor and driver of the vehicles and shall provide that every per-
9

10 son in charge of a vehicle conveying children to and from school shall
 11 be at all times subject to any rules said board shall adopt for the pro-
 12 tection of the children, or to govern the conduct of the persons in
 13 charge of said conveyance. Contracts may be made for a period not
 14 to exceed three years.

1 SEC. 6. Section two hundred eighty-five point ten (285.10), sub-
 2 section one (1), Code 1973, is amended to read as follows:

3 1. Provide transportation for each *resident* pupil who attends public
 4 school, *and each resident pupil who attends a nonpublic school*, and
 5 who is entitled to transportation under the laws of this state.

1 SEC. 7. Chapter two hundred eighty-five (285), Code 1973, is
 2 amended by adding the following new section:

3 **NEW SECTION. Payment of claims for nonpublic school pupil trans-**
 4 **portation.** Boards of directors of school districts shall be required to
 5 provide transportation services to nonpublic school pupils as provided
 6 in section two hundred eighty-five point one (285.1) of the Code only
 7 during school years when the general assembly has appropriated funds
 8 to the department of public instruction for the payment of claims for
 9 transportation costs submitted by the school district.

10 If the funds appropriated by the general assembly are not sufficient
 11 to pay the claims submitted by the school districts, the amount paid to
 12 each school district by the department shall be prorated on the basis
 13 of funds so appropriated. The difference between the amount of the
 14 claim of a school district and the amount of payment received from the
 15 department of public instruction shall be paid by the parent or guard-
 16 ian of the nonpublic school pupil transported.

17 The costs of providing transportation to nonpublic school pupils as
 18 provided in section two hundred eighty-five point one (285.1) of the
 19 Code shall not be included in the computation of district cost under
 20 chapter four hundred forty-two (442) of the Code, but shall be shown
 21 in the budget as an expense from miscellaneous income. Any trans-
 22 portation reimbursements received by a local school district for trans-
 23 porting nonpublic school pupils shall not affect district cost limitations
 24 of chapter four hundred forty-two (442) of the Code. The reimburse-
 25 ments provided in this section are miscellaneous income as defined in
 26 section four hundred forty-two point five (442.5) of the Code.

1 SEC. 8. If any provision of this Act or the application thereof to
 2 any person shall be invalid, such invalidity shall not affect the provi-
 3 sions or application of this Act which can be given effect without the
 4 invalid provisions or application, and to this end the provisions of the
 5 Act are severable.

1 SEC. 9. Section four hundred forty-two point thirteen (442.13),
 2 subsection six (6), Code 1973, as amended by Acts of the Sixty-fifth
 3 General Assembly, 1973 Session, chapter two hundred fifty-eight
 4 (258), section eleven (11), is amended by adding the following new
 5 paragraphs:

6 **NEW PARAGRAPH.** Transportation equipment needs which become
 7 necessary because of the furnishing of transportation to nonpublic
 8 school pupils under chapter two hundred eighty-five (285) of the Code.

9 **NEW PARAGRAPH.** Enrollment decrease caused by the availability
 10 of transportation to nonpublic school pupils in a district.

1 SEC. 10. There is appropriated from the general fund of the state
 2 to the department of public instruction for the fiscal year commencing
 3 July 1, 1974 and ending June 30, 1975, the sum of two million two
 4 hundred thousand (2,200,000) dollars, or so much thereof as may be
 5 necessary, for reimbursing public school districts for expenditures
 6 incurred in providing transportation services and transportation re-
 7 imbursement for nonpublic school pupils as provided under chapter
 8 two hundred eighty-five (285) of the Code.

9 Claims for reimbursement shall be made to the department of public
 10 instruction by the public school district providing transportation or
 11 transportation reimbursement during the school year commencing
 12 July 1, 1974 and ending June 30, 1975, on a form prescribed by the
 13 department, and the claim shall state the services provided and the
 14 actual costs incurred. A claim shall not exceed the average transpor-
 15 tation costs of the district per pupil transported. Claims shall be
 16 accompanied by an affidavit of an officer of the public school district
 17 affirming the accuracy of the claim. On February first and June first
 18 of each year, the department of public instruction shall certify to the
 19 state comptroller the amounts of approved claims to be paid, and the
 20 state comptroller shall draw warrants payable to school districts which
 21 have established claims.

1 SEC. 11. There is appropriated from the general fund of the state
 2 to the school budget review committee for the fiscal year commencing
 3 July 1, 1974 and ending June 30, 1975, the sum of two million two
 4 hundred thousand (2,200,000) dollars, or so much thereof as may be
 5 necessary, to be used for the payments to school districts under the
 6 provisions of section nine (9) of this Act.

1 SEC. 12. Acts of the Sixty-fifth General Assembly, 1973 Session,
 2 chapter eighty (80) and chapter one hundred ninety-two (192), sec-
 3 tion two (2), are repealed.

Approved May 6, 1974

CHAPTER 1170

VOCATIONAL YOUTH ORGANIZATION

H. F. 1222

AN ACT relating to the vocational youth organizational fund.

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

1 SECTION 1. Section two hundred fifty-eight point fourteen
 2 (258.14), subsection two (2), Code 1973, as amended by Acts of the
 3 Sixty-fifth General Assembly, 1973 Session, chapter ten (10), is
 4 amended to read as follows:

5 2. The board for vocational education is authorized to award grants
 6 from the vocational youth organization fund to the following organ-
 7 izations: distributive education clubs of America, future farmers of
 8 America, future homemakers of America, office education clubs of
 9 America, *future business leaders of America*, and vocational industrial
 10 clubs of America. No moneys shall be used for salaries and travel of

11 state or local advisors of vocational educational organizations. No
 12 vocational organization shall receive more than one-fifth of the moneys
 13 appropriated to the vocational youth organization fund in any year.

Approved April 19, 1974

CHAPTER 1171

VOCATIONAL REHABILITATION

S. F. 1107

AN ACT relating to vocational rehabilitation.

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

1 SECTION 1. Section two hundred fifty-nine point one (259.1), Code
 2 1973, is amended by adding the following unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. In the same manner, the Act of
 4 Congress known as "The Rehabilitation Act of 1973 (P.L. 93-112)" is
 5 accepted.

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

Approved April 25, 1974

I hereby certify that the foregoing Act, Senate File 1107, was published in The Record, Cedar Falls, Iowa, May 1, 1974, and in the Hampton Times, Hampton, Iowa, April 30, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1172

AREA EDUCATION AGENCIES

S. F. 1163

AN ACT relating to area education agencies, including provisions to replace the county school systems and joint county systems with area education agencies, to require the area education agencies to provide for certain programs and services for the school districts, to transfer certain functions of the county school systems and joint county systems to the department of public instruction and to the area education agencies, to provide a method for identification of children requiring special education, to provide a method for financing programs and services and to provide coordinating amendments.

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

1 SECTION 1. **System abolished.** The county school systems and
 2 joint county systems established pursuant to chapter two hundred
 3 seventy-three (273) of the Code are abolished on July 1, 1975.

4 Membership on county and joint county boards of education and em-
5 ployment in county and joint county systems shall terminate on
6 July 1, 1975. Terms of office of members of the boards of directors
7 of county school systems and joint county systems expiring on Octo-
8 ber 7, 1974 are extended until July 1, 1975 and members shall not be
9 elected to county boards of education and joint county boards at the
10 regular school election in 1974, except to fill a vacancy.

1 SEC. 2. NEW SECTION. **Intent.** It is the intent of the general
2 assembly to provide an effective, efficient, and economical means of
3 identifying and serving children from under five years of age
4 through grade twelve who require special education and any other
5 children requiring special education as defined in section two hun-
6 dred eighty-one point two (281.2) of the Code; to provide for media
7 services and other programs and services for pupils in grades kinder-
8 garten through twelve and children requiring special education as
9 defined in section two hundred eighty-one point two (281.2) of the
10 Code; to provide a method of financing the programs and services;
11 and to avoid a duplication of programs and services provided by any
12 other school corporation in the state.

1 SEC. 3. NEW SECTION. **Area education agency established.** There
2 is established in each of the several merged areas of the state an
3 area education agency, governed by an area education agency board
4 of directors. The area education agency shall have boundaries which
5 are conterminous with the boundaries of the merged areas as provided
6 in chapter two hundred eighty A (280A) of the Code.

7 The area education agency board shall furnish educational ser-
8 vices and programs to the local school districts as provided in sections
9 one (1) through twelve (12) of this Act and chapter two hundred
10 eighty-one (281) of the Code. The programs and services provided
11 shall be at least commensurate with programs and services existing
12 on the effective date of this Act.

13 The area education agency board shall provide for special educa-
14 tion services and media services for the local school districts in the
15 area.

16 The area education agency board may provide for the following
17 programs and services to local school districts within the limits of
18 funds available:

19 1. In-service training programs for employees of school districts
20 and area education agencies, provided at the time programs and ser-
21 vices are established they do not duplicate programs and services
22 available in that area from the universities under the state board of
23 regents and from other universities and four-year institutions of
24 higher education in Iowa.

25 2. Educational data processing pursuant to section two hundred
26 fifty-seven point ten (257.10), subsection fourteen (14), of the Code.

27 3. Research, demonstration projects and models, and educational
28 planning for children under five years of age through grade twelve
29 and children requiring special education as defined in section two
30 hundred eighty-one point two (281.2) of the Code as approved by
31 the department of public instruction.

32 4. Auxiliary services for children under five years of age through
33 grade twelve and children requiring special education as defined in

34 section two hundred eighty-one point two (281.2) of the Code as
35 provided by law.

36 5. Other programs and services for children under five years
37 through grade twelve and children requiring special education as de-
38 fined in section two hundred eighty-one point two (281.2) of the
39 Code and for employees of school districts and area education agen-
40 cies as approved by the department of public instruction.

41 The board of directors of an area education agency shall not estab-
42 lish programs and services which duplicate programs and services
43 provided by the area schools under the provisions of chapter two
44 hundred eighty A (280A) of the Code. An area education agency
45 shall contract, whenever practicable, with other school corporations
46 for the use of personnel, buildings, facilities, supplies, equipment,
47 programs, and services.

1 SEC. 4. NEW SECTION. Duties of area education agency board.
2 The board in carrying out the provisions of section three (3) of this
3 Act shall:

4 1. Determine the policies of the area education agency for provid-
5 ing programs and services.

6 2. Be authorized to receive and expend money for providing pro-
7 grams and services as provided in sections one (1) through twelve
8 (12) of this Act and chapter two hundred eighty-one (281) of the
9 Code. All costs incurred in providing the programs and services, in-
10 cluding administrative costs, shall be paid from funds received pur-
11 suant to sections one (1) through twelve (12) of this Act and chap-
12 ters two hundred eighty-one (281) and four hundred forty-two
13 (442) of the Code.

14 3. Provide data and prepare reports as directed by the superin-
15 tendent of public instruction.

16 4. Provide for advisory committees as deemed necessary.

17 5. Be authorized, subject to rules and regulations of the depart-
18 ment of public instruction, to provide directly or by contractual ar-
19 rangement with public or private agencies for special education pro-
20 grams and services, media services, and other programs and ser-
21 vices requested by the local boards of education as provided in this
22 Act, including but not limited to contracts for the area education
23 agency to provide programs or services to the local school districts
24 and contracts for local school districts, other educational agencies,
25 and public and private agencies to provide programs and services
26 to the local school districts in the area education agency in lieu of
27 the area education agency providing such services.

28 6. Area education agencies may cooperate and contract between
29 themselves to provide special education programs and services to
30 children residing within their respective areas.

31 7. Be authorized, subject to the approval of the department of
32 public instruction, to lease, receive by gift, and operate and maintain
33 such facilities and buildings as deemed necessary to provide author-
34 ized programs and services.

35 8. Be authorized, subject to the approval of the department of
36 public instruction, to enter into agreements for the joint use of per-
37 sonnel, buildings, facilities, supplies, and equipment with school cor-
38 porations as deemed necessary to provide authorized programs and
39 services.

40 9. Be authorized to make application for, accept, and expend state
41 and federal funds that are available for programs of educational
42 benefit approved by the department of public instruction, and coop-
43 erate with the department in the manner provided in federal-state
44 plans or department rules and regulations in the effectuation and
45 administration of programs approved by the department, or approved
46 by other educational agencies, which agencies have been approved as
47 a state educational authority.

48 10. In any county operating a juvenile home, upon request of the
49 county board of supervisors in cooperation with and at the expense
50 of the school districts of residence of the children residing in the
51 home, provide suitable curriculum, teaching staff, books, supplies,
52 and other necessary materials for the instruction of children of
53 school age who are maintained in the juvenile home of the county,
54 as provided in section two hundred thirty-two point twenty-one
55 (232.21) of the Code.

56 11. Be authorized to perform all other acts necessary to carry
57 out the provisions and intent of this Act.

58 12. Employ such personnel as may be required, if any, to carry
59 out the functions of the area education agency which may include
60 the employment of an administrator who shall possess a superin-
61 tendent's certificate issued under the provisions of section two hun-
62 dred sixty point nine (260.9) of the Code. The administrator shall be
63 employed pursuant to the provisions of section two hundred seventy-
64 nine point fourteen (279.14) of the Code. The salary range for an
65 area education agency administrator shall be from seventeen thou-
66 sand dollars to twenty-seven thousand five hundred dollars per annum,
67 including additional benefits, over and above the additional benefits
68 given all full-time employees. The provisions of section two hundred
69 seventy-nine point thirteen (279.13) of the Code shall apply to the
70 area education agency board and to all certificated school employees
71 of the area education agency.

72 13. Prepare an annual budget estimating income and expenditures
73 for programs and services as provided in sections one (1) through
74 twelve (12) of this Act and chapter two hundred eighty-one (281)
75 of the Code. The proposed budget shall be submitted to the depart-
76 ment of public instruction, on forms provided by the department, no
77 later than December first preceding the next fiscal year for approval.
78 The department shall review the proposed budget and shall prior to
79 January first either grant approval or return the budget without
80 approval with comments of the department included. Any unap-
81 proved budget shall be resubmitted to the department for final ap-
82 proval.

83 14. Be authorized to pay, out of funds available to the board rea-
84 sonable annual dues to an Iowa association of school boards. Mem-
85 bership shall be limited to those duly elected members of the area
86 education agency board.

87 15. At the request of an employee through contractual agreement
88 the board may arrange for the purchase of an individual annuity
89 contract for any of its respective employees from any company the
90 employee may choose that is authorized to do business in this state,
91 and through an Iowa-licensed insurance agent that the employee
92 may select, for retirement or other purposes and may make payroll

93 deductions in accordance with such arrangements for the purpose of
94 paying the entire premium due, and to become due, under the con-
95 tract. The deductions shall be made in the manner which will
96 qualify the annuity premiums for the benefits afforded under section
97 four hundred three b (403b) of the Internal Revenue Code of 1954
98 and amendments thereto. The employee's rights under such annuity
99 contract shall be nonforfeitable except for the failure to pay pre-
100 miums.

101 16. Be authorized to establish and pay all or any part of the cost
102 of group health insurance plans, nonprofit group medical service
103 plans and group life insurance plans adopted by the board for the
104 benefit of employees of the area education agency, from funds avail-
105 able to the board.

106 17. Meet quarterly with the members of the board of directors of
107 the merged area in which the area education agency is located to
108 discuss coordination of programs and services and other matters of
109 mutual interest to the two boards.

1 SEC. 5. NEW SECTION. **Area education agency administrator.**
2 Under direction of the board of directors of the area education
3 agency, the administrator of the area education agency shall, in addi-
4 tion to his other duties:

5 1. Cooperate with boards of directors of local school districts of
6 the area education agency in considering and developing plans for
7 the improvement of the educational programs and services in the
8 area education agency.

9 2. When requested, provide such other assistance as possible to
10 school districts of the area education agency for the general improve-
11 ment of their educational programs and operations.

1 SEC. 6. NEW SECTION. **Special education.** There shall be estab-
2 lished a division of special education of the area education agency
3 which shall provide for special education programs and services to
4 the local school districts. The division of special education shall be
5 headed by a director of special education who meets certification
6 standards of the department of public instruction. The director of
7 special education shall have the responsibility for implementation of
8 state regulations and guidelines relating to special education pro-
9 grams and services. The director of special education shall have the
10 following powers and duties:

11 1. Properly identify children requiring special education.

12 2. Insure that each child requiring special education in the area
13 receives an appropriate special education program or service.

14 3. Assign appropriate weights for each child requiring special
15 education programs or services as provided in section two hundred
16 eighty-one point nine (281.9) of the Code.

17 4. Supervise special education support personnel.

18 5. Provide each school district within the area served and the
19 department of public instruction with a special education weighted
20 enrollment count for the second Friday in January and the second
21 Friday in September of each year.

22 6. Submit to the department of public instruction special education
23 instructional and support program plans and applications including
24 those for new or expanded programs and services, subject to criteria

25 listed in chapter two hundred eighty-one (281) of the Code, for
26 approval by November first of each year for the school year com-
27 mencing the following July first.

28 7. Coordinate the special education program within the area
29 served.

1 SEC. 7. NEW SECTION. **Media centers.**

2 1. The media centers required under section three (3) of this Act
3 shall contain:

4 a. A materials lending library, consisting of print and nonprint
5 materials.

6 b. A professional library.

7 c. A curriculum laboratory, including textbooks and correlated
8 print and audiovisual materials.

9 d. Capability for production of media-oriented instructional mate-
10 rials.

11 e. Qualified media personnel.

12 f. Appropriate physical facilities.

13 g. Other materials and equipment deemed necessary by the de-
14 partment.

15 2. Program plans submitted by the area education agency to the
16 department of public instruction for approval of media centers under
17 this subsection shall include all of the following:

18 a. Evidence that the services proposed are based upon an analysis
19 of the needs of the local school districts in the area.

20 b. Description of the manner in which the services of the area
21 education agency media center will be coordinated with other agen-
22 cies and programs providing educational media.

23 c. Description of the means for delivery of circulation materials.

24 d. Evidence that the media center fulfills the requirements of sub-
25 section one (1) of this section.

1 SEC. 8. NEW SECTION. **Additional services.** If sixty percent of
2 the number of local school boards located in an area education agency,
3 or if local school boards representing sixty percent of the enrollment
4 in the school districts located in the agency, request in writing to
5 the area education agency board that an additional service be pro-
6 vided them, for pupils in grades kindergarten through twelve or chil-
7 dren requiring special education as defined in section two hundred
8 eighty-one point two (281.2) of the Code or for employees or board
9 members of school districts or area education agencies the area edu-
10 cation agency board shall arrange for the service to be provided to all
11 school districts in the area within the financial capabilities of the area
12 education agency.

1 SEC. 9. **County systems.** County and joint county boards of edu-
2 cation and county and joint county school systems shall continue
3 to function through June 30, 1975. During the interval between
4 the* October 7, 1974 and June 30, 1975, the area education agency
5 board shall meet with the county or joint county boards located in
6 whole or in part within the merged area and arrange for an orderly
7 transfer of records, assets and liabilities from the respective county

*According to enrolled Act

8 or joint county systems to the area education agency as of June
9 30, 1975. In cases where the boundaries of the area education
10 agency include only a part of a county or joint county system the
11 respective boards shall arrange for a division of assets and liabilities
12 based on the proportionate value of the taxable property of the
13 county or joint county system within and without the boundaries of
14 the area education agency. During the interim between October 7,
15 1974 and July 1, 1975, the county and joint county boards and their
16 personnel shall furnish full cooperation to the area education agency
17 board in assisting it with the preparation of a budget, the recruitment
18 of personnel and other necessary preliminary matters. Office
19 space and other space furnished by the counties to the several county
20 and joint county boards shall remain available for use by the area
21 education agency board for such period of time as the area education
22 agency board deems continued use of the space to be necessary
23 and convenient. The area education agency board may arrange for
24 the appointment of officers and the hiring of other personnel for
25 terms of office or employment to commence on July 1, 1975, and may
26 employ the administrator of the area education agency, the area
27 director of special education and the necessary support personnel,
28 including clerical assistance before July 1, 1975 to perform functions
29 necessary for the implementation of sections one (1) through
30 twelve (12) of this Act and chapter two hundred eighty-one (281)
31 of the Code on July 1, 1975.

32 Any tax revenues collected by a county treasurer or county auditor
33 for a county or joint county system, or funds to be paid by the
34 state of Iowa to a county or joint county system, after July 1, 1975,
35 shall be paid directly to the proper area education agency on behalf
36 of the county or joint county system.

1 **SEC. 10. NEW SECTION. Area education agency board of directors.**

2 1. Board of Directors. The board of directors of an area education
3 agency shall consist of the same number of directors as are
4 authorized to serve on the board of the merged area under the provisions
5 of chapter two hundred eighty A (280A) of the Code, within
6 the area being served by the area education agency. The members
7 of the area education agency board shall be elected from director
8 districts in the manner provided in this section. Each director shall
9 serve a three-year term which expires on the first Monday in October,
10 except that directors elected at the initial election to take office
11 on October 7, 1974 shall determine their respective terms by lot so
12 that the terms of one-third of the members, as nearly as may be,
13 shall expire on the first Monday of October of each succeeding year.

14 2. Election of Directors. Area education agency directors shall
15 be elected from director districts which are conterminous with the
16 director districts for the election of members of the merged area
17 board under chapter two hundred eighty A (280A) of the Code.

18 The board of directors of the area education agency shall be elected
19 at director district conventions attended by members of the boards
20 of directors of the local school districts located within the director
21 district.

22 A convention shall be held not later than September 20, 1974 and
23 the date shall be determined by the county superintendent of the
24 county school system or joint county system which has the largest

25 public school enrollment in the director district. The location of
26 each director district convention shall be determined by the county
27 superintendent who determines the date of the director district con-
28 vention, and the location shall be at a school facility located within
29 the director district. The presiding officer of the director district
30 convention shall be the president of the board of directors of the
31 school district in which the convention is held. A single member
32 shall be elected from each director district. The member of the
33 area education agency board to be elected at the director district
34 convention may be a member of a local school district board of direc-
35 tors and shall be an elector and a resident of the director district,
36 other than school district employees.

37 After July 1, 1975, the director district conventions shall be called
38 and the locations of the conventions shall be determined by the area
39 education agency superintendent. Annually the director district con-
40 ventions shall be held within two weeks following the regular school
41 election. Notice of the time, date and place of the director district
42 conventions shall be published by the area education agency super-
43 intendent at least forty-five days prior to the day of the district con-
44 ventions in at least one newspaper of general circulation in the
45 merged area. The cost of publication shall be paid by the area edu-
46 cation agency.

47 The board of each separate school district which is located entirely
48 or partially inside an area education agency director district shall
49 cast a vote for director of the area education agency board based
50 upon the ratio that the population of the school district, or portion of
51 the school district, in the director district bears to the total popula-
52 tion in the director district. The population of each school district
53 or portion shall be determined by the department of public instruc-
54 tion.

55 Vacancies, as defined in section two hundred seventy-seven point
56 twenty-nine (277.29) of the Code, in the membership of the area
57 education agency board shall be filled for the unexpired portion of
58 the term by the board of the school district in which the member
59 resided.

60 A candidate for election to the area education agency board may
61 file a statement of candidacy with the area education agency secre-
62 tary at least ten days prior to the date of the director district con-
63 vention, on forms prescribed by the department of public instruction.
64 The statement of candidacy shall include the candidate's name,
65 address and school district. The list of candidates shall be sent by
66 the secretary of the area education agency by ordinary mail to the
67 presidents of the boards of directors of all school districts within
68 the director district immediately following the last day for filing the
69 statement of candidacy. The filing of a statement of candidacy shall
70 not be a prerequisite or eligibility requirement for election as an area
71 education agency director. For the initial director district convention
72 the statement of candidacy shall be filed with the county superin-
73 tendent who determines the date and location of the district conven-
74 tion and he shall send the list of candidates to the presidents of the
75 school boards.

76 3. Organization. The board of directors of each area education
77 agency shall meet on the first Monday in October at a suitable place
78 designated by the president. Directors whose terms commence at

79 the organization meeting shall qualify by taking the oath of office
80 required by section two hundred seventy-nine point twenty-eight
81 (279.28) of the Code at or before the organization meeting. For the
82 initial board the location of the organization meeting shall be deter-
83 mined by the county superintendent who determined the date and
84 location of the director district convention.

85 The provisions of section two hundred eighty A point thirteen
86 (280A.13) of the Code relating to organization, officers, appointment
87 of secretary and treasurer, and meetings of the merged area board
88 shall apply to the area education agency board.

89 4. Quorum. A majority of the members of the board of directors
90 of the area education agency shall constitute a quorum.

1 **SEC. 11. Employment of county school system and joint county**
2 **system personnel.** In employing personnel, the area education agency
3 board shall give preference to qualified personnel who seek employ-
4 ment with the area education agency because their employment by
5 county school systems and joint county systems will be terminated on
6 July 1, 1975. Sick leave and vacations accrued by the employee shall
7 be carried over to his employment by the area education agency board.
8 Any employee of an area education agency who was a member of a
9 public retirement system of a school district or county system, other
10 than the Iowa public employees' retirement system established in
11 chapter ninety-seven B (97B) of the Code, shall, if the employee
12 elects in writing to the area education agency board, continue to be a
13 member of that retirement system. Employer contributions required
14 by the retirement system shall be made by the area education agency
15 board.

1 **SEC. 12. NEW SECTION. Payment for programs and services.**

2 1. As used in this section, unless the context requires otherwise:
3 a. "Allowable growth" means the allowable growth for a school
4 district as computed under section four hundred forty-two point
5 seven (442.7) of the Code.

6 b. "Enrollment" means the enrollment as determined under section
7 four hundred forty-two point four (442.4) of the Code, and "per
8 pupil" means per pupil in enrollment for years prior to the school
9 year beginning July 1, 1975, and per pupil in weighted enrollment
10 for the school year beginning July 1, 1975, and each succeeding
11 school year.

12 c. "Weighted enrollment" means the weighted enrollment as deter-
13 mined under section two hundred eighty-one point nine (281.9) of
14 the Code.

15 2. For the school year beginning July 1, 1975, and each succeeding
16 school year, school districts shall pay for the programs and services
17 provided through the area education agency and shall include expend-
18 itures for the programs and services in their budgets, in accordance
19 with the provisions of this section.

20 3. School districts shall pay the costs of special education instruc-
21 tional programs with the moneys available to the districts because
22 of weighted enrollment. Special education instructional programs
23 shall be provided at the local level if practicable, or otherwise by
24 contractual* arrangements with the area education agency board as

*According to enrolled Act

25 provided in section four (4), subsection five (5) of this Act, but in
26 each case the money available through chapter four hundred forty-
27 two (442) of the Code because of weighted enrollment for each child
28 requiring special education instruction shall be made available to
29 the district or agency which provides the special education instruc-
30 tional program to the child, subject to adjustments for transportation
31 or other costs which may be paid by the school district in which the
32 child is enrolled. Each district shall cooperate with its area educa-
33 tion agency to provide an appropriate special education instructional
34 program for each child who requires special education instruction,
35 as identified and counted within the certification by the area director
36 of special education or as identified by the area director of special
37 education subsequent to the certification, and shall not provide a
38 special education instructional program to a child who has not been
39 so identified and counted within the certification or identified subse-
40 quent to the certification.

41 4. To provide moneys to pay the costs of special education support
42 services, each school district shall add to its allowable growth for the
43 school year beginning July 1, 1975, an amount equal to the cost per
44 pupil in its area education agency, for special education support ser-
45 vices needed by the agency for that year, determined in accordance
46 with the program plans submitted by the area director of special
47 education and approved by the department of public instruction. For
48 each succeeding school year, each school district shall add to its allow-
49 able growth an amount equal to the cost per pupil in its area educa-
50 tion agency, for additional special education support services needed
51 by the agency for that year, to serve newly identified children who
52 require the services, determined in accordance with the program plans
53 submitted by the area director of special education and approved by
54 the department of public instruction. The department shall make
55 decisions regarding approval of program plans according to the cri-
56 teria provided in chapter two hundred eighty-one (281) of the Code,
57 and the rules promulgated by the department pursuant to that chap-
58 ter and chapter seventeen A (17A) of the Code.

59 5. To provide moneys to pay the costs of media services, each
60 school district shall add to its allowable growth for the school year
61 beginning July 1, 1975 only, an amount equal to the cost per pupil
62 in its area education agency for media services needed by the agency
63 for that year, determined in accordance with the media program
64 plans submitted by the area education agency administrator and
65 approved by the department of public instruction. However, the
66 amount added for each area education agency shall not exceed five
67 dollars per pupil in that area education agency unless a larger amount
68 per pupil was budgeted for media services for pupils in that area
69 education agency for the school year beginning July 1, 1974, and in
70 that case shall not exceed one hundred eight percent of the amount
71 so budgeted. The amount budgeted for media services for pupils in
72 an area education agency shall be determined by averaging a pro-
73 portionate part of the expenditures by county school systems and
74 joint county systems formerly serving pupils in the area education
75 agency, based upon the enrollment in the systems compared to the
76 enrollment in the area education agency. If the total amount added

77 to allowable growth for all area education agencies in the state, as
78 otherwise determined under this subsection, exceeds five dollars per
79 pupil in the state, the state comptroller shall reduce the amount for
80 each area ratably so that the total amount does not exceed five dollars
81 per pupil in the state. The department shall make decisions regarding
82 approval of program plans according to the criteria provided in
83 section seven (7) of this Act, and the rules promulgated by the
84 department pursuant to that section and chapter seventeen A (17A)
85 of the Code.

86 6. To provide moneys to pay the costs of all other services which
87 may be provided through the area education agency, each school
88 district shall add to its allowable growth for the school year beginning
89 July 1, 1975 only, the amount of ten dollars per pupil.

90 7. The department of public instruction, in cooperation with the
91 appropriate personnel of the area education agency, shall determine
92 the per pupil amounts for each area education agency, as required
93 under subsections four (4) and five (5) of this section. The state
94 comptroller shall calculate the amounts needed by each area education
95 agency by multiplying the per pupil amounts needed by each agency
96 under subsections four (4), five (5) and six (6) of this section by
97 the weighted enrollment in the area education agency, and shall
98 calculate the amounts due from each school district to its area educa-
99 tion agency by multiplying the per pupil amounts needed by the
100 agency by the weighted enrollment in the school district. The state
101 comptroller shall deduct the amounts so calculated for each school
102 district from the state aid due to the district pursuant to chapter
103 four hundred forty-two (442) of the Code and shall pay the amounts
104 to the area education agencies on a quarterly basis during each
105 school year. The state comptroller shall notify each school district
106 the amount of state aid deducted for this purpose and the balance
107 which will be paid to the district. If a district does not qualify for
108 state aid under chapter four hundred forty-two (442) of the Code
109 in an amount sufficient to cover its amount due to the area education
110 agency as calculated by the state comptroller, the school district shall
111 pay the deficiency to the area education agency from other moneys
112 received by the district, on a quarterly basis during each school year.

1 SEC. 13. Section eleven point eighteen (11.18), unnumbered par-
2 agraphs one (1) and two (2), Code 1973, are amended to read as
3 follows:

4 The financial condition and transactions of all cities and city
5 offices, merged areas, *area education agencies*, and all school offices
6 in school districts, shall be examined at least once each year. The
7 financial condition and transactions of all towns having a population
8 of seven hundred or more shall be examined at least once every four
9 years. Such examination shall cover the fiscal year next preceding
10 the year in which the audit is conducted. The examination of school
11 offices shall include an audit of activity funds. Examinations may
12 be made by the auditor of state, or in lieu of the examination by
13 state accountants the local governing body whose accounts are to be
14 examined, in case it elects so to do, may contract with, or employ,
15 certified or registered public accountants, certified and registered in
16 the state of Iowa, and pay the same from the proper public funds. If
17 the city, merged area, *area education agency* or school district elect

18 to have the audit made by certified or registered public accountants,
 19 they must so notify the auditor of state within sixty days after the
 20 close of the fiscal year to be examined and towns electing to have
 21 their audit made by a certified public accountant must so notify the
 22 state auditor by resolution of the council designating the name of the
 23 person or firm to be employed at least ninety days prior to the end
 24 of a fiscal year. Such notification and designation shall remain in
 25 effect until rescinded or modified by a subsequent resolution of the
 26 town council filed with the state auditor. For town audits to be
 27 conducted by certified public accountants, the state auditor shall
 28 notify the designated person or firm of the year to be examined at
 29 least sixty days prior to the end of the year to be examined. If any
 30 city, town, merged area, *area education agency* or school district
 31 does not file such notification with the auditor of state within the
 32 required period, the auditor of state is authorized to make the exami-
 33 nation and cover any period which has not been previously exam-
 34 ined.

35 Any township or municipal corporation not embraced within the
 36 foregoing provisions of this chapter ~~and any school corporation in~~
 37 ~~which an annual examination is not required~~ may, on application to
 38 the auditor of state, secure an examination of its financial transac-
 39 tions and condition of its funds, or a like examination shall be had on
 40 application of one hundred or more taxpayers, or if there are fewer
 41 than five hundred taxpayers, then by five percent thereof. ~~The exami-~~
 42 ~~nation in any such school district may be had upon the written request~~
 43 ~~of the county superintendent of schools.~~ In lieu of such examination
 44 by state accountants, the local governing body may contract with, or
 45 employ, certified or registered public accountants and pay the same
 46 from the proper public funds.

1 SEC. 14. Section sixteen point eighteen (16.18), Code 1973, is
 2 amended to read as follows:

3 **16.18 County superintendents.** The official register shall be dis-
 4 tributed, in addition to the foregoing provisions, to the school librari-
 5 es, ~~through the county superintendent of schools to whom they shall~~
 6 ~~be sent in bulk, and who shall direct their distribution each in his own~~
 7 ~~county.~~

1 SEC. 15. Section sixteen point twenty-four (16.24), subsection
 2 sixteen (16), Code 1973, as amended by Acts of the Sixty-fifth Gen-
 3 eral Assembly, 1973 Session, chapter one hundred twenty-seven
 4 (127), section one (1), is amended to read as follows:

5 16. To the clerk of the district court, the county attorney, the
 6 county auditor, the county recorder, county and city assessor, the
 7 county treasurer, the sheriff, and the ~~county superintendent of each~~
 8 ~~county administrator of each area education agency~~ in the state and
 9 also for use in each courtroom of the district court 1 copy

1 SEC. 16. Section sixty-four point eight (64.8), Code 1973, is
 2 amended to read as follows:

3 **64.8 County officers.** The bonds of the following county officers,
 4 viz.: Clerks of the district courts, county attorneys, recorders, audi-
 5 tors, ~~superintendents of schools,~~ sheriffs and assessors shall each be
 6 in a penal sum of not less than ten thousand dollars each per annum.

1 SEC. 17. Section eighty-five point two (85.2), Code 1973, is
2 amended to read as follows:

3 **85.2 Compulsory when.** Where the state, county, municipal cor-
4 poration, school corporation, ~~county board of education,~~ *area educa-*
5 *tion agency,* or city under any form of government is the employer,
6 the provisions of this chapter for the payment of compensation and
7 amount thereof for an injury sustained by an employee of such
8 employer shall be exclusive, compulsory, and obligatory upon both
9 employer and employee, except as otherwise provided in section 85.1.
10 For the purposes of this chapter elected and appointed officials shall
11 be employees.

1 SEC. 18. Section eighty-five point sixty-one (85.61), subsections
2 one (1) and two (2), Code 1973, are amended to read as follows:

3 1. "Employer" includes and applies to any person, firm, associa-
4 tion, or corporation, state, county, municipal corporation, school cor-
5 poration, ~~county board of education,~~ *area education agency,* and the
6 legal representatives of a deceased employer.

7 2. "Workman" or "employee" means a person who has entered into
8 the employment of, or works under contract of service, express or
9 implied, or apprenticeship, for an employer, every executive officer
10 elected or appointed and empowered under and in accordance with
11 the charter and bylaws of a corporation, including a person holding
12 an official position, or standing in a representative capacity of the
13 employer, and including officials elected or appointed by the state,
14 counties, school districts, ~~county boards of education~~ *area education*
15 *agencies,* municipal corporations, or cities under any form of govern-
16 ment, and including members of the Iowa highway safety patrol and
17 conservation officers, except as hereinafter specified.

1 SEC. 19. Section one hundred forty-three point one (143.1), Code
2 1973, is amended to read as follows:

3 **143.1 Authority to employ.** Any local board of health, ~~the county~~
4 ~~board of education of any county,~~ *area education agency board* or the
5 school board of any school district may employ public health nurses
6 at such periods each year and in such numbers as may be deemed
7 advisable. The board of supervisors of any county, the council of any
8 city or town, or the school board of any school district, or any of them
9 acting in co-operation, may contract with any nonprofit nurses' asso-
10 ciation for public health nursing service. The compensation and ex-
11 penses thereof shall be paid out of the general fund of the political
12 subdivision employing said nurses.

1 SEC. 20. Section two hundred fifty-seven point eighteen (257.18),
2 subsections eleven (11), twelve (12), and twenty-one (21), Code
3 1973, are amended to read as follows:

4 11. Prepare for the approval of the state board, such forms and
5 procedures as are deemed necessary to be used by ~~county boards~~ *area*
6 *education agency boards,* district boards, school officials, principals,
7 teachers, and other employees, and to insure uniformity, accuracy,
8 and efficiency in keeping records in both pupil and cost accounting,
9 the execution of contracts, and the submission of reports; furnish,
10 when deemed advisable by him and approved by the state board, those
11 forms which can more economically and efficiently be provided in that

12 manner; and notify the ~~county board~~ *area education agency board*, or
 13 district board, or school authorities, in any case when any report has
 14 not been filed in the manner or on the dates prescribed by law or by
 15 regulation of the state board that the school be not approved until the
 16 report has been properly filed.

17 12. Ascertain by inspection, supervision, or otherwise, the condi-
 18 tion, needs, and progress of the schools under the supervision of his
 19 department and make recommendations to the proper authorities for
 20 the correction of deficiencies and the educational and physical im-
 21 provement of such schools, and recommend to the state board the
 22 need for a state audit of the accounts of any school district, ~~county~~
 23 ~~school system~~ *area education agency*, school official, or any school
 24 employee handling school funds when it is apparent that such audit
 25 should be made. If deemed advisable the state board may call upon
 26 the state auditor to make such an audit and he shall proceed to do so
 27 as soon as practicable.

28 21. Cause to be printed in book form, during the months of June
 29 and July in the year 1955 and every four years thereafter, if deemed
 30 necessary, all school laws then in force with such forms, rulings, and
 31 decisions, and such notes and suggestions as may aid school officers
 32 in the proper discharge of their duties. A sufficient number shall be
 33 furnished to the ~~county superintendent of each county to supply~~
 34 ~~therein~~ school officers, directors, superintendents, *area administrators*
 35 and others in such numbers as may be reasonably requested.

1 SEC. 21. Section two hundred fifty-seven point twenty-five
 2 (257.25),* subsection twelve (12), Code 1973, is amended to read as
 3 follows:

4 12. The state board of public instruction shall remove for cause,
 5 after due investigation and notice, any such school, college, or school
 6 district failing to comply with such approval standards, rules, and
 7 regulations from the approved list; which removal shall, during the
 8 period of noncompliance, permit parents of children eligible for
 9 school attendance to request the ~~county board of education~~ *area edu-*
 10 *cation agency board* to designate their children to an approved school
 11 with the district of residence responsible for the tuition and trans-
 12 portation costs. The ~~county board of education~~ *area education agency*
 13 *board* is ~~hereby~~ authorized to make such designation. Procedure,
 14 insofar as applicable, shall be that provided in chapter 285. In the
 15 event a parent of such child so designated is dissatisfied with said des-
 16 ignation, appeal may be made to the state superintendent of public
 17 instruction as provided in section 285.12. A school, college, or school
 18 district which is removed from the approved list in accordance with
 19 this section shall be ineligible to receive state financial aid during the
 20 period of noncompliance. The state board shall allow a reasonable
 21 period of time, which shall be at least one year, for compliance with
 22 such approval standards, rules, and regulations, if such school, col-
 23 lege, or school district is making a good faith effort and substantial
 24 progress toward full compliance and if the failure to comply is due
 25 to factors beyond the control of the board of directors or governing
 26 body of such school, college, or school district. In allowing such time
 27 for compliance, the board shall follow consistent policies, taking into
 28 account the circumstances of each case. The reasonable period of time

*Repealed by 65 GA, ch 1168, §1

29 for compliance may be, but need not be, given prior to the one-year
30 notice requirement that is required under subsection 13 of this sec-
31 tion.

1 SEC. 22. Section two hundred sixty point nine (260.9), subsec-
2 tion one (1), Code 1973, is amended to read as follows:

3 1. Superintendent's certificate. The superintendent's certificate
4 shall be issued to an applicant who has met the requirements for an
5 advanced elementary certificate or an advanced or a standard sec-
6 ondary certificate and who has in addition such other qualifications
7 with reference to special training and experience as the board of
8 educational examiners shall from time to time prescribe. It shall
9 be valid for service as ~~county superintendent~~, or as superintendent,
10 principal, or teacher in any elementary or secondary school.

11 *The board of educational examiners shall establish a certificate for*
12 *area education agency administrators. The area education agency*
13 *administrator's certificate shall be issued to an applicant who has met*
14 *either of the requirements in two of the four following paragraphs:*

15 *a. Five years experience in higher education administration at a*
16 *two- or four-year college or university which is accredited by the*
17 *North Central Association of Colleges and Secondary Schools ac-*
18 *crediting agency or which has been certified by the North Central*
19 *Association of Colleges and Secondary Schools accrediting agency as*
20 *a candidate for accreditation by such agency or as a school giving*
21 *satisfactory assurance that it has the potential for accreditation and*
22 *is making progress which, if continued, will result in its achieving*
23 *accreditation by such agency within a reasonable time; or an earned*
24 *doctorate in higher education administration.*

25 *b. Five years experience in special education administration; or an*
26 *earned doctorate in special education or any subspecialty thereof.*

27 *c. Five years experience in primary or secondary school education;*
28 *or an earned doctorate in educational administration for the primary*
29 *or secondary level; and five years teaching experience at any educa-*
30 *tional level.*

31 *d. Five years experience in business or other nonacademic career*
32 *pursuit; or an earned doctorate in public administration or business*
33 *administration.*

34 *No person shall be issued a temporary or emergency certificate for*
35 *more than one year; and no education agency shall employ uncerti-*
36 *ficated administrators, or employ temporary or emergency certifi-*
37 *cated administrators for more than two consecutive years.*

38 *The provisions of this subsection relating to the certification of an*
39 *area education agency administrator shall not apply to persons hold-*
40 *ing a superintendent's certificate prior to the effective date of this*
41 *Act.*

1 SEC. 23. Section two hundred sixty point twenty (260.20), Code
2 1973, is amended to read as follows:

3 **260.20 Registration of certificates and diplomas.** All diplomas
4 and certificates shall be valid in any ~~county~~ area education agency
5 when registered therein, and no person shall teach in any public
6 school whose certificate has not been registered with the ~~county~~
7 ~~superintendent~~ administrator of the ~~county~~ area education agency in
8 which the school is located, provided that whenever there is a suffi-

9 cient number of holders of advanced and standard elementary cer-
 10 tificates available to supply the elementary schools in any ~~county~~
 11 ~~area education agency~~ it shall not be incumbent upon the ~~county area~~
 12 ~~education agency superintendent administrator~~ to register limited
 13 elementary certificates.

1 SEC. 24. Section two hundred sixty point twenty-three (260.23),
 2 Code 1973, is amended to read as follows:

3 **260.23 Revocation by board.** Any ~~diplo~~ma or certificate issued by
 4 the board may be suspended or revoked by it for any cause which
 5 would have authorized or required a refusal to grant the same, and
 6 the holder shall have ten days' notice by registered mail and be
 7 allowed to be present and make defense.

1 SEC. 25. Section two hundred sixty-two point thirty-two (262.32),
 2 Code 1973, is amended to read as follows:

3 **262.32 Contract—time limit.** Such contracts shall be in writing
 4 and shall extend over a period of not to exceed two years, and a copy
 5 thereof shall be filed in the office of the ~~superintendent administrator~~
 6 ~~of schools~~ of the ~~county area education agency~~.

1 SEC. 26. Section two hundred seventy-two point one (272.1),
 2 Code 1973, is amended to read as follows:

3 **272.1 Improvement of instruction.** The ~~county area education~~
 4 ~~agency superintendent administrator~~ shall arrange for such profes-
 5 sional teachers meetings, demonstration teaching or other field work
 6 for the improvement of instruction as may best fit the needs of the
 7 public schools in his ~~county area education agency~~ and as directed by
 8 the superintendent of public instruction.

1 SEC. 27. Section two hundred seventy-two point four (272.4),
 2 Code 1973, is amended to read as follows:

3 **272.4 Certificate of attendance.** The ~~county area education agen-~~
 4 ~~cy superintendent administrator~~ shall notify the ~~secretary~~ ~~secretaries~~
 5 of the school boards as to the co-operation and attendance of its
 6 teachers in said meetings and any teacher failing to attend when
 7 requested by the ~~county area education agency superintendent ad-~~
 8 ~~ministrator~~ to do so, shall forfeit his average daily salary for that
 9 day of nonattendance, except when excused by the ~~county area edu-~~
 10 ~~cation agency superintendent administrator~~ for physical disability to
 11 perform his duties in the schoolroom.

1 SEC. 28. Section two hundred seventy-two point seven (272.7),
 2 Code 1973, is amended to read as follows:

3 **272.7 Disbursement requirements.** All disbursements from the
 4 fund provided by this chapter shall be by warrants drawn by the
 5 county auditor of each county in the area education agency upon the
 6 written order of the ~~county area education agency superintendent~~
 7 ~~administrator~~, and said written order must be accompanied by an
 8 itemized bill for services rendered or expenses incurred in connection
 9 therewith, which bill must be signed and sworn to by the party in
 10 whose favor the order is made and must be verified by the ~~county area~~
 11 ~~education agency superintendent administrator~~. All said orders and
 12 bills shall be kept on file in the auditor's office until the final settlement
 13 of the ~~county area education agency superintendent administrator~~
 14 with ~~the each~~ board of supervisors in the area education agency at

15 the close of his term of office. No warrant shall be drawn by the
16 auditor in excess of the amount then in the county treasury.

1 SEC. 29. Section two hundred seventy-two point eight (272.8),
2 Code 1973, is amended to read as follows:

3 **272.8 Itemized account of funds.** The ~~county area education agen-~~
4 ~~cy superintendent administrator~~ shall furnish to the county board of
5 supervisors of each county in the area education agency a certified
6 itemized account of all receipts and disbursements for the improve-
7 ment of instruction. They shall examine and audit the account and
8 publish a summary thereof with the proceedings of the regular June
9 meeting of the board. The ~~county area education agency superin-~~
10 ~~tendent administrator~~ shall also make such reports to the superin-
11 tendent of public instruction as required by him.

1 SEC. 30. Section two hundred seventy-four point four (274.4),
2 Code 1973, is amended to read as follows:

3 **274.4 Record of reorganization filed.** When an election on the
4 proposition of organizing, reorganizing, enlarging, or changing the
5 boundaries of any school corporation carries by the required statu-
6 tory margin ~~or any area of less than four sections is attached to any~~
7 ~~school corporation by order of a county board of education~~, or the
8 boundary lines of contiguous school corporations are changed by the
9 concurrent action of the respective boards of directors, the ~~county~~
10 ~~superintendent~~, or the secretary of said school corporation, shall file
11 a written description of the new boundaries of the school corporation
12 in the office of the county auditor of each county in which any portion
13 of the school corporation lies.

1 SEC. 31. Section two hundred seventy-four point thirteen
2 (274.13), Code 1973, is amended to read as follows:

3 **274.13 Attaching territory to adjoining corporation.** In any case
4 where, by reason of natural obstacles, any portion of the inhabitants
5 of any school corporation in the opinion of the ~~county area education~~
6 ~~agency superintendent administrator~~ cannot with reasonable facility
7 attend school in their own corporation, he shall, by a written order,
8 in duplicate, attach the part thus affected to an adjoining school cor-
9 poration, the board of the same consenting thereto, one copy of which
10 order shall be at once transmitted to the secretary of each corporation
11 affected thereby, who shall record the same and make the proper
12 designation on the plat of the corporation. Township or county lines
13 shall not be a bar to the operation of this section.

1 SEC. 32. Section two hundred seventy-four point fourteen
2 (274.14), Code 1973, is amended to read as follows:

3 **274.14 Restoration.** When the natural obstacles by reason of
4 which territory has been set off by the ~~county area education agency~~
5 ~~superintendent administrator~~ from one school district and attached
6 to another in the same or an adjoining county, as provided in section
7 274.13, have been removed, such territory may, upon the concurrence
8 of the respective boards, be restored to the school district from which
9 set off and shall be so restored by said boards upon the written appli-
10 cation of two-thirds of the electors residing upon the territory so set
11 off together with the concurrence of the ~~county area education agency~~
12 ~~superintendent administrator~~ and the board of the school district

13 from which such territory was originally set off by the ~~county area~~
14 ~~education agency superintendent administrator.~~

1 SEC. 33. Section two hundred seventy-four point thirty-seven
2 (274.37), unnumbered paragraph one (1), Code 1973, is amended
3 to read as follows:

4 The boundary lines of contiguous school corporations may be
5 changed by the concurrent action of the respective boards of direc-
6 tors at their regular meetings in July, or at special meetings called for
7 that purpose. Such concurrent action shall be subject to the approval
8 of the ~~county area education agency board or boards of education in-~~
9 ~~involved~~ but such concurrent action shall stand approved if the ~~county~~
10 ~~area education agency board or boards of education~~ ~~do~~ does not dis-
11 approve such concurrent action within thirty days following receipt
12 of notice thereof. The corporation from which territory is detached
13 shall, after the change, contain not less than four government sec-
14 tions of land.

1 SEC. 34. Section two hundred seventy-four point forty (274.40),
2 Code 1973, is amended to read as follows:

3 **274.40 Vesting of powers to convey.** Whenever a majority of the
4 directors of any school district affected as in section 274.39 have
5 moved from such district and have ceased to be residents thereof
6 thereby creating vacancies on the school board and reducing it to less
7 than a quorum, the powers vested by said section in the board of direc-
8 tors shall vest in the ~~county area education agency board of education~~
9 and the instrument of conveyance shall be executed on behalf of such
10 school district by the chairman of the ~~county area education agency~~
11 ~~board of education~~ until an election is called pursuant to chapter two
12 hundred seventy-seven (277) of the Code.

1 SEC. 35. Section two hundred seventy-four point forty-two
2 (274.42), Code 1973, is amended to read as follows:

3 **274.42 Adjusting of district boundaries.** Whenever the federal
4 government, or any agency or department thereof shall have hereto-
5 fore located or shall hereafter locate in any ~~county an ordinance*~~ ~~plant~~
6 ~~or other~~ project which may be deemed desirable for the development
7 of the national defense or for the purpose of flood control, and for the
8 purpose of so locating such ~~plant or~~ project shall have heretofore
9 determined or shall hereafter determine, that certain real property
10 making up a portion of a school district is required, the ~~county board~~
11 ~~of education of the county wherein such district lies,~~ *superintendent*
12 *of public instruction with the approval of the state board* shall have
13 the power by resolution to adjust the boundaries of school districts
14 wherein the federally owned property is located and the boundaries of
15 adjoining school districts so as to effectively provide for the schooling
16 of children residing within all of said districts. A copy of such reso-
17 lution shall be promptly filed with the board of directors of such
18 adjoining school district or districts and with the board of directors
19 of such school district wherein the federally owned property is
20 located unless such board has been reduced below a quorum in the
21 manner contemplated in section 274.40, in which event such resolu-
22 tion shall be posted in two public places within the altered district.

23 In any case where any school district affected by any project relat-
24 ing to national defense or flood control includes territory in more than

*According to enrolled Act

25 one county, or where it is deemed advisable to incorporate in another
 26 county, the county boards of education of all counties involved shall
 27 meet jointly for the purpose of taking action as provided in this
 28 section.

1 SEC. 36. Section two hundred seventy-four point forty-three
 2 (274.43), Code 1973, is amended to read as follows:

3 274.43 **Relinquishing funds.** The officers of the altered district
 4 shall relinquish to the proper officers of such adjoining district or
 5 districts all funds, claims for taxes, credits, and such other personal
 6 property in such a manner as the county board of education super-
 7 intendent of public instruction shall direct, which said funds, credits,
 8 and personal property shall become the property of such adjoining
 9 district or districts as enlarged, to be used as the boards of directors
 10 of such districts may direct.

1 SEC. 37. Section two hundred seventy-four point forty-four
 2 (274.44), Code 1973, is amended to read as follows:

3 274.44 **Determination final.** The determination of the county
 4 board of education of such county wherein such school districts are
 5 located, superintendent of public instruction in such matters herein
 6 committed to it, shall be final.

1 SEC. 38. Section two hundred seventy-four point forty-five
 2 (274.45), Code 1973, is amended to read as follows:

3 274.45 **Expense audited and paid.** The expense of the county
 4 board of education superintendent of public instruction in respect to
 5 the carrying out of the provisions of sections 274.42 to 274.44, inclu-
 6 sive, shall be audited and allowed by the county board of supervisors
 7 and paid from the general fund of the county funds appropriated to
 8 the department of public instruction.

1 SEC. 39. Section two hundred seventy-four point forty-six
 2 (274.46),* Code 1973, is amended to read as follows:

3 274.46 **Reimbursement for loss of taxes.** When any school dis-
 4 trict is enlarged or modified under the provisions of sections 274.42
 5 to 274.44, inclusive, such district shall be entitled to receive reim-
 6 bursement for loss of taxes as provided by chapter 284. The county
 7 board of education superintendent of public instruction shall, when
 8 enlarging, modifying or reorganizing any school district as provided
 9 under the provisions of sections 274.42 to 274.44, inclusive, designate
 10 which lands each district, as enlarged, modified or reorganized, shall
 11 be entitled to make application for reimbursement for loss of taxes
 12 as provided by chapter 284.

1 SEC. 40. Section two hundred seventy-five point one (275.1),
 2 Code 1973, is amended by striking the section and inserting in lieu
 3 thereof the following:

4 275.1 **Declaration of policy—surveys.** It is declared to be the
 5 policy of the state to encourage the reorganization of school districts
 6 into such units as are necessary, economical and efficient and which
 7 will insure an equal educational opportunity to all children of the
 8 state. All area of the state shall be in school districts maintaining
 9 twelve grades. If any school district ceases to maintain twelve
 10 grades, it shall merge with a contiguous school district within six

*Repealed by 65 GA, ch 1087, §27

11 months or the state board shall attach the school district not main-
12 taining twelve grades to a contiguous district.

13 If a district is attached, division of assets and liabilities shall be
14 made as provided in sections two hundred seventy-five point twenty-
15 nine (275.29), two hundred seventy-five point thirty (275.30), and
16 two hundred seventy-five point thirty-one (275.31) of the Code. The
17 area education agency boards may initiate detailed studies and sur-
18 veys of the school districts within the area education agency and
19 adjacent territory for the purpose of promoting reorganization of
20 school districts in order to effect more economical operation and the
21 attainment of higher standards of education in the schools.

1 SEC. 41. Section two hundred seventy-five point four (275.4),
2 Code 1973, is amended to read as follows:

3 **275.4 Hearings.** In making ~~the any~~ studies and surveys ~~required~~
4 ~~by sections 275.1 and 275.2~~ the *area education agency* board in ~~each~~
5 ~~county~~ shall consult with the officials of affected districts and other
6 citizens, and shall from time to time hold public hearings, and may
7 employ such research and other assistance as it may determine
8 reasonably necessary in order to properly carry on its survey and
9 prepare definite plans of reorganization.

10 Upon the written request of the ~~county~~ *area education agency*
11 boards of ~~education~~ in adopting reorganization plans which conform
12 to the state-wide plan of education and to state laws, the state super-
13 intendent of public instruction, subject to the approval of the state
14 board of public instruction, shall cause reorganization plans and sug-
15 gestions to be prepared and forwarded to the ~~county~~ *area education*
16 *agency* superintendents of ~~schools~~ together with such recommenda-
17 tions as may promote the purposes set forth in section 275.1.

1 SEC. 42. Section two hundred seventy-five point five (275.5),
2 Code 1973, is amended to read as follows:

3 **275.5 Tentative plans.** Pending completion of the final plans pro-
4 vided for in sections 275.1 to 275.4 hereof, the ~~county~~ board of educa-
5 tion shall prepare and approve tentative plans for reorganization of
6 school districts within the county after consultation with the boards
7 of the various districts in the county and the state department of
8 public instruction. Within ten days after the county board has ap-
9 proved their tentative plan they shall file such plan with the state
10 department of public instruction. Any proposal for merger, consoli-
11 dation or boundary change of *local school districts* shall first be sub-
12 mitted to the ~~county~~ *area education agency* board of ~~education~~
13 approval before being submitted at an election. The ~~county~~ *area*
14 *education agency* board of ~~education~~ shall adopt and file a tentative
15 ~~county~~ plan with the state department of public instruction no later
16 than sixty days after a proposal for merger or consolidation has been
17 presented to them for their approval under this section. Such pro-
18 posals may provide for reducing an existing school district to less
19 than four government sections and where such proposal is put into
20 effect by election by the method hereinafter provided the ~~county~~ *area*
21 *education agency* board shall by resolution attach or subdivide and
22 attach the remaining portion or portions of said district to another
23 school district or districts.

1 SEC. 43. Section two hundred seventy-five point six (275.6), Code
2 1973, is amended to read as follows:

3 **275.6 Progressive program.** It is the intent of this chapter that
4 the ~~county~~ *area education agency* board shall carry on the program of
5 reorganization progressively and shall, insofar as is possible, author-
6 ize submission of proposals to the electors as they are developed and
7 approved.

1 SEC. 44. Section two hundred seventy-five point seven (275.7),
2 Code 1973, is amended to read as follows:

3 **275.7 Budget.** The ~~county~~ *area education agency* board of edu-
4 ~~cation~~ shall include in the budget submitted each year such sums as
5 it deems necessary to carry on its reorganization work under this
6 chapter.

1 SEC. 45. Section two hundred seventy-five point eight (275.8),
2 Code 1973, is amended to read as follows:

3 **275.8 Co-operation of state department—planning joint districts.**
4 The state department of public instruction shall co-operate with the
5 several ~~county~~ *area education agency* boards of ~~education~~ in making
6 the studies and surveys required hereunder. In the case of contro-
7 versy over the planning of joint districts, the matter shall be sub-
8 mitted to the state board of public instruction and its decision may
9 be appealed* to ~~a~~ *the district* court of record in one of the ~~counties~~
10 ~~involved~~, by an aggrieved party to the controversy, within thirty days
11 after the decision of the state board of public instruction. Joint dis-
12 tricts shall mean districts that lie in two or more adjacent ~~counties~~
13 *area education agencies*. *An aggrieved party is hereby defined as the
14 board of directors of a school district whose directors are elected at
15 large, or, if said board is elected from director districts, then that
16 membership of the board of directors whose districts are included in
17 the proposed reorganized area, or a ~~county~~ *an area education agency*
18 board of ~~education~~.

19 For purposes of this chapter the planning of joint districts is de-
20 fined to include all of the following acts:

21 1. Preparation of a written joint plan in which contiguous terri-
22 tory in two or more ~~counties~~ *area education agencies* is considered
23 as a part of a potential school district in the ~~county~~ *area education*
24 *agency* on behalf of which such ~~county~~ plan is filed with the state
25 department of public instruction by the ~~county~~ *area education agency*
26 board of ~~education~~ in and for such county.

27 2. Adoption of such plan at a joint session of the several ~~county~~
28 *area education agency* boards of ~~education~~ in whose ~~counties~~ *areas*
29 such territory is situated.

30 3. Filing said plan with the state department of public instruction.

31 For purposes of subsection 1 hereof, joint planning shall be evi-
32 denced by filing the following items with the state department of
33 public instruction:

34 a. A plat of the entire area of such potential district.

35 b. A statement of the number of pupils residing within the area
36 of said potential district enrolled in public schools in the preceding
37 school year.

38 c. A statement of the assessed valuation of taxable property
39 located within such potential district.

*See 65 GA, ch 1090, §125

40 d. An affidavit signed on behalf of each of said ~~county boards of~~
 41 ~~education boards of directors of area education agencies~~ by a mem-
 42 ber of such board stating the boundaries as shown on such plat have
 43 been agreed upon by the respective boards as a part of the over-all
 44 ~~county~~ plan of school district reorganization of each such school.

1 SEC. 46. Section two hundred seventy-five point nine (275.9),
 2 unnumbered paragraph two (2), Code 1973, is amended to read as
 3 follows:

4 The provisions of sections 275.1 to 275.5, inclusive relating to
 5 studies, surveys, hearings, and adoption of ~~county~~ plans shall con-
 6 stitute a mandatory prerequisite to the effectuation of any proposal
 7 for district boundary change. It shall be the mandatory duty of the
 8 ~~county area education agency board or joint county boards~~ to dismiss
 9 the petition if the above provisions are not complied with fully.

1 SEC. 47. Section two hundred seventy-five point eleven (275.11),
 2 Code 1973, is amended to read as follows:

3 **275.11 Proposals involving two or more districts.** Subject to the
 4 approval of the ~~county area education agency board of education~~
 5 contiguous territory located in two or more school districts may be
 6 united into a single district in the manner provided in sections 275.12
 7 to 275.23 hereof.

1 SEC. 48. Section two hundred seventy-five point twelve (275.12),
 2 subsections one (1) and four (4), Code 1973, are amended to read
 3 as follows:

4 1. A petition describing the boundaries, or accurately describing
 5 the area included therein by legal descriptions, of the proposed dis-
 6 trict, which boundaries or area described shall conform to ~~county plan~~
 7 ~~plans developed~~ or the petition shall request change of the ~~county~~
 8 plan, shall be filed with the ~~area education agency superintendent~~
 9 ~~administrator of schools~~ of the ~~county area education agency~~ in which
 10 the greatest number of electors reside. Such petition shall be signed
 11 by voters in each existing school district affected or portion thereof
 12 equal in number to at least twenty percent of the number of eligible
 13 voters or four hundred voters, whichever is the smaller number.
 14 School districts affected or portion thereof shall be defined to mean
 15 that area to be included in the plan of the proposed new school
 16 district.

17 4. The ~~county area education agency board or boards of education~~
 18 in reviewing such petition as provided in sections 275.15 and 275.16
 19 shall review the proposed method of election of school directors and
 20 shall have the duty and authority to change or amend such plan in
 21 any manner, including the changing of boundaries of director dis-
 22 tricts if proposed, or to specify a different method of electing school
 23 directors on the basis of area, school population, or assessed valua-
 24 tion as may be required by law, justice, equity, and the interest of
 25 the people. In such action the ~~county area education agency board~~
 26 ~~or boards~~ shall follow the same procedure as is required by sections
 27 275.15 and 275.16 for other action on the petition by the ~~county area~~
 28 ~~education agency board or boards~~.

1 SEC. 49. Section two hundred seventy-five point thirteen
 2 (275.13), Code 1973, is amended to read as follows:

3 **275.13 Affidavit — presumption.** Such petition shall be accom-
 4 panied by an affidavit showing the number of qualified electors living
 5 in each affected district or portion thereof described in the petition
 6 and signed by a qualified elector residing in the territory, and if parts
 7 of the territory described in the petition are situated in different
 8 ~~counties~~ *area education agencies*, the affidavit shall show separately
 9 as to each ~~county~~ *area education agency*, the number of qualified
 10 electors in the part of the ~~county~~ *area education agency* included in
 11 the territory described. The affidavit shall be taken as true unless
 12 objections to it are filed on or before the time fixed for filing objec-
 13 tions as provided in section 275.14 hereof.

1 **SEC. 50.** Section two hundred seventy-five point fourteen
 2 (275.14), Code 1973, is amended to read as follows:

3 **275.14 Objection—time of filing—notice.** Within ten days after
 4 the petition is filed, the ~~county~~ *area education agency superintendent*
 5 ~~administrator~~ shall fix a final date for filing objections to the petition
 6 in the office of the ~~county~~ *area education agency superintendent*
 7 ~~administrator~~, and give notice for at least ten days, by one publica-
 8 tion in a newspaper published within the territory described in the
 9 petition, or if none is published therein, in a newspaper published in
 10 the county where the petition is filed, and of general circulation in the
 11 territory described. *The cost of publication shall be assessed to each*
 12 *district whose territory is involved in the ratio that the number of*
 13 *pupils in enrollment, as defined in section four hundred forty-two*
 14 *point four (442.4) of the Code in each district bears to the total num-*
 15 *ber of pupils in enrollment in the total area involved.* Objections
 16 shall be in writing in the form of an affidavit and may be made by
 17 any person residing or owning land within the territory described in
 18 the petition, or who would be injuriously affected by the change peti-
 19 tioned for and shall be on file not later than twelve o'clock noon of the
 20 final day fixed for filing objections.

1 **SEC. 51.** Section two hundred seventy-five point fifteen (275.15),
 2 Code 1973, is amended to read as follows:

3 **275.15 Hearing—decision—publication of order.** On the final day
 4 fixed for filing objections, interested parties may present evidence and
 5 arguments, and the ~~county~~ *area education agency board of education*
 6 shall review the matter on its merits and within five days after the
 7 conclusion of any hearing, shall rule on the objections and shall enter
 8 an order fixing such boundaries for the proposed school corporation
 9 as will in its judgment be for the best interests of all parties con-
 10 cerned, having due regard for the welfare of adjoining districts or
 11 dismiss the petition. The ~~county~~ *area education agency superin-*
 12 ~~tendent~~ *administrator* shall at once publish this order in the same
 13 newspaper in which the original notice was published ~~and file any~~
 14 ~~amendments to the county plan in the same manner as hereinabove~~
 15 ~~provided for the original or tentative county plan.~~ Within twenty
 16 days after the publication thereof the decision rendered by the ~~county~~
 17 ~~area education agency board of education~~ may be appealed to a ~~court~~
 18 ~~of record~~ *the district court* in the county involved by any school dis-
 19 trict affected.

1 **SEC. 52.** Section two hundred seventy-five point sixteen (275.16),
 2 Code 1973, is amended to read as follows:

3 **275.16 Hearing when territory in different counties.** If the terri-
4 tory described in the petition for the proposed corporation lies in
5 more than one ~~county area education agency~~, the ~~county area educa-~~
6 ~~tion agency superintendent administrator~~ with whom the petition is
7 filed shall fix the time and place and call a joint meeting of the mem-
8 bers of all the ~~county area education agency boards of education of~~
9 ~~the counties~~ in which any territory of the proposed school corporation
10 lies, to act as a single board for the hearing of the said objections,
11 and a majority of all members of the ~~county area education agencies~~
12 ~~boards of education of the different counties area education agencies~~
13 in which any part of the proposed corporation lies, shall constitute a
14 quorum. The joint boards acting as a single board shall determine
15 whether the petition conforms to ~~county~~ plans or, if the petition
16 requests a change in ~~county~~ plans, whether such change should be
17 made, and shall have the authority to change the plans of any or all
18 the ~~county area education agency~~ boards affected by the petition, and
19 it shall determine and fix boundaries for the proposed corporation as
20 provided in section 275.15 or dismiss the petition. However, if such
21 joint boards cast a tie vote and are unable to agree to an order fixing
22 the boundaries for the proposed school district or to an order to dis-
23 miss the petition, the time during which such actions must be taken
24 under the provisions of section 275.15 shall be extended from five
25 days to fifteen days after the conclusion of the hearing under the
26 provisions of section 275.15, and such joint board shall reconvene not
27 less than ten and not more than fifteen days after the conclusion of
28 such hearing. At such hearing the joint board shall reconsider their
29 action and if a tie vote shall again be cast it shall be deemed an order
30 granting the petition and changing the plans of any and all of the
31 ~~county area education agency~~ boards affected by the petition and fix-
32 ing the boundaries for the proposed school corporation. The ~~county~~
33 ~~area education agency superintendent administrator~~ shall at once
34 publish the decision in the same newspaper in which the original
35 notice was published.

36 In case a controversy arises from such meeting, the ~~county area~~
37 ~~education agency~~ board or boards or any school district aggrieved
38 may bring the controversy to the state department of public instruc-
39 tion, as provided in section 275.8, within twenty days from the publi-
40 cation of this order, and if said controversy is taken to the state
41 department of public instruction, a ten-day notice in writing shall
42 be given to all ~~county area education agency~~ boards and school dis-
43 tricts affected or portions thereof. The state department shall have
44 the authority to affirm the action of the joint boards, to vacate, to
45 dismiss all proceedings or to make such modification of the action of
46 the joint boards as in their judgment would serve the best interest
47 of all the ~~counties area education agency~~.* This decision may be
48 appealed to a ~~court of record~~ the *district court* in one of the counties
49 by any aggrieved party to the controversy as defined in section 275.8,
50 within thirty days after the decision of the state department of public
51 instruction.

52 The court on appeal shall have the same authority as is granted in
53 this section to the state department of public instruction.

54 ~~The provisions of this section shall apply to all tie votes under any~~
55 ~~provision of this chapter where a joint meeting of the members of~~

*According to enrolled Act

56 ~~two or more county boards of education are required and to all peti-~~
57 ~~tions pending on June 9, 1965.~~

1 SEC. 53. Section two hundred seventy-five point eighteen
2 (275.18), Code 1973, as amended by Acts of the Sixty-fifth General
3 Assembly, 1973 Session, chapter one hundred thirty-six (136), sec-
4 tion two hundred sixty-one (261), is amended to read as follows:

5 275.18 **Special election called—time.** When the boundaries of the
6 territory to be included in a proposed school corporation and the
7 number and method of the election of the school directors of such
8 proposed school corporation have been determined as herein pro-
9 vided, the ~~county area education agency superintendent administrator~~
10 with whom such petition is filed shall call a special election in such
11 proposed school corporation within thirty days from the date of the
12 final determination of such boundaries and serve notice on the county
13 commissioner of elections of the county in the proposed school cor-
14 poration which has the greatest taxable base in the proposed school
15 corporation. The county commissioner of elections shall give notice
16 of the election by one publication in the same newspaper in which
17 previous notices have been published regarding the proposed school
18 reorganization, and in addition thereto, if more than one county is
19 involved, by one publication in a legal newspaper in each county
20 other than that of the first publication, which publication shall be not
21 less than ten nor more than fifteen days prior to the election. In the
22 case of ~~joint~~ districts *located in more than one county*, no notice for
23 an election shall be published until the time for appeal, which shall
24 be the same as that provided in section 285.12, has expired; and in
25 the event of an appeal, not until the same has been disposed of.

1 SEC. 54. Section two hundred seventy-five point twenty-three
2 (275.23), Code 1973, as amended by Acts of the Sixty-fifth General
3 Assembly, 1973 Session, chapter one hundred thirty-six (136), sec-
4 tion two hundred sixty-two (262), is amended to read as follows:

5 275.23 **Canvass and return.** The judges of election shall count
6 the ballots, make return to and deposit the ballots with the county
7 commissioner of elections, who shall enter the return of record in
8 his office. The county commissioner of elections shall certify the
9 results of the election to the ~~county area education agency superin-~~
10 ~~tendent.*~~ If the majority of the votes cast by the qualified electors are
11 in favor of the proposition, as provided in section 275.20, a new
12 school corporation shall be organized. The ~~county area education~~
13 ~~agency superintendent administrator~~ shall file a written description
14 of the boundaries as provided in section 274.4.

1 SEC. 55. Section two hundred seventy-five point twenty-five
2 (275.25), unnumbered paragraph one (1), Code 1973, as amended
3 by Acts of the Sixty-fifth General Assembly, 1973 Session, chapter
4 one hundred thirty-six (136), section two hundred sixty-three (263),
5 is amended to read as follows:

6 If the proposition to establish a new corporation carries under the
7 method hereinabove provided a special election shall be called by the
8 ~~county area education agency superintendent administrator.~~ The
9 ~~county area education agency superintendent administrator~~ shall
10 notify the county commissioner of elections who shall publish notice
11 by one publication in the same newspaper in which the former notices

*According to enrolled Act

12 were published. At such election, two directors shall be elected to
13 serve until the next regular election, two until the second, and one
14 until the third regular election thereafter, except in districts which
15 include all or part of a city of fifteen thousand or more population
16 and in districts in which the proposition to establish a new corpora-
17 tion provides for seven directors, three directors shall be elected to
18 serve until the third regular election thereafter, all of whom to
19 serve until such time as their successors are elected and qualified. Pro-
20 vided, however, that in all community school districts which include a
21 city of fifteen thousand or more population and which became effec-
22 tive prior to July 4, 1955, and in all community school districts con-
23 taining a city which has attained a population of fifteen thousand
24 or more as shown by the most recent decennial federal census, the
25 board of directors shall consist of seven members. Where it becomes
26 necessary to increase the membership of any such board under the
27 provisions hereof, two directors shall be added according to the pro-
28 cedure described in section 277.23. The county board of supervisors
29 shall canvass the votes and the county commissioner of elections
30 report the results to the ~~county area education agency superintendent~~
31 ~~administrator~~ who shall notify the persons who are elected directors.
32 The new board shall organize within fifteen days following their elec-
33 tion upon call of the ~~county area education agency superintendent~~
34 ~~administrator~~. The new board of directors shall have complete con-
35 trol of the employment of all personnel for the newly formed com-
36 munity school district for the ensuing school year. Following the
37 organization of the new board they shall have authority to establish
38 policy, organize curriculum, enter into contracts and complete such
39 other planning and take such action as is essential for the efficient
40 management of the newly formed community school district.

1 SEC. 56. Section two hundred seventy-five point twenty-six
2 (275.26), Code 1973, as amended by Acts of the Sixty-fifth General
3 Assembly, 1973 Session, chapter one hundred thirty-six (136), sec-
4 tion two hundred sixty-four (264), is amended to read as follows:

5 **275.26 Payment of expenses.** If a district is established or
6 changes its boundaries it shall pay all expenses incurred by the ~~area~~
7 ~~education agency superintendent administrator~~ and the ~~area educa-~~
8 ~~tion agency board of education~~ in connection with the proceedings.
9 The county commissioner of elections shall assess the costs of the
10 election against the district as provided in section forty-seven point
11 three (47.3) of the Code. If the proposition is dismissed or defeated
12 at the election all expenses shall be apportioned among the several
13 districts in proportion to the assessed valuation of property therein.

14 If the proposed district or boundary change embraces territory in
15 more than one ~~county area education agency~~ such expenses shall be
16 certified to and, if necessary, apportioned among the several districts
17 by the joint ~~area education agency board of education~~. If in only one
18 ~~county area education agency~~ the certification shall be made by the
19 ~~county area education agency superintendent administrator~~.

20 The respective boards to which such expenses are certified shall
21 audit and order the same paid from the general fund. In the event
22 of failure of any board to so audit and pay the expenses certified to
23 it, the ~~county area education agency superintendent administrator~~
24 shall certify the expenses to the county auditor in the same manner

25 as is provided for tuition claims in section 282.21 and the funds shall
 26 be transferred by the county treasurer from the debtor district to the
 27 ~~county area education agency board of education~~ for payment of said
 28 expenses.

1 SEC. 57. Section two hundred seventy-five point twenty-seven
 2 (275.27), Code 1973, is amended to read as follows:

3 275.27 **Names.** School districts created or enlarged under the
 4 provisions of this chapter shall be known as community school dis-
 5 tricts and shall be part of the ~~county school system of the county~~
 6 *area education agency* in which the greatest number of electors of
 7 said district reside at the time of the special election called for in
 8 section 275.18, and this provision pertaining to greatest number of
 9 electors shall be in full force and effect any statute to the contrary
 10 notwithstanding, and all provisions of the law applicable to the com-
 11 mon schools generally shall be applicable to such districts in addition
 12 to the powers and privileges conferred by this chapter.

1 SEC. 58. Section two hundred seventy-five point thirty (275.30),
 2 Code 1973, is amended to read as follows:

3 275.30 **Arbitration.** If the boards cannot agree on such division
 4 and distribution, the matters on which they differ shall be decided by
 5 disinterested arbitrators, one selected by each board having an inter-
 6 est therein, and if the number thus selected is even, then one shall be
 7 added by the ~~county area education agency superintendent adminis-~~
 8 *trator*. The decision of the arbitrators shall be made in writing and
 9 filed with the secretary of the new corporation, and any party to the
 10 proceedings may appeal therefrom to the district court by serving
 11 notice thereof on such secretary within twenty days after the decision
 12 is filed. Such appeal shall be tried in equity and a decree entered
 13 determining the entire matter, including the levy, collection, and dis-
 14 tribution of any necessary taxes.

1 SEC. 59. Section two hundred seventy-five point thirty-nine
 2 (275.39), Code 1973, is amended to read as follows:

3 275.39 **Excluded territory included in new petition.** Territory de-
 4 scribed in the petition of a proposed reorganization which has been
 5 set out of the proposed reorganization by the ~~county area education~~
 6 *agency board* or the joint boards, as the case may be, and in the event
 7 of an appeal, after the decision of the state department of public
 8 instruction or the courts as by law provided, may be included in any
 9 new petition for reorganization.

1 SEC. 60. Section two hundred seventy-seven point twenty
 2 (277.20), Code 1973, as amended by Acts of the Sixty-fifth General
 3 Assembly, 1973 Session, chapter one hundred thirty-six (136), sec-
 4 tion two hundred seventy (270), is amended by striking the section
 5 and inserting in lieu thereof the following:

6 277.20 **Canvassing returns.** On the next Friday after the school
 7 election, the county board of supervisors shall canvass the returns
 8 made to the county commissioner of elections from the several pre-
 9 cinct polling places and the absentee ballot counting board, ascertain
 10 the result of the voting with regard to every matter voted upon and
 11 cause a record to be made thereof as required by section fifty point
 12 twenty-four (50.24) of the Code. The board shall declare the results

13 of the voting for members of boards of directors of school corpora-
 14 tions nominated pursuant to section two hundred seventy-seven point
 15 four (277.4) of the Code, and the commissioner shall at once issue
 16 a certificate of election to each person declared elected. The board
 17 shall also declare the results of the voting on any public question sub-
 18 mitted to the voters of a single school district, and the commissioner
 19 shall certify the result as required by section fifty point twenty-seven
 20 (50.27) of the Code.

21 The abstracts of the votes cast for members of the board of direc-
 22 tors of any merged area, and of the votes cast on any public question
 23 submitted to the voters of any merged area, shall be promptly certi-
 24 fied by the commissioner to the county commissioner of elections who
 25 is responsible under section forty-seven point two (47.2) of the Code
 26 for conducting the elections held for that merged area.

1 SEC. 61. Section two hundred seventy-seven point twenty-eight
 2 (277.28), unnumbered paragraph one (1), Code 1973, is amended to
 3 read as follows:

4 Each director elected at a regular district or director district elec-
 5 tion, as the case may be, shall qualify by taking the oath of office on
 6 or before the time set for the organization meeting of the board the
 7 third Monday in September, and his election and qualification entered
 8 of record by the secretary. The oath may be administered by any
 9 qualified member of the board, or the secretary of the board, or the
 10 county superintendent of schools, and may be taken in substantially
 11 the following form:

1 SEC. 62. Section two hundred seventy-nine point seven (279.7),
 2 unnumbered paragraph one (1), Code 1973, as amended by Acts of
 3 the Sixty-fifth General Assembly, 1973 Session, chapter one hundred
 4 thirty-six (136), section two hundred seventy-three (273), is amended
 5 to read as follows:

6 In any case where a vacancy or vacancies occur among the elec-
 7 tive officers or members of a school board and the remaining mem-
 8 bers of such board have not filled such vacancy within ten days
 9 after the occurrence thereof, or when the board is reduced below a
 10 quorum for any cause, the secretary of the board, or if there be no
 11 secretary, the ~~county superintendent of schools~~ *county area education agency superintendent adminis-*
 12 *trator of schools* shall call a special election in the district, subdis-
 13 trict, or subdistricts, as the case may be, to fill such vacancy or
 14 vacancies. The county commissioner of elections shall publish the
 15 notices required by law for such special elections, which election shall
 16 be held not sooner than thirty days nor later than forty days there-
 17 after. In any case where the secretary fails for more than three days
 18 to call such election, the ~~county superintendent~~ *county area education agency*
 19 *administrator of the area education agency* shall call it.

1 SEC. 63. Section two hundred seventy-nine point eighteen
 2 (279.18), Code 1973, is amended to read as follows:

3 **279.18 Tuition.** The tuition cost to be mutually agreed upon by
 4 the respective boards shall be paid by the home district and shall be
 5 equal to the average cost per elementary child (including both resi-
 6 dent and tuition students) in ~~average daily attendance enrollment~~
 7 the tuition-receiving district for the preceding year. Such tuition
 8 rates shall include expenditures from the general fund for general

9 control, instruction, auxiliary agencies except transportation costs,
 10 co-ordinate activities, operation of plant, maintenance of plant, fixed
 11 charges including insurance on buildings and contents, capital, interest
 12 paid for debt service from the general fund, interest paid for debt
 13 service and retirement of bonds from the schoolhouse fund. A pro
 14 rata charge for depreciation on buildings shall be made at the rate of
 15 two percent per annum on the appraised value, less bonded indebted-
 16 ness thereon, of all buildings owned by the school corporation and
 17 used for elementary school purposes, but not exceeding the maximum
 18 tuition rate as determined by the state superintendent of public
 19 instruction as prescribed in section 282.24. No depreciation charge
 20 shall be made for the portion of the initial cost of buildings and
 21 equipment purchased with federal grants. ~~On or before July 15, 1953,~~
 22 ~~the board in each school corporation accepting tuition pupils shall~~
 23 ~~cause its buildings to be appraised and an itemized statement of the~~
 24 ~~results of the appraisal filed with the county superintendent. Such~~
 25 ~~statement shall constitute the basis for the hereinabove provided~~
 26 ~~depreciation charge. Such appraisal shall be made by a board com-~~
 27 ~~prised of the county or city assessor and one member appointed by~~
 28 ~~the local school corporation and one member appointed by the county~~
 29 ~~board of education. An appraisal of the value of the buildings in each~~
 30 ~~school corporation shall be completed at least one time each five years.~~

31 The tuition rates and the computation thereof shall be filed with
 32 the ~~county board of education~~ *area education agency board* not later
 33 than July 30 for its review and approval. Receiving districts cannot
 34 receive tuition until approval is granted by the ~~county board of~~
 35 ~~education~~ *area education agency board*. The right of appeal shall be
 36 as provided in section 285.13.

1 SEC. 64. Section two hundred seventy-nine point thirty-three
 2 (279.33), Code 1973, is amended to read as follows:

3 **279.33 Other districts—filing statement.** In every school district
 4 wherein no newspaper is published, the president and secretary of
 5 the board of directors thereof shall file the above statement with the
 6 ~~county area education agency superintendent administrator of schools~~
 7 during the second week of July of each year and shall post copies
 8 thereof in three conspicuous places in the district.

1 SEC. 65. Section two hundred eighty A point twelve (280A.12),
 2 Code 1973, is amended to read as follows:

3 **280A.12 Governing board.** The governing board of a merged area
 4 shall be a board of directors composed of one member elected from
 5 each director district in the area by the electors of the respective
 6 district. Members of the board shall be residents of the district
 7 from which elected. Successors shall be chosen at the annual school
 8 elections for members whose terms expire on the first Monday in
 9 October following such elections. Terms of members of the board
 10 of directors shall be three years except that members of the initial
 11 board of directors elected at the special election shall determine their
 12 respective terms by lot so that the terms of one-third of the members,
 13 as nearly as may be, shall expire on the first Monday in October of
 14 each succeeding year. Vacancies on the board which occur more
 15 than ninety days prior to the next annual school election shall be
 16 filled at the next regular meeting of the board by appointment by the
 17 remaining members of the board. The member so chosen shall be a

18 resident of the district in which the vacancy occurred and shall serve
19 until the next annual school election, at which election a member
20 shall be elected to fill the vacancy for the balance of the unexpired
21 term. A vacancy shall be defined as in section 277.29. No member
22 shall serve on the board of directors who is a member of a board of
23 directors of a local school district or a member of a ~~county board of~~
24 ~~education~~ *an area education agency board.*

1 SEC. 66. Section two hundred eighty A point fifteen (280A.15),
2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
3 1973 Session, chapter one hundred thirty-six (136), section two hun-
4 dred seventy-seven (277), is amended by striking the section and in-
5 serting in lieu thereof the following:

6 **280A.15 Conduct of elections.**

7 1. Regular elections held annually by the merged area for the elec-
8 tion of members of the board of directors as required by section two
9 hundred eighty A point twelve (280A.12) of the Code, for the renewal
10 of the three-fourths mill levy authorized in section two hundred
11 eighty A point twenty-two (280A.22) of the Code, or for any other
12 matter authorized by law and designated for election by the board of
13 directors of the merged area, shall be held on the date of the school
14 election as fixed by section two hundred seventy-seven point one
15 (277.1) of the Code. The election notice shall be published as pro-
16 vided in section forty-nine point fifty-three (49.53) of the Code
17 and the election shall be conducted by the county commissioner of
18 elections pursuant to chapters thirty-nine (39) through fifty-three
19 (53) and section two hundred seventy-seven point twenty (277.20)
20 of the Code.

21 2. Each candidate for member of the board of directors of a
22 merged area shall be nominated by a petition signed by not less than
23 fifty eligible electors of the director district from which the member
24 is to be elected. The petition shall state the number of the director
25 district from which the candidate seeks election, and the candidate's
26 name and status as an eligible elector of the director district. Sign-
27 ers of the petition, in addition to signing their names, shall show
28 their residence, including street and number if any, the school dis-
29 trict in which they reside, and the date they signed the petition.
30 Each nomination paper shall have appended to it an affidavit of an
31 eligible elector other than the candidate in substantially the form
32 provided in section forty-three point seventeen (43.17) of the Code,
33 except as to party affiliation. The petition shall include the affidavit
34 of the candidate being nominated, stating the candidate's name and
35 residence, and that he or she is a candidate, is eligible for the office
36 sought, and if elected will qualify for the office.

37 3. Nomination papers in behalf of candidates for member of the
38 board of directors of a merged area shall be filed with the secretary
39 of the board not earlier than sixty-five days nor later than five o'clock
40 p.m. on the fortieth day prior to the election at which members of the
41 board are to be elected. The secretary shall deliver all nomination
42 petitions to the county commissioner of elections who is responsible
43 under section forty-seven point two (47.2) of the Code for conduct-
44 ing elections held for the merged area, not later than five o'clock
45 p.m. on the day following the last day on which nomination petitions
46 can be filed.

47 4. The votes cast in the election shall be canvassed and abstracts
 48 of the votes cast shall be certified as required by section two hundred
 49 seventy-seven point twenty (277.20) of the Code. In each county
 50 whose commissioner of elections is responsible under section forty-
 51 seven point two (47.2) of the Code for conducting elections held for a
 52 merged area, the county board of supervisors shall convene at ten
 53 o'clock a.m. on the last Monday in September, canvass the abstracts
 54 of votes cast and declare the results of the voting. The commis-
 55 sioner shall at once issue certificates of election to each person de-
 56 clared elected, and shall certify to the merged area board in sub-
 57 stantially the manner prescribed by section fifty point twenty-seven
 58 (50.27) of the Code the result of the voting on any public question
 59 submitted to the voters of the merged area. Members elected to
 60 the board of directors of a merged area shall qualify by taking the
 61 oath of office prescribed in section two hundred seventy-seven point
 62 twenty-eight (277.28) of the Code.

1 SEC. 67. Section two hundred eighty A point seventeen
 2 (280A.17), unnumbered paragraph one (1),* Code 1973, is amended
 3 to read as follows:

4 The board of directors of each merged area shall prepare an an-
 5 nual budget designating the proposed expenditures for operation of
 6 the area vocational school or area community college. The board
 7 shall further designate the amounts which are to be raised by local
 8 taxation and the amounts which are to be raised by other sources of
 9 revenue for such operation. The budget of each merged area shall
 10 be submitted to the state board no later than ~~June 1~~ *December first*
 11 preceding the next fiscal year for approval. The state board shall
 12 review the proposed budget and shall, prior to ~~July 1~~ *January first*,
 13 either grant its approval or return the budget without approval with
 14 the comments of the state board attached thereto. Any unapproved
 15 budget shall be resubmitted to the state board for final approval.
 16 Upon approval of the budget by the state board, the board of directors
 17 shall prorate the amount to be raised by local taxation among the
 18 respective ~~county school systems, or parts thereof, districts~~ in the
 19 proportion that the value of taxable property in each ~~system, or part~~
 20 ~~thereof, school district~~ bears to the total value of taxable property in
 21 the area. The board of directors shall certify the amount so deter-
 22 mined to the respective county auditors and the boards of supervisors
 23 shall levy a tax sufficient to raise the amount. No tax in excess of
 24 three-fourths mill shall be levied on taxable property in a merged
 25 area for the operation of an area vocational school or area community
 26 college. Taxes collected pursuant to such levy shall be paid by the
 27 respective county treasurers to the treasurer of the merged area in
 28 the same manner that other school taxes are paid to local school dis-
 29 tricts.

1 SEC. 68. Section two hundred eighty-one point two (281.2), Code
 2 1973, is amended by striking the section and inserting in lieu thereof
 3 the following:

4 **281.2 Definitions.**

5 1. "Children requiring special education" means persons under
 6 twenty-one years of age, including children under five years of age,
 7 who are handicapped in obtaining an education because of physical,

*See 65 GA, ch 1096, §36

8 mental, emotional, communication or learning disabilities or who
9 are chronically disruptive, as defined by the rules of the department
10 of public instruction.

11 2. "Special education" means classroom, home, hospital, institu-
12 tional, or other instruction designed to meet the needs of children
13 requiring special education as defined in subsection one (1) of this
14 section; transportation and corrective and supporting services re-
15 quired to assist children requiring special education, as defined in
16 subsection one (1) of this section, in taking advantage of, or re-
17 sponding to, educational programs and opportunities, as defined by
18 rules of the department of public instruction.

19 It is the policy of this state to provide and to require school dis-
20 tricts to make provision, as an integral part of public education, for
21 special education opportunities sufficient to meet the needs and maxi-
22 mize the capabilities of children requiring special education. This
23 chapter is not to be construed as encouraging separate facilities or
24 segregated programs designed to meet the needs of children requir-
25 ing special education when such children can benefit from all or part
26 of the education program as offered by the local school district. To
27 the maximum extent possible, children requiring special education
28 shall attend regular classes and shall be educated with children who
29 do not require special education. Whenever possible, hinderances
30 to learning and to the normal functioning of children requiring spe-
31 cial education within the regular school environment shall be over-
32 come by the provision of special aids and services rather than by
33 separate programs for those in need of special education. Special
34 classes, separate schooling or other removal of children requiring
35 special education from the regular educational environment, shall
36 occur only when, and to the extent that the nature or severity of the
37 educational handicap is such that education in regular classes, even
38 with the use of supplementary aids and services, cannot be accom-
39 plished satisfactorily. For those children who cannot adapt to the
40 regular educational or home living conditions, and who are attend-
41 ing facilities under chapters two hundred sixty-three (263), two
42 hundred sixty-nine (269) and two hundred seventy (270) of the
43 Code, upon the request of the board of directors of an area educa-
44 tion agency, the department of social services shall provide residen-
45 tial or detention facilities and the area education agency shall pro-
46 vide special education programs and services. The area education
47 agencies shall cooperate with the board of regents to provide the
48 services required by this Act.

49 Special aids and services shall be provided to children requiring
50 special education who are less than five years of age if the aids and
51 services will reasonably permit the child to enter the educational
52 process or school environment when the child attains school age.

53 Every child requiring special education shall, if reasonably pos-
54 sible, receive a level of education commensurate with the level pro-
55 vided each child who does not require special education. The cost
56 of providing such an education shall be paid as provided in section
57 twelve (12) of this Act and chapters two hundred eighty-one (281)
58 and four hundred forty-two (442) of the Code. It shall be the pri-
59 mary responsibility of each school district to provide special educa-
60 tion to children who reside in that district if the children requiring

61 special education are properly identified, the educational program or
 62 service has been approved, the teacher or instructor has been certi-
 63 fied, the number of children requiring special education needing that
 64 educational program or service is sufficient to make offering the
 65 program or service feasible, and the program or service cannot more
 66 economically and equably be obtained from the area education agency,
 67 another school district, another group of school districts, a qualified
 68 private agency, or in cooperation with one or more other districts.

69 Any funds received by the school district of the child's residence
 70 for the child's education, derived from funds received through chap-
 71 ters four hundred forty-two (442) and two hundred eighty-one
 72 (281) of the Code and section twelve (12) of this Act shall be paid
 73 by the school district of the child's residence to the appropriate edu-
 74 cation agency, private agency, or other school district providing
 75 special education for the child pursuant to contractual arrangements
 76 as provided in section four (4), subsections five (5) and seven (7) of
 77 this Act.

1 SEC. 69. Section two hundred eighty-one point three (281.3),
 2 subsections seven (7), eight (8), and nine (9), Code 1973, are
 3 amended to read as follows:

4 7. To provide for certification by ~~competent medical and psychologi-~~
 5 ~~cal authorities~~ *the director of special education* of the eligibility of
 6 children requiring special education for admission to, or discharge
 7 from, special schools, classes or instruction.

8 8. To initiate the establishment of classes for children requiring
 9 special education *or home study services* in hospitals ~~and, nursing,~~
 10 *convalescent, juvenile, and private homes*, in co-operation with the
 11 management thereof and local school districts or ~~county boards of~~
 12 ~~education~~ *area education agency boards*.

13 9. To co-operate with school districts or ~~county boards of education~~
 14 *area education agency boards* in arranging for any child requiring
 15 special education to attend school in a district other than the one in
 16 which he resides when there is no available special school, class, or
 17 instruction in the districts in which he resides.

1 SEC. 70. Section two hundred eighty-one point three (281.3),
 2 subsections three (3) and twelve (12), Code 1973, are amended by
 3 striking the subsections and inserting in lieu thereof the following:

4 3. To adopt rules consistent with the provisions of this chapter
 5 for the approval of plans for special education programs and ser-
 6 vices submitted by the director of special education of the area edu-
 7 cation agency.

8 12. To provide for the employment and establish standards for the
 9 performance of special education support personnel required to as-
 10 sist in the identification of and educational programs for children
 11 requiring special education.

1 SEC. 71. Section two hundred eighty-one point three (281.3),
 2 Code 1973, is amended by adding the following new subsections:

3 NEW SUBSECTION. To provide for the establishment of special
 4 education research and demonstration projects and models for spe-
 5 cial education program development.

6 NEW SUBSECTION. To establish a special education resource, ma-
 7 terials and training system for the purposes of developing specialized

8 instructional materials and provide in-service training to personnel
9 employed to provide educational services to children requiring spe-
10 cial education.

11 NEW SUBSECTION. To approve the acquisition and use of special
12 facilities designed for the purpose of providing educational services
13 to children requiring special education.

14 NEW SUBSECTION. To make rules and regulations to carry out the
15 powers and duties provided for in this section.

1 SEC. 72. Section two hundred eighty-one point four (281.4),
2 Code 1973, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **281.4 Powers of the board of directors.** The board of directors
5 of any school district or area education agency, with the approval of
6 the state department of public instruction, may provide special edu-
7 cation programs and services as defined in this chapter. If services
8 are provided by the area education agency, with the approval of the
9 department of public instruction, the board of directors of the area
10 education agency with the cooperation of the local school districts
11 within its jurisdiction may:

12 1. Establish and operate special education programs and classes
13 for the education of children requiring special education.

14 2. Acquire, maintain, and construct facilities in which to provide
15 education, corrective services, and supportive services for children
16 requiring special education.

17 3. Make arrangements with participating school districts for the
18 provision of special education, corrective, and supportive services to
19 the children requiring special education residing in the school dis-
20 tricts.

21 4. Employ special education teachers and personnel required to
22 furnish corrective or supportive services to children requiring spe-
23 cial education services.

24 5. Provide transportation for children requiring special education
25 services that are in need of transportation in connection with any
26 programs, classes or services.

27 6. Receive, administer and expend funds appropriated for its use.

28 7. Receive, administer and expend the proceeds of any issue of
29 school bonds or other bonds intended wholly or partly for its benefit.

30 8. Apply for, accept, and utilize grants, gifts or other assistance.

31 9. Participate in, and make its employees eligible to participate in,
32 any retirement system, group insurance system, or other program
33 of employee benefits, on the same terms as govern school districts
34 and their employees.

35 10. Do such other things as are necessary and incidental to the
36 execution of any of its powers.

37 The board of directors of the local district or the area education
38 agency shall employ qualified teachers certified by the authority pro-
39 vided by law as teachers for children requiring such special educa-
40 tion. The maximum number of pupils per teacher shall be deter-
41 mined by the board of directors of the local district or the area edu-
42 cation agency board in accordance with the rules and regulations of
43 the state department of public instruction.

44 The board of directors of the local district or the area education
45 agency may establish and operate one or more special education cen-

46 ters to provide diagnostic, therapeutic, corrective, and other services,
 47 on a more comprehensive, expert, economic and efficient basis than
 48 can be reasonably provided by a single school district. Such serv-
 49 ices, if offered by the area education agency board, may be provided
 50 in the regular schools using personnel and equipment of the area
 51 education agency or, whenever it is impractical or inefficient to pro-
 52 vide them on the premises of a regular school, the area education
 53 agency may provide services in its own facilities. To the maximum
 54 extent feasible, such centers shall be established at and in conjunc-
 55 tion with, or in close proximity to one or more elementary and sec-
 56 ondary schools. Local districts or the area education agencies may
 57 accept diagnostic and evaluation studies conducted by other individ-
 58 uals, hospitals, or centers, if determined to be competent. Children
 59 requiring special education services may be identified in any way
 60 that the department of public instruction determines to be reliable.
 61 Centers established pursuant to this section may contain classrooms
 62 and other educational facilities and equipment to supplement in-
 63 struction and other services to handicapped children in the regular
 64 schools, and to provide separate instruction to children whose degree
 65 or type of educational handicap makes it impractical or inappropriate
 66 for them to participate in classes with normal children.

1 SEC. 73. Section two hundred eighty-one point five (281.5), Code
 2 1973, is amended by striking unnumbered paragraph one (1).

1 SEC. 74. Section two hundred eighty-one point six (281.6), Code
 2 1973, is amended to read as follows:

3 **281.6 Parent's or guardian's duties.** When the school district or
 4 ~~county board of education~~ *area education agency* has provided special
 5 education ~~facilities~~ *services and programs* as provided herein for any
 6 child requiring special education, either by admission to a special
 7 class or by ~~special instruction~~ *supportive services*, it shall be the duty
 8 of the parent or guardian to enroll said child for instruction in such
 9 special classes or ~~instruction~~ *supportive services* as may be estab-
 10 lished, except in the event a doctor's certificate is filed with the
 11 secretary of the school district showing that it is inadvisable *for*
 12 *medical reasons* for the child requiring special education to receive
 13 the special education provided; all the provisions and conditions of
 14 chapter 299 and amendments thereto shall be applicable to this sec-
 15 tion, and any violations shall be punishable as provided in said
 16 chapter.

17 *A child, or his parent or guardian, or the school district in which*
 18 *the child resides, may obtain a review of any action or omission of*
 19 *state or local authorities pursuant to the procedures established in*
 20 *chapter two hundred ninety (290) of the Code on the ground that the*
 21 *child has been or is about to be:*

22 1. *Denied entry or continuance in a program of special education*
 23 *appropriate to his condition and needs.*

24 2. *Placed in a special education program which is inappropriate to*
 25 *his condition and needs.*

26 3. *Denied educational services because no suitable program of edu-*
 27 *cation or related services is maintained.*

28 4. *Provided with special education which is insufficient in quantity*
 29 *to satisfy the requirements of law.*

30 5. *Assigned to a program of special education when he is not handi-*
31 *capped.*

1 SEC. 75. Section two hundred eighty-one point nine (281.9), Code
2 1973, is amended by striking the section and inserting in lieu thereof
3 the following:

4 **281.9 Weighting plan.**

5 1. In order to provide funds for the excess costs of instruction of
6 children requiring special education, above the costs of instruction
7 of pupils in a regular curriculum, a special education weighting plan
8 for determining enrollment in each school district is adopted as fol-
9 lows:

10 a. Pupils in a regular curriculum are assigned a weighting of one.

11 b. Children requiring special education who require special adapta-
12 tions while assigned to a regular classroom for basic instructional
13 purposes and handicapped pupils placed in a special education class
14 who receive part of their instruction in regular classrooms are as-
15 signed a weighting of one and eight-tenths for the school year com-
16 mencing July 1, 1975.

17 c. Children requiring special education who require full-time, self-
18 contained special education placement with little integration into a
19 regular classroom are assigned a weighting of two and two-tenths
20 for the school year commencing July 1, 1975.

21 d. Children requiring special education who are severely handi-
22 capped or who have multiple handicaps, or who are chronically dis-
23 ruptive, are assigned to a weighting of four and four-tenths for the
24 school year commencing July 1, 1975.

25 e. Shared-time and part-time pupils of school age who require spe-
26 cial education shall be placed in the proper category and counted in
27 the proportion that the time for which they are enrolled or receive
28 instruction for the school year bears to the time that full-time pupils,
29 carrying a normal course schedule, in the same school district, for
30 the same school year are enrolled and receive instruction.

31 2. The weighting for each category of child multiplied by the
32 number of children in each category in the enrollment of a school
33 district, as identified and certified by the director of special educa-
34 tion for the area, determines the weighted enrollment to be used in
35 that district for purposes of computations required under the state
36 school foundation plan in chapter four hundred forty-two (442) of
37 the Code.

38 3. The weight that a child is assigned under this section shall be
39 dependent upon the required educational modifications necessary to
40 meet the special education needs of the child. Enrollment for the pur-
41 pose of this section, and all payments to be made pursuant thereto,
42 includes all children for whom a special education program or course
43 is to be provided pursuant to sections one (1) through twelve (12) of
44 this Act and chapter two hundred eighty-one (281) of the Code,
45 whether or not the children are actually enrolled upon the records
46 of a school district.

47 4. On December 1, 1975, and no later than December first every
48 two years thereafter, for the school year commencing the following
49 July first, the superintendent of public instruction shall report to
50 the school budget review committee the average costs of providing
51 instruction for children requiring special education in the categories

52 of the weighting plan established under this section, and shall make
53 recommendations to the school budget review committee for needed
54 alterations to make the weighting plan suitable for subsequent school
55 years. The school budget review committee shall establish the
56 weighting plan for each school year after the school year commencing
57 July 1, 1975, and shall report the plan to the superintendent of
58 public instruction. The school budget review committee shall not
59 alter the weighting assigned to pupils in a regular curriculum, but
60 it may increase or decrease the weighting assigned to each category
61 of children requiring special education by not more than two-tenths
62 of the weighting assigned to pupils in a regular curriculum. The
63 department of public instruction shall promulgate rules under chapter
64 seventeen A (17A) of the Code, to implement the weighting
65 plan for each year and to assist in identification and proper indexing
66 of each child in the state who requires special education.

67 5. The division of special education shall audit the reports required
68 in section six (6) of this Act to determine that all children
69 in the area who have been identified as requiring special education
70 have received the appropriate special education instructional and
71 support services, and to verify the proper identification of pupils in
72 the area who will require special education instructional services
73 during the school year in which the report is filed. The division
74 shall certify to the state comptroller the correct total enrollment of
75 each school district in the state, determined by applying the appropriate
76 pupil weighting index to each child requiring special education,
77 as certified by the directors of special education in each area.

78 6. The division may conduct an evaluation of the special education
79 instructional program or special education support services being
80 provided by an area education agency, school district, or private
81 agency, pursuant to sections one (1) through twelve (12) of this
82 Act and chapter two hundred eighty-one (281) of the Code, to determine
83 if the program or service is adequate and proper to meet the
84 needs of the child; if the child is benefiting from the program or
85 service; if the costs are in proportion to the educational benefits
86 being received; and if there are any improvements that can be made
87 in the program or service. A written report of the evaluation shall
88 be sent to the area education agency, school district, or private
89 agency evaluated and to the president of the senate and speaker of
90 the house of representatives of the general assembly.

1 SEC. 76. Section two hundred eighty-one point eleven (281.11),
2 Code 1973, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **281.11 Program plans.** Program plans submitted to the department
5 of public instruction pursuant to section five (5) of this Act
6 for approval shall establish all of the following:

7 1. That there are sufficient children requiring special education
8 within the area.

9 2. That the service or program will be provided by the most appropriate
10 educational agency.

11 3. That the educational agency providing the service or program
12 has employed qualified special educational personnel.

13 4. That the instruction is a natural and normal progression of a
14 planned course of instruction.

15 5. That all revenue raised for support of special education instruc-
16 tion and services is expended for actual delivery of special education
17 instruction or services.

18 6. Other factors as the department may require.

1 SEC. 77. Section two hundred eighty-two point three (282.3), un-
2 numbered paragraph one (1), Code 1973, is amended to read as fol-
3 lows:

4 No child under the age of six years on the fifteenth of September
5 of the current school year shall be admitted to any public school
6 unless the board of directors of the school (~~or the county board of~~
7 ~~education~~) shall have adopted and put into effect courses of study for
8 the school year immediately preceding the first grade, approved by
9 the department of public instruction and shall have employed a
10 teacher or teachers for this work with standards of training approved
11 by the department of public instruction.

1 SEC. 78. Section two hundred eighty-two point twenty (282.20),
2 unnumbered paragraphs one (1) and three (3), Code 1973, are
3 amended to read as follows:

4 The school corporation in which such student resides shall pay
5 from the general fund to the secretary of the corporation in which
6 he shall be permitted to enter a tuition fee sufficient to cover the
7 average cost per high school child (including both resident and tui-
8 tion students) in average daily attendance in the tuition-receiving
9 district in the preceding year. Such tuition rates shall include ex-
10 penditures from the general fund for general control, instruction,
11 auxiliary agencies except transportation costs, co-ordinate activi-
12 ties, operation of plant, maintenance of plant, fixed charges includ-
13 ing insurance on buildings and contents, capital, interest paid for
14 debt service from the general fund, interest paid for debt service and
15 retirement of bonds from the schoolhouse fund. A pro rata charge
16 for depreciation on buildings shall be made at the rate of two per-
17 cent per annum on the appraised value, less bonded indebtedness
18 thereon, of all buildings owned by the school corporation and used
19 for high school purposes, but not exceeding the maximum tuition rate
20 as determined by the state superintendent of public instruction as
21 prescribed in section 282.24. No depreciation charge shall be made
22 for the portion of the initial cost of buildings and equipment pur-
23 chased with federal grants. ~~On or before July 15, 1953, the board in~~
24 ~~each school corporation accepting tuition pupils shall cause its build-~~
25 ~~ings to be appraised and an itemized statement of the results of the~~
26 ~~appraisal filed with the county superintendent. Such~~ *The appraisal*
27 *and itemized statement of the appraisal filed in 1953 shall be updated*
28 *commencing July 1, 1975 at least one time every five years and shall*
29 *constitute the basis for the hereinabove provided depreciation charge.*
30 Such appraisal shall be made by a board comprised of the county or
31 city assessor and one member appointed by the local school corpora-
32 tion and one member appointed by the ~~county board of education~~ *area*
33 *education agency board.*

34 The tuition rates and the computation thereof shall be filed with
35 the ~~county board of education~~ *superintendent of public instruction*
36 *not later than July 30 for its his review and approval. Receiving*
37 *districts cannot receive tuition until approval is granted by the county*

38 ~~board of education superintendent of public instruction. The right of~~
 39 ~~appeal shall be as provided in section 285-13.~~

1 SEC. 79. Section two hundred eighty-five point one (285.1), sub-
 2 sections six (6), seven (7), nine (9), and thirteen (13), Code 1973,
 3 are amended to read as follows:

4 6. When the school designated for attendance of pupils is engaged
 5 in the transportation of pupils, the sending or designating school
 6 shall use these facilities and pay the pro rata cost of transportation
 7 except that a district sending pupils to another school may make
 8 other arrangements when it can be shown that such arrangements
 9 will be more efficient and economical than to use facilities of the
 10 receiving school, providing such arrangements are approved by the
 11 ~~county board of education~~ *board of the area education agency.*

12 7. If a *local* board closes either elementary or high school facilities
 13 and is approved by the ~~county board of education~~ *the area education*
 14 *agency* to operate its own transportation equipment, the full cost of
 15 transportation shall be paid by the board for all pupils living beyond
 16 the statutory walking distance from the school designated for at-
 17 tendance.

18 9. Distance to school or to a bus route shall in all cases be mea-
 19 sured on the public highway only and over the most passable and
 20 safest route as determined by the ~~county area education agency~~ *board*
 21 *of education*, starting in the roadway opposite the private entrance
 22 to the residence of the pupil and ending in the roadway opposite the
 23 entrance to the school grounds or designated point on bus route.

24 13. When a local board fails to pay transportation costs due to
 25 another school for transportation service rendered, the board of the
 26 creditor corporation shall file a sworn statement with the ~~county area~~
 27 *education agency board of education* specifying the amount due. The
 28 ~~county area education agency board of education~~ shall check such
 29 claim and if the claim is valid shall certify to the county auditor. The
 30 auditor shall transmit to the county treasurer an order directing him
 31 to transfer the amount of such claim from the funds of the debtor
 32 corporation to the creditor corporation and the treasurer shall pay
 33 the same accordingly.

1 SEC. 80. Section two hundred eighty-five point four (285.4), Code
 2 1973, is amended to read as follows:

3 **285.4 Pupils sent to another district.** ~~On or before July 8, 1949,~~
 4 ~~the~~ *The* board in districts not maintaining high school facilities shall
 5 by record action designate the school or schools for attendance of all
 6 high school pupils from their respective districts. In making desig-
 7 nations, the local board shall give consideration to the wishes of the
 8 majority of the patrons, the adequacy of the facilities and curricular
 9 offerings and available bus service to avoid duplication of transporta-
 10 tion facilities to different receiving schools.

11 When a board closes its elementary school facilities for lack of
 12 pupils or by action of the board, it shall, if there is a school bus ser-
 13 vice available in the area, designate for attendance the school oper-
 14 ating the buses, provided the board of such school is willing to receive
 15 them and the facilities and curricular offerings are adequate. The
 16 board of the district where the pupils reside may with the approval
 17 of the ~~county area education agency board of education~~, subject to

18 legal limitations and established uniform standards, designate an-
 19 other rural school and provide their own transportation if the trans-
 20 portation costs will be less than to use the established bus service.

21 All designations must be submitted to the ~~county~~ *area education*
 22 *agency* board of ~~education~~ on or before July 15, for review and ap-
 23 proval. The ~~county~~ *area education agency* board of ~~education~~ shall
 24 after due investigation alter or change designations to make them
 25 conform to legal requirements and established uniform standards for
 26 making designations and for locating and establishing bus routes.
 27 After designations are made, they will remain the same from year to
 28 year except that on or before July 15, of each year, the rural board
 29 or parents may petition the ~~county~~ *area education agency* board for a
 30 change of designation to another school. Appeals from the decision
 31 of the ~~county~~ *area education agency* board on designations may be
 32 made by either the parents or board to the state superintendent of
 33 public instruction as provided in section 285.12 and section 285.13.

1 SEC. 81. Section two hundred eighty-five point nine (285.9), Code
 2 1973, is amended to read as follows:

3 **285.9 Powers and duties of ~~county~~ *area* boards.** The powers and
 4 duties of the respective ~~county~~ *area education agency* boards of
 5 ~~education~~ shall be to:

6 1. Enforce all laws and all rules and regulations of the state de-
 7 partment of public instruction relating to transportation.

8 2. Review and approve all transportation arrangements between
 9 districts in the ~~county~~ *area education agency* and in all districts in the
 10 ~~county~~ *area education agency* not operating high schools. If such
 11 transportation arrangements, designations, and contracts are not in
 12 conformity to law or established uniform standards for the locating
 13 and operating of bus routes, the ~~county~~ *area education agency* board
 14 shall, after receiving all facts, make such alterations or changes as
 15 necessary to make the arrangements, designations, and contracts
 16 conform to the legal and established requirements and shall notify
 17 local board of such action.

18 3. Approve all bus routes outside the boundary of the district of
 19 the school operating buses.

20 4. When a local board fails to make designations and other neces-
 21 sary arrangements for transportation as required by law, the ~~county~~
 22 *area education agency* board shall, after due notice to the local board,
 23 make necessary arrangements in conformity with law and established
 24 requirements. Notice shall be given to the local board of the arrange-
 25 ments as made. The arrangements shall be binding on the local board
 26 which shall pay the costs for service as arranged.

1 SEC. 82. Section two hundred eighty-five point twelve (285.12),
 2 Code 1973, is amended to read as follows:

3 **285.12 Disputes—hearings and appeals.** In the event of a dis-
 4 agreement between a school patron and the board of the school dis-
 5 trict, the patron if dissatisfied with the decision of the district board,
 6 may appeal the same to the ~~county~~ *area education agency* board of
 7 ~~education~~, notifying the secretary of the district in writing within
 8 ten days of the decision of the board and by filing an affidavit of
 9 appeal with the ~~county~~ *area education agency* board of ~~education~~
 10 within the ten-day period. The affidavit of appeal shall include the

11 reasons for the appeal and points at issue. The secretary of the local
 12 board on receiving notice of appeal shall certify all papers to the
 13 ~~county area education agency board of education~~ which shall hear
 14 the appeal within ten days of the receipt of the papers and decide it
 15 within three days of the conclusion of the hearing and shall immedi-
 16 ately notify all parties of its decision. Either party may appeal the
 17 decision of the ~~county area education agency board to the state super-~~
 18 ~~intendent of public instruction by notifying the opposite party and~~
 19 ~~the county area education agency superintendent administrator of~~
 20 ~~schools in writing within five days after receipt of notice of the~~
 21 ~~decision of the county area education agency board of education and~~
 22 shall file with the state superintendent of public instruction an affi-
 23 davit of appeal, reasons for appeal, and the facts involved in the dis-
 24 agreement. The ~~county area education agency superintendent admin-~~
 25 ~~istrator of schools shall, within ten days of said notice, file with the~~
 26 ~~state superintendent of public instruction all records and papers~~
 27 ~~pertaining to the case, including action of the county area education~~
 28 ~~agency board of education. The state superintendent of public in-~~
 29 ~~struction shall hear the appeal within fifteen days of the filing of the~~
 30 ~~records in his office, notifying all parties and the county area educa-~~
 31 ~~tion agency superintendent administrator of schools of the time of~~
 32 ~~hearing. The state superintendent of public instruction shall forth-~~
 33 ~~with decide the same and notify all parties of his decision and return~~
 34 ~~all papers with a copy of the decision to the county area education~~
 35 ~~agency superintendent administrator of schools. The decision of the~~
 36 ~~state superintendent of public instruction shall be subject to appeal~~
 37 ~~to the district court. Any order of the district court shall be subject~~
 38 ~~to appeal to the supreme court in accord with the statutes respecting~~
 39 ~~appeals to that court. Pending final order made by the state super-~~
 40 ~~intendent of public instruction, or the district court, or the supreme~~
 41 ~~court, as the case may be, upon any appeal prosecuted to such super-~~
 42 ~~intendent or to such courts, the order of the county area education~~
 43 ~~agency board of education from which the appeal is taken shall be~~
 44 operative and be in full force and effect.

1 SEC. 83. Section two hundred eighty-five point thirteen (285.13),
 2 Code 1973, is amended to read as follows:

3 285.13 **Disagreements between boards.** In the event of a dis-
 4 agreement between the board of a school district and the ~~county~~ board
 5 of ~~education an area education agency~~, the board of the school district
 6 may appeal to the state superintendent of public instruction and the
 7 procedure and times provided for in section 285.12 shall prevail in
 8 any such case. The decision of the state superintendent of public
 9 instruction shall be subject to appeal to the courts as provided for in
 10 section 285.12.

1 SEC. 84. Section two hundred eighty-five point fifteen (285.15),
 2 Code 1973, is amended to read as follows:

3 285.15 **Forfeiture of reimbursement rights.** The failure of any
 4 local district to comply with the provisions of this chapter or any
 5 other laws relating to the transportation of pupils, or any rules or
 6 regulations made by the state department of public instruction under
 7 this chapter or the final decisions of the ~~county area education agency~~
 8 ~~board of education~~, or the final decisions of the state department of

9 public instruction shall ~~cause such district to forfeit any rights to~~
 10 ~~reimbursement for any transportation costs incurred during the~~
 11 ~~period such failure to comply existed and forfeit the rights to collect~~
 12 ~~transportation costs from school or parents while operating in such~~
 13 ~~illegal manner. Any superintendent, board, or board member who~~
 14 ~~knowingly operates or permits to be operated any school bus trans-~~
 15 ~~porting public school pupils in violation of any school transportation~~
 16 ~~law shall be deemed guilty of a misdemeanor.~~

1 SEC. 85. Section two hundred eighty-nine point seven (289.7),
 2 Code 1973, is amended to read as follows:

3 **289.7 Enforcement.** The enforcement of this chapter shall rest
 4 with the school board in the district in which such part-time school,
 5 department, or class shall have been established, and the state de-
 6 partment of public instruction through its inspectors and the state
 7 board for vocational education through its supervisors of vocational
 8 education, in conjunction with the ~~county area education agency~~
 9 ~~superintendent administrator of schools~~, are empowered to require
 10 enforcement of the same on the part of school boards.

1 SEC. 86. Section two hundred ninety point one (290.1), Code
 2 1973, is amended to read as follows:

3 **290.1 Appeal to ~~county superintendent~~ state board.** Any person
 4 aggrieved by any decision or order of the board of directors of any
 5 school corporation in a matter of law or fact may, within thirty days
 6 after the rendition of such decision or the making of such order,
 7 appeal therefrom to the ~~county superintendent of the proper county~~
 8 ~~state board of public instruction~~; the basis of the proceedings shall be
 9 an affidavit filed with the ~~county superintendent state board~~ by the
 10 party aggrieved within the time for taking the appeal, which affidavit
 11 shall set forth any error complained of in a plain and concise manner.

1 SEC. 87. Section two hundred ninety point two (290.2), Code
 2 1973, is amended to read as follows:

3 **290.2 Notice—transcript—hearing.** The ~~county superintendent~~
 4 ~~state board of public instruction~~ shall, within five days after the filing
 5 of such affidavit ~~in his office~~, notify the secretary of the proper school
 6 corporation in writing of the taking of such appeal, who shall, within
 7 ten days after being thus notified, file ~~in the office of the county super-~~
 8 ~~intendent with the state board~~ a complete certified transcript of the
 9 record and proceedings relating to the decision appealed from. There-
 10 upon, the ~~county superintendent state board~~ shall notify in writing all
 11 persons adversely interested of the time when and place where the
 12 matter of appeal will be heard ~~by him~~.

1 SEC. 88. Section two hundred ninety point three (290.3), Code
 2 1973, is amended to read as follows:

3 **290.3 Hearing—shorthand reporter—decision.** At the time fixed
 4 for the hearing, ~~he it~~ shall hear testimony for either party, and may
 5 cause the same to be taken down and transcribed by a shorthand
 6 reporter, whose fees shall be fixed by the ~~county superintendent state~~
 7 ~~board~~ and be ~~taxes taxed~~ as a part of the costs in the case, and ~~he it~~
 8 shall make such decision as may be just and equitable, which shall be
 9 final unless appealed from as hereinafter provided.

1 SEC. 89. Section two hundred ninety point four (290.4), Code
2 1973, is amended to read as follows:

3 **290.4 Witnesses — fees — collection.** The ~~county superintendent~~
4 *state board of public instruction* in all matters triable before ~~him~~ *it*
5 shall have power to issue subpoenas for witnesses, which may be
6 served by any peace officer, compel the attendance of those thus
7 served, and the giving of evidence by them, in the same manner and
8 to the same extent as the district court may do, and such witnesses
9 and officers may be allowed the same compensation as is paid for like
10 attendance or service in such court, which shall be paid out of the
11 general fund of the proper school corporation, upon the certificate
12 of the superintendent to and warrant of the secretary upon the trea-
13 surer; but if the ~~superintendent~~ *state board* is of the opinion that the
14 proceedings were instituted without reasonable cause therefor, or if,
15 in case of an appeal, it shall not be sustained, ~~he~~ *it* shall enter such
16 findings in the record, and tax all costs to the party responsible there-
17 for. A transcript thereof shall be filed in the office of the clerk of the
18 district court and a judgment entered thereon by him, which shall be
19 collected as other judgments.

1 SEC. 90. Section two hundred ninety point five (290.5), Code
2 1973, is amended by striking the section and inserting in lieu thereof
3 the following:

4 **290.5 Decision of state board.** The decision of the state board
5 shall be final. The state board may adopt rules of procedure for hear-
6 ing appeals which shall include the power to delegate the actual hear-
7 ing of the appeal to the superintendent of public instruction and
8 members of his staff designated by him. The record of appeal so
9 heard shall be reviewed by the state board and the decision recom-
10 mended by the superintendent of public instruction shall be approved
11 by the state board in the manner provided in section two hundred
12 fifty-seven point ten (257.10), subsection four (4), of the Code.

1 SEC. 91. Section two hundred ninety point six (290.6), Code
2 1973, is amended to read as follows:

3 **290.6 Money judgment.** Nothing in this chapter shall be so con-
4 strued as to authorize ~~either the county superintendent or state board~~
5 of public instruction to render judgment for money; neither shall
6 they be allowed any other compensation than is now allowed by law.
7 All necessary postage must first be paid by the party aggrieved.

1 SEC. 92. Section two hundred ninety-one point six (291.6), sub-
2 section one (1), Code 1973, is amended to read as follows:

3 1. Preservation of records. File and preserve copies of all reports
4 made to the ~~county superintendent~~, and all papers transmitted to ~~him~~
5 pertaining to the business of the corporation.

1 SEC. 93. Section two hundred ninety-one point ten (291.10), un-
2 numbered paragraph one (1), Code 1973, is amended to read as fol-
3 lows:

4 He shall notify the ~~county~~ *superintendent of public instruction*
5 when each school is to begin and its length of term, and, ten days
6 after the regular July meeting in each year, file with the ~~county~~
7 *superintendent of public instruction* a report on blanks prepared for
8 that purpose by the superintendent of public instruction, showing:

1 SEC. 94. Section two hundred ninety-one point eleven (291.11),
2 Code 1973, is amended to read as follows:

3 **291.11 Officers reported.** He shall report to the ~~county~~ superin-
4 *tendent of public instruction, the county auditor, and county trea-*
5 *surer the name and post-office address of the president, treasurer,*
6 *and secretary of the board as soon as practicable after the qualifica-*
7 *tion of each.*

1 SEC. 95. Section two hundred ninety-one point fifteen (291.15),
2 Code 1973, is amended to read as follows:

3 **291.15 Annual report.** He shall make an annual report to the
4 board at its regular July meeting, which shall show the amount of
5 the general fund and the schoolhouse fund held over, received, paid
6 out, and on hand, the several funds to be separately stated, and he
7 shall immediately file a copy of this report with the ~~county~~ superin-
8 *tendent of public instruction and a copy with the county treasurer.*

1 SEC. 96. Section two hundred ninety-two point two (292.2), Code
2 1973, is amended to read as follows:

3 **292.2 Purchase of books—distribution.** Between the first Mon-
4 day of July and the first day of October in each year, the county
5 ~~board of education shall expend~~ *auditor shall distribute* all money
6 ~~withheld by the auditor,~~ as provided in section 292.1, ~~in for the pur-~~
7 ~~chase of books and materials for the use of the school district districts~~
8 *to the area education agency board for the area media center.* The
9 ~~county board of education may distribute the books thus purchased to~~
10 ~~the librarians of the several school districts in the proportion that the~~
11 ~~number of persons of school age living in the school district bears to~~
12 ~~the number of such persons living in the county, or may entrust the~~
13 ~~custody of such books to the county superintendent of schools to be~~
14 ~~loaned by him to schools of the county in the manner of a circulating~~
15 ~~library; provided that if the circulating library method is adopted, in~~
16 ~~whole or in part, any district maintaining a high school shall, upon~~
17 ~~request of its board of directors, be excluded therefrom and be allowed~~
18 ~~its distributive share of such books on the basis first above mentioned~~
19 ~~in this section.~~

20 Directors of the school districts having permanent libraries shall,
21 ~~upon approval by the county superintendent of schools,~~ be permitted
22 to make temporary and permanent exchanges of books between school
23 districts or to turn books over to the ~~county~~ *area education agency*
24 ~~superintendent administrator of schools~~ to become a part of the
25 ~~circulating library area media center.~~ The ~~county~~ *area education*
26 ~~agency superintendent administrator~~ shall keep a record of all books
27 in his custody.

1 SEC. 97. Section two hundred ninety-four point one (294.1), Code
2 1973, is amended to read as follows:

3 **294.1 Qualifications—compensation prohibited.** No person shall
4 be employed as a teacher in a common school ~~which is to receive its~~
5 ~~distributive share of the school fund without having a certificate of~~
6 ~~qualification given by the county superintendent of the county in~~
7 ~~which the school is situated, or a certificate or diploma issued by some~~
8 ~~other officer duly authorized by law.~~

9 No compensation shall be recovered by a teacher for services ren-
10 ~~dered while without such certificate or diploma.~~

1 SEC. 98. Section two hundred ninety-four point five (294.5), Code
2 1973, is amended to read as follows:

3 **294.5 Reports.** The teacher shall file with the ~~county superin-~~
4 ~~tendent school superintendent and the superintendent of public in-~~
5 ~~struction~~ such reports and in such manner as ~~he~~ may be ~~require~~
6 ~~required.~~

1 SEC. 99. Section two hundred ninety-seven point eight (297.8),
2 Code 1973, is amended to read as follows:

3 **297.8 Emergency repairs.** When emergency repairs costing more
4 than ~~twenty five hundred five thousand~~ dollars are necessary in order
5 to prevent the closing of any school, the provisions of the law with
6 reference to advertising for bids shall not apply, and in that event the
7 board may contract for such emergency repairs without advertising
8 for bids; provided, however, that before such emergency repairs can
9 be made to any schoolhouse, it shall be necessary to procure a certifi-
10 cate from the ~~county area education agency superintendent admin-~~
11 ~~istrator~~ that such emergency repairs are necessary to prevent the
12 closing of such school.

1 SEC. 100. Section two hundred ninety-seven point sixteen
2 (297.16), Code 1973, is amended to read as follows:

3 **297.16 Appraisers.** In case the school district and said owner of
4 the tract from which such school site was taken, do not agree as to
5 the value of such site, the ~~county superintendent~~ *chief judge of the*
6 *judicial district* of the county in which the greater part of such school
7 district is situated, shall, on the written application of either party,
8 appoint three disinterested voters of the county *from the list of*
9 *persons eligible to serve as compensation commissioners* to appraise
10 *said the* site.

1 SEC. 101. Section two hundred ninety-seven point seventeen
2 (297.17), Code 1973, is amended to read as follows:

3 **297.17 Notice.** The county ~~superintendent~~ *sheriff* shall give
4 notice to both parties of the time and place of making such appraise-
5 ment, which notice shall be served in the same manner and for the
6 same time as for the commencement of action in the district court.

1 SEC. 102. Section two hundred ninety-seven point eighteen
2 (297.18), Code 1973, is amended to read as follows:

3 **297.18 Appraisalment.** Such appraisers shall inspect the premises
4 and, at the time and place designated in the notice, appraise said site
5 in writing, which appraisalment, after being duly verified, shall be
6 filed with the county ~~superintendent~~ *sheriff*.

1 SEC. 103. Section two hundred ninety-seven point nineteen
2 (297.19), Code 1973, is amended to read as follows:

3 **297.19 Public sale.** If the owner of the tract from which said site
4 was taken fails to pay the amount of such appraisalment to such
5 school district within twenty days after the filing of same with the
6 county ~~superintendent~~ *sheriff*, the school district may sell said site to
7 any other person at the appraised value, or may sell the same at
8 public sale to the highest bidder.

1 SEC. 104. Section two hundred ninety-seven point twenty-two
2 (297.22), unnumbered paragraph four (4), Code 1973, is amended to
3 read as follows:

4 Before the board of directors may sell, lease or dispose of any prop-
5 erty belonging to the school district it shall comply with the require-
6 ments set forth in sections 297.15 to 297.20, inclusive, and sections
7 297.23 and 297.24. Any real estate proposed to be sold shall be
8 appraised by three disinterested freeholders residing in the school
9 district and appointed by the ~~county superintendent of schools~~ *chief*
10 *judge of the judicial district* of the county in which said real estate is
11 located ~~from the list of compensation commissioners~~.

1 SEC. 105. Section two hundred ninety-seven point twenty-eight
2 (297.28), Code 1973, is amended to read as follows:

3 **297.28 Appraisers.** In case the executive council and said owner
4 of the tract from which such school site was taken, do not agree as
5 to the value of such site or building, the ~~county superintendent~~ *chief*
6 *judge of the judicial district* of the county in which the greater part of
7 such school site is situated, shall, on the written application of either
8 party, appoint three disinterested voters of the county ~~from the list~~
9 ~~of compensation commissioners~~ to appraise such site. The county
10 ~~superintendent~~ *sheriff* shall give notice to both parties of the time and
11 place of making such appraisalment, which notice shall be served in
12 the same manner and for the same time as for the commencement of
13 an action in the district court.

1 SEC. 106. Section two hundred ninety-seven point twenty-nine
2 (297.29), Code 1973, is amended to read as follows:

3 **297.29 Report filed.** Such appraisers shall inspect the premises
4 and at the time and place designated in the notice, appraise such site
5 or building in writing, which appraisalment, after being duly verified,
6 shall be filed with the ~~county superintendent~~ *sheriff*.

1 SEC. 107. Section two hundred ninety-seven point thirty
2 (297.30), Code 1973, is amended to read as follows:

3 **297.30 Public sale.** If the owner of the tract from which said site
4 was taken fails to pay the amount of such appraisalment to such exec-
5 utive council within thirty days after the filing of the same with the
6 ~~county superintendent~~ *sheriff*, the executive council may sell said site
7 or building to any other person at the appraised value, or may sell the
8 same at public sale to the highest bidder and the proceeds of such sale
9 are to be added to the permanent school fund of the state.

1 SEC. 108. Section two hundred ninety-eight point eleven (298.11),
2 unnumbered paragraph one (1), Code 1973, is amended to read as
3 follows:

4 The county auditor shall, on the first Monday in April and the first
5 Monday in October of each year, apportion the school tax, together
6 with the interest of the permanent school fund and rents on unsold
7 school lands to which the county is entitled as shown in notice from
8 the state comptroller, and all other money in the hands of the county
9 treasurer belonging in common to the schools of the county and not
10 included in any previous apportionment, among the several corpora-
11 tions therein, in proportion to the number of persons of school age,
12 as shown by the ~~report of the county superintendent filed with him~~

13 *reports filed with the state department of public instruction for the*
 14 *year immediately preceding.*

1 SEC. 109. Section two hundred ninety-nine point three (299.3),
 2 Code 1973, is amended to read as follows:

3 **299.3 Reports from private schools.** Within ten days from re-
 4 ceipt of notice from the secretary of the school district within which
 5 any private school is conducted, the principal of such school shall,
 6 once during each school year, and at any time when requested in indi-
 7 vidual cases, furnish to such secretary a certificate and report in
 8 duplicate of the names, ages, and number of days attendance of each
 9 pupil of such school over seven and under sixteen years of age, the
 10 course of study pursued by each such child, the texts used, and the
 11 names of the teachers, during the preceding year and from the time
 12 of the last preceding report to the time at which a report is required.
 13 The secretary shall retain one of the reports and file the other ~~in the~~
 14 ~~office of the county superintendent~~ *with the secretary of the area*
 15 *education agency.*

1 SEC. 110. Section two hundred ninety-nine point twelve (299.12),
 2 Code 1973, is amended to read as follows:

3 **299.12 Neglect by truancy officer.** Any truancy officer or any di-
 4 rector neglecting his duty to enforce the truancy law after written
 5 notice so to do served upon him by any citizen of the county or by
 6 the ~~county area education agency superintendent~~ *administrator* shall
 7 be liable to a fine not exceeding twenty-five dollars and be removed
 8 from such office. The county attorney shall prosecute such persons
 9 upon request of the ~~county area education agency superintendent~~
 10 *administrator.*

1 SEC. 111. Section three hundred one point five (301.5), Code
 2 1973, is amended to read as follows:

3 **301.5 Purchase—exchange.** In the purchasing of textbooks it
 4 shall be the duty of the board of directors ~~or the county board of~~
 5 ~~education~~ to take into consideration the books then in use in the
 6 respective districts, and they may buy such additional number of said
 7 books as may from time to time become necessary to supply their
 8 schools, and they may arrange on equitable terms for exchange of
 9 books in use for new books adopted.

1 SEC. 112. Section three hundred one point six (301.6), Code 1973,
 2 is amended to read as follows:

3 **301.6 Suit on bond.** If at any time the publishers of such books
 4 as shall have been adopted by any board of directors ~~or county board~~
 5 ~~of education~~ shall neglect or refuse to furnish such books when
 6 ordered by said board in accordance with the provisions of this chap-
 7 ter, at the very lowest price, either contract or wholesale, that such
 8 books are furnished any other district or state board, then said board
 9 of directors ~~or county board of education~~ may and it is hereby made
 10 their duty to bring suit upon the bond given them by the contracting
 11 publisher.

1 SEC. 113. Section three hundred one point seven (301.7), Code
 2 1973, is amended to read as follows:

3 **301.7 Bids—advertisement.** Before purchasing textbooks from a
4 source other than the publisher and before purchasing supplies under
5 the provisions of this chapter, it shall be the duty of the board of
6 directors, ~~or county board of education,~~ to advertise, by publishing a
7 notice once each week for two consecutive weeks in one or more news-
8 papers published in the county; said notice shall state the time up to
9 which all bids will be received, the classes and grades for which text-
10 books and other necessary supplies are to be bought, and the approxi-
11 mate quantity needed.

1 SEC. 114. Section three hundred one point ten (301.10), Code
2 1973, is amended to read as follows:

3 **301.10 Samples and lists.** Any person or firm desiring to furnish
4 books or supplies under this chapter in any county shall, at or before
5 the time of filing his bid hereunder, ~~deposit in the office of the county~~
6 ~~superintendent~~ *make available* samples of all textbooks included in his
7 bid, accompanied with lists giving the lowest wholesale and contract
8 prices for the same. ~~Said samples and lists shall remain in the county~~
9 ~~superintendent's office, and shall be delivered by him to his successor~~
10 ~~in office and shall be kept by him in such safe and convenient manner~~
11 ~~as to be open at all times to the inspection of such school officers,~~
12 ~~school patrons, and school teachers as may desire to examine the same~~
13 ~~and compare them with others, for the purpose of use in the public~~
14 ~~schools.~~

1 SEC. 115. Section three hundred one point eleven (301.11), Code
2 1973, is amended to read as follows:

3 **301.11 Bond.** The board of directors and county board of educa-
4 ~~tion mentioned~~ shall require any person or persons with whom they
5 contract for furnishing any books or supplies to enter into a good and
6 sufficient bond, in such sum and with such conditions and sureties
7 as may be required by such board of directors ~~or county board of~~
8 ~~education,~~ for the faithful performance of any such contract. Bonds
9 of surety companies duly authorized under the laws of Iowa shall be
10 accepted.

1 SEC. 116. Section three hundred one point twenty-eight (301.28),
2 Code 1973, is amended to read as follows:

3 **301.28 Officers and teachers as agents for books and supplies.** It
4 shall be unlawful for any school director, *officer, area education direc-*
5 *tor, or teacher,* ~~or member of the county board of education~~ to act as
6 agent for any school textbooks or school supplies during such term of
7 office or employment, and any school director, officer, *area education*
8 *agency director, or teacher,* ~~or member of the county board of educa-~~
9 ~~tion~~ who shall act as agent or dealer in school textbooks or school
10 supplies, during the term of such office or employment, shall be
11 deemed guilty of a misdemeanor, and shall, upon conviction thereof,
12 be fined not less than ten dollars nor more than one hundred dollars,
13 and pay the costs of prosecution.

1 SEC. 117. Section three hundred thirty-two point nine (332.9),
2 Code 1973, is amended to read as follows:

3 **332.9 Offices furnished.** The board of supervisors shall furnish
4 the clerk of the district court, sheriff, recorder, treasurer, auditor,
5 county attorney, ~~county superintendent,~~ county surveyor or engineer,

6 and county assessor, with offices at the county seat, but in no case
7 shall any such officer, except the county attorney, be permitted to
8 occupy an office also occupied by a practicing attorney.

1 SEC. 118. Section three hundred forty-nine point sixteen
2 (349.16), subsection one (1), Code 1973, is amended to read as fol-
3 lows:

4 1. The proceedings of the board of supervisors, excluding from
5 the publication of said proceedings, its canvass of the various elec-
6 tions, as provided by law; witness fees of witnesses before the grand
7 jury and in the district court in criminal cases; ~~the county superin-~~
8 ~~tendent's report.~~

1 SEC. 119. Section four hundred forty-one point two (441.2),
2 Code 1973, is amended to read as follows:

3 441.2 **Conference board.** In each county and each city having an
4 assessor there shall be established a conference board. In counties
5 the conference board shall consist of the mayors of all incorporated
6 cities and towns in the county whose property is assessed by the
7 county assessor, ~~members of the county boards of education as now or~~
8 ~~hereafter constituted one representative from the board of directors~~
9 ~~of each high school district of the county, who is a resident of the~~
10 ~~county, said board of directors appointing said representative for a~~
11 ~~one-year term and notifying the clerk of the conference board as to~~
12 ~~their representative, and members of the board of supervisors. In~~
13 ~~cities having an assessor the conference board shall consist of the~~
14 ~~members of the city council, school board and county board of super-~~
15 ~~visors. In the counties the chairman of the board of supervisors shall~~
16 ~~act as chairman of the conference board, in cities having an assessor~~
17 ~~the mayor of the city council shall act as chairman of the conference~~
18 ~~board. In any action taken by the conference board, the mayors of~~
19 ~~all incorporated cities and towns in the county whose property is~~
20 ~~assessed by the county assessor shall constitute one voting unit, the~~
21 ~~members of the county or city board of education or one representa-~~
22 ~~tive from the board of directors of each high school district of the~~
23 ~~county shall constitute one voting unit, the members of the city coun-~~
24 ~~cil shall constitute one voting unit, and the county board of super-~~
25 ~~visors shall constitute one voting unit, each unit having a single vote~~
26 ~~and no action shall be valid except by the vote of not less than two out~~
27 ~~of the three units. The majority vote of the members present of each~~
28 ~~unit shall determine the vote of the unit. The assessor shall be clerk~~
29 ~~of the conference board.~~

1 SEC. 120. Section four hundred forty-two point one (442.1), Code
2 1973, as amended by Acts of the Sixty-fifth General Assembly, 1973
3 Session, chapter two hundred fifty-eight (258), section one (1), is
4 amended to read as follows:

5 442.1 **State school foundation program.** This chapter establishes
6 a state school foundation program. For each school year, each school
7 district in the state is entitled to receive state school foundation aid,
8 which shall be an amount per pupil equal to the difference between
9 the amount per pupil of foundation property tax in the district, and
10 the state foundation base or the district cost per pupil, whichever
11 is less. However, for the school years beginning July 1, 1973, and

12 July 1, 1974, only, if the amount so determined for any district is
13 less than two hundred dollars per pupil, the district is entitled to
14 receive not less than two hundred dollars per pupil except when a
15 district's total general fund millage rate is reduced to ninety percent
16 or less of the district's total general fund millage rate for the school
17 year beginning July 1, 1970. *However, if this computation is made*
18 *for the school years beginning July 1, 1975, and July 1, 1976, the*
19 *general fund levy for each district for the school year which began*
20 *July 1, 1970, shall be determined by including the levy certified by the*
21 *county school system or joint county system in which the district was*
22 *located, for the school year which began July 1, 1970. In this case the*
23 district is entitled to receive only that portion of the two hundred
24 dollars per pupil necessary to retain that ten percent reduction. In
25 making computations and payments under this chapter, the state
26 comptroller shall round amounts to the nearest whole dollar.

1 SEC. 121. Section four hundred forty-two point four (442.4),
2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
3 1973 Session, chapter two hundred fifty-eight (258), section three
4 (3), is further amended by adding the following new unnumbered
5 paragraph:

6 NEW UNNUMBERED PARAGRAPH. As used in this chapter, "enroll-
7 ment" means enrollment determined pursuant to this section,
8 "weighted enrollment" means enrollment modified by the special
9 education weighting plan pursuant to section two hundred eighty-
10 one point nine (281.9) of the Code, and "per pupil" means per pupil
11 in enrollment for years prior to the school year beginning July 1,
12 1975, and "per pupil in weighted enrollment" for the school year be-
13 ginning July 1, 1975 and each succeeding school year.

1 SEC. 122. Section four hundred forty-two point seven (442.7),
2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
3 1973 Session, chapter two hundred fifty-eight (258), section six (6),
4 is further amended by adding the following new unnumbered para-
5 graph:

6 NEW UNNUMBERED PARAGRAPH. For the school year beginning
7 July 1, 1975, the allowable growth for each district as otherwise de-
8 termined under this section shall be modified for districts in that
9 area education agency by the addition of the amount to compensate
10 for the costs of special education support services, media services,
11 and other services as provided in section twelve (12), subsections
12 four (4), five (5) and six (6), of this Act. For each succeeding
13 school year the allowable growth, as otherwise determined, is modi-
14 fied for additional special education support services needed by the
15 agency for that year to serve newly identified children who require
16 the services pursuant to section twelve (12), subsection four (4), of
17 this Act. The determination of whether special education support
18 services are for newly identified children or are new and expanded
19 services shall be made by the director of special education in each
20 area education agency, pursuant to rules and regulations adopted and
21 promulgated by the department of public instruction. The deter-
22 mination shall be subject to audit by the department of public in-
23 struction.

1 SEC. 123. Section four hundred forty-two point eight (442.8),
2 Code 1973, as amended by Acts of the Sixty-fifth General Assem-
3 bly, 1973 Session, chapter two hundred fifty-eight (258), section
4 seven (7), is further amended by adding the following new unnum-
5 bered paragraph:

6 NEW UNNUMBERED PARAGRAPH. For the school year beginning
7 July 1, 1975, the allowable growth added to the state cost per pupil
8 shall be the allowable growth as otherwise computed under section
9 four hundred forty-two point seven (442.7) of the Code, increased by
10 an amount equal to the average of the amounts of allowable growth
11 added for each school district in the state for special education sup-
12 port services provided through the area education agencies under
13 section twelve (12), subsection four (4), of this Act. For each suc-
14 ceeding school year, the allowable growth added to the state cost per
15 pupil as otherwise computed under section four hundred forty-two
16 point seven (442.7) of the Code shall be increased by an amount
17 equal to the average of the amounts of allowable growth added for
18 each school district in the state for additional special education sup-
19 port services needed for that year to serve newly identified children
20 who require the services, under section twelve (12), subsection four
21 (4) of this Act. The state comptroller shall compute the applicable
22 amount of allowable growth to be added to the state cost per pupil
23 for each school year.

1 SEC. 124. Section four hundred forty-two point nine (442.9), sub-
2 section one (1), paragraphs a, b and c, Code 1973, as amended by
3 Acts of the Sixty-fifth General Assembly, 1973 Session, chapter two
4 hundred fifty-eight (258), section eight (8), are amended to read
5 as follows:

6 a. The district cost per pupil for the budget year is equal to the
7 district cost per pupil for the base year plus the allowable growth.
8 However, in determining the district cost per pupil for the budget
9 year beginning July 1, 1973, district cost per pupil in the base year
10 means the general fund budget for the school year beginning July
11 1, 1971, as authorized and funded under Acts of the General Assem-
12 bly, 1971 Session, chapter seventy-two (72), including additional
13 approved funding authorized by the school budget review committee,
14 less the amount of adjusted miscellaneous income including adjust-
15 ments pursuant to section four hundred forty-two point twenty-five
16 (442.25) of the Code, divided by the fall enrollment certified in Sep-
17 tember of 1971, plus the allowable growth for the school year begin-
18 ning July 1, 1972, as computed on the basis of state cost per pupil
19 excluding miscellaneous income. *Also, in determining the district*
20 *cost per pupil for the budget year beginning July 1, 1975, the amount*
21 *received by a school district under sections two hundred eighty-one*
22 *point nine (281.9) through two hundred eighty-one point eleven*
23 *(281.11) of the Code, as state reimbursement for special education*
24 *costs for the school year beginning July 1, 1974, shall be deducted.*

25 b. The district cost for the budget year is equal to the district cost
26 per pupil for the budget year multiplied by the *weighted* enrollment.
27 A school district may not increase its district cost for the budget year
28 except to the extent that excess millage is authorized by the school
29 budget review committee as provided in section 442.13, subsection
30 eight (8).

31 c. The amount to be raised by the additional school district prop-
32 erty tax levy is equal to the district cost for the budget year, less the
33 product of the state or district foundation base and the *weighted*
34 enrollment. However, said amount shall be adjusted in accordance
35 with the maximum millage provided in section 442.10 and the maxi-
36 mum millage reduction provided in section 442.21.

1 SEC. 125. Section four hundred forty-two point nine (442.9),
2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
3 1973 Session, chapter two hundred fifty-eight (258), section eight
4 (8), is amended by striking subsection three (3).

1 SEC. 126. Section four hundred forty-two point ten (442.10),
2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
3 1973 Session, chapter two hundred fifty-eight (258), section nine
4 (9), is amended to read as follows:

5 442.10 **Maximum millage levy.** For the purpose of determining
6 the maximum millage levy for the general fund in a school district,
7 the state comptroller shall determine the sum of the foundation prop-
8 erty tax levy and the additional property tax levy, in mills. When
9 this total millage levy exceeds the district general fund levy in mills
10 for the school year which began July 1, 1970, he shall adjust the dis-
11 trict general fund millage levy to a rate equal to the millage levy for
12 the school year beginning July 1, 1970, except that excess millage
13 authorized by the school budget review committee, as provided in sec-
14 tion 442.13, subsection eight (8), may be added to that rate. *How-*
15 *ever, in making this adjustment for the school years beginning July 1,*
16 *1975, and July 1, 1976, the general fund levy for each district for the*
17 *school year which began July 1, 1970, shall be determined by includ-*
18 *ing the levy certified by the county school system or joint county*
19 *system in which the district was located, for the school year which*
20 *began July 1, 1970.*

1 SEC. 127. Section four hundred forty-two point thirteen (442.13),
2 subsection three (3), Code 1973, as amended by Acts of the Sixty-
3 fifth General Assembly, 1973 Session, chapter two hundred fifty-eight
4 (258), section eleven (11), is amended to read as follows:

5 3. The committee shall ~~meet beginning not later than March first of~~
6 ~~each year, shall~~ review the proposed budget and certified budget of
7 each school district, and may make recommendations. The committee
8 may make decisions affecting budgets to the extent provided in this
9 chapter. The costs and computations referred to in this section relate
10 to the budget year unless otherwise expressly stated.

1 SEC. 128. Section four hundred forty-two point thirteen (442.13),
2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
3 1973 Session, chapter two hundred fifty-eight (258), section eleven
4 (11), is amended by striking subsection thirteen (13).

1 SEC. 129. Section four hundred forty-two point thirteen (442.13),
2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
3 1973 Session, chapter two hundred fifty-eight (258), section eleven
4 (11), is amended by adding the following new subsection:

5 **NEW SUBSECTION.** The committee shall review the recommenda-
6 tions of the superintendent of public instruction relating to the spe-

7 cial education weighting plan, and shall establish a weighting plan
8 for each school year after the school year commencing July 1, 1975,
9 and report the plan to the superintendent of public instruction.

1 SEC. 130. Section four hundred sixty-seven B point fourteen
2 (467B.14), Code 1973, is amended to read as follows:

3 ~~467B.14 Allocation to county board of education fund.~~ Sixty-five
4 percent of any such payments or payment received from the federal
5 government shall be credited to the county board of education fund
6 as created by section 273.13 and the county board of education shall
7 determine the districts of the county which are principally af-
8 fected in their activities by the federal flood control project involved
9 and shall allocate to the general fund of each said school district the
10 amount of such federal payments paid to the county board of educa-
11 tion fund distributed to the general fund of the school districts of the
12 county after the county auditor has determined the districts which
13 are principally affected by the federal flood control project involved
14 in an amount deemed to be the equitable share of each such district
15 and the amount allocated to each school district shall be paid over by
16 the county board of education to the treasurer of such school district.

17 The county board of education auditor shall certify to the executive
18 council of the state the amounts allocated to each school district in the
19 previous year, on January second of the following year. The execu-
20 tive council of the state shall deduct this amount from any tax free
21 land reimbursement claim filed that year under section 284.4; except
22 that in no case shall the deduction result in an amount less than the
23 total of the tax free land reimbursement plus any benefits payable to
24 the school district other than the amounts specified in this paragraph.
25 The remaining ten percent of any such payment received by the
26 county treasurer from the federal government, or so much thereof
27 as may be deemed necessary by the board of supervisors, shall be
28 allocated to the local fire departments of the unincorporated villages,
29 towns, townships and cities of the county which are principally
30 affected by the federal flood control project involved, to be paid and
31 prorated among them as determined by the board of supervisors. If
32 the funds prorated to local fire departments in any county are less
33 than ten percent of the total county share of such federal payments
34 for any year, the amount which exceeds such prorations shall revert
35 back to and be divided equally between the secondary road fund and
36 the county board of education local school district fund.

1 SEC. 131. Acts of the Sixty-fifth General Assembly, 1973 Ses-
2 sion, chapter one hundred thirty-six (136), section eleven (11), is
3 amended to read as follows:

4 Sec. 11. Chapter thirty-nine (39), Code 1973, is amended by add-
5 ing the following new section:

6 **NEW SECTION. School officers.** Members of county boards of edu-
7 cation, boards of directors of community and independent school dis-
8 tricts, and boards of directors of merged areas shall be elected at the
9 school election. Their respective terms of office shall be three years,
10 except as otherwise provided by section two hundred eighty A point
11 twelve (280A.12) of the Code.

1 SEC. 132. Initial operating funds required for payment of sal-
2 aries and other expenses for planning purposes prior to July 1, 1975,
3 implemented under the provisions of section nine (9) of this Act,
4 shall be advanced to the board of directors of the area education
5 agency by the state comptroller, subject to the approval of the de-
6 partment of public instruction. Any funds advanced shall be de-
7 ducted from payments by the state comptroller to the area education
8 agency after July 1, 1975.

1 SEC. 133. Sections two hundred sixty point eighteen (260.18),
2 two hundred sixty point twenty-two (260.22), two hundred sixty
3 point twenty-four (260.24), two hundred sixty point twenty-five
4 (260.25), two hundred sixty point twenty-six (260.26), two hun-
5 dred seventy-five point forty (275.40), two hundred seventy-nine
6 point thirty-six (279.36), two hundred eighty-one point ten (281.10),
7 two hundred ninety-two point three (292.3), two hundred ninety-
8 two point four (292.4), three hundred one point nineteen (301.19),
9 and three hundred one point twenty (301.20), and chapter two hun-
10 dred seventy-three (273), Code 1973, are repealed.

1 SEC. 134. Section two hundred fifty-seven point ten (257.10),
2 subsection fourteen (14), Code 1973, is amended to read as follows:

3 14. Approve, co-ordinate, and supervise the use of electronic data
4 processing by local school districts, ~~county or joint county school~~
5 ~~systems~~ *area education agency* and merged areas. A committee, con-
6 sisting of the state superintendent of public instruction, the director
7 of the department of general services, the state comptroller, or their
8 designees, and two persons knowledgeable in the area of administra-
9 tive-instructional computer systems to be appointed by the governor,
10 shall assist and advise the state board of public instruction in approv-
11 ing, co-ordinating and supervising the use of electronic data process-
12 ing computers by local school districts, ~~county or joint county school~~
13 ~~systems~~ *area education agency* and merged areas. The committee
14 shall further inventory current practice and prepare and recommend
15 a statewide plan for the use of electronic data processing computers
16 in order to prevent the unnecessary proliferation of computers. These
17 recommendations shall be submitted to the general assembly by De-
18 cember 1 of each year. For purposes of this subsection the term "elec-
19 tronic data processing computers" shall refer to equipment having as
20 a component thereof a memory core to store information.

1 SEC. 135. Sections one (1) through twelve (12), inclusive, of this
2 Act shall become effective July 1, 1974; and the remaining sections of
3 this Act shall become effective July 1, 1975.

Approved May 28, 1974

CHAPTER 1173

SCHOOLHOUSE TAX USE

S. F. 59

AN ACT expanding the purposes for which the schoolhouse tax may be used.

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

1 SECTION 1. Section two hundred seventy-eight point one (278.1),
2 subsection seven (7), Code 1973, is amended to read as follows:

3 7. Vote a schoolhouse tax, not exceeding two and one-half mills on
4 the dollar in any one year, for the purchase of grounds, construction
5 of schoolhouses or buildings, the payment of debts contracted for the
6 erection or construction of schoolhouses or buildings, not including
7 interest on bonds, for procuring or acquisition of libraries, for ~~and~~
8 opening roads to schoolhouses or buildings, for the purchase of build-
9 ings or equipment for buildings or schoolhouses, for the purpose of
10 repairing, remodeling, reconstructing, improving or expanding the
11 schoolhouses or buildings for the school district, for the purpose of
12 landscaping, paving, or improving the schoolhouse or building grounds,
13 or for the rental of facilities pursuant to chapter twenty-eight E
14 (28E) of the Code. Interest earned from investments of these funds
15 may be used for the purposes voted. The power to levy said tax,
16 when voted, shall continue for such period of time as may be author-
17 ized by the voters and shall not be affected by any change in the bound-
18 aries of the school district, in whatever manner effected, except in case
19 the school district is reorganized pursuant to sections 275.12 to 275.23,
20 both inclusive.

21 Authorized levies for the period of time presently approved shall not
22 be affected as a result of a failure of a proposition proposed to expand
23 the purposes for which the funds may be expended.

24 As used in this subsection, "repair" means to restore the existing
25 structure or thing to its original condition, as near as may be, after
26 decay, waste, injury, or partial destruction, but does not include main-
27 tenance or customary repainting; and "reconstruction" means to
28 rebuild or to restore again as an entity the thing which was lost or
29 destroyed.

1 SEC. 2. Chapter two hundred seventy-nine (279), Code 1973, is
2 amended by adding the following new section:

3 NEW SECTION. Lease arrangements. The board of directors of a
4 local school district for which a schoolhouse tax has been voted pur-
5 suant to section two hundred seventy-eight point one (278.1), subsec-
6 tion seven (7), of the Code may enter into a rental or lease arrange-
7 ment, consistent with the purposes for which the schoolhouse tax has
8 been voted, for a period not exceeding ten years and not exceeding the
9 period for which the schoolhouse tax has been authorized by the voters.

Approved May 2, 1974

CHAPTER 1174

SCHOOL FUND MORTGAGES

H. F. 569

AN ACT relating to the statute of limitations governing school fund mortgages.

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

1 SECTION 1. Section three hundred two point twenty-eight (302.28),
2 Code 1973, is amended to read as follows:

3 302.28 Statute of limitation. Lapse of time shall in no case be a
4 bar to any action to recover any part of the school fund, nor shall it
5 prevent the introduction of evidence in such an action, ~~any provision~~
6 ~~in this Code to the contrary notwithstanding except as provided in~~
7 ~~sections six hundred fourteen point twenty-nine (614.29) through six~~
8 ~~hundred fourteen point thirty-eight (614.38), of the Code.~~

Approved May 2, 1974

CHAPTER 1175

HISTORICAL DEPARTMENT

H. F. 1491

AN ACT to establish a state historical department with a division of historical museum and archives, a division of the state historical society, and a division of historic preservation, to prescribe powers and duties, and to establish a trust fund for life memberships in the state historical society, and to make an appropriation.

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

1 SECTION 1. NEW SECTION. Establishment of department. There
2 is established the Iowa state historical department which shall be gov-
3 erned by a state historical board consisting of twelve members, six of
4 whom shall be appointed by the governor and six of whom shall be
5 elected by the members of the state historical society established in
6 section four (4) of this Act. The members appointed by the governor
7 shall include one professionally qualified architectural historian, one
8 historian, and one archaeologist. One member appointed by the gover-
9 nor and one member elected by the society shall be residents of each
10 congressional district.

11 The term of office for both elected and appointed members shall
12 commence on July first of each year and shall be three years, except
13 that for the initial board, the governor shall appoint two members for
14 a one-year term, two members for a two-year term, and two mem-
15 bers for a three-year term, and the society shall elect two members
16 for a one-year term, two members for a two-year term, and two mem-
17 bers for a three-year term.

1 SEC. 2. NEW SECTION. Officers—meetings. The state historical
2 board shall annually elect a chairman and vice chairman from its
3 membership, and the director of the division of historical museum and
4 archives shall serve as secretary to the board. The board shall meet

5 as often as deemed necessary, upon the call of the chairman and vice
6 chairman, or at the request of a majority of the members of the board.
7 Members of the board shall be paid a forty dollar per diem and shall
8 be reimbursed for actual and necessary expenses while engaged in
9 their official duties.

1 **SEC. 3. NEW SECTION. Divisions of department.** The Iowa state
2 historical department shall consist of the division of historical muse-
3 um and archives, located in Des Moines, and the division of the state
4 historical society and the division of historic preservation, both located
5 in Iowa City in order to benefit from, and contribute to, the state uni-
6 versity of Iowa.

1 **SEC. 4. NEW SECTION. Membership in state historical society.**
2 The state historical board shall establish rules for membership of the
3 general public in the state historical society, including rules relating
4 to membership fees. Members shall be persons who indicate an inter-
5 est in the history, progress, and development of the state and who pay
6 the prescribed fee. The members of the state historical society may
7 meet at least one time per year to further the understanding of the
8 history of this state. The election of members of the state historical
9 board, as provided in section one (1) of this Act, shall be by mailed
10 ballot as provided in bylaws adopted by the society and approved by
11 the state historical board. The society may elect officers and the direc-
12 tor of the division of the state historical society shall serve as secre-
13 tary to the society. The officers of the society shall not determine
14 policy for the division of the state historical society but may perform
15 functions to stimulate interest in the history of this state among the
16 general public. The society may perform other activities related to
17 history which are not contrary to the provisions of this Act, subject
18 to the approval of the board.

1 **SEC. 5. NEW SECTION. Powers and duties of the state historical**
2 **board.** The state historical board shall have the following powers and
3 duties:
4 1. Establish policy for the division of historical museum and
5 archives, the division of the state historical society, and the division
6 of historic preservation, eliminating duplication of services whenever
7 possible.
8 2. Appoint a director of the division of historical museum and
9 archives, a director of the division of the state historical society, and
10 a director of the division of historic preservation at annual salaries
11 set by the general assembly. Directors of the divisions shall serve for
12 six-year terms and may be reappointed.
13 3. Control the historical building, the centennial building, and other
14 properties and assign space.
15 4. Determine the scope of and authorize publications.
16 5. Make a biennial report to the governor and to the general assem-
17 bly.
18 6. Coordinate activities of the department with federal, state, and
19 local agencies.
20 7. Select sites for uniform historical markers.
21 8. Coordinate historic preservation matters.
22 9. Approve nominations to and removals from the state and national
23 registers of historic places. The standards of the national register

24 shall be adopted as the standards for the listing of historic property
25 on the state register.

26 10. Approve the state preservation plan.

27 11. Acquire historic properties by gift, purchase, devise or bequest;
28 preserve, restore, transfer and administer such properties; and charge
29 reasonable admissions to such properties.

30 12. Promulgate rules and regulations for the effective and efficient
31 operation of the department subject to the provisions of chapter sev-
32 enteen A (17A) of the Code.

33 13. May periodically loan historical articles and artifacts, such as
34 the silver tea service of General Grenville Dodge, owned or in the
35 possession of the state of Iowa and on display or under the control
36 of the state historical board for display at suitable locations within
37 the state. A policy shall be determined and regulations adopted by
38 the state historical board which establishes standards for the pres-
39 ervation, protection and security of the articles and artifacts. Suit-
40 able recognition of the loan shall be displayed and security safeguards,
41 package, and freight shall be at the expense of the recipient of the
42 loaned items.

43 14. May enter into agreements with the university of northern
44 Iowa, the state university of Iowa, Iowa state university of science
45 and technology, or any accredited private institution as defined in
46 section two hundred sixty-one point nine (261.9) of the Code to estab-
47 lish multi-county area research centers, which are in addition to but
48 do not duplicate archives as defined in section twelve (12) of this
49 Act. An area research center shall serve as the depository for the
50 archives of counties and municipalities and for other unpublished
51 original resource material of a given area to be designated in the
52 agreement.

1 **SEC. 6. NEW SECTION. Duties of the director of the division of**
2 **historical museum and archives.** The director of the division of his-
3 torical museum and archives shall have the following powers and
4 duties, under the direction of the board:

5 1. Administer the space in the historical building assigned to the
6 department and maintain collections located in the building. Keep the
7 building open for use by the public during hours prescribed by the
8 board.

9 2. Administer the archives of the state as defined in section twelve
10 (12) of this Act.

11 3. Collect, preserve, organize, arrange, and classify works of art,
12 books, maps, charts, public documents, manuscripts, newspapers, and
13 other objects and materials illustrative of the natural and political
14 history of the territory and state and of the central west, and of the
15 traditions and history of all prior occupants who settled in the region,
16 including women and the various racial, religious, and ethnic groups.

17 4. Collect memorials and momentos* of the pioneers of Iowa and the
18 soldiers of all wars in which Iowa residents participated, including
19 portraits, specimens of arms, clothing, army letters, commissions of
20 officers, and other military papers and documents.

*According to enrolled Act

21 5. Exhibit objects illustrative of the history and prehistory archae-
22 ology of this state, to interpret that history, and to publish such mat-
23 ters as may be of value and interest to the public.

24 6. Administer and care for and preserve the monuments, memo-
25 rials, and works of art on the grounds and in the buildings at the seat
26 of government, and report from time to time their condition and make
27 recommendations to the proper officers or board.

28 7. Employ necessary personnel under the provisions of chapter
29 nineteen A (19A) of the Code.

30 8. Report to the board as required.

31 9. Perform such other duties as may be imposed by law or pre-
32 scribed by the rules of the board.

1 SEC. 7. NEW SECTION. **Duties of director of division of state his-**
2 **torical society.** The director of the division of the state historical
3 society shall have the following powers and duties, under the direction
4 of the board:

5 1. Maintain a library of materials relating to the history of this
6 state and illustrative of the progress and development of the state.

7 2. Conduct historical studies and researches and issue publications.

8 3. Disseminate a knowledge of the history of this state among the
9 people of this state.

10 4. Encourage and assist local, county, and regional organizations
11 devoted to historical purposes and foster an understanding and appre-
12 ciation of Iowa history among all units of government.

13 5. Maintain artifacts of archaeological significance.

14 6. Plan, develop, and publicize a uniform system of marking state
15 historical, archaeological, geological, and legendary sites.

16 7. Employ necessary personnel under the provisions of chapter nine-
17 teen A (19A) of the Code.

18 8. Perform such other duties as may be imposed by law or pre-
19 scribed by the rules of the board.

1 SEC. 8. NEW SECTION. **Duties of the director of the division of**
2 **historic preservation.** The director of the division of historic pres-
3 ervation shall have the following powers and duties, under the direc-
4 tion of the board:

5 1. Serve as the state historic preservation officer, certified by the
6 governor in accordance with federal requirements.

7 2. Identify and document historic properties, including those owned
8 by the state, its instrumentalities, and political subdivisions.

9 3. Prepare and maintain the state register of historic places, includ-
10 ing those listed on the national register of historic places.

11 4. Prepare and annually update the state's preservation plan.

12 5. Develop standards and criteria for the acquisition of historic
13 properties and for the preservation, restoration, maintenance and op-
14 eration of properties under the jurisdiction of the state historical
15 board.

16 6. Accept federal aid for historic preservation purposes.

17 7. Cooperate with federal, state and local government agencies in
18 historic preservation matters.

19 8. Coordinate the activities of, and provide technical and financial
20 assistance if federal funds are available, to local historic preservation

21 commissions and private parties in accordance with the state plan and
22 programs for historic preservation.

23 9. Stimulate public interest in historic preservation.

24 10. Pursue historical, architectural, and archaeological research
25 and development, which may include but shall not be limited to, con-
26 tinuing surveys, excavation, scientific recording, interpretation, and
27 publication of the historical, architectural, archaeological, and cul-
28 tural sites, buildings and structures in the state.

29 11. Employ necessary personnel under the provisions of chapter
30 nineteen A (19A) of the Code.

1 SEC. 9. NEW SECTION. **Funds received by state historical depart-**
2 **ment.** All funds received by the state historical department, except
3 as provided in this section, shall be deposited in the general fund of
4 the state and shall be subject to appropriation by the general assem-
5 bly. There is created in the office of the treasurer of state a life mem-
6 bership trust fund into which shall be deposited all funds received
7 by the state historical society from the sale of life memberships, in-
8 cluding such funds which may have been received prior to July 1, 1975
9 and which have not been expended. On July first of each year five
10 percent of the funds deposited in the life membership trust fund shall
11 be made available to support life memberships in the state historical
12 society and such funds are appropriated to the state historical depart-
13 ment for such purpose.

1 SEC. 10. NEW SECTION. **Acceptance and use of money grants.** All
2 federal grants to and the federal receipts of the agencies receiving
3 funds under this Act are appropriated for the purpose set forth in the
4 federal grants or receipts.

1 SEC. 11. NEW SECTION. **Gifts.** The state historical board may
2 accept gifts and bequests which shall be used in accordance with the
3 desires of the donor if expressed. Funds contained in an endowment
4 fund for either the department of history and archives or the state
5 historical society existing on July 1, 1974 shall remain an endowment
6 of either the division of historical museum and archives or the divi-
7 sion of the state historical society. After July 1, 1974, gifts shall be
8 accepted only on behalf of the state historical department. Funds
9 in an endowment fund may be invested by the state historical board.

10 In instances where publication of a book is financed by the endow-
11 ment fund, nothing in this Act shall prevent the return of moneys from
12 sales of the book to the endowment fund.

1 SEC. 12. NEW SECTION. **Archives.** Archives means those manu-
2 scripts, documents, records, and materials originating under or pass-
3 ing through the hands of public officers in the regular course and
4 performance of their legal duties which the chief executive of the
5 office that has present custody of the manuscripts, documents, records,
6 and materials shall deem not to be necessary for use in the conduct of
7 the regular current business of his office but warrant preservation, or
8 which he shall consider to be in such physical condition that they can-
9 not be used without risk of damage to them, or for which, in his opin-
10 ion, he is unable to provide adequate or safe storage. The director of
11 the division of historical museum and archives is the trustee and cus-
12 todian of the archives of Iowa, except that archives does not include

13 county or municipal archives unless they are voluntarily deposited
14 with the director with the written consent of the director. The direc-
15 tor shall prescribe rules and regulations for the systematic arrange-
16 ment of archives, properly labeled to show their contents and order of
17 filing, before the archives may be transferred to his custody.

1 **SEC. 13. NEW SECTION. Transfer of archives.** The several state,
2 executive, and administrative departments, officers or offices, councils,
3 boards, bureaus, and commissions, may transfer and deliver to the
4 state historical department archives as defined in section twelve (12)
5 of this Act, and take the director's receipt. Before transferring
6 archives, the office of present custody shall file with the director a clas-
7 sified list of the archives being transferred made in such detail as the
8 director shall prescribe. If the director, on receipt of the list, and
9 after consultation with the chief executive of the office filing the clas-
10 sified list or with a representative designated by the executive, shall
11 find that, according to the records management manual, certain clas-
12 sifications of the archives listed are not of sufficient historical, legal,
13 or administrative value to justify permanent preservation, the direc-
14 tor shall file a list with the state records commission with recommen-
15 dations for their disposal.

1 **SEC. 14. NEW SECTION. Removal of original.** After any archives
2 have been received by the director, they shall not be removed from his
3 custody without his consent except in obedience to a subpoena of a
4 court of record or a written order of the state executive council.

5 The director shall annually submit to the state historical board a
6 list of papers and documents which have no further value, and upon
7 approval of the state records commission the items shall be destroyed.

8 The director shall not be required to preserve permanently vouch-
9 ers, claims, cancelled or redeemed state warrants, or duplicate war-
10 rant registers, respectively, of the state comptroller and the treasurer
11 of state but may, after microfilming, destroy by burning or shredding
12 any such warrants, having no historical value, that have been in his
13 custody for a period of three years and likewise to destroy by burning
14 or shredding any vouchers, claims and duplicate warrant registers
15 which have been in his custody for a period of three years. A prop-
16 erly authenticated reproduction of any such microfilmed record shall be
17 admissible in evidence in any court in this state.

1 **SEC. 15. NEW SECTION. Certified copies—fees.** Upon request of
2 any person, the director of the division of historical museum and
3 archives or the director of the division of the state historical society
4 shall make a certified copy of any document, manuscript, or record
5 contained in the archives or in the custody of the division of the
6 state historical society, and when a copy is properly authenticated it
7 shall have the same legal effect as though certified by the officer from
8 whose office it was obtained or by the secretary of state. The copy
9 may be made in writing, or by any suitable photographic process.
10 The director shall charge and collect for such copies the fees allowed
11 by law to the official in whose office the document originates for such
12 certified copies. The director shall charge a person requesting a
13 search of census records for the purpose of determining geneology
14 the actual cost of performing the search.

1 SEC. 16. There is appropriated from the general fund of the state
2 to the state historical department, established in this Act, for the fiscal
3 year commencing July 1, 1974 and ending June 30, 1975, the sum of
4 twelve thousand five hundred (12,500) dollars, or so much thereof as
5 may be necessary, to be used for per diem and expenses of members
6 of the state historical board.

7 Funds appropriated by the general assembly to the department of
8 history and archives, to the state historical society, and to the state
9 conservation commission for historic preservation purposes for the
10 fiscal year commencing July 1, 1974 and ending June 30, 1975 are
11 transferred to the state historical department and shall be used for
12 the purposes for which the funds were appropriated.

13 Unencumbered funds of the state historical society shall be depos-
14 ited in the general fund of the state on July 1, 1975.

1 SEC. 17. Sections three hundred three point one (303.1) through
2 three hundred three point twenty-three (303.23), Code 1973, as
3 amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
4 chapter one hundred ninety-nine (199), and chapter three hundred
5 four (304), Code 1973, are repealed.

Approved June 3, 1974

CHAPTER 1176

STATE RECORDS MANAGEMENT

H. F. 363

AN ACT relating to the management of state records and making an appropriation.

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

1 SECTION 1. NEW SECTION. This Act shall be known and may be
2 cited as the "Records Management Act".

1 SEC. 2. NEW SECTION. **Definitions.** As used in this Act, unless
2 the context otherwise requires:

3 1. "Record" means a document, book, paper, photograph, sound re-
4 cording, or other material, regardless of physical form or characteris-
5 tics, made, produced, executed, or received pursuant to law in connec-
6 tion with the transaction of official business of state government.
7 "Record" does not include library and museum material made or ac-
8 quired and preserved solely for reference or exhibition purposes, mis-
9 cellaneous papers or correspondence without official significance, extra
10 copies of documents preserved only for convenience of reference, and
11 stocks of publications and processed documents.

12 2. "Agency" means any department, office, commission, board or
13 other unit of state government except as otherwise provided by law.

14 3. "Commission" means the state records commission created by
15 this Act.

1 SEC. 3. NEW SECTION. **Commission created.** There is created a
2 state records commission. The commission shall consist of:

- 3 1. The secretary of state who shall act as chairman.
- 4 2. The curator of history and archives.
- 5 3. The treasurer of state.
- 6 4. The state comptroller.
- 7 5. The court administrator of the judicial department.
- 8 6. A member of the general assembly appointed by the legislative
- 9 council.
- 10 7. Director of the department of general services who shall act as
- 11 secretary of the commission.

12 It is the duty of the commission to determine what records have no
 13 administrative, legal, fiscal, research or historical value and should be
 14 disposed of or destroyed. The decisions of the commission shall be
 15 made by a majority vote of the entire membership.

1 SEC. 4. NEW SECTION. **Expenses.** Members of the commission
 2 shall serve without compensation, except the members of the general
 3 assembly who shall receive a per diem of forty dollars but may receive
 4 their actual expenses incurred in the performance of their duties.

1 SEC. 5. NEW SECTION. **Meetings.** The commission shall have its
 2 offices at the seat of government but may hold meetings in other loca-
 3 tions. It shall meet quarterly and at the call of the chairman.

1 SEC. 6. NEW SECTION. **Powers.** The primary agency responsible
 2 for providing administrative personnel and services for the commis-
 3 sion shall be the department of general services. The purchase of
 4 equipment and supplies for record preservation by agencies shall be
 5 subject to the approval of the commission except as otherwise pro-
 6 vided by law. The commission shall perform any act necessary and
 7 proper to carry out its duties.

1 SEC. 7. NEW SECTION. **Rules and regulations.** The commission
 2 shall adopt rules and regulations in accordance with the provisions of
 3 chapter seventeen A (17A) of the Code which are necessary for the
 4 exercise of the powers and duties granted by this Act. The rules and
 5 regulations shall provide for:

- 6 1. Procedures to promote the economical and efficient management
- 7 of records and to insure the maintenance and security of records
- 8 deemed appropriate for preservation.
- 9 2. Procedures and standards for the efficient and economical utili-
- 10 zation of space, equipment, and supplies needed for the purpose of cre-
- 11 ating, maintaining, storing and servicing records.
- 12 3. Standards for the selective retention of records of continuing
- 13 value.
- 14 4. Procedures for compiling and submitting to the commission lists
- 15 and schedules of records proposed for disposal.
- 16 5. Procedures for the physical destruction of records proposed for
- 17 disposal.
- 18 6. Standards for the reproduction of records.

19 In carrying out its duties under this Act, the commission shall de-
 20 velop a records management manual within one year of the effective
 21 date of this Act. The records management manual shall be made
 22 available to agencies subject to the provisions of this Act and shall
 23 contain the rules and regulations required by this Act, such other
 24 information as is necessary, and shall provide for implementing the

25 provisions of this Act. The commission may contract for services
 26 required to develop the records management manual. The records
 27 management manual shall be revised and updated periodically to reflect
 28 decisions made by the commission.

1 SEC. 8. NEW SECTION. **Disposal prohibited.** After July 1, 1975
 2 no records shall be disposed of by any agency unless prior approval of
 3 the commission is obtained or has been previously granted or disposal
 4 is provided for in the records management manual.

1 SEC. 9. NEW SECTION. **Lists of records.** The head of each agency
 2 shall submit to the commission lists of the records in his custody. The
 3 head of each agency shall also submit a schedule proposing the length
 4 of time each record should be retained for administrative, legal or fis-
 5 cal purposes.

1 SEC. 10. NEW SECTION. **Curator of history and archives—duties.**
 2 All lists and schedules submitted to the commission shall be referred
 3 to the curator of history and archives, who shall determine whether
 4 the records proposed for disposal have value to other agencies of the
 5 state or have research or historical value. The curator of history and
 6 archives shall submit the lists and schedules with his recommendations
 7 in writing to the commission and the final disposition of the records
 8 shall be according to the orders of the commission.

9 The curator of history and archives shall submit to the commission,
 10 with his recommendations in writing, disposal lists of records that
 11 have been deposited in the state archives after having determined that
 12 the records concerned do not have sufficient value to warrant their
 13 continued preservation. Records deposited in the state archives by
 14 any agency shall not be disposed of by the commission without first
 15 consulting with the head of the agency concerned, except as provided
 16 in section eleven (11) of this Act.

1 SEC. 11. NEW SECTION. **Termination of state agency.** Upon the
 2 termination of any state agency whose functions have not been trans-
 3 ferred to another agency, the records of the agency shall be deposited
 4 in the state archives. The commission shall determine which records
 5 are of sufficient legal, historical, administrative, research, or fiscal
 6 value to warrant their continued preservation. Records that are
 7 determined to be of insufficient value to warrant their continued pres-
 8 ervation shall be disposed of or destroyed.

1 SEC. 12. NEW SECTION. **Emergency preparations.** The commis-
 2 sion shall establish a system for the protection and preservation of
 3 records essential for the continuity or establishment of governmental
 4 functions in the event of an emergency arising from enemy action or
 5 natural disaster. The commission shall:

6 1. Determine what records are essential for emergency government
 7 operations through consultation with all state agencies.

8 2. Determine what records are essential for post-emergency gov-
 9 ernment operations, and provide for their protection and preservation.

10 3. Establish the manner in which essential records for emergency
 11 and post-emergency government operations shall be preserved to in-
 12 sure emergency use.

13 4. Provide for security storage or relocation of essential state rec-
 14 ords in the event of an emergency arising from enemy attack or nat-
 15 ural disaster.

1 SEC. 13. NEW SECTION. **Duplicates.** The commission may make
 2 or cause to be made preservation duplicates of records and may desig-
 3 nate as duplicates existing copies of initial state records. A preser-
 4 vation duplicate record shall be durable, accurate, complete and clear
 5 and shall be made by means designated by the commission.

6 A preservation duplicate record shall have the same force and effect
 7 for all purposes as the original record whether or not the original
 8 record is in existence. A transcript, exemplification or certified copy
 9 of a preservation duplicate record shall be deemed for all purposes to
 10 be a transcript, exemplification or certified copy of the original record.

11 The commission shall review all duplicating and microfilming sys-
 12 tems and installations of agencies subject to this Act and recommend
 13 any changes necessary to assure maximum efficiency and economic use
 14 of equipment and procedures, including but not necessarily limited to,
 15 the type of equipment, type of storage files, methods and procedures
 16 for keeping duplicate records, and the location of equipment. The
 17 commission may establish centralized duplicating or microfilming
 18 facilities if it deems it in the best interest of the state. Agencies sub-
 19 ject to this Act shall consult with and receive approval of the com-
 20 mission prior to the purchase of any duplicating or microfilming
 21 equipment or files to be used for storage of records.

1 SEC. 14. NEW SECTION. **Agency program.** The head of each
 2 agency shall establish and maintain a program for the economical and
 3 efficient management of the records of the agency. The program
 4 shall:

5 1. Provide for effective controls over the creation, maintenance, and
 6 use of records in the conduct of current business.

7 2. Provide for cooperation with the secretary of the commission in
 8 applying standards, procedures, and techniques to improve the man-
 9 agement of records, promote the maintenance and security of records
 10 deemed appropriate for preservation, and facilitate the segregation
 11 and disposal of records of temporary value.

12 3. Provide for compliance with the provisions of this Act and the
 13 rules and regulations adopted by the commission.

1 SEC. 15. NEW SECTION. **Records state property.** All official rec-
 2 ords of this state are the property of the state and shall not be muti-
 3 lated, destroyed, removed or disposed of, except as provided by law or
 4 by rule.

1 SEC. 16. NEW SECTION. **Liability precluded.** No member of the
 2 commission or head of an agency shall be held liable for damages or
 3 loss, or civil or criminal liability, because of the destruction of public
 4 records pursuant to the provisions of this Act or any other law author-
 5 izing their destruction.

1 SEC. 17. NEW SECTION. **Exemption—duty of board of regents.**
 2 The state highway commission and the agencies and institutions under
 3 the control of the state board of regents shall be exempt from the rec-
 4 ords management manual and the provisions of this Act. However, the

5 state highway commission and the state board of regents shall adopt
6 rules and regulations for their employees, agencies, and institutions
7 which shall be consistent with the objectives of this Act. The rules
8 and regulations shall be approved by the state records commission and
9 be subject to the provisions of chapter seventeen A (17A) of the Code.

1 SEC. 18. Section ninety-six point eleven (96.11), subsection twelve
2 (12), Code 1973, is amended to read as follows:

3 12. Destruction of records. The *Iowa employment security* com-
4 mission may ~~in its discretion~~ destroy or dispose of such original reports
5 or records as have been properly recorded or summarized in the perma-
6 nent records of the commission and are deemed by the *Iowa employ-*
7 *ment security* commission and the *state records commission* to be no
8 longer necessary to the proper administration of this chapter. Wage
9 records of the individual worker or transcripts therefrom may be
10 destroyed or disposed of, *if approved by the state records commission,*
11 two years after the expiration of the period covered by such wage
12 records or upon proof of the death of the worker. Such destruction
13 or disposition shall be made only by order of the *Iowa employment*
14 *security* commission *in consultation with the state records commission*
15 and such order shall be spread on the minutes of the *Iowa employment*
16 *security* commission. Any moneys received from the disposition of
17 such records shall be deposited to the credit of the employment secu-
18 rity administration fund.

1 SEC. 19. Section ninety-seven B point six (97B.6), Code 1973, is
2 amended to read as follows:

3 97B.6 Old records. The *Iowa employment security* commission
4 may ~~in its discretion~~ destroy or dispose of such original reports or
5 records as have been properly recorded or summarized in the perma-
6 nent records of the commission and are deemed by the *Iowa employ-*
7 *ment security* commission and *state records commission* to be no longer
8 necessary to the proper administration of this chapter. Such destruc-
9 tion or disposition shall be made only by order of the *Iowa employment*
10 *security* commission and such order shall be spread on the minutes of
11 the *Iowa employment security* commission. Any moneys received from
12 the disposition of such records shall be deposited to the credit of the
13 public employees' retirement fund.

1 SEC. 20. Section one hundred forty-seven point forty-three
2 (147.43), Code 1973, is amended to read as follows:

3 147.43 Preservation of records. All matters connected with each
4 examination for a license shall be filed with the state department of
5 health and preserved for ~~five years~~ *such period of time as specified by*
6 *the state records commission* as a part of the records of the depart-
7 ment, ~~during which time said.~~ *The* records shall be open to public
8 inspection.

1 SEC. 21. Section one hundred sixty-nine point thirty (169.30),
2 Code 1973, is amended to read as follows:

3 169.30 Records. All matters connected with each examination for
4 license shall be filed with the department of agriculture and preserved
5 for ~~five years~~ *such period of time as specified by the state records com-*
6 *mission* as a part of the records of the department, ~~during which time~~
7 ~~said.~~ *The* records shall be open to public inspection.

1 SEC. 22. Section three hundred three point nine (303.9),* subsec-
2 tion one (1), Code 1973, is amended to read as follows:

3 **303.9 Archives.**

4 1. Definition. The term "archives" shall mean those manuscripts,
5 documents, records, and materials originating under or passing
6 through the hands of public officers in the regular course and perform-
7 ance of their legal duties which the chief executive of the office that
8 has present custody of said manuscripts, documents, records, and
9 materials shall deem not to be necessary for use in the conduct of the
10 regular current business of his office *but warrant preservation*, or
11 which he shall consider to be in such physical condition that they can-
12 not be used without risk of damage to them, or for which, in his opin-
13 ion, he is unable to provide adequate or safe storage.

1 SEC. 23. Section three hundred three point ten (303.10),* unnum-
2 bered paragraph one (1), Code 1973, is amended to read as follows:

3 **303.10 Records delivered—classified list—disposal of useless docu-
4 ments.** The several state, executive, and administrative departments,
5 officers or offices, councils, boards, bureaus, and commissioners, are
6 hereby authorized and directed to transfer and deliver to the Iowa state
7 department of history and archives such of the public archives as are
8 designated in section 303.9, and take the curator's receipt therefor.
9 Before transferring such archives, the office of present custody shall
10 file with the curator a classified list of the same made in such detail
11 as the curator shall prescribe. If the curator, on receipt of such a
12 list, and after consultation with the chief executive of the office filing
13 the same or with a representative designated by such executive, shall
14 find that certain classifications of the archives listed are not of suffi-
15 cient historical, legal, or administrative value to justify permanent
16 preservation, he shall file a list thereof with the ~~board of trustees~~ *state*
17 *records commission* with such recommendations for their disposal as
18 he shall see fit to make.

1 SEC. 24. Section three hundred three point eleven (303.11),* un-
2 numbered paragraph two (2), Code 1973, is amended to read as fol-
3 lows:

4 The curator shall annually submit to the trustees a list of papers
5 and documents which have no further value, and upon approval of ~~said~~
6 ~~trustees state records commission~~ such items may be destroyed.

1 SEC. 25. There is appropriated from the general fund of the state
2 to the department of general services for the fiscal year beginning
3 July 1, 1974 and ending June 30, 1975 the sum of three hundred thou-
4 sand (300,000) dollars, or so much thereof as may be necessary, for
5 use of the state records commission in carrying out the provisions
6 of this Act, including but not limited to, carrying out the study author-
7 ized by this Act, employing a qualified records management adminis-
8 trator, purchasing or leasing necessary duplicating or microfilming
9 equipment, and employing or contracting for other necessary em-
10 ployees or services which may be required to implement this Act.

Approved May 27, 1974

*Cannot apply, see 65 GA, ch 1175, §17

CHAPTER 1177

HIGHWAY CLASSIFICATION

S. F. 1062

AN ACT relating to the functional classification and jurisdiction of highways.

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

- 1 SECTION 1. Section three hundred six point one (306.1), subsection
 2 one (1), Code 1973, is amended by striking the subsection and insert-
 3 ing in lieu thereof the following:
 4 1. Functional classification of roads and streets. The roads and
 5 streets of this state are classified into the following systems:
 6 a. The freeway-expressway system.
 7 b. The arterial system.
 8 c. The arterial connector system.
 9 d. The trunk system.
 10 e. The trunk collector system.
 11 f. The area service system.
 12 g. The municipal arterial system.
 13 h. The municipal collector system.
 14 i. The municipal service system.
 15 j. The municipal residential alley system.
 16 k. The state park, state institution and other state land road system.
 17 l. The county conservation parkway system.

- 1 SEC. 2. Section three hundred six point one (306.1), subsection
 2 two (2), unnumbered paragraph one (1), Code 1973, is amended to
 3 read as follows:
 4 For the purpose of functionally classifying the roads and streets of
 5 this state to ~~co-operate with the United States department of trans-~~
 6 ~~portation, as required by section 17, public law 90-495, and for no other~~
 7 ~~purpose,~~ the following words and phrases relating to roads and streets
 8 shall have the following meanings:

- 1 SEC. 3. Section three hundred six point one (306.1), subsection
 2 two (2), Code 1973, is amended by striking paragraphs f, g, h, i, and
 3 j, and inserting in lieu thereof the following:
 4 f. The area service system shall include those public roads outside
 5 of municipalities not otherwise classified.
 6 g. The municipal arterial system shall consist of those streets within
 7 municipalities not included in other classifications which connect prin-
 8 cipal traffic generating areas or connect such areas with other systems.
 9 The municipal arterial system shall not exceed fifteen percent of the
 10 entire street mileage under the jurisdiction of a municipality, except
 11 that municipalities under two thousand population may exceed such
 12 limitation.
 13 h. The municipal collector system shall consist of those streets
 14 within municipalities that collect traffic from the municipal service
 15 system and connect to other systems. The municipal collector system
 16 shall not exceed twenty percent of the entire street mileage under
 17 jurisdiction of the municipality, except that municipalities under two
 18 thousand population may exceed such limitation.
 19 i. The municipal service system shall consist of those streets and
 20 commercial alleys within municipalities which serve primarily as

21 access to commercial and residential property and shall also include
22 streets within municipal parks.

23 j. The municipal residential alley system shall consist of those alleys
24 which serve primarily as secondary access to residential property.

25 k. The state park, state institution, and other state land road system
26 shall consist of those roads and streets wholly within the boundaries
27 of state lands operated as parks, institutions, or other state govern-
28 mental agencies.

29 l. The county conservation parkway system shall consist of those
30 parkways located wholly within the boundaries of county lands oper-
31 ated as parks, forests, or other public access areas.

1 SEC. 4. Section three hundred six point three (306.3), Code 1973,
2 is amended by striking the section and inserting in lieu thereof the
3 following:

4 **306.3 Definition of terms.** As used in this chapter or in any chap-
5 ter of the Code relating to highways:

6 1. "Road" or "street" means the entire width between property lines
7 through private property or designated width through public property
8 of every way or place of whatever nature when any part of such way
9 or place is open to the use of the public, as a matter of right, for pur-
10 poses of vehicular traffic.

11 2. "Primary roads" or "primary road system" means those roads
12 and streets, both inside and outside the boundaries of municipalities,
13 classified under section three hundred six point one (306.1) of the
14 Code as freeway-expressway, arterial and arterial connector.

15 3. "Interstate roads" or "interstate road system" means those roads
16 and streets of the primary road system that are designated by the
17 secretary of the United States department of transportation as the
18 National System of Interstate and Defense Highways in Iowa.

19 4. "Secondary roads" or "secondary road system" means those
20 roads, outside the boundaries of municipalities, classified as trunk,
21 trunk collector and area service under section three hundred six point
22 one (306.1) of the Code.

23 5. "Farm-to-market roads" or "farm to market road system" means
24 those rural secondary roads classified as trunk and trunk collector
25 under section three hundred six point one (306.1) of the Code.

26 6. "Local secondary roads" or "local secondary road system" means
27 those secondary roads which are classified as area service under section
28 three hundred six point one (306.1) of the Code.

29 7. "Municipal street system" means those streets within municipal-
30 ities classified as trunk, trunk collector, municipal arterial, municipal
31 collector, municipal service and municipal alleys under section three
32 hundred six point one (306.1) of the Code.

33 8. "State park roads" means those roads and streets classified as
34 state park roads under section three hundred six point one (306.1) of
35 the Code.

36 9. "Institutional roads" means those roads and streets classified as
37 institutional roads under section three hundred six point one (306.1)
38 of the Code.

39 10. "Other state land roads" means those roads and streets classi-
40 fied as other state land roads under section three hundred six point one
41 (306.1) of the Code.

42 11. "County conservation parkways" or "county conservation park-
43 way system" means those parkways classified as county conservation
44 parkways under section three hundred six point one (306.1) of the
45 Code.

1 SEC. 5. Section three hundred six point four (306.4), Code 1973,
2 is amended by striking the section and inserting in lieu thereof the
3 following:

4 306.4 **Jurisdiction of systems.** The jurisdiction and control over
5 the roads and streets of the state are vested as follows:

6 1. Jurisdiction and control over the primary roads shall be vested in
7 the state highway commission.

8 2. Jurisdiction and control over the secondary roads shall be vested
9 in the county board of supervisors of the respective counties.

10 3. Jurisdiction and control over the municipal street system shall be
11 vested in the governing bodies of each municipality; except that the
12 state highway commission and the municipal governing body shall
13 exercise concurrent jurisdiction over the municipal extensions of pri-
14 mary roads in all municipalities. The parties exercising concurrent
15 jurisdiction shall enter into agreements with each other as to the kind
16 and type of construction, reconstruction, repair and maintenance and
17 the division of costs thereof.

18 4. Jurisdiction and control over the roads and streets in any state
19 park, state institution or other state land shall be vested in the board,
20 commission, or agency in control of such park, institution, or other
21 state land; except that:

22 a. The state highway commission and the controlling agency shall
23 have concurrent jurisdiction over any road which is an extension of a
24 primary road and which both enters and exits from the state land at
25 separate points. The state highway commission may expend the
26 moneys available for such roads in the same manner as the commission
27 expends such funds on other roads over which the commission exer-
28 cises jurisdiction and control. The parties exercising concurrent juris-
29 diction may enter into agreements with each other as to the kind and
30 type of construction, reconstruction, repair and maintenance and the
31 division of costs thereof. In the absence of such agreement the juris-
32 diction and control of such road shall remain in the state highway com-
33 mission.

34 b. The board of supervisors of any county and the controlling state
35 agency shall have concurrent jurisdiction over any road which is an
36 extension of a secondary road and which both enters and exits from
37 the state land at separate points. The board of supervisors of any
38 county may expend the moneys available for such roads in the same
39 manner as the board expends such funds on other roads over which
40 the board exercises jurisdiction and control. The parties exercising
41 concurrent jurisdiction may enter into agreements with each other as
42 to the kind and type of construction, reconstruction, repair and mainte-
43 nance and the division of costs thereof. In the absence of such agree-
44 ment, the jurisdiction and control of such road shall remain in the
45 board of supervisors of the county.

46 5. Jurisdiction and control over parkways within county parks and
47 conservation areas shall be vested in the county conservation boards
48 within their respective counties; except that:

49 a. The state highway commission and the county conservation board
50 shall have concurrent jurisdiction over an extension of a primary road
51 which both enters and exits from a county park or other county con-
52 servation area at separate points. The state highway commission may
53 expend moneys available for such roads in the same manner as the
54 commission expends such funds on other roads over which the com-
55 mission exercises jurisdiction and control. The parties exercising con-
56 current jurisdiction may enter into agreements with each other as to
57 the kind and type of construction, reconstruction, repair and mainte-
58 nance and the division of costs thereof. In the absence of such agree-
59 ment, the jurisdiction and control of such roads shall remain in the
60 state highway commission.

61 b. The board of supervisors of any county and the county conserva-
62 tion board shall have concurrent jurisdiction over an extension of a
63 secondary road which both enters and exits from a county park or
64 other county conservation area at separate points. The board of super-
65 visors of any county may expend moneys available for such roads in
66 the same manner as the board expends such funds on other roads over
67 which the board exercises jurisdiction and control. The parties exer-
68 cising concurrent jurisdiction may enter into agreements with each
69 other as to the kind and type of construction, reconstruction, repair
70 and maintenance and the division of costs thereof. In the absence of
71 such agreement, the jurisdiction and control of such roads shall remain
72 in the board of supervisors of the county.

1 SEC. 6. Section three hundred six point five (306.5), Code 1973, is
2 amended by striking unnumbered paragraph one (1) and inserting in
3 lieu thereof the following:

4 The primary, trunk and trunk collector systems shall be continuous
5 interconnected systems and provision shall be made for the continuity
6 of such systems by the designation of extension within municipalities,
7 state parks, state institutions, other state lands and county parks and
8 conservation areas. The mileage of such extensions of these systems
9 shall be included in the total mileage of a particular primary, trunk
10 or trunk collector system and shall also be listed separately as an
11 extension of such road system.

1 SEC. 7. Section three hundred six point six (306.6), Code 1973, is
2 amended to read as follows:

3 **306.6 Functional classification board.**

4 1. A functional classification board shall be appointed for each
5 county and shall operate under procedural rules and regulations pro-
6 mulgated by the state highway commission under the provisions of
7 chapter 17A. Said board shall consist of three members to be ap-
8 pointed as follows: The state highway commission shall appoint one
9 member from the staff of the state highway commission, the county
10 board of supervisors shall appoint one member which shall be either
11 the county engineer or one of its own members, and the third member
12 shall be a municipal official from within the county who shall be
13 appointed by a majority of the mayors of the cities and towns of the
14 county. The mayors shall meet at the call of the chairman of the
15 county board of supervisors who shall act as chairman of the meeting
16 without vote. In the event the mayors cannot agree to and appoint
17 this member within thirty days after the call of the meeting by the

18 chairman, the two members previously appointed shall select the third
19 member. The board shall serve without additional compensation and
20 shall:

21 1 a. Classify each segment of each rural public road and each
22 municipal street in the county in accordance with the classifications
23 found in section 306.1.

24 2 b. Establish continuity between the systems within the county
25 and with the systems of adjacent counties.

26 3 c. File a copy of the proposed road classification in the office of
27 county engineer for public information and hold a public hearing
28 before final approval of any road classification action. Notice of the
29 date, the time, and the place of such hearing, and the filing of such
30 proposed road classification for public information shall be published
31 in an official newspaper in general circulation throughout the affected
32 area at least twenty days prior to the established date of the hearing.

33 4 d. Report the selected classifications to the state highway com-
34 mission. The state highway commission shall review the reports of
35 the county classification boards and may:

36 a. (1) Alter the classification of roads coinciding with or crossing
37 county lines to provide continuity of the various county systems.

38 b. ~~Reduce mileage of roads classified in the trunk system or trunk~~
39 ~~collector system to assure equitable distribution among the counties of~~
40 ~~the total mileage of such systems.~~

41 (2) *Adjust the mileage of roads classified in the trunk and trunk*
42 *collector systems to assure equitable distribution among the counties*
43 *of the total mileage of such systems.*

44 (3) *Any action authorized under subparagraphs one (1) and two*
45 *(2) of paragraph d of this section shall not be taken by the state*
46 *highway commission until the proposed action has been thoroughly*
47 *discussed with the affected county classification boards and their*
48 *comments heard.*

49 2. *There is created a state functional classification review board*
50 *which shall consist of one state senator appointed by the president of*
51 *the senate, one state representative appointed by the speaker of the*
52 *house of representatives, one supervisor appointed by the Iowa state*
53 *association of county supervisors, one engineer appointed by the Iowa*
54 *county engineers' association, two persons appointed by the league of*
55 *Iowa municipalities, one of which shall be a licensed professional*
56 *engineer, and two persons appointed by the state highway commission,*
57 *one of which shall be a commissioner and the other a staff member.*
58 *This board shall select a permanent chairman from among its mem-*
59 *bers by majority vote of the total membership. The chairman and all*
60 *members of the board shall serve without additional compensation.*

61 *It shall be the responsibility of the state functional classification*
62 *review board to hear any and all appeals from classification boards*
63 *or board members, relative to disputes arising out of the functional*
64 *classification of any segment of highway or street. The state func-*
65 *tional classification review board shall have the authority and the*
66 *responsibility to make final administrative determinations based on*
67 *sound functional classification principles for all disputes relative to*
68 *functional classification. The review board shall also serve, when*
69 *requested jointly by state and local jurisdictions, as an advisory com-*

70 *mittee for review and adjustment of construction and maintenance*
71 *guidelines used in updating road and street needs studies.*

1 SEC. 8. Section three hundred thirteen point two (313.2), Code
2 1973, is amended by striking unnumbered paragraphs one (1) and
3 two (2) and inserting in lieu thereof the following:

4 The roads and streets of the state are, for the purpose of this chap-
5 ter, assigned to the functional classification systems established under
6 chapter three hundred six (306) of the Code.

1 SEC. 9. Sections three hundred six point two (306.2) and three
2 hundred six point nine (306.9), Code 1973, are repealed.

1 SEC. 10. This Act shall become effective on July 1, 1975; except
2 that no transfer of jurisdiction and control of any road or street as
3 required by this Act shall be effective until the enactment of legisla-
4 tion which allocates the road use tax fund in a manner different from
5 the law existing on January 1, 1974, and in a manner which compen-
6 sates state, county and municipal jurisdictions for additional highway,
7 road or street needs acquired by such transfer as determined by the
8 state highway commission.

9 Notwithstanding the foregoing provision of this section, transfers
10 in jurisdiction and control of roads and streets may take place if
11 agreements are entered into by the jurisdictional divisions of govern-
12 ment involved in the transfer of such roads and streets.

Approved March 4, 1974

CHAPTER 1178

UNUSED HIGHWAY RIGHT OF WAY

H. F. 155

AN ACT relating to the sale of unused right of way by the state highway commission by land contract, providing for the payment of interest thereon, and the taxation of land sold on contract.

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

1 SECTION 1. Section three hundred six point twenty-two (306.22),
2 Code 1973, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **306.22 Sale of unused right of way.** When title to any tract of
5 land has been or may be acquired for the construction or improvement
6 of any highway, and when in the judgment of the board or commission
7 in control of the highway, the tract will not be used in connection with
8 or for the improvement, maintenance, or use of the highway, the
9 board or commission in control of the highway may sell the tract for
10 cash. If the tract of land is held or used in connection with any pri-
11 mary road, or state park or institutional road, the sale shall be sub-
12 ject to approval of the executive council of the state.

13 The state highway commission may contract for the sale of any
14 tract of land subject to the following terms and conditions:

15 1. The discounted present market value of the contract offer, in-
 16 cluding the cash down payment, shall exceed one hundred ten percent
 17 of the highest cash offer submitted for the tract if a cash offer is re-
 18 ceived. The discount rate shall be the rate of interest stated in the
 19 contract.

20 2. The cash down payment shall be equal to or in excess of five per-
 21 cent of the total purchase price.

22 3. The term of the contract shall not exceed ten years.

23 4. The rate of interest stated in the contract shall not be less than
 24 the prevailing rate of interest charged on contract land sales by sellers
 25 in the county or general area in which the tract of land is located.

26 5. The state highway commission shall advertise for cash bids and
 27 contract offers before accepting a contract offer.

28 6. The appraised value of property sold under a land contract sale
 29 shall be at least five thousand dollars.

30 7. Any tract of land sold on contract shall be listed on the tax rolls
 31 by and taxed to the contract purchaser, as provided in chapters four
 32 hundred twenty-eight (428) and four hundred forty-three (443) of
 33 the Code; assessed and valued as provided in chapter four hundred
 34 forty-one (441) of the Code; taxes levied as provided in chapter four
 35 hundred forty-four (444) of the Code; collected as provided in chap-
 36 ter four hundred forty-five (445) of the Code; and subject to tax
 37 sale, redemption, and apportionment of taxes as provided in chapters
 38 four hundred forty-six (446), four hundred forty-seven (447), and
 39 four hundred forty-eight (448) of the Code. It shall be the duty of
 40 the contract purchaser to discharge and pay all taxes.

41 If any tract of land is sold, the sale shall be subject to the right of
 42 a utility association, company, or corporation to continue in posses-
 43 sion of a right of way in use at the time of the sale.

Approved May 27, 1974

CHAPTER 1179

HIGHWAY CHANGES IN ROADS AND STREAMS

H. F. 59

AN ACT relating to changes in roads, streams, or dry runs giving the state highway commission powers similar to the board of supervisors, and making chapter four hundred fifty-five A (455A) of the Code applicable.

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

1 SECTION 1. Section three hundred six point twenty-seven (306.27),
 2 Code 1973, is amended to read as follows:

3 **306.27 Changes for safety, economy, and utility.** *The state high-*
 4 *way commission as to primary roads and the boards of supervisors as*
 5 *to secondary roads on their own motion may change the course of any*
 6 *part of any secondary road or stream, watercourse, or dry run, and*
 7 *may pond water within any county in order to avoid the construction*
 8 *and maintenance of bridges, or to avoid grades, or railroad crossings,*
 9 *or to straighten any secondary road, or to cut off dangerous corners,*

10 turns, or intersections on the highway, or to widen any secondary road
 11 above statutory width, or for the purpose of preventing the encroach-
 12 ment of a stream, watercourse, or dry run upon such highway. *The*
 13 *commission shall conduct its proceedings to accomplish the above in*
 14 *the manner and form prescribed in chapter four hundred seventy-two*
 15 *(472) of the Code, and the board of supervisors shall use the form*
 16 *prescribed in sections three hundred six point twenty-eight (306.28)*
 17 *through three hundred six point thirty-seven (306.37) of the Code.*
 18 *All such changes shall be subject to the provisions of chapter four*
 19 *hundred fifty-five A (455A) of the Code.*

1 SEC. 2. This Act, being deemed of immediate importance, shall
 2 take effect and be in force from and after its publication in The Mount
 3 Vernon Hawkeye-Record and The Lisbon Herald, a newspaper pub-
 4 lished in Mount Vernon, Iowa, and in The Monroe County News, a
 5 newspaper published in Albia, Iowa.

Approved April 10, 1974

I hereby certify that the foregoing Act, House File 59, was published in The Mount
 Vernon Hawkeye-Record and The Lisbon Herald, Mount Vernon, Iowa, April 18, 1974,
 and in The Monroe County News, Albia, Iowa, April 15, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1180

DEPARTMENT OF TRANSPORTATION

S. F. 1141

AN ACT to create a state department of transportation by transferring certain duties
 of the state highway commission, Iowa aeronautics commission, Iowa reciprocity
 board, Iowa state commerce commission, and the department of public safety to a
 state department of transportation, relating to the dimensions of vehicles, and mak-
 ing coordinating amendments to the Code, including penalty provisions.

WHEREAS, it is the public policy of this state that the general welfare,
 economic growth, job mobility, convenience, stability, and well-being of the
 citizens of the state can best be served by a coordinated transportation
 policy to assure adequate, safe, and efficient transportation facilities and
 services, and

WHEREAS, in order to accomplish this goal, the general assembly finds
 that it is necessary to recognize the executive branch of government and
 to combine and transfer the duties and functions of certain existing state
 agencies into a state department of transportation created by this Act, and

WHEREAS, that in the reorganization of the executive branch of gov-
 ernment relative to the reorganization and regulation of the railroad in-
 dustry, it shall be the policy of the state that a complete study and survey
 of the problems of coordination with the federal law, rules and regulations
 be made, including equalization of taxation, preemption and conflict of
 authority, authorization and justification for use and application of state
 and local funds, the improvement of rail facilities through modernizing,
 regulation and competition, continuation and improvement of service to the
 shipping public, and

WHEREAS, it is the policy of the state to encourage, foster, and assist in the general development and promotion of highway transportation to promote uniformity in highway design and highway transportation consistent with the economic needs of the state and nation, and

WHEREAS, the duties and responsibilities of the state highway commission should be transferred to the state department of transportation. The duties and responsibilities of the Iowa aeronautics commission should be transferred to the state department of transportation. The duties and responsibilities of the Iowa reciprocity board should be transferred to the state department of transportation. The duties and responsibilities of the department of public safety relating to motor vehicle registration, motor vehicle dealer licensing, motor vehicle inspection, and operators and chauffeurs licensing should be transferred to the state department of transportation. The duties and responsibilities of the Iowa state commerce commission relating to the regulation of railroads and motor transportation should be transferred to the state department of transportation, NOW THEREFORE,

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

DIVISION I

1 SECTION 1. NEW SECTION. **Definitions.** When used in this division
2 of this Act, unless the context otherwise requires:

- 3 1. "Director" means the director of transportation or his designee.
- 4 2. "Department" means the state department of transportation.
- 5 3. "Commission" means the state transportation commission.
- 6 4. "Board" means the transportation regulation board.

1 SEC. 2. NEW SECTION. **Department of transportation.** There is
2 created a state department of transportation which shall be responsi-
3 ble for the planning, development, regulation, and improvement of
4 transportation in the state as provided by law.

1 SEC. 3. NEW SECTION. **Transportation commission.** There is cre-
2 ated a state transportation commission which shall consist of seven
3 members, not more than four of whom shall be from the same political
4 party. The governor shall appoint the members of the state trans-
5 portation commission for a term of four years, subject to the confirma-
6 tion of the senate. However, of the members first appointed, one
7 member shall be appointed for a term of one year commencing July
8 1, 1974 and ending June 30, 1975, two members shall be appointed for
9 a term of two years commencing July 1, 1974 and ending June 30,
10 1976, two members shall be appointed for a term of three years com-
11 mencing July 1, 1974 and ending June 30, 1977, and two members
12 shall be appointed for a term of four years commencing July 1, 1974
13 and ending June 30, 1978.

14 Of the members first appointed, the governor shall appoint at least
15 two members of the state highway commission and one member of
16 the Iowa aeronautics commission as of July 1, 1974 to the state trans-
17 portation commission and such persons appointed shall serve simul-
18 taneously on the state transportation commission and the state high-
19 way commission or the Iowa aeronautics commission. The term of
20 office of all highway commissioners and aeronautics commissioners
21 shall expire June 30, 1975.

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

1 SEC. 4. NEW SECTION. **Conflict of interest.** A person shall not
2 serve as a member of the state transportation commission who has an
3 interest in a contract or job of work or material or the profits thereof
4 or service to be performed for the department. Any member of the
5 state transportation commission who accepts employment with or ac-
6 quires any stock, bonds, or other interest in any company or corpora-
7 tion doing business with the department shall be disqualified from
8 remaining a member of the state transportation commission.

1 SEC. 5. NEW SECTION. **Vacancies.** Any vacancy on the commis-
2 sion which may occur when the general assembly is not in session
3 shall be filled by appointment by the governor, which appointment
4 shall expire at the end of thirty days following the convening of the
5 next session of the general assembly. Prior to the expiration of the
6 thirty-day period, the governor shall transmit to the senate for its
7 approval the name of the appointee for the unexpired portion of the
8 regular term. Any vacancy occurring when the general assembly is
9 in session shall be filled in the same manner as regular appointments
10 are made, and before the end of such session, and for the unexpired
11 portion of the regular term.

12 In the event the governor fails to make an appointment to fill a
13 vacancy, or fails to submit the appointment to the senate for confir-
14 mation, the senate may make the appointment prior to adjournment
15 of the general assembly.

1 SEC. 6. NEW SECTION. **Compensation.** Each member of the com-
2 mission shall receive a salary as fixed by the general assembly.

3 However, for the fiscal year commencing July 1, 1974 and ending
4 June 30, 1975, members of the state transportation commission shall
5 receive a per diem of forty dollars and all expenses actually incurred
6 in the performance of their official duties. Members of the state
7 transportation commission serving simultaneously as members of the
8 state highway commission or the Iowa aeronautics commission shall
9 continue to receive the salary or per diem provided by law for such
10 persons when performing their official duties as members of the state
11 highway commission or the Iowa aeronautics commission for the
12 fiscal year commencing July 1, 1974 and ending June 30, 1975.

1 SEC. 7. NEW SECTION. **Commission meetings.** The commission
2 shall meet at the call of the chairman or when any four members of
3 the commission file a written request with the chairman for a meeting.
4 Written notice of the time and place of each meeting shall be given
5 to each member of the commission. A majority of the commission
6 members shall constitute a quorum.

1 SEC. 8. NEW SECTION. **Expenses.** Members of the commission,
2 the director, and other employees of the department shall be allowed
3 their actual and necessary expenses incurred in the performance of
4 their duties. All expenses and salaries shall be paid from appropri-
5 ations for such purposes and the department shall be subject to the
6 budget requirements of chapter eight (8) of the Code.

1 **SEC. 9. NEW SECTION. Removal from office.** Any member of the
2 commission may be removed for any of the causes and in the manner
3 provided in chapter sixty-six (66) of the Code and such removal shall
4 not be in lieu of any other punishment that may be prescribed by the
5 laws of this state.

1 **SEC. 10. NEW SECTION. Duties.** The commission shall:
2 1. Develop and coordinate a comprehensive transportation policy
3 for the state not later than January 1, 1975, which shall be submitted
4 to the general assembly for its approval, and develop a comprehensive
5 transportation plan by January 1, 1976 to be submitted to the gov-
6 ernor and the general assembly, and to update the transportation
7 policy and plan annually.
8 2. Promote the coordinated and efficient use of all available modes
9 of transportation for the benefit of the state and its citizens including,
10 but not limited to, the designation and development of multi-modal
11 public transfer facilities if carriers or other private businesses fail
12 to develop such facilities.
13 3. Identify the needs for city, county, and regional transportation
14 facilities and services in the state and develop programs appropriate
15 to meet these needs.
16 4. Identify methods of improving transportation safety in the state
17 and develop programs appropriate to meet these needs.
18 5. Adopt rules and regulations in accordance with the provisions of
19 chapter seventeen A (17A) of the Code as it may deem necessary to
20 transact its business and for the administration and exercise of its
21 powers and duties. The transportation commission shall also adopt
22 rules and regulations, which rules and regulations shall be exempt
23 from the provisions of chapter seventeen A (17A) of the Code, gov-
24 erning the length of vehicles and combinations of vehicles which are
25 subject to the limitations imposed under section three hundred
26 twenty-one point four hundred fifty-seven (321.457) of the Code. The
27 commission may adopt such rules and regulations which permit vehi-
28 cles and combinations of vehicles in excess of the length limitations
29 imposed under section three hundred twenty-one point four hundred
30 fifty-seven (321.457) of the Code, but not exceeding sixty-five feet in
31 length, which may be moved on the highways of this state. Any such
32 proposed rules and regulations shall be submitted to the general as-
33 sembly within five days following the convening of a regular session
34 of the general assembly. The general assembly may approve or disap-
35 prove the rules and regulations submitted by the commission not later
36 than sixty days from the date such rules and regulations are sub-
37 mitted and, if approved or no action is taken by the general assem-
38 bly on the proposed rules and regulations, such rules and regulations
39 shall become effective May first and thereafter all laws in conflict
40 therewith shall be of no further force and effect.
41 6. Approve the budget of the department as prepared by the direc-
42 tor, prior to submission of the budget to the governor and the general
43 assembly.
44 7. Approve the reorganization of any existing divisions within the
45 department.
46 8. Consider the energy and environmental issues in transportation
47 development.
48 9. Enter into such contracts and agreements as provided in this Act.

1 **SEC. 11. NEW SECTION. Director of transportation — qualifica-**
2 **tions—salary.** The commission shall appoint a director of transpor-
3 tation who shall serve at the pleasure of the commission and who
4 shall in no event be a member of the commission. The director shall
5 not hold any other office under the laws of the United States or of this
6 or any other state or hold any other position for profit. The director
7 shall not engage in any occupation, business, or profession interfering
8 with or inconsistent with his duties, serve on or under any committee
9 of any political party, or contribute to the campaign fund of any per-
10 son or political party. The director shall be appointed on the basis
11 of his executive and administrative abilities and he shall devote his
12 entire time to the duties of his position.
13 The director shall receive a salary as fixed by the general assembly.

1 **SEC. 12. NEW SECTION. Duties of the director.** The director
2 shall:
3 1. Manage the internal operations of the department and establish
4 guidelines and procedures to promote the orderly and efficient admin-
5 istration of the department.
6 2. Employ such personnel as are necessary to carry out the duties
7 and responsibilities of the department, consistent with the provisions
8 of chapter nineteen A (19A) of the Code and subject to the policies
9 of the commission.
10 3. Assist the commission in developing state transportation policy
11 and a state transportation plan and execute the policies adopted by
12 the commission.
13 4. Establish temporary advisory boards of such size as he deems
14 appropriate to advise the department, subject to the approval of the
15 commission.
16 5. Prepare a budget for the department, subject to the approval of
17 the commission, and prepare reports required by law or required by
18 the commission.
19 6. Appoint the deputy director of transportation and the adminis-
20 trators of the various divisions of the department, subject to the
21 approval of the commission.
22 7. Review and submit legislative proposals necessary to maintain
23 current state transportation laws.
24 8. Appoint hearing officers or designate department personnel or
25 the board to conduct hearings required by law or administrative rule.

1 **SEC. 13. NEW SECTION. Reassignment of personnel.** The direc-
2 tor may reassign personnel within the department among the various
3 divisions of the department in order to properly coordinate the work
4 of the divisions and perform the duties and responsibilities of the
5 department efficiently and economically.

6 However, any employee so transferred or transferred from one
7 employment system to another either administratively or legislatively,
8 shall not be considered to be a probationary employee simply because
9 of this action.

1 **SEC. 14. NEW SECTION. Divisions of the department.** The fol-
2 lowing divisions are created within the department:

- 3 1. Transportation regulation board.
- 4 2. Administration division.

- 5 3. Planning division.
- 6 4. General counsel division.
- 7 5. Highway division.
- 8 6. Public transportation division.
- 9 7. Transportation regulation and safety division.
- 10 8. Railroad transportation division.

11 The divisions created pursuant to subsections two (2), three (3), and
 12 four (4) of this section shall be created as of July 1, 1974. The divi-
 13 sions created pursuant to subsections one (1), five (5), six (6), seven
 14 (7), and eight (8), of this section shall be created as of July 1, 1975.

15 This section shall not restrict the authority of the director to reor-
 16 ganize existing divisions which may be necessary for the proper and
 17 efficient operation of the department, subject to the approval of the
 18 commission.

1 **SEC. 15. NEW SECTION. Transportation regulation board.** The
 2 transportation regulation board shall consist of three members, not
 3 more than two of whom shall be from the same political party. The
 4 governor shall appoint the members of the board for a term of six
 5 years, subject to the confirmation of the senate. However, of the mem-
 6 bers first appointed, one member shall be appointed for a term of two
 7 years commencing July 1, 1975 and ending June 30, 1977, one member
 8 shall be appointed for a term of four years commencing July 1, 1975
 9 and ending June 30, 1979, and one member shall be appointed for a
 10 term of six years commencing July 1, 1975 and ending June 30, 1981.

1 **SEC. 16. NEW SECTION. Vacancies.** Any vacancy on the trans-
 2 portation regulation board which may occur when the general assembly
 3 is not in session shall be filled by appointment by the governor, which
 4 appointment shall expire at the end of thirty days following the con-
 5 vening of the next session of the general assembly. Prior to the expira-
 6 tion of the thirty-day period, the governor shall transmit to the senate
 7 for its approval the name of the appointee for the unexpired portion
 8 of the regular term. Any vacancy occurring when the general assembly
 9 is in session shall be filled in the same manner as regular appointments
 10 are made, and before the end of such session, and for the unexpired
 11 portion of the regular term.

12 In the event the governor fails to make an appointment to fill a
 13 vacancy, or fails to submit the appointment to the senate for confir-
 14 mation, the senate may make the appointment prior to the adjourn-
 15 ment of the general assembly.

1 **SEC. 17. NEW SECTION. Compensation.** Each member of the
 2 transportation regulation board shall receive a salary as fixed by the
 3 general assembly. Each member shall be allowed actual and necessary
 4 expenses in the same amounts paid to other state employees incurred
 5 in the performance of his duties.

1 **SEC. 18. NEW SECTION. Duties.** The transportation regulation
 2 board shall have the following duties and responsibilities:

- 3 1. Fix and approve rates, fares, and charges of common carriers
 4 regulated by chapters three hundred twenty-five (325), three hundred
 5 twenty-seven (327), three hundred twenty-seven A (327A), and four
 6 hundred seventy-nine (479) of the Code.

7 2. Issue certificates of public convenience and necessity pursuant to
8 the provisions of chapters three hundred twenty-five (325) and three
9 hundred twenty-seven A (327A) of the Code.

10 3. Fix and approve rates, fares, and charges of railroads and con-
11 duct safety and service permission hearings with respect to railroads
12 regulated by chapters four hundred seventy-four (474) through four
13 hundred eighty-six (486), inclusive, of the Code.

14 4. Appoint such counsel as it deems necessary.

15 5. Investigate the legality of all rates, charges, tariffs, rules, regu-
16 lations, and practices of all common carriers and persons under the
17 jurisdiction of the board, and institute civil proceedings before the
18 board or any proper court to correct any illegality on the part of any
19 common carrier and prosecute the same to final determination.

20 6. Investigate the reasonableness of rates, tariffs, charges, rules,
21 regulations, and practices of all such common carriers in interstate
22 transportation when directed by the board, or when in his judgment
23 they are unlawful, prejudicial, and discriminate against any city, town,
24 community, business, industry, or citizen of the state, and institute
25 before the interstate commerce commission or any other tribunal hav-
26 ing jurisdiction and prosecute to final determination any proceeding
27 growing out of such matters.

1 SEC. 19. NEW SECTION. **Proceedings.** The transportation regu-
2 lation board shall conduct its hearings pursuant to rules and regula-
3 tions promulgated under the provisions of chapter seventeen A (17A)
4 of the Code.

1 SEC. 20. NEW SECTION. **Enforcement.** The department shall be
2 responsible for the enforcement of all orders issued by the board.

1 SEC. 21. NEW SECTION. **Administration division.** The adminis-
2 trator of the administration division shall have the following duties
3 and responsibilities:

4 1. Provide for the proper maintenance and protection of the grounds,
5 buildings, and equipment of the department, in cooperation with the
6 department of general services.

7 2. Establish, supervise, and maintain a system of centralized elec-
8 tronic data processing for the department, in cooperation with the
9 department of general services.

10 3. Assist the director in preparing the departmental budget.

11 4. Provide centralized purchasing services for the department, in
12 cooperation with the department of general services.

13 5. Assist the director in employing the professional, technical, clerical,
14 and secretarial staff for the department and maintain employee
15 records, in cooperation with the merit employment department and
16 provide personnel services, including but not limited to training, safety
17 education, and employee counseling.

18 6. Assist the director in coordinating the responsibilities and duties
19 of the various divisions within the department.

20 7. Carry out all other general administrative duties for the depart-
21 ment.

22 8. Perform such other duties and responsibilities as may be assigned
23 by the director.

24 The administrator of the administration division may purchase
25 items from the department of general services and may cooperate with

26 the director of general services by providing centralized purchasing
27 services for the department of general services.

1 **SEC. 22. NEW SECTION. Planning division.** The administrator of
2 the planning division shall have the following duties and responsi-
3 bilities:

4 1. Assist the director in planning all modes of transportation in
5 order to develop an integrated transportation system providing ade-
6 quate transportation services for all citizens of the state.

7 2. Develop and maintain transportation statistical data for the
8 department.

9 3. Assist the director in establishing, analyzing, and evaluating
10 alternative transportation policies for the state.

11 4. Coordinate the planning division's duties and responsibilities with
12 the planning functions carried on by other divisions of the department.

13 5. Perform such other planning functions as may be assigned by the
14 director.

15 The planning functions of this division shall not include the detailed
16 design of highways or other modal transportation facilities, but shall
17 be restricted to the needs of this state for multi-modal transportation
18 systems.

1 **SEC. 23. NEW SECTION. General counsel division.** The general
2 counsel shall be a special assistant attorney general appointed by the
3 attorney general who shall act as the attorney for the department and
4 he shall have the following duties and responsibilities:

5 1. Act as legal advisor to the commission, the director, and the vari-
6 ous divisions of the department and provide all legal services for the
7 department except for those provided to the board by its counsel.

8 The attorney general shall appoint such additional assistant attor-
9 neys general as the commission deems necessary to carry out the duties
10 assigned to the general counsel division. The salary of the general
11 counsel shall be fixed by the commission, subject to the approval of
12 the attorney general. The commission shall provide and furnish a
13 suitable office for the general counsel upon request of the attorney
14 general.

1 **SEC. 24. NEW SECTION. Highway division.** The administrator of
2 the highway division shall be responsible for the planning, design,
3 construction, and maintenance of the state primary highways and shall
4 administer the provisions of chapters three hundred six (306) through
5 three hundred twenty (320) of the Code and perform such other
6 duties as may be assigned by the director. There shall be a subdivision
7 for urban systems, a subdivision for secondary roads, and such other
8 subdivisions as may be necessary within the highway division.

1 **SEC. 25. NEW SECTION. Public transportation division.** The ad-
2 ministrator of the public transportation division shall have the fol-
3 lowing duties and responsibilities:

4 1. Advise and assist the director in the development of aeronautics,
5 including but not limited to the location of air terminals, accessibility
6 of air terminals by other modes of public transportation, protective
7 zoning provisions considering safety factors, noise, and air pollution,
8 facilities for private and commercial aircraft, air freight facilities, and

9 such other physical and technical aspects as may be necessary to meet
10 present and future needs.

11 2. Advise and assist the director in the development of river trans-
12 portation and port facilities in the state.

13 3. Advise and assist the director in the study of local and regional
14 transportation of goods and people including intracity and intercity
15 bus systems, dial-a-bus facilities, rural and urban bus and taxi systems,
16 the collection of data from these systems, feasibility study of increased
17 government subsidy assistance and determination of the allocation of
18 such subsidies to each mass transportation system, such other physical
19 and technical aspects which may be necessary to meet present and
20 future needs and apply for, accept, and expend federal, state, or pri-
21 vate funds for the improvement of mass transit.

22 4. Advise and assist the director to study and develop highway
23 transport economics to assure availability and productivity of high-
24 way transport services.

25 5. Administer the provisions of chapters three hundred twenty-two
26 A (322A), three hundred twenty-five (325), three hundred twenty-
27 seven (327), three hundred twenty-seven A (327A), three hundred
28 twenty-seven B (327B), three hundred twenty-eight (328), three hun-
29 dred twenty-nine (329), three hundred thirty (330) of the Code.

30 6. Perform such other duties and responsibilities as may be assigned
31 by the director and the commission.

1 SEC. 26. NEW SECTION. **Railroad transportation division.** The
2 administrator of the railroad transportation division shall have the
3 following duties and responsibilities:

4 1. Advise and assist the director in conducting research on the basic
5 railroad problems and identify the present capability of the existing
6 railroads in order to determine the present obligation of the railroads
7 to provide acceptable levels of public service.

8 2. Advise and assist the director in the development of rail trans-
9 portation systems for expansion of passenger and freight services.

10 3. Advise and assist the director in developing programs in anticipa-
11 tion of railroad abandonment, including:

12 a. Development and evaluation of programs which will encourage
13 improvement of rail freight and the upgrading of rail lines in order to
14 improve freight service.

15 b. Development of alternative modes of transportation to areas and
16 communities which lose rail service.

17 c. Represent the state in interstate commerce commission proceed-
18 ings, coordinate the determination of impacts and reuse potential, and
19 consult and cooperate with any other state agency, officials, and rep-
20 resentatives of any political subdivision and citizens having an interest
21 in the proposed abandonment.

22 d. Advise the director when it may appear in the best interest of
23 the state to assume the role of advocate in railroad abandonments
24 and railroad rate schedules.

25 4. Develop and maintain a federal-state relationship of programs
26 relating to railroad safety enforcement, track standards, rail equip-
27 ment, operating rules and transportation of hazardous materials.

28 5. Advise and assist the director in the conduct of research on rail-
29 road-highway grade crossings and encourage and develop a safety
30 program in order to reduce injuries or fatalities.

31 6. Apply for, accept, and expend federal, state or private funds for
32 the improvement of rail transportation.

33 7. Advise and assist the director on studies for coordination of rail-
34 way service with that of other transportation modes.

35 8. Advise and assist the director with studies of regulatory
36 changes deemed necessary to effectuate economical and efficient rail-
37 road service.

38 9. Advise and assist the director regarding agreements with the
39 owners of operating railroads for the upgrading of railroad right-of-
40 way and trackage on such terms, conditions, rates, rentals, or subsidy
41 levels as may be in the best interest of the state. The commission
42 may enter into contracts and agreements which are binding only to
43 the extent that appropriations have been or may subsequently be made
44 by the legislature to effectuate the purposes of this subsection. For
45 purposes of this Act, "railroad right-of-way and trackage" includes
46 but shall not be limited to any roadbed, drains, fences, ties, switches,
47 rails, ballast, signs, signals, lights, equipment, bridges, tools, crossings,
48 underpasses, overpasses, construction and administration buildings and
49 any and all other property, rights, easements and interest whether
50 owned in fee or leased.

51 10. Administer the provisions of chapters four hundred seventy-four
52 (474), four hundred seventy-six (476), four hundred seventy-seven
53 (477), four hundred seventy-eight (478), four hundred seventy-nine
54 (479), four hundred eighty (480), four hundred eighty-one (481), four
55 hundred eighty-two (482), four hundred eighty-three (483), four hun-
56 dred eighty-four (484), four hundred eighty-five (485), and four
57 hundred eighty-six (486) of the Code.

58 11. Perform such other duties and responsibilities as may be
59 assigned by the director and the commission.

1 **SEC. 27. NEW SECTION. Transportation regulation and safety**
2 **division.** The administrator of the transportation regulation and
3 safety division shall have the following duties and responsibilities:

4 1. Administer and supervise the registration of motor vehicles pur-
5 suant to chapter three hundred twenty-one (321) of the Code.

6 2. Administer and supervise the licensing of motor vehicle manu-
7 facturers, distributors, and dealers pursuant to chapter three hundred
8 twenty-two (322) of the Code.

9 3. Administer the inspection of motor vehicles pursuant to chapter
10 three hundred twenty-one (321) of the Code.

11 4. Administer motor vehicle registration reciprocity pursuant to
12 chapter three hundred twenty-six (326) of the Code.

13 5. Administer the provisions of chapters three hundred twenty-one
14 A (321A), three hundred twenty-one B (321B), three hundred twenty-
15 one E (321E), and three hundred twenty-one F (321F) of the Code
16 relating to motor vehicle financial responsibility, the implied consent
17 law, the movement of vehicles of excessive size and weight, and the
18 leasing and renting of vehicles.

1 **SEC. 28. NEW SECTION. Prorating departmental costs.** The di-
2 rector shall, with the approval of the commission, prorate the costs of
3 the department which will be expended for highways and such costs
4 shall be paid from money appropriated from the road use tax fund.
5 Prorated costs payable from the road use tax fund shall be based upon

6 that portion of the commission's duties related to the construction,
7 maintenance, and supervision of the public highways within the state
8 or for the payment of bonds issued for the construction of public high-
9 ways and the payment of interest on such bonds. The general assembly
10 shall appropriate from the general fund of the state the remaining
11 necessary departmental costs.

1 SEC. 29. Section three hundred twenty-one point four hundred
2 fifty-seven (321.457), subsection three (3), Code 1973, is amended to
3 read as follows:

4 3. Except as to combinations of vehicles, provisions for which are
5 otherwise made in this chapter, no combination of truck tractor and
6 a semitrailer *hauling livestock shall have an overall length, inclusive*
7 *of front and rear bumpers, in excess of sixty feet, nor shall any other*
8 combination of vehicles coupled together, unladen or with load, ~~shall~~
9 have an overall length, inclusive of front and rear bumpers, in excess
10 of fifty-five feet.

1 SEC. 30. Section three hundred twenty-one point four hundred
2 fifty-seven (321.457), Code 1973, as amended by Acts of the Sixty-fifth
3 General Assembly, 1973 Session, chapter two hundred nineteen (219),
4 section one (1), is amended by adding the following new subsection:

5 NEW SUBSECTION. A motor vehicle or combination of vehicles may
6 be operated upon the highways of this state, irrespective of the length
7 and weight limitations imposed by the laws of this state, if the motor
8 vehicle or combination of vehicles is operated within the corporate
9 limits of a city abutting a border of this state and such operations have
10 been approved by ordinance of the city council and if the length and
11 weight of the motor vehicle or combination of vehicles is in conformity
12 with the laws relating to length and weight of the abutting state on
13 the effective date of this Act. If a city council has authorized such
14 operation upon highways within the corporate limits, then the limit of
15 travel for such motor vehicles or combination of vehicles within the
16 state is extended to the commercial zones as described by federal regu-
17 lations concerning interstate commerce, forty-nine (49), code of fed-
18 eral regulations, paragraphs one thousand forty-eight point ten
19 (1048.10), one thousand forty-eight point thirty-eight (1048.38), and
20 one thousand forty-eight point one hundred one (1048.101) as they
21 exist on the effective date of this Act.

DIVISION II

1 SEC. 31. The provisions of this division shall apply only for the
2 fiscal year commencing July 1, 1974 and ending June 30, 1975. This
3 division shall be printed in the session laws only, and shall not be made
4 a part of the permanent Code of Iowa.

1 SEC. 32. **Definitions.** When used in this division of this Act, un-
2 less the context otherwise requires:

- 3 1. "Director" means the director of transportation or his designee.
- 4 2. "Department" means the state department of transportation.
- 5 3. "Commission" means the state transportation commission.
- 6 4. "Board" means the transportation regulation board.

1 SEC. 33. **Interim duties of the commission and director.** The com-
2 mission shall commence the development of a transportation policy for

3 the state, to be submitted to the governor and the general assembly
4 for its approval, not later than July 1, 1975. During the fiscal year
5 commencing July 1, 1974 and ending June 30, 1975, the commission
6 shall file quarterly progress reports with the governor and the general
7 assembly outlining the development of the state transportation policy.
8 If the general assembly is not in session when progress reports are due,
9 the reports shall be filed with the legislative council.

10 The director shall develop the program and budget for the first
11 operational biennium of the department commencing July 1, 1975 and
12 ending June 30, 1977. Such programs and budget shall be submitted
13 to the commission for its approval. The director shall prepare a table
14 of organization for the department and develop operating procedures
15 providing for the internal management of the department.

16 For the fiscal year commencing July 1, 1974, and ending June 30,
17 1975, the salary of the director shall not exceed thirty-five thousand
18 dollars.

19 The director shall appoint persons qualified and experienced in
20 the fields of management, finance, and planning to assist in organiza-
21 tion of the department, subject to the approval of the commission.

22 Nothing in this section shall prohibit the director from drawing
23 upon expertise and personnel of the state highway commission and the
24 Iowa aeronautics commission or any other public agency.

1 **SEC. 34. Information and assistance.** The commission may call
2 upon the state highway commission, board of regents institutions of
3 higher learning, Iowa reciprocity board, department of public safety,
4 Iowa state commerce commission, and the Iowa aeronautics commis-
5 sion for such information and assistance as may be needed in the per-
6 formance of its duties and these agencies shall furnish such assistance,
7 information, and cooperation insofar as the same shall be within the
8 resources and authority of the agencies.

9 All personnel who are employed by the state highway commission,
10 Iowa reciprocity board, department of public safety, Iowa state com-
11 merce commission, or the Iowa aeronautics commission and render
12 services for the department shall remain employees of their respective
13 agencies during the fiscal year commencing July 1, 1974 and ending
14 June 30, 1975 and shall receive compensation for services rendered
15 from the state highway commission, Iowa reciprocity board, depart-
16 ment of public safety, Iowa state commerce commission, or the Iowa
17 aeronautics commission from funds appropriated to such agencies.

1 **SEC. 35. Location of offices.** The commission shall furnish suffi-
2 cient office space for the use of the state department of transportation
3 during the fiscal year commencing July 1, 1974 and ending June 30,
4 1975.

1 **SEC. 36.** Any person employed by the director on or after July 1,
2 1974 and not later than June 30, 1975, whose duty assignments will be
3 terminated because of this Act may be reassigned to other duties in
4 the department on July 1, 1975. The Iowa merit employment com-
5 mission shall promulgate rules and regulations to carry out any reas-
6 signment and shall arbitrate and decide any written appeal made by
7 any employee concerning reassignment or reclassification made neces-
8 sary by this Act. No employee shall lose any benefits he may have

9 accrued, including but not limited to salary, retirement, vacation, sick
10 leave, or longevity, because of reassignment provided for in this sec-
11 tion.

DIVISION III

1 SEC. 37. NEW SECTION. **Members—organization.** The Iowa state
2 commerce commission shall be composed of three members, not more
3 than two of whom shall be from the same political party, and each
4 commissioner appointed shall serve for six years from July first of
5 the year of his appointment. Within sixty days after the convening
6 of each regular session of the general assembly, the governor shall
7 appoint, with the approval of two-thirds of the senate, a successor to
8 the member of the Iowa state commerce commission whose term will
9 expire on July first following. Vacancies occurring while the general
10 assembly is in session shall be filled for the unexpired portion of the
11 term as full-term appointments are filled. Vacancies occurring while
12 the general assembly is not in session shall be filled by the governor,
13 but such appointments shall terminate at the end of thirty days after
14 the convening of the next regular session of the general assembly and
15 the vacancy shall be filled for the unexpired portion of the term as
16 full-term appointments are filled.

17 On the second Tuesday of July of each year, the Iowa state commerce
18 commission shall organize by electing one of its members as chairman,
19 and appointing a secretary, who shall take the same oath as the com-
20 missioners. The commission may employ such additional personnel as
21 it may find necessary.

22 As used in sections thirty-seven (37) through forty-five (45) of this
23 Act, the words "commerce commission" mean the Iowa state com-
24 merce commission.

1 SEC. 38. NEW SECTION. **Certain persons barred from office.** No
2 person in the employ of any common carrier or other public utility,
3 or owning any bonds, stock, or property in any railroad company or
4 other public utility shall be eligible to the office of Iowa state com-
5 merce commissioner or secretary of the commerce commission; and
6 the entering into the employ of any common carrier or other public
7 utility or the acquiring of any stock or other interest in any common
8 carrier or other public utility by such commissioner or secretary after
9 his appointment shall disqualify him to hold the office or perform the
10 duties thereof.

1 SEC. 39. NEW SECTION. **Proceedings.** The commerce commission
2 may in all cases conduct its proceedings, when not otherwise pre-
3 scribed by law, in such manner as will best conduce to the proper dis-
4 patch of business and the attainment of justice.

1 SEC. 40. NEW SECTION. **Quorum—personal interest.** A majority
2 of the commerce commission shall constitute a quorum for the trans-
3 action of business, but no commissioner shall participate in any hearing
4 or proceeding in which he has any pecuniary interest.

1 SEC. 41. NEW SECTION. **Rules, forms, and service.** The com-
2 merce commission may from time to time make or amend such general
3 rules or orders as may be necessary for the preservation of order and
4 the regulation of proceedings before it, including forms of notice and

5 the service thereof, which shall conform as nearly as may be to those
6 in use in the courts of the state.

1 SEC. 42. NEW SECTION. **Appearances—record of votes—public**
2 **hearings.** Any party may appear before the commerce commission
3 and be heard in person or by attorney. Every vote and official action
4 thereof shall be entered of record, and, upon the request of either
5 party or person interested, its proceedings shall be public.

1 SEC. 43. NEW SECTION. **Seal.** The commerce commission shall
2 have a seal, of which courts shall take judicial notice.

1 SEC. 44. NEW SECTION. **Office—time employed—expense.** The
2 commerce commission shall have an office at the seat of government
3 and each member shall devote his whole time to the duties of the office,
4 and the members and secretary and other employees shall receive their
5 actual necessary traveling expenses while in the discharge of their
6 official duties away from the general offices.

1 SEC. 45. NEW SECTION. **General jurisdiction.** The commerce
2 commission shall have general supervision of all pipelines and all lines
3 for the transmission, sale, and distribution of electrical current for
4 light, heat, and power pursuant to the provisions of chapters four hun-
5 dred eighty-nine (489), four hundred ninety (490), four hundred
6 ninety A (490A), and five hundred forty-three (543) of the Code and
7 such other duties as may be provided by law.

DIVISION IV

1 SEC. 46. Section eight A point five (8A.5), subsection four (4),
2 Code 1973, is amended to read as follows:

3 4. The chairman of the ~~Iowa~~ *highway state transportation* com-
4 mission.

1 SEC. 47. Section thirteen point seven (13.7), Code 1973, is amended
2 to read as follows:

3 13.7 **Special counsel.** No compensation shall be allowed to any per-
4 son for services as an attorney or counselor to any department of the
5 state government, or the head thereof, or to any state board or com-
6 mission, but the executive council may employ legal assistance, at a
7 reasonable compensation, in any pending action or proceeding to pro-
8 tect the interests of the state, but only upon a sufficient showing, in
9 writing, made by the attorney general, that his department cannot
10 for reasons stated by him perform said service, which reasons and
11 action of the council shall be entered upon its records. This section
12 shall not affect the office of the commerce counsel, *the transportation*
13 *regulation board counsel, or the* ~~nor~~ legal counsel of the Iowa employ-
14 ment security commission.

1 SEC. 48. Section seventeen point thirty (17.30), unnumbered para-
2 graph one (1), Code 1973, is amended to read as follows:

3 Each state board, commission, department and division of state
4 government and each institution under the control of the department
5 of social services and the *state* board of regents and each ~~subdivision~~
6 *division* of the ~~highway commission~~ *state department of transportation*
7 shall be responsible for keeping a written, detailed, up-to-date inven-
8 tory of all real and personal property belonging to the state and under

9 their charge, control and management. Such inventories shall be in
10 such form as may be prescribed by the director of the department of
11 general services.

1 SEC. 49. Section nineteen A point three (19A.3), Code 1973, is
2 amended by adding the following new subsection:

3 NEW SUBSECTION. The director of transportation, his deputy, and
4 his divisional administrators, one secretary or stenographer for each,
5 and one administrative assistant or deputy for each.

1 SEC. 50. Section twenty point one (20.1), Code 1973, as amended
2 by Acts of the Sixty-fifth General Assembly, 1973 Session, chapter one
3 hundred twenty (120), section ten (10), is amended to read as follows:

4 **20.1 Board created.** A state war surplus commodities board is
5 hereby created and established hereinafter referred to as the "board",
6 to consist of the commissioner of the department of social services or
7 any division director assigned by him, a member of the state board of
8 regents, a member of the ~~Iowa state highway transportation~~ *highway transportation* commis-
9 sion, a member of the executive council of the state, a member of the
10 *state* conservation commission ~~of the state~~, the commissioner of the
11 Iowa state department of health, a member of the department of public
12 instruction, a member of the Iowa development commission, and direc-
13 tor of the department of general services.

1 SEC. 51. Section sixty-four point six (64.6), subsection twenty-
2 three (23), Code 1973, is amended to read as follows:

3 23. Members state ~~highway transportation~~ *highway transportation* commission, ~~five ten~~
4 thousand dollars.

1 SEC. 52. Section sixty-eight B point two (68B.2), subsection four
2 (4), Code 1973, as amended by Acts of the Sixty-fifth General Assem-
3 bly, 1973 Session, chapter one hundred thirty-nine (139), section one
4 (1), is amended to read as follows:

5 4. "Regulatory agency" means department of agriculture, indus-
6 trial commissioner, bureau of labor, employment security commission,
7 department of banking, insurance department of *Iowa*, state depart-
8 ment of health, department of public safety, department of public in-
9 struction, *state* board of regents, department of social services, *state*
10 department of revenue, *Iowa state* commerce commission, *Iowa beer*
11 *and liquor control* ~~commission~~ *department*, board of pharmacy exam-
12 iners, state conservation commission, ~~aeronautics commission~~, *state*
13 ~~highway~~ *commission* *state department of transportation*, *Iowa state*
14 civil rights commission, department of soil conservation, *department*
15 *of public defense*, and *Iowa* natural resources council.

1 SEC. 53. Section eighty point nine (80.9), subsection two (2),
2 paragraph b, Code 1973, is amended to read as follows:

3 b. To enforce all laws relating to traffic on the public highways of
4 the state, including those relating to the safe and legal operation of
5 passenger cars, motorcycles, motor trucks and buses; ~~to issue opera-~~
6 ~~tors' and chauffeurs' licenses;~~ to see that proper safety rules are ob-
7 served and to give first aid to the injured;

1 SEC. 54. Section four hundred sixty point eight (460.8), Code
2 1973, is amended to read as follows:

3 460.8 **Payment from road funds.** The amount fixed by the final
4 order of the board of supervisors to be paid:

5 1. On account of the primary road system, shall be payable by the
6 state ~~highway commission~~ department of transportation on due cer-
7 tification of the amount by the county treasurer to ~~said commission~~ the
8 state department of transportation out of the primary road fund.

9 2. On account of the secondary road system, may be payable from
10 the secondary road construction fund, or from the secondary road
11 maintenance fund, or from both of said funds.

1 SEC. 55. Section four hundred seventy-one point ten (471.10),
2 Code 1973, is amended to read as follows:

3 471.10 **Finding by ~~commerce~~ ~~commission~~ transportation regulation**
4 **board.** The company, before instituting condemnation proceedings
5 under section 471.9, shall apply in writing to the Iowa state ~~commerce~~
6 ~~commission~~ transportation regulation board, for permission to so con-
7 demn. ~~Said commission~~ The transportation regulation board shall give
8 notice to the landowner, and examine into the matter, and report by
9 certificate to the clerk of the district court in the county in which the
10 land is situated, the amount and description of the additional lands
11 necessary for such purposes, present and prospective, of such com-
12 pany; whereupon the company shall have power to condemn the lands
13 so certified by the ~~commission~~ transportation regulation board.

1 SEC. 56. Section four hundred seventy-one point eleven (471.11),
2 Code 1973, is amended to read as follows:

3 471.11 **Lands for water stations—how set aside.** Lands which are
4 sought to be condemned for water stations, dams, or reservoirs, includ-
5 ing all the overflowed lands, if any, shall, if requested by the owner, be
6 set aside in a square or rectangular shape by the Iowa state ~~commerce~~
7 ~~commission~~ transportation regulation board.

1 SEC. 57. Section four hundred seventy-two point nineteen
2 (472.19), Code 1973, is amended to read as follows:

3 472.19 **Service of notice—highway matters.** Such notice of appeal
4 shall be served in the same manner as an original notice. In case of
5 condemnation proceedings instituted by the state ~~highway commission~~
6 department of transportation, when the owner appeals from the assess-
7 ment made, such notice of appeal shall be served upon the attorney
8 general, or the special assistant attorney general acting as department
9 general counsel to ~~said commission~~ the state department of transporta-
10 tion, or the chief highway engineer for ~~said commission~~ the depart-
11 ment. When service of notice of appeal cannot be made as provided in
12 this section, the district court of the county in which the real estate is
13 situated, on application, shall direct what notice shall be sufficient.

1 SEC. 58. Section four hundred seventy-two point forty-two
2 (472.42), Code 1973, is amended by striking the section and inserting
3 in lieu thereof the following:

4 472.42 **Eminent domain—payment to displaced persons.**

5 1. Any utility or railroad subject to section four hundred seventy-
6 four point ten (474.10), chapter four hundred ninety (490), or chap-
7 ter four hundred ninety A (490A) of the Code, authorized by law to
8 acquire property by condemnation that does acquire the property of
9 any person who is displaced thereby after July 1, 1971, shall pay to

10 such person in addition to all other sums of money required by law a
 11 displacement allowance in accordance with and in the same manner
 12 as provided for acquisition for highway projects in sections three hun-
 13 dred sixteen point four (316.4), three hundred sixteen point five
 14 (316.5), three hundred sixteen point six (316.6) and three hundred
 15 sixteen point eight (316.8) of the Code.

16 2. The displacement allowance to be paid by a utility subject to the
 17 provisions of chapters four hundred ninety (490) or four hundred
 18 ninety A (490A) of the Code, shall be paid in the manner provided
 19 in sections three hundred sixteen point four (316.4), three hundred
 20 sixteen point five (316.5), three hundred sixteen point six (316.6),
 21 and three hundred sixteen point eight (316.8) of the Code and pursu-
 22 ant to rules promulgated by the Iowa state commerce commission.
 23 Any person aggrieved by a determination as to eligibility for a pay-
 24 ment or the amount of the payment may, upon application, have the
 25 matter reviewed by the Iowa state commerce commission. The deci-
 26 sion of the Iowa state commerce commission upon review shall be final
 27 as to all parties.

28 3. The displacement allowance to be paid by a railroad subject to
 29 the provisions of section four hundred seventy-four point ten (474.10)
 30 of the Code, shall be paid in the manner provided in sections three
 31 hundred sixteen point four (316.4), three hundred sixteen point five
 32 (316.5), three hundred sixteen point six (316.6), and three hundred
 33 sixteen point eight (316.8) of the Code and pursuant to rules promul-
 34 gated by the transportation regulation board. Any person aggrieved
 35 by a determination as to eligibility for a payment or the amount of
 36 the payment may, upon application, have the matter reviewed by the
 37 transportation regulation board. The decision of the transportation
 38 regulation board upon review shall be final as to all parties.

39 4. Any utility or railroad subject to the provisions of this section
 40 that proposes to acquire the property of any person who will be dis-
 41 placed by such acquisition shall inform the person of his right to
 42 receive a displacement allowance and, if his right to the displacement
 43 allowance or the amount of the allowance is in dispute, his right to
 44 appeal to the Iowa state commerce commission or the transportation
 45 regulation board.

1 SEC. 59. Sections eight point two (8.2), eleven point three (11.3),
 2 seventeen point nine (17.9), seventy-nine point one (79.1), one hun-
 3 dred eleven point twenty (111.20), one hundred eleven point twenty-
 4 three (111.23), one hundred eleven point fifty-eight (111.58), one
 5 hundred eleven B point eight (111B.8), three hundred four point
 6 twelve (304.12), three hundred five A point two (305A.2), three hun-
 7 dred five A point five (305A.5), four hundred twenty-two point forty-
 8 five (422.45), four hundred fifty-five point one hundred eighteen
 9 (455.118), four hundred seventy-two point twenty-six (472.26), four
 10 hundred ninety point twenty-five (490.25), five hundred seventy-
 11 three point eight (573.8), five hundred seventy-three point fifteen
 12 (573.15), five hundred seventy-three point twenty-four (573.24), six
 13 hundred thirteen point twelve (613.12), and six hundred thirteen
 14 point thirteen (613.13), Code 1973, are amended by striking from
 15 such sections the words "highway commission", "state highway com-
 16 mission", and "Iowa state highway commission" and inserting in lieu
 17 thereof the words "state department of transportation".

1 SEC. 60. Chapter three hundred six (306), Code 1973, is amended
2 by adding the following new section:

3 NEW SECTION. **Definitions.** As used in this chapter, unless the con-
4 text otherwise requires:

5 1. "Department" means the state department of transportation.

6 2. "Agency" means any governmental body which exercises juris-
7 diction over any road as provided in section three hundred six point
8 four (306.4) of the Code.

1 SEC. 61. Sections three hundred six point four (306.4), three hun-
2 dred six point five (306.5), three hundred six point six (306.6), three
3 hundred six point seven (306.7), three hundred six point twelve
4 (306.12), three hundred six point fourteen (306.14), and three hun-
5 dred six point sixteen (306.16), Code 1973, are amended by striking
6 from such sections the words "state highway commission" and "Iowa
7 state highway commission" and inserting in lieu thereof the word
8 "department".

1 SEC. 62. Sections three hundred six point ten (306.10), three hun-
2 dred six point eleven (306.11), three hundred six point twelve
3 (306.12), three hundred six point fourteen (306.14), three hundred six
4 point sixteen (306.16), three hundred six point seventeen (306.17),
5 three hundred six point eighteen (306.18), three hundred six point
6 nineteen (306.19), three hundred six point twenty-two (306.22),*
7 three hundred six point twenty-three (306.23), three hundred six
8 point thirty-eight (306.38), three hundred six point thirty-nine
9 (306.39), and three hundred six point forty-one (306.41), Code 1973,
10 are amended by striking from such sections the words "board or com-
11 mission", "board", "commission", and "commission, board or boards"
12 and inserting in lieu thereof the word "agency".

1 SEC. 63. Section three hundred six A point ten (306A.10), Code
2 1973, is amended to read as follows:

3 306A.10 **Notice to relocate—costs paid by state.** Whenever the
4 Iowa state ~~highway commission~~ *department of transportation* shall
5 determine that relocation or removal of any utility facility now located
6 in, over, along, or under any highway or street, is necessitated by the
7 construction of a project on routes of the national system of interstate
8 and defense highways including extensions within cities and towns,
9 the utility owning or operating such facility shall relocate or remove
10 the same in accordance with statutory notice. The costs of relocation
11 or removal, including the costs of installation in a new location, shall
12 be ascertained by the Iowa state ~~highway commission~~ *department of*
13 *transportation* or as determined in condemnation proceedings for such
14 purposes and paid by the state out of the primary road fund as part of
15 the cost of such federally aided project.

1 SEC. 64. Section three hundred six B point one (306B.1), Code
2 1973, is amended by adding the following new subsection:

3 NEW SUBSECTION. "Department" means the state department of
4 transportation.

1 SEC. 65. Sections three hundred six B point two (306B.2), three
2 hundred six B point three (306B.3), three hundred six B point four

*See 65 GA, ch 1178, §1

3 (306B.4), three hundred six B point five (306B.5), three hundred six
 4 B point six (306B.6), three hundred six B point seven (306B.7), and
 5 three hundred six B point eight (306B.8), Code 1973, are amended by
 6 striking from such sections the words "commission" and "state high-
 7 way commission" and inserting in lieu thereof the word "department".

1 SEC. 66. Section three hundred six C point one (306C.1), subsec-
 2 tion five (5), Code 1973, is amended by striking the subsection and in-
 3 serting in lieu thereof the following:

4 5. "Department" means the state department of transportation.

1 SEC. 67. Section three hundred six C point ten (306C.10), subsec-
 2 tion one (1), Code 1973, is amended by striking the subsection and
 3 inserting in lieu thereof the following:

4 1. "Department" means the state department of transportation.

1 SEC. 68. Sections three hundred six C point one (306C.1), three
 2 hundred six C point two (306C.2), three hundred six C point three
 3 (306C.3), three hundred six C point four (306C.4), three hundred six
 4 C point five (306C.5), three hundred six C point six (306C.6), three
 5 hundred six C point eight (306C.8), three hundred six C point ten
 6 (306C.10), as amended by Acts of the Sixty-fifth General Assem-
 7 bly, 1973 Session, chapter two hundred one (201), section one (1),
 8 three hundred six C point eleven (306C.11), as amended by Acts of
 9 the Sixty-fifth General Assembly, 1973 Session, chapter two hundred
 10 one (201), section two (2), three hundred six C point thirteen
 11 (306C.13), as amended by Acts of the Sixty-fifth General Assembly,
 12 1973 Session, chapter two hundred one (201), sections three (3) and
 13 four (4), three hundred six C point fourteen (306C.14), as amended
 14 by Acts of the Sixty-fifth General Assembly, 1973 Session, chapter
 15 two hundred one (201), section five (5), three hundred six C point
 16 fifteen (306C.15), as amended by Acts of the Sixty-fifth General
 17 Assembly, 1973 Session, chapter two hundred one (201), section six
 18 (6), three hundred six C point seventeen (306C.17), as amended by
 19 Acts of the Sixty-fifth General Assembly, 1973 Session, chapter two
 20 hundred one (201), section seven (7), three hundred six C point eigh-
 21 teen (306C.18), as amended by Acts of the Sixty-fifth General Assem-
 22 bly, 1973 Session, chapter two hundred one (201), section eight (8),
 23 three hundred six C point nineteen (306C.19), as amended by Acts of
 24 the Sixty-fifth General Assembly, 1973 Session, chapter two hundred
 25 one (201), section nine (9), three hundred six C point twenty
 26 (306C.20), and three hundred six C point twenty-one (306C.21), Code
 27 1973, are amended by striking from such sections the word "commis-
 28 sion" and inserting in lieu thereof the word "department".

1 SEC. 69. Chapter three hundred seven (307), Code 1973, is
 2 amended by adding the following new section:

3 NEW SECTION. **Definitions.** As used in this chapter, unless the
 4 context otherwise requires:

5 1. "Commission" means the state transportation commission of the
 6 state department of transportation.

7 2. "Department" means the state department of transportation.

1 SEC. 70. Section three hundred seven point five (307.5), subsec-
 2 tions three (3), four (4), five (5), six (6), twelve (12), and thirteen
 3 (13), Code 1973, are amended to read as follows:

4 3. ~~Appoint all assistants necessary to carry on the work of the com-~~
5 ~~mission, define their duties, fix their compensation, and provide for~~
6 ~~necessary bonds and the amounts thereof. The term of employment of~~
7 ~~all such assistants may be terminated by the commission, at any time~~
8 ~~and for any cause. When in the interest of the state, the commission~~
9 ~~may allow not to exceed forty-five days a subsistence expense to an~~
10 ~~employee of the highway division of the department for continuous~~
11 ~~stay in one location while on duty away from established headquarters~~
12 ~~and place of domicile or either for a period not to exceed forty-five~~
13 ~~days; allow automobile expenses in accordance with section 79.9, for~~
14 ~~moving an employee and his family from place of present domicile to~~
15 ~~new domicile, and actual transportation expense for moving not to~~
16 ~~exceed seven thousand pounds of household goods. Such household~~
17 ~~goods shall not include pets or animals.~~

18 4. Investigate highway conditions in any county, and report all vio-
19 lations of duty to the ~~attorney general~~ *department general counsel*.

20 5. Make surveys, plans, and estimates of cost, for the elimination of
21 danger at railroad crossings on highways, and confer with local, and
22 railroad officials, ~~and with the Iowa state commerce commission with~~
23 ~~reference to such elimination of the danger.~~

24 6. Assist the board of supervisors and the ~~attorney general~~ *depart-*
25 *ment general counsel* in the defense of suits wherein infringement of
26 patents, relative to highway construction, is alleged.

27 12. Construct, reconstruct, improve and maintain state institu-
28 tional roads and state park roads as defined in section 306.3 and
29 bridges on such roads, upon the request of the state board, department
30 or commission which has jurisdiction over such roads. This shall be
31 done in such manner as may be agreed upon by the ~~highway~~ commis-
32 sion and the state board, department or commission which has juris-
33 diction. The ~~highway~~ commission may contract with any county or
34 municipality for the construction, reconstruction, improvement or
35 maintenance of such roads and bridges. Any state park road which
36 is an extension of either a primary or secondary highway which both
37 enters and exits from a state park at separate points shall be con-
38 structed, reconstructed, improved and maintained as provided in sec-
39 tion 306.4.

40 13. Prepare, adopt and cause to be published a long-range program
41 for the primary road system, *in conjunction with the state transporta-*
42 *tion plan adopted by the commission*. Such program shall be prepared
43 for a period of at least five years and shall be revised, brought up to
44 date and republished at least once every year in order to have a con-
45 tinuing five-year program. The program shall include, insofar as such
46 estimates can be made, an estimate of the money expected to become
47 available during the period covered by the program and a statement
48 of the construction, maintenance, and other work planned to be per-
49 formed during such period. The commission shall conduct periodic re-
50 inspections of the primary roads in order to revise, from time to time,
51 its estimates of future needs to conform to the physical and service
52 conditions of the primary roads. The commission shall annually cause
53 to be published a sufficiency rating report showing the relative condi-
54 tions of the primary roads. Before the last day of December of each
55 year, the commission shall adopt and cause to be published from its
56 long-range program, a plan of improvements to be accomplished dur-

57 ing the next calendar year. This annual program shall list definite
 58 projects in order of urgency and shall include a reasonable year's work
 59 with the funds estimated to be available. The annual program shall be
 60 final and followed by the commission in the next year except that devi-
 61 ations may be made in case of disaster or other unforeseen emergen-
 62 cies or difficulties. The relative urgency of the proposed improvements
 63 shall be determined by a consideration of the physical condition, safety,
 64 and service characteristics of the various primary roads.

1 SEC. 71. Section three hundred seven point ten (307.10), Code
 2 1973, is amended to read as follows:

3 **307.10 State-owned lands—assessment.** Municipalities and coun-
 4 ties may assess the cost of a public improvement when such improve-
 5 ment benefits property owned by the state and under the jurisdiction
 6 and control of the ~~state highway commission~~ *highway division of the*
 7 *department*. The commission shall pay from the primary road fund
 8 such portion of the cost of the improvement as would be legally assess-
 9 able against the land if privately owned.

10 Assessments against property under the jurisdiction of the ~~state~~
 11 ~~highway commission~~ *highway division of the department* shall be made
 12 in the same manner as those made against private property, except
 13 that the municipality or county making the assessment shall cause a
 14 copy of the public notice of hearing to be mailed to the commission by
 15 restricted certified mail.

16 Assessments against property owned by the state and not under the
 17 jurisdiction and control of the ~~state highway commission~~ *highway*
 18 *division of the department* shall be made in the same manner as those
 19 made against private property and payment thereof shall be made by
 20 the executive council from any funds of the state not otherwise appro-
 21 priated.

22 No such assessment in excess of twenty thousand dollars shall be
 23 valid unless it is provided for by or contained within a capital appro-
 24 priation by the general assembly.

1 SEC. 72. Section three hundred seven point twelve (307.12), Code
 2 1973, is amended to read as follows:

3 **307.12 Materials and equipment revolving fund.** There is appropri-
 4 ated out of the primary road fund the sum of one hundred thousand
 5 dollars which shall be known as the ~~highway commission~~ materials and
 6 equipment revolving fund. From this fund shall be paid all materials
 7 and supplies, inventoried stock supplies, maintenance and operational
 8 costs of equipment and equipment replacements incurred in the oper-
 9 ation of centralized purchasing for the *highway division of the*
 10 *department*. Direct salaries and expenses properly chargeable thereto
 11 shall be paid from said fund. For each month the ~~highway commission~~
 12 shall render a statement to each department within the ~~commission~~
 13 *highway division* for the actual cost of materials and supplies, opera-
 14 tional and maintenance costs of equipment, and equipment depreciation
 15 used by ~~such department~~ *the highway division*. Such expense shall be
 16 paid by ~~said department~~ *the highway division* in the same manner as
 17 other interdepartmental billings are paid and when such expense is
 18 paid by the ~~department~~ *highway division*, such sum shall be cred-
 19 ited to the ~~highway commission~~ materials and equipment revolving
 20 fund. If any surplus accrues to said revolving fund in excess of one

21 hundred thousand dollars for which there is no anticipated need or use,
 22 the governor shall order such surplus reverted to the primary road
 23 fund. *When the highway division shares equipment with other divi-*
 24 *sions of the department, the director of transportation shall prorate*
 25 *the costs of the equipment among the divisions using the equipment.*

1 SEC. 73. Section three hundred seven point thirteen (307.13),
 2 Code 1973, is amended by adding the following new paragraph:

3 NEW PARAGRAPH. Any employee of the state highway commission
 4 who becomes an employee of the state department of transportation
 5 on July 1, 1974 shall retain all rights to longevity pay so long as he
 6 continues employment with the state department of transportation.

1 SEC. 74. Sections three hundred seven point six (307.6), three
 2 hundred seven point seven (307.7), and three hundred seven point
 3 eleven (307.11), Code 1973, are amended by striking from such sec-
 4 tions the words "state highway commission" and inserting in lieu
 5 thereof the word "commission".

1 SEC. 75. Sections three hundred eight point one (308.1), three
 2 hundred eight point two (308.2), three hundred eight point three
 3 (308.3), three hundred eight point four (308.4), and three hundred
 4 eight point five (308.5), Code 1973, are amended by striking the words
 5 "Iowa state highway commission", "state highway commission", and
 6 "highway commission" and inserting in lieu thereof the words "state
 7 transportation commission".

1 SEC. 76. Section three hundred eight A point one (308A.1), Code
 2 1973, is amended to read as follows:

3 **308A.1 Conservation commission and ~~highway state transportation~~**
 4 **commission to co-operate.** The state conservation commission, in con-
 5 sultation with the ~~highway state transportation~~ commission, is hereby
 6 authorized to establish recreational bikeways within this state for the
 7 use, enjoyment, and participation of the public in nonmotorized bicy-
 8 cling. The routes established for such bikeways shall be designed to
 9 maximize the safety of cyclists and motorists and may utilize second-
 10 ary roads when the normal flow of motor vehicle traffic will not be
 11 hindered, as well as other infrequently traveled roads, streets, park-
 12 ways, and appropriate thoroughfares. Such bikeways shall be routed,
 13 wherever possible, to allow the enjoyment of scenic views and points
 14 of historical interest, and may connect state parks and other recrea-
 15 tional areas throughout the state.

16 Bikeway routes shall be clearly marked with appropriate signs to
 17 guide cyclists and to alert motorists. Such signs shall be placed at
 18 intervals and designed in such form as prescribed by the conservation
 19 commission in consultation with the ~~highway state transportation~~
 20 commission.

21 The conservation commission is hereby authorized to co-operate
 22 with county conservation boards, boards of supervisors, city or town
 23 councils, or any private organizations interested in the establishment
 24 of bikeways, and may consult with such groups in the planning of
 25 appropriate bikeway routes and related activities.

1 SEC. 77. Chapter three hundred nine (309), Code 1973, is
 2 amended by adding the following new section:

3 **NEW SECTION. Definition.** As used in this chapter, unless the con-
4 text otherwise requires, "department" means the state department of
5 transportation.

1 **SEC. 78.** Sections three hundred nine point sixteen (309.16), three
2 hundred nine point twenty-two (309.22), three hundred nine point
3 forty-two (309.42), three hundred nine point forty-six (309.46),
4 three hundred nine point fifty-six (309.56), three hundred nine point
5 sixty-eight (309.68), three hundred nine point sixty-nine (309.69),
6 three hundred nine point seventy (309.70), three hundred nine point
7 seventy-one (309.71), three hundred nine point seventy-three
8 (309.73), three hundred nine point seventy-nine (309.79), three hun-
9 dred nine point eighty (309.80), three hundred nine point eighty-two
10 (309.82), three hundred nine point ninety-three (309.93), three hun-
11 dred nine point ninety-four (309.94), three hundred nine point ninety-
12 five (309.95), and three hundred nine point ninety-six (309.96), Code
13 1973, are amended by striking from such sections the words "commis-
14 sion", "highway commission", and "state highway commission" and
15 inserting in lieu thereof the word "department".

1 **SEC. 79.** Section three hundred ten point one (310.1), Code 1973,
2 is amended by adding the following new subsection:

3 **NEW SUBSECTION.** "Department" means the state department of
4 transportation.

1 **SEC. 80.** Section three hundred ten point one (310.1), subsection
2 two (2), Code 1973, is amended to read as follows:

3 2. "Federal aid" or "federal aid secondary road fund" shall mean
4 funds allotted to the state of Iowa by the federal government to aid
5 in the construction of secondary roads and which funds must be
6 matched with funds under the control of the state ~~highway commission~~
7 *department*.

1 **SEC. 81.** Sections three hundred ten point six (310.6), three hun-
2 dred ten point eight (310.8), three hundred ten point nine (310.9),
3 three hundred ten point ten (310.10), three hundred ten point eleven
4 (310.11), three hundred ten point thirteen (310.13), three hundred
5 ten point fourteen (310.14), three hundred ten point eighteen
6 (310.18), three hundred ten point twenty-seven (310.27), three hun-
7 dred ten point twenty-eight (310.28), three hundred ten point twenty-
8 nine (310.29), three hundred ten point thirty-two (310.32), three hun-
9 dred ten point thirty-four (310.34), three hundred ten point thirty-
10 five (310.35), and three hundred ten point thirty-six (310.36), Code
11 1973, are amended by striking from such sections the words "commis-
12 sion", "highway commission" and "state highway commission" and
13 inserting in lieu thereof the word "department".

1 **SEC. 82.** Section three hundred eleven point seven (311.7), unnum-
2 bered paragraph five (5), Code 1973, is amended to read as follows:

3 If the engineer's estimated cost of the grading, bridges, culverts,
4 and draining of the road proposed to be included in any special assess-
5 ment district project under this section, exceeds an average of seven
6 thousand dollars per mile, the board of supervisors of said county
7 may appeal to the state ~~highway transportation~~ commission as to
8 whether the county shall proceed with the construction of said project.

9 The state ~~highway~~ *transportation* commission shall hold a hearing on
 10 said matter, at a time and place of which the petitioners and the
 11 county board shall be duly notified, and shall have an opportunity to
 12 appear and be heard. After such hearing the state ~~highway~~ *transportation*
 13 commission shall determine whether the county shall proceed
 14 with said project, which determination shall be final.

1 SEC. 83. Chapter three hundred twelve (312), Code 1973, is
 2 amended by adding the following new section:

3 NEW SECTION. **Definition.** As used in this chapter, unless the con-
 4 text otherwise requires, "department" means the state department of
 5 transportation.

1 SEC. 84. Sections three hundred twelve point three (312.3), three
 2 hundred twelve point four (312.4), three hundred twelve point five
 3 (312.5), three hundred twelve point ten (312.10), three hundred
 4 twelve point twelve (312.12), three hundred twelve point fourteen
 5 (312.14), and three hundred twelve point fifteen (312.15), Code 1973,
 6 are amended by striking from such sections the words "state highway
 7 commission" and inserting in lieu thereof the word "department".

1 SEC. 85. Chapter three hundred thirteen (313), Code 1973, is
 2 amended by adding the following new section:

3 NEW SECTION. **Definition.** As used in this chapter, unless the con-
 4 text otherwise requires, "department" means the state department of
 5 transportation.

1 SEC. 86. Sections three hundred thirteen point one (313.1), three
 2 hundred thirteen point two (313.2), three hundred thirteen point four
 3 (313.4), as amended by Acts of the Sixty-fifth General Assembly, 1973
 4 Session, chapter one hundred two (102), section nine (9), three
 5 hundred thirteen point five (313.5), three hundred thirteen point
 6 six (313.6), three hundred thirteen point eight (313.8), three hun-
 7 dred thirteen point nine (313.9), three hundred thirteen point ten
 8 (313.10), three hundred thirteen point twelve (313.12), three hun-
 9 dred thirteen point thirteen (313.13), three hundred thirteen point
 10 sixteen (313.16), three hundred thirteen point eighteen (313.18),
 11 three hundred thirteen point nineteen (313.19), three hundred thir-
 12 teen point twenty (313.20), three hundred thirteen point twenty-one
 13 (313.21), three hundred thirteen point twenty-two (313.22), three
 14 hundred thirteen point twenty-three (313.23), three hundred thirteen
 15 point twenty-four (313.24), three hundred thirteen point twenty-
 16 seven (313.27), three hundred thirteen point twenty-eight (313.28),
 17 three hundred thirteen point twenty-nine (313.29), three hundred
 18 thirteen point thirty-six (313.36), three hundred thirteen point thirty-
 19 seven (313.37), three hundred thirteen point forty-four (313.44),
 20 three hundred thirteen point fifty-eight (313.58), three hundred thir-
 21 teen point fifty-nine (313.59), three hundred thirteen point sixty
 22 (313.60), three hundred thirteen point sixty-one (313.61), three hun-
 23 dred thirteen point sixty-two (313.62), three hundred thirteen point
 24 sixty-three (313.63), three hundred thirteen point sixty-four (313.64),
 25 three hundred thirteen point sixty-five (313.65), three hundred thir-
 26 teen point sixty-six (313.66), and three hundred thirteen point sixty-
 27 seven (313.67), Code 1973, are amended by striking from such sections

28 the words "commission", "highway commission", "state highway com-
29 mission", and "Iowa highway commission" and inserting in lieu there-
30 of the word "department".

1 SEC. 87. Section three hundred thirteen A point one (313A.1),
2 Code 1973, is amended to read as follows:

3 313A.1 **Definitions.** The following words or terms, as used in this
4 chapter, shall have the respective meanings as stated:

5 1. "Toll bridge" shall mean an interstate bridge constructed, pur-
6 chased or acquired under the provisions of this chapter, upon which
7 tolls are charged, together with all appurtenances, additions, altera-
8 tions, improvements, and replacements thereof, and the approaches
9 thereto, and all lands and interests therein used therefor, and buildings
10 and improvements thereon.

11 2. "~~Commission~~ *Department*" shall mean the state highway commis-
12 sion, ~~the agency of the state of Iowa created and provided for under~~
13 ~~the provisions of chapter 397~~ *department of transportation*.

14 3. "Construct, constructing, construction or constructed" shall in-
15 clude the completion, reconstruction, remodeling, repair, or improve-
16 ment of any existing toll bridge or any partially constructed interstate
17 bridge, as well as the construction of any new toll bridge.

18 4. "Acquisition by purchase, gift, or condemnation" as used in this
19 chapter shall mean acquisition by the state highway ~~commission~~ *de-*
20 *partment*, whether such terms "purchase, gift, or condemnation" are
21 used singularly or in sequence.

22 5. "Federal bridge commission" shall mean any bridge commission
23 organized and operating pursuant to an Act of the Congress of the
24 United States, even though such Act of Congress may declare the
25 bridge commission not to be an agency of the federal government.

1 SEC. 88. Section three hundred thirteen A point thirty-four
2 (313A.34), unnumbered paragraph one (1), Code 1973, is amended
3 to read as follows:

4 The ~~commission is authorized to~~ *director of transportation may, sub-*
5 *ject to the approval of the state transportation commission*, enter into
6 such agreement or agreements with other state highway commissions
7 and the governmental agencies or subdivisions of the state of Iowa or
8 other states and with federal bridge commissions as they shall find
9 necessary or convenient to carry out the purposes of this chapter, and
10 is authorized to do any and all acts contained in such agreement or
11 agreements that are necessary or convenient to carry out the purposes
12 of this chapter. Such agreements may include, but shall not be re-
13 stricted to, the following provisions:

1 SEC. 89. Sections three hundred thirteen A point two (313A.2),
2 three hundred thirteen A point three (313A.3), three hundred thir-
3 teen A point four (313A.4), three hundred thirteen A point five
4 (313A.5), three hundred thirteen A point six (313A.6), three hun-
5 dred thirteen A point seven (313A.7), three hundred thirteen A
6 point eight (313A.8), three hundred thirteen A point nine (313A.9),
7 three hundred thirteen A point ten (313A.10), three hundred thir-
8 teen A point eleven (313A.11), three hundred thirteen A point twelve
9 (313A.12), three hundred thirteen A point thirteen (313A.13), three
10 hundred thirteen A point fourteen (313A.14), three hundred thirteen

11 A point fifteen (313A.15), three hundred thirteen A point sixteen
 12 (313A.16), three hundred thirteen A point seventeen (313A.17),
 13 three hundred thirteen A point eighteen (313A.18), three hundred
 14 thirteen A point nineteen (313A.19), three hundred thirteen A point
 15 twenty (313A.20), three hundred thirteen A point twenty-one
 16 (313A.21), three hundred thirteen A point twenty-two (313A.22),
 17 three hundred thirteen A point twenty-three (313A.23), three hun-
 18 dred thirteen A point twenty-four (313A.24), three hundred thirteen
 19 A point twenty-five (313A.25), three hundred thirteen A point twenty-
 20 six (313A.26), three hundred thirteen A point twenty-seven
 21 (313A.27), three hundred thirteen A point twenty-eight (313A.28),
 22 three hundred thirteen A point twenty-nine (313A.29), three hun-
 23 dred thirteen A point thirty-one (313A.31), three hundred thirteen A
 24 point thirty-two (313A.32), three hundred thirteen A point thirty-
 25 four (313A.34), three hundred thirteen A point thirty-five (313A.35),
 26 as amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
 27 chapter one hundred thirty-six (136), section three hundred forty-
 28 nine (349), and three hundred thirteen A point thirty-six (313A.36),
 29 Code 1973, are amended by striking from such sections the words
 30 "state highway commission", "Iowa highway commission", and "com-
 31 mission" and inserting in lieu thereof the word "department".

1 SEC. 90. Chapter three hundred fourteen (314), Code 1973, is
 2 amended by adding the following new section:

3 **NEW SECTION. Definitions.** As used in this chapter, unless the con-
 4 text otherwise requires:

- 5 1. "Department" means the state department of transportation.
- 6 2. "Agency" means any governmental body which exercises juris-
 7 diction over any road as provided by law.

1 SEC. 91. Sections three hundred fourteen point one (314.1) and
 2 three hundred fourteen point three (314.3), Code 1973, are amended
 3 by striking from such sections the words "state highway commission"
 4 and "highway commission" and inserting in lieu thereof the word
 5 "department".

1 SEC. 92. Sections three hundred fourteen point one (314.1), three
 2 hundred fourteen point three (314.3), three hundred fourteen point
 3 four (314.4), three hundred fourteen point five (314.5), three hun-
 4 dred fourteen point nine (314.9), three hundred fourteen point ten
 5 (314.10), three hundred fourteen point eleven (314.11), and three hun-
 6 dred fourteen point twelve (314.12), Code 1973, are amended by strik-
 7 ing from such sections the words "board or commission" and "boards,
 8 commissions" and inserting in lieu thereof the word "agency".

1 SEC. 93. Section three hundred sixteen point one (316.1), subsec-
 2 tion seven (7), Code 1973, is amended by striking the subsection and
 3 inserting in lieu thereof the following:

- 4 7. "Department" means the state department of transportation.

1 SEC. 94. Sections three hundred sixteen point one (316.1), three
 2 hundred sixteen point four (316.4), three hundred sixteen point five
 3 (316.5), three hundred sixteen point six (316.6), three hundred six-
 4 teen point seven (316.7), three hundred sixteen point eight (316.8),
 5 three hundred sixteen point nine (316.9), three hundred sixteen point

6 ten (316.10), three hundred sixteen point thirteen (316.13), three
7 hundred sixteen point fourteen (316.14), and three hundred sixteen
8 point fifteen (316.15), Code 1973, are amended by striking from such
9 sections the words "commission" and "state highway commission" and
10 inserting in lieu thereof the word "department".

1 SEC. 95. Section three hundred seventeen point eleven (317.11),
2 Code 1973, is amended to read as follows:

3 **317.11 Weeds on roads or highways.** The board of supervisors
4 shall destroy noxious weeds growing in secondary roads, and the ~~high-~~
5 ~~way commission~~ *state department of transportation* shall destroy nox-
6 ious weeds growing on primary roads. Nothing herein shall prevent
7 the landowner from harvesting, in proper season, the grass grown on
8 the road along his land.

1 SEC. 96. Chapter three hundred nineteen (319), Code 1973, is
2 amended by adding the following new section:

3 **NEW SECTION. Definition.** As used in this chapter, unless the con-
4 text otherwise requires, "department" means the state department of
5 transportation.

1 SEC. 97. Section three hundred nineteen point eleven (319.11),
2 Code 1973, is amended to read as follows:

3 **319.11 Enforcement.** Boards of supervisors and county attorneys
4 as to secondary roads, and the ~~state highway commission~~ *department*
5 and the ~~attorney general~~ *department general counsel* as to primary
6 roads, shall enforce section 319.10 by appropriate civil or criminal pro-
7 ceeding or by both such proceedings.

1 SEC. 98. Sections three hundred nineteen point one (319.1), three
2 hundred nineteen point five (319.5), three hundred nineteen point
3 nine (319.9), and three hundred nineteen point thirteen (319.13), Code
4 1973, are amended by striking from such sections the words "state
5 highway commission" and "highway commission" and inserting in lieu
6 thereof the word "department".

1 SEC. 99. Sections three hundred twenty point four (320.4) and
2 three hundred twenty point eight (320.8), Code 1973, are amended
3 by striking from such sections the words "state highway commission"
4 and inserting in lieu thereof the words "state department of transpor-
5 tation".

1 SEC. 100. Section three hundred twenty-one point one (321.1),
2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
3 1973 Session, chapter two hundred seven (207), section one (1), is
4 amended by striking subsections thirty-three (33) and thirty-four
5 (34) and inserting in lieu thereof the following:

6 33. "Department" means the state department of transportation.

7 34. "Director" means the director of the state department of trans-
8 portation or his designee.

1 SEC. 101. Section three hundred twenty-one point two (321.2),
2 Code 1973, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **321.2 Department.** The state department of transportation shall
5 administer and enforce the provisions of this chapter.

6 The division of the highway safety patrol of the department of public
7 safety shall enforce the provisions of this chapter relating to traffic
8 on the public highway of the state, including those relating to the
9 safe and legal operation of passenger cars, motorcycles, motor trucks,
10 and buses, and to see that proper safety rules are observed.

11 The state department of transportation and the department of public
12 safety shall cooperate to insure the proper and adequate enforcement
13 of the provisions of this chapter.

1 SEC. 102. Section three hundred twenty-one point six (321.6),
2 Code 1973, is amended to read as follows:

3 **321.6 Reciprocal enforcement—patrol beats in towns.** There shall
4 be reciprocal co-operation between the members of the *department*,
5 *the* state department of public safety and local authorities in the
6 enforcing of local and state traffic laws and in making inspections,
7 although this *section* shall not be construed to give the state depart-
8 ment of public safety any right to establish regular patrol beats inside
9 municipal limits unless requested for a special occasion or emergency
10 by the mayor of such city or town or the sheriff of the county.

1 SEC. 103. Section three hundred twenty-one point ninety-four
2 (321.94), Code 1973, is amended to read as follows:

3 **321.94 Test to determine true number.** Where it appears that a
4 factory, serial or motor number has been altered, defaced or tam-
5 pered with, any sheriff, state agent or peace officer of the department
6 of justice, or inspector employed by the ~~motor vehicle~~ department, or
7 any other person acting under their direction, may apply any recog-
8 nized process or test to the part containing such number for the pur-
9 pose of determining the true number.

1 SEC. 104. Section three hundred twenty-one point one hundred
2 forty-six (321.146), Code 1973, is amended to read as follows:

3 **321.146 Unexpended balances.** The treasurer of state shall at the
4 end of said fiscal year ascertain the cost of ~~maintenance of the motor~~
5 ~~vehicle department~~ *administering the motor vehicle registration pro-*
6 *visions of this chapter* and transfer to the road use tax fund the ascer-
7 tained difference between the amount retained in the general fund
8 under the provision of this chapter and the maintenance cost of said
9 department, together with any unexpended balance in the reimburse-
10 ment fund.

1 SEC. 105. Section three hundred twenty-one point two hundred
2 fifty-nine (321.259), unnumbered paragraph one (1), Code 1973, is
3 amended to read as follows:

4 No person shall place, maintain, or display upon or in view of any
5 highway any sign, signal, marking, or device which purports to be or
6 is an imitation of or resembles an official parking sign, curb or other
7 marking, traffic-control device or railroad sign or signal, or which at-
8 tempts to direct the movement of traffic, or which hides from view
9 or interferes with the effectiveness of any official traffic-control device
10 or any railroad sign or signal, if such sign, signal, marking, or device
11 has not been authorized by the ~~state highway commission with refer-~~
12 ~~ence to highways under their jurisdiction,~~ *department and* local author-
13 ities with reference to streets and highways under their jurisdiction,
14 ~~and the Iowa state commerce commission with reference to railroad~~

15 crossings, and no person shall place or maintain nor shall any public
 16 authority permit upon any highway any traffic sign or signal bearing
 17 thereon any commercial advertising. This shall not be deemed to pro-
 18 hibit the erection upon private property adjacent to highways of signs
 19 giving useful directional information of a type that cannot be mistaken
 20 for official signs.

1 SEC. 106. Section three hundred twenty-one point four hundred
 2 forty-five (321.445), unnumbered paragraph one (1), Code 1973, is
 3 amended to read as follows:

4 Every new or used car, pickup or school bus, 1966 model or newer,
 5 sold, offered for sale, or subject to registration in Iowa except com-
 6 mercial vehicles registered with the ~~commerce commission~~ *department*,
 7 shall be equipped with at least two sets of safety belts or safety har-
 8 nesses installed for use in the front seat of such vehicle; however,
 9 when a pickup or school bus has only an operator's seat, such vehicle
 10 need be equipped with only one safety belt or safety harness installed
 11 for use by the operator thereof. The safety belts or safety harnesses
 12 required shall not be removed unless replaced with approved safety
 13 belts or safety harnesses as long as the vehicle is subject to registra-
 14 tion.

1 SEC. 107. Section three hundred twenty-one point four hundred
 2 seventy-seven (321.477), Code 1973, is amended to read as follows:

3 **321.477 Employees as peace officers.** The ~~state highway commis-~~
 4 ~~sion department~~ may designate by resolution certain of its employees
 5 upon each of whom there is hereby conferred the authority of a peace
 6 officer to control and direct traffic and weigh vehicles, and to make
 7 arrests for violations of the motor vehicle laws relating to the *operat-*
 8 *ing authority*, registration, size, weight, and load of motor vehicles and
 9 trailers and registration of a motor carrier's interstate transportation
 10 service with the ~~Iowa commerce commission~~ *department*.

1 SEC. 108. Section three hundred twenty-one point five hundred
 2 (321.500), Code 1973, is amended to read as follows:

3 **321.500 Original notice—form.** The original notice of suit filed
 4 with the ~~commissioner~~ *director of transportation* shall be in form and
 5 substance the same as now provided in suits against residents of this
 6 state, except that that part of said notice pertaining to the return day
 7 shall be in substantially the following form, to wit:

8 "and unless you appear thereto and defend in the district court of
 9 Iowa in and for county at the courthouse in, Iowa
 10 before noon of the sixtieth day following the filing of this notice with
 11 the ~~commissioner of the public safety department~~ *director of trans-*
 12 *portation* of this state, default will be entered and judgment rendered
 13 against you by the court."

1 SEC. 109. Section three hundred twenty-one point five hundred
 2 two (321.502), Code 1973, is amended to read as follows:

3 **321.502 Notification to nonresident—form.** The notification, pro-
 4 vided for in section 321.501, shall be in substantially the following
 5 form, to wit:

6 "To (Here insert the name of each defendant and
 7 his residence or last known place of abode as definitely as known.)

8 You will take notice that an original notice of suit against you, a
 9 copy of which is hereto attached, was duly served upon you at Des
 10 Moines, Iowa, by filing a copy of said notice on the day of
 11, 19....., with the ~~commissioner of the public safety depart-~~
 12 ~~ment~~ *director of transportation* of the state of Iowa.

13 Dated at, Iowa, this day of, 19.....

14
 15 Plaintiff.
 16 By
 17 Attorney for plaintiff."

1 SEC. 110. Sections three hundred twenty-one point three (321.3),
 2 three hundred twenty-one point four (321.4), three hundred twenty-
 3 one point eight (321.8), three hundred twenty-one point nine (321.9),
 4 three hundred twenty-one point ten (321.10), three hundred twenty-
 5 one point twelve (321.12), three hundred twenty-one point thirty-five
 6 (321.35), as amended by Acts of the Sixty-fifth General Assembly,
 7 1973 Session, chapter two hundred nine (209), section two (2), three
 8 hundred twenty-one point forty-three (321.43), three hundred twenty-
 9 one point forty-four (321.44), three hundred twenty-one point eighty-
 10 six (321.86), three hundred twenty-one point one hundred five
 11 (321.105), as amended by Acts of the Sixty-fifth General Assembly,
 12 1973 Session, chapter two hundred twelve (212), section one (1),
 13 three hundred twenty-one point one hundred nine (321.109), three
 14 hundred twenty-one point one hundred sixty-five (321.165), three
 15 hundred twenty-one point one hundred seventy-seven (321.177),
 16 three hundred twenty-one point one hundred eighty-seven (321.187),
 17 three hundred twenty-one point one hundred ninety-six (321.196),
 18 three hundred twenty-one point two hundred ten (321.210), three
 19 hundred twenty-one point two hundred eleven (321.211), three hun-
 20 dred twenty-one point two hundred fifteen (321.215),* three hundred
 21 twenty-one point two hundred thirty-eight (321.238), as amended by
 22 Acts of the Sixty-fifth General Assembly, 1973 Session, chapter two
 23 hundred eight (208), sections three (3) through seven (7), and chap-
 24 ter two hundred fifteen (215), section one (1), three hundred twenty-
 25 one point two hundred sixty-one (321.261), three hundred twenty-one
 26 point three hundred eighty-three (321.383), three hundred twenty-one
 27 point four hundred twenty-three (321.423), three hundred twenty-one
 28 point four hundred twenty-four (321.424), three hundred twenty-one
 29 point four hundred twenty-eight (321.428), three hundred twenty-one
 30 point four hundred twenty-nine (321.429), three hundred twenty-one
 31 point four hundred thirty (321.430), three hundred twenty-one point
 32 four hundred forty (321.440), three hundred twenty-one point four
 33 hundred forty-four (321.444), three hundred twenty-one point four
 34 hundred forty-five (321.445), three hundred twenty-one point four
 35 hundred fifty-one (321.451), three hundred twenty-one point four
 36 hundred sixty-two (321.462), three hundred twenty-one point four
 37 hundred sixty-four (321.464), three hundred twenty-one point four
 38 hundred eighty-four (321.484), three hundred twenty-one point four
 39 hundred ninety-eight (321.498), three hundred twenty-one point five
 40 hundred one (321.501), three hundred twenty-one point five hundred
 41 five (321.505), and three hundred twenty-one point five hundred nine

*Repealed by 65 GA, ch 1090, §131

42 (321.509), Code 1973, are amended by striking from such sections the
 43 words "commissioner", "commissioner of public safety", "safety com-
 44 missioner", and "commissioner of the public safety department" and
 45 inserting in lieu thereof the word "director".

1 SEC. 111. Sections three hundred twenty-one point nineteen
 2 (321.19), as amended by Acts of the Sixty-fifth General Assembly,
 3 1973 Session, chapter one hundred twenty-one (121), section seventeen
 4 (17), three hundred twenty-one point sixty-six (321.66), three hun-
 5 dred twenty-one point seventy-one (321.71), as amended by Acts of
 6 the Sixty-fifth General Assembly, 1973 Session, chapter two hundred
 7 ten (210), sections one (1), two (2), and three (3), three hundred
 8 twenty-one point eighty-nine (321.89), three hundred twenty-one point
 9 one hundred seventy-four (321.174), three hundred twenty-one point
 10 one hundred seventy-eight (321.178), three hundred twenty-one point
 11 two hundred ten (321.210), three hundred twenty-one point two hun-
 12 dred thirty-eight (321.238), as amended by Acts of the Sixty-fifth
 13 General Assembly, 1973 Session, chapter two hundred eight (208),
 14 sections three (3) through seven (7), and chapter two hundred fifteen
 15 (215), section one (1), three hundred twenty-one point two hundred
 16 seventy-one (321.271), and three hundred twenty-one point three hun-
 17 dred seventy-six (321.376), Code 1973, are amended by striking from
 18 such sections the words "state department of public safety" and "de-
 19 partment of public safety" and inserting in lieu thereof the word
 20 "department".

1 SEC. 112. Sections three hundred twenty-one point one hundred
 2 seven (321.107) and three hundred twenty-one point one hundred
 3 twenty-six (321.126), Code 1973, are amended by striking from such
 4 sections the words "Iowa reciprocity board" and inserting in lieu
 5 thereof the word "department".

1 SEC. 113. Sections three hundred twenty-one point one hundred
 2 forty-eight (321.148), three hundred twenty-one point two hundred
 3 thirty-seven (321.237), three hundred twenty-one point two hundred
 4 forty-nine (321.249), three hundred twenty-one point two hundred
 5 fifty-two (321.252),* three hundred twenty-one point two hundred
 6 fifty-four (321.254), three hundred twenty-one point two hundred
 7 fifty-nine (321.259), three hundred twenty-one point two hundred
 8 eighty-five (321.285), three hundred twenty-one point two hundred
 9 eighty-nine (321.289), three hundred twenty-one point two hundred
 10 ninety (321.290), three hundred twenty-one point two hundred ninety-
 11 three (321.293), three hundred twenty-one point two hundred ninety-
 12 five (321.295), three hundred twenty-one point three hundred forty-
 13 two (321.342), three hundred twenty-one point three hundred forty-
 14 five (321.345), three hundred twenty-one point three hundred forty-
 15 seven (321.347), three hundred twenty-one point three hundred
 16 forty-eight (321.348), three hundred twenty-one point four hundred
 17 forty-three (321.443), as amended by Acts of the Sixty-fifth General
 18 Assembly, 1973 Session, chapter two hundred eighteen (218), section
 19 two (2), three hundred twenty-one point four hundred seventy-four
 20 (321.474), as amended by Acts of the Sixty-fifth General Assembly,
 21 1973 Session, chapter two hundred twenty (220), section three (3),

*Section 321.253 omitted

22 three hundred twenty-one point four hundred seventy-six (321.476),
 23 three hundred twenty-one point four hundred seventy-nine (321.479),
 24 and three hundred twenty-one point four hundred eighty (321.480),
 25 Code 1973, are amended by striking from such sections the words
 26 "highway commission" and "state highway commission" and inserting
 27 in lieu thereof the word "department".

1 SEC. 114. Section three hundred twenty-one A point one (321A.1),
 2 Code 1973, is amended by striking subsection one (1) and inserting
 3 in lieu thereof the following:

4 1. "Director" means the director of transportation or his designee.

1 SEC. 115. Section three hundred twenty-one A point two (321A.2),
 2 subsection one (1), Code 1973, is amended to read as follows:

3 1. The ~~commissioner~~ *director* shall administer and enforce the pro-
 4 visions of this chapter and may make rules necessary for its admin-
 5 istration and shall provide for hearings upon request of persons
 6 aggrieved by orders or acts of the ~~commissioner~~ *director* under the
 7 provisions of sections 321A.4 to 321A.11, inclusive.

8 Such hearings shall be held before the ~~commissioner or his duly~~
 9 ~~authorized agent~~ *director* as early as practicable within not to exceed
 10 twenty days after receipt of such request in the county wherein the
 11 requesting person resides unless the ~~commissioner~~ *director* and such
 12 person agree that such hearing may be held in some other county.
 13 Upon such hearing the ~~commissioner or his duly authorized agent~~
 14 *director* may administer oaths and may issue subpoenas for the at-
 15 tendance of witnesses and the production of relevant books and papers
 16 and may require an examination under oath of the person requesting
 17 such hearing.

1 SEC. 116. Section three hundred twenty-one A point thirty-five
 2 (321A.35), Code 1973, is amended to read as follows:

3 **321A.35 Past application of chapter.** This chapter shall not apply
 4 with respect to any accident, or judgment arising therefrom, or vio-
 5 lation of the motor vehicle laws of this state, occurring prior to Octo-
 6 ber 1, 1947. Any person who has before October 1, 1947, had his
 7 operator's license suspended or has had his motor vehicle registration
 8 plates suspended or who has been refused registration or license
 9 to operate a motor vehicle upon the highways of the state of Iowa,
 10 under the provisions of sections of the Code in effect before October 1,
 11 1947, and has not had such suspension removed, as therein provided,
 12 shall not be issued an operator's license nor be entitled to regis-
 13 tration of a motor vehicle in this state until proof is filed with the
 14 county treasurer and the *state* department of ~~public safety~~ *transportation*
 15 that the judgment against him rendered by the court has been
 16 stayed, satisfied or otherwise discharged of record.

1 SEC. 117. Sections three hundred twenty-one A point two
 2 (321A.2), three hundred twenty-one A point three (321A.3), three
 3 hundred twenty-one A point four (321A.4), three hundred twenty-
 4 one A point five (321A.5), three hundred twenty-one A point six
 5 (321A.6), three hundred twenty-one A point seven (321A.7), three
 6 hundred twenty-one A point nine (321A.9), three hundred twenty-one
 7 A point ten (321A.10), three hundred twenty-one A point eleven
 8 (321A.11), three hundred twenty-one A point twelve (321A.12), three

9 hundred twenty-one A point thirteen (321A.13), three hundred
 10 twenty-one A point sixteen (321A.16), three hundred twenty-one A
 11 point seventeen (321A.17), three hundred twenty-one A point nine-
 12 teen (321A.19), three hundred twenty-one A point twenty (321A.20),
 13 three hundred twenty-one A point twenty-two (321A.22), three hun-
 14 dred twenty-one A point twenty-four (321A.24), three hundred
 15 twenty-one A point twenty-five (321A.25), three hundred twenty-one
 16 A point twenty-six (321A.26), three hundred twenty-one A point
 17 twenty-seven (321A.27), three hundred twenty-one A point twenty-
 18 eight (321A.28), three hundred twenty-one A point twenty-nine
 19 (321A.29), three hundred twenty-one A point thirty-one (321A.31),
 20 and three hundred twenty-one A point thirty-four (321A.34), Code
 21 1973, are amended by striking from such sections the word "com-
 22 missioner" and inserting in lieu thereof the word "director".

1 SEC. 118. Section three hundred twenty-one B point two
 2 (321B.2), Code 1973, is amended by adding the following new para-
 3 graph:

4 NEW PARAGRAPH. As used in this chapter, unless the context other-
 5 wise requires, "director" means the director of transportation or his
 6 designee, and "department" means the state department of transpor-
 7 tation.

1 SEC. 119. Sections three hundred twenty-one B point seven
 2 (321B.7), three hundred twenty-one B point eight (321B.8), three
 3 hundred twenty-one B point nine (321B.9), three hundred twenty-one
 4 B point thirteen (321B.13),* three hundred twenty-one B point twenty
 5 (321B.20), and three hundred twenty-one B point twenty-four
 6 (321B.24), Code 1973, are amended by striking from such sections the
 7 words "commissioner", "commissioner of public safety", "commissioner
 8 or his authorized agent", "commissioner or his duly authorized agent",
 9 "commissioner or his agent", and "commissioner of public safety or
 10 his authorized agent" and inserting in lieu thereof the word "direc-
 11 tor".

1 SEC. 120. Sections three hundred twenty-one B point thirteen
 2 (321B.13), three hundred twenty-one B point sixteen (321B.16), three
 3 hundred twenty-one B point eighteen (321B.18), three hundred
 4 twenty-one B point twenty (321B.20), three hundred twenty-one B
 5 point twenty-four (321B.24), and three hundred twenty-one B point
 6 twenty-six (321B.26), Code 1973, are amended by striking from such
 7 sections the words "department of public safety" and inserting in lieu
 8 thereof the word "department".

1 SEC. 121. Section three hundred twenty-one C point one (321C.1),
 2 unnumbered paragraph one (1), Code 1973, is amended to read as
 3 follows:

4 ~~The commissioner of public safety is hereby authorized to~~ *director of*
 5 *transportation may, subject to the approval of the state transportation*
 6 *commission, enter into drivers license compacts with other jurisdic-*
 7 *tions legally joining therein in substantially the following form.*

1 SEC. 122. Section three hundred twenty-one D point one (321D.1),
 2 unnumbered paragraph one (1), Code 1973, is amended to read as
 3 follows:

*Not applicable

4 The ~~commissioner of public safety is hereby authorized to~~ director of
5 transportation may, subject to the approval of the state transportation
6 commission, enter into vehicle equipment safety compacts with other
7 jurisdictions legally joining therein in substantially the following
8 form.

1 SEC. 123. Chapter three hundred twenty-one E (321E), Code
2 1973, is amended by adding the following new section:

3 NEW SECTION. **Definition.** As used in this chapter, unless the con-
4 text otherwise requires, "department" means the state department of
5 transportation.

1 SEC. 124. Section three hundred twenty-one E point twenty-two
2 (321E.22), Code 1973, is amended to read as follows:

3 321E.22 **Service of process.** Service of such process shall be made
4 by serving a copy upon or filing a copy in the office of the secretary
5 of state. The service shall be sufficient service upon the person if
6 notice of the service and a copy of the process are within ten days
7 sent by registered mail by the ~~attorney general~~ department general
8 counsel to the permit holder at the last known address of said permit
9 holder. An affidavit of compliance therewith of the ~~attorney general~~
10 ~~or an assistant attorney general~~ department general counsel shall be
11 appended to the summons. The issuing authority may order such con-
12 tinuances as may be necessary to afford the permit holder reasonable
13 opportunity to defend the action. The secretary of state shall keep a
14 record of all such processes which shall show the day and hour of such
15 service.

1 SEC. 125. Sections three hundred twenty-one E point one (321E.1),
2 as amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
3 chapter two hundred thirteen (213), section three (3), three hundred
4 twenty-one E point two (321E.2), three hundred twenty-one E point
5 ten (321E.10), three hundred twenty-one E point fourteen (321E.14),
6 three hundred twenty-one E point fifteen (321E.15), three hundred
7 twenty-one E point nineteen (321E.19), and three hundred twenty-
8 one E point twenty-five (321E.25), Code 1973, are amended by strik-
9 ing from such sections the words "commission", "state highway com-
10 mission", and "Iowa state highway commission" and inserting in lieu
11 thereof the word "department".

1 SEC. 126. Section three hundred twenty-one F point one (321F.1),
2 Code 1973, is amended by striking subsection eight (8), and inserting
3 in lieu thereof the following:

4 8. "Director" means the director of transportation or his designee.

1 SEC. 127. Sections three hundred twenty-one F point three
2 (321F.3), three hundred twenty-one F point five (321F.5), three hun-
3 dred twenty-one F point six (321F.6), three hundred twenty-one F
4 point seven (321F.7), and three hundred twenty-one F point eleven
5 (321F.11), Code 1973, are amended by striking from such sections
6 the word "commissioner" and inserting in lieu thereof the word "di-
7 rector".

1 SEC. 128. Sections three hundred twenty-one G point two
2 (321G.2) and three hundred twenty-one G point fourteen (321G.14),
3 Code 1973, are amended by striking from such sections the words

4 "commissioner of public safety" and inserting in lieu thereof the
5 words "director of transportation".

1 SEC. 129. Section three hundred twenty-two point one (322.1),
2 Code 1973, is amended to read as follows:

3 **322.1 Administration.** The administration of this chapter shall be
4 vested in the ~~commissioner of public safety~~ *director of transportation*.
5 The ~~commissioner~~ *department* may employ such employees as are
6 necessary for the administration of this chapter, provided the amount
7 expended in any one year shall not exceed the revenue derived from
8 the provisions of this chapter.

1 SEC. 130. Section three hundred twenty-two point two (322.2),
2 subsection two (2), Code 1973, is amended to read as follows:

3 2. "Department" means the *state* department of ~~public safety~~ *trans-*
4 *portation*.

1 SEC. 131. Section three hundred twenty-two point twelve
2 (322.12), Code 1973, is amended by striking unnumbered paragraph
3 two (2).

1 SEC. 132. Section three hundred twenty-two point twenty-four
2 (322.24), Code 1973, is amended to read as follows:

3 **322.24 Hearing.** The ~~commissioner of public safety~~ *director of*
4 *transportation* shall have the power to issue subpoenas to compel the
5 attendance of witnesses and the production of documents, papers,
6 books, records and other evidence before him in any matter over which
7 he has jurisdiction, control or supervision pertaining to this chapter.

8 If any person shall refuse to obey any such subpoena, or to give
9 testimony, or to produce evidence as required thereby, any judge of the
10 district court of the state of Iowa in and for Polk county may, upon
11 application and proof of such refusal, make an order awarding process
12 of subpoena, or subpoena duces tecum, out of the said court, for the
13 witness to appear before the ~~commissioner~~ *director of transportation*
14 and to give testimony, and to produce evidence as required thereby.
15 Upon filing such order in the office of the clerk of said court, the clerk
16 shall issue process of subpoena, as directed, under the seal of said
17 court, requiring the person to whom it is directed to appear at the time
18 and place therein designated.

1 SEC. 133. Section three hundred twenty-two A point one (322A.1),
2 subsection eight (8), Code 1973, is amended by striking the subsection
3 and inserting in lieu thereof the following:

4 8.* "Board" means the transportation regulation board of the state
5 department of transportation.

1 SEC. 134. Sections three hundred twenty-two A point six (322A.6),
2 three hundred twenty-two A point seven (322A.7), three hundred
3 twenty-two A point eight (322A.8), three hundred twenty-two A point
4 nine (322A.9), three hundred twenty-two A point ten (322A.10),
5 three hundred twenty-two A point thirteen (322A.13), three hundred
6 twenty-two A point fifteen (322A.15), three hundred twenty-two A
7 point sixteen (322A.16), and three hundred twenty-two A point seven-
8 teen (322A.17), Code 1973, are amended by striking from such sec-
9 tions the word "commission" and inserting in lieu thereof the word
10 "board".

*"7" probably intended

1 SEC. 135. Section three hundred twenty-five point one (325.1), sub-
2 section four (4), Code 1973, is amended by striking the subsection and
3 inserting in lieu thereof the following:

4 4. "Board" means the transportation regulation board of the state
5 department of transportation.

1 SEC. 136. Section three hundred twenty-five point one (325.1),
2 Code 1973, is amended by adding the following new subsection:

3 NEW SUBSECTION. "Department" means the state department of
4 transportation.

1 SEC. 137. Section three hundred twenty-five point twenty-two
2 (325.22),* Code 1973, is amended to read as follows:

3 325.22 **Transcript on appeal.** Upon appeal being taken, the secre-
4 tary of the ~~commission board~~ shall make and certify a transcript of all
5 papers, records, and proceedings in connection with such application
6 and hearing and file the same with the clerk of said court within
7 twenty days following the taking of such appeal.

1 SEC. 138. Sections three hundred twenty-five point two (325.2),
2 three hundred twenty-five point three (325.3), three hundred twenty-
3 five point four (325.4), three hundred twenty-five point six (325.6),
4 three hundred twenty-five point seven (325.7), three hundred twenty-
5 five point nine (325.9), three hundred twenty-five point ten (325.10),
6 three hundred twenty-five point twelve (325.12), three hundred
7 twenty-five point thirteen (325.13), three hundred twenty-five point
8 fourteen (325.14), three hundred twenty-five point sixteen (325.16),
9 three hundred twenty-five point twenty (325.20), three hundred
10 twenty-five point twenty-one (325.21), three hundred twenty-five
11 point twenty-three (325.23),** three hundred twenty-five point twenty-
12 five (325.25), three hundred twenty-five point twenty-six (325.26),
13 three hundred twenty-five point thirty-one (325.31), three hundred
14 twenty-five point thirty-two (325.32), three hundred twenty-five point
15 thirty-three (325.33), three hundred twenty-five point thirty-five
16 (325.35), three hundred twenty-five point thirty-eight (325.38), and
17 three hundred twenty-five point thirty-nine (325.39), Code 1973, are
18 amended by striking from such sections the words "commission" and
19 "state commerce commission" and inserting in lieu thereof the word
20 "board".

1 SEC. 139. Sections three hundred twenty-five point three (325.3),
2 three hundred twenty-five point eighteen (325.18), three hundred
3 twenty-five point twenty-eight (325.28), three hundred twenty-five
4 point twenty-nine (325.29), as amended by Acts of the Sixty-fifth
5 General Assembly, 1973 Session, chapter one hundred forty (140),
6 section thirty-seven (37), three hundred twenty-five point thirty-three
7 (325.33), three hundred twenty-five point thirty-eight (325.38),***
8 and three hundred twenty-five point thirty-nine (325.39),*** Code
9 1973, are amended by striking from such sections the words "state
10 department of public safety", "department of public safety", "com-
11 missioner", and "commissioner of public safety" and inserting in lieu
12 thereof the word "department".

*Repealed by 65 GA, ch 1090, §211

**Repealed by 65 GA, ch 1090, §211

***Not applicable

1 SEC. 140. Section three hundred twenty-six point one (326.1),*
 2 subsections one (1) and two (2), Code 1973, are amended by strik-
 3 ing such subsections and inserting in lieu thereof the following:

4 1. "Department" means the state department of transportation.

5 2. "Director" means the director of transportation or his designee.

1 SEC. 141. Section three hundred twenty-six point five (326.5),
 2 Code 1973, is amended to read as follows:

3 **326.5 Authority to agree to reciprocity.** The ~~board~~ *director* may,
 4 *subject to the approval of the transportation commission*, enter into
 5 reciprocity agreements with the duly authorized representatives of
 6 any jurisdiction exempting nonresidents of this state using the high-
 7 ways of this state from the registration requirements of chapter 321
 8 and payment of any fees to this state with such conditions, restrictions,
 9 and privileges or lack of same as the ~~board~~ *director* deems advisable.

1 SEC. 142. Section three hundred twenty-six point fourteen
 2 (326.14), Code 1973, is amended to read as follows:

3 **326.14 Plates and receipts from safety department.** The ~~board~~
 4 ~~shall obtain registration plates and receipts to be issued pursuant to~~
 5 ~~apportionment agreements or arrangements authorized under this~~
 6 ~~chapter from the department of public safety in accordance with law.~~
 7 The ~~board~~ *department* shall then issue such registration plates and
 8 receipts pursuant to apportionment agreements or arrangements
 9 authorized under this chapter.

1 SEC. 143. Section three hundred twenty-six point eighteen
 2 (326.18), Code 1973, is amended to read as follows:

3 **326.18 Fully registered for interstate movement.** When a nonresi-
 4 dent fleet owner has registered vehicles on a prorated basis, the vehi-
 5 cles shall be considered fully registered insofar as interstate com-
 6 merce is concerned. The privileges granted to a nonresident pursuant
 7 to this chapter shall permit the operation of a vehicle which is simul-
 8 taneously engaged in interstate movements and intrastate commerce,
 9 provided that the owner has intrastate authority or rights granted by
 10 the ~~Iowa state commerce commission~~ *transportation regulation board*.
 11 Each vehicle upon which an Iowa base plate is required to be displayed
 12 under this chapter shall be considered fully registered for both inter-
 13 state commerce and intrastate commerce.

1 SEC. 144. Section three hundred twenty-six point thirty-one
 2 (326.31), Code 1973, is amended to read as follows:

3 **326.31 Filing incorrect information—effect.** Whenever the ~~reci-~~
 4 ~~procity board~~ *director* has reason to believe that a fleet owner has filed
 5 incorrect information with the ~~reciprocity board~~, ~~department of public~~
 6 ~~safety, department~~ or the department of revenue, for the purpose of
 7 reducing the fleet owner's obligation for registration fees or fuel taxes,
 8 the ~~reciprocity board~~ *director* may cancel the apportioned registra-
 9 tion privileges on all of the vehicles owned by such person. Any person
 10 who has such privileges canceled shall be subject to the payment of the
 11 full annual registration fee for all vehicles operated on the highways
 12 of this state for a period of at least five years thereafter. The ~~com-~~
 13 ~~missioner of public safety and the director of revenue~~ shall co-operate
 14 with the ~~reciprocity board~~ *department* in ascertaining the accuracy of
 15 all reports filed pertaining to registration fees and motor fuel taxes.

*"326.2" probably intended

16 Any person whose privileges are canceled may request an adminis-
 17 trative hearing of said action *before the transportation regulation*
 18 *board*, and during the period pending the hearing the apportioned
 19 registration privileges shall be reinstated if the fleet owner posts secu-
 20 rity with the ~~reciprocity board~~ *department* in an amount sufficient to
 21 pay such full annual fees if an adverse decision is rendered at the
 22 hearing. At such hearing the fleet owner shall have the burden of
 23 proof as to the accuracy of any report filed by the fleet owner with the
 24 ~~reciprocity board, department of public safety, department~~ or the
 25 department of revenue. Any person aggrieved by a decision reached
 26 at the administrative hearing may appeal from such decision *of the*
 27 *transportation regulation board* to the district court.*

1 SEC. 145. Section three hundred twenty-six point thirty-four
 2 (326.34), subsections one (1) and two (2), Code 1973, are amended by
 3 striking the subsections and inserting in lieu thereof the following:

- 4 1. "Director" means the director of transportation or his designee.
- 5 2. "Participating agencies" means the state department of trans-
 6 portation and the department of revenue.

1 SEC. 146. Sections three hundred twenty-six point six (326.6),
 2 three hundred twenty-six point seven (326.7), three hundred twenty-
 3 six point ten (326.10), three hundred twenty-six point eleven (326.11),
 4 three hundred twenty-six point twelve (326.12), three hundred twenty-
 5 six point thirteen (326.13), three hundred twenty-six point fifteen
 6 (326.15), three hundred twenty-six point sixteen (326.16), three hun-
 7 dred twenty-six point nineteen (326.19), three hundred twenty-six
 8 point twenty (326.20), three hundred twenty-six point twenty-one
 9 (326.21), three hundred twenty-six point twenty-two (326.22), three
 10 hundred twenty-six point twenty-three (326.23), three hundred
 11 twenty-six point twenty-four (326.24), three hundred twenty-six
 12 point twenty-five (326.25), three hundred twenty-six point twenty-six
 13 (326.26), three hundred twenty-six point twenty-seven (326.27), three
 14 hundred twenty-six point twenty-eight (326.28), and three hundred
 15 twenty-six point twenty-nine (326.29), Code 1973, are amended by
 16 striking from such sections the words "board", "reciprocity board",
 17 and "Iowa reciprocity board" and inserting in lieu thereof the word
 18 "department".

1 SEC. 147. Sections three hundred twenty-six point thirteen
 2 (326.13), three hundred twenty-six point nineteen (326.19), three
 3 hundred twenty-six point twenty-eight (326.28), three hundred
 4 twenty-six point thirty-six (326.36), three hundred twenty-six point
 5 thirty-seven (326.37), and three hundred twenty-six point thirty-eight
 6 (326.38),** Code 1973, are amended by striking from such sections
 7 the words "executive secretary" and inserting in lieu thereof the word
 8 "director".

1 SEC. 148. Section three hundred twenty-seven point one (327.1),
 2 subsection four (4), Code 1973, is amended by striking the subsection
 3 and inserting in lieu thereof the following:

- 4 4. "Board" means the transportation regulation board of the state
 5 department of transportation.

*Cannot apply, see 65 GA, ch 1090, §138

**Not applicable

1 SEC. 149. Section three hundred twenty-seven point one (327.1),
2 Code 1973, is amended by adding the following new subsection:

3 NEW SUBSECTION. "Department" means the state department of
4 transportation.

1 SEC. 150. Sections three hundred twenty-seven point two (327.2),
2 three hundred twenty-seven point three (327.3), three hundred
3 twenty-seven point four (327.4), three hundred twenty-seven point
4 six (327.6), three hundred twenty-seven point eight (327.8), three
5 hundred twenty-seven point nine (327.9), three hundred twenty-
6 seven point eleven (327.11), three hundred twenty-seven point fourteen
7 (327.14), three hundred twenty-seven point fifteen (327.15), three
8 hundred twenty-seven point sixteen (327.16), three hundred twenty-
9 seven point nineteen (327.19), three hundred twenty-seven point
10 twenty-one (327.21), and three hundred twenty-seven point twenty-
11 three (327.23), Code 1973, are amended by striking from such sections
12 the words "commission" and "Iowa state commerce commission" and
13 inserting in lieu thereof the word "board".

1 SEC. 151. Sections three hundred twenty-seven point two (327.2),
2 three hundred twenty-seven point three (327.3), three hundred twenty-
3 seven point eight (327.8), three hundred twenty-seven point ten
4 (327.10), three hundred twenty-seven point sixteen (327.16), three
5 hundred twenty-seven point seventeen (327.17), three hundred twenty-
6 seven point eighteen (327.18), three hundred twenty-seven point twenty
7 (327.20), and three hundred twenty-seven point twenty-two (327.22),
8 Code 1973, are amended by striking the words "department of public
9 safety", "commissioner of public safety", and "reciprocity board" and
10 inserting in lieu thereof the word "department".

1 SEC. 152. Section three hundred twenty-seven A point one
2 (327A.1), subsection five (5), Code 1973, is amended by striking the
3 subsection and inserting in lieu thereof the following:

4 5. "Board" means the transportation regulation board of the state
5 department of transportation.

1 SEC. 153. Section three hundred twenty-seven A point one
2 (327A.1), Code 1973, is amended by adding the following new subsec-
3 tion:

4 NEW SUBSECTION. "Department" means the state department of
5 transportation.

1 SEC. 154. Sections three hundred twenty-seven A point two
2 (327A.2), three hundred twenty-seven A point four (327A.4), three
3 hundred twenty-seven A point five (327A.5), three hundred twenty-
4 seven A point eight (327A.8), three hundred twenty-seven A point
5 nine (327A.9), three hundred twenty-seven A point twelve (327A.12),
6 three hundred twenty-seven A point fourteen (327A.14), three hun-
7 dred twenty-seven A point eighteen (327A.18), three hundred
8 twenty-seven A point nineteen (327A.19), and three hundred twenty-
9 seven A point twenty (327A.20), Code 1973, are amended by striking
10 from such sections the words "commission" and "state commerce com-
11 mission" and inserting in lieu thereof the word "board".

1 SEC. 155. Sections three hundred twenty-seven A point six
2 (327A.6), three hundred twenty-seven A point seven (327A.7), as
3 amended by Acts of the Sixty-fifth General Assembly, 1973 Session,

4 chapter one hundred forty (140), section thirty-eight (38), three
 5 hundred twenty-seven A point nine (327A.9), three hundred twenty-
 6 seven A point twelve (327A.12), and three hundred twenty-seven A
 7 point seventeen (327A.17), Code 1973, are amended by striking from
 8 such sections the words "department of public safety", "state depart-
 9 ment of public safety", and "commissioner of public safety" and in-
 10 serting in lieu thereof the word "department".

1 SEC. 156. Sections three hundred twenty-seven B point one
 2 (327B.1), three hundred twenty-seven B point two (327B.2), three
 3 hundred twenty-seven B point three (327B.3),* and three hundred
 4 twenty-seven B point four (327B.4),* Code 1973, are amended by strik-
 5 ing from such sections the words "commission" and "Iowa state com-
 6 merce commission" and inserting in lieu thereof the words "state
 7 department of transportation".

1 SEC. 157. Section three hundred twenty-eight point one (328.1),
 2 subsection eleven (11), Code 1973, is amended by striking the subsec-
 3 tion and inserting in lieu thereof the following:

4 11. a. "Commission" means the state transportation commission of
 5 the state department of transportation.

6 b. "Department" means the state department of transportation.

7 c. "Director" means the director of transportation or his designee.

1 SEC. 158. Section three hundred twenty-eight point twelve
 2 (328.12), Code 1973, is amended to read as follows:

3 **328.12 Powers and duties.** The commission *in carrying out its*
 4 *duties relating to aeronautics* shall have the following powers and
 5 duties:

6 1. Promotion of aeronautics. It is empowered and directed to en-
 7 courage, foster and assist in the general development and promotion
 8 of aeronautics in this state, and to make disbursements from the state
 9 aviation fund for such purposes.

10 2. Rules and regulations. It shall have power to make such reason-
 11 able rules and regulations, consistent with the provisions of this chap-
 12 ter, as may be deemed by the commission to be necessary and expedient
 13 for the administration of the affairs of the commission, and the admin-
 14 istration and enforcement of this chapter, and to amend said rules and
 15 regulations at any time.

16 3. Filing of rules. It shall keep on file at the office of the commis-
 17 sion, for public inspection, a copy of all its *aeronautic* rules and regu-
 18 lations with all amendments thereto, and mail copy thereof to all
 19 registered landing areas in this state.

20 4. Technical services available. It shall, insofar as is reasonably
 21 possible, make available the engineering and other technical services
 22 of the ~~commission~~ *department*, without charge, in connection with
 23 aeronautics.

24 5. Intervention. It may participate as party plaintiff or defendant,
 25 or as intervenor, complainant or movant, on behalf of the state or any
 26 municipality or citizen thereof, in any proceeding having to do with
 27 aeronautics; provided, however, that in any application before the
 28 civil aeronautics board the commission shall take no position as be-
 29 tween applicants or municipalities.

*Not applicable

30 6. Enforcement of aeronautics laws. It shall be the duty of the
 31 ~~commission, its members and employees, and the director of aeronau-~~
 32 ~~ties, department~~ to enforce and assist in the enforcement of this chap-
 33 ter and of all rules and regulations issued pursuant thereto, and of all
 34 other laws of this state relating to aeronautics; and, in the aid of such
 35 enforcement and within the scope of such duties general powers of
 36 peace officers are hereby conferred upon the commission, ~~each of its~~
 37 ~~members, the director of aeronautics, and such of the officers and~~
 38 ~~employees of the commission department~~ as may be designated by ~~it~~
 39 ~~the commission~~ to exercise such powers. The commission is further
 40 authorized, in the name of this state, to enforce the provisions of this
 41 chapter and the rules and regulations issued pursuant thereto by
 42 injunction in the courts of this state.

43 7. Use of existing facilities. The commission, in the discharge of
 44 all functions prescribed by this chapter, law enforcement, technical,
 45 and other, to every feasible extent shall use the facilities of other
 46 agencies of the state, and such agencies are authorized and directed
 47 to make available to the commission such facilities and services.

48 8. Investigations. The commission, ~~any member thereof, the direc-~~
 49 ~~tor of aeronautics, or any officer or employee of the commission depart-~~
 50 ~~ment~~ designated by it, when acting for, and with the authority of the
 51 commission, shall have the power to hold investigations, inquiries, and
 52 hearings concerning matters covered by the provisions of this chapter
 53 and orders, rules, and regulations of the commission. In any such
 54 inquiry, investigation, or hearing, the person acting for the commis-
 55 sion shall have power to administer oaths and affirmations, certify to
 56 all official acts, issue subpoenas, and compel the attendance and testi-
 57 mony of witnesses, and the production of papers, books, and docu-
 58 ments.

59 9. Reports of investigations—limitations on use. The reports of
 60 investigations or hearings, or any part thereof, shall not be admitted
 61 in evidence or used for any purpose in any civil suit, growing out of
 62 any matter referred to in said investigation, hearing, or report thereof,
 63 except in case of criminal or other proceedings instituted in behalf of
 64 the commission or this state under the provisions of this chapter and
 65 other laws of this state relating to aeronautics.

66 10. Authority to contract. It may enter into any contracts neces-
 67 sary to the execution of the powers granted it by this chapter.

68 11. No exclusive rights granted. It shall grant no exclusive right
 69 for the use of any airway, airport, landing area, or other air naviga-
 70 tion facility under its jurisdiction.

1 SEC. 159. Sections three hundred twenty-eight point nineteen
 2 (328.19), three hundred twenty-eight point twenty (328.20), three
 3 hundred twenty-eight point twenty-one (328.21), three hundred
 4 twenty-eight point twenty-six (328.26), three hundred twenty-eight
 5 point twenty-seven (328.27), three hundred twenty-eight point
 6 twenty-nine (328.29), three hundred twenty-eight point thirty
 7 (328.30), three hundred twenty-eight point thirty-one (328.31), three
 8 hundred twenty-eight point thirty-two (328.32), three hundred
 9 twenty-eight point thirty-three (328.33), three hundred twenty-eight
 10 point thirty-four (328.34), three hundred twenty-eight point thirty-
 11 six (328.36), three hundred twenty-eight point thirty-seven (328.37),
 12 three hundred twenty-eight point thirty-eight (328.38), three hundred
 13 twenty-eight point thirty-nine (328.39), three hundred twenty-eight

14 point forty (328.40), three hundred twenty-eight point forty-one
 15 (328.41), three hundred twenty-eight point forty-three (328.43),
 16 three hundred twenty-eight point forty-four (328.44), three hundred
 17 twenty-eight point forty-five (328.45), three hundred twenty-eight
 18 point forty-nine (328.49), and three hundred twenty-eight point
 19 fifty-two (328.52), Code 1973, are amended by striking from such
 20 sections the words "commission" and "aeronautics commission" and
 21 inserting in lieu thereof the word "department".

1 SEC. 160. Section three hundred twenty-nine point one (329.1),
 2 subsection nine (9), Code 1973, is amended by striking the subsection
 3 and inserting in lieu thereof the following:

4 9. "Department" means the state department of transportation.

1 SEC. 161. Section three hundred twenty-nine point six (329.6),
 2 Code 1973, is amended by striking the words "aeronautics commission
 3 of the state" and inserting in lieu thereof the word "department".

1 SEC. 162. Section three hundred thirty point nine (330.9), unnum-
 2 bered paragraph one (1), Code 1973, is amended to read as follows:

3 Before an airport is acquired by any such city or town the plans and
 4 specifications therefor shall be submitted to the ~~Iowa state aeronautics~~
 5 ~~commission~~ *department of transportation* which shall require that they
 6 show:

1 SEC. 163. Chapter four hundred seventy-four (474), Code 1973,
 2 is amended by adding the following new section:

3 **NEW SECTION. Definition.** As used in this chapter, unless the con-
 4 text otherwise requires "department" means the state department of
 5 transportation.

1 SEC. 164. Section four hundred seventy-four point ten (474.10),
 2 Code 1973, is amended to read as follows:

3 **474.10 General jurisdiction.** The ~~commission~~ *state department of*
 4 *transportation* shall have general supervision of all railroads in the
 5 state, express companies, car companies, sleeping-car companies,
 6 freight and freight-line companies, interurban railway companies,
 7 motor carriers, and any common carrier engaged in the transportation
 8 of passengers or freight by railroads, except street railroads, and also
 9 ~~all lines for the transmission, sale, and distribution of electrical current~~
 10 ~~for light, heat, or power, except in cities and towns.~~ It shall investigate
 11 any alleged neglect or violation of law by any such common carrier,
 12 its agents, officers, or employees.

1 SEC. 165. Section four hundred seventy-four point twenty-four
 2 (474.24), Code 1973, is amended to read as follows:

3 **474.24 Jurisdiction of courts to enforce order.** The district courts
 4 of this state shall have jurisdiction to enforce, by proper decrees, in-
 5 junctions, and orders, the rulings, orders and regulations affecting
 6 public rights, made by the ~~commission~~ *state department of transpor-*
 7 *tation* as authorized by law for the direction and observance of rail-
 8 roads in this state. The proceedings therefor shall be by equitable
 9 action in the name of the state, and shall be instituted by the ~~com-~~
 10 ~~merce~~ ~~counsel~~ *department general counsel*, whenever advised by the ~~com-~~
 11 ~~mission~~ *department* that any railway corporation, or person oper-
 12 ating a line of road in this state, is violating and refusing to comply
 13 with any rule, order, or regulation made by the ~~commission~~ *depart-*
 14 *ment*, and applicable to such railroad or person.

1 SEC. 166. Section four hundred seventy-four point thirty-nine
2 (474.39), Code 1973, is amended to read as follows:

3 **474.39 Duty of ~~commerce~~ general counsel and county attorney.**
4 When any proceeding has been instituted under sections 474.37 and
5 474.38, the ~~commerce~~ department general counsel shall prosecute the
6 same, and the county attorney of the county in which such proceeding
7 is pending shall render such assistance as the ~~commerce~~ department
8 general counsel may require of him.

1 SEC. 167. Section four hundred seventy-four point forty-three
2 (474.43), Code 1973, is amended to read as follows:

3 **474.43 Suits by ~~commission~~ department.** When the ~~commission~~
4 department has reason to believe that any common carrier has been
5 guilty of extortion or unjust discrimination, it shall immediately cause
6 actions to be commenced and prosecuted against such carrier. Such
7 action may be brought in any county through or into which any line
8 of railway owned or operated by such carrier may extend. No actions
9 thus commenced shall be dismissed unless the ~~commission~~ department
10 and the ~~commerce~~ department general counsel consent thereto. The
11 court in which any such action is pending may, in its discretion, give
12 preference as to the time of trial of such action over other business,
13 except criminal cases.

1 SEC. 168. Section four hundred seventy-four point fifty-three
2 (474.53), subsection ten (10), Code 1973, is amended to read as fol-
3 lows:

4 10. Such statistics of the road and of its transportation business for
5 the year as may, in the judgment of the ~~commissioners~~ department, be
6 necessary and proper for the information of the general assembly or
7 as may be required by the governor.

1 SEC. 169. Sections four hundred seventy-four point eleven
2 (474.11), four hundred seventy-four point twelve (474.12), four hun-
3 dred seventy-four point thirteen (474.13), four hundred seventy-four
4 point fourteen (474.14), four hundred seventy-four point fifteen
5 (474.15), four hundred seventy-four point sixteen (474.16), four
6 hundred seventy-four point seventeen (474.17), four hundred seventy-
7 four point eighteen (474.18), four hundred seventy-four point nine-
8 teen (474.19), four hundred seventy-four point twenty (474.20), four
9 hundred seventy-four point twenty-two (474.22), four hundred
10 seventy-four point twenty-five (474.25), four hundred seventy-four
11 point twenty-six (474.26), four hundred seventy-four point twenty-
12 seven (474.27), four hundred seventy-four point twenty-eight
13 (474.28), four hundred seventy-four point twenty-nine (474.29), four
14 hundred seventy-four point thirty-one (474.31), four hundred seventy-
15 four point thirty-two (474.32), four hundred seventy-four point thirty-
16 three (474.33), four hundred seventy-four point thirty-four (474.34),
17 four hundred seventy-four point thirty-five (474.35), four hundred
18 seventy-four point thirty-six (474.36), four hundred seventy-four
19 point thirty-seven (474.37), four hundred seventy-four point thirty-
20 eight (474.38), four hundred seventy-four point forty (474.40), four
21 hundred seventy-four point forty-two (474.42), four hundred seventy-
22 four point forty-four (474.44), four hundred seventy-four point forty-
23 six (474.46), four hundred seventy-four point forty-seven (474.47),
24 four hundred seventy-four point forty-nine (474.49), four hundred

25 seventy-four point fifty (474.50), four hundred seventy-four point
 26 fifty-one (474.51), four hundred seventy-four point fifty-two (474.52),
 27 and four hundred seventy-four point fifty-three (474.53), Code 1973,
 28 are amended by striking from such sections the words "commission",
 29 "state commerce commission", and "Iowa state commerce commission"
 30 and inserting in lieu thereof the word "department".

1 SEC. 170. Section four hundred seventy-five point seven (475.7),
 2 Code 1973, is amended by striking the section and inserting in lieu
 3 thereof the following:

4 **475.7 Duties.** The commerce counsel shall:

5 1. Act as attorney for, and legal advisor of, the Iowa state com-
 6 merce commission.

7 2. Investigate the legality of all rates, charges, rules, regulations,
 8 and practices of all persons under the jurisdiction of the commission,
 9 and institute civil proceedings before the commission or any court to
 10 correct any illegality on the part of any such person and prosecute the
 11 same to final determination.

12 3. Appear for the commission or for the state and its citizens and
 13 industries in all actions instituted in any state or federal court which
 14 involves the validity of any rule, regulation, or order of the commis-
 15 sion, and prosecute in any state or federal court in the name of the
 16 state, all actions necessary to enforce, or to restrain the violation of
 17 any rule, order, or regulation of the commission.

1 SEC. 171. Section four hundred seventy-six point eighteen
 2 (476.18), Code 1973, is amended to read as follows:

3 **476.18 Preferred stock.** Any railway corporation may increase its
 4 capital stock by the issuance of preferred stock in one or more classes
 5 entitled to such rate or rates of preferred dividends not exceeding
 6 eight percent per annum, and to such other preferences including
 7 accumulation thereon for future payment of any dividends not earned
 8 or paid in any fiscal or corporate year, and with such other priv-
 9 ileges and rights as may be authorized by the stockholders pursuant
 10 hereto, and may issue the same either in exchange for property upon
 11 compliance with the provisions of sections 492.5 to 492.8, inclusive, or
 12 for sale for cash at par or for the retirement of its indebtedness at
 13 the rate of par for par; no such stock increase shall be made, and no
 14 such preferred stock shall be issued, unless authorized by the vote
 15 of not less than seventy-five percent of the total amount of the capital
 16 stock of such corporation at the time outstanding, expressed at a
 17 meeting called for the purpose, upon not less than thirty days' notice
 18 inserted in a newspaper published in the city or town wherein such
 19 corporation may have its principal place of business in this state, and
 20 mailed to each stockholder of record at his address appearing upon
 21 the stock books of such corporation, provided that the plan and pur-
 22 pose for the issuance of any preferred stock under the provisions of
 23 this section, shall first be submitted to and receive the approval of the
 24 ~~Iowa state commerce commission~~ *department of transportation*.

1 SEC. 172. Section four hundred seventy-seven point thirty-six
 2 (477.36), Code 1973, is amended to read as follows:

3 **477.36 Duty to enforce.** It shall be the duty of the ~~said Iowa state~~
 4 ~~commerce commission~~ *department of transportation* to enforce the
 5 provisions of section 477.35, and, upon a complaint signed by five or

6 more shippers of livestock, it shall be its duty to investigate the stock-
7 yards and loading facilities at any such station and determine their
8 adequacy and shall have power to make such order for the improve-
9 ment of said yards as shall, in its judgment, seem necessary.

1 SEC. 173. Section four hundred seventy-seven point forty-eight
2 (477.48), Code 1973, is amended to read as follows:

3 **477.48 Investigation by ~~commission~~ department.** It shall be the
4 duty of the ~~lowa state commeree commission~~ *department of transpor-*
5 *tation* to receive written statements of violations of section 477.45, and
6 when so requested to hold the same without disclosure of the name of
7 the person making such statement, and to investigate each and every
8 complaint filed alleging such violation.

1 SEC. 174. Section four hundred seventy-seven point forty-nine
2 (477.49), Code 1973, is amended to read as follows:

3 **477.49 Hearing—report.** The ~~commission~~ *state department of*
4 *transportation* in making such investigation shall have the power to
5 administer oaths, interrogate witnesses, take testimony, and require
6 the production of books and papers, and must file a report of such
7 investigation in writing with a full statement of its finding to the
8 governor.

1 SEC. 175. Section four hundred seventy-seven point fifty (477.50),
2 Code 1973, is amended to read as follows:

3 **477.50 Prosecutions.** In all cases of violation of said provisions,
4 the state ~~commeree commission~~ *department of transportation*, through
5 the ~~attorney general~~ *general counsel division*, must at once begin the
6 prosecution of all parties against whom evidence of violation is found;
7 but said provisions shall not be construed to prevent any other person
8 from beginning prosecution for violation thereof.

1 SEC. 176. Section four hundred seventy-seven point fifty-eight
2 (477.58), Code 1973, is amended to read as follows:

3 **477.58 Changing names of stations.** In all cases where any railway
4 company shall fail or refuse to make the name of the railway station
5 conform to the name of the village, incorporated town, or city within the
6 limits of which it is situated, it shall be the duty of the state ~~commeree~~
7 ~~commission~~ *department of transportation* to order a change of the
8 name of said railway station to effect such uniformity, within sixty
9 days after a petition in writing by the town council of said incorpo-
10 rated town or city, or, in the case of a village, by the township
11 trustees, asking for such order, is filed with said ~~the state commeree~~
12 ~~commission~~ *department of transportation*.

1 SEC. 177. Section four hundred seventy-seven point fifty-nine
2 (477.59), Code 1973, is amended to read as follows:

3 **477.59 Notice.** When the ~~commissioners~~ *state department of*
4 *transportation* shall order a change in the name of a railway station,
5 ~~they~~ it shall give the company owning or operating the same notice of
6 such order, and if it is not complied with within thirty days from the
7 date of service of such notice, the ~~commissioners~~ *state department of*
8 *transportation* shall notify the ~~attorney general~~ *thereof, who general*
9 *counsel division* which shall begin proceedings in the proper court to
10 compel the enforcement of said order.

1 SEC. 178. Section four hundred seventy-seven point sixty (477.60),
2 Code 1973, is amended to read as follows:

3 **477.60 Violations.** A failure to comply with the order of the ~~com-~~
4 ~~missioners~~ *state department of transportation* within thirty days from
5 service of such notice shall also be a misdemeanor, for which said com-
6 pany shall be subject to a fine of one thousand dollars, and noncompli-
7 ance for each thirty days thereafter shall constitute a separate and
8 distinct offense, subject to a fine of one thousand dollars.

1 SEC. 179. Section four hundred seventy-eight point twenty-one
2 (478.21), Code 1973, as amended by Acts of the Sixty-fifth General
3 Assembly, 1973 Session, chapter two hundred four (204), section two
4 (2), is amended to read as follows:

5 **478.21 Railway and highway crossing at grade.** Wherever a rail-
6 way track crosses or shall hereafter cross a highway, street or alley,
7 the railway company owning such track and the ~~state highway com-~~
8 ~~mission~~ *highway division of the department of transportation*, in the
9 case of primary highways, the board of supervisors of the county in
10 which such crossing is located, in the case of secondary roads, or the
11 council of the city or town, in the case of streets and alleys located
12 within such city or town, may agree upon the location and manner of
13 crossing, or crossing protection, or upgrading thereof, or upon a
14 separation of grades so as to carry such highway over or under the
15 railway track, and upon any change, alteration, vacation or relocation of
16 such highway, street or aley, and upon repairs, alteration, or elimi-
17 nation of any crossing, and upon the expense each party shall pay for
18 such changes, except that if flasher light or gate signals are ordered
19 installed prior to July 1, 1973 the maintenance thereof shall be as-
20 sumed by the railroad and if flasher light or gate signals are ordered
21 installed on or after July 1, 1973 the maintenance thereof shall be
22 assumed equally by the railroad and the grade crossing safety fund;
23 provided, however, the grade crossing safety fund shall not expend
24 more than four hundred fifty dollars for any one crossing in any one
25 year; provided, however, nothing contained herein shall be construed
26 to affect any of the provisions of chapter 387.

1 SEC. 180. Chapter four hundred seventy-eight (478), Code 1973,
2 is amended by adding the following new section:

3 **NEW SECTION. Definition.** As used in this chapter, unless the con-
4 text otherwise requires, the term "department" means the state de-
5 partment of transportation.

1 SEC. 181. Sections four hundred seventy-eight point thirteen
2 (478.13), four hundred seventy-eight point fourteen (478.14), four
3 hundred seventy-eight point fifteen (478.15), four hundred seventy-
4 eight point sixteen (478.16), four hundred seventy-eight point seven-
5 teen (478.17), four hundred seventy-eight point eighteen (478.18),
6 four hundred seventy-eight point twenty-two (478.22), four hundred
7 seventy-eight point twenty-three (478.23), four hundred seventy-eight
8 point twenty-six (478.26), as amended by Acts of the Sixty-fifth Gen-
9 eral Assembly, 1973 Session, chapter two hundred four (204), section
10 three (3), four hundred seventy-eight point twenty-nine (478.29), four
11 hundred seventy-eight point thirty (478.30), four hundred seventy-
12 eight point thirty-three (478.33), four hundred seventy-eight point

13 thirty-four (478.34), four hundred seventy-eight point thirty-five
 14 (478.35), and four hundred seventy-eight point thirty-six (478.36),
 15 Code 1973, are amended by striking from such sections the words
 16 "commission", "commissioners", and "state commerce commission"
 17 and inserting in lieu thereof the word "department".

1 SEC. 182. Section four hundred seventy-nine point two (479.2),
 2 unnumbered paragraph four (4), Code 1973, is amended to read as fol-
 3 lows:

4 The term "switching service" is hereby defined to be shifting of a
 5 car or of cars between two points, both of which points are within the
 6 industrial vicinity of an industry, a group of industries, a station, a
 7 village, or a city, as such industrial vicinity may be defined by the
 8 state ~~commerce~~ ~~commission~~ department.

1 SEC. 183. Section four hundred seventy-nine point two (479.2),
 2 Code 1973, is amended by adding the following new paragraph:

3 NEW PARAGRAPH. The term "department", as used in this chapter,
 4 means the state department of transportation.

1 SEC. 184. Section four hundred seventy-nine point forty-eight
 2 (479.48), unnumbered paragraph one (1), Code 1973, is amended by
 3 striking such paragraph and inserting in lieu thereof the following:

4 As used in this chapter, unless the context otherwise requires:

1 SEC. 185. Sections four hundred seventy-nine point five (479.5),
 2 four hundred seventy-nine point ten (479.10), four hundred seventy-
 3 nine point fourteen (479.14), four hundred seventy-nine point twenty-
 4 one (479.21), four hundred seventy-nine point twenty-five (479.25),
 5 four hundred seventy-nine point twenty-seven (479.27), four hundred
 6 seventy-nine point thirty-seven (479.37), four hundred seventy-nine
 7 point thirty-eight (479.38), four hundred seventy-nine point thirty-
 8 nine (479.39), four hundred seventy-nine point forty-one (479.41),
 9 four hundred seventy-nine point forty-three (479.43), four hundred
 10 seventy-nine point forty-four (479.44), four hundred seventy-nine
 11 point forty-six (479.46), four hundred seventy-nine point forty-nine
 12 (479.49), four hundred seventy-nine point fifty (479.50), four hundred
 13 seventy-nine point fifty-one (479.51), four hundred seventy-nine point
 14 fifty-four (479.54), four hundred seventy-nine point fifty-six (479.56),
 15 four hundred seventy-nine point fifty-seven (479.57), four hundred
 16 seventy-nine point fifty-eight (479.58), four hundred seventy-nine
 17 point fifty-nine (479.59), four hundred seventy-nine point sixty-one
 18 (479.61), four hundred seventy-nine point sixty-two (479.62), four
 19 hundred seventy-nine point sixty-three (479.63), four hundred seventy-
 20 nine point sixty-four (479.64), four hundred seventy-nine point sixty-
 21 five (479.65), four hundred seventy-nine point sixty-six (479.66),
 22 four hundred seventy-nine point sixty-seven (479.67), four hundred
 23 seventy-nine point sixty-eight (479.68), four hundred seventy-nine
 24 point sixty-nine (479.69), four hundred seventy-nine point seventy
 25 (479.70), four hundred seventy-nine point seventy-one (479.71), four
 26 hundred seventy-nine point seventy-two (479.72), four hundred
 27 seventy-nine point seventy-three (479.73), four hundred seventy-nine
 28 point seventy-four (479.74), four hundred seventy-nine point eighty-
 29 one (479.81), four hundred seventy-nine point eighty-two (479.82),
 30 four hundred seventy-nine point eighty-three (479.83), four hundred

31 seventy-nine point eighty-four (479.84), four hundred seventy-nine
 32 point ninety-eight (479.98), four hundred seventy-nine point one hun-
 33 dred three (479.103), four hundred seventy-nine point one hundred
 34 nine (479.109), four hundred seventy-nine point one hundred ten
 35 (479.110), four hundred seventy-nine point one hundred eleven
 36 (479.111), four hundred seventy-nine point one hundred twelve
 37 (479.112), four hundred seventy-nine point one hundred thirteen
 38 (479.113), and four hundred seventy-nine point one hundred fourteen
 39 (479.114), Code 1973, are amended by striking from such sections the
 40 words "commission", "state commerce commission", and "Iowa state
 41 commerce commission" and inserting in lieu thereof the word "depart-
 42 ment".

1 SEC. 186. Chapter four hundred eighty-one (481), Code 1973, is
 2 amended by adding the following new section:

3 **NEW SECTION. Definition.** As used in this chapter, "department"
 4 means the state department of transportation.

1 SEC. 187. Sections four hundred eighty-one point one (481.1),
 2 four hundred eighty-one point three (481.3), four hundred eighty-one
 3 point four (481.4), four hundred eighty-one point five (481.5), four
 4 hundred eighty-one point six (481.6), four hundred eighty-one point
 5 seven (481.7), and four hundred eighty-one point eight (481.8), Code
 6 1973, are amended by striking the words "commission", "commission-
 7 ers", and "state commerce commission" and inserting in lieu thereof
 8 the word "department".

1 SEC. 188. Section four hundred eighty-two point two (482.2),
 2 Code 1973, is amended to read as follows:

3 **482.2 Eminent domain.** Every corporation formed under the pro-
 4 visions of section 482.1 shall have power to take and hold, for the pur-
 5 poses therein mentioned, such real estate as may be found necessary
 6 by the state ~~commerce commission~~ *department of transportation* for
 7 the location of its depot and approaches, which it may acquire by pur-
 8 chase or condemnation as provided for the taking of private property
 9 for works of internal improvement.

1 SEC. 189. Section four hundred eighty-three point three (483.3),
 2 Code 1973, is amended to read as follows:

3 **483.3 Exception — approval by ~~commission~~ department.** No tax
 4 shall be levied to aid in the electrification of any steam railway for the
 5 benefit of any person, firm, or individual, who is not the owner in fee
 6 simple of said steam railway, unless with or prior to the presentation
 7 of the petition to the board of supervisors asking for said election, the
 8 agreement between the person, firm, or corporation proposing to elec-
 9 trify said steam railway and the owner of said steam railway, for its
 10 electrification and use, has been presented to the state ~~commerce com-~~
 11 ~~mission~~ *department of transportation*, and its duration, terms, and
 12 conditions found suitable by said ~~commission~~ *department*, and said
 13 approval made a matter of record in the proceedings of said ~~commis-~~
 14 ~~sion~~ *department*, and certified to such board of supervisors.

1 SEC. 190. Section four hundred eighty-four point one (484.1),
 2 Code 1973, is amended by adding the following new paragraph:

3 NEW PARAGRAPH. As used in this chapter, "department" means the
4 state department of transportation.

1 SEC. 191. Sections four hundred eighty-four point sixteen
2 (484.16), four hundred eighty-four point seventeen (484.17), four
3 hundred eighty-four point eighteen (484.18),* four hundred eighty-
4 four point twenty-three (484.23), four hundred eighty-four point
5 twenty-four (484.24), and four hundred eighty-four point twenty-five
6 (484.25), Code 1973, are amended by striking the words "commis-
7 sion" and "state commerce commission" and inserting in lieu thereof
8 the word "department".

1 SEC. 192. Chapter four hundred eighty-five (485), Code 1973, is
2 amended by adding the following new section:

3 NEW SECTION. **Definition.** As used in this chapter, unless the con-
4 text otherwise requires, "department" means the state department of
5 transportation.

1 SEC. 193. Section four hundred eighty-five point three (485.3),
2 unnumbered paragraph three (3), Code 1973, is amended to read as
3 follows:

4 Such notice of appeal shall be served and proof of service thereof
5 made in the same manner as an original notice in a civil action, and
6 shall be filed with the ~~secretary of the state commerce commission~~
7 *department*. Service of such notice of appeal may be made upon any
8 attorney appearing for any party in the proceedings before the ~~state~~
9 ~~commerce commission~~ *department* with the same force and effect as if
10 served upon such party.

1 SEC. 194. Sections four hundred eighty-five point two (485.2),
2 four hundred eighty-five point three (485.3), four hundred eighty-five
3 point four (485.4), four hundred eighty-five point five (485.5), and
4 four hundred eighty-five point six (485.6), Code 1973, are amended
5 by striking the words "commission", "state commerce commission",
6 and "Iowa state commerce commission" and inserting in lieu thereof
7 the word "department".

1 SEC. 195. Chapter four hundred eighty-six (486), Code 1973, is
2 amended by adding the following new section:

3 NEW SECTION. **Definition.** As used in this chapter, unless the con-
4 text otherwise requires, "department" means the state department
5 of transportation.

1 SEC. 196. Sections four hundred eighty-six point two (486.2), four
2 hundred eighty-six point three (486.3), four hundred eighty-six point
3 four (486.4), four hundred eighty-six point five (486.5), and four hun-
4 dred eighty-six point six (486.6), Code 1973, are amended by striking
5 the words "commission", "state commerce commission", and "Iowa
6 state commerce commission" and inserting in lieu thereof the word
7 "department".

1 SEC. 197. Sections three hundred seven point one (307.1), three
2 hundred seven point two (307.2), three hundred seven point three
3 (307.3), three hundred seven point four (307.4), three hundred seven
4 point eight (307.8), three hundred seven point nine (307.9), three
5 hundred twenty-six point three (326.3), three hundred twenty-six

*Cannot apply, see 65 GA, ch 1090, §163

6 point four (326.4), three hundred twenty-eight point two (328.2),
7 three hundred twenty-eight point three (328.3), three hundred twenty-
8 eight point four (328.4), three hundred twenty-eight point five
9 (328.5), three hundred twenty-eight point six (328.6), as amended by
10 Acts of the Sixty-fifth General Assembly, 1973 Session, chapter one
11 hundred twenty-four (124), section sixteen (16), three hundred
12 twenty-eight point seven (328.7), three hundred twenty-eight point
13 eight (328.8), three hundred twenty-eight point nine (328.9), three
14 hundred twenty-eight point ten (328.10), three hundred twenty-
15 eight point eleven (328.11), three hundred twenty-eight point seven-
16 teen (328.17), three hundred twenty-eight point eighteen (328.18),
17 four hundred seventy-four point one (474.1), four hundred seventy-
18 four point two (474.2), four hundred seventy-four point three (474.3),
19 four hundred seventy-four point four (474.4), four hundred seventy-
20 four point five (474.5), four hundred seventy-four point six (474.6),
21 four hundred seventy-four point seven (474.7), and four hundred
22 seventy-four point eight (474.8), Code 1973, are repealed.

1 SEC. 198. All rules, regulations, forms, orders, and directives pro-
2 mulgated by and in effect for the Iowa aeronautics commission on the
3 effective date of this Act shall continue in full force and effect as
4 rules, regulations, forms, orders, and directives of the state depart-
5 ment of transportation until amended or supplemented by affirmative
6 action of the state transportation commission.

7 All rules, regulations, forms, orders, and directives promulgated by
8 and in effect for the state highway commission on the effective date
9 of this Act shall continue in full force and effect as rules, regulations,
10 forms, orders, and directives of the state department of transporta-
11 tion until amended or supplemented by affirmative action of the state
12 transportation commission.

13 All rules, regulations, forms, orders, and directives promulgated by
14 and in effect for the Iowa reciprocity board on the effective date of
15 this Act shall continue in full force and effect as rules, regulations,
16 forms, orders, and directives of the state department of transporta-
17 tion until amended or supplemented by affirmative action of the state
18 transportation commission.

19 All rules, regulations, forms, orders, and directives promulgated by
20 and in effect for the department of public safety under the provisions
21 of chapter three hundred twenty-one (321) of the Code relating to
22 the registration of motor vehicles, motor vehicle inspection, and the
23 licensing of drivers of motor vehicles, chapter three hundred twenty-
24 one A (321A) of the Code relating to financial responsibility, chapter
25 three hundred twenty-one B (321B) of the Code relating to the im-
26 plied consent law, chapter three hundred twenty-one F (321F) of the
27 Code relating to leasing and renting of vehicles, and chapter three
28 hundred twenty-two (322) of the Code relating to motor vehicle dealer
29 licensing shall continue in full force and effect as rules, regulations,
30 forms, orders, and directives of the state department of transportation
31 until amended or supplemented by affirmative action of the state trans-
32 portation commission.

33 All rules, regulations, forms, orders, and directives promulgated by
34 and in effect for the Iowa state commerce commission pursuant to the
35 provisions of chapters three hundred twenty-two A (322A), three
36 hundred twenty-five (325), three hundred twenty-seven (327), three

37 hundred twenty-seven A (327A), and three hundred twenty-seven B
 38 (327B.), and chapters four hundred seventy-four (474) through four
 39 hundred eighty-six (486), inclusive, of the Code shall continue in full
 40 force and effect as rules of the state department of transportation
 41 until amended or supplemented by affirmative action of the state
 42 transportation commission.

1 SEC. 199. All employees of the state highway commission, Iowa
 2 aeronautics commission, and Iowa reciprocity board are transferred to
 3 the state department of transportation. Any employee of the Iowa state
 4 commerce commission and the department of public safety whose duty
 5 assignments will be terminated because of this Act may be reassigned
 6 to other duties or may be transferred to the state department of trans-
 7 portation. The Iowa merit employment commission shall promulgate
 8 rules and regulations to carry out such reassignment or transfer and
 9 shall arbitrate and decide any written appeal made by any employee
 10 concerning any transfer, reassignment, or reclassification made neces-
 11 sary by this Act. No employee shall lose any benefits he may have
 12 accrued, including but not limited to salary, retirement, vacation, sick
 13 leave, or longevity, because of reassignment provided in this section.

1 SEC. 200. The provisions of divisions one (I) and two (II) of this
 2 Act shall become effective July 1, 1974. The provisions of divisions
 3 three (III) and four (IV) of this Act shall become effective July 1,
 4 1975.

Approved May 29, 1974

CHAPTER 1181

GREAT RIVER ROAD

H. F. 1465

AN ACT relating to the great river road and to scenic and recreational parkways.

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

1 SECTION 1. Section three hundred eight point three (308.3), Code
 2 1973, is amended by striking the section and inserting in lieu thereof
 3 the following:

4 **308.3 Definitions.** As used in this chapter:

5 1. "Secretary", "parkway", "scenic landscape", "slightly or safety
 6 easement", "access", "parkway road", "parkway development",
 7 "frontage", and other similar terms have the same meaning as defined
 8 in any act of the Congress of the United States related to a national
 9 parkway.

10 2. "National parkway" has the same meaning as defined in Public
 11 Law ninety-three dash eighty-seven (93-87), first session, Ninety-third
 12 Congress of the United States.

13 3. "Great river road" means a scenic and recreational highway con-
 14 sisting of a designated system of roads and streets along the Missis-
 15 sippi River in this state.

16 4. "A scenic and recreational highway" means a public highway des-
 17 igned to allow enjoyment of aesthetic and scenic views, points of his-
 18 torical, archeological, and scientific interest, state parks and other rec-
 19 reational areas and includes both the right-of-way and conservation
 20 area.

21 5. "Scenic easement" means a servitude which is acquired by gift,
 22 purchase, exchange, or condemnation and is designed to permit land
 23 to remain in private ownership for its normal agricultural, residential
 24 or other use and, at the same time, to restrict and control the future
 25 use of the land for the purpose of preserving, restoring, or enhancing
 26 the natural and historic beauty of the land subject to the scenic ease-
 27 ment.

28 6. "Right-of-way" means land area dedicated to public use for a
 29 highway and its maintenance, and includes land acquired in fee simple
 30 or by permanent easement for highway purposes, but does not include
 31 temporary easements or rights for supplementary highway appurte-
 32 nances.

33 7. "Conservation area" means land in which the state highway com-
 34 mission or the state conservation commission has acquired rights other
 35 than that land necessary for a right-of-way.

1 SEC. 2. Section three hundred eight point four (308.4), Code 1973,
 2 is amended by striking the section and inserting in lieu thereof the
 3 following:

4 **308.4 Highway commission authority.**

5 1. The state highway commission shall make such investigations,
 6 surveys, studies and plans in connection with any proposed national
 7 parkway or parkway development as it shall deem necessary or desir-
 8 able to determine if the proposed development is under the terms of
 9 the act of the United States Congress applicable to such parkway or
 10 any regulations under such act and is advantageous to the state. Such
 11 parkway development may be any portion of the proposed parkway
 12 which is proposed to be constructed as a project under such act.

13 2. The state highway commission, with the cooperation of the state
 14 conservation commission, shall also:

15 a. Plan, designate and establish the exact routing of the great river
 16 road, utilizing the general guidelines established in Title twenty-three
 17 (23), United States Code.

18 b. Acquire all rights in land necessary for reconstruction or reloca-
 19 tion of any portions of the great river road where such reconstruction
 20 or relocation is imperative for the safety of the traveling public, or
 21 where the condition or location of existing segments of the highway
 22 is not in keeping with the intent of the provisions of this Act. Acqui-
 23 sitions of such rights in land shall be by gift, purchase, exchange, or by
 24 instituting and maintaining proceedings for condemnation. Gift, pur-
 25 chase, exchange, and condemnation shall include acquisition of a scenic
 26 easement. A scenic easement acquired under this Act shall constitute
 27 easements both at law and in equity, and all legal and equitable reme-
 28 dies, including prohibitory and mandatory injunctions, shall be avail-
 29 able to protect and enforce the state's interest in such scenic ease-
 30 ments. Any scenic easement acquired under this Act shall be deemed
 31 to be appurtenant to the roadway to which it is adjacent or from which
 32 it is visible. The duties created by any scenic easement acquired under
 33 this Act shall be binding upon and enforceable against the original

34 owner of the land subject to the scenic easement and his heirs, succes-
 35 sors, and assigns in perpetuity, unless the instrument creating the
 36 scenic easement expressly provides for a lesser duration. A court
 37 shall not declare any scenic easement acquired under this Act to have
 38 been extinguished or to have become unenforceable by virtue of
 39 changed conditions or frustration of purpose.

40 c. Accept and administer state, federal, and any other public or pri-
 41 vate funds made available for the acquisition of rights in land and for
 42 the planning and construction or reconstruction of any segment of the
 43 great river road and any state and federal funds for the maintenance
 44 of that part of the great river road constituting the right-of-way.

1 SEC. 3. Section three hundred eight point five (308.5), Code 1973,
 2 is amended by striking the section and inserting in lieu thereof the
 3 following:

4 308.5 **Jurisdiction and control.** Jurisdiction and control of the
 5 great river road shall be vested in the state highway commission.

1 SEC. 4. Chapter three hundred eight (308), Code 1973, is amended
 2 by adding the following new sections:

3 **NEW SECTION. Transferring jurisdiction.** The state highway com-
 4 mission, with the concurrence of the state conservation commission,
 5 shall transfer jurisdiction of any adjacent conservation area to the
 6 state conservation commission upon completion of any new segment of
 7 the great river road.

8 **NEW SECTION. Duties of the state conservation commission.** The
 9 state conservation commission, with the cooperation of the state high-
 10 way commission, shall:

11 1. Control the conservation area acquired by the state highway com-
 12 mission.

13 2. Protect all scenic easements.

14 3. Maintain, improve, and beautify according to plans made under
 15 paragraph a of subsection two (2) of section two (2) of this Act, all
 16 conservation areas, including the establishment of off-road-vehicle
 17 trails, equestrian trails, and hiking paths.

18 4. Accept and administer state, federal, and any other public or pri-
 19 vate funds made available for the maintenance, improvement, and
 20 beautification of conservation areas.

21 **NEW SECTION. Agreements authorized.** The state highway com-
 22 mission and the state conservation commission may enter into agree-
 23 ments with the United States secretary of transportation, as provided
 24 under the United States Code, Title twenty-three (23) relating to
 25 scenic and recreational highway system, and with any other agency
 26 and jurisdiction, and take action in the name of the state to comply
 27 with the terms of any agreement.

28 **NEW SECTION. Establishing locations for the highway.**

29 1. When, as a result of its investigations and studies, the state high-
 30 way commission, in cooperation with the state conservation commis-
 31 sion, finds that there may be a need in the future for the development
 32 and construction or reconstruction of segments of the great river road
 33 and when the state highway commission determines that in order to
 34 prevent conflicting costly economic development on areas of lands to
 35 be available for the great river road when needed for such future de-
 36 velopment, there is need to establish and to inform the public of the

37 approximate location and widths of new or improved segments of the
38 great river road to be needed, the state highway commission may pro-
39 ceed to establish such location and the approximate widths in the man-
40 ner provided in this section. The state highway commission shall give
41 notice and hold a public hearing on the matter in a convenient place
42 in the area to be affected by the proposed improvement of the great
43 river road. The state highway commission shall consider and evaluate
44 the testimony presented at the public hearing and it shall make a study
45 and prepare a map showing location of the proposed new or recon-
46 structed segment of the great river road and the approximate widths
47 of right-of-way needed. There shall be shown on such map the exist-
48 ing roadway and the property lines and record owners of lands to be
49 needed. The approval of such map shall be recorded by reference in
50 the state highway commission's minutes, and a notice of such action
51 and a copy of the map showing the lands or interest in the lands
52 needed in any county shall be filed in the office of the county recorder
53 of such county. Notice of the action and of the filing shall be pub-
54 lished once in a newspaper of general circulation in such county, and
55 within sixty days following the filing, notice of the filing shall be
56 served by registered mail on the owners of record on the date of filing
57 and on the functional classification board of the county. Using the
58 same procedures for approval, notice and publications, and notice to
59 the affected record owners, the state highway commission may, from
60 time to time, amend the map.

61 2. After such location is established, within the area of the great
62 river road as shown on the map or in such proximity to it as to result
63 in consequential damages when the rights in land for the great river
64 road are acquired, a person shall not erect or move in any additional
65 structure or rebuild, alter or add to any existing structure, without
66 giving to the state highway commission by registered mail sixty-days'
67 notice of such contemplated construction, alteration, or addition de-
68 scribing the same. However, this prohibition and requirement shall
69 not apply to any normal or emergency repairs or replacements which
70 are necessary to maintain an existing structure of a facility in approx-
71 imately its previously existing functioning condition. When the rights
72 in land for a segment of the great river road are acquired, damages
73 shall not be allowed for any construction, alterations, or additions in
74 violation of this subsection.

75 3. Without limiting any authority otherwise existing, rights in land
76 needed for the great river road may be acquired at any time by the
77 state, the county, or the municipality in which such segment of the
78 great river road is located. If an owner's contiguous land is acquired
79 to an extent which is less than the total amount shown on the map as
80 needed, consequential damages to the land not acquired shall be allowed
81 as found to exist.

Approved May 27, 1974

CHAPTER 1182

OBSTRUCTIONS ON HIGHWAYS

S. F. 1333

AN ACT relating to obstructions on public highways, establishing procedures for the removal of obstructions, and providing for the assessment and collection of costs.

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

1 SECTION 1. Section three hundred nineteen point two (319.2),
2 Code 1973, is amended to read as follows:

3 **319.2 Fences and electric transmission poles.** Poles used for tele-
4 phone, telegraph, or other transmission purposes, shall not be removed
5 until notice, in writing, of not less than thirty days, has been given to
6 the owner or company operating such lines, *or in the event the owner*
7 *or company has been unable to remove such poles within such thirty-*
8 *day period due to storm or other act of God, then such poles shall not*
9 *be removed until the owner or company shall have had a reasonable*
10 *time thereafter to remove such poles, and in case of fences, notice in*
11 *writing of not less than ~~sixty~~ thirty days has been given to the owner,*
12 *occupant, or agent of the land enclosed by said fence, unless such poles*
13 *or fences constitute an immediate and dangerous hazard to persons or*
14 *property lawfully using the right-of-way.*

1 SEC. 2. Section three hundred nineteen point seven (319.7), Code
2 1973, is amended to read as follows:

3 **319.7 Duty of road officers.** It shall be the duty of all officers re-
4 sponsible for the care of public highways, outside cities and towns,
5 to remove from the traveled portion *and shoulders* of the highways
6 within their several jurisdictions, all open ditches, water breaks, and
7 like obstructions, and to employ labor for this purpose in the same
8 manner as for the repair of highways.

1 SEC. 3. Section three hundred nineteen point thirteen (319.13),
2 Code 1973, is amended to read as follows:

3 **319.13 Right and duty to remove.** ~~All~~ *If the following constitute*
4 *an immediate and dangerous hazard, all billboards, advertising signs*
5 *or devices, fences other than right of way boundary fences, or any*
6 *temporary obstruction, including abandoned vehicles except signs or*
7 *devices authorized by law or approved by the highway authorities,*
8 *placed or erected upon the right of way of any public highway shall*
9 *without notice or liability in damages be removable and the costs*
10 *thereof assessed against:*

11 1. The owner of any billboard, advertising sign or device so re-
12 moved.

13 2. The vehicle owner in the case of abandoned vehicles.

14 3. The abutting property in the case of fences other than right of
15 way line fences and other temporary obstructions placed by the owner
16 of or tenant on said property.

17 4. The owner or person responsible for placement of all other ob-
18 structions.

19 *Any such obstruction not constituting an immediate and dangerous*
20 *hazard shall be removed without liability after forty-eight hour notice*
21 *served in the same manner in which an original notice is served, or in*
22 *writing by certified mail, or in any other manner reasonably calculated*

23 to apprise the person responsible for the obstruction that the obstruction
 24 will be removed at the expense of such person after the notice is
 25 given.

26 Such removal and assessment of cost in the case of primary roads
 27 shall be by the highway commission and in the case of secondary roads
 28 by the board of supervisors.

29 Upon removal of the obstruction, the highway authority may im-
 30 mediately send a statement of the cost of removal to the person re-
 31 sponsible for the obstruction. If within ten days after sending the
 32 statement the cost is not paid, the highway authority may institute
 33 proceeding in the district court system to collect the cost of removal.

1 SEC. 4. Chapter three hundred nineteen (319), Code 1973, is
 2 amended by adding the following new section:

3 **NEW SECTION. Permit required.** A person shall not excavate, fill
 4 or make any physical change within the right-of-way of a public road
 5 or highway without obtaining a permit from the highway authority
 6 having jurisdiction of such public road or highway. Any work per-
 7 formed under the permit shall be performed in conformity with the
 8 specifications prescribed by the highway authority. If the excavation,
 9 fill or physical change within the right-of-way of a public road or high-
 10 way does not conform to the specifications that accompany the permit
 11 the person shall be notified to make such conforming changes. If after
 12 twenty days the changes have not been made, the public road or high-
 13 way authority may make the necessary changes and immediately send
 14 a statement of the cost to the person responsible for the work done not
 15 in conformance to the specifications. If within ten days after sending
 16 the statement the cost is not paid, the highway authority may institute
 17 proceedings in the district court system to collect the cost of correc-
 18 tion. Utility companies are exempt from the provisions of this section.

Approved May 11, 1974

CHAPTER 1183

VAN BOXES ON MOTOR VEHICLES

H. F. 308

AN ACT relating to definition of vehicle and legalizing the operation of existing motor vehicles with van boxes fastened thereon.

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

1 SECTION 1. Section three hundred twenty-one point one (321.1),
 2 subsection one (1), Code 1973, is amended to read as follows:

3 1. "Vehicle" means every device in, upon, or by which any person
 4 or property is or may be transported or drawn upon a highway;
 5 ~~excepting devices moved by human power or used exclusively upon~~
 6 ~~stationary rails or tracks.~~ "Vehicle" does not include:

7 a. Any device moved by human power.

8 b. Any device used exclusively upon stationary rails or tracks.

9 c. Any steering axle, dolly, or other integral part of another vehicle,
 10 except an auxiliary axle as defined in subsection sixty-nine (69) of this

11 *section, which in and of itself is incapable of commercially transport-*
 12 *ing any person or property but is used primarily to support another*
 13 *vehicle.*

14 *d. Any integral part of a truck tractor or road tractor which is*
 15 *mounted on the frame of the truck tractor or road tractor immediately*
 16 *behind the cab and which may be used to transport persons and prop-*
 17 *erty but which cannot be drawn upon the highway by the truck tractor*
 18 *or another motor vehicle.*

1 SEC. 2. Combinations of vehicles consisting of a motor vehicle upon
 2 which a van box is fastened and which draws and bears a portion of
 3 the weight of a semitrailer purchased by an Iowa resident prior to the
 4 effective date of this Act may be operated on the highways of this state
 5 with a length exceeding fifty-five feet but not exceeding sixty feet, if
 6 a special overlength permit is obtained from the state highway com-
 7 mission for such operation. The special overlength permit shall be
 8 issued for the vehicle and such permit shall be valid until such time
 9 as the vehicle is no longer operable or until the owner of the vehicle
 10 transfers title to the vehicle to a nonresident. All such vehicles pur-
 11 chased after the effective date of this Act shall not be allowed to oper-
 12 ate on the highways of this state.

1 SEC. 3. This Act, being deemed of immediate importance, shall
 2 take effect and be in force from and after its publication in the Musca-
 3 tine Journal, a newspaper published in Muscatine, Iowa, and in the
 4 Times-Democrat, a newspaper published in Davenport, Iowa.

Approved April 8, 1974

I hereby certify that the foregoing Act, House File 308, was published in the Musca-
 tine Journal, Muscatine, Iowa, April 12, 1974, and in the Times-Democrat, Davenport,
 Iowa, April 15, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1184

TITLES TO VEHICLES

S. F. 1043

AN ACT relating to the issuance of duplicate certificates of title for vehicles.

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

1 SECTION 1. Section three hundred twenty-one point forty-two
 2 (321.42), unnumbered paragraph two (2), Code 1973, is amended to
 3 read as follows:

4 In the event of any lost or destroyed certificate of title, application
 5 shall be made to the department *or county treasurer who issued the*
 6 *original document* by the owner of such vehicle, or the holder of a lien
 7 thereon, for a certified copy of the *original certificate of title same*
 8 *upon a form prescribed by the department* and accompanied by a fee
 9 of five dollars. Such application shall be signed by the person making
 10 the same. Thereupon the department ~~shall mail~~ *or county treasurer*
 11 *shall, after a period of five days, issue* a certified copy to the person
 12 entitled to receive the certificate of title as indicated by the records

13 of the department at his most recent address shown by such records.
 14 Such certified copy shall clearly be marked "duplicate" and shall be
 15 identical in every respect to the original to include notation upon the
 16 face thereon of liens or encumbrances disclosed by the records of the
 17 department. Upon issuance of title the previous certificate last issued
 18 shall be void. The new purchaser or transferee shall be entitled to
 19 receive an original title upon presentation of the assigned duplicate
 20 copy to the county treasurer of the county where such new purchaser
 21 or transferee resides. Any purchaser of such vehicle may, at the time
 22 of purchase, require the seller of same to indemnify him and all sub-
 23 sequent purchasers of such vehicle against any loss which he or they
 24 may suffer by reason of any claim or claims presented upon the origi-
 25 nal certificate. Any person recovering an original certificate of title
 26 for which a duplicate has been issued shall forthwith surrender the
 27 same to a county treasurer or the department.

1 SEC. 2. Section three hundred twenty-one point one hundred fifty-
 2 two (321.152), Code 1973, is amended to read as follows:

3 321.152 **Fee for county.** Each county treasurer shall be allowed to
 4 retain for deposit in the county general fund, seventy-five cents for
 5 each annual or semiannual vehicle registration and each duplicate
 6 registration card or plate issued; sixty-five percent of all fees collected
 7 for certificates of title ~~and~~, notations of lien or encumbrance; ~~and one~~
 8 ~~dollar for each duplicate, and a certified copy of a certificate of title.~~
 9 The moneys retained shall be deducted, and reported to the depart-
 10 ment, when the county treasurer transfers the money collected under
 11 the provisions of this chapter; provided, however, that no such deduc-
 12 tion shall be lawful unless the county treasurer has complied with the
 13 provisions of sections 321.24 and 321.153.

Approved April 4, 1974

CHAPTER 1185

USED CAR DEALERS

S. F. 1113

AN ACT relating to used car dealer lists.

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

1 SECTION 1. Section three hundred twenty-one point seventy
 2 (321.70), unnumbered paragraph two (2), Code 1973, is amended to
 3 read as follows:

4 Dealers registered under the provisions of this chapter shall, on or
 5 before ~~July 5~~ *August first* of each year, furnish the county treasurer
 6 and the department with a list of all used trucks, truck tractors, road
 7 tractors, trailers and semitrailers held by them for sale or trade, and
 8 on which the second installment of the current annual registration fee
 9 has not been paid, and the payment of the second installment shall
 10 then be waived, subject to the reregistration of such vehicle under the
 11 provisions of section 321.106 at such time as a dealer ceases to hold
 12 any such vehicle for sale or trade.

Approved April 25, 1974

CHAPTER 1186

MOTOR VEHICLE RECIPROCITY

H. F. 1091

AN ACT relating to motor vehicle registration reciprocity.

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

1 SECTION 1. Section three hundred twenty-one point one hundred
 2 twenty-three (321.123), subsection five (5), Code 1973, is amended to
 3 read as follows:

4 5. Motor trucks *or truck tractors* pulling trailers *or semitrailers*
 5 shall be registered for the combined gross weight of the motor truck
 6 *or truck tractor* and the trailer *or semitrailer*; except that motor
 7 trucks registered for six tons or less pulling trailers, *as defined in*
 8 *section three hundred twenty-one point one (321.1), subsection nine*
 9 *(9), of the Code*, registered as provided in this section shall not be
 10 subject to registration for the gross weight of such trailer.

1 SEC. 2. Section three hundred twenty-one point one hundred
 2 twenty-six (321.126), Code 1973, is amended by adding the following
 3 new subsection:

4 NEW SUBSECTION. If the motor vehicle is licensed by the county
 5 treasurer during the registration year and the owner or lessee regis-
 6 ters the vehicle for prorate under chapter three hundred twenty-six
 7 (326) of the Code, the owner of the registered vehicle shall surrender
 8 the registration plates to the county treasurer and may file a claim for
 9 refund.

1 SEC. 3. Section three hundred twenty-six point eleven (326.11),
 2 Code 1973, is amended by adding the following new unnumbered para-
 3 graph:

4 NEW UNNUMBERED PARAGRAPH. The executive secretary may is-
 5 sue temporary written authorization to carriers for vehicles acquired
 6 by a fleet owner and added to his prorate fleet after the beginning of
 7 the registration year. The temporary authority shall permit the oper-
 8 ation of a commercial vehicle until permanent identification is issued,
 9 except that the temporary authority shall expire after thirty days.

1 SEC. 4. Section three hundred twenty-six point eighteen (326.18),
 2 Code 1973, is amended to read as follows:

3 **326.18 Fully registered for interstate movement.** When a non-
 4 resident fleet owner has registered vehicles on a prorated basis, the
 5 vehicles shall be considered fully registered insofar as interstate com-
 6 merce is concerned. The privileges granted to a nonresident pursuant
 7 to this chapter shall permit the operation of a vehicle which is simul-
 8 taneously engaged in interstate movements and intrastate commerce,
 9 provided that the owner has intrastate authority or rights granted by
 10 the Iowa state commerce commission. *The board may also enter into*
 11 *reciprocity agreements pursuant to section three hundred twenty-six*
 12 *point five (326.5) of the Code to permit interstate and intrastate move-*
 13 *ment of vehicles registered on a prorated basis by a nonresident fleet*
 14 *owner, provided the owner has intrastate authority granted by the*
 15 *Iowa state commerce commission and the jurisdiction in which the*
 16 *nonresident is base plated grants the same privilege to an Iowa base*

17 *plated vehicle*. Each vehicle upon which an Iowa base plate is required
 18 to be displayed under this chapter shall be considered fully registered
 19 for both interstate commerce and intrastate commerce.

1 SEC. 5. Section three hundred twenty-six point twenty-three
 2 (326.23), Code 1973, is amended by adding the following new unnum-
 3 bered paragraph:

4 NEW UNNUMBERED PARAGRAPH. The board may enter into agree-
 5 ments with owners and operators of truck stops to permit the owners
 6 and operators of truck stops to issue trip permits subject to any con-
 7 ditions imposed by the board. In addition to the trip permit fee,
 8 the owner or operator of a truck stop may charge an issuance fee of
 9 not more than one dollar. For the purposes of this section, "truck
 10 stop" means any place of business which sells fuel normally used by
 11 trucks and which is open twenty-four hours per day.

1 SEC. 6. Chapter three hundred twenty-six (326), Code 1973, is
 2 amended by adding the following new section:

3 NEW SECTION. The board shall, upon receiving application and
 4 payment of proper registration fee in compliance with the provisions
 5 of this chapter, issue registration identification to the carrier. Upon
 6 the issuance of Iowa base plates, the board shall notify the carrier of
 7 his obligation to title the vehicle and furnish the carrier with a title
 8 letter to be presented to the county treasurer of his county of resi-
 9 dence and returned to the board. If the titling requirements of this
 10 section and chapter three hundred twenty-one (321) of the Code are
 11 not satisfied within thirty days of issuance of registration identifica-
 12 tion, the carrier's registration shall be cancelled until such time as the
 13 requirements are satisfied.

1 SEC. 7. The provisions of section one (1) of this Act shall become
 2 effective January 1, 1975. The provisions of sections two (2) through
 3 six (6) of this Act shall become effective July 1, 1974.

Approved April 25, 1974

CHAPTER 1187

PERIOD OF VALIDITY OF MOTOR VEHICLE INSPECTION

H. F. 1052

AN ACT relating to the period of time certificates of inspection of motor vehicles are valid.

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

1 SECTION 1. Section three hundred twenty-one point two hundred
 2 thirty-eight (321.238), subsection ten (10), unnumbered paragraph
 3 two (2), Code 1973, is amended to read as follows:

4 Upon completion of inspection of a vehicle and determination that
 5 its equipment is in adequate condition and proper adjustment to war-
 6 rant issuance of a certificate of inspection, the inspection station which
 7 has made the inspection shall affix an official certificate of inspection to
 8 such vehicle in the manner specified by the commissioner. Except as
 9 otherwise provided, the certificate shall be valid for the period com-

10 mencing with the calendar month of issue and ending at midnight on
11 the last day of the twelfth calendar month following the month of issue
12 and shall not be valid thereafter. *The certificate shall cease to be valid*
13 *if the vehicle is sold at retail during the twelve-month period.*

1 SEC. 2. Section three hundred twenty-one point two hundred
2 thirty-eight (321.238), subsection twelve (12), Code 1973, as amended
3 by Acts of the Sixty-fifth General Assembly, 1973 Session, chapter two
4 hundred eight (208), section six (6), is amended to read as follows:
5 12. Every motor vehicle subject to registration under the laws of
6 this state, except motor vehicles registered under section 321.115,
7 when first registered in this state and each time when sold at retail
8 or otherwise transferred for use within this state, or when registra-
9 tion is changed from a registration as provided in section three hun-
10 dred twenty-one point one hundred fifteen (321.115) of the Code to a
11 regular registration, except transfers by operation of law as set out
12 in section 321.47, shall be inspected at an authorized inspection station,
13 unless there is affixed to the motor vehicle a valid certificate of inspec-
14 tion which was issued for ~~such~~ *the* motor vehicle not more than sixty
15 days prior to the date on which ~~such~~ *the* vehicle was sold *and the*
16 *vehicle has not been sold at retail during the sixty-day period.* How-
17 ever, the certificate of inspection for a new motor vehicle which has
18 not previously been sold at retail and which is not sold within sixty
19 days after the date the inspection was performed may be revalidated
20 by the inspection station without another inspection provided the
21 motor vehicle has not been driven more than one hundred miles since
22 the inspection was performed. If the motor vehicle is subject to in-
23 spection, the authorized inspection station shall issue and affix a valid
24 certificate of inspection or certificate of rejection, as the case may be,
25 in accordance with the results of the inspection. The applicant shall
26 file with an application for title to the vehicle or for registration
27 thereof under the provisions of section 321.23, subsection 2 or 3, with
28 the county treasurer of the county of his residence, a statement on a
29 form provided by the commissioner, signed by an authorized inspec-
30 tion station certifying the date that a certificate of inspection was
31 issued for and affixed to the vehicle. The county treasurer shall not
32 issue a title to the vehicle to the applicant or register the vehicle
33 unless such statement is filed with the application showing that the
34 inspection of the vehicle was made not more than sixty days prior to
35 the date of sale or transfer, or unless the vehicle was purchased out
36 of this state by a resident of this state who resides outside of this
37 state, but desires to maintain his Iowa residency and he executes a
38 statement to that effect in form and content as prescribed by the com-
39 missioner. The county treasurer shall stamp the registration card for
40 such vehicle with the words "NOT INSPECTED". A vehicle so registered
41 shall be inspected at an authorized inspection station within fifteen days
42 after being brought into this state. The county treasurer shall mail
43 the statement of inspection or statement of out-of-state residency to
44 the department at the time of mailing copies of the registration
45 receipt. The department may destroy any forms, certificates or state-
46 ments after one year from the date they are filed unless they relate
47 to pending appeals.

Approved March 29, 1974

CHAPTER 1188

RIGHT TURNS AT STOP LIGHTS

S. F. 1075

AN ACT relating to the regulation of vehicular traffic at traffic-control signals.

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

1 SECTION 1. Section three hundred twenty-one point two hundred
2 fifty-seven (321.257), subsection three (3), Code 1973, is amended to
3 read as follows:

4 3. Red alone or "stop". Vehicular traffic facing a steady red signal
5 alone shall stop at a clearly marked stop line, but if none, before enter-
6 ing the crosswalk on the near side of the intersection, or if none, then
7 before entering the intersection, and shall remain standing until an
8 indication to proceed is shown. A right turn shall be permitted at an
9 intersection by vehicular traffic which has come to a complete stop,
10 ~~whenever a sign is in place permitting such turn unless a sign is in~~
11 ~~place prohibiting such a turn.~~ Any right turn made pursuant to this
12 subsection shall be made in such a manner that it does not interfere
13 with other vehicular or pedestrian traffic lawfully using the intersec-
14 tion.

15 *Vehicular traffic on a one-way highway facing a steady red signal*
16 *may, after making a stop pursuant to this subsection, cautiously enter*
17 *the intersection and make a left turn onto an intersecting one-way*
18 *highway on which traffic travels to the left, unless a sign is in place*
19 *prohibiting such a turn. Any left turn made pursuant to this subsec-*
20 *tion shall be made in such a manner that it does not interfere with*
21 *other vehicular or pedestrian traffic lawfully using the intersection.*

22 No pedestrian facing such signal shall enter the roadway unless he
23 can do so safely and without interfering with any vehicular traffic,
24 but a vehicle turning right at such intersection shall yield the right of
25 way to a pedestrian lawfully entering such intersection.

Approved March 12, 1974

CHAPTER 1189

SPEED LIMITS

S. F. 1013

AN ACT to reduce the maximum speed limits imposed on motor vehicles operating on the highways of the state and repealing the mandatory revocation for speed violations.

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

1 SECTION 1. Upon the effective date of this Act, the provisions of
2 sections three hundred twenty-one point two hundred eighty-five
3 (321.285), three hundred twenty-one point two hundred eighty-six
4 (321.286), and three hundred twenty-one point two hundred eighty-
5 seven (321.287) of the Code which set speed limits which exceed fifty-
6 five miles per hour shall not apply and the maximum speed limit on
7 any highway in this state shall not exceed fifty-five miles per hour.

1 SEC. 2. The provisions of section one (1) of this Act shall be effective
 2 until the president of the United States declares that there is not
 3 a fuel shortage requiring the application of The Emergency Highway
 4 Energy Conservation Act or until June 30, 1975, whichever time occurs
 5 first.

1 SEC. 3. Section three hundred twenty-one point two hundred nine
 2 (321.209), Code 1973, is amended by striking subsection seven (7).

1 SEC. 4. This Act shall take effect and be in force on March 1, 1974,
 2 after its publication in the West Des Moines Express, a newspaper
 3 published in West Des Moines, Iowa, and in The Sioux City Journal,
 4 a newspaper published in Sioux City, Iowa.

Approved February 7, 1974

I hereby certify that the foregoing Act, Senate File 1013, was published in the West Des Moines Express, West Des Moines, Iowa, February 14, 1974, and in The Sioux City Journal, Sioux City, Iowa, February 12, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1190

FLASHING BLUE LIGHTS ON VEHICLES

H. F. 414

AN ACT permitting a flashing blue light to be used on a fire-fighting vehicle.

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

1 SECTION 1. Section three hundred twenty-one point four hundred
 2 twenty-three (321.423), subsections two (2), three (3), four (4), and
 3 five (5), Code 1973, are amended to read as follows:

4 2. A motor vehicle operated by a member of an organized ~~volunteer~~
 5 fire department, *paid or volunteer*, may be equipped with a lamp of
 6 *any type* or device thereon displaying a ~~flashing~~ blue light when such
 7 motor vehicle is duly authorized as hereinafter provided and while
 8 such motor vehicle is in actual use ~~for~~ *at a fire or other fire emergency*
 9 *service such as operating an emergency rescue unit or an ambulance*
 10 *and the use of any type blue light or device shall be restricted to fire*
 11 *service vehicles only.*

12 3. No ~~volunteer fireman~~ *fire fighter* shall be permitted to display a
 13 ~~flashing~~ blue light upon a motor vehicle as hereinbefore provided
 14 except while actually en route to the scene of a fire or other *fire*
 15 emergency requiring his services as a ~~volunteer fireman~~ *fire fighter*
 16 and unless he shall be an active member of an organized ~~volunteer~~ fire
 17 department and shall have been authorized in writing to so display a
 18 ~~flashing~~ blue light by the commissioner.

19 4. The commissioner is hereby empowered to authorize the display
 20 of a ~~flashing~~ blue light of *any type* upon a privately owned light deliv-
 21 ery truck, panel delivery truck, pickup, station wagon, or passenger
 22 type motor vehicle ~~except a motorcycle or motor bicycle~~, owned or
 23 usually operated by a ~~volunteer fireman~~ *fire fighter*, and to issue a

24 certificate of authorization therefor, upon written request being made
 25 on forms provided by the department and showing necessity for such
 26 authorization. Such written request shall be accompanied by a state-
 27 ment in writing by the chief of the ~~volunteer~~ fire department of which
 28 the applicant is a member certifying that the applicant is an active
 29 member in good standing in said ~~volunteer~~ fire department and recom-
 30 mending that such authorization be granted. Such certificate of author-
 31 ization issued by the commissioner shall be at all times carried with
 32 the certificate of registration of the vehicle to which it refers and shall
 33 expire at midnight on the thirty-first day of December ~~in~~ *five years*
 34 *from* the year in which it was issued. The commissioner may at
 35 any time revoke such certificate of authorization upon a showing of
 36 abuse thereof or upon notification by the certifying fire chief that
 37 applicant has ceased to be an active member of the ~~volunteer~~ fire
 38 department.

39 5. The provisions of subsection 1 of this section shall not apply to
 40 the use of a ~~flashing~~ blue light on a motor vehicle so authorized by the
 41 commissioner, but such ~~flashing~~ blue light shall not be used except
 42 when such motor vehicle is actually en route to the scene of a fire or
 43 other emergency requiring the services of a ~~volunteer fireman~~ *fire*
 44 *fighter*.

Approved April 25, 1974

CHAPTER 1191

HIGHWAY WARNING DEVICES

H. F. 1046

AN ACT relating to the use of warning devices.

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

1 SECTION 1. Section three hundred twenty-one point four hundred
 2 forty-seven (321.447), Code 1973, is amended to read as follows:

3 321.447 Trucks to carry flares. No person shall operate any motor
 4 truck or truck tractor upon a highway outside of a business or resi-
 5 dence district at any time from a half hour after sunset to a half hour
 6 before sunrise unless there shall be carried in such vehicle a sufficient
 7 number, not less than three, of flares, red reflector electric lanterns,
 8 red reflectors, *reflective triangles* or other signals capable of continu-
 9 ously producing three warning lights each visible from a distance of
 10 at least five hundred feet for a period of at least 8 hours, except that
 11 a motor vehicle transporting flammables shall carry red reflectors ~~or~~,
 12 red reflector electric lanterns *or reflective triangles* in place of the
 13 other signals above mentioned, and during daylight hours every truck
 14 shall carry a sufficient number of red flags, not less than three, *unless*
 15 *equipped with three reflective triangles*.

16 Every such flare, lantern, signal, or reflector shall be of a type
 17 approved by the commissioner and he shall publish lists of those
 18 devices which he has approved as adequate for the purposes of this

19 section and reflective triangles that conform to the requirements of
 20 the United States department of transportation standard number one
 21 hundred twenty-five.

1 SEC. 2. Section three hundred twenty-one point four hundred
 2 forty-eight (321.448), Code 1973, is amended to read as follows:

3 321.448 Display of flares or lanterns. Whenever a motor truck, or
 4 a truck tractor, a trailer or a semitrailer drawn by a motor truck or a
 5 truck tractor is stopped upon or immediately adjacent to the main
 6 traveled portion of a highway outside of a business or residence dis-
 7 trict, during the times when lighted lamps must be displayed, then
 8 the driver or other person in charge of such vehicle shall, in addition
 9 to the requirements of section 321.395, cause a lighted fusee to be
 10 immediately placed on the roadway at the traffic side of such vehicle;
 11 as soon thereafter as possible, and in any case within the burning
 12 period of the fusee, three lighted flares, or three red reflector electric
 13 lanterns or three red reflectors *or three reflective triangles* shall be
 14 placed on the roadway, one at a distance of not less than one hundred
 15 feet in advance of such vehicle, one at a distance of not less than one
 16 hundred feet to the rear of such vehicle, and the third upon the traffic
 17 side of such vehicle; provided that if such vehicle is stopped within
 18 three hundred feet of a curve, crest of a hill, or other obstruction to
 19 view, the flare, red reflector electric lanterns ~~or~~, red reflectors, *or*
 20 *reflective triangles*, in that direction shall be so placed as to afford
 21 ample warning to other users of the highway, but in no case less than
 22 one hundred feet from such vehicle. When such flares are taken up,
 23 during the times when lighted lamps must be displayed, a lighted fusee
 24 shall be placed at the traffic side of such vehicle.

25 In the event such vehicle is used in the transportation of flammable
 26 liquids or gases, whether loaded or empty, no open burning flares or
 27 fusees shall be used and red reflector electric lanterns or red reflectors
 28 *or reflective triangles* shall be used in lieu thereof.

29 During the times lighted lamps are not required, red flags *or reflec-*
 30 *tive triangles* shall be used in place of flares or red reflector electric
 31 lanterns or red reflectors, provided that if such parking continues into
 32 the period when lighted lamps are required, flares or red reflector
 33 electric lanterns or red reflectors, *or reflective triangles* shall be placed
 34 as above provided. Each of the red flags required under this section
 35 shall be not less than sixteen inches square.

1 SEC. 3. Section three hundred twenty-one point four hundred
 2 forty-nine (321.449), Code 1973, is amended to read as follows:

3 321.449 Explosives. No person shall at any time operate a motor
 4 truck or truck tractor transporting explosives as a cargo or part of a
 5 cargo upon a highway unless it carries flares or electric lanterns *or*
 6 *reflective triangles* as herein required, but such flares or electric lan-
 7 terns *or reflective triangles* must be capable of producing a red light
 8 and shall be displayed upon the roadway when and as required in
 9 section 321.448.

Approved March 29, 1974

CHAPTER 1192

PENALTIES FOR OVERSIZE VEHICLES

H. F. 290

AN ACT relating to the imposition of penalties for violations of vehicle laws relating to movement of oversized and overweight vehicles and loads and weights in excess of those for which the vehicle is registered.

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

1 SECTION 1. Section three hundred twenty-one point four hundred
2 sixty-three (321.463), unnumbered paragraphs eight (8) and nine
3 (9), Code 1973, are amended to read as follows:

4 Any person who operates any vehicle in violation of the provisions
5 of this section, and any owner, or any other person, employing or
6 otherwise directing the operator of any vehicle who requires or know-
7 ingly permits the operation of any vehicle in violation of the provisions
8 of this section shall upon conviction or a plea of guilty be punished
9 in accordance with the following schedule:

10 AXLE AND, TANDEM AXLE, GROUP OF AXLES, AND GROSS WEIGHT	
11 VIOLATIONS	
12 Percentage of	Amount of Fine
13 Overload	Per Hundred Pounds
14 Up to and including 8%	\$1.00
15 Over 8% to and including 10%	1.25
16 Over 10% to and including 12%	1.75 1.50
17 Over 12% to and including 14%	2.50 2.00
18 Over 14% to and including 16%	3.50 3.00
19 Over 16% to and including 18%	5.00 4.00
20 Over 18% to and including 20%	6.50 5.00
21 Over 20%	8.00 6.00

22 GROSS OR GROUP OF AXLES WEIGHT VIOLATIONS	
23 Percentage of	Amount of Fine
24 Overload	Per Hundred Pounds
25 Up to and including 10%	\$1.00
26 Over 10% to and including 12%	1.50
27 Over 12% to and including 14%	2.50
28 Over 14% to and including 16%	4.00
29 Over 16% to and including 18%	5.00
30 Over 18% to and including 20%	6.00
31 Over 20%	8.00

32 No fine shall be assessed if the overload does not exceed the toler-
33 ance specified in this section. If the overload does exceed the tolerance
34 specified in this section, the amount of the fine to be assessed shall be
35 computed on the difference between the actual weight and the maxi-
36 mum legal weight specified in this section without allowance of any
37 tolerance, *by applying the appropriate rate in the preceding schedule*
38 *for the total percentage of overload. The total percentage of overload*
39 *shall be determined by dividing the appropriate maximum legal weight*
40 *as specified in this section without allowance for any tolerance into the*
41 *amount of pounds overloaded.*

1 SEC. 2. Section three hundred twenty-one E point sixteen
 2 (321E.16), Code 1973, is amended to read as follows:
 3 321E.16 Violations—penalties. ~~Proof of violation of any provi-~~
 4 ~~sion of any permit issued under this chapter shall render the entire~~
 5 ~~permit null and void, and shall be punishable Any person who is con-~~
 6 ~~victed of a violation of any provision other than length, height, width,~~
 7 ~~or weight of any permit issued under this chapter shall be punished~~
 8 ~~by a fine of not less than one hundred dollars, nor more than five hun-~~
 9 ~~dred dollars. The fine for violation of the length, height, width, and~~
 10 ~~weight allowed by permit shall be based upon the difference between~~
 11 ~~the actual length, height, width, and weight of the vehicle and load and~~
 12 ~~the maximum allowable by permit and in accordance with section~~
 13 321.482 for violations of length, height, or width limitations and sec-
 14 tions 321.482 and 321.463 for violation of weight limitations. If a
 15 vehicle with indivisible load traveling under permit is found to be in
 16 violation of weight limitations, the vehicle operator shall be allowed
 17 a reasonable amount of time to remove any ice, mud, snow, and other
 18 weight attributable to climatic conditions accumulated along the route
 19 prior to application of the penalties prescribed in sections 321.463 and
 20 321.482.

1 SEC. 3. Section three hundred twenty-one point four hundred
 2 sixty-six (321.466), Code 1973, is amended by adding the following
 3 new paragraph:
 4 NEW PARAGRAPH. Any person operating a vehicle on the public
 5 highways with a gross weight exceeding that for which it is registered
 6 shall be subject to a fine of one dollar for each one hundred pounds
 7 that the actual gross weight of the vehicle exceeds the registered gross
 8 weight.

Approved March 29, 1974

CHAPTER 1193

HABITUAL TRAFFIC OFFENDERS

S. F. 173

AN ACT to forbid the use of the highways of this state to habitual offenders of the traffic laws, and to provide punishment for those who violate the provisions of this Act.

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

1 SECTION 1. NEW SECTION. As used in this Act, "habitual of-
 2 fender" means any person who has accumulated convictions for sepa-
 3 rate and distinct offenses described in subsections one (1), two (2),
 4 or three (3) of this section, committed after July 1, 1974, as follows:
 5 1. Three or more convictions within a six-year period, of the fol-
 6 lowing offenses, either singularly or in combination:
 7 a. Manslaughter resulting from the operation of a motor vehicle.
 8 b. Driving a motor vehicle while under the influence of an alcoholic
 9 beverage or a controlled substance as defined in section two hundred
 10 four point one hundred one (204.101) of the Code.

11 c. Driving a motor vehicle while operator's or chauffeur's license is
12 suspended or revoked.

13 d. Perjury or the making of a false affidavit or statement under oath
14 to the department of public safety.

15 e. An offense punishable as a felony under the motor vehicle laws of
16 Iowa or any felony in the commission of which a motor vehicle is used.

17 f. Failure to stop and leave information or to render aid as required
18 by section three hundred twenty-one point two hundred sixty-three
19 (321.263) of the Code.

20 g. A violation of the traffic laws, except parking regulations, com-
21 mitted during a period of suspension or revocation.

22 2. Six or more convictions of any separate and distinct offenses
23 within a two-year period in the operation of a motor vehicle which are
24 required to be reported to the department of public safety by section
25 three hundred twenty-one point two hundred seven (321.207) of the
26 Code, except equipment violations, violations of parking regulations
27 of cities, violations of registration laws, operating a vehicle with an
28 expired license or permit, failure to appear, and weights and mea-
29 sures violations and speeding violations of less than six miles per hour
30 over the legal speed limit, as provided by law prior to enactment of
31 Senate File one thousand thirteen (1013), Acts of the Sixty-fifth
32 General Assembly, 1974 Session.

33 3. The offenses included in subsections one (1) and two (2) of this
34 section shall be deemed to include offenses under any valid town, city,
35 or county ordinance paralleling and substantially conforming to the
36 provisions of the Code concerning such offenses.

1 SEC. 2. NEW SECTION. The commissioner of public safety shall
2 certify three abstracts of the conviction record as maintained in the
3 department of public safety of any person who appears to be an
4 habitual offender, to the county attorney of the county in which such
5 person resides, or to the attorney general if such person is not a resi-
6 dent of this state. The county attorney or attorney general, upon
7 receiving the abstract from the commissioner of public safety, shall
8 file a petition against the person named therein in the district court
9 of the state of Iowa in the county wherein such person resides or, in
10 the case of a nonresident, in the district court in Polk county. The
11 petition shall request the court to determine whether or not the person
12 named therein is an habitual offender.

1 SEC. 3. NEW SECTION. The abstract certified by the commission-
2 er may be admitted as evidence as provided in section six hundred
3 twenty-two point forty-three (622.43) of the Code. The abstract shall
4 be prima facie evidence that the person named therein was duly con-
5 victed by the court wherein such conviction or holding was made of
6 each offense shown by such abstract, and if such person shall deny any
7 of the facts as stated therein, he shall have the burden of proving that
8 such is untrue.

1 SEC. 4. NEW SECTION. Upon the filing of the petition, a judge
2 of the district court shall enter an order incorporating by attachment
3 the aforesaid abstract and direct the person named therein as defend-
4 ant to appear as ordered by the court and show cause why such person
5 should not be barred from operating a motor vehicle on the highways
6 of this state. A copy of the petition, the show cause order, and the

7 abstract shall be served upon the person named therein as defendant
8 in the same manner as an original notice. Service of notice on any
9 nonresident of this state may be made in the same manner as pro-
10 vided in sections three hundred twenty-one point four hundred ninety-
11 eight (321.498) through three hundred twenty-one point five hundred
12 six (321.506), inclusive, of the Code.

1 SEC. 5. NEW SECTION. If the court finds that the defendant is
2 not the same person named in the abstract, or that the defendant is
3 not an habitual offender as provided in this Act, the proceeding shall
4 be dismissed. If the court finds that the defendant is an habitual
5 offender, the court shall by appropriate judgment direct that such
6 person not operate a motor vehicle on the highways of this state for the
7 period specified in section six (6) of this Act. In such case the de-
8 fendant shall surrender to the court all licenses or permits to operate
9 a motor vehicle upon the highways of this state. The clerk of the court
10 shall transmit a copy of such judgment together with any licenses or
11 permits surrendered to the department of public safety.

1 SEC. 6. NEW SECTION. A license to operate a motor vehicle in
2 this state shall not be issued to any person declared to be an habitual
3 offender under section one (1), subsection one (1) of this Act for a
4 period of six years from the date of judgment. A license to operate a
5 motor vehicle in this state shall not be issued to any person declared
6 to be an habitual offender under section one (1), subsection two (2) of
7 this Act for a period of one year from the date of judgment.

1 SEC. 7. NEW SECTION. It shall be unlawful for any person con-
2 victed as an habitual offender to operate any motor vehicle in this state
3 during the period of time specified in section six (6) of this Act. Any
4 person guilty of violating the provisions of this section shall upon
5 conviction be punished by imprisonment in the penitentiary for not
6 more than two years and notwithstanding the provisions of section
7 six hundred eighty-seven point two (687.2) of the Code, such convic-
8 tion shall constitute a misdemeanor and not a felony.

1 SEC. 8. NEW SECTION. Nothing in sections one (1) through eight
2 (8) of this Act shall be construed as amending, modifying, or repeal-
3 ing any existing law of this state or any ordinance of any political
4 subdivision relating to the operation of motor vehicles, the licensing
5 of persons to operate motor vehicles, or providing penalties for the
6 violation thereof.

Approved April 25, 1974

CHAPTER 1194

DRIVING WHILE INTOXICATED

H. F. 343

AN ACT relating to the implied consent test for alcohol; making certain acts illegal and providing a penalty for their commission.

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

1 SECTION 1. Section three hundred twenty-one B point three
2 (321B.3), Code 1973, is amended to read as follows:

3 **321B.3 Implied consent to test.** Any person who operates a motor
4 vehicle in this state upon a public highway, under such circumstances
5 as to give reasonable grounds to believe the person to have been operat-
6 ing a motor vehicle while under the influence of an alcoholic beverage,
7 shall be deemed to have given consent to the withdrawal from his body
8 of specimens of his blood, breath, saliva, or urine, and to a chemical
9 test or tests thereof, for the purpose of determining the alcoholic con-
10 tent of his blood, subject to the provisions hereinafter set out. The
11 withdrawal of such body substances, and the test or tests thereof, shall
12 be administered at the written request of a peace officer having reason-
13 able grounds to believe the person to have been operating a motor vehi-
14 cle upon a public highway of this state while under the influence of an
15 alcoholic beverage, and only after the peace officer has placed such per-
16 son under arrest for the offense of operating a motor vehicle while
17 under the influence of an alcoholic beverage. ~~If such person requests~~
18 ~~that a specimen of his blood not be withdrawn, then a specimen of his~~
19 ~~breath, saliva, or urine shall be withdrawn at the written request of~~
20 ~~such peace officer; provided, however, that if such person refuses to~~
21 ~~submit to any chemical testing, no test shall be given, and the provi-~~
22 ~~sions of section 321B.7 shall apply. Subject to the right of a person to~~
23 ~~refuse a blood test or to refuse to submit to any chemical testing, such~~
24 ~~peace officer may determine which of said substances shall be tested;~~
25 ~~and if he requires a breath test, he may also require a test of one other~~
26 ~~of said substances. However, if~~ *The peace officer shall determine*
27 *which of the four substances, breath, blood, saliva, or urine, shall be*
28 *tested. Refusal to submit to a chemical test of urine, saliva or breath*
29 *shall be deemed a refusal to submit, and the provisions of section*
30 *321B.7 shall apply. A refusal to submit to a chemical test of blood*
31 *shall not be deemed a refusal to submit, but in that case, the peace*
32 *officer shall then determine which one of the other three substances*
33 *shall be tested, and shall offer such test. If such peace officer fails to*
34 *provide such a test within two hours after such arrest, no test shall be*
35 *required, and there shall be no revocation under the provisions of sec-*
36 *tion 321B.7.*

1 SEC. 2. Section three hundred twenty-one B point eight (321B.8),
2 Code 1973, is amended to read as follows:

3 **321B.8 Hearing.** Upon the written request of a person whose priv-
4 ilege to drive has been revoked or denied, the commissioner of public
5 safety shall grant the person an opportunity to be heard within ~~ten~~
6 *twenty* days after the receipt of the request, but the request must be
7 made within thirty days ~~after~~ of the effective date of revocation or
8 denial. The hearing shall be before the commissioner or his authorized

9 agent, in the county wherein the alleged events occurred for which the
 10 person was arrested, unless the commissioner or his authorized agent
 11 and the person agree that the hearing may be held in some other county.
 12 The hearing ~~shall~~ *may* be recorded and its scope shall cover the issues
 13 of whether a peace officer had reasonable grounds to believe the person
 14 to have been operating a motor vehicle upon a public highway of this
 15 state while under the influence of an alcoholic beverage, whether the
 16 person was placed under arrest and whether he refused to submit to
 17 the test or tests. The commissioner or his authorized agent shall order
 18 that the revocation or denial be either rescinded or sustained.

1 SEC. 3. Chapter three hundred twenty-one B (321B), Code 1973,
 2 is amended by adding the following new section:

3 **NEW SECTION. Driving while license denied or revoked.** Any per-
 4 son whose license, or driving privilege, has been denied or revoked as
 5 provided in this chapter, and who drives any motor vehicle upon the
 6 highways of this state while such license or privilege is denied or re-
 7 voked, is guilty of a misdemeanor and upon conviction shall be pun-
 8 ished as provided for misdemeanors in section three hundred twenty-
 9 one point four hundred eighty-two (321.482) of the Code. The de-
 10 partment, upon receiving the record of the conviction of any person
 11 under this section upon a charge of driving a motor vehicle while the
 12 license of such person was revoked, shall extend the period of revoca-
 13 tion for an additional like period, and the department shall not issue
 14 a new license during such additional period.

Approved May 27, 1974

CHAPTER 1195

ESCORT VEHICLES

H. F. 1042

AN ACT relating to escort vehicles.

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

1 SECTION 1. Section three hundred twenty-one E point nine
 2 (321E.9), subsection three (3), Code 1973, is amended to read as fol-
 3 lows:

4 3. Vehicles with indivisible loads having an ~~over-all~~ *overall* width
 5 not to exceed twelve feet, zero inches, an ~~ever-all~~ *overall* length not to
 6 exceed eighty feet, zero inches, and total gross weight not to exceed
 7 ninety thousand pounds may be moved for unlimited distances over
 8 specified routes ~~when and, when the same is required by the issuing~~
 9 *authority, shall be accompanied by a civilian escort approved by the*
 10 *issuing authority. The height of such vehicle and load shall be limited*
 11 *only to the height limitations of underpasses, bridges, power lines, and*
 12 *other established height restrictions on the specified route. An official*
 13 *escort may be provided for such movement at the option of the permit*
 14 *holder.*

1 SEC. 2. Section three hundred twenty-one E point fourteen
2 (321E.14), Code 1973, is amended to read as follows:

3 321E.14 Fees for permits. The commission or local authorities
4 issuing such permits shall charge a fee of ten dollars for an annual
5 permit and a fee of five dollars for a single-trip permit. Fees for the
6 movement of buildings, parts of buildings, or unusual vehicles or loads
7 may be increased to cover the costs of inspections by the issuing
8 authority. A fee not to exceed ~~sixty eighty~~ dollars per ten-hour day
9 or prorated fraction thereof per man and car for escort service may be
10 charged when requested or when required under this chapter. Pro-
11 ration of escort fees between state and local authorities when more
12 than one governmental authority provides or is required to provide
13 escort for a movement during the period of a day shall be determined
14 by rule under section 321E.15. The commission and local authorities
15 may charge any permit applicant for the cost of trimming trees and
16 removal and replacement of natural obstructions or official signs and
17 signals or other public or private property required to be removed
18 during the movement of a vehicle and load.

Approved May 27, 1974

CHAPTER 1196

SNOWMOBILES

H. F. 1199

AN ACT relating to snowmobile registrations and operations.

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

1 SECTION 1. Section three hundred twenty-one G point six
2 (321G.6), unnumbered paragraph five (5), Code 1973, is amended to
3 read as follows:

4 Registrations may be transferred when a snowmobile is sold by filing
5 an application for such transfer with the county recorder of the county
6 wherein the snowmobile is registered. The county recorder shall collect
7 a transfer fee of one dollar and an additional twenty-five cents as a
8 writing fee. Upon the transfer of ownership of any snowmobile, the
9 owner shall complete the form on the back of the registration certifi-
10 cate and shall deliver it to the purchaser or transferee at the time of
11 delivering the snowmobile. The purchaser or transferee shall, within
12 five days, file a new application form with the county recorder with a
13 fee of one dollar and the appropriate writing fee, and a transfer of
14 number shall be awarded in the same manner as provided for in any
15 original registration.

16 All registrations must be valid for the current registration period
17 prior to the transfer of any registration, including assignment to a
18 dealer.

1 SEC. 2. Section three hundred twenty-one G point two (321G.2),
2 Code 1973, is amended by adding after subsection three (3) the fol-
3 lowing new subsection:

4 NEW SUBSECTION. Use of snowmobiles on any waters of the state
5 under the jurisdiction of the commission, while such waters are
6 frozen.

1 SEC. 3. Section three hundred twenty-one G point nine (321G.9),
2 subsection four (4), paragraph b, Code 1973, is amended to read as
3 follows:

4 b. On that portion of county ~~roads~~ *roadways* that have not been
5 plowed during the snow season and not maintained or utilized for the
6 operation of conventional motor vehicles.

1 SEC. 4. Section three hundred twenty-one G point nine (321G.9),
2 subsection four (4), Code 1973, is amended by adding the following
3 new paragraphs:

4 NEW PARAGRAPH. On the roadways of that portion of county high-
5 ways designated by the county board of supervisors for such use dur-
6 ing a specified period. The county board of supervisors shall evalu-
7 ate the traffic conditions on all county highways and designate road-
8 ways on which snowmobiles may be operated for the specified period
9 without unduly interfering with or constituting an undue hazard to
10 conventional motor vehicle traffic. Signs warning of the operation of
11 snowmobiles on the roadway shall be placed and maintained on the
12 portions of highway thus designated during the period specified for
13 such operation.

14 NEW PARAGRAPH. On the roadway or shoulder when necessary to
15 cross a bridge or culvert, or avoid an obstruction which makes it im-
16 possible to travel on the portion of the highway not intended for
17 motor vehicles, if the snowmobile is brought to a complete stop before
18 entering onto the roadway or shoulder and the driver yields the right-
19 of-way to any approaching vehicle on the roadway.

1 SEC. 5. Section three hundred twenty-one G point nine (321G.9),
2 Code 1973, is amended by adding the following new subsection:

3 NEW SUBSECTION. A snowmobile shall not be operated within the
4 right-of-way of any public highway between the hours of sunset and
5 sunrise except on the right-hand side of such right-of-way and in the
6 same direction as the motor vehicular traffic on the nearest lane of
7 travelled portion of such right-of-way.

1 SEC. 6. Section three hundred twenty-one G point eleven
2 (321G.11), Code 1973, is amended by adding the following new un-
3 numbered paragraph:

4 NEW UNNUMBERED PARAGRAPH. A snowmobile manufactured after
5 July 1, 1975, which is sold, offered for sale or used in this state, except
6 in an authorized special event, shall have a muffler system that limits
7 engine noise to not more than seventy-eight decibels as measured on
8 the "A" scale at a distance of fifty feet.

1 SEC. 7. Section three hundred twenty-one G point thirteen
2 (321G.13), subsection four (4), Code 1973, is amended to read as fol-
3 lows:

4 4. Without a lighted headlight and taillight ~~when required for safety~~
5 *from sunset to sunrise and at such other times when conditions provide*
6 *insufficient lighting to render clearly discernible persons and vehicles*
7 *at a distance of five hundred feet ahead.*

1 SEC. 8. Section three hundred twenty-one G point thirteen
2 (321G.13), Code 1973, is amended by adding the following new sub-
3 sections:

4 NEW SUBSECTION. On any public road or street without a bright
5 colored pennant or flag displayed at least sixty inches above the
6 ground. Said pennant or flag shall be a minimum of six inches by
7 nine inches, shall be orange and shall provide a fluorescent effect.

8 NEW SUBSECTION. No person shall operate or ride in any snow-
9 mobile with any firearm in his possession unless it is unloaded and
10 enclosed in a carrying case, or any bow unless it is unstrung or en-
11 closed in a carrying case.

1 SEC. 9. Section three hundred twenty-one G point twenty-one
2 (321G.21), Code 1973, is amended by adding the following new sub-
3 sections:

4 NEW SUBSECTION. Dealers using special certificates under the pro-
5 visions of this chapter shall, before January tenth of each year, fur-
6 nish the commission with a list of all used snowmobiles held by them
7 for sale or trade, and upon which the registration fee for the current
8 year has not been paid, giving the previous registration number, name
9 of previous owner at the time such snowmobile was transferred to the
10 dealer, and such other information as the commission may require.

11 NEW SUBSECTION. When the purchaser or transferee of a snowmo-
12 bile is a dealer who holds the same for resale and operates the snow-
13 mobile only for purposes incidental to a resale and displays thereon
14 his special dealer's certificate, or does not operate such snowmobile
15 or permit it to be operated, such transferee shall not be required to
16 obtain a new registration certificate but upon transferring his title
17 or interest to another person he shall sign the reverse side of the reg-
18 istration certificate of such snowmobile indicating the name and ad-
19 dress of the new purchaser.

20 NEW SUBSECTION. Whenever a dealer purchases or otherwise ac-
21 quires a snowmobile registered in this state, he shall issue a signed
22 receipt to the previous owner, indicating the date of purchase or ac-
23 quisition, the name and address of such previous owner, and the regis-
24 tration number of the snowmobile purchased or acquired. The origi-
25 nal receipt shall be delivered to the previous owner and one copy shall
26 be mailed or delivered by the dealer to the county recorder of the
27 county in which the snowmobile is registered, and one copy shall be
28 delivered to the commission within forty-eight hours.

29 NEW SUBSECTION. Nothing in this section shall prohibit a dealer
30 from obtaining a new registration and transfer of registration in the
31 same manner as other purchasers.

1 SEC. 10. Section three hundred twenty-one G point one (321G.1),
2 Code 1973, is amended by adding the following new subsection:

3 NEW SUBSECTION. "Safety certificate" means a snowmobile safety
4 certificate issued by the state conservation commission to qualified
5 applicants who are twelve years of age or more.

1 SEC. 11. Section three hundred twenty-one G point two (321G.2),
2 subsections one (1) and two (2), Code 1973, are amended to read as
3 follows:

4 1. Registration of snowmobiles.

5 2. Use of snowmobiles insofar as game and fish resources are af-
6 fected, and.

1 SEC. 12. Section three hundred twenty-one G point two (321G.2),
2 Code 1973, is amended by adding the following new subsections after
3 subsection three (3):

4 NEW SUBSECTION. Establishment of a course of instruction for the
5 safe use and operation of a snowmobile.

6 NEW SUBSECTION. Issuance of safety certificates.

1 SEC. 13. Section three hundred twenty-one G point nine (321G.9),
2 subsection six (6), Code 1973, is amended to read as follows:

3 6. A snowmobile shall not be operated on or across a public high-
4 way by a person under sixteen years of age *who does not have in his*
5 *possession a safety certificate issued to him pursuant to this Act.*

1 SEC. 14. Chapter three hundred twenty-one G (321G), Code 1973,
2 is amended by adding the following new section:

3 NEW SECTION. **Course of instruction.**

4 1. The commission shall provide, by rules adopted pursuant to sec-
5 tion three hundred twenty-one G point two (321G.2) of the Code, for
6 the establishment of a course of instruction to be conducted through-
7 out the state for the safe use and operation of snowmobiles. The
8 curriculum shall include instruction in the safe use, operation, and
9 equipping of snowmobiles consistent with the provisions of this chap-
10 ter and rules adopted by the commission and the commissioner of
11 public safety and such other matters as the commission deems perti-
12 nent for a qualified snowmobile operator.

13 2. The commission may certify any experienced, qualified operator
14 to be an instructor of a class established under subsection one (1) of
15 this section. Each instructor shall be at least eighteen years of age.

16 3. Upon completion of the course of instruction, the commission
17 shall provide for the administration of a written test to any student
18 who wishes to qualify for a safety certificate.

19 4. The commission shall provide safety material relating to the
20 operation of snowmobiles for the use of private or public elementary
21 and secondary schools in this state.

1 SEC. 15. Chapter three hundred twenty-one G (321G), Code 1973,
2 is amended by adding the following new section:

3 NEW SECTION. **Safety certificate.**

4 1. Effective July 1, 1975, no person who is twelve years of age or
5 more and less than sixteen years of age shall operate a snowmobile
6 in this state without obtaining a valid safety certificate issued by the
7 commission and having such certificate in his possession, or unless he
8 is accompanied on the same machine by a responsible person of at
9 least eighteen years of age who is experienced in snowmobile opera-
10 tion.

11 2. Upon application and payment of a fee of two dollars, a qualified
12 applicant shall be issued a safety certificate which shall be valid until
13 such person reaches his seventeenth birthday unless the certificate
14 is suspended or revoked for a violation of a provision of this chapter
15 or the rules of the commission or the commissioner of public safety
16 before that date. The application shall be made on forms issued by

17 the commission and shall contain such information as the commission
18 may reasonably require.

19 3. Any person who is required to have a safety certificate under
20 this Act and who has completed a course of instruction established
21 under section twelve (12) of this Act including the successful pas-
22 sage of an examination which includes a written test relating to such
23 course of instruction, shall be considered qualified to apply for a safety
24 certificate. The commission may waive the requirement of complet-
25 ing such course of instruction if such person successfully passes a
26 written test based on such course of instruction.

27 4. The permit fees collected under this section shall be credited to
28 the state conservation fund and shall be used for safety and educa-
29 tional programs.

30 5. A valid snowmobile safety certificate or license issued to a non-
31 resident by a governmental authority of another state shall be consid-
32 ered a valid certificate or license in this state if the permit or license
33 requirements of such governmental authority, excluding fees, are
34 substantially the same as the requirements of this Act as determined
35 by the commission.

Approved May 27, 1974

CHAPTER 1197

MOTOR VEHICLE DEALERS

H. F. 1188

AN ACT relating to the requirements, form, and content of motor vehicle dealer license applications and renewal applications and the approval of such applications.

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

1 SECTION 1. Section three hundred twenty-two point four (322.4),
2 subsection seven (7), Code 1973, is amended to read as follows:

3 7. ~~A financial statement of the applicant showing his true financial~~
4 ~~condition as of a date not more than six months prior to the date of~~
5 ~~such application.~~ Before the issuance of a motor vehicle dealer's
6 license to a dealer engaged in the sale of vehicles for which a certifi-
7 cate of title is required, under the provisions of chapter 321, the appli-
8 cant for such license shall furnish a surety bond executed by the ap-
9 plicant as principal and executed by a corporate surety company,
10 licensed and qualified to do business within this state, which bond
11 shall run to the state of Iowa, be in the amount of ~~ten~~ *twenty-five*
12 thousand dollars and be conditioned upon the faithful compliance by
13 said applicant as a dealer, if the license be issued to it or him, that
14 such dealer will comply with all of the statutes of this state regulat-
15 ing or being applicable to the business of said dealer as a dealer in
16 motor vehicles, and indemnifying any person dealing or transacting
17 business with said dealer in connection with any motor vehicle from
18 any loss or damage occasioned by the failure of such dealer to comply
19 with any of the provisions of chapter 321 and this chapter, including,

20 but not limited to, the furnishing of a proper and valid certificate of
 21 title to the motor vehicle involved in any such transaction, and that
 22 such bond shall be filed with the department prior to the issuance of
 23 license provided by law. The aggregate liability of the surety of all
 24 persons, however, shall in no event exceed the amount of said bond.

1 SEC. 2. Section three hundred twenty-two point six (322.6), un-
 2 numbered paragraph one (1), Code 1973, is amended to read as fol-
 3 lows:

4 The department ~~shall~~ *may* deny the application of any person for a
 5 license as a motor vehicle dealer and refuse to issue a license to him
 6 as such, if, after reasonable notice and a hearing, the department
 7 determines that such applicant:

1 SEC. 3. Section three hundred twenty-two point seven (322.7),
 2 subsection four (4), Code 1973, is amended to read as follows:

3 4. The motor vehicle dealer license provided for in this chapter shall
 4 be renewed annually ~~in the same manner and on~~ *upon application in*
 5 *such form and content as prescribed by the department and upon pay-*
 6 *ment of the same required fee as in the case of the original license.*
 7 Such renewal shall take effect on the first day of January of each year.

Approved March 29, 1974

CHAPTER 1198

MARKETING MOTOR FUEL

H. F. 1402

AN ACT to provide for fair trade practices in the marketing and distribution of motor fuel and special fuel and providing a penalty.

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

1 SECTION 1. NEW SECTION. **Definitions.** When used in this Act,
 2 unless the context otherwise requires:

3 1. "Distributor" means a person who holds a motor fuel distribu-
 4 tor's license or a special fuel distributor's license issued as provided in
 5 chapter three hundred twenty-four (324) of the Code.

6 2. "Franchiser" means a person who is engaged in the importation,
 7 refining or distribution of motor fuel or special fuel and who has en-
 8 tered into a distributor franchise or a dealer franchise.

9 3. "Distributor franchise" means a written agreement or contract,
 10 either written or oral, between a franchiser and a distributor when all
 11 of the following conditions are included:

12 a. A commercial relationship of definite duration or continuing in-
 13 definite duration is involved.

14 b. The distributor is granted the right to offer and sell motor fuel
 15 or special fuel that is imported, refined, or distributed by the fran-
 16 chiser.

17 c. The distributor, as an independent business, constitutes a compo-
 18 nent of the franchiser's distribution system.

19 d. The distributor's business, or a portion of it which is related to
20 motor fuel or special fuel purchased from the franchiser is substan-
21 tially reliant on the franchiser for the continued supply of motor fuel
22 or special fuel.

23 e. The distributor's business or a portion of it which is related to
24 motor fuel or special fuel purchased from the franchiser is substan-
25 tially associated with the franchiser's trademark, service mark, trade
26 name, advertising, or other commercial symbol designating the fran-
27 chiser.

28 4. "Dealer" means a person, other than an employee of a distributor
29 or franchiser, who operates, maintains or conducts a place of business
30 from which motor fuel or special fuel is sold or offered for sale at
31 retail to the ultimate consumer, and who holds a license, issued as
32 provided in chapter two hundred fourteen (214) of the Code, for each
33 pump and meter operated upon the retail premises.

34 5. "Dealer franchise" means an agreement or contract, either writ-
35 ten or oral, between a franchiser and a dealer or between a distribu-
36 tor and a dealer when all of the following conditions are included:

37 a. A commercial relationship of definite duration or continuing in-
38 definite duration is involved.

39 b. The dealer is granted the right to offer and sell motor fuel or
40 special fuel that is imported, refined, or distributed by the franchiser
41 or by the distributor.

42 c. The dealer's business is substantially reliant on the franchiser
43 or distributor for the continued supply of motor fuel or special fuel.

44 6. "Motor fuel" means "motor fuel" as defined in chapter three hun-
45 dred twenty-four (324) of the Code.

46 7. "Special fuel" means "special fuel" as defined in chapter three
47 hundred twenty-four (324) of the Code.

48 8. "Retaliatory action" means action contrary to the purpose or
49 intent of this Act and may include a refusal to continue to sell or lease,
50 a reduction in the quality or quantity of services or products custom-
51 arily available for sale or lease, a violation of privacy, or an induce-
52 ment of others to retaliate.

53 9. "Retail premises" means real estate either owned or leased by
54 the dealer and used primarily for the sale at retail to the ultimate
55 consumer of motor fuel or special fuel.

56 10. "Commission" means the Iowa state commerce commission.

1 SEC. 2. NEW SECTION. **Discontinuing distributor franchise.** Not-
2 withstanding the terms, provisions, or conditions of any distributor
3 franchise, a franchiser shall not terminate or refuse to renew a distribu-
4 tor franchise except as provided in this Act. A franchiser shall not
5 terminate or refuse to renew a distributor franchise unless the fran-
6 chiser gives to the distributor thirty days' written notice of fran-
7 chiser's intent to terminate or not renew. Notice shall be given by re-
8 stricted certified mail, as defined in section six hundred eighteen point
9 fifteen (618.15) of the Code. If a distributor, within thirty days after
10 the date of delivery of the notice from the franchiser, applies to the
11 commission for a hearing under this Act, the distributor franchise
12 shall remain in effect pending a final order by the commission. The
13 application filed by the distributor shall state, under oath, that the
14 distributor's license as a motor fuel or special fuel distributor, as the
15 case may be, has not been canceled pursuant to the provisions of chap-

16 ter three hundred twenty-four (324) of the Code, that the distributor
17 has not filed a petition in bankruptcy or been declared bankrupt with-
18 in six months preceding the filing of the application, that the fran-
19 chiser has not withdrawn entirely from the sale for resale of motor
20 fuel and special fuel in this state, that there are no past due sums
21 owing by the distributor to the franchiser, and that the distributor has
22 not consented in writing to the termination or nonrenewal of the dis-
23 tributor franchise.

1 **SEC. 3. NEW SECTION. Discontinuing dealer franchise.** Notwith-
2 standing the terms, provisions, or conditions of any dealer franchise,
3 a distributor or franchiser shall not terminate or refuse to renew a
4 dealer franchise except as provided in this Act. A distributor or fran-
5 chiser shall not terminate or refuse to renew a dealer franchise unless
6 the distributor or franchiser gives to the dealer thirty days' written
7 notice of distributor's or franchiser's intent to terminate or not renew.
8 Notice shall be given by restricted certified mail, as defined in section
9 six hundred eighteen point fifteen (618.15) of the Code. If a dealer,
10 within thirty days after the date of delivery of the notice from the
11 distributor or franchiser, applies to the commission for a hearing
12 under this Act, the dealer franchise shall remain in effect pending a
13 final order by the commission. The application filed by the dealer
14 shall state, under oath, that the dealer's license, issued pursuant to
15 chapter two hundred fourteen (214) of the Code, for pumps and met-
16 ters located on the retail premises occupied by the dealer has not been
17 canceled, that the dealer has not filed a petition in bankruptcy or been
18 declared bankrupt within six months preceding the filing of the appli-
19 cation, that the franchiser or distributor has not withdrawn entirely
20 from the sale for resale of motor fuel and special fuel in this state,
21 that there are no past due sums owing by the dealer to the franchiser
22 or distributor, and that the dealer has not consented in writing to the
23 termination or nonrenewal of the dealer franchise.

1 **SEC. 4. NEW SECTION. Commission to hold hearings.** Upon receiv-
2 ing an application, the commission shall enter an order fixing a time
3 and place of hearing, which shall be within thirty days from the date
4 the commission receives the application, and shall send by restricted
5 certified mail a copy of the order to the franchiser or distributor. The
6 commission may also give notice of the application to any other party
7 the commission deems an interested person. The notice shall be in
8 the form and substance and given in the manner determined by the
9 commission.

10 Any person who can show an interest in the application may be-
11 come a party to the hearing, whether or not he receives notice; but
12 a party not receiving notice shall be limited to participation at the
13 hearing on the question of the public interest in the termination or
14 continuation of the franchise.

1 **SEC. 5. NEW SECTION. Continuance.** The commission may con-
2 tinue the date of hearing for a period of thirty days, and may upon
3 application, but not ex parte, continue the date of hearing for an addi-
4 tional period of thirty days.

1 **SEC. 6. NEW SECTION. Burden of proof.** Upon hearing, if the
2 commission finds the statements contained in the application are true,
3 then the franchiser or distributor that intends to terminate or not
4 renew the distributor franchise or dealer franchise shall have the
5 burden of proof to establish that the franchiser or distributor, as the
6 case may be, has good cause for terminating or not renewing the fran-
7 chise.

8 If the commission finds the statements contained in the application
9 are not true, the application shall be denied. Nothing contained in
10 this Act shall be construed to require or authorize any investigation
11 by the commission of any matter before the commission under this
12 Act. Upon hearing the commission shall hear the evidence intro-
13 duced by the parties and shall make its decision solely upon the record
14 made. If the commission denies the termination or nonrenewal of
15 the franchise, it may make such further order as may be necessary
16 to require compliance with the terms of the franchise and to prevent
17 retaliatory action.

1 **SEC. 7. NEW SECTION. Rules of evidence.** The Iowa rules of civil
2 procedure relating to discovery and inspection shall apply to hear-
3 ings held under the provisions of this Act, and the commission may
4 issue orders to give effect to such rules. In the event issues are raised
5 which would involve violations of a mandatory federal petroleum allo-
6 cation law, all discovery and inspection proceedings which would be
7 available under the federal law shall be available to the parties to the
8 hearing, and the commission may issue orders to give effect to the
9 proceedings. Costs may be apportioned between the parties as the
10 commission determines.

1 **SEC. 8. NEW SECTION. Conditions barring change in distributor**
2 **franchise.** Notwithstanding the terms, provisions or conditions of a
3 distributor franchise, the following shall not constitute good cause for
4 the termination or refusal to renew a distributor franchise:

5 1. The sole fact that the franchiser desires further penetration of
6 the market.

7 2. The change of executive management of the distributor, unless
8 the franchiser, having the burden of proof, proves that the change of
9 executive management will be substantially detrimental to the distri-
10 bution of the franchiser's motor fuels or special fuels in the area
11 served by the distributor.

12 3. The sale or change of ownership of the distributor's business,
13 unless the transfer of the distributor's license pursuant to chapter
14 three hundred twenty-four (324) of the Code is denied or the new
15 owner is unable to obtain a license under chapter three hundred
16 twenty-four (324) of the Code.

1 **SEC. 9. NEW SECTION. Commission's guidelines.** In determining
2 whether good cause has been established for terminating or not re-
3 newing a distributor franchise or dealer franchise, the commission
4 shall take into consideration the existing circumstances, including,
5 but not limited to:

6 1. Amount of business transacted by the distributor or dealer.

7 2. Investments made and obligations incurred by the distributor or
8 dealer in performance of the franchise.

- 9 3. Permanency of the investment.
10 4. Whether it is injurious to the public welfare for the business of
11 the distributor or dealer to be disrupted.
12 5. Ability of the distributor or dealer to timely pay his financial
13 obligations.
14 6. Whether the distributor or dealer has adequate equipment and
15 qualified personnel to reasonably provide for the distribution and mar-
16 keting of the motor fuel or special fuel sold to him.
17 7. Except as provided in section eight (8) of this Act, failure of
18 the distributor to substantially comply with those requirements of the
19 distributor franchise that are determined by the commission to be
20 reasonable and material.
21 8. Failure of the dealer to substantially comply with those require-
22 ments of the dealer franchise that are determined by the commission
23 to be reasonable and material.

1 SEC. 10. NEW SECTION. **Compulsory attendance at hearings.** The
2 commission may issue subpoenas, administer oaths, compel the attend-
3 ance of witnesses and production of books, papers, documents and
4 other evidence. The commission may apply to the district court of
5 the county in which the hearing is to be held for a court order to en-
6 force actions taken under this section.

1 SEC. 11. NEW SECTION. **Appeal.** Appeal may be taken from the
2 final order of the commission by either the distributor, franchiser,
3 dealer or any person served with notice pursuant to section four (4)
4 of this Act, to the district court of the county where the distributor
5 or dealer either resides or maintains his principal place of business,
6 within thirty days from the time the decision is filed with the com-
7 mission, by giving at least ten-days' notice to the commission to be
8 served on its chairman or secretary in the same manner as original
9 notices are now served, and by filing with the clerk of court a bond
10 for costs in the sum of not less than two hundred dollars.

1 SEC. 12. NEW SECTION. **Transcript on appeal.** Upon appeal being
2 taken, the secretary of the commission shall make and certify a tran-
3 script of all papers, records, and proceedings in connection with such
4 application and hearing and file the same with the clerk of the court
5 within twenty days following the taking of such appeal.

1 SEC. 13. NEW SECTION. **Trial on appeal.** The appeal shall be sub-
2 mitted upon the transcript of the evidence and the record made before
3 the commission and the district court shall either affirm or reverse the
4 order of the commission.

1 SEC. 14. NEW SECTION. **Violations.** Any person violating the
2 provisions of this Act is guilty of a misdemeanor and shall be pun-
3 ished by a fine not to exceed one hundred dollars or imprisonment in
4 the county jail for a period of not to exceed thirty days.

1 SEC. 15. **Intent.** The provisions of this Act are enacted in the
2 exercise of the police powers of this state for the purpose of pro-
3 tecting the health, safety and general welfare of the people of this
4 state and because methods and practices in the marketing and distri-
5 bution of motor fuel and special fuel have impaired the availability to
6 the public of the fuel and the services supplied by distributors and

7 dealers who have entered into a franchise agreement with their re-
8 spective suppliers.

1 SEC. 16. NEW SECTION. **Hearing.** Upon receiving an application,
2 the commission shall order a hearing. The hearing shall be held
3 within thirty days of receipt of the application and in accordance with
4 the Iowa Administrative Procedure Act. The commission shall notify
5 the franchiser or distributor of the time and place of the hearing. The
6 commission may also give notice of the application to any other party
7 the commission deems an interested person. The notice shall be in
8 the form and substance and given in the manner determined by the
9 commission.

10 Any person who can show an interest in the application may become
11 a party to the hearing, whether or not he receives notice; but a party
12 not receiving notice shall be limited to participation at the hearing
13 on the question of the public interest in the termination or continua-
14 tion of the franchise.

1 SEC. 17. NEW SECTION. **Appeal.** Appeal may be taken from the
2 final order of the commission by either the distributor, franchiser,
3 dealer or any person served with notice pursuant to section four (4) of
4 this Act, to the district court of the county where the distributor or
5 dealer either resides or maintains his principal place of business, with-
6 in thirty days from the time the decision is filed with the commission,
7 by giving at least ten-days' notice to the commission to be served on
8 its chairman or secretary in the same manner as original notices are
9 now served, and by filing with the clerk of court a bond for costs in
10 the sum of not less than five hundred dollars. Appeal shall be taken
11 in accordance with the provisions of the Iowa Administrative Proce-
12 dure Act.

1 SEC. 18. NEW SECTION. **Waiver.** Any provision of a dealer fran-
2 chise or distributor franchise which is an attempted waiver of the
3 benefits of this Act shall be void and unenforceable.

1 SEC. 19. Sections sixteen (16) and seventeen (17) of this Act
2 shall become effective July 1, 1975.

3 Sections four (4), seven (7), eleven (11), twelve (12) and thir-
4 teen (13) of this Act are repealed effective July 1, 1975.

Approved May 29, 1974

CHAPTER 1199

TAX REPORTS PENALTIES

S. F. 1197

AN ACT revising penalties imposed on additional taxes due, failure to file reports, and filing of fraudulent reports under the income, sales and use, chain store, and motor vehicle fuel tax laws.

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

1 SECTION 1. Section three hundred twenty-four point fifteen
2 (324.15), subsection three (3), Code 1973, is amended to read as
3 follows:

4 3. The reports required in this section shall be for information pur-
 5 poses only and the department of revenue may in its discretion waive
 6 the filing of any of these reports not necessary for proper adminis-
 7 tration of this division. The reports required in this section shall be
 8 certified under penalty for false certificate and filed with the depart-
 9 ment of revenue within the time allowed for filing of distributors'
 10 reports of motor fuel received. ~~Any report not filed within the time~~
 11 ~~allowed by the department of revenue will be subject to a penalty of~~
 12 ~~ten dollars.~~

1 SEC. 2. Section three hundred twenty-four point sixty-five
 2 (324.65), Code 1973, is amended to read as follows:

3 **324.65 Penalty for failure to promptly report or pay fuel taxes.** If
 4 a licensee or other person fails to file a required report with the depart-
 5 ment of revenue on or before the time fixed for the filing thereof ~~or~~
 6 ~~if a licensee or other person fails to pay to the department of reve-~~
 7 ~~nue an amount of fuel taxes when due, a penalty of two percent of the~~
 8 ~~tax unpaid and due to twelve o'clock a.m. of the third day after~~
 9 ~~due date and an additional three percent of the tax unpaid and due~~
 10 ~~from twelve o'clock a.m. of the third day to twelve o'clock a.m. of the~~
 11 ~~tenth day after due date, and an additional five percent of the tax~~
 12 ~~unpaid and due after twelve o'clock a.m. of the tenth day after due date~~
 13 ~~shall be added, the unpaid tax and penalty shall immediately accrue~~
 14 ~~and thereafter shall bear interest at the rate of one-half of one per-~~
 15 ~~cent per month until paid due date, unless it is shown that such failure~~
 16 ~~was due to reasonable cause there shall be added to the amount re-~~
 17 ~~quired to be shown as tax due on the return five percent of the amount~~
 18 ~~of the tax if the failure is for not more than one month, with an~~
 19 ~~additional five percent for each additional month or fraction of a~~
 20 ~~month during which such failure continues, not exceeding twenty-five~~
 21 ~~percent in the aggregate. If a licensee or other person fails to remit~~
 22 ~~the tax due with the filing of the return on or before the due date or~~
 23 ~~fails to pay any amount of the tax required to be shown on the return,~~
 24 ~~there shall be added to the tax a penalty of five percent of the amount~~
 25 ~~of the tax due, unless it is shown that such failure was due to reason-~~
 26 ~~able cause. The taxpayer shall also pay interest on the tax or addi-~~
 27 ~~tional tax at the rate of three-fourths of one percent per month count-~~
 28 ~~ing each fraction of a month as an entire month, computed from the~~
 29 ~~date the return was required to be filed. The department of revenue~~
 30 ~~shall not remit any part of a penalty for delinquent payment where~~
 31 ~~the delinquency results from the fact that a check given in payment~~
 32 ~~is not honored because of insufficient funds in the account upon which~~
 33 ~~the check was drawn. Provided, further, that if it appears as a result~~
 34 ~~of investigation by the department of revenue or from a preponder-~~
 35 ~~ance of the evidence adduced at a hearing before the department of~~
 36 ~~revenue that there has been a deliberate attempt on the part of a~~
 37 ~~licensee or other person to evade payment of fuel taxes there shall be~~
 38 ~~added to the assessment against the offending person and collected a~~
 39 ~~penalty of one hundred percent of the tax, the evasion of which was~~
 40 ~~attempted, and the tax and penalty shall immediately accrue and shall~~
 41 ~~thereafter bear interest at the rate of one-half of one percent per month~~
 42 ~~until paid fifty percent of the tax due. When penalties are applicable~~
 43 ~~for failure to file a return and failure to pay the tax due or required~~
 44 ~~on the return, the penalty provision for failure to file shall be in lieu~~

45 *of the penalty for failure to pay the tax due or required on the return,*
 46 *except in the case of a deliberate attempt on the part of the licensee*
 47 *or other person to evade payment of fuel taxes. Any report required*
 48 *of licensees or persons operating under divisions one (1), two (2) and*
 49 *three (3) of this chapter, upon which no tax may be due, shall be*
 50 *subject to a penalty of ten dollars if such report is not timely filed.*

1 SEC. 3. Section four hundred twenty-two point sixteen (422.16),
 2 subsection ten (10), paragraph b, Code 1973, is amended to read as
 3 follows:

4 b. Any employer or withholding agent required under the provi-
 5 sions of this chapter to withhold taxes on wages or other taxable Iowa
 6 income subject to this chapter who fails to withhold such taxes, or to
 7 make the required returns or who fails to timely remit to the depart-
 8 ment the amounts withheld, shall be liable for the amount of such
 9 taxes which should have been withheld and paid, and in addition shall
 10 be subject to a civil penalty, equal to five percent of the amount which
 11 should have been withheld and paid over to the department, for each
 12 month or fraction thereof during which such failure continues, not to
 13 exceed twenty-five percent in the aggregate; interest at the rate of
 14 six percent per annum; shall be added to the tax required to be trans-
 15 mitted beginning with the first day of the second month following the
 16 end of the calendar quarter for which the tax was not transmitted, and
 17 such interest and such file a return for the withholding of tax with
 18 the department of revenue on or before the due date, unless it is shown
 19 that such failure was due to reasonable cause, shall be subject to a
 20 penalty determined by adding to the amount required to be shown as
 21 tax due on the return five percent of the amount of the tax if the fail-
 22 ure is for not more than one month, with an additional five percent for
 23 each additional month or fraction of a month during which such failure
 24 continues, not exceeding twenty-five percent in the aggregate. If any
 25 person or withholding agent fails to remit the tax due with the filing
 26 of the return on or before the due date, or fails to pay any amount of
 27 any tax required to be shown on the return, there shall be added to the
 28 tax a penalty of five percent on the tax due unless it is shown that such
 29 failure was due to reasonable cause. When penalties are applicable for
 30 failure to file a return and failure to pay the tax due or required on the
 31 return, the penalty provision for failure to file shall be in lieu of the
 32 penalty provision for failure to pay the tax due or required on the
 33 return. The taxpayer shall also pay interest on the tax or additional
 34 tax at the rate of three-fourths of one percent per month counting
 35 each fraction of a month as an entire month, computed from the date
 36 the return was required to be filed. Such penalty and interest shall
 37 become a part of the tax due from the withholding agent.

1 SEC. 4. Section four hundred twenty-two point sixteen (422.16),
 2 Code 1973, is amended by striking subsection thirteen (13).

1 SEC. 5. Section four hundred twenty-two point twenty-four
 2 (422.24), subsection two (2), Code 1973, is amended to read as fol-
 3 lows:

4 2. When, at the request of the taxpayer, the time for filing the
 5 return is extended, interest at the rate of ~~six percent per annum~~
 6 *three-fourths of one percent per month counting each fraction of a*

7 *month as an entire month*, on the total tax due, from the time when
8 the return was ~~originally~~ required to be filed to the time of payment,
9 shall be added and paid.

1 SEC. 6. Section four hundred twenty-two point twenty-five
2 (422.25), subsection two (2), Code 1973, is amended to read as fol-
3 lows:

4 2. In addition to the tax or additional tax as determined by the de-
5 partment under the provisions of subsection 1 of this section, the
6 taxpayer shall pay interest on ~~such~~ *the* tax or additional tax ~~so deter-~~
7 ~~mined~~ *at the rate of six percent per annum three-fourths of one per-*
8 *cent per month counting each fraction of a month as an entire month,*
9 *computed from the date the return was required by law to be filed; and*
10 *computed on a calendar month basis, considering each fraction of a*
11 *month as an entire month.* In case of failure to file a return, ~~or to~~
12 ~~pay~~ *the tax required to be paid with the filing of the return, on the*
13 ~~date prescribed therefor~~ *with the department on or before the due date*
14 *(determined with regard to any extension of time for filing), unless*
15 *it is shown that such failure was due to reasonable cause and not due*
16 *to willful neglect, there shall be added to the amount required to be*
17 *shown as tax on such return five percent of the amount of such tax if*
18 *the failure is for not more than one month, with an additional five*
19 *percent for each additional month or fraction thereof during which*
20 *such failure continues, not exceeding twenty-five percent in the aggre-*
21 *gate. If any person fails to remit the tax due with the filing of the*
22 *return on or before the due date, or fails to pay any amount of any tax*
23 *required to be shown on the return, there shall be added to the tax a*
24 *penalty of five percent of the tax due unless it is shown that such fail-*
25 *ure was due to reasonable cause.* In case of willful failure to file a
26 return with intent to evade tax, *or in case of willfully filing a false*
27 *return with intent to evade tax,* in lieu of the ~~five percent monthly~~
28 penalty above provided, there shall be added to the amount required
29 to be shown as tax on such return fifty percent of the amount of such
30 tax, ~~and in case of willful filing of a false return with intent to evade~~
31 ~~tax, there shall be added to the amount required to be shown as tax on~~
32 ~~such return fifty percent of the amount of such tax.~~ *When penalties*
33 *are applicable for failure to file a return and failure to pay the tax due*
34 *or required on the return, the penalty provision for failure to file shall*
35 *be in lieu of the penalty provision for failure to pay the tax due or*
36 *required on the return except in the case of willful failure to file a*
37 *return and willfully filing of a false return with intent to evade tax.*

1 SEC. 7. Section four hundred twenty-two point twenty-five
2 (422.25), subsection three (3), Code 1973, is amended to read as fol-
3 lows:

4 3. If the amount of the tax as determined by the department shall
5 be less than the amount theretofore paid, the excess shall be refunded
6 with interest after sixty days from the date of payment at ~~six percent~~
7 ~~per annum~~ *three-fourths of one percent per month counting each*
8 *fraction of a month as an entire month* under the provisions of such
9 regulations as may be prescribed by the director. *If an overpayment*
10 *of tax results from a net operating loss or net capital loss which is*
11 *carried back to a prior year, the overpayment shall be considered as*
12 *having been made at the close of the taxable year in which the net*

13 *operating loss or net capital loss occurred or sixty days from the date*
 14 *of the actual payment of the tax, whichever is later. However, when*
 15 *the net operating loss or net capital loss carry back to a prior year*
 16 *eliminates or reduces an underpayment of tax due for an earlier year,*
 17 *the full amount of the underpayment of tax shall bear interest at the*
 18 *rate of three-fourths of one percent per month counting each fraction*
 19 *of a month as an entire month from the due date of the tax for the*
 20 *earlier year to the last day of the taxable year in which the net operat-*
 21 *ing loss or net capital loss occurred.*

1 SEC. 8. Section four hundred twenty-two point fifty-eight
 2 (422.58), subsection one (1), Code 1973, is amended to read as fol-
 3 lows:

4 1. ~~Any~~ *If any person failing fails to file a permit holders monthly*
 5 *tax deposit, or a return or corrected return or to pay any tax within*
 6 *the time required by this division, shall be subject to an interest pen-*
 7 *alty of five percent of the amount of tax due, plus one-half of one*
 8 *percent of such tax for each month of delay or fraction thereof, ex-*
 9 *cepting the first month after such return was required to be filed or*
 10 *such tax became due, and excepting the period between the completion*
 11 *of an examination of the books and records of a taxpayer and the giv-*
 12 *ing of notice to the taxpayer that a tax or additional tax is due; but*
 13 *the director, if satisfied that the delay was excusable, may remit all*
 14 *or any part of such interest penalty with the department of revenue*
 15 *on or before the due date, unless it is shown that such failure was due*
 16 *to reasonable cause, there shall be added to the amount required to be*
 17 *shown as tax on the return five percent of the amount of the tax if the*
 18 *failure is for not more than one month, with an additional five percent*
 19 *for each additional month or fraction of a month during which such*
 20 *failure continues, not exceeding twenty-five percent in the aggregate.*
 21 *If any person or permit holder fails to remit the tax due with the fil-*
 22 *ing of the return on or before the due date, or fails to pay any amount*
 23 *of any tax required to be shown on the return, excepting the period*
 24 *between the completion of an examination of the books and records of*
 25 *a taxpayer and the giving of notice to the taxpayer that a tax or addi-*
 26 *tional tax is due, there shall be added to the tax a penalty of five per-*
 27 *cent on the tax due, unless it is shown that such failure was due to*
 28 *reasonable cause. When penalties are applicable for failure to file a*
 29 *return and failure to pay the tax due or required on the return, the*
 30 *penalty provision for failure to file shall be in lieu of the penalty pro-*
 31 *vision for failure to pay the tax due or required on the return. The*
 32 *taxpayer shall also pay interest on the tax or additional tax at the rate*
 33 *of three-fourths of one percent per month counting each fraction of a*
 34 *month as an entire month, computed from the date the return was*
 35 *required to be filed. Such interest penalty and interest shall be paid*
 36 *to the department and disposed of in the same manner as other*
 37 *receipts under this division. Unpaid interest penalties and interest*
 38 *may be enforced in the same manner as the tax imposed by this*
 39 *division.*

1 SEC. 9. Section four hundred twenty-three point eighteen (423.18),
 2 Code 1973, is amended to read as follows:

3 423.18 **Failure to pay—penalties.** ~~Any~~ *If any person failing fails*
 4 *to file a return or corrected return or to pay any tax and/or amount*

5 required to be paid by this chapter within the time required by this
 6 chapter, shall be subject to an interest penalty of five percent of the
 7 amount due, plus one-half of one percent of such amount for each
 8 month of delay or fraction thereof, excepting the first month after
 9 such return was required to be filed or such tax or amount became due,
 10 and excepting the period between the completion of an examination
 11 of the books and records of a taxpayer and the giving of notice to the
 12 taxpayer that a tax or additional tax is due; but the director, if satis-
 13 fied that the delay was excusable, may remit all or any part of such
 14 interest penalty with the department of revenue on or before the due
 15 date, unless it is shown that such failure was due to reasonable cause,
 16 there shall be added to the amount required to be shown as tax on the
 17 return five percent of the amount of the tax if the failure is for not
 18 more than one month, with an additional five percent for each addi-
 19 tional month or fraction of a month during which such failure con-
 20 tinues, not exceeding twenty-five percent in the aggregate. If any
 21 person fails to remit the tax due with the filing of the return on or
 22 before the due date, or fails to pay any amount of any tax required to
 23 be shown on the return, excepting the period between the completion
 24 of an examination of the books and records of a taxpayer and the giv-
 25 ing of notice to the taxpayer that a tax or additional tax is due, there
 26 shall be added to the tax a penalty of five percent on such tax due,
 27 unless it is shown that such failure was due to reasonable cause. When
 28 penalties are applicable for failure to file a return and failure to pay
 29 the tax due or required on the return, the penalty provision for failure
 30 to file shall be in lieu of the penalty provision for failure to pay the tax
 31 due or required on the return. The taxpayer shall also pay interest
 32 on the tax or additional tax at the rate of three-fourths of one percent
 33 per month counting each fraction of a month as an entire month,
 34 computed from the date the return was required to be filed. Such
 35 interest penalty and interest shall be paid to the department and dis-
 36 posed of in the same manner as other receipts under this chapter.
 37 Unpaid interest penalties penalty and interest may be enforced in the
 38 same manner as the tax imposed by this chapter. The certificate of
 39 the director to the effect that a tax and/or amount required to be paid
 40 by this chapter has not been paid, that a return has not been filed, or
 41 that information has not been supplied pursuant to the provisions of
 42 this chapter, shall be prima-facie evidence thereof.

1 SEC. 10. Section four hundred twenty-four point thirteen (424.13),
 2 subsection one (1), Code 1973, is amended to read as follows:

3 1. ~~Any~~ If any person failing fails to file a return or corrected return
 4 or to pay any tax within the time required shall be subject to a penalty
 5 of five percent of the amount of tax due, plus one percent of such tax
 6 for each month of delay or fraction thereof, excepting the first month
 7 after such return was required to be filed or such tax became due; but
 8 the director, if satisfied that the delay was excusable, may remit all or
 9 any part of such penalty with the department of revenue on or before
 10 the due time, unless it is shown that such failure was due to reasonable
 11 cause, there shall be added to the amount required to be shown as tax
 12 on the return five percent of the amount of tax if the failure is for not
 13 more than one month, with an additional five percent for each addi-
 14 tional month or fraction of a month during which such failure con-
 15 tinues, not exceeding twenty-five percent in the aggregate. If any

16 *person fails to remit the tax due with the filing of the return on the due*
 17 *date, or fails to pay any amount in respect of any tax required to be*
 18 *shown on the return, there shall be added to the tax a penalty of five*
 19 *percent on such tax due, unless it is shown that such failure was due to*
 20 *reasonable cause. When penalties are applicable for failure to file a*
 21 *return and failure to pay the tax due or required on the return, the*
 22 *penalty provision for failure to file shall be in lieu of the penalty pro-*
 23 *vision for failure to pay the tax due or required on the return. The*
 24 *taxpayer shall also pay interest on the tax or additional tax at the rate*
 25 *of three-fourths of one percent per month counting each fraction of a*
 26 *month as an entire month, computed from the date the return was*
 27 *required to be filed. Such penalty and interest shall be paid to the*
 28 *department and disposed of in the same manner as other receipts*
 29 *under this chapter. Unpaid penalties and interest may be enforced in*
 30 *the same manner as the tax imposed.*

1 SEC. 11. The provisions of this Act, except section seven (7), shall
 2 be effective for tax periods beginning on or after July 1, 1974. The net
 3 operating loss and net capital loss provisions of section seven (7) shall
 4 be effective for tax loss years or periods beginning on or after Janu-
 5 ary 1, 1974, except that interest on refunds or credits for periods
 6 prior to January 1, 1974, which were created by tax loss years or
 7 periods beginning on or after January 1, 1974, shall be limited to six
 8 percent per annum.

Approved April 25, 1974

CHAPTER 1200

CLAIMS AGAINST COUNTY

S. F. 1227

AN ACT relating to the filing of claims with a county.

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

1 SECTION 1. Section three hundred thirty-one point twenty-one
 2 (331.21), Code 1973, is amended to read as follows:
 3 **331.21 Unliquidated claims.** All unliquidated claims against coun-
 4 ties and all claims for fees or compensation ~~in excess of twenty-five~~
 5 ~~dollars~~, except salaries fixed by statute, shall, before being audited or
 6 paid, be so itemized as to clearly show the basis of any such claim and
 7 whether for property sold or furnished the county, or for services
 8 rendered it, or upon some other account, and shall be ~~duly verified by~~
 9 ~~the affidavit of~~ *signed by* the claimant, filed with the county auditor
 10 for presentation to the board of supervisors; and no action shall be
 11 brought against any county upon any such claim until the same has
 12 been so filed and payment thereof refused or neglected.

Approved April 25, 1974

CHAPTER 1201

SALE OF COUNTY-OWNED PROPERTY

H. F. 1067

AN ACT relating to the sale of county-owned property.

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

1 SECTION 1. Section three hundred thirty-two point three (332.3),
 2 subsection thirteen (13), Code 1973, is amended to read as follows:
 3 13. When any real estate, buildings, or other property are no longer
 4 needed for the purposes for which the same were acquired by the
 5 county, to convert the same to other county purposes or to sell or lease
 6 the same ~~at a fair valuation~~. *Real property sold under this section*
 7 *shall be sold at public auction and not by use of sealed bids, but only*
 8 *after notice has been published once in a newspaper of general cir-*
 9 *culation in the county in which the property is located, stating the*
 10 *description of the property to be sold and the date, time, and place of*
 11 *the sale. The notice shall be published not less than fifteen days nor*
 12 *more than twenty-five days prior to the date of the sale. If after being*
 13 *offered once at public auction, such property is not sold, the board of*
 14 *supervisors may dispose of the property by selling it to a person or*
 15 *persons submitting sealed bids to the board. Sale by bids may only be*
 16 *effected thirty days after public notice of the proposed sale of such*
 17 *property.*

Approved April 8, 1974

CHAPTER 1202

FEDERAL TAX LIENS ON VEHICLES

S. F. 1042

AN ACT relating to federal tax liens on vehicles requiring a certificate of title.

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

1 SECTION 1. Section three hundred thirty-five point eighteen
 2 (335.18), Code 1973, as amended by Acts of the Sixty-fifth General
 3 Assembly, 1973 Session, chapter two hundred twenty-five (225), sec-
 4 tion one (1), is amended by striking subsection three (3).

1 SEC. 2. Section three hundred thirty-five point eighteen (335.18),
 2 subsection two (2), unnumbered paragraph one (1), Code 1973, is
 3 amended to read as follows:

4 Notices of liens upon personal property, whether tangible or intan-
 5 gible, ~~other than vehicles for which a certificate of title is required~~
 6 ~~under the provisions of chapter 321~~, for taxes payable to the United
 7 States and certificates and notices affecting the liens shall be filed as
 8 follows:

Approved May 2, 1974

CHAPTER 1203

PUBLIC DEFENDER

S. F. 182

AN ACT relating to the office of public defender.

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

1 SECTION 1. Section three hundred thirty-six A point one (336A.1),
2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
3 1973 Session, chapter one hundred thirty-six (136), section three hun-
4 dred fifty-six (356), is amended to read as follows:

5 **336A.1 Office established and abolished.** In any county the board
6 of supervisors may establish *or abolish, by resolution of the board,* the
7 office of public defender. A county may join with one or more other
8 contiguous counties within its judicial district to establish one office of
9 public defender to serve those counties.

10 The office of public defender may be abolished by the following pro-
11 cedure:

12 1. A board of county supervisors shall submit the issue that the
13 office of public defender be abolished to a vote of the people of the
14 county upon receipt of a petition that the office of public defender be
15 abolished, signed by not less than ten percent of those voting for presi-
16 dent of the United States or governor, as the case may be, in the last
17 general election, and shall submit the issue to a vote of the people at the
18 next general election or at a special election called therefor in the form
19 and manner required for the submission of public measures in the title
20 on elections. If a majority of the votes cast approve the issue, the office
21 of public defender shall be abolished on the date specified on the ballot.

22 If more than one county is involved in the abolishment of the office
23 of public defender, the office shall not be abolished unless the abolish-
24 ment is authorized by a vote of the people *resolution of the board of*
25 *supervisors of in* each of the counties involved.

1 SEC. 2. Section three hundred thirty-six A point three (336A.3),
2 subsection one (1), Code 1973 is amended to read as follows:

3 **336A.3 Nomination and appointment.**

4 1. The public defender shall be a qualified attorney admitted to prac-
5 tice before the Iowa supreme court. When a vacancy exists in the office
6 of the public defender, the *district court* judges of the *judicial* district
7 ~~court~~ *of containing* the county or counties which the defender is to
8 serve, *sitting en banc*, shall nominate two attorneys qualified to serve
9 as public defender and certify the names of such nominees to the
10 board(s) of supervisors of the county or counties which the public
11 defender is to serve. The supervisors shall, within thirty days after
12 such certification, appoint by majority vote, one of these nominees to
13 be public defender for a term of six years so long as he shall remain
14 qualified as otherwise provided in this chapter.

Approved May 2, 1974

CHAPTER 1204

SHERIFFS' UNIFORMS

H. F. 125

AN ACT relating to providing standard uniforms for county sheriffs and their deputies.

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

1 SECTION 1. NEW SECTION. County sheriffs and their deputies
2 shall wear the standard uniform provided for in this Act and display
3 a standard badge of office when on duty, except that the sheriff may
4 designate other apparel when he or any of his deputies are engaged in
5 assignments involving special investigation, civil process, court duties,
6 jail duties, and the handling of mental patients. Special deputies ap-
7 pointed by the sheriff shall be excluded from the requirements of this
8 Act.

1 SEC. 2. NEW SECTION. After January 1, 1976, the county board
2 of supervisors shall provide the sheriff and his full-time bonded
3 deputies with all uniforms and accessories deemed necessary by the
4 sheriff for properly outfitting the sheriff and his deputies. The ex-
5 penditure for uniforms and accessories shall not exceed three hundred
6 dollars per man in any calendar year.

1 SEC. 3. NEW SECTION. The department of general services shall
2 have the responsibility of purchasing all uniforms, and the cost of the
3 uniforms shall be assessed against each county.

1 SEC. 4. NEW SECTION. Prior to January 1, 1975, the commis-
2 sioner of public safety, after considering the recommendations of the
3 Iowa state association of sheriffs and deputy sheriffs, shall adopt rules
4 designating the colors and design of the standard uniform to be worn
5 by the sheriffs and their deputies. The uniform shall include standard
6 shoulder patches, badges, nameplates, hats, trousers, neckties, jackets,
7 socks, shoes and boots, and leather goods and be readily distinguish-
8 able from the uniform of other law enforcement agencies of the state.
9 The rules shall allow for individual county designation on the uniforms
10 where appropriate. The rules shall be adopted and may be amended in
11 accordance with chapter seventeen A (17A) of the Code.

1 SEC. 5. NEW SECTION. All uniforms purchased after January 1,
2 1976, shall be of the designated color and design, and after January 1,
3 1977, all county sheriffs and their deputies shall wear the standard
4 uniforms as provided in this Act.

1 SEC. 6. NEW SECTION. A district court judge, district associate
2 judge, or judicial magistrate may direct that deputy sheriffs who act
3 as bailiffs dress in wearing apparel other than their uniforms while
4 court is in session.

Approved April 19, 1974

CHAPTER 1205

AID TO SHERIFF

H. F. 1396

AN ACT relating to compensation for services rendered in aiding the sheriff.

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

- 1 SECTION 1. Section three hundred thirty-eight point one (338.1),
 2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
 3 1973 Session, chapter two hundred twenty-six (226), section three (3),
 4 is amended to read as follows:
 5 338.1 Prisoners—duty of sheriff. The duty of the sheriff to board
 6 and care for prisoners in his custody in the county jail shall be per-
 7 formed by the sheriff without compensation, reimbursement or allow-
 8 ance therefor except his salary as fixed by law. However, the board
 9 may reimburse the sheriff for the actual cost of board furnished pris-
 10 oners directly by the sheriff, upon presentation of sufficient documen-
 11 tation showing the actual cost *and may compensate the spouse or a*
 12 *relative of the sheriff for services rendered in aiding the sheriff in*
 13 *carrying out the provisions of this section.*

Approved May 2, 1974

CHAPTER 1206

SHERIFFS IN DUAL COUNTIES

H. F. 38

AN ACT relating to salaries for deputy sheriffs in counties where district court is held in two places.

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

- 1 SECTION 1. Section three hundred forty point eight (340.8), sub-
 2 section three (3), Code 1973, is amended to read as follows:
 3 3. In any county where district court is held in two places, for any
 4 deputy other than the chief deputy in charge of the office where such
 5 court is held outside the county seat, *an annual salary not to exceed*
 6 *seventy-five percent of the amount of the salary of the sheriff but not*
 7 *to exceed three thousand dollars.*

Approved May 2, 1974

CHAPTER 1207

CAPITAL IMPROVEMENTS BY SUPERVISORS

H. F. 773

AN ACT relating to expenditures for capital improvements by a board of supervisors.

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

- 1 SECTION 1. Section three hundred forty-five point one (345.1),
 2 Code 1973, as amended by the Acts of the Sixty-fifth General Assem-

3 bly, 1973 Session, chapter one hundred thirty-six (136), section three
 4 hundred fifty-seven (357) is amended to read as follows:
 5 **345.1 Expenditures—when vote necessary.** The board of super-
 6 visors shall not order the erection of, or the building of an addition or
 7 extension to, or the remodeling or reconstruction or relocation and
 8 replacement of a courthouse, jail, county hospital, county home or any
 9 other county building or facility, except as otherwise provided, when
 10 the probable cost will exceed ten thousand dollars, nor the purchase of
 11 real estate for county purposes exceeding ten thousand dollars in value,
 12 until a proposition therefor shall have been first submitted to the quali-
 13 fied electors of the county, and voted for by a majority of all persons
 14 voting for and against such proposition at a general or special election,
 15 notice of the same being given as in other special elections. However,
 16 such proposition need not be submitted to the voters if any such erection,
 17 construction, remodeling, reconstruction, relocation and replace-
 18 ment, or purchase of real estate may be accomplished *from funds on*
 19 *hand or from federal revenue-sharing funds or federal matching funds*
 20 *and without the levy of additional taxes and, and if the probable cost*
 21 *of the entire project will not exceed fifty one hundred thousand dollars.*
 22 *If a project should be determined to cost in excess of one hundred*
 23 *thousand dollars, the proposition must be submitted to the qualified*
 24 *electors of the county without regard to the source from which such*
 25 *funds may be derived. However a proposition need not be submitted*
 26 *to the qualified electors or when a relocation and replacement is made*
 27 *necessary by the acquisition of county property for a federal or state*
 28 *project, and the cost of the relocation does not exceed the amount of*
 29 *the award of damages by the state or federal government. When the*
 30 *probable project cost exceeds fifty thousand (50,000) dollars, the*
 31 *board shall provide notice and hold a public hearing on the project.*

1 SEC. 2. Chapter three hundred forty-five (345), Code 1973, is
 2 amended by adding the following new section:

3 **NEW SECTION. Improvement account.** Upon adoption of a resolu-
 4 tion by the board of supervisors, the county commissioner of elections
 5 shall place on the ballot at the next general election a question asking
 6 the qualified electors of the county if the board of supervisors may
 7 establish an improvement account within the county general fund.
 8 The electors of the county shall vote on the establishment of the fund
 9 and the maximum amount to be credited annually to the account.

10 The question shall read: Shall the board of supervisors establish
 11 within the general fund of the county an improvement account into
 12 which the annual sum of money credited to the account shall not
 13 exceed dollars?

14 After approval of the question by the electors, the board of super-
 15 visors may credit to and appropriate funds from the improvement
 16 account for the purposes provided in this chapter.

17 The board may continue to function under the limitations approved
 18 by the electors for a period of four full fiscal years after the question
 19 was approved. The authorization for collecting taxes for the account
 20 shall expire at the close of the fourth full fiscal year after the question
 21 was approved. Any unexpended balance in the account after the lapse
 22 of four full fiscal years shall carry over until all funds have been appro-

23 priated from the account at which time the account shall be closed
 24 unless reapproved by the electors of the county.

Approved April 8, 1974

CHAPTER 1208

DOG LICENSES

S. F. 528

AN ACT relating to the licensing of dogs and providing for the payment of claims for injuries or damages.

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

1 SECTION 1. Section three hundred fifty-one point sixteen (351.16),
 2 Code 1973, is amended to read as follows:

3 351.16 Payment to assessor. If the owner of any dog upon which
 4 a license fee is due so desires, he may pay such fee to the assessor and
 5 the assessor shall give his receipt therefor, showing the name of the
 6 owner, the number of dogs owned upon which the fee is paid, the sex
 7 of each such dog, and the amount of the fee for each such dog. The
 8 assessor shall forthwith pay said fees collected by him to the auditor
 9 and shall make a full report to said auditor showing the name and
 10 address of the owner, the number of dogs and the sex of each owned
 11 by him, the evidence of rabies vaccination for each dog, and the fee
 12 paid on each such dog. The auditor shall forthwith mail to said owner
 13 the proper license tag or tags. *The auditor may also assign the license*
 14 *tags to the assessor who may issue and record them when license fees*
 15 *are collected by him as provided in this section.*

1 SEC. 2. Section three hundred fifty-two point one (352.1), Code
 2 1973, is amended to read as follows:

3 352.1 Claims. 1. Any person damaged by the killing or injury of
 4 any domestic animal or fowl by wolves, or by dogs not owned by said
 5 person, may, within ten days from the time he or his agent has
 6 knowledge of such killing or injury, file with the county auditor of the
 7 county in which such killing or injury occurred a claim for such
 8 damage.

9 2. *Any person injured by a dog or wolf not owned by such person*
 10 *which resulted in the need for medical care or rabies prevention treat-*
 11 *ment, may, within sixty days from the time of such injury, file with*
 12 *the county auditor of the county a claim for the payment of the costs*
 13 *of such medical care or treatment.*

1 SEC. 3. Section three hundred fifty-two point two (352.2), Code
 2 1973, is amended to read as follows:

3 352.2 Forms of claims. 1. Claims ~~as~~ *referred* under subsection one
 4 (1) of section three hundred fifty-two point one (352.1) of the Code
 5 shall state the amount of damages, a detailed statement of the facts
 6 attending the killing or injury and be verified by affidavit of at least
 7 two disinterested persons not related to claimant.

8 2. *Claims made under subsection two (2) of section three hundred*
 9 *fifty-two point one (352.1) of the Code shall state the cost of such*
 10 *medical care or treatment and a detailed statement of the facts attend-*
 11 *ing the injury.*

1 SEC. 4. Section three hundred fifty-two point three (352.3), Code
 2 1973, is amended to read as follows:

3 **352.3 Allowance of claims.** The board shall act on such claims
 4 within a reasonable time, and allow such part thereof as it may deem
 5 just. When a claim is allowed, *the cost of such medical treatment or*
 6 *the value of each animal or fowl killed or injured shall be entered of*
 7 *record.*

1 SEC. 5. Chapter three hundred fifty-two (352), Code 1973, is
 2 amended by adding the following new section:

3 **NEW SECTION. Exception.** The provisions of this chapter shall
 4 not apply to injuries or damages occurring within a city or town which
 5 provides for the licensing of dogs.

1 SEC. 6. Section three hundred sixty-eight point eight (368.8), sub-
 2 section four (4), Code 1973, is amended by adding the following new
 3 paragraph:

4 **NEW PARAGRAPH.** They may provide, by ordinance, for the filing
 5 and payment of claims made by persons who are injured or whose
 6 property is damaged by dogs within such municipal corporation. The
 7 amount of such claims may be paid from the fund established under
 8 this subsection or from the general fund.

Approved May 9, 1974

CHAPTER 1209

SANITARY DISTRICT BONDS

H. F. 1079

AN ACT relating to the amortization period of sanitary district bonds.

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

1 SECTION 1. Section three hundred fifty-eight point twenty-one
 2 (358.21), unnumbered paragraph four (4), Code 1973, is amended to
 3 read as follows:

4 The proceeds of any bond issue made under the provisions of this
 5 section shall be used only for the purpose of acquiring, locating, laying
 6 out, establishing and construction of drainage facilities, conduits,
 7 treatment plants, pumping plants, works, ditches, channels and outlets
 8 of such capacity and character as may be required for the treatment,
 9 carrying off and disposal of the sewage and industrial wastes and
 10 other drainage incidental thereto of such district, or to repair, change,
 11 enlarge and add to such facilities as may be necessary or proper to
 12 meet the requirements present and future for the purposes aforesaid.
 13 Proceeds from such bond issue may also be used for the payment of
 14 special assessment deficiencies. Said bonds shall be payable in not

15 more than ~~twenty~~ *forty* annual installments and at interest not ex-
 16 ceeding seven percent per annum, and shall be made payable at such
 17 place and be of such form as the board of trustees shall by resolution
 18 designate. Any sanitary district issuing bonds as authorized in this
 19 section is hereby granted authority to pledge the future avails of a
 20 tax levy not exceeding five mills per annum to the payment of the
 21 principal and interest of such bonds after the same come due, and the
 22 power to impose and certify said levy is hereby granted to the trustees
 23 of sanitary districts organized under the provisions of this chapter.

Approved March 29, 1974

CHAPTER 1210

COUNTY ZONING COMMISSIONS

H. F. 3

AN ACT relating to members of county zoning commissions and boards of adjustment.

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

1 SECTION 1. Section three hundred fifty-eight A point eight
 2 (358A.8), Code 1973, is amended to read as follows:

3 **358A.8 Commission appointed.** In order to avail itself of the
 4 powers conferred by this chapter, the board of supervisors shall ap-
 5 point a commission, *a majority of whose members shall reside within*
 6 *the county but outside the corporate limits of any city or town*, to be
 7 known as the county zoning commission, to recommend the boundaries
 8 of the various original districts, and appropriate regulations and re-
 9 strictions to be enforced therein. Such commission shall, with due
 10 diligence, prepare a preliminary report and hold public hearings there-
 11 on before submitting its final report; and the board of supervisors
 12 shall not hold its public hearings or take action until it has received
 13 the final report of such commission. After the adoption of such regu-
 14 lations, restrictions, and boundaries of districts, the zoning commis-
 15 sion may, from time to time, recommend to the board of supervisors
 16 amendments, supplements, changes or modifications.

1 SEC. 2. Section three hundred fifty-eight A point eleven (358A.11),
 2 Code 1973, is amended to read as follows:

3 **358A.11 Membership of board.** The board of adjustment shall
 4 consist of five members, *a majority of whom shall reside within the*
 5 *county but outside the corporate limits of any city or town*, each to be
 6 appointed for a term of five years, excepting that when the board shall
 7 first be created one member shall be appointed for a term of five years,
 8 one for a term of four years, one for a term of three years, one for a
 9 term of two years, and one for a term of one year. Members shall be
 10 removable for cause by the appointing authority upon written charges
 11 and after public hearing. Vacancies shall be filled for the unexpired
 12 term of any member whose term becomes vacant.

Approved June 3, 1974

CHAPTER 1211

TOWNSHIP TRUSTEES

S. F. 1067

AN ACT relating to the increase of per diem pay for township trustees.

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

1 SECTION 1. Section three hundred fifty-nine point forty-six
2 (359.46), subsection one (1), Code 1973, is amended to read as follows:

3 1. For each day of service of eight hours necessarily engaged in
4 official business, to be paid out of the county treasury, ~~four~~ eight dol-
5 lars each. In townships embraced entirely within the limits of special
6 charter cities, the compensation of township trustees shall be ~~four~~
7 eight dollars per day.

1 SEC. 2. Section three hundred fifty-nine point forty-seven (359.47),
2 subsection one (1), Code 1973, is amended to read as follows:

3 1. For each day of eight hours necessarily engaged in official busi-
4 ness, where no other compensation or mode of payment is provided,
5 to be paid from the county treasury, ~~four~~ eight dollars.

Approved May 2, 1974

CHAPTER 1212

HOME RULE EFFECTIVE DATE

S. F. 1101

AN ACT relating to the effective dates of the provisions of chapter one thousand eighty-eight (1088) of the Acts of the Sixty-fourth General Assembly, 1972 Session.

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

1 SECTION 1. Acts of the Sixty-fourth General Assembly, 1972 Ses-
2 sion, chapter one thousand eighty-eight (1088), section nine (9), is
3 amended to read as follows:

4 Sec. 9.

5 1. The provisions of this Act take effect on July 1, 1972, except that
6 sections one hundred ninety-nine (199) through three hundred fifty-
7 two (352), inclusive, of this Act take effect on July 1, 1974 1975.

8 2. Between July 1, 1972, and July 1, 1974 1975, a city is not subject
9 to the provisions of sections one (1) through one hundred ninety-eight
10 (198), inclusive, of this Act, divisions one (I) through nine (IX) of
11 the City Code of Iowa, unless the council, by resolution, elects to act
12 under and be subject to one or more of the divisions or parts of a divi-
13 sion of the City Code of Iowa, in which case conflicting provisions of
14 law are not applicable to that city. Such an election is conclusive until
15 rescinded by the council.

16 3. On and after July 1, 1974 1975, the provisions of sections one (1)
17 through one hundred ninety-eight (198), inclusive, of this Act, divi-
18 sions one (I) through nine (IX) of the City Code of Iowa, are appli-
19 cable to all cities.

Approved May 2, 1974

CHAPTER 1213

LEAGUE OF MUNICIPALITIES

S. F. 456

AN ACT relating to the payment of annual dues to the league of Iowa municipalities and providing auditing procedures, making it unlawful to contribute to political parties and candidates, and providing a penalty.

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

1 SECTION 1. Section three hundred sixty-three point forty-one
2 (363.41), Code 1973, is amended to read as follows:

3 363.41 League of municipalities. Cities and towns may pay, out
4 of the general fund, annual dues to the league of Iowa municipalities,
5 ~~provided, however, that the sum total of annual dues collected by the~~
6 ~~league from municipalities shall not exceed ninety thousand dollars.~~
7 In addition they may pay out of the general fund the actual expenses
8 of delegates to the annual conference of the league.

1 SEC. 2. Acts of the Sixty-fourth General Assembly, 1972 Session,
2 chapter one thousand eighty-eight (1088), section fourteen (14), un-
3 numbered paragraph two (2), is amended by striking the paragraph
4 and inserting in lieu thereof the following:

5 The financial condition and the transactions of the league of Iowa
6 municipalities shall be audited in the same manner as cities and towns
7 as provided in section eleven point eighteen (11.18) of the Code.

1 SEC. 3. NEW SECTION. It is unlawful for the league of Iowa
2 municipalities to provide any form of aid to a political party or to the
3 campaign of a candidate for political or public office. Any person vio-
4 lating or being an accessory to a violation of this section is guilty of a
5 misdemeanor.

1 SEC. 4. Section three hundred sixty-three point forty-three
2 (363.43), Code 1973, is repealed.

Approved March 4, 1974

CHAPTER 1214

CIVIL SERVICE

H. F. 4

AN ACT relating to qualifications of civil service employees.

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

1 SECTION 1. Section three hundred sixty-five point seventeen
2 (365.17), Code 1973, is amended by striking subsection seven (7).

Approved May 27, 1974

CHAPTER 1215
ZOOLOGICAL GARDENS

H. F. 501

AN ACT relating to the establishment of zoos or zoological gardens and authorizing the levy of taxes and the issuance of bonds therefor.

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

1 SECTION 1. NEW SECTION. Cities and towns are hereby author-
2 ized to contract indebtedness and to issue general obligation bonds to
3 provide funds to pay the cost of opening, establishing, constructing,
4 improving, extending or remodeling of a zoo or zoological garden and
5 to construct, reconstruct or repair any such improvement and to pay
6 the cost of land needed for any of said purposes.

7 Taxes for the payment of said bonds shall be levied in accordance
8 with chapter seventy-six (76) of the Code, and said bonds shall be
9 payable through the debt service fund in not more than twenty years,
10 and bear interest at a rate not exceeding seven percent per annum,
11 and shall be of such form as the city or town council shall by resolu-
12 tion provide, but no city or town shall become indebted in excess of
13 five percent of the actual value of the taxable property within said
14 city or town, as shown by the last preceding state and county tax lists.
15 The indebtedness incurred for the purpose provided in this section
16 shall not be considered an indebtedness incurred for general or ordi-
17 nary purposes.

18 This section shall be construed as granting additional power with-
19 out limiting the power already existing in cities and towns.

20 The provisions of this section shall be applicable to all municipal
21 corporations regardless of form of government or manner of incor-
22 poration.

1 SEC. 2. NEW SECTION. It shall not be necessary to submit to the
2 voters the proposition of issuing bonds for refunding purposes, but
3 prior to the issuance of bonds for other purposes the council shall sub-
4 mit to the voters of the city at a general election or a regular municipal
5 election the proposition of issuing the bonds. Notice of the election on
6 the proposition of issuing bonds shall be published once each week for
7 at least four consecutive weeks in a newspaper published in the county,
8 which notice shall state the date of the election, the hours of opening
9 and closing the polls and the location thereof, the question to be sub-
10 mitted, and whether or not an admission fee is to be charged by the
11 zoo or zoological gardens. The election shall be held on a date not less
12 than four nor more than twenty days after the last publication of the
13 notice.

14 Bonds issued pursuant to the provisions of this Act shall be sold by
15 the council in the manner prescribed by chapter seventy-five (75) of
16 the Code; however, refunding bonds may either be sold and the pro-
17 ceeds applied to the payment of the bonds to be refunded, or the
18 refunding bonds may be issued in exchange for the bonds being re-
19 funded upon their surrender and cancellation.

1 SEC. 3. NEW SECTION. A city or town establishing or having
2 established a zoo or zoological garden may authorize not to exceed a
3 one mill levy on all taxable property within the corporation for the

4 purpose of paying the costs of operating, maintaining, and managing
5 a zoo or zoological garden. The levy shall be subject to cumulative mill
6 levy limitations otherwise provided by law unless said levy shall have
7 been submitted to and approved by the voters of said city or town.

1 SEC. 4. NEW SECTION. Contracts may be made between any city
2 or town establishing or having established a zoo or zoological garden
3 and any other city or town, or county (but a county may contract only
4 with respect to residents outside of any city or town) for the use of
5 such zoo or zoological garden or any extension service thereof by its
6 residents, and for the levy of a tax in support thereof. Such contracts
7 shall provide for the rate of tax to be levied during the term thereof,
8 not exceeding one mill. Said contracts may be submitted to the voters
9 of either city or town and shall not be subject to termination if ap-
10 proved by the voters of both parties.

11 If not so approved, such contracts may be modified by mutual con-
12 sent or may be terminated by the voters of either party thereto.

13 Any such tax shall be subject to cumulative millage limitations
14 applicable generally to the contracting parties unless the contract shall
15 have been approved by the voters.

16 Any election held hereunder may be held upon notice and in any
17 manner provided by law applicable to the contracting party with
18 respect to elections upon special public propositions; provided that it
19 shall not be necessary to set out the contract provisions in full as a
20 part of the ballot.

Approved April 25, 1974

CHAPTER 1216

GENERAL OBLIGATION BONDS FOR CITIES

H. F. 1441

AN ACT relating to general obligation bonds of cities.

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

1 SECTION 1. Section four hundred seven point three (407.3),* Code
2 1973, is amended by adding the following new subsection:

3 NEW SUBSECTION. Purchasing, constructing, improving, remodel-
4 ing or equipping housing for the elderly or physically handicapped, and
5 cities and towns are authorized to acquire such housing.

1 SEC. 2. Section four hundred eight point seventeen (408.17), un-
2 numbered paragraph one (1), Code 1973, is amended to read as fol-
3 lows:

4 Cities and towns are hereby authorized to contract indebtedness and
5 to issue general obligation bonds to provide funds to pay the cost of
6 opening, widening, extending, grading, *protecting by the construction,*
7 *reconstruction or repairing of retaining walls,* and draining the right
8 of way of any street, highway, avenue, alley, public ground, or market

*Repealed effective July 1, 1975, 64 GA, ch 1088, §199; 65 GA, ch 1212, §1

9 place, and to construct, reconstruct or repair any street improvement
10 or traffic-control device, and to pay the cost of land needed for right
11 of way purposes.

1 SEC. 3. Acts of the Sixty-fourth General Assembly, 1972 Session,
2 chapter one thousand eighty-eight (1088), section one hundred five
3 (105), subsection two (2), is amended by adding the following new
4 paragraph:

5 NEW PARAGRAPH. Housing for the elderly or physically handi-
6 capped.

1 SEC. 4. Acts of the Sixty-fourth General Assembly, 1972 Session,
2 chapter one thousand eighty-eight (1088), section one hundred five
3 (105), subsection three (3), paragraph e, is amended to read as fol-
4 lows:

5 e. The acquisition, construction, reconstruction, enlargement, im-
6 provement, and repair of bridges, culverts, *retaining walls*, viaducts,
7 underpasses, grade crossing separations, and approaches thereto.

Approved May 27, 1974

CHAPTER 1217

STREET NAMES

S. F. 1295

AN ACT relating to changing names of streets.

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

1 SECTION 1. Section four hundred nine point seventeen (409.17),
2 Code 1973, is amended to read as follows:

3 409.17 **Change of name of street.** Cities and towns shall have
4 authority to change by ordinance the name of a platted street. The
5 mayor and city or town clerk shall certify and file the ordinance, after
6 its passage, with the county recorder and county auditor in the county
7 where the said city or town is located, which shall be entered of record
8 in the recorder's office and a reference made on the margin of the
9 original plat referring to the record of such change of name. *The*
10 *county auditor shall make the proper changes on the plats found in the*
11 *office of the auditor. The county recorder shall enter the instrument*
12 *of record and make a reference on the margin of the original plat or*
13 *upon a reference sheet or page attached to the original plat for that*
14 *purpose.*

1 SEC. 2. Section five hundred ninety-two point seven (592.7), Code
2 1973, is amended to read as follows:

3 592.7 **Changing names of streets.** Whereas, certain cities or towns
4 throughout the state of Iowa have passed ordinances changing the
5 name or names of certain streets in said cities;

6 Now, therefore, it is provided that the acts of said city and town
 7 councils of such cities and towns in enacting said ordinances changing
 8 the names of said certain streets are hereby declared valid. ~~On the~~
 9 ~~filing for record of the said ordinances, duly certified by the mayor and~~
 10 ~~city or town clerk, with the county recorder he shall make and record~~
 11 ~~in the records of his office a plat showing the changes in the names of~~
 12 ~~the streets and shall file a copy of said plat with the county auditor.~~

13 *The proper method for recording a change of street name is found*
 14 *in section four hundred nine point seventeen (409.17) of the Code.*

Approved May 9, 1974

CHAPTER 1218

PLANNING AND ZONING

H. F. 658

AN ACT relating to the membership of municipal planning and zoning commissions and boards of adjustment.

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

1 SECTION 1. Section four hundred fourteen point twenty-three
 2 (414.23), unnumbered paragraph two (2), Code 1973, is amended to
 3 read as follows:

4 A municipality, during the time its zoning jurisdiction is extended
 5 under this section, shall increase the size of its planning and zoning
 6 commission and its board of adjustment each by two members. ~~Said~~
 7 ~~The~~ additional members shall be residents of the area outside the city
 8 or town limits over which the zoning jurisdiction is extended. They
 9 shall be ~~chosen in the same manner~~ *appointed by the board of super-*
 10 *visors of the county in which such extended area is located* and for the
 11 same terms of office and have the same rights, privileges, and duties
 12 as other members of each of said bodies.

Approved May 2, 1974

CHAPTER 1219

FINANCING PROJECTS BY MUNICIPALITIES

H. F. 719

AN ACT relating to the financing of industrial and agricultural projects including pollution control facilities by cities, towns and counties.

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

1 SECTION 1. Section four hundred nineteen point one (419.1), sub-
 2 sections one (1), two (2) and six (6), Code 1973, are amended to read
 3 as follows:

4 1. "Municipality" means any *county, or any* incorporated city or
5 town in this state.

6 2. "Project" means *all or any part of, or any interest in,* (a) any
7 land, buildings or improvements, whether or not in existence at the
8 time of issuance of the bonds issued under authority of this chapter,
9 which shall be suitable for the use of any *voluntary nonprofit hospital,*
10 *clinic, or health care facility as defined in section one hundred thirty-*
11 *five C point one (135C.1), subsection eight (8), of the Code, or of any*
12 *private college or university, whether for the establishment or mainte-*
13 *nance of such college or university, or of any industry or industries for*
14 *the manufacturing, processing or assembling of any agricultural or*
15 *manufactured products, even though such processed products may re-*
16 *quire further treatment before delivery to the ultimate consumer, or of*
17 *any commercial enterprise engaged in storing, warehousing, distribut-*
18 *ing or selling products of agriculture, mining or industry including but*
19 *not limited to barge facilities and river front improvements useful and*
20 *convenient for the handling and storage of goods and products or (b)*
21 *pollution control facilities which shall be suitable for use by any indus-*
22 *try, commercial enterprise or utility. "Pollution control facilities"*
23 *means any land, buildings, structures, equipment, pipes, pumps, dams,*
24 *reservoirs, improvements, or other facilities useful for the purpose of*
25 *reducing, preventing, or eliminating pollution of the water or air by*
26 *reason of the operations of any industry, commercial enterprise or*
27 *utility. "Improve", "improving" and "improvements" shall embrace*
28 *any real property, personal property or mixed property of any and*
29 *every kind that can be used or that will be useful in a private college*
30 *or university enterprise or an industrial enterprise or as pollution con-*
31 *trol facilities for any industry, commercial enterprise or utility con-*
32 *nection with a project, including, without limiting the generality of the*
33 *foregoing, rights of way, roads, streets, sidings, trackage, foundations,*
34 *tanks, structures, pipes, pipe lines, reservoirs, utilities, materials,*
35 *equipment, fixtures, machinery, furniture, furnishings, improvements,*
36 *instrumentalities and other real, personal or mixed property of every*
37 *kind, whether above or below ground level.*

38 6. "Lessee" includes a single person, firm or corporation or any two
39 or more persons, firms or corporations which shall lease the project as
40 tenants-in-common of the entire project or otherwise, and each of
41 which such tenants in common shall severally undertake rental payment
42 payments and other monetary obligations under the lease of the project
43 sufficient, together with the like undertakings of the other such tenant-
44 in-common, in the aggregate to satisfy the rental and other monetary
45 obligations required by this chapter to be undertaken by the lessee of a
46 project.

1 SEC. 2. Section four hundred nineteen point one (419.1), Code
2 1973, is amended by adding the following new subsections:

3 NEW SUBSECTION. "Lease" includes a lease containing an option to
4 purchase the project for a nominal sum upon payment in full, or pro-
5 vision therefor, of all bonds issued in connection with the project and
6 all interest thereon and all other expenses incurred in connection with
7 the project, and a lease containing an option to purchase the project
8 at any time, as provided therein, upon payment of the purchase price
9 which shall be sufficient to pay all bonds issued in connection with the
10 project and all interest thereon and all other expenses incurred in con-

11 nection with the project, but which payment may be made in the
 12 form of one or more notes, debentures, bonds or other secured or un-
 13 secured debt obligations of the lessee providing for timely payments,
 14 including without limitation, interest thereon sufficient for such pur-
 15 poses and delivered to the municipality or to the trustee under the
 16 indenture pursuant to which the bonds were issued. A single lease
 17 may contain both of the foregoing options.

18 NEW SUBSECTION. "Sale contract" means a contract providing for
 19 the sale of one or more projects to one or more contracting parties
 20 and includes a contract providing for payment of the purchase price
 21 in one or more installments. If the sale contract permits title to the
 22 project to pass to the other contracting party or parties prior to pay-
 23 ment in full of the entire purchase price, it shall also provide for the
 24 other contracting party or parties to deliver to the municipality or
 25 to the trustee under the indenture pursuant to which the bonds were
 26 issued one or more notes, debentures, bonds or other secured or unse-
 27 cured debt obligations of such contracting party or parties providing
 28 for timely payments, including without limitation, interest thereon for
 29 the balance of the purchase price at or prior to the passage of such
 30 title.

31 NEW SUBSECTION. "Loan agreement" means an agreement provid-
 32 ing for a municipality to loan the proceeds derived from the issuance
 33 of bonds pursuant to this chapter to one or more contracting parties
 34 to be used to pay the cost of one or more projects and providing for
 35 the repayment of such loan by the other contracting party or parties,
 36 and which may provide for such loans to be secured or evidenced by
 37 one or more notes, debentures, bonds or other secured or unsecured
 38 debt obligations of the contracting party or parties, delivered to the
 39 municipality or to the trustee under the indenture pursuant to which
 40 the bonds were issued.

41 NEW SUBSECTION. "Contracting party" or "other contracting
 42 party" means any party to a sale contract or loan agreement except
 43 the municipality.

44 NEW SUBSECTION. "Revenues" of a project, or derived from a proj-
 45 ect, include payments under a lease or sale contract and repayments
 46 under a loan agreement, or under notes, debentures, bonds and other
 47 secured or unsecured debt obligations of a lessee or contracting party
 48 delivered as herein provided.

49 NEW SUBSECTION. "Bonds" of a municipality includes bonds, notes
 50 or other securities.

51 NEW SUBSECTION. "Corporation" includes a corporation whether
 52 organized for profit or not for profit for which the secretary of state
 53 has issued a certificate of incorporation or a permit for the transaction
 54 of business within the state and further includes a cooperative asso-
 55 ciation.

1 SEC. 3. Section four hundred nineteen point two (419.2), Code
 2 1973, is amended to read as follows:

3 419.2 Powers. In addition to any other powers which it may now
 4 have, in the event that local capital is not available for the development
 5 of industrial projects, pollution control projects, or private college or
 6 university projects, each municipality shall have the following powers:

7 1. To acquire, whether by construction, purchase, gift or lease, and
 8 to improve and equip, one or more projects. Such projects shall be

9 located within this state, may be located within or near the municipal-
 10 ity, but shall not be located more than eight miles outside the corporate
 11 limits of the municipality, provided that ancillary improvements neces-
 12 sary or useful in connection with the main project may be located more
 13 than eight miles outside the corporate limits of the municipality.

14 2. To lease to others ~~any or all of its~~ *one or more* projects for such
 15 rentals and upon such terms and conditions as the governing body may
 16 deem advisable *in accordance with the provisions of this chapter*, but
 17 in no case shall the rentals be less than the average rental cost for like
 18 or similar facilities within the competitive commercial area.

19 3. *To sell to others one or more projects for such payments and upon*
 20 *such terms and conditions as the governing body may deem advisable*
 21 *in accordance with the provisions of this chapter.*

22 4. *To enter into loan agreements with others with respect to one or*
 23 *more projects for such payments and upon such terms and conditions*
 24 *as the governing body may deem advisable in accordance with the pro-*
 25 *visions of this chapter.*

26 § 5. To issue revenue bonds for the purpose of defraying the cost of
 27 ~~acquiring, improving and equipping~~ any project and to secure payment
 28 of such bonds as provided in this chapter.

29 4 6. To grant easements for roads, streets, water mains and pipes,
 30 sewers, power lines, telephone lines, all pipe lines, and to all utilities.

31 No municipality shall have the power to operate any project,
 32 ~~referred to in this chapter, as a business or in any manner except as~~
 33 ~~the lesser thereof, financed under this chapter, as a business or in any~~
 34 ~~manner except as specifically provided in this chapter.~~

1 SEC. 4. Section four hundred nineteen point three (419.3), sub-
 2 sections one (1) and four (4), Code 1973, are amended to read as fol-
 3 lows:

4 1. All bonds issued by a municipality, under the authority of this
 5 chapter, shall be limited obligations of the municipality. The princi-
 6 pal of and *interest* on such bonds shall be payable solely out of the
 7 revenues derived from ~~the leasing of~~ the project to be financed by the
 8 bonds so issued under the provisions of this chapter *including debt*
 9 *obligations of the lessee or contracting party obtained from or in con-*
 10 *nection with the financing of a project.* Bonds and interest coupons
 11 issued under authority of this chapter shall never constitute an in-
 12 debtedness of the municipality, within the meaning of any state con-
 13 stitutional provision or statutory limitation, and shall not constitute
 14 nor give rise to a pecuniary liability of the municipality or a charge
 15 against its general credit or taxing powers. Such limitation shall be
 16 plainly stated on the face of each such bond.

17 4. Any bonds, issued under the authority of this chapter, may be
 18 sold at public sale in such manner, *at such price* and at such time or
 19 times as may be determined by the governing body to be most advan-
 20 tageous. The municipality may pay all expenses, premiums and com-
 21 missions which the governing body may deem necessary or advan-
 22 tageous in connection with the authorization, sale and issuance thereof.

1 SEC. 5. Section four hundred nineteen point four (419.4), subsec-
 2 tions one (1), two (2), and three (3), Code 1973, are amended to read
 3 as follows:

4 1. The principal of and interest on any bonds, issued under author-
 5 ity of this chapter, shall be secured by a pledge of the revenues out

6 of which such bonds shall be made payable. They may be secured by
7 a mortgage covering all or any part of the project from which the
8 revenues so pledged may be derived or by a pledge of the lease ~~of~~, *sale*
9 *contract or loan agreement with respect to such project or by a pledge*
10 *of one or more notes, debentures, bonds or other secured or unsecured*
11 *debt obligations of the lessee or contracting party.*

12 2. The proceedings under which the bonds are authorized to be
13 issued under the provisions of this chapter, and any mortgage given
14 to secure the same, may contain any agreements and provisions cus-
15 tomarily contained in instruments securing bonds, including, but not
16 limited to:

17 a. Provisions respecting custody of the proceeds from the sale of the
18 bonds including their investment and reinvestment until used to defray
19 the cost of the project.

20 b. Provisions respecting the fixing and collection of rents ~~for~~ *or*
21 *payments with respect to any project covered by such proceedings or*
22 *mortgage.*

23 c. The terms to be incorporated in the lease ~~of~~, *sale contract or loan*
24 *agreement with respect to such project.*

25 d. The maintenance and insurance of such project.

26 e. The creation, maintenance, custody, investment and reinvestment
27 and use of special funds from the revenues of such project, and

28 f. The rights and remedies available in case of a default to the bond
29 holders or to any trustee under the lease, *sale contract, loan agreement*
30 *or a mortgage.*

31 A municipality shall have the power to provide that proceeds from
32 the sale of bonds and special funds from the revenues of the project
33 shall be invested and reinvested in such securities and other invest-
34 ments as shall be provided in the proceedings under which the bonds
35 are authorized to be issued including:

36 (1) obligations issued or guaranteed by the United States;

37 (2) obligations issued or guaranteed by any person controlled or
38 supervised by and acting as an instrumentality of the United States
39 pursuant to authority granted by the Congress of the United States;

40 (3) obligations issued or guaranteed by any state of the United
41 States, or the District of Columbia, or any political subdivision of any
42 such state or district;

43 (4) prime commercial paper;

44 (5) prime finance company paper;

45 (6) bankers' acceptances drawn on and accepted by banks organ-
46 ized under the laws of any state or of the United States;

47 (7) repurchase agreements fully secured by obligations issued or
48 guaranteed by the United States or by any person controlled or super-
49 vised by and acting as an instrumentality of the United States pur-
50 suant to authority granted by the Congress of the United States; and

51 (8) certificates of deposit issued by banks organized under the laws
52 of any state or of the United States; whether or not such investment
53 or reinvestment is authorized under any other law of this state. The
54 municipality shall also have the power to provide that such proceeds
55 or funds or investments and the ~~rents~~ *amounts* payable under the lease,
56 *sale contract or loan agreement* shall be received, held and disbursed
57 by one or more banks or trust companies located in or out of the state

58 of Iowa. A municipality shall also have the power to provide that the
 59 project and improvements shall be constructed by the municipality,
 60 lessee, ~~or~~ the lessee's designee, *the contracting party, or the contract-*
 61 *ing party's designee*, or anyone or more of them on real estate owned
 62 by the municipality, the lessee, ~~or~~ the lessee's designee, *the contracting*
 63 *party, or the contracting party's designee*, as the case may be, that the
 64 bond proceeds shall be disbursed by the trustee bank or banks, trust
 65 company or trust companies, during construction upon the estimate,
 66 order or certificate of the lessee, ~~or~~ the lessee's designee, ~~and that the~~
 67 ~~project, if and to the extent constructed on real estate not owned by~~
 68 ~~the municipality, shall be conveyed to the municipality not later than~~
 69 ~~its completion~~ *the contracting party, or the contracting party's desig-*
 70 *nee.*

71 In making such agreements or provisions, a municipality shall not
 72 have the power to obligate itself, except with respect to the project and
 73 the application of the revenues therefrom, and shall not have the
 74 power to incur a pecuniary liability or a charge upon its general credit
 75 or against its taxing powers.

76 3. The proceedings authorizing any bonds under the provisions of
 77 this chapter, or any mortgage securing such bonds, may provide that
 78 if there is a default in the payment of the principal of or the interest
 79 on such bonds or in the performance of any agreement contained in
 80 such proceedings or mortgage, the payment and performance may be
 81 enforced by mandamus or by the appointment of a receiver in equity
 82 with power to charge and collect rents *and payments* and to apply the
 83 revenues from the project in accordance with such proceedings or the
 84 provisions of such mortgage.

1 SEC. 6. Section four hundred nineteen point five (419.5), Code
 2 1973, is amended to read as follows:

3 **419.5 Determination of rent and other payments.**

4 1. Prior to ~~the leasing of~~ *entering into a lease, sale contract or loan*
 5 *agreement with respect to* any project, the governing body must deter-
 6 mine the amount necessary in each year to pay the principal of and the
 7 interest on the bonds proposed to be issued to finance such project;
 8 the amount necessary to be paid each year into any reserve funds
 9 which the governing body may deem advisable to establish in connec-
 10 tion with the retirement of the proposed bonds and the maintenance
 11 of the project; and unless the terms under which the project is to be
 12 leased ~~provides of the lease, sale contract or loan agreement provide~~
 13 ~~that the lessee or contracting party shall maintain the project and~~
 14 ~~carry all proper insurance with respect thereto, the estimated cost of~~
 15 ~~maintaining the project in good repair and keeping it properly insured.~~

16 2. The determination and findings of the governing body, required
 17 to be made by subsection 1 of this section, shall be set forth in the
 18 proceedings under which the proposed bonds are to be issued; pro-
 19 vided, however, that the foregoing amounts need not be expressed in
 20 dollars and cents in the lease ~~and, sale contract or loan agreement or~~
 21 ~~in the proceedings under which the bonds are authorized to be issued,~~
 22 ~~but may be set forth in the form of a formula or formulas. Prior to~~
 23 ~~the issuance of the bonds authorized by this chapter the municipality~~
 24 ~~shall lease enter into a lease, sale contract or loan agreement with~~
 25 ~~respect to the project to a lessee under an agreement conditioned upon~~
 26 ~~completion of which shall require the lessee or contracting party to~~

27 *complete* the project and ~~providing~~ *which shall provide* for payment to
 28 the municipality of such rentals or *payments* as, upon the basis of such
 29 determinations and findings, will be sufficient to pay the principal of
 30 and interest on the bonds issued to finance the project; to build up and
 31 maintain any reserves deemed advisable, by the governing body, in
 32 connection therewith and unless the ~~agreement~~ *of lease, sale contract*
 33 *or loan agreement* obligates the lessee or *contracting party* to pay for
 34 the maintenance and insurance on the project, to pay the costs of main-
 35 taining the project in good repair and keeping it properly insured.

1 SEC. 7. Section four hundred nineteen point seven (419.7), Code
 2 1973, is amended to read as follows:

3 **419.7 Application of proceeds limited.** The proceeds from the sale
 4 of any bonds, issued under authority of this chapter, shall be applied
 5 only for the purpose for which the bonds were issued and if, for any
 6 reason, any portion of such proceeds shall not be needed for the pur-
 7 pose for which the bonds were issued, such unneeded portion of said
 8 proceeds shall be applied to the payment of the principal or the inter-
 9 est on said bonds. The cost of ~~acquiring~~ any project shall be deemed
 10 to include the actual cost of acquiring a site or the cost of the construc-
 11 tion of any part of a project which may be constructed including archi-
 12 tects' and engineers' fees, the purchase price of any part of a project
 13 that may be acquired by purchase, all expenses in connection with the
 14 authorization, sale and issuance of the bonds to finance such acquisi-
 15 tion, *an amount to be held as a bond reserve fund*, and the interest on
 16 such bonds for a reasonable time prior to construction, during con-
 17 struction and for not exceeding six months after completion of con-
 18 struction.

1 SEC. 8. Section four hundred nineteen point eight (419.8), Code
 2 1973, is amended to read as follows:

3 **419.8 No payment by municipality.** No municipality shall have the
 4 power to pay out of its general fund or otherwise contribute any part
 5 of the costs of ~~acquiring~~ a project and shall not have the power to use
 6 land already owned by the municipality, or in which the municipality
 7 has an equity, unless specifically acquired for development of a ~~private~~
 8 ~~college or university or for industrial development or for pollution con-~~
 9 ~~trol facilities~~ *projects*, or unless the land is determined by the munic-
 10 ipal governing body to no longer be necessary for municipal purposes
 11 *other than the project*, for the construction thereon of a project or any
 12 part thereof. The entire cost of ~~acquiring~~ any project must be paid out
 13 of the proceeds from the sale of bonds issued under the authority of
 14 this chapter, but this provision shall not be construed to prevent a
 15 municipality from accepting donations of property to be used as a part
 16 of any project or money to be used for defraying any part of the cost
 17 of any project.

1 SEC. 9. Section four hundred nineteen point eleven (419.11), Code
 2 1973, is amended to read as follows:

3 **419.11 Tax equivalent to be paid—assessment procedure—appeal.**
 4 Any municipality acquiring, purchasing, constructing, reconstructing,
 5 improving or extending any industrial buildings or pollution control
 6 facilities, as provided in this chapter, shall annually pay out of the
 7 revenue from such industrial buildings or pollution control facilities to

8 the state of Iowa and to the city, town, school district and any other
9 political subdivision, authorized to levy taxes, a sum equal to the
10 amount of tax, determined by applying the millage rate of the taxing
11 district to the assessed value of the property, which the state, county,
12 city, town, school district or other political subdivision would receive
13 if the property were owned by any private person or corporation, any
14 other statute to the contrary notwithstanding. For purposes of arriv-
15 ing at such tax equivalent, the property shall be valued and assessed
16 by the assessor in whose jurisdiction the property is located, in accord-
17 ance with chapter 441, but the municipality, the lessee on behalf of the
18 municipality, and such other persons as are authorized by chapter 441
19 shall be entitled to protest any assessment and take appeals in the
20 same manner as any taxpayer. Such valuations shall be included in any
21 summation of valuations in the taxing district for all purposes known
22 to the law. Income from this source shall be considered under the pro-
23 visions of section 24.3, subsection 1. If and to the extent the proceed-
24 ings under which the bonds authorized to be issued under the provi-
25 sions of this chapter so provide, the municipality may agree to co-
26 operate with the lessee of a project in connection with any administra-
27 tive or judicial proceedings for determining the validity or amount of
28 any such payments and may agree to appoint or designate and reserve
29 the right in and for such lessee to take all action which the municipal-
30 ity may lawfully take in respect of such payments and all matters
31 relating thereto, provided, however, that such lessee shall bear and pay
32 all costs and expenses of the municipality thereby incurred at the
33 request of such lessee or by reason of any such action taken by such
34 lessee in behalf of the municipality. Any lessee of a project which has
35 paid, as rentals additional to those required to be paid pursuant to
36 section 419.5, the amounts required by the first sentence of this section
37 to be paid by the municipality shall not be required to pay any such
38 taxes to the state or to any such county, city, town, school district or
39 other political subdivision, any other statute to the contrary notwith-
40 standing. *To the extent that any lessee or contracting party pays taxes*
41 *on a project or part thereof, the municipality shall not be required to*
42 *pay the tax equivalent herein provided, and to such extent the lessee or*
43 *contracting party shall not be required to pay amounts to the municip-*
44 *ality for such purpose.* This section shall not be applicable to any
45 municipality acquiring, purchasing, constructing, reconstructing, im-
46 proving, or extending any buildings for the purpose of establishing,
47 maintaining, or assisting any private college or university, *nor to any*
48 *municipality in connection with any project for the benefit of a volun-*
49 *tary nonprofit hospital, clinic, or health care facility, the property of*
50 *which is otherwise exempt under the provisions of chapter four hun-*
51 *dred twenty-seven (427) of the Code.* The payment, collection, and
52 apportionment of the tax equivalent shall be subject to the provisions
53 of chapters 445, 446 and 447.

1 SEC. 10. Chapter four hundred nineteen (419), Code 1973, is
2 amended by adding the following new section:

3 NEW SECTION. In order to provide available alternatives to enable
4 municipalities to accomplish the purposes of this chapter in the man-
5 ner deemed most advisable by the governing body, it is the intent of
6 this chapter that a lessee or contracting party under a sale contract or
7 loan agreement is not required to be the eventual user of a project;

8 provided, that any sublessee or assignee shall assume all of the obli-
 9 gations of the lessee or contracting party under the lease, sale con-
 10 tract or loan agreement, the lessee or contracting party remains pri-
 11 marily liable for all of its obligations under the lease, sale contract
 12 or loan agreement, and the use of the project is consistent with the
 13 purposes of this chapter.

Approved June 3, 1974

CHAPTER 1220

INCOME TAX REFERENCES

S. F. 1196

AN ACT relating to references to the Internal Revenue Code in the computation of individual and corporate income tax and the franchise tax.

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

1 SECTION 1. Section four hundred twenty-two point four (422.4),
 2 subsection seventeen (17), Code 1973, is amended to read as follows:
 3 17. "Internal Revenue Code of 1954" means the Internal Revenue
 4 Code of 1954, as amended to and including January 1, ~~1972~~ 1974.

1 SEC. 2. Section four hundred twenty-two point thirty-two (422.32),
 2 subsection four (4), Code 1973, is amended to read as follows:
 3 4. "Internal Revenue Code of 1954" means the Internal Revenue
 4 Code of 1954, as amended to and including January 1, ~~1972~~ 1974.

1 SEC. 3. Section four hundred twenty-two point sixty-one (422.61),
 2 subsection four (4), Code 1973, is amended to read as follows:
 3 4. "Net income" means the net income of the financial institution
 4 computed in accordance with section 422.35, with the exception that
 5 interest and dividends from federal securities shall not be subtracted
 6 and interest and dividends from evidences of indebtedness and securi-
 7 ties of this state and its political subdivisions, exempt from federal
 8 income tax under the Internal Revenue Code of 1954 as amended to
 9 and including January 1, ~~1972~~ 1974, shall not be added.

Approved May 2, 1974

CHAPTER 1221

INCOME AND SALES TAXES

S. F. 1055

AN ACT increasing the deductions and exemptions for certain state taxes.

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

1 SECTION 1. Section four hundred twenty-two point nine (422.9),
 2 subsection one (1), Code 1973, is amended to read as follows:
 3 1. An optional standard deduction of ~~five ten~~ percent of the net
 4 income after deduction of federal income tax, not to exceed ~~two five~~
 5 hundred ~~fifty~~ dollars.

1 SEC. 2. Section four hundred twenty-two point forty-five (422.45),
2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
3 1973 Session, chapter one hundred fifty-three (153), section fourteen
4 (14), and chapter two hundred forty-seven (247), section one (1), is
5 amended by adding the following new subsections:

6 NEW SUBSECTION. Gross receipts from the sale of all foods for
7 human consumption which are eligible for purchase with food coupons
8 issued by the United States department of agriculture pursuant to
9 regulations in effect on July 1, 1974, regardless of whether the retailer
10 from which the foods are purchased is participating in the food stamp
11 program. However, as used in this subsection, "foods" does not
12 include meals prepared for immediate consumption on or off the prem-
13 ises of the retailer, and does not include foods sold through vending
14 machines.

15 NEW SUBSECTION. The gross receipts from the sale of prescription
16 drugs, as defined in subsection ten (10) of section one hundred fifty-
17 five point three (155.3) of the Code, if dispensed for human use or
18 consumption by a registered pharmacist licensed under chapter one
19 hundred fifty-five (155) of the Code, a physician and surgeon licensed
20 under chapter one hundred forty-eight (148) of the Code, an osteopath
21 licensed under chapter one hundred fifty (150) of the Code, an osteo-
22 pathic physician and surgeon licensed under chapter one hundred fifty
23 A (150A) of the Code, a dentist licensed under chapter one hundred
24 fifty-three (153) of the Code, or a podiatrist licensed under chapter
25 one hundred forty-nine (149) of the Code.

26 NEW SUBSECTION. Gross receipts from the sale of insulin, hypo-
27 dermic syringes, and diabetic testing materials for human use or con-
28 sumption.

29 NEW SUBSECTION. Gross receipts from the sale of prosthetic, or-
30 thotic or orthopedic devices for human use. For purposes of this sub-
31 section, "orthopedic devices" means those devices prescribed to be
32 used for orthopedic purposes by a physician and surgeon licensed
33 under chapter one hundred forty-eight (148) of the Code, an osteopath
34 licensed under chapter one hundred fifty (150) of the Code, an osteo-
35 pathic physician and surgeon licensed under chapter one hundred fifty
36 A (150A) of the Code, a dentist licensed under chapter one hundred
37 fifty-three (153) of the Code, or a podiatrist licensed under chapter one
38 hundred forty-nine (149) of the Code.

1 SEC. 3. Section four hundred fifty point three (450.3), subsection
2 five (5), Code 1973, is amended to read as follows:

3 5. Property which is held ~~jointly or as tenants in the entirety in~~
4 *joint tenancy* by the decedent and any other person or persons or any
5 deposit in banks, or other institution in their joint names and payable
6 to either or to the survivor, except such part as may be proven to have
7 belonged to the survivor; or any interest of a decedent in property
8 owned by a joint stock or other corporate body whereby the survivor or
9 survivors become beneficially entitled to the decedent's interest upon
10 the death of a shareholder. *However, if such property is so held by the*
11 *decedent and the surviving spouse as the only coowners, one half of*
12 *such property is not subject to taxation under the provisions of this*
13 *chapter, but if the surviving spouse proves that he or she contributed*
14 *to acquisition of such property an amount, in money or other property,*
15 *greater than one half of the cost of the property held in joint tenancy,*

16 *the portion of such property which is not subject to taxation under the*
 17 *provisions of this chapter shall be the proportion which the actual*
 18 *contribution by the surviving spouse is of the total contribution to*
 19 *acquisition of such property. The tax imposed upon the passing of*
 20 *property under the provisions of this subsection shall apply to prop-*
 21 *erty held under all such contracts or agreements whether made before*
 22 *or after the taking effect of this chapter.*

1 SEC. 4. Section four hundred fifty point nine (450.9), Code 1973,
 2 is amended to read as follows:

3 **450.9 Individual exemptions.** In computing the tax on the net
 4 estate passing to the surviving spouse, heirs or beneficiaries of the
 5 deceased the following credits or exemptions shall be allowed:

6 1. ~~Wife~~ *Surviving spouse*, ~~forty eight~~ thousand dollars.

7 ~~2. Husband~~, ~~forty thousand~~ dollars.

8 ~~3~~ 2. Each son and daughter, including legally adopted sons and
 9 daughters, or illegitimate sons and daughters entitled to inherit under
 10 the law of this state, fifteen thousand dollars.

11 4 3. Father or mother, ten thousand dollars.

12 ~~5~~ 4. Any other lineal descendant of the deceased, five thousand dol-
 13 lars.

1 SEC. 5. Section one (1) of this Act is applicable to tax years be-
 2 ginning on or after January 1, 1974, section two (2) of this Act is
 3 applicable to sales made on or after July 1, 1974, and sections three (3)
 4 and four (4) of this Act are applicable to the estate of a person whose
 5 death occurs on or after July 1, 1974.

Approved May 30, 1974

CHAPTER 1222

ABATEMENT OF TAXES

S. F. 1251

AN ACT relating to the abatement of assessment of taxes, interest and penalties.

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

1 SECTION 1. Section four hundred twenty-two point twenty-eight
 2 (422.28), Code 1973, is amended to read as follows:

3 **422.28 Revision of tax.** A taxpayer may appeal to the director for
 4 revision of the tax, interest, and/or penalties assessed against him at
 5 any time within ninety days from the date of the notice of the assess-
 6 ment of such tax, additional tax, interest, and/or penalties. The direc-
 7 tor shall grant a hearing ~~thereon~~ and if, upon ~~such~~ the hearing, the
 8 director ~~shall determine~~ *determines* that the tax, interest, and/or pen-
 9 alties are excessive or incorrect, the director shall revise ~~the same~~
 10 *them* according to the law and the facts and adjust the computation
 11 of the tax, interest, and/or penalties accordingly. The director shall
 12 notify the taxpayer by registered mail of the result of the hearing and
 13 shall refund to the taxpayer the amount, if any, paid in excess of

14 the tax, interest, and/or penalties found by the director to be due, with
 15 interest after sixty days from the date of payment by the taxpayer at
 16 six percent per annum. *The director may, on his own motion at any*
 17 *time, abate any portion of tax, interest or penalties which he deter-*
 18 *mines is excessive in amount, or erroneously or illegally assessed. The*
 19 *director shall prepare quarterly reports, which shall be included in the*
 20 *annual statistical reports required under section four hundred twenty-*
 21 *two point seventy-five (422.75) of the Code, summarizing each case in*
 22 *which an abatement of tax, interest, or penalties was made under this*
 23 *section, but the report shall not disclose the identity of the taxpayer.*

Approved May 2, 1974

CHAPTER 1223

MOTOR FUEL TAX CREDIT

S. F. 1211

AN ACT relating to a state fuel tax credit.

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

1 SECTION 1. Chapter four hundred twenty-two (422), Code 1973, is
 2 amended by adding sections two (2) through four (4) of this Act as a
 3 new division.

1 SEC. 2. NEW SECTION. In lieu of the fuel tax refund provided in
 2 sections three hundred twenty-four point seventeen (324.17) through
 3 three hundred twenty-four point nineteen (324.19) of the Code, each
 4 person or corporation subject to taxation under divisions two (II) or
 5 three (III) of this chapter, except those persons or corporations
 6 licensed under sections three hundred twenty-four point four (324.4)
 7 or three hundred twenty-four point thirty-six (324.36) of the Code,
 8 may elect to receive an income tax credit for tax years beginning on
 9 or after January 1, 1975. The person or corporation which elects to
 10 receive an income tax credit shall cancel its refund permit obtained
 11 under section three hundred twenty-four point eighteen (324.18) of
 12 the Code within thirty days after the first day of its tax year. When
 13 the election to receive an income tax credit has been made, it remains
 14 effective for at least one tax year, and for subsequent tax years unless
 15 a change is requested and a new refund permit applied for within
 16 thirty days after the first day of the person's or corporation's tax year.
 17 The income tax credit shall be the amount of the Iowa fuel tax paid on
 18 fuel purchased by the person or corporation and used as follows:

19 1. Motor fuel as defined in section three hundred twenty-four point
 20 two (324.2), subsection one (1) of the Code, used for the purpose of
 21 operating or propelling farm tractors, corn shellers, roller mills, truck-
 22 mounted feed grinders, stationary engines, aircraft, for cleaning or
 23 dyeing, or for any purpose other than in watercraft or in motor
 24 vehicles operated or intended to be operated upon the public highways.

25 2. Special fuel as defined in section three hundred twenty-four point
 26 thirty-three (324.33), subsection one (1) of the Code, used for the

27 purpose of operation of corn shellers, roller mills, and feed grinders
28 mounted on trucks.

29 3. Motor fuel placed in motor vehicles and used, other than on
30 public highways, in the extraction and processing of natural deposits.

31 4. Motor fuel or special fuel used by a bona fide commercial fisher-
32 man, licensed and operating under an owner's certificate for commer-
33 cial fishing gear issued pursuant to section one hundred ten point one
34 (110.1) of the Code.

35 However, no credit shall be given with respect to motor fuel taken
36 out of the state in fuel supply tanks of motor vehicles, or motor fuel
37 used in the performance of a contract which is paid out of state funds
38 unless the contract for the work contains a certificate made under
39 penalty for false certificate that the estimate, bid or price to be paid
40 for the work includes no amount representing motor fuel tax subject
41 to a credit. The right to a credit under this section is not assignable
42 and the credit may be claimed only by the person or corporation that
43 purchased the fuel.

1 SEC. 3. NEW SECTION. The fuel tax credit may be applied against
2 the income tax liability of the person or corporation as determined on
3 the tax return filed for the year in which the fuel tax was paid. The
4 fuel tax credit for tax paid on motor fuel used for the purpose of oper-
5 ating aircraft must be itemized separately. The department shall pro-
6 vide forms for claiming the fuel tax credit. If the fuel tax credit would
7 result in an overpayment of income tax, the person or corporation
8 may apply for a refund of the amount of overpayment or may have
9 the overpayment credited to income tax due in subsequent years.
10 Each person or corporation that claims a fuel tax credit shall maintain
11 the original invoices showing the purchase of the fuel on which a credit
12 is claimed. No invoice is acceptable in support of a claim for credit
13 unless it is a separate serially numbered invoice covering no more
14 than one purchase of motor fuel or special fuel, prepared by the seller
15 on a form approved by the department, nor unless it is legibly written
16 with no corrections or erasures and shows the date of sale, the name
17 and address of the seller and of the purchaser, the kind of fuel, the
18 gallonage in figures, the per gallon price of the fuel, the total purchase
19 price including the Iowa fuel tax, and that the total purchase price has
20 been paid. However, as to refund invoices made on a billing machine
21 the department may waive these requirements. If an original invoice
22 is lost or destroyed, the department may approve a credit supported
23 by a copy identified and certified by the seller as being a true copy of
24 the original. Each person or corporation that claims a fuel tax credit
25 shall maintain complete records of purchases of motor fuel or special
26 fuel on which Iowa fuel tax was paid, and for which a fuel tax credit
27 is claimed.

28 In order to verify the validity of a claim for credit the department
29 of revenue shall have the right to require the claimant to furnish such
30 additional proof of validity as the department of revenue may deter-
31 mine and to examine the books and records of the claimant. Failure
32 of the claimant to furnish his books and records for examination shall
33 constitute a waiver of rights to claim a credit related to that taxpayer's
34 year and the department may disallow the entire credit claimed by the
35 taxpayer for that year.

1 SEC. 4. NEW SECTION. The department shall certify quarterly to
 2 the treasurer of state the amount of credit that has been taken against
 3 income tax liability since the time of the last certification, for the
 4 Iowa fuel tax paid on motor fuel, special fuel and motor fuel used for
 5 the purpose of operating aircraft, and the treasurer of state shall
 6 transfer the amount of the total credit from the motor vehicle fuel tax
 7 fund, or in the case of aircraft motor fuel, from the separate fund
 8 established by section three hundred twenty-four point eighty-two
 9 (324.82) of the Code, to the general fund of the state.

1 SEC. 5. Section three hundred twenty-four point seventeen
 2 (324.17), Code 1973, is amended by adding the following new subsec-
 3 tion:

4 NEW SUBSECTION. In lieu of the refund provided in this section,
 5 a person may receive an income tax credit as provided in sections two
 6 (2), three (3) and four (4) of this Act.

1 SEC. 6. Section three hundred twenty-four point seventy-four
 2 (324.74), subsection four (4), Code 1973, is amended to read as fol-
 3 lows:

4 4. For any claimant to alter any invoice or sales ticket, whether the
 5 invoice or sales ticket is to be used to support a claim for refund or
 6 *income tax credit* or not, provided, however, if claimant's refund per-
 7 mit shall have been revoked for cause as provided in section 324.19
 8 such revocation shall be a bar to prosecution for violation of this sub-
 9 section.

1 SEC. 7. Section three hundred twenty-four point eighty-two
 2 (324.82), Code 1973, is amended to read as follows:

3 324.82 Aviation gas tax fund. The portion of the moneys collected
 4 under the provisions of this chapter received on account of aviation
 5 gasoline shall be deposited in a separate fund to be maintained by the
 6 treasurer. All moneys reimbursed and repaid pursuant to section
 7 324.17 or transferred pursuant to section four (4) of this Act on
 8 account of motor fuel used for the purpose of operating aircraft shall
 9 be paid from said separate fund and all moneys remaining in said
 10 separate fund after all claims for refund and the cost of administering
 11 said fund have been paid shall be credited to the state aviation fund.

1 SEC. 8. The provisions of sections one (1) through four (4) of this
 2 Act are applicable to purchases made on or after July 1, 1974.

Approved May 10, 1974

CHAPTER 1224

HOMESTEAD TAX CREDIT

S. F. 1071

AN ACT relating to the homestead tax credit.

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

1 SECTION 1. Section four hundred twenty-five point two (425.2),
 2 Code 1973, is amended to read as follows:

3 425.2 Qualifying for credit. Any person who desires to avail him-
 4 self of the benefits provided hereunder applying for homestead tax

5 *credit* shall each year on or before July 1 deliver to the assessor, on
 6 ~~blank forms to be~~ furnished by the assessor, a verified statement and
 7 designation of homestead as claimed ~~by him, and the~~. *The assessor*
 8 shall return said statement and designation on July 2 of each year
 9 to the county auditor with ~~his a~~ recommendation for allowance or dis-
 10 allowance endorsed thereon. In case the owner of the homestead is in
 11 active service in the ~~military, naval, or air forces or nurse corps armed~~
 12 *forces* of this state or of the United States, *or is sixty-five years of age*
 13 *or older, or is disabled*, such statement and designation may be *signed*
 14 *and delivered or filed* by any member of the owner's family. *The*
 15 ~~county old age assistance investigator commissioner of social services~~
 16 *or his designee shall may* make application for the benefits of this
 17 chapter as the agent for and on behalf of persons receiving assistance
 18 under chapter 249.

19 *Any person sixty-five years of age or older or any person who is*
 20 *disabled may request from the appropriate assessor forms for filing*
 21 *for homestead tax credit. Any person sixty-five years of age or older*
 22 *or who is disabled may complete the form and return it to the appropri-*
 23 *ate assessor, by ordinary mail.*

1 SEC. 2. Section four hundred twenty-five point eleven (425.11),
 2 subsection two (2), Code 1973, is amended to read as follows:

3 2. The word, "owner", shall mean the person who holds the fee
 4 simple title to the homestead, and in addition shall mean the person
 5 occupying as a surviving spouse or the person occupying under a con-
 6 tract of purchase ~~where it is shown that not less than one-tenth of the~~
 7 ~~purchase price named in the contract actually has been paid and which~~
 8 contract has been recorded in the office of the county recorder of the
 9 county in which the property is located, or the person occupying the
 10 homestead under devise or by operation of the inheritance laws where
 11 the whole interest passes or where the divided interest is shared only
 12 by persons related or formerly related to each other by blood, mar-
 13 riage or adoption, or the person occupying the homestead under a deed
 14 which conveys a divided interest where the divided interest is shared
 15 only by persons related or formerly related to each other by blood,
 16 marriage or adoption. For the purpose of this chapter the word
 17 "owner" shall be construed to mean a bona fide owner and not one for
 18 the purpose only of availing himself of the benefits of this chapter.
 19 In order to qualify for the homestead tax credit, evidence of ownership
 20 shall be on file in the office of the clerk of the district court or recorded
 21 in the office of the county recorder at the time the owner files with the
 22 assessor a verified statement of the homestead claimed by him as pro-
 23 vided in section 425.2.

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

Approved May 2, 1974

I hereby certify that the foregoing Act, Senate File 1071, was published in *The Marion Sentinel*, Marion, Iowa, May 9, 1974, and in *The Maquoketa Community Press*, Maquoketa, Iowa, May 7, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1225

PROPERTY TAX RELIEF

S. F. 1306

AN ACT to correlate the statute granting property tax relief to persons sixty-five years of age and older or totally disabled with the statute providing for an extended fiscal year.

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

1 SECTION 1. Acts of the Sixty-fifth General Assembly, 1973 Ses-
2 sion, chapter two hundred fifty-one (251), section nine (9), subsection
3 two (2), is amended to read as follows:

4 2. The actual reimbursement for property taxes paid shall be deter-
5 mined by subtracting from the tentative reimbursement the amount of
6 the homestead credit under section four hundred twenty-five point one
7 (425.1) of the Code which was allowed as a credit against property
8 taxes paid in the base year by the claimant or any person of his house-
9 hold, *except that the credit shall not exceed two-thirds of the amount*
10 *of the credit received on the homestead in the extended fiscal year*
11 *beginning January 1, 1974 and ending June 30, 1975.* If the subtrac-
12 tion produces a negative amount, there shall be no reimbursement but
13 no refund shall be required. The actual reimbursement for rent con-
14 stituting property taxes paid shall be equal to the tentative reimburse-
15 ment.

1 SEC. 2. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter two hundred fifty-one (251), section twenty-four (24), sub-
3 sections one (1) and three (3), is amended to read as follows:

4 1. Any person who is entitled to the alternative homestead tax credit
5 as provided in section four hundred twenty-five point one (425.1), sub-
6 section five (5) of the Code and who properly applies for the credit on
7 or before July 1, 1973, shall be allowed the credit against taxes on the
8 eligible homestead payable in the extended fiscal year beginning Janu-
9 ary 1, 1974 and ending June 30, 1975, ~~in an amount equal to one hun-~~
10 ~~dred twenty-five dollars, except that the credit shall not exceed two-~~
11 ~~thirds of the amount of the property taxes payable on the homestead~~
12 ~~in the extended fiscal year.~~

13 3. Credits allowed under section four hundred twenty-five point one
14 (425.1), subsection five (5) of the Code against taxes payable in 1973
15 ~~or in the extended fiscal year beginning January 1, 1974 and ending~~
16 ~~June 30, 1975,~~ shall be subtracted in determining reimbursement
17 under this Act as provided in section nine (9), subsection two (2) of
18 this Act *for claims filed in 1974.*

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

Approved May 9, 1974

I hereby certify that the foregoing Act, Senate File 1306, was published in The Marion Sentinel, Marion, Iowa, May 16, 1974, and in the Oskaloosa Daily Herald, Oskaloosa, Iowa, May 20, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1226

TEMPORARY TAX EXEMPTIONS FOR ECOLOGY INSTALLATIONS

S. F. 321

AN ACT to provide a limited exemption from property taxation for property used to control air or water pollution, and to provide a property tax exemption for certain property used for water impoundments.

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

1 SECTION 1. Section four hundred twenty-seven point one (427.1),
2 Code 1973, is amended by adding the following new subsection:

3 NEW SUBSECTION. Pollution-control property as defined in this
4 subsection shall be exempt from taxation for the periods and to the
5 extent provided in this subsection, upon compliance with the provi-
6 sions of this subsection.

7 This exemption shall apply to new installations of pollution-control
8 property for a period of ten years beginning on January first after
9 the construction or installation of the property is completed. This
10 exemption shall apply for a period of ten years beginning on January
11 1, 1975, to existing pollution-control property if its construction or in-
12 stallation was completed after September 23, 1970. This exemption
13 shall apply with respect to each of the ten annual assessments within
14 the ten-year exemption period and the property taxes payable on the
15 basis of each of such ten annual assessments. This exemption for
16 existing pollution-control property shall begin with respect to the
17 assessment as of January 1, 1975, and the taxes payable on the basis
18 of this assessment during the fiscal year beginning July 1, 1976.

19 This exemption shall be limited to the market value, as defined in
20 section four hundred forty-one point twenty-one (441.21) of the Code,
21 of the pollution-control property. If the pollution-control property is
22 assessed with other property as a unit, this exemption shall be lim-
23 ited to the net market value added by the pollution-control property,
24 determined as of the assessment date.

25 Application for this exemption shall be filed with the assessing
26 authority not later than the first of February of the year for which
27 the exemption is requested, on forms provided by the department of
28 revenue. The application shall describe and locate the specific pollu-
29 tion-control property to be exempted.

30 The first annual application for any specific pollution-control prop-
31 erty shall be accompanied by a certificate of the executive director of
32 the department of environmental quality stating that the air quality
33 commission or the water quality commission has directed the depart-
34 ment of environmental quality to certify that the primary use of the
35 pollution-control property is to control or abate pollution of any air
36 or water of this state or to enhance the quality of any air or water of
37 this state.

38 A taxpayer may appeal a determination of the air quality commis-
39 sion or the water quality commission in accordance with the provi-
40 sions of sections four hundred fifty-five B point nineteen (455B.19)
41 and four hundred fifty-five B point thirty-nine (455B.39) of the Code.

42 The air quality commission and the water quality commission of
43 the department of environmental quality shall adopt rules relating to
44 certification under this Act and information to be submitted for evalu-
45 ating pollution-control property for which a certificate is requested.

46 The revenue department shall adopt any rules necessary to implement
47 this Act, including rules on identification and valuation of pollution-
48 control property. All rules adopted shall be subject to the provisions
49 of the statutes on departmental rules.

50 For the purposes of this subsection "pollution-control property"
51 means personal property or improvements to real property, or any
52 portion thereof, used primarily to control or abate pollution of any
53 air or water of this state or used primarily to enhance the quality of
54 any air or water of this state. In the event such property shall also
55 serve other purposes or uses of productive benefit to the owner of the
56 property, only such portion of the assessed valuation thereof as may
57 reasonably be calculated to be necessary for and devoted to the con-
58 trol or abatement of pollution or to the enhancement of the quality
59 of the air or water of this state shall be exempt from taxation under
60 this subsection.

61 For the purposes of this subsection "pollution" means air pollution
62 as defined in section four hundred fifty-five B point ten (455B.10) of
63 the Code or water pollution as defined in section four hundred fifty-
64 five B point thirty (455B.30) of the Code. "Water of the state"
65 means the water of the state as defined in section four hundred fifty-
66 five B point thirty (455B.30) of the Code. "Enhance the quality"
67 means to diminish the level of pollutants below the air or water qual-
68 ity standards established by the water quality commission or the air
69 quality commission of the department of environmental quality.

1 SEC. 2. Section four hundred twenty-seven point one (427.1),
2 Code 1973, is amended by adding the following new subsection:

3 NEW SUBSECTION. The impoundment structure and any land un-
4 derlying an impoundment located outside any incorporated city or
5 town, which are not developed or used directly or indirectly for non-
6 agricultural income-producing purposes and which are maintained
7 in a condition satisfactory to the soil conservation district commis-
8 sioners of the county in which the impoundment structure and the
9 impoundment are located. Any person owning land which qualifies
10 for a property tax exemption under this subsection shall apply to the
11 county assessor each year before the first of July for the exemption.
12 The application shall be made on forms prescribed by the department
13 of revenue. The first application shall be accompanied by a copy of
14 the water storage permit approved by the water commissioner of the
15 Iowa natural resources council and a copy of the plan for the con-
16 struction of the impoundment structure and the impoundment. The
17 construction plan shall be used to determine the total acre-feet of the
18 impoundment and the amount of land which is eligible for the prop-
19 erty tax exemption status. The county assessor shall annually review
20 each application for the property tax exemption under this subsec-
21 tion and submit it, with the recommendation of the soil conservation
22 district commissioners, to the board of supervisors for approval or
23 denial. Any applicant for a property tax exemption under this sub-
24 section may appeal the decision of the board of supervisors to the dis-
25 trict court. As used in this subsection, "impoundment" means any
26 reservoir or pond which has a storage capacity of at least eighteen
27 acre-feet of water or sediment at the time of construction; "storage
28 capacity" means the total area below the crest elevation of the princi-
29 pal spillway including the volume of any excavation in such area; and

30 "impoundment structure" means any dam, earthfill, or other structure
 31 used to create an impoundment.

Approved June 3, 1974

CHAPTER 1227

MILITARY SERVICE EXEMPTIONS

S. F. 393

AN ACT relating to the military service tax exemption.

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

1 SECTION 1. Section four hundred twenty-seven point four (427.4),
 2 subsections one (1) and two (2), Code 1973, are amended to read as
 3 follows:

4 1. The wife, or widow spouse, or surviving spouse remaining unmar-
 5 ried, of any such soldier, sailor, marine, or nurse, where they are living
 6 together or were living together at the time of the death of such person.

7 2. The widowed mother, remaining parent whose spouse is deceased
 8 and who remains unmarried, of any such soldier, sailor, marine, or
 9 nurse, whether living or deceased, where such widowed mother parent
 10 is, or was at the time of death of the soldier, sailor, marine, or nurse,
 11 dependent on such person for support.

Approved March 29, 1974

CHAPTER 1228

REAL PROPERTY TAXATION

S. F. 1318

AN ACT to define property which is assessed and taxed as real property.

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

1 SECTION 1. Section four hundred twenty-seven A point one
 2 (427A.1), Code 1973, is amended by striking the section and insert-
 3 ing in lieu thereof the following:

4 1. All tangible property except that which is assessed and taxed as
 5 real property is subject to the personal property tax credits provided
 6 in this chapter, unless the property is taxed, licensed, or exempt from
 7 taxation under other provisions of law. For the purposes of prop-
 8 erty taxation only, the following shall be assessed and taxed, unless
 9 otherwise qualified for exemption, as real property:

10 a. Land and water rights.

11 b. Substances contained in or growing upon the land, before sever-
 12 ance from the land, and rights to such substances. However, growing

13 crops shall not be assessed and taxed as real property, and this para-
14 graph is also subject to the provisions of section four hundred forty-
15 one point twenty-two (441.22) of the Code.

16 c. Buildings, structures, or improvements, any of which are con-
17 structed on or in the land, attached to the land, placed for use upon
18 the land, or placed upon a foundation whether or not attached to the
19 foundation. However, property taxed under chapter one hundred
20 thirty-five D (135D) of the Code shall not be assessed and taxed as
21 real property.

22 d. Buildings, structures, equipment, machinery, or improvements,
23 any of which are attached to the buildings, structures, or improve-
24 ments defined in paragraph c of this subsection.

25 e. Machinery used in manufacturing establishments. The scope
26 of property taxable under this paragraph is intended to be the same
27 as, and neither broader nor narrower than, the scope of property tax-
28 able under section four hundred twenty-eight point twenty-two
29 (428.22) of the Code prior to the effective date of this Act.

30 f. Property taxed under chapter four hundred ninety-nine B
31 (499B) of the Code.

32 g. Rights to space above the land.

33 h. Property assessed by the department of revenue pursuant to
34 sections four hundred twenty-eight point twenty-four (428.24)
35 through four hundred twenty-eight point twenty-nine (428.29) of the
36 Code, or chapters four hundred thirty-three (433) through four hun-
37 dred thirty-eight (438) of the Code.

38 i. Property used but not owned by the persons whose property is
39 defined in paragraph h of this subsection, which would be assessed by
40 the department of revenue if the persons owned the property. How-
41 ever, this paragraph does not change the manner of assessment or the
42 authority entitled to make the assessment.

43 j. (1) Computers. As used in this paragraph, "computer" means
44 stored program processing equipment and all devices fastened to the
45 computer by means of signal cables or communication media that
46 serve the function of signal cables.

47 (2) Computer output microfilming equipment.

48 (3) Key entry devices that prepare information for input to a
49 computer.

50 (4) All equipment that produces a final output from one of the
51 facilities listed in subparagraphs one (1), two (2) and three (3) of
52 this paragraph.

53 2. As used in subsection one (1) of this section, "attached" means
54 any of the following:

55 a. Connected by an adhesive preparation.

56 b. Connected in a manner so that disconnecting requires the re-
57 moval of one or more fastening devices, other than electric plugs.

58 c. Connected in a manner so that removal requires substantial mod-
59 ification or alteration of the property removed or the property from
60 which it is removed.

61 3. Notwithstanding the definition of "attached" in subsection two
62 (2) of this section, property is neither "attached" nor "placed for use
63 upon the land" if it is a kind of property which would ordinarily be
64 removed when the owner of the property moves to another location.
65 In making this determination the assessing authority shall not take
66 into account the intent of the particular owner.

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

73 5. Nothing in this section shall be construed to permit an item of
 74 property to be assessed and taxed in this state more than once in any
 75 one year.

76 6. The assessing authority shall annually reassess property which
 77 is assessed and taxed as real property, but which would be regarded
 78 as personal property except for this section. This section shall not
 79 be construed to limit the assessing authority's powers to assess or
 80 reassess under other provisions of law.

81 7. The director of revenue shall promulgate rules subject to chap-
 82 ter seventeen A (17A) of the Code to carry out the intent of this sec-
 83 tion.

1 SEC. 2. Section four hundred twenty-eight point twenty-two
 2 (428.22), Code 1973, is repealed.

Approved June 3, 1974

CHAPTER 1229

INSURANCE PREMIUMS TAXES

S. F. 242

AN ACT relating to the taxation of pension and retirement insurance premiums.

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

1 SECTION 1. Section four hundred thirty-two point one (432.1),
 2 subsection one (1), unnumbered paragraph two (2), Code 1973, is
 3 amended to read as follows:

4 In determining the gross amount of premiums to be taxed here-
 5 under, there shall be excluded all premiums received from policies or
 6 contracts issued in connection with a pension ~~plan~~, annuity, or profit
 7 sharing plan qualified ~~under section 23(p) or section 165(a)~~ or exempt
 8 ~~under sections four hundred one (401), four hundred three (403), four~~
 9 ~~hundred four (404), or five hundred one (501)(a)~~ of the federal inter-
 10 nal revenue code as now or hereafter amended and all premiums
 11 returned to policyholders or annuitants during the preceding calendar
 12 year, except cash surrender values, all dividends that, during said
 13 year, have been paid in cash or applied in reduction of premiums or
 14 left to accumulate to the credit of policyholders or annuitants.

Approved April 25, 1974

CHAPTER 1230

ASSESSORS

S. F. 1342

AN ACT relating to the qualifications of city and county assessors.

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

1 SECTION 1. Section four hundred forty-one point one (441.1), Code
2 1973, is amended to read as follows:

3 441.1 **Office created.** In every city in the state of Iowa having
4 more than one hundred twenty-five thousand population and in every
5 county in the state of Iowa the office of assessor is hereby created. A
6 *city having a population of ten thousand or more, but not in excess of*
7 *one hundred twenty-five thousand, according to the latest federal cen-*
8 *sus, may by ordinance provide for the selection of a city assessor and*
9 *for the assessment of property in the city under the provisions of this*
10 *chapter. A city desiring to provide for assessment under the provi-*
11 *sions of this chapter shall, not less than sixty days before the expira-*
12 *tion of the term of the assessor in office, notify the taxing bodies*
13 *affected and proceed to establish a conference board, examining board,*
14 *and board of review and select an assessor, all as provided in this*
15 *chapter.*

1 SEC. 2. Section four hundred forty-one point five (441.5), Code
2 1973, is amended by striking the section and inserting in lieu thereof
3 the following:

4 441.5 **Examination and certification of applicants.** For the pur-
5 pose of examining and certifying candidates for the positions of asses-
6 sor and deputy assessor, the director of revenue shall prepare and
7 administer a written examination. The examinations shall be admin-
8 istered twice each year in the city of Des Moines. Notification of the
9 time, place and date of the examinations shall be mailed to each city
10 and county assessor, county auditor and chairman of each city and
11 county conference board at least thirty days prior to the date of the
12 examination.

13 These examinations shall be conducted by the director of revenue in
14 the same manner as other similar examinations, including secrecy
15 regarding questions prior to the examination and in accordance with
16 other rules as may be prescribed by the director of revenue. The
17 examination shall cover the following and related subjects:

18 1. Laws pertaining to the assessment of property for taxation, with
19 emphasis on market value assessment as provided in this chapter.

20 2. Laws on tax exemption.

21 3. Assessment of real estate and personal property, including mar-
22 ket value assessment in accordance with this chapter and including
23 fundamental principles and practices of property appraisal and valua-
24 tion which are consistent with market value assessment as provided in
25 this chapter.

26 4. The rights of taxpayers and property owners related to the as-
27 sessment of property for taxation.

28 5. The duties of the assessor.

29 6. Other items related to the position of assessor.

30 Only individuals who possess a high school diploma or its equivalent
31 are eligible to take the examination. A person desiring to take the
32 examination shall complete an application prior to the administration
33 of the examination.

34 The director of revenue shall grade the examination taken. The
35 director shall notify, in writing, each applicant of the score attained
36 by the applicant on the examination. An individual who attains a
37 score of seventy percent or greater on the examination is eligible to
38 be certified by the director of revenue as a candidate for any assessor
39 position. Any person who passes the examination and who possesses
40 at least two years of appraisal related experience as determined by the
41 director of revenue shall be granted regular certification and become
42 eligible for appointment to a six-year term as assessor. Any person
43 who passes the examination but who lacks such experience shall be
44 granted temporary certification, and shall be eligible for a provisional
45 appointment as assessor.

46 Any person possessing temporary certification who receives a pro-
47 visional appointment as assessor shall, during the person's first
48 eighteen months in office, be required to complete a course of study
49 prescribed and administered by the director of revenue. Upon the
50 successful completion of this course of study, the assessor shall be
51 granted regular certification and shall be eligible to remain in office
52 for the balance of his or her six-year term. All expenses incurred in
53 obtaining regular certification shall be defrayed by the assessment
54 expense fund.

55 Following the administration of an examination, the director of
56 revenue shall establish a register containing the names of all indi-
57 viduals eligible for appointment as assessor. The register shall also
58 indicate the examination score of the individual and whether each
59 eligible candidate has been granted a regular or a temporary cer-
60 tificate. All eligible candidates shall remain on the register for a
61 period of two years following the date certification is granted by the
62 director.

1 SEC. 3. Section four hundred forty-one point six (441.6), Code
2 1973, is amended by striking the section and inserting in lieu thereof
3 the following:

4 **441.6 Appointment of assessor.** When a vacancy occurs in the
5 office of city or county assessor, the examining board shall request the
6 director of revenue to forward a register containing the names of all
7 individuals eligible for appointment as assessor. The examining board
8 may, at its own expense, conduct a further examination, either written
9 or oral, of any person whose name appears on the register, and shall
10 make written report of the examination and submit the report together
11 with the names of those individuals certified by the director of revenue
12 to the conference board within fifteen days after the receipt of the
13 register from the director of revenue.

14 Not later than seven days after receipt of the report of the examin-
15 ing board, the chairman of the conference board shall by written notice
16 call a meeting of the conference board to appoint an assessor. The
17 physical condition, general reputation of the applicants, and their fit-
18 ness for the position as determined by the examining board shall be
19 taken into consideration in making the appointment. The chairman of
20 the conference board shall give written notice to the director of reve-

21 nue of the appointment and its effective date within ten days of the
22 decision of the board.

1 SEC. 4. Section four hundred forty-one point seven (441.7), Code
2 1973, is amended by striking the section and inserting in lieu thereof
3 the following:

4 441.7 **Special examination.** If the conference board fails to ap-
5 point an assessor from the list of individuals on the register, the
6 examining board shall request permission from the director of revenue
7 to hold an examination in the particular city or county in which the
8 vacancy has occurred. Permission may be granted by the director of
9 revenue after consideration of factors such as the availability of candi-
10 dates in that particular city or county. The examination shall be
11 conducted by the director of revenue as provided in section four hun-
12 dred forty-one point five (441.5) of the Code, except as otherwise
13 provided in this section. The examining board shall give notice of
14 holding the examination for assessor by posting a written notice in a
15 conspicuous place in the county courthouse in the case of county
16 assessors or in the city hall in the case of city assessors, stating that
17 at a specified date, an examination for the position of assessor will be
18 held at a specified place. Similar notice shall be given at the same time
19 by one publication of the notice in three newspapers of general circu-
20 lation in the case of a county assessor, or in case there are not three
21 such newspapers in a county, then in newspapers which are available,
22 or in one newspaper of general circulation in the city in the case of
23 city assessor. The conference board of the city or county in which a
24 special examination is held shall reimburse the department of revenue
25 for all expenses incurred in the administration of the examination, to
26 be paid for by the respective city or county assessment expense fund.
27 Following the administration of this special examination, the director
28 of revenue shall certify to the examining board a new list of candi-
29 dates eligible to be appointed as assessor.

1 SEC. 5. Section four hundred forty-one point eight (441.8), Code
2 1973, is amended to read as follows:

3 441.8 **Term—filling vacancy.** The term of office of an assessor
4 appointed under this chapter shall be for six years. Appointments for
5 each succeeding term shall be made in the same manner as the original
6 appointment except that not less than ninety days before the expira-
7 tion of the term of the assessor the conference board ~~may~~ shall hold a
8 meeting to determine whether or not it desires to reappoint the incum-
9 bent assessor to a new term. The conference board shall have the
10 power to reappoint the incumbent assessor without re-examination if
11 it sees fit to do so. If the incumbent assessor is not reappointed as
12 above provided, then not less than sixty days before the expiration of
13 the term of said assessor, ~~the examining board shall hold a new exami-~~
14 ~~nation for the position a new assessor shall be selected as provided in~~
15 ~~section four hundred forty-one point six (441.6) of the Code.~~

16 In the event of the removal, resignation, death, or removal from the
17 county of the said assessor, the conference board shall within thirty
18 days at a meeting as provided in section 441.6, select from the list
19 register provided in section 441.5 an assessor to serve out the unex-
20 pired term; or in case of inability to agree upon a selection from this
21 list register, the new selection shall be made as provided in section

22 441.5 *four hundred forty-one point six (441.6) of the Code. In case no*
 23 *list is in effect, a new one shall be prepared as provided in section*
 24 *441.5. Until the vacancy is filled, the chief deputy shall act as assessor,*
 25 *and in the event there be no deputy, in the case of counties the auditor*
 26 *shall act as assessor and in the case of cities having an assessor the*
 27 *city clerk shall act as assessor.*

1 SEC. 6. Section four hundred forty-one point ten (441.10), Code
 2 1973, is amended by striking the section and inserting in lieu thereof
 3 the following:

4 441.10 **Examination and appointment of deputies.** Immediately
 5 after the appointment of the assessor, and at other times as the con-
 6 ference board directs, one or more deputy assessors may be appointed
 7 by the assessor. Appointments shall be made only from the list of
 8 eligible candidates provided by the director of revenue. The list of
 9 eligible candidates shall contain only the names of those persons who
 10 achieve a score of seventy percent or greater on the examination ad-
 11 ministered by the director of revenue. Examinations for the position
 12 of deputy assessor shall be conducted in the same manner as exami-
 13 nations for the position of city or county assessor. The applicable
 14 provisions of section four hundred forty-one point five (441.5) of the
 15 Code regarding the register of names shall also apply to the list of
 16 eligible candidates established under the provisions of this section.

17 The assessor may peremptorily suspend or discharge any deputy
 18 assessor under his direction upon written charges for neglect of duty,
 19 disobedience of orders, misconduct, or failure to properly perform his
 20 duties. Within five days after delivery of written charges to the em-
 21 ployee, he may appeal by written notice to the secretary or chairman
 22 of the examining board. The board shall grant him a hearing within
 23 fifteen days, and a decision by a majority of the examining board is
 24 final. The assessor shall designate one of the deputies as chief deputy,
 25 and the assessor shall assign to each deputy the duties, responsibilities,
 26 and authority as is proper for the efficient conduct of his office.

1 SEC. 7. Section four hundred forty-one point eleven (441.11), Code
 2 1973, is amended by striking the section and inserting in lieu thereof
 3 the following:

4 441.11 **Incumbent assessors.** The director of revenue shall grant a
 5 restricted certificate to any city or county assessor holding office as of
 6 January 1, 1976. An assessor possessing such a certificate shall be
 7 considered eligible to remain in his or her present position and to be
 8 reappointed to that position as provided in section four hundred forty-
 9 one point eight (441.8) of the Code. To become eligible for another
 10 assessor position, however, an assessor presently holding office is re-
 11 quired to obtain certification as provided for in section four hundred
 12 forty-one point five (441.5) of the Code.

1 SEC. 8. Section four hundred forty-one point fifty-one (441.51),
 2 Code 1973, is repealed.

1 SEC. 9. The effective date of this Act shall be January 1, 1976.

Approved May 27, 1974

CHAPTER 1231

VALUATION OF PROPERTY

S. F. 1272

AN ACT relating to valuation of property and property tax limitations by changing assessed and taxable value of property to one hundred percent of actual value, changing general property tax levies computed in mills to tax levies computed in dollars and cents per thousand dollars of assessed value, and making coordinating amendments.

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

1 SECTION 1. Section four hundred forty-one point twenty-one
2 (441.21), subsection one (1), unnumbered paragraph one (1), Code
3 1973, is amended to read as follows:

4 All real and tangible personal property subject to taxation shall be
5 valued at its actual value which shall be entered opposite each item,
6 and shall be assessed at ~~twenty-seven~~ *one hundred* percent of such
7 actual value, and such value so assessed shall be taken and considered
8 as the *assessed value* and taxable value of such property upon which
9 the levy shall be made.

1 SEC. 2. Section eight point six (8.6), subsection seventeen (17),
2 paragraph i, subparagraph six (6), Code 1973, is amended to read as
3 follows:

4 (6) The ~~millage~~ *amount per thousand dollars of taxable value*
5 necessary to produce such amount.

1 SEC. 3. Section twenty-four point six (24.6), Code 1973, is
2 amended to read as follows:

3 24.6 **Emergency fund—levy.** Each municipality as defined here-
4 in, may include in the estimate herein required, an estimate for an
5 emergency fund. Each such municipality shall have power to assess
6 and levy a tax for such emergency fund at a rate not to exceed ~~one~~
7 ~~mill upon the~~ *twenty-seven cents per thousand dollars of assessed*
8 *value of taxable property of the municipality, provided that no such*
9 *emergency tax levy shall be made until such municipality shall have*
10 *first petitioned the state board to make such levy and received its*
11 *approval thereof. Transfers of moneys may be made from the emer-*
12 *gency fund to any other fund of the municipality for the purpose of*
13 *meeting deficiencies in any such fund arising from any cause, pro-*
14 *vided, however, that no such transfer shall be made except upon the*
15 *written approval of the state board, and then only when such ap-*
16 *proval is requested by a two-thirds vote of the governing body of*
17 *said municipality. Approval may be granted by the state board upon*
18 *an application approved by a two-thirds vote of the board of super-*
19 *visors of a county to use this fund for the purpose of matching funds*
20 *available to such county from federal programs including, but not*
21 *limited to, crime control, public health, civil defense, highway safety,*
22 *juvenile delinquency, narcotics control and pollution.*

1 SEC. 4. Section thirty-seven point three (37.3), unnumbered para-
2 graph two (2), Code 1973, is amended to read as follows:

3 "Shall the county (or city or town) of erect and equip
4 (or purchase and equip) a memorial building (or erect a monument)

5 as provided in chapter 37 of the Code for the purpose of
 6 (set forth pur-
 7 and issue bonds in the sum
 8 pose of memorial as outlined in section 37.18)
 9 of dollars to cover the expense of the same (or levy a tax of
 10 mills ~~on the dollar~~ *per thousand dollars of assessed value*
 11 for a period of years to defray the expense of the same)?"

1 SEC. 5. Section thirty-seven point seven (37.7), unnumbered
 2 paragraph one (1), Code 1973, is amended to read as follows:

3 For the purpose of liquidating such bonds together with the inter-
 4 est thereon, such county shall levy upon all the property within the
 5 limits thereof, subject to taxation for such purpose, in addition to all
 6 other taxes provided by law, a special tax not exceeding in any one
 7 year ~~four mills on the dollar~~ *one dollar and eight cents per thousand*
 8 *dollars of assessed value* for a period of not exceeding twenty years.

1 SEC. 6. Section thirty-seven point eight (37.8), subsections one
 2 (1) through five (5), Code 1973, are amended to read as follows:

3 1. By a county owning same, not to exceed ~~one and one-fourth mills~~
 4 ~~on all the thirty-three and three-fourths cents per thousand dollars of~~
 5 *assessed value of taxable property within said county.*

6 2. By a city having a population in excess of fifty thousand persons
 7 as shown by the last preceding census, owning same, not to exceed
 8 ~~two mills on all the fifty-four cents per thousand dollars of assessed~~
 9 *value of taxable property within said city.*

10 3. By any city having a population of at least fifteen thousand but
 11 not more than fifty thousand, owning same, not to exceed ~~three mills~~
 12 ~~on all the eighty-one cents on each one thousand dollars of assessed~~
 13 *value of taxable property within said city.*

14 4. By a city having a population of less than fifteen thousand, own-
 15 ing same, not to exceed ~~four mills on all the one dollar and eight cents~~
 16 ~~per thousand dollars of assessed value of taxable property within said~~
 17 *city.*

18 5. By a town owning same, not to exceed ~~five mills on all the one~~
 19 ~~dollar and thirty-five cents per thousand dollars of assessed value of~~
 20 *taxable property within said town.*

1 SEC. 7. Section fifty-two point three (52.3), Code 1973, as
 2 amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
 3 chapter one hundred thirty-six (136), section two hundred twenty-
 4 two (222), is amended to read as follows:

5 **52.3 Terms of purchase—tax levy.** The county board of super-
 6 visors, on the adoption and purchase of a voting machine, may provide
 7 for the payment therefor in such manner as they may deem for the
 8 best interest of the county, and may for that purpose issue bonds,
 9 certificates of indebtedness, or other obligations, which shall be a
 10 charge on the county, or levy not to exceed ~~one-half mill~~ *thirteen and*
 11 *one-half cents per thousand dollars of assessed value.* Any amounts
 12 so levied and collected in excess of actual costs of voting machines
 13 shall revert to the general fund of the county. Such bonds, certifi-
 14 cates, or other obligations may be issued with or without interest,
 15 payable at such time or times as the county board may determine,
 16 but shall not be issued or sold at less than par.

1 SEC. 8. Section one hundred eleven A point six (111A.6), unnum-
2 bered paragraphs one (1), two (2) and three (3), Code 1973, are
3 amended to read as follows:

4 Upon the adoption of any county of the provisions of this chapter,
5 the county board of supervisors of such county may by resolution ap-
6 propriate an amount of money from the general fund of the county for
7 the payment of expenses incurred by the county conservation board
8 in carrying out its powers and duties, and it may levy or cause to be
9 levied an annual tax, in addition to all other taxes, of not more than
10 ~~one mill on the dollar~~ *twenty-seven cents per thousand dollars* of the
11 assessed ~~valuation~~ *value* of all real and personal property subject to
12 taxation within such county, upon proper certification by said county
13 conservation board made pursuant to and in compliance with all of
14 the provisions of chapter 24, which tax shall be collected by the county
15 treasurer as other taxes are collected, and shall be paid into a sepa-
16 rate and distinct fund to be known as the county conservation fund,
17 to be paid out upon the warrants drawn by the county auditor upon
18 requisition of the county conservation board for the payment of
19 expenses incurred in carrying out the powers and duties of said con-
20 servation board. The county conservation board shall have no power
21 or authority to contract any debt or obligation in any year in excess
22 of the moneys in the hands of the county treasurer immediately avail-
23 able for such purposes, except the board of supervisors may authorize
24 deferred payments for land acquisition purchases not to exceed ~~a~~
25 ~~one-quarter mill~~ *one-fourth* of the annual conservation fund levy nor
26 to extend over a period of ten years. Any single expenditure of, or
27 contract to expend, a sum of five thousand dollars shall be subject
28 to the provisions of chapter 23. Gifts, contributions and bequests of
29 money and all rent, licenses, fees and charges and other revenue or
30 money received or collected by the board shall be deposited in the
31 county conservation fund to be used for the purchase of land, prop-
32 erty and equipment and the payment of expenses incurred in carrying
33 out the activities of the board, except that moneys given, bequeathed,
34 or contributed upon specified trusts shall be held and applied in
35 accordance with the trust specified.

36 In order to make immediately available to the county conservation
37 board the proceeds of the annual tax hereinbefore authorized to be
38 levied for recreation and conservation purposes, bonds of any county
39 may be issued in anticipation of the collection of such tax in the
40 manner hereinafter provided. Upon the filing of a petition by the
41 conservation board with the county board of supervisors asking that
42 bonds be issued in a specified amount for the purpose of paying the
43 cost of acquiring land and developing the same for public museum,
44 park, parkway, preserve, playground, or other recreation or conserva-
45 tion purposes within the county, then the board of supervisors may
46 call a special election to be held in the county to vote on the proposi-
47 tion of issuing such bonds. Notice of such election shall be published
48 once each week for at least four consecutive weeks in one of the
49 official county newspapers, and the election shall be held on a day not
50 less than five nor more than twenty days after the last publication of
51 such notice. Voting machines may be used for the purpose of voting
52 on said proposition or, in the discretion of the board of supervisors,
53 the proposition may be submitted to the voters on paper ballots. The
54 proposition shall be submitted in substantially the following form:

55 "Shall _____ County, Iowa, issue its bonds in the amount
 56 of \$_____ for the purpose of _____?"
 57 The expenses incurred in connection with the conduct of such election
 58 shall be paid by the conservation board from the county conservation
 59 fund. If the vote in favor of issuing the bonds is equal to at least sixty
 60 percent of the total votes cast for and against the proposition, the
 61 board of supervisors shall issue the bonds in the amount voted, and
 62 shall provide for the levy of an annual tax, within the limits of the
 63 special tax hereinbefore authorized, sufficient to pay said bonds and
 64 the interest thereon as the same respectively become due. Said bonds
 65 shall mature in not more than twenty years, shall bear interest at a
 66 rate or rates not exceeding seven percent per annum, shall be in such
 67 form as the board of supervisors shall by resolution provide, and shall
 68 be payable as to both principal and interest from the proceeds of the
 69 annual levy of the ~~one-mill~~ tax hereinbefore authorized to be levied
 70 for recreation and conservation purposes, or so much thereof as will
 71 be sufficient to pay the principal thereof and interest thereon, and
 72 prior to the authorization and issuance of such bonds the board of
 73 supervisors may, with or without notice, negotiate and enter into an
 74 agreement or agreements with any bank, investment banker, trust
 75 company or insurance company or group thereof whereunder the
 76 marketing of such bonds may be assured and consummated. The
 77 proceeds of such bonds shall be deposited in a special fund, to be kept
 78 separate and apart from all other funds of the county, and shall be
 79 paid out upon warrants drawn by the county auditor upon requisition
 80 of the conservation board to pay the cost of acquiring land and
 81 developing the same for recreation and conservation purposes as
 82 specified in the election proposition.

83 Nothing herein contained shall be construed to limit the authority
 84 of the board of supervisors to levy the full ~~one-mill~~ recreation and
 85 conservation tax, but if and to whatever extent said tax is levied in
 86 any year in excess of the amount of the principal and interest falling
 87 due in such year on said bonds, the first available proceeds thereof,
 88 to an amount sufficient to meet maturing installments of principal
 89 and interest on such bonds, shall be paid into the sinking fund for such
 90 bonds before any of such taxes are deposited in the county conserva-
 91 tion fund or are otherwise made available to the county conservation
 92 board, and the amount required to be annually set aside to pay the
 93 principal of and interest on the bonds shall constitute a first charge
 94 upon all of the proceeds of such annual special tax, which tax shall be
 95 pledged to pay said bonds and the interest thereon.

1 SEC. 9. Section one hundred forty-five A point three (145A.3),
 2 Code 1973, is amended to read as follows:

3 **145A.3 Official planning—maximum levy.** The officials of any
 4 political subdivision are hereby authorized to plan for the merger of
 5 an area to establish and operate an area hospital; and in planning for
 6 such hospitals, a county board of supervisors may exclude any town-
 7 ship of the county which the board of supervisors determines would
 8 not sufficiently benefit by the merger. Plans for an area hospital shall
 9 include the maximum ~~millage amount~~ to be levied in each political
 10 subdivision taking part in the merger, and the maximum ~~millage tax~~
 11 rates for the various political subdivisions may vary as the officials
 12 determine, such variance to be based upon the need for hospital ser-
 13 vice of the residents of each political subdivision, the proximity of

14 such residents to the proposed location of the hospital, the property
15 values within said subdivision, and the expected service benefits to
16 the residents of each subdivision by the proposed area hospital.

1 SEC. 10. Section one hundred forty-five A point five (145A.5),
2 Code 1973, is amended to read as follows:

3 **145A.5 Order of approval.** When a plan is approved, the officials
4 approving such plan shall jointly issue an order of approval. Such
5 order shall specify the area to be merged, the maximum millage levy
6 in each political subdivision, the proposed location of the hospital
7 building, the estimated cost of the establishment of the hospital and
8 any other details concerning the establishment and operation of the
9 hospital they deem pertinent. The order shall then be published in
10 one or more newspapers which have general circulation within the
11 merged area for once each week for three consecutive weeks, but
12 the newspapers selected need not be published in the merged area.
13 Such published order shall also contain a notice to the residents of
14 each subdivision of the proposed merged area that if they fail to pro-
15 test as provided herein, that the order shall be deemed approved upon
16 the expiration of a sixty-day period following the last published
17 notice.

1 SEC. 11. Section one hundred forty-five A point fourteen
2 (145A.14), Code 1973, is amended to read as follows:

3 **145A.14 Budget for operation.** The board shall prepare an an-
4 nual budget designating the proposed expenditures for operation of
5 the area hospital, and the amount to be raised by taxation, fol-
6 lowing the requirements of chapter 24. The board shall prorate the
7 amount to be raised by local taxation among the respective political
8 subdivisions forming a part of the merged area in the proportion
9 that the value of taxable property in each political subdivision bears
10 to the total value of taxable property in the area, but not in an
11 amount which would exceed the maximum millage levy set out in the
12 published order of merger. The board of hospital trustees shall
13 certify the amount so determined to the respective officials of the
14 merged area, and said officials shall levy a tax sufficient to raise the
15 annual budget. Taxes collected pursuant to such levy shall be paid
16 by the respective officials to the treasurer of the merged area hospi-
17 tal in the same manner that school taxes are paid to local school dis-
18 tricts.

1 SEC. 12. Section one hundred forty-five A point eighteen
2 (145A.18), Code 1973, is amended to read as follows:

3 **145A.18 Taxes.** Taxes for the payment of bonds issued under
4 section 145A.17 shall be levied in accordance with chapter 76, pro-
5 vided, however, that the total tax levy for the annual budget and for
6 bonds issued under this chapter, shall not exceed the maximum mill-
7 age for each political subdivision as provided in the published order
8 of merger. Any indebtedness incurred shall not be considered an in-
9 debtedness incurred for general and ordinary purposes as prescribed
10 under section 407.1.

1 SEC. 13. Section one hundred forty-five A point nineteen
2 (145A.19), Code 1973, is amended to read as follows:

3 **145A.19 Special tax.** In addition to the tax authorized in connec-
4 tion with the annual budget and with the issuance of bonds, the voters

5 in any merged area may at any regular election vote a special tax for
 6 a period not to exceed five years for the purchase of grounds, pur-
 7 chase or construction of buildings, purchase of equipment, and for the
 8 purpose of maintaining, remodeling, improving, or expanding the
 9 hospital area. Such a tax shall not exceed ~~one-fourth mill for each~~
 10 ~~mill~~ *one-fourth* of the maximum ~~millage levy~~ of each political sub-
 11 division as set out in the published order of merger, but the total tax
 12 levy for annual budget, bonds, and special purposes shall not exceed
 13 the maximum ~~millage levy~~ as proposed in the published order of
 14 merger.

1 SEC. 14. Section one hundred sixty-four point twenty-three
 2 (164.23), Code 1973, is amended to read as follows:

3 **164.23 Tax levy.** In each county in the state, the board of super-
 4 visors shall each year, when it makes the levy for taxes, levy a tax
 5 sufficient to provide a fund to pay the indemnity, as set out in section
 6 164.21, and other expenses provided in this chapter, and expenses of
 7 the inspection and testing program provided in chapter 163A, and
 8 such levy shall not exceed ~~one-half mill~~ in any year ~~upon~~ *thirteen and*
 9 *one-half cents per thousand dollars of assessed value of the taxable*
 10 *value of all the property in the county.*

1 SEC. 15. Section one hundred sixty-five point eighteen (165.18),
 2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
 3 1973 Session, chapter one hundred sixty-nine (169), section two (2),
 4 is amended to read as follows:

5 **165.18 Eradication fund.** In each county in the state, the board
 6 of supervisors shall each year when it makes the levy for taxes, levy
 7 a tax sufficient to provide a fund to pay the indemnity and other
 8 expenses provided in this chapter and section one (1) of this Act,
 9 except as provided herein, but such levy shall not exceed ~~three-fourths~~
 10 ~~mill~~ *twenty and one-fourth cents per thousand dollars* in any year
 11 upon the taxable value of all the property in the county. However,
 12 moneys shall be paid on expenses arising under section one (1) of this
 13 Act only to the extent that such moneys are not required to pay
 14 expenses for bovine tuberculosis under this chapter.

1 SEC. 16. Section one hundred seventy-four point thirteen
 2 (174.13), Code 1973, is amended to read as follows:

3 **174.13 County aid.** The board of supervisors of the county in
 4 which any such society is located may levy a tax of not to exceed
 5 ~~one-quarter mill upon~~ *six and three-fourths cents per thousand*
 6 *dollars of assessed value of the taxable property of the county, the*
 7 *funds realized therefrom to be known as the fairground fund, and*
 8 *to be used for the purpose of fitting up or purchasing fairgrounds*
 9 *for the society, or for the purpose of aiding boys and girls 4-H Club*
 10 *work and payment of agricultural and livestock premiums in con-*
 11 *nection with said fair, provided such society shall be the owner in*
 12 *fee simple, or the lessee of at least ten acres of land for fairground*
 13 *purposes, and shall own or lease buildings and improvements thereon*
 14 *of at least eight thousand dollars in value.*

1 SEC. 17. Section one hundred seventy-four point seventeen
 2 (174.17), Code 1973, is amended to read as follows:

3 **174.17 Tax aid.** The board of supervisors of any county which
 4 has acquired real estate for county or district fair purposes and which

5 has a society using said real estate, may levy a tax of not to exceed
 6 ~~one-quarter mill upon all six and three-fourths cents per thousand~~
 7 ~~dollars of assessed value of the taxable property of the county, the~~
 8 funds realized therefrom to be known as the fairground fund.

1 SEC. 18. Section one hundred seventy-six A point ten (176A.10),
 2 Code 1973, is amended to read as follows:

3 **176A.10 County agricultural extension education tax.** The exten-
 4 sion council of each extension district shall, at a regular or special
 5 meeting held in July in each year, estimate the amount of money
 6 required to be raised by taxation for financing the county agricul-
 7 tural extension education program authorized in this chapter. The
 8 amount so estimated shall not exceed the amount of money which the
 9 following ~~millage~~ rate will produce, based on the assessed value of
 10 the taxable property in the extension district: For the "county agri-
 11 cultural extension education fund" annually not to exceed ~~one-half~~
 12 ~~mill on the dollar~~ *thirteen and one-half cents per thousand dollars* of
 13 assessed ~~valuation~~ value, except in districts having a population of
 14 less than forty thousand the tax levied shall not exceed ~~three-fourths~~
 15 ~~mill~~ *twenty and one-fourth cents per thousand dollars of assessed*
 16 *value*, provided, however, that no extension council in an extension
 17 district shall make an estimate or certify an amount in any one year
 18 in excess of forty thousand dollars in districts having a population of
 19 fifty thousand or more, in excess of thirty-three thousand dollars in
 20 districts having a population under fifty thousand ~~population~~, which
 21 shall be the maximum amount that any such extension district shall be
 22 entitled to receive annually from the county. The extension council
 23 in every extension district shall in every respect comply with chap-
 24 ter 24.

1 SEC. 19. Section one hundred seventy-six A point fifteen
 2 (176A.15), Code 1973, is amended to read as follows:

3 **176A.15 Consolidation of extension districts.** Any two or more
 4 extension districts may be consolidated to form a single extension
 5 district, by resolution duly adopted by the extension council of each
 6 such extension district. Upon adoption of such resolutions provid-
 7 ing for such consolidation, the extension councils shall do all things
 8 which may be necessary or convenient to carry into effect such con-
 9 solidation. The initial extension council for such new extension dis-
 10 trict shall consist of the members of the extension councils of the
 11 consolidated extension districts. The extension council of such new
 12 extension district shall promptly elect officers as provided in this
 13 chapter, and upon such election the terms of the officers of the ex-
 14 tension councils of the consolidated extension districts shall termi-
 15 nate. The extension council of the new extension district shall select
 16 a name for such district and shall file the name, together with copies
 17 of the resolutions providing for such consolidation, with the re-
 18 corder of each county affected thereby. The new extension district
 19 shall be regarded for all purposes as an extension district, the same
 20 as if such extension district consisted of a single county, and its
 21 extension council and officers thereof shall have all the powers and
 22 duties which now or hereafter may pertain to extension councils
 23 and officers thereof. All assets and liabilities of the consolidated ex-
 24 tension districts shall become the assets and liabilities of the new
 25 extension district. The ~~millage tax~~ rate for the "county agricul-

26 tural extension education fund" shall be the same in each county
 27 included in an extension district formed by consolidation. For the
 28 purposes of any law requiring extension districts to file any docu-
 29 ment with or certify any information to any county officer or board,
 30 an extension district formed by consolidation shall file or certify
 31 the same with or to the appropriate officer or board of each county
 32 included in the extension district. An extension district formed by
 33 consolidation may be dissolved and the original extension districts
 34 as they existed prior to such consolidation may be re-established, by
 35 resolution duly adopted by the extension council of such extension
 36 district; and upon adoption of such resolution, the extension council
 37 shall do all things which may be necessary or convenient to carry
 38 into effect such dissolution and the re-establishment of the original
 39 extension districts.

1 SEC. 20. Section two hundred thirty-two point twenty-two
 2 (232.22), Code 1973, is amended to read as follows:

3 232.22 **Issuance of bonds.** For the purpose of providing and
 4 maintaining a county or multicounty juvenile home, the board of
 5 supervisors of any county may issue bonds and authorize the expend-
 6 iture of such amounts as are consistent with the provisions of
 7 chapter 345. The board of supervisors of any county is authorized
 8 to levy a tax not to exceed ~~one-half mill~~ *thirteen and one-half cents*
 9 *per thousand dollars of assessed value* for the purpose of maintaining
 10 a county or multicounty juvenile home. In counties of over one hun-
 11 dred fifty thousand population, the board of supervisors is authorized
 12 to levy a tax not to exceed ~~three-fourths mill~~ *twenty and one-fourth*
 13 *cents per thousand dollars of assessed value* for the maintenance of a
 14 juvenile home. Expenses for providing and maintaining a juvenile
 15 home shall be paid by the county or counties participating in a manner
 16 to be determined by board or boards of supervisors of participating
 17 counties.

1 SEC. 21. Section two hundred thirty-nine point fifteen (239.15),
 2 unnumbered paragraph two (2), Code 1973, is amended to read as
 3 follows:

4 If any contribution or grant has been accepted, and thereafter the
 5 same is discontinued or rejected, the county tax levy for the pur-
 6 pose of this chapter shall not be increased more than ~~one-half mill~~
 7 *thirteen and one-half cents per thousand dollars of assessed value* and
 8 the state appropriation shall not be increased more than seven hun-
 9 dred fifty thousand dollars in any one fiscal year by reason of such
 10 discontinuance or rejection of any such contribution or grant.

1 SEC. 22. Section two hundred fifty point one (250.1), Code 1973,
 2 as amended by Acts of the Sixty-fifth General Assembly, 1973 Ses-
 3 sion, chapter one hundred eighty-eight (188), section one (1), is
 4 amended to read as follows:

5 250.1 **Tax.** A tax not exceeding ~~one mill on the dollar~~ *twenty-*
 6 *seven cents per thousand dollars of assessed value* may be levied by
 7 the board of supervisors upon all taxable property within the county,
 8 to be collected at the same time and in the same manner as other
 9 taxes, to create a veteran affairs fund for the relief of, and to pay
 10 the funeral expenses of honorably discharged, indigent men and
 11 women of the United States who served in the military or naval

12 forces of the United States in any war including the Korean Conflict
 13 at any time between June 27, 1950, and July 27, 1953, both dates
 14 inclusive, and including the Vietnam Conflict at any time between
 15 August 5, 1964 and ending on the date the armed forces of the United
 16 States are directed by formal order of the government of the United
 17 States to cease hostilities, both dates inclusive, and their indigent
 18 wives, widows and minor children not over eighteen years of age,
 19 having a legal residence in the county.

1 SEC. 23. Section two hundred fifty-two point forty-three (252.43),
 2 unnumbered paragraphs one (1) and two (2), Code 1973, are
 3 amended to read as follows:

4 The expense of supporting the poor shall be paid out of the county
 5 treasury in the same manner as other disbursements for county
 6 purposes; and in case the ordinary revenue of the county proves
 7 insufficient for the support of the poor, the board may levy a poor
 8 tax, not exceeding ~~one and one-half mills on the dollar~~ *forty and one-*
 9 *half cents per thousand dollars of assessed value*, to be entered on the
 10 tax list and collected as the ordinary county tax.

11 Should the ~~one and one-half mill~~ *forty and one-half cent* levy fail
 12 to provide adequate funds to take care of the poor, then the board of
 13 supervisors, with the approval of the state comptroller, shall levy an
 14 additional tax of not to exceed ~~three mills~~ *eighty-one cents per thou-*
 15 *sand dollars of assessed value*, to be entered on the tax list and col-
 16 lected as the ordinary county tax. Before any such additional levy is
 17 made, a showing of the necessity for such additional levy shall be
 18 made to the state comptroller and no such additional levy shall be
 19 made unless it shall be approved in writing by the comptroller.

1 SEC. 24. Section two hundred seventy-eight point one (278.1),
 2 subsection seven (7) and unnumbered paragraph four (4), Code
 3 1973, are amended to read as follows:

4 7. Vote a schoolhouse tax, not exceeding ~~two and one-half mills on~~
 5 ~~the dollar~~ *sixty-seven and one-half cents per thousand dollars of*
 6 *assessed value* in any one year, for the purchase of grounds, construc-
 7 tion of schoolhouses, the payment of debts contracted for the erection
 8 of schoolhouses, not including interest on bonds, procuring libraries
 9 for and opening roads to schoolhouses. The power to levy said tax,
 10 when voted, shall continue for such period of time as may be author-
 11 ized by the voters and shall not be affected by any change in the
 12 boundaries of the school district, in whatever manner effected, except
 13 in case the school district is reorganized pursuant to sections 275.12
 14 to 275.23, both inclusive.

15 The voters at the regular or special election shall have power to
 16 vote a schoolhouse tax not exceeding ~~five mills on the dollar~~ in any one
 17 year *one dollar and thirty-five cents per thousand dollars of assessed*
 18 *value* providing for lease-purchase option of school buildings.

1 SEC. 25. Section two hundred eighty A point seventeen
 2 (280A.17), Code 1973, is amended to read as follows:

3 **280A.17 Preparation of budget.** The board of directors of each
 4 merged area shall prepare an annual budget designating the pro-
 5 posed expenditures for operation of the area vocational school or
 6 area community college. The board shall further designate the
 7 amounts which are to be raised by local taxation and the amounts

8 which are to be raised by other sources of revenue for such opera-
9 tion. The budget of each merged area shall be submitted to the
10 state board no later than June \pm first preceding the next fiscal year
11 for approval. The state board shall review the proposed budget
12 and shall, prior to July \pm first, either grant its approval or return
13 the budget without approval with the comments of the state board
14 attached thereto. Any unapproved budget shall be resubmitted to
15 the state board for final approval. Upon approval of the budget by
16 the state board, the board of directors shall prorate the amount to
17 be raised by local taxation among the respective county school sys-
18 tems, or parts thereof, in the proportion that the value of taxable
19 property in each system, or part thereof, bears to the total value of
20 taxable property in the area. The board of directors shall certify
21 the amount so determined to the respective county auditors and the
22 boards of supervisors shall levy a tax sufficient to raise the amount.
23 No tax in excess of ~~three-fourths mill~~ *twenty and one-fourth cents*
24 *per thousand dollars of assessed value* shall be levied on taxable
25 property in a merged area for the operation of an area vocational
26 school or area community college. Taxes collected pursuant to such
27 levy shall be paid by the respective county treasurers to the treasurer
28 of the merged area in the same manner that other school taxes are
29 paid to local school districts.

30 It is the policy of this state that the property tax for the operation
31 of area schools shall not in any event exceed ~~three-fourths mill~~ *twenty*
32 *and one-fourth cents per thousand dollars of assessed value*, and that
33 the present and future costs of such operation in excess of the funds
34 raised by such ~~three-fourths mill~~ levy shall be the responsibility of
35 the state and shall not be paid from property tax.

1 SEC. 26. Section two hundred eighty A point twenty-two
2 (280A.22), unnumbered paragraph one (1), Code 1973, is amended to
3 read as follows:

4 In addition to the tax authorized under section 280A.17, the voters
5 in any merged area may at the annual school election vote a tax not
6 exceeding ~~three-fourths mill on the dollar~~ *twenty and one-fourth*
7 *cents per thousand dollars of assessed value* in any one year for a
8 period not to exceed five years for the purchase of grounds, con-
9 struction of buildings, payment of debts contracted for the construc-
10 tion of buildings, purchase of buildings and equipment for buildings,
11 and the acquisition of libraries, and for the purpose of maintaining,
12 remodeling, improving, or expanding the area vocational school or
13 area community college of the merged area which tax shall be col-
14 lected by the county treasurers and remitted to the treasurer of the
15 merged area as other taxes are collected and remitted, and the pro-
16 ceeds of said tax shall be deposited in a separate and distinct fund
17 to be known as the voted tax fund, to be paid out upon warrants
18 drawn by the president and secretary of the board of directors of the
19 merged area district for the payment of costs incurred in providing
20 the school facilities for which the tax was voted.

1 SEC. 27. Section two hundred ninety-four point twelve (294.12),
2 unnumbered paragraph two (2), Code 1973, is amended to read as
3 follows:

4 In any school district which has pursuant to section 294.11 termi-
 5 nated a previously existing pension and annuity retirement system
 6 and has after actuarial computation established a retirement re-
 7 serve fund pursuant to this section in order to pay to surviving bene-
 8 ficiaries entitled to receive retirement benefits at date of termina-
 9 tion of said system in the amount in effect with respect to such ben-
 10 eficiaries immediately prior to the date of termination, the board of
 11 directors may authorize each and every payment to each surviving
 12 beneficiary falling due subsequent to June 30, 1971, to be increased
 13 by an amount to be determined by the board such increased pay-
 14 ments to be paid from the retirement reserve fund according to an
 15 actuarial computation thereof plus such additional amounts trans-
 16 ferred from the general fund as may be required. In order to pro-
 17 vide the additional amounts required from the general fund for such
 18 increased payments, the board of directors may annually at the
 19 meeting at which it estimates the amount required for the general
 20 fund in accordance with section 298.1 estimate such additional
 21 amount as an actuarial computation shall show is necessary from
 22 the general fund for the payment of such increased benefits for the
 23 current school year; provided the amount estimated and certified to
 24 be transferred from the general fund to the retirement reserve fund
 25 shall not exceed ~~five hundredths of a mill on the dollar~~ *one and four-*
 26 *tenths cents per thousand dollars* of the assessed valuation of the
 27 taxable property of the school corporation. The board of supervisors
 28 shall in accordance with the provisions of section 298.8 levy the taxes
 29 necessary to raise the amount estimated by the board of directors as
 30 above provided and certified to the board of supervisors. Upon the
 31 death of the last beneficiary to survive, any balance remaining in said
 32 retirement reserve fund shall be transferred to the general fund of
 33 said school district.

1 SEC. 28. Section two hundred ninety-seven point five (297.5),
 2 Code 1973, is amended to read as follows:

3 **297.5 Tax.** The directors in any high school district maintaining
 4 a program kindergarten through grade twelve and having a total en-
 5 rollment of six hundred or more may, at their regular meeting in
 6 July, or at a special meeting called for that purpose between the
 7 time designated for such regular meeting and the third Monday in
 8 in August, certify an amount not exceeding ~~one mill~~ *twenty-seven*
 9 *cents per thousand dollars of assessed value* to the board of super-
 10 visors, who shall levy the amount so certified, and the tax so levied
 11 shall be placed in the schoolhouse fund and used only for the purchase
 12 of sites in and for said school district.

1 SEC. 29. Section two hundred ninety-eight point five (298.5),
 2 Code 1973, is amended to read as follows:

3 **298.5 Taxes estimated ~~in mills~~.** School corporations containing
 4 territory in adjoining counties may vote and estimate all taxes for
 5 school purposes in ~~mills dollars and cents per thousand dollars of~~
 6 *assessed value*.

1 SEC. 30. Section two hundred ninety-eight point seven (298.7),
 2 Code 1973, is amended to read as follows:

3 **298.7 Contract for use of library.** The board of directors of any
 4 school corporation in which there is no free public library may
 5 contract with any free public library for the free use of such library

6 by the residents of such school district, and pay such library the
 7 amount agreed therefor as provided by law. During the existence
 8 of such contract, the board shall certify annually a tax sufficient to
 9 pay such library the consideration agreed upon, not exceeding ~~one~~
 10 ~~fourth mill on the dollar~~ *six and three-fourths cents per thousand dol-*
 11 *lars of assessed value* of the taxable property of such district. During
 12 the existence of such contract, the school corporation shall be re-
 13 lieved from the requirement that the school treasurer withhold funds
 14 for library purposes. This section shall not apply in townships where
 15 a contract for other library facilities is in existence.

1 SEC. 31. Section two hundred ninety-eight point eighteen
 2 (298.18), unnumbered paragraphs two (2), three (3), four (4), six
 3 (6), seven (7), and eight (8), Code 1973, are amended to read as
 4 follows:

5 The amount estimated and certified to apply on principal and interest
 6 for any one year shall not exceed ~~ten mills on the dollar~~ *two*
 7 *dollars and seventy cents per thousand dollars* of the assessed valua-
 8 tion of the taxable property of the school corporation except as here-
 9 inafter provided.

10 For the sole purpose of computing the amount of bonds which may
 11 be issued as a result of the application of any ~~millage~~ limitation re-
 12 ferred to in this section, all interest on the bonds in excess of that
 13 accruing in the first twelve months may be excluded from the first
 14 annual levy of taxes, so that the need for including more than one
 15 year's interest in the first annual levy of taxes to pay the bonds and
 16 interest shall not operate to further restrict the amount of bonds
 17 which may be issued, and in certifying the annual levies to the county
 18 auditor or auditors such first annual levy of taxes shall be sufficient
 19 to pay all principal of and interest on said bonds becoming due prior
 20 to the next succeeding annual levy and the full amount of such first
 21 annual levy shall be entered for collection by said auditor or auditors,
 22 as provided in chapter 76.

23 The amount estimated and certified to apply on principal and inter-
 24 est for any one year may exceed ~~ten mills~~ *two dollars and seventy*
 25 *cents per thousand dollars of assessed value* by ~~such number of mills~~
 26 ~~as may be the amount~~ approved by the voters of the school corpora-
 27 tion, but not exceeding ~~fifteen mills, on the dollar~~ *four dollars and five*
 28 *cents per thousand dollars* of the assessed ~~valuation~~ value of the tax-
 29 able property within any school corporation, provided that the quali-
 30 fied voters of such school corporation have first approved such in-
 31 creased ~~millage amount~~ at a special election, which may be held at
 32 the same time as the regular school election. The proposition sub-
 33 mitted to the voters at such special election shall be in substantially
 34 the following form:

35 "Shall the board of directors of the _____,
 36 (insert name of school corporation)
 37 in the County of _____, State of Iowa, be authorized to levy annually
 38 a tax exceeding ~~ten mills~~ *two dollars and seventy cents per thousand*
 39 *dollars*, but not exceeding _____ ~~mills, on the dollar~~ *dollars and*
 40 _____ *cents per thousand dollars* of the assessed ~~valuation~~ value
 41 of the taxable property within said school corporation to pay the
 42 principal of and interest on bonded indebtedness of said school cor-
 43 poration, it being understood that the approval of this proposition

44 shall not limit the source of payment of the bonds and interest but
 45 shall only operate to restrict the amount of bonds which may be
 46 issued?"

47 The voted ~~millage tax~~ *levy* referred to herein shall not limit the
 48 source of payment of bonds and interest but shall only restrict the
 49 amount of bonds which may be issued.

50 The ability of a school corporation to exceed ~~ten mills~~ *two dollars*
 51 *and seventy cents per thousand dollars of assessed value* to service
 52 principal and interest payments on bonded indebtedness is limited
 53 and conferred only to those school corporations engaged in the ad-
 54 ministration of elementary and secondary education.

55 Provided further that if a school corporation leases a building or
 56 property, which has been used as a junior college by such corpora-
 57 tion, to a merged area school corporation operating or proposing to
 58 operate an area community college, the annual amounts certified as
 59 herein provided by such leasing school corporation for payment of
 60 interest and principal due on lawful bonded indebtedness incurred
 61 by such leasing school corporation for purchasing, building, furnish-
 62 ing, reconstructing, repairing, improving or remodeling the building
 63 leased or acquiring or adding to the site of such property leased, to
 64 the extent of the respective annual rent the school corporation will
 65 receive under such lease, shall not be considered as a part of the total
 66 amount estimated and certified for the purposes of determining if such
 67 amount exceeds any ~~millage~~ limitation contained in this section.

1 SEC. 32. Section three hundred point three (300.3), Code 1973, is
 2 amended to read as follows:

3 **300.3 Levy—collection—limitation.** Boards of school directors in
 4 such districts shall fix and certify to the board of supervisors on or
 5 before the first Monday of September the amount of money required
 6 for the next fiscal year for the support of the aforementioned activi-
 7 ties, in the same manner as the amount of necessary taxes for other
 8 school purposes is certified, and said board of supervisors shall levy
 9 and collect a tax upon all the property subject to taxation in said
 10 school district at the same time and in the same manner as other
 11 taxes are levied and collected by law, which shall be equal to the
 12 amount of money so required for such purposes by the said board
 13 of school directors; provided that the tax so levied upon each dollar
 14 of the assessed valuation of all property, real and personal, in said
 15 district, subject to taxation, shall not in any one year exceed ~~one-half~~
 16 ~~mill~~ *thirteen and one-half cents per thousand dollars of assessed value*
 17 for the purpose of the activities hereinbefore mentioned. The said
 18 tax shall not be used or appropriated directly or indirectly for any
 19 other purpose than provided in this chapter.

1 SEC. 33. Section three hundred nine point seven (309.7), Code
 2 1973, is amended to read as follows:

3 **309.7 Levy for construction and maintenance.** The board of
 4 supervisors may annually, at its September session, levy for second-
 5 ary road construction and maintenance purposes:

6 1. A tax of not to exceed ~~eleven and one-eighth mills on the dollar~~
 7 ~~on three dollars and three-eighths cent per thousand dollars of~~
 8 *assessed value of all taxable property in the county except on prop-*
 9 *erty within cities and towns which control their own bridge levies.*

10 2. A tax not to exceed ~~five-eighths mills on the dollar on sixteen~~
 11 *and seven-eighths cents per thousand dollars of assessed value of all*
 12 taxable property in the county.

1 SEC. 34. Section three hundred nine point eighty-nine (309.89),
 2 Code 1973, is amended to read as follows:

3 **309.89 Levy—bond.** In order to build and maintain such bridge,
 4 the board may, from year to year and on all the property in the
 5 county, levy an annual tax of not to exceed ~~one-fourth mill six and~~
 6 *three-fourths cents per thousand dollars of assessed value.* The board
 7 may, in the manner provided for funding outstanding county indebt-
 8 edness, issue the bonds of the county in the amount of the authorized
 9 expenditure. The maturity of such bonds may be distributed through
 10 a period of twenty years. In case bonds are so issued, the board shall
 11 maintain sufficient levies to meet the principal and interest as in other
 12 cases of bonds issued for outstanding county indebtedness.

1 SEC. 35. Section three hundred seventeen point nineteen (317.19),
 2 unnumbered paragraph one (1), Code 1973, is amended to read as
 3 follows:

4 The board of supervisors in any county may levy against all the
 5 taxable property, other than incorporated cities and towns, in said
 6 county not to exceed ~~three-fourths mill twenty and one-fourth cents~~
 7 *per thousand dollars of assessed value,* the proceeds of which said
 8 levy shall be known as the "road-clearing fund" and shall be used for
 9 no purpose except to cut, burn or otherwise destroy all weeds, second
 10 or undergrowth brush on said county trunk and local county roads
 11 between the fence rows of such roads thereof in time to prevent
 12 reseeding.

1 SEC. 36. Section three hundred seventeen point twenty (317.20),
 2 Code 1973, is amended to read as follows:

3 **317.20 Levy for equipment and materials—use on private prop-**
 4 **erty.** An additional ~~one-fourth mill six and three-fourths cents per~~
 5 *thousand dollars of assessed value* may be levied by the county board
 6 of supervisors for the purpose of purchasing weed eradicating equip-
 7 ment and materials to carry out the duties of the county weed com-
 8 missioner for use on all lands in the county, public or private, and
 9 for the payment of the necessary expenses and compensation of the
 10 county weed commissioner, and his deputies, if any. Whenever equip-
 11 ment or materials so purchased are used on private property within
 12 the corporate limits of cities or towns by the weed commissioner, the
 13 cost of materials used and an amount to be fixed by the board of
 14 supervisors for the use of said equipment shall be returned to this
 15 ~~one-fourth mill~~ fund by the county treasurer upon the collection of
 16 the special assessment taxed against said property. In the certifica-
 17 tion to the county auditor and the county treasurer by the clerk of
 18 the board of supervisors this apportionment shall be designated along
 19 with the special tax assessed under the provisions of section 317.21.
 20 Such equipment and its use shall be subject to the authorization and
 21 direction of the county board of supervisors.

1 SEC. 37. Section three hundred thirty A point fifteen (330A.15),
 2 Code 1973, is amended to read as follows:

3 **330A.15 Tax for purposes of an authority.** The governing body
 4 of a municipality after joining an authority and after determination

5 by the authority pursuant to planning studies may by ordinance
6 provide for the assessment of an annual levy not to exceed ~~one mill~~
7 *twenty-seven cents per thousand dollars of assessed value* upon all
8 the taxable property in such municipality for a period not to exceed
9 forty years as shall be agreed by the member municipalities or for
10 such longer time as any revenue bonds of an authority shall be out-
11 standing or until such municipality withdraws from the authority,
12 whichever is sooner. A county which is a member municipality may
13 levy such tax only upon the property in the unincorporated area of
14 such county. Such tax may be levied in excess of any ~~millage~~ tax
15 limitation imposed by statute. Such ordinance shall be enacted only
16 after publication of notice and hearing in the manner prescribed in
17 section 330A.6. Upon such enactment, a copy thereof shall be certi-
18 fied to the authority. An authority shall have the power to enforce
19 the collection of such levy by mandamus or other appropriate remedy
20 and such levy shall be collected in the manner other taxes are col-
21 lected and allocated and paid to the authority for the exclusive and
22 proper use of the authority, including but not limited to the purchase
23 of land, and the acquiring, establishing, constructing, enlarging, oper-
24 ating, and maintaining of aviation facilities. In addition to the pur-
25 poses listed above, moneys in said fund may be pledged to the pay-
26 ment of the principal, interest, and redemption premium, if any, on
27 bonds of the authority. Money paid to the authority pursuant to this
28 section shall be deposited by the authority in a special trust fund to
29 be called the "..... Authority Capital Reserve Fund". Member
30 municipalities may, in addition, deposit money from current operat-
31 ing funds in the capital reserve fund pursuant to agreement for the
32 purpose of providing initial funds to the authority to be used for
33 funding studies, plans, and other expenses of an authority pending
34 receipt of funds from the annual levy herein authorized. Any such
35 money so deposited shall be considered a gift and is not repayable.

1 SEC. 38. Section three hundred thirty-two point three (332.3),
2 subsection twenty-seven (27), Code 1973, is amended to read as fol-
3 lows:

4 27. To provide for membership in the Iowa state association of
5 counties, a nonprofit corporation organized under chapter 504A, for
6 the purpose of maintaining a permanent organization to secure co-
7 operation among counties and county officers in their effort to procure
8 better and more efficient methods of government. The board of super-
9 visors may authorize attendance at schools of instruction by county
10 officers, appointees, and employees as the schools are called by the
11 association and may authorize attendance at the annual meeting of
12 the association by duly certified representatives of each county which
13 is affiliated with the association. The board of supervisors may ap-
14 propriate from the county general fund necessary funds to provide
15 membership in the Iowa state association of counties, provided that
16 the method of assessment shall be established on a basis whereby
17 each county shall pay not to exceed one cent per capita and ~~one-~~
18 ~~hundredth of one mill~~ *three-tenths of one cent per thousand dollars*
19 of each county's assessed ~~valuation~~ *value of taxable property*. The
20 total assessment collected from all of the member counties shall not
21 exceed seventy-five thousand dollars per annum. In the event that

22 more than seventy-five thousand dollars is collected, the excess shall
 23 be refunded proportionately to the counties from which payment is
 24 received. The association shall keep and make such accounts as are
 25 required by the auditor of state. The accounts shall be audited an-
 26 nually and published in the auditor of state's biennial report. The
 27 association shall annually publish an accounting of all moneys ex-
 28 pended in connection with expenses incurred by and any salaries paid
 29 to legislative representatives or lobbyists of the association. No
 30 county funds may be expended for membership fees or for attendance
 31 expenses for any county officers association other than the Iowa state
 32 association of counties.

1 SEC. 39. Section three hundred thirty-two point thirty-two
 2 (332.32), Code 1973, is amended to read as follows:

3 **332.32 Tax levy.** Said boards may within their respective juris-
 4 dictions make a determination of which townships of the county
 5 will be best served by such disposal ground and levy a tax of not to
 6 exceed ~~one-fourth mill~~ *en six and three-fourths cents per thousand*
 7 *dollars of assessed value of all the property in said townships outside*
 8 *the incorporated limits of any city or town for the purpose of acquir-*
 9 *ing and maintaining such disposal grounds. Such funds shall be*
 10 *placed in a township dump fund.*

1 SEC. 40. Section three hundred thirty-two point thirty-eight
 2 (332.38), Code 1973, is amended to read as follows:

3 **332.38 Tax to support fund.** If the balance in the fund on March
 4 ~~30 thirtieth~~ of any year is less than three hundred thousand dollars,
 5 the treasurer of state shall notify the board of supervisors of each
 6 county to levy for that year a ~~two-hundredths mill~~ *levy one-half cent*
 7 *per thousand dollars of assessed value, to be collected with other taxes*
 8 *in the next calendar year.*

1 SEC. 41. Section three hundred forty-five point eight (345.8),
 2 Code 1973, is amended to read as follows:

3 **345.8 Rate of tax.** The rate of such tax shall in no case be more
 4 than ~~one-fourth~~ *seven hundredths* of one percent on the county tax-
 5 able valuation in any one year. When the object is to borrow money
 6 for the erection and equipment of public buildings, or for the pro-
 7 curing of sites or grounds therefor, or for both, the rate shall be such
 8 as to pay the debt in a period not exceeding ten years; but in counties
 9 having a population of twenty-five thousand or over, or in any county
 10 where one hundred thousand dollars or more has been or is proposed
 11 to be expended, the rate of levy shall be such as to pay the debt in not
 12 exceeding twenty-five years.

1 SEC. 42. Section three hundred forty-five point nine (345.9),
 2 Code 1973, is amended to read as follows:

3 **345.9 Bonds—maturity—tax.** In issuing bonds for such indebted-
 4 ness, no bond shall be issued with a maturity date deferred more than
 5 twenty-five years from date thereof. Such bonds shall be consecu-
 6 tively numbered and issued and paid in the order of such numbering.
 7 The interest and principal of such bonds shall be paid as rapidly as
 8 funds for such payment are collected. When the object is to con-
 9 struct, or to aid in constructing, any highway or bridge, the annual
 10 rate shall not be less than ~~one-fourth mill on the dollar~~ *six and three-*
 11 *fourths cents per thousand dollars of the assessed valuation; and any*

12 of the above taxes becoming delinquent shall draw the same interest
13 as ordinary taxes.

1 SEC. 43. Section three hundred forty-six point ten (346.10),
2 Code 1973, is amended to read as follows:

3 **346.10 Tax for bonded indebtedness.** The board of supervisors
4 shall not in any one year levy a tax of more than ~~three-fourths mill~~
5 ~~on the dollar~~ *twenty and one-fourth cents per thousand dollars of*
6 *assessed value* for the payment of bonded indebtedness or judgments
7 rendered therefor, except as provided in this chapter, unless the vote
8 authorizing the issuance of the bonds provided for a higher rate.

1 SEC. 44. Section three hundred forty-six point eighteen (346.18),
2 Code 1973, is amended to read as follows:

3 **346.18 Additional tax to pay interest.** In any county wherein
4 county bonds are issued in pursuance of a vote of the people to
5 obtain money for the erection of any public building and wherein
6 the annual tax named in the proposition so submitted for the purpose
7 of paying the annual interest accruing upon such bonds is insufficient
8 to pay the same as it matures, the board of supervisors is authorized
9 to levy for said purpose, a tax, not exceeding ~~one-fourth mill on the~~
10 ~~dollar~~ *six and three-fourths cents per thousand dollars of assessed*
11 *value*, until said bonds are paid; but this provision shall not prevent
12 the levy of a greater tax than above mentioned, if any such proposi-
13 tion authorized such higher levy.

1 SEC. 45. Section three hundred forty-six point twenty-three
2 (346.23), Code 1973, as amended by Acts of the Sixty-fifth General
3 Assembly, 1973 Session, chapter two hundred twenty-eight (228),
4 section one (1), is amended to read as follows:

5 **346.23 General obligation bonds for sanitary disposal.** The
6 boards of supervisors of counties are hereby authorized to contract
7 indebtedness and to issue general obligation bonds of the county to
8 provide funds to pay the cost of establishing, constructing, acquiring,
9 purchasing, equipping, improving, extending, reconstructing and re-
10 pairing sanitary disposal projects as defined in section four hundred
11 fifty-five B point seventy-five (455B.75) of the Code.

12 Such bonds shall be in denominations of not less than one hundred
13 dollars nor more than ten thousand dollars, and shall draw interest
14 at a rate not to exceed seven percent per annum, payable annually
15 or semiannually. Such bonds shall be due and payable in not more
16 than twenty years from the date of issuance but may be made sub-
17 ject to redemption in such manner and upon such terms as is stated
18 on the face thereof, shall be in such form as the board of supervi-
19 sors shall by resolution provide, and shall show on their face that
20 they are county sanitary disposal bonds payable from the fund here-
21 inafter provided. Funds available pursuant to the levy authorized
22 by section four hundred fifty-five B point eighty-one (455B.81) of
23 the Code shall be used to pay the interest and principal of such
24 bonds as they become due. The ~~millage~~ limitation referred to in
25 section four hundred fifty-five B point eighty-one (455B.81) of the
26 Code shall not limit the source of payment of bonds and interest but
27 shall only restrict the amount of bonds which may be issued. The
28 money arising from such levies shall be known as the sanitary
29 disposal bond fund and shall be used for the payment of such bonds

30 and interest thereon only; and the treasurer shall open and keep in
31 his books a separate account thereof, which shall show the exact
32 condition of such fund. Such bonds shall be sold at public sale and
33 the county treasurer shall comply with and be governed by all pro-
34 visions of chapter 75.

1 SEC. 46. Section three hundred forty-six A point two (346A.2),
2 Code 1973, is amended to read as follows:

3 **346A.2 Authorized in certain counties.** Subject to and in accord-
4 ance with the provisions of this chapter, counties having a popula-
5 tion over one hundred thousand, as determined by the last official
6 United States census, are hereby authorized to undertake and carry
7 out any project as hereinbefore defined, and the boards thereof are
8 authorized to operate, control, maintain and manage health centers
9 and additions thereto and facilities therefor. The boards thereof
10 are further authorized to appoint such committees, groups, or operat-
11 ing boards as they may deem necessary and advisable to facilitate
12 the operation and management of such health centers, additions and
13 facilities. The board is further authorized to lease space in any
14 health center to other public corporations, public agencies and pri-
15 vate nonprofit agencies engaged in furnishing health, welfare and
16 social services which lease shall be on such terms and conditions as
17 the board may deem advisable. All contracts for the construction,
18 reconstruction, completion, equipment, improvement, repair or re-
19 modeling of any buildings, additions or facilities shall be let in ac-
20 cordance with the provisions of sections 332.7, 332.8, and chapter
21 23. To pay the cost of operating, maintaining and managing a
22 health center the board of any such county is authorized to levy an
23 annual tax not exceeding ~~two mills~~ *fifty-four cents per thousand*
24 *dollars of assessed value* per annum on all the taxable property in
25 the county, said levy to be in addition to all other levies authorized
26 by law for similar purposes.

1 SEC. 47. Section three hundred forty-seven point seven (347.7),
2 Code 1973, is amended to read as follows:

3 **347.7 Tax levy.** If the hospital be established, the board of
4 supervisors, at the time of levying ordinary taxes, shall levy a tax
5 at the rate voted not to exceed ~~two mills~~ *fifty-four cents per thousand*
6 *dollars of assessed value* in any one year for the erection and equip-
7 ment thereof, and also a tax not to exceed ~~one mill~~ *twenty-seven cents*
8 *per thousand dollars of assessed value* for the improvement, mainte-
9 nance, and replacements of the hospital, as certified by the board of
10 hospital trustees; provided, however, in counties having a population
11 of two hundred twenty-five thousand inhabitants or over, the levy for
12 improvements and maintenance of the hospital shall not exceed ~~five~~
13 ~~mills~~ *one dollar and thirty-five cents per thousand dollars of assessed*
14 *value* in any one year. The proceeds of such taxes shall constitute the
15 county public hospital fund and such fund shall be subject to review
16 by the board of supervisors in counties over two hundred twenty-five
17 thousand. Provided, however, that the board of trustees of a county
18 hospital of said county, where funds are available in the county public
19 hospital fund of said county which are unappropriated, may use such
20 unappropriated funds for erecting and equipping hospital buildings
21 and additions thereto without authority from the voters of said
22 county.

23 No levy shall be made for the improvement, maintenance, or re-
24 placements of the hospital until the hospital has been constructed,
25 staffed, and receiving patients. Whenever revenue bonds are issued
26 and outstanding under the provisions of section 347.27, the authority
27 contained in section 347.27 to levy the tax to pay operating and main-
28 tenance expenses, when and as therein provided, shall be in lieu of
29 and not in addition to the authority contained in this section to levy
30 the tax of not to exceed ~~one mill~~ *twenty-seven cents per thousand dol-*
31 *lars of assessed value* for the improvement, maintenance and replace-
32 ments of the hospital and of not to exceed ~~four and one-half mills~~ *one*
33 *dollar and twenty-one and one-half cents per thousand dollars of*
34 *assessed value* for improvements and maintenance of the hospital in
35 counties having a population of two hundred twenty-five thousand
36 inhabitants or over.

1 SEC. 48. Section three hundred forty-seven point thirteen
2 (347.13), subsection fourteen (14), Code 1973, is amended to read
3 as follows:

4 14. There shall be published quarterly in each of the official news-
5 papers of the county as selected by the board of supervisors pursuant
6 to section 349.1 the schedule of bills allowed and there shall be pub-
7 lished annually in such newspapers the schedule of salaries paid by
8 job classification and category, but not by listing names of individual
9 employees. The names, addresses, salaries, and job classification of
10 all employees paid in whole or in part from a ~~millage tax~~ levy shall
11 be a public record and open to inspection at reasonable times as des-
12 ignated by the board of trustees.

1 SEC. 49. Section three hundred forty-seven point twenty-seven
2 (347.27), unnumbered paragraph four (4), Code 1973, is amended
3 to read as follows:

4 The board of hospital trustees shall fix rates, fees, and charges
5 for the services furnished by the county public hospital so that the
6 revenues of the county public hospital will be at all times sufficient
7 to provide for the payment of the interest on and principal of all
8 revenue bonds issued and outstanding under the provisions of this
9 section, and for the payment of all operating and maintenance ex-
10 penses of the county public hospital. If in any year, after payment
11 of the accruing interest on and principal due of any revenue bonds
12 issued hereunder from the revenues derived from the operation of
13 such hospital, there be a balance of such revenues insufficient to pay
14 the expenses of operation and maintenance of the county public hos-
15 pital the board of hospital trustees shall certify that fact as soon as
16 ascertained to the board of supervisors of such county, and thereupon
17 it shall be the duty of such board of supervisors to make the amount
18 of such deficiency for paying the expenses of operation and mainte-
19 nance of the county public hospital available from other county funds
20 or, the board of supervisors of such county shall levy a tax not to
21 exceed ~~one mill~~ *twenty-seven cents per thousand dollars of assessed*
22 *value* in counties having a population of less than two hundred
23 twenty-five thousand inhabitants, or ~~four and one-half mills~~ *one dollar*
24 *and twenty-one and one-half cents per thousand dollars of assessed*
25 *value* in counties having a population of two hundred twenty-five

26 thousand inhabitants or over, in any one year on all the taxable prop-
 27 erty in said county in an amount sufficient for that purpose, it being
 28 conditioned that no general county funds or the proceeds of any taxes
 29 shall ever be used or applied to the payment of the interest on or
 30 principal of any revenue bonds issued under the provisions of this sec-
 31 tion, but that such general county funds or proceeds of taxes may
 32 only be used and applied to pay such expenses of operation and main-
 33 tenance of the county public hospital as cannot be paid from available
 34 revenues derived from such operation.

1 SEC. 50. Section three hundred forty-seven A point three
 2 (347A.3), Code 1973, is amended to read as follows:

3 **347A.3 Tax for maintenance and operation.** If in any year, after
 4 payment of the accruing interest on and principal due of any revenue
 5 bonds issued hereunder from the revenues derived from the opera-
 6 tion of such hospital, there be a balance of such revenues insufficient
 7 to pay the expenses of operation and maintenance of the county hos-
 8 pital the board of hospital trustees shall certify that fact as soon
 9 as ascertained to the board of supervisors of such county, and there-
 10 upon it shall be the duty of such board of supervisors to make the
 11 amount of such deficiency for paying the expenses of operation and
 12 maintenance of the county hospital available from other county
 13 funds or, the board of supervisors of such county shall levy a tax not
 14 to exceed ~~four mills~~ *one dollar and eight cents per thousand dollars*
 15 *of assessed value* in any one year on all the taxable property in said
 16 county in an amount sufficient for that purpose, it being conditioned
 17 that no general county funds or the proceeds of any taxes shall ever
 18 be used or applied to the payment of the interest on or principal of
 19 any revenue bonds issued under the provisions of this chapter, but
 20 that such general county funds or proceeds of taxes may only be used
 21 and applied to pay such expenses of operation and maintenance of the
 22 county hospital as cannot be paid from available revenue derived
 23 from such operation.

1 SEC. 51. Section three hundred fifty-seven point twenty-two
 2 (357.22), Code 1973, is amended to read as follows:

3 **357.22 Lien of assessments—tax.** When the assessment has been
 4 completed and the bonds sold and the schedule of assessment shall be
 5 turned over to the county auditor, the installments due thereon shall
 6 be collected in the same manner as ordinary taxes and shall consti-
 7 tute a lien on the property against which they are made. If the
 8 treasurer does not receive sufficient funds to enable him to pay the
 9 interest and retire the bonds as they become due, he shall levy a
 10 ~~three mill annual tax on all~~ *an annual tax of eighty-one cents per*
 11 *thousand dollars of assessed value of all taxable property within the*
 12 *district to pay such deficiency, and the county treasurer shall apply the*
 13 *proceeds of such levy to the payment of the bonds and the interest on*
 14 *the same so long as the bonds are in arrears on either interest or*
 15 *principal.*

1 SEC. 52. Section three hundred fifty-seven point twenty-three
 2 (357.23), Code 1973, is amended to read as follows:

3 **357.23 Surplus.** The board of supervisors shall be required to
 4 ~~levy such three mill annual tax~~ *the annual tax of eighty-one cents per*

5 *thousand dollars of assessed value of taxable property so long as the*
6 *bonds are in arrears.*

1 SEC. 53. Section three hundred fifty-seven point twenty-five
2 (357.25), Code 1973, is amended to read as follows:

3 **357.25 Management by trustees.** After the final acceptance of
4 the work by the board of supervisors, the management of the utility
5 shall automatically go to the three trustees previously appointed by
6 the board of supervisors. The trustees shall have power to levy an
7 annual tax not to exceed ~~one-half mill~~, *on thirteen and one-half cents*
8 *per thousand dollars of assessed value of all taxable property in the*
9 *district, for the maintenance of the system. This levy shall be*
10 *optional with the trustees. The trustees may purchase material and*
11 *employ labor to properly maintain and operate the utility. The trus-*
12 *tees shall be allowed necessary expenses in the discharge of their*
13 *duties, but shall not receive any salary.*

1 SEC. 54. Section three hundred fifty-seven B point nine (357B.9),
2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
3 1973 Session, chapter one hundred thirty-six (136), section three
4 hundred sixty-seven (367), is amended to read as follows:

5 **357B.9 Election.** When the preliminary report has been ap-
6 proved by the board of supervisors, a date not more than thirty days
7 after such approval shall be set for an election within the district to
8 approve the levy of a tax of not more than ~~one and one-half mills~~
9 *forty and one-half cents per thousand dollars of assessed value, on all*
10 *the taxable property within the district for the purposes set out in*
11 *sections 357B.11 and 357B.12, and to choose candidates for the offices*
12 *of trustees within the district. Notice of the election, including the*
13 *time and place of holding the same, shall be given in the same manner*
14 *as for the public hearing heretofore provided for. The vote shall be*
15 *by ballot which shall state clearly the proposition to be voted upon,*
16 *and any qualified elector residing within the district at the time of*
17 *the election shall be entitled to vote. It shall not be mandatory for*
18 *the county commissioner of elections to conduct elections held pur-*
19 *suant to this chapter, but they shall be conducted in accordance with*
20 *the provisions of chapter forty-nine (49) of the Code where not in*
21 *conflict with this chapter. Judges shall be appointed to serve without*
22 *pay by the board of supervisors from among the qualified electors of*
23 *the district who will have charge of the election. The proposition shall*
24 *be deemed to have carried if sixty percent of those voting thereon*
25 *vote in favor of same.*

1 SEC. 55. Section three hundred fifty-seven B point eleven
2 (357B.11), Code 1973, is amended to read as follows:

3 **357B.11 Powers of trustees.** The trustees may purchase, own,
4 rent or maintain fire apparatus or equipment within the state or out-
5 side of the territorial jurisdiction and boundary limits of the state
6 of Iowa and provide housing for same and furnish or contract with
7 any city or town within or without the county, or any adjoining
8 township or townships, or fire district or fire districts for services
9 in the extinguishing of fires within the state or outside of the terri-
10 torial jurisdiction and boundary limits of the state of Iowa. The
11 trustees shall have the power after approval given by section 357B.9

12 to levy an annual tax ~~not to exceed one and one-half mills~~ as outlined
 13 in section 357B.9 for the purpose of exercising the powers granted
 14 in this section. This levy shall be optional with the trustees. The
 15 trustees may purchase material and employ labor to properly main-
 16 tain and operate the benefited fire district. The trustees shall be
 17 allowed necessary expenses in the discharge of the duties, but shall
 18 not receive any salary.

1 SEC. 56. Section three hundred fifty-seven B point fourteen
 2 (357B.14), Code 1973, as amended by Acts of the Sixty-fifth Gen-
 3 eral Assembly, 1973 Session, chapter one hundred thirty-six (136),
 4 section three hundred sixty-eight (368), is amended to read as fol-
 5 lows:

6 **357B.14 Dissolution of district.** Upon petition of thirty-five per-
 7 cent of the resident eligible electors, the board of supervisors may
 8 dissolve the benefited fire district and dispose of any remaining prop-
 9 erty, proceeds of which shall first be applied against outstanding
 10 obligations and any balance shall be applied to tax credit of property
 11 owners of the district. The board of supervisors shall continue to
 12 levy tax after dissolution of district not to exceed ~~one and one-half~~
 13 ~~mills~~ *forty and one-half cents per thousand dollars of assessed value*
 14 on all the taxable property of the district until all outstanding obli-
 15 gations of the district are paid.

1 SEC. 57. Section three hundred fifty-seven C point seven
 2 (357C.7), Code 1973, as amended by Acts of the Sixty-fifth General
 3 Assembly, 1973 Session, chapter one hundred thirty-six (136), sec-
 4 tion three hundred seventy (370), is amended to read as follows:

5 **357C.7 Election on proposed levy.** When a preliminary plat has
 6 been approved by the board of supervisors, an election shall be held
 7 within the district within sixty days to approve or disapprove the
 8 levy of a tax of not more than ~~two mills~~ *fifty-four cents per thou-*
 9 *sand dollars of assessed value* on all the taxable property within the
 10 district, and to choose candidates for the offices of trustees of the dis-
 11 trict. Notice of the election, including the time and place of hold-
 12 ing the same, shall be given in the same manner as for the original
 13 public hearing as provided herein. The vote shall be by ballot which
 14 shall state clearly the proposition to be voted upon, and any quali-
 15 fied elector residing within the district at the time of the election
 16 shall be entitled to vote. It shall not be mandatory for the county
 17 commissioner of elections to conduct elections held pursuant to this
 18 chapter, but they shall be conducted in accordance with the provisions
 19 of chapter forty-nine (49) of the Code where not in conflict with this
 20 chapter. Judges shall be appointed to serve without pay by the
 21 board of supervisors from among the qualified electors of the district
 22 who will have charge of the election. The proposition shall be deemed
 23 to have carried if sixty percent of those voting thereon vote in favor
 24 of same.

1 SEC. 58. Section three hundred fifty-seven C point nine (357C.9),
 2 Code 1973, is amended to read as follows:

3 **357C.9 Trustees' powers.** The trustees may purchase street light-
 4 ing service and facilities and may levy an annual tax not to exceed
 5 ~~two mills~~ *fifty-four cents per thousand dollars of assessed value* for
 6 the purpose of exercising the powers granted in this chapter. This levy

7 shall be optional with the trustees, but no levy shall be made unless
 8 first approved by the voters as provided herein. The trustees may
 9 purchase material, employ labor, and may perform all other acts nec-
 10 essary to properly maintain and operate the benefited street lighting
 11 district. The trustees shall be allowed necessary expenses in the
 12 discharge of the duties, but shall not receive any salary.

1 SEC. 59. Section three hundred fifty-seven C point eleven
 2 (357C.11), Code 1973, as amended by Acts of the Sixty-fifth General
 3 Assembly, 1973 Session, chapter one hundred thirty-six (136), sec-
 4 tion three hundred seventy-one (371), is amended to read as follows:
 5 357C.11 **Dissolution of district.** Upon petition of thirty-five per-
 6 cent of the resident eligible electors, the board of supervisors may
 7 dissolve a benefited street lighting district and dispose of any re-
 8 maining property, proceeds of which shall first be applied against
 9 outstanding obligations and any balance shall be applied to tax credit
 10 of property owners of the district. The board of supervisors shall
 11 continue to levy tax after dissolution of a district, of not to exceed
 12 ~~two mills~~ *fifty-four cents per thousand dollars of assessed value* on all
 13 the taxable property of the district, until all outstanding obligations
 14 of the district are paid.

1 SEC. 60. Section three hundred fifty-eight point eighteen
 2 (358.18), unnumbered paragraph one (1), Code 1973, is amended to
 3 read as follows:
 4 The board of trustees of any sanitary district organized under
 5 this chapter shall have the power by ordinance to levy annually for
 6 the purpose of paying the administrative costs of such district, or
 7 for the payment of deficiencies in special assessments, or for both,
 8 a tax upon property within the territorial limits of such sanitary dis-
 9 trict not exceeding ~~two mills on the dollar~~ *fifty-four cents per thou-*
 10 *sand dollars* of the adjusted taxable valuation of the property within
 11 such district for the preceding calendar year.

1 SEC. 61. Section three hundred fifty-eight point twenty-one
 2 (358.21), unnumbered paragraph four (4), Code 1973, is amended
 3 to read as follows:
 4 The proceeds of any bond issue made under the provisions of this
 5 section shall be used only for the purpose of acquiring, locating, lay-
 6 ing out, establishing and construction of drainage facilities, conduits,
 7 treatment plants, pumping plants, works, ditches, channels and out-
 8 lets of such capacity and character as may be required for the treat-
 9 ment, carrying off and disposal of the sewage and industrial wastes
 10 and other drainage incidental thereto of such district, or to repair,
 11 change, enlarge and add to such facilities as may be necessary or
 12 proper to meet the requirements present and future for the pur-
 13 poses aforesaid. Proceeds from such bond issue may also be used
 14 for the payment of special assessment deficiencies. Said bonds shall
 15 be payable in not more than twenty annual installments and at in-
 16 terest not exceeding seven percent per annum, and shall be made
 17 payable at such place and be of such form as the board of trustees
 18 shall by resolution designate. Any sanitary district issuing bonds
 19 as authorized in this section is hereby granted authority to pledge
 20 the future avails of a tax levy not exceeding ~~five mills~~ *one dollar and*
 21 *thirty-five cents per thousand dollars of assessed value of taxable*

22 *property* per annum to the payment of the principal and interest of
 23 such bonds after the same come due, and the power to impose and
 24 certify said levy is hereby granted to the trustees of sanitary districts
 25 organized under the provisions of this chapter.

1 SEC. 62. Section three hundred fifty-eight B point thirteen
 2 (358B.13), Code 1973, is amended to read as follows:

3 **358B.13 Maintenance expense on proportionate basis.** The main-
 4 tenance of a county library shall be on a proportionate population
 5 basis whereby each taxing unit as hereinafter defined shall bear its
 6 share in proportion to its population to the whole of said county
 7 library district. The board of library trustees shall on or before
 8 July ~~10~~ *tenth* of each year make an estimate of the amount it deems
 9 necessary for the maintenance of the county library and shall trans-
 10 mit said estimate in dollars to the board or boards of supervisors and
 11 to the city and town councils within the district. The entire rural
 12 area of each county in the library district shall be considered as a
 13 separate taxing unit. Each city and town which is a part of the
 14 county library district shall be considered as a separate taxing
 15 unit. The board of supervisors and the council of each city and
 16 town composing said county library district shall make the necessary
 17 ~~millage~~ levies accordingly for library maintenance purposes of not to
 18 exceed ~~two mills~~ *fifty-four cents per thousand dollars of assessed*
 19 *value*. Any unexpended balance in the library maintenance fund at
 20 the end of the fiscal year shall remain in said fund and be available
 21 without reappropriation.

1 SEC. 63. Section three hundred fifty-nine point thirty-three
 2 (359.33), Code 1973, is amended to read as follows:

3 **359.33 Tax for nonowned cemetery.** They may levy a tax not to
 4 exceed ~~one-fourth mill~~ *six and three-fourths cents per thousand dol-*
 5 *lars of assessed value of taxable property* to improve and maintain
 6 any cemetery not owned by the township, provided the same is
 7 devoted to general public use.

1 SEC. 64. Section three hundred fifty-nine point forty-three
 2 (359.43), Code 1973, is amended to read as follows:

3 **359.43 Levy.** The township trustees may levy an annual tax not
 4 exceeding ~~one and one-half mills~~ *on forty and one-half cents per thou-*
 5 *sand dollars of assessed value of the taxable property in the town-*
 6 *ship, or portion thereof, without the corporate limits of any city or*
 7 *town which may be wholly or partially within the limits of the town-*
 8 *ship, for the purpose of exercising the powers granted in section*
 9 *359.42, when so authorized by an affirmative vote equal to at least*
 10 *sixty percent of the total vote cast for and against a proposal there-*
 11 *for at an election held pursuant to section 359.44. However, in any*
 12 *township having a fire protection agreement with a special charter*
 13 *city having a paid fire department, the township trustees may levy*
 14 *an annual tax not exceeding* ~~two mills~~ *on such* *fifty-four cents per*
 15 *thousand dollars of assessed value of the taxable property for such*
 16 *purpose, when so authorized by an affirmative vote equal to at least*
 17 *sixty percent of the total vote cast for and against a proposal there-*
 18 *for at an election held pursuant to section 359.44; provided, however,*
 19 *that if the levy of an annual tax not exceeding* ~~one and one-half mills~~
 20 *forty and one-half cents per thousand dollars of assessed value has*

21 been authorized in such township pursuant to this section prior to
 22 January 1, 1959, no new or additional election shall be required in
 23 order to authorize the township trustees of such township to levy an
 24 annual tax not exceeding ~~two mills~~ *fifty-four cents per thousand dol-*
 25 *lars of assessed value* pursuant to this section.

1 SEC. 65. Section three hundred sixty point one (360.1), Code
 2 1973, as amended by Acts of the Sixty-fifth General Assembly, 1973
 3 Session, chapter one hundred thirty-six (136), section three hundred
 4 eighty-three (383), is amended to read as follows:

5 **360.1 Election.** The trustees, on a petition of a majority of the
 6 resident freeholders of any civil township, shall request the county
 7 commissioner of elections to submit the question of building or ac-
 8 quiring by purchase, or acquiring by a lease with purchase option,
 9 a public hall to the electors thereof. The county commissioner shall
 10 conduct the election pursuant to the applicable provisions of chap-
 11 ters thirty-nine (39) through fifty-three (53) of the Code and cer-
 12 tify the result to the trustees. The form of the proposition shall be:
 13 "Shall the proposition to levy a tax of ~~mills on the dollar~~
 14 *cents per thousand dollars of assessed value* for the erection of a
 15 public hall be adopted?" Notice of the election shall be given as
 16 provided by chapter forty-nine (49) of the Code.

1 SEC. 66. Section three hundred sixty point two (360.2), Code
 2 1973, is amended to read as follows:

3 **360.2 Tax.** If a majority of the votes cast are in favor of the tax,
 4 the trustees shall certify such fact to the board of supervisors, and
 5 they shall thereupon levy a tax not to exceed the rate voted and not
 6 to exceed ~~three-fourths mill on the dollar~~ *twenty and one-fourth cents*
 7 *per thousand dollars of assessed value* each year for a period not
 8 exceeding five years on the taxable property of the township, except
 9 that such five-year limitation shall not apply in case of a public hall
 10 acquired by a lease with a purchase option. When such tax is col-
 11 lected by the treasurer, it shall be paid to the township clerk; but
 12 said clerk shall not receive to exceed one percent for handling said
 13 money.

1 SEC. 67. Section three hundred sixty point eight (360.8), Code
 2 1973, is amended to read as follows:

3 **360.8 Tax for repairs.** The trustees of any township where such
 4 building has been erected or acquired by purchase, lease with pur-
 5 chase option, or by gift are hereby authorized to certify to the board
 6 of supervisors that a tax of not exceeding in any one year, ~~one-half~~
 7 ~~mill on the dollar~~ *thirteen and one-half cents per thousand dollars of*
 8 *assessed value*, on the taxable property of the township, should be
 9 levied, to be used in keeping such building in repair, to furnish same
 10 with necessary furniture, and provide for the care thereof. Provided,
 11 that in counties with a population of seventeen thousand to seven-
 12 teen thousand two hundred fifty census 1960, where such buildings
 13 are of brick construction with at least one hundred thousand cubic
 14 feet of space, such tax may be ~~one mill on the dollar~~ *twenty-seven*
 15 *cents per thousand dollars of assessed value on the taxable property.*
 16 When such certificate is filed in the auditor's office, the board of super-
 17 visors shall levy such tax.

1 SEC. 68. Section three hundred sixty-eight point forty-five
2 (368.45), Code 1973, is amended to read as follows:

3 368.45 Sewer districts—assessments. Such city shall have power
4 to establish sewer districts to embrace all or such portions of said
5 cities as in the judgment of the council thereof will receive special
6 benefits from the construction, repair, improvement, or reconstruc-
7 tion of such sewer or sewers, to change the boundaries of same from
8 time to time as may become in the judgment of such council just and
9 equitable, and to assess so much of the cost of such drains and sewers
10 against all lots or tracts of land contained in the sewer district within
11 which such improvements are made as shall equal and be in propor-
12 tion to the special benefits conferred by said improvement and not
13 in excess thereof. In no case shall such assessment exceed ~~twenty-five~~
14 *six and seventy-five hundredths* percent of the assessed value of said
15 lots or tracts at the time of levy thereof.

1 SEC. 69. Section three hundred seventy point six (370.6), Code
2 1973, is amended to read as follows:

3 370.6 Tax levy. The board shall, on or before the first day of
4 August of each year, determine and fix the amount or rate not exceed-
5 ing ~~one mill on the dollar~~ *twenty-seven cents per thousand dollars* in
6 all cities and towns on the taxable valuation of such city or town, to
7 be levied, collected, and appropriated for the ensuing year for gen-
8 eral park purposes, and shall cause the same to be certified to the city
9 council, which shall levy such tax or so much thereof as it may deem
10 necessary to promote park interests, and certify the percent thereof
11 to the county auditor with the other taxes for said year; provided,
12 however, that in cities acting under special charter and in cities hav-
13 ing a population in excess of seven thousand and less than fifteen
14 thousand, having two hundred or more acres devoted to and set apart
15 for park purposes, said board may in the manner herein provided,
16 determine and fix an additional amount or rate for general park pur-
17 poses not exceeding ~~three-eighths of a mill on the dollar~~ *ten and one-*
18 *eighth cents per thousand dollars on the taxable valuation* to be levied,
19 collected, and appropriated for the ensuing year for general park
20 purposes and the said city council, upon certification thereto by said
21 board, may levy such additional tax or so much thereof as it may
22 deem necessary to promote park interests and certify the total per-
23 cent thereof as hereinbefore provided.

1 SEC. 70. Section three hundred seventy point twenty-eight
2 (370.28), Code 1973, is amended to read as follows:

3 370.28 Parks in certain cities—levy. In all cities where the board
4 of park commissioners have, prior to January 1, 1914, made purchase
5 of property for park purposes by means of the additional tax of ~~one~~
6 ~~mill~~ *twenty-seven cents per thousand dollars of assessed value on*
7 *the taxable property* authorized by special Acts of the general assem-
8 bly the said board is authorized in its discretion to certify to the
9 council each year and cause to be collected an additional tax of ~~one~~
10 ~~mill~~ *twenty-seven cents per thousand dollars of assessed value on the*
11 *taxable property* each year to be used for the sole and only purpose
12 of grading, beautifying, and otherwise improving any lands acquired
13 for park purposes by means of the tax so authorized or other lands

14 then owned and used for park purposes or for acquiring and improv-
15 ing any driveways or boulevards connecting one park with another.

1 SEC. 71. Section three hundred seventy point twenty-nine
2 (370.29), Code 1973, is amended to read as follows:

3 **370.29 Lakes in public parks.** Where any city had, prior to July
4 1, 1880, received a grant of the title from the United States to a
5 meandered lake within its corporate limits, to be held and used for
6 public uses, recreation and park purposes, and where such city has,
7 for more than twenty years devoted the same to the public use,
8 recreation and park purposes, its board of park commissioners is
9 authorized, in the discretion of said board, to certify to the council
10 and cause to be collected an additional tax of not exceeding ~~one mill~~
11 *twenty-seven cents per thousand dollars of assessed value of taxable*
12 *property* each year, to be used for the sole and only purpose of
13 improving such lake by dredging or otherwise deepening the same,
14 constructing dikes and levees for the protection of the same and for
15 changing the form and size thereof, and for the regulation, control,
16 and improvement of the water supply and for the improvement and
17 beautifying of such lake, the park land surrounding the same, and for
18 the furnishing of suitable equipment thereof for public use and
19 pleasure.

1 SEC. 72. Section three hundred seventy point thirty (370.30),
2 Code 1973, is amended to read as follows:

3 **370.30 Tax for improvement of certain parks.** In all cities where
4 said board shall have, prior to January 1, 1919, acquired property
5 for park purposes, the said board is further authorized to certify to
6 the council in all succeeding years and cause to be collected an addi-
7 tional tax of ~~one mill~~ *twenty-seven cents per thousand dollars of*
8 *assessed value of taxable property* each year, to be used for the sole
9 and only purpose of grading, road-building, building retaining walls,
10 or riprap along watercourses and otherwise permanently improving
11 by the construction of buildings in public parks any and all lands
12 theretofore acquired for park purposes or improving any driveway
13 or boulevard connecting one park with another.

1 SEC. 73. Section three hundred seventy-two point ten (372.10),
2 Code 1973, is amended to read as follows:

3 **372.10 Additional powers—annual report—tax.** Said commission
4 may acquire real estate and riparian and other rights within such
5 city in the vicinity of such stream by donation or purchase, or by
6 condemnation for the public uses herein authorized in the manner
7 provided by law for the taking of private property for public use,
8 and shall take the title to property in the name of the commission
9 and its successors, in trust for the public, and hold the same exempt
10 from taxation. It may sell and convey or lease or exchange any
11 property acquired by it, by virtue of this chapter and otherwise. It
12 shall have exclusive control of all the lands acquired by it, and of
13 the banks and waters of such stream for carrying out the purposes
14 of this chapter; may make contracts, and sue and be sued. It shall
15 keep a record of all its transactions, which shall during ordinary
16 business hours be open to inspection by the public, and shall, imme-
17 diately after the close of each municipal fiscal year, make an annual
18 report of all moneys received and expended by it and for what gen-

19 eral purposes, and of all moneys owing to it and by it and for what
 20 general purposes, to the city council at the regular November meet-
 21 ing, and publish such report in some newspaper in the city. The
 22 commission shall, subject to the approval of the city council, in each
 23 year determine and fix the amount or rate, not exceeding ~~three-~~
 24 ~~quarters of one mill on the dollar~~ *twenty and one-fourth cents per*
 25 *thousand dollars*, on the taxable value of the taxable property of such
 26 city, to be levied, collected, and appropriated for the ensuing year for
 27 the purpose of paying for real estate, including the channel or bed of
 28 any stream acquired by the commission pursuant to section 372.7,
 29 riparian and other rights, for improvements, and for accomplishing
 30 the purposes of the creation of said commission, and to provide for
 31 the payment of interest upon bonds and to retire such bonds, if any,
 32 and to meet the necessary expenses incident to the business of said
 33 commission. Said commission shall, on or before the first Monday in
 34 September of each year, certify to the county auditor the amount or
 35 rate of taxes so fixed, to be known as river-front improvement fund,
 36 and when collected, the same is to be paid over to the city treasurer,
 37 and by him paid out on its orders, and the board of supervisors of the
 38 county in which said city is situated shall levy said tax as fixed by
 39 said commission.

1 SEC. 74. Section three hundred seventy-two point eleven (372.11),
 2 unnumbered paragraph two (2), Code 1973, is amended to read as
 3 follows:

4 Before issuing such bonds the commission shall, by resolution,
 5 subject to the approval of the city council, provide for the assessment
 6 of the annual levy authorized in section 372.10, and not in excess of
 7 the ~~millage amount~~ *amount* therein authorized, sufficient to pay the principal
 8 and interest of such bonds within a period named not exceeding
 9 thirty years, which levy shall be certified to the county auditor or
 10 auditors of the county or counties in which such city is located, and
 11 the tax therein provided for shall be entered annually for collection
 12 all in the manner provided in chapter 76.

1 SEC. 75. Section three hundred seventy-five point one (375.1),
 2 Code 1973, is amended to read as follows:

3 **375.1 Levy.** Cities having a population of not over forty thou-
 4 sand and towns may, when authorized as hereinafter provided, levy
 5 each year *on taxable property* a tax of not to exceed ~~one-half mill~~
 6 ~~thirteen and one-half cents per thousand dollars of assessed value~~
 7 for the purpose of providing a fund for the maintenance or employment
 8 of a band for musical purposes; provided, however, that when there
 9 is so maintained or employed in such city or town a band incorporated
 10 not for profit under chapter 504 or chapter 504A for educational pur-
 11 poses throughout the entire year, which, as a part of such educational
 12 program, trains and maintains throughout the entire year subsidiary
 13 units of such band whereby the youth of the city or town receive
 14 instruction and training in band music, an additional tax of not to
 15 exceed ~~one-half mill thirteen and one-half cents per thousand dollars~~
 16 ~~of assessed value~~ may be levied *on taxable property* for such educa-
 17 tional purposes without further authorization by an election.

18 Cities having a population of over forty thousand may, when
 19 authorized as hereinafter provided, levy each year a tax *on taxable*

20 *property of not to exceed ~~one-eighth mill~~ three and three-eighths*
 21 *cents per thousand dollars of assessed value for the purpose of pro-*
 22 *viding for the maintenance or employment of a band for musical*
 23 *purposes and for the continuance of musical education of children of*
 24 *such cities having a population of over forty thousand.*

1 SEC. 76. Section three hundred seventy-five point two (375.2),
 2 Code 1973, is amended to read as follows:

3 **375.2 Petition.** Said authority shall be initiated by a petition
 4 signed by ten percent of the legal voters of the city or town, as
 5 shown by the last regular municipal election. Said petition shall be
 6 filed with the council or commission and shall request that the fol-
 7 lowing question be submitted to the voters, to wit: "Shall a tax of
 8 not exceeding (here insert number) ~~mills cents~~ *per thousand dollars*
 9 *of assessed value* be levied each year for the purpose of furnishing a
 10 band fund?"

1 SEC. 77. Section three hundred seventy-five point four (375.4),
 2 Code 1973, is amended to read as follows:

3 **375.4 Duty to levy tax.** Said levy shall be deemed authorized if
 4 a majority of the votes cast at said election be in favor of said prop-
 5 osition, and the council or commission shall then levy a tax sufficient
 6 to support or employ such band, not to exceed ~~one-half mill~~ *thirteen*
 7 *and one-half cents per thousand dollars* on the assessed valuation of
 8 such municipality.

1 SEC. 78. Section three hundred seventy-eight point fourteen
 2 (378.14), Code 1973, is amended to read as follows:

3 **378.14 Township tax.** The board of trustees of any township
 4 which has entered into such a contract shall at the April meeting
 5 levy a tax not exceeding ~~one-fourth mill on the dollar~~ *six and three-*
 6 *fourths cents per thousand dollars of assessed value* on all taxable
 7 property in the township to create a fund to fulfill its obligation under
 8 the contract.

1 SEC. 79. Section three hundred seventy-eight point fifteen
 2 (378.15), unnumbered paragraphs one (1) and six (6), Code 1973,
 3 is amended to read as follows:

4 The board of supervisors, after it makes such contract, shall levy
 5 annually on the taxable property of the county outside of cities and
 6 towns, a tax of not more than ~~one mill~~ *twenty-seven cents per thou-*
 7 *sand dollars of assessed value* to create a fund to fulfill its obligation
 8 under the contract.

9 The board of supervisors shall thereafter levy annually on the tax-
 10 able property of the county outside of cities and towns, a tax of not
 11 more than ~~one mill~~ *twenty-seven cents per thousand dollars of*
 12 *assessed value* to create a fund to fulfill the contract obligations of
 13 the trustees appointed by it.

1 SEC. 80. Section three hundred seventy-eight A point ten
 2 (378A.10), Code 1973, is amended to read as follows:

3 **378A.10 Project undertaken by certain cities.** In addition to the
 4 powers otherwise conferred upon cities having a population in
 5 excess of fifty thousand as provided by this chapter and as an alter-
 6 native to leasing civic centers from nonprofit corporations as here-

7 inbefore provided, such cities are hereby authorized to undertake
 8 and carry out any project as hereinbefore defined, and the governing
 9 bodies thereof are authorized to operate, control, maintain and man-
 10 age civic centers and additions thereto and facilities therefor. To
 11 pay the cost of operating, maintaining and managing a civic center
 12 which is owned and operated by any such city, the city council there-
 13 of is authorized to levy an annual special tax not exceeding ~~one-half~~
 14 ~~mill per annum~~ *thirteen and one-half cents per thousand dollars of*
 15 *assessed value* on all the taxable property in the city, said levy to be
 16 in addition to all other levies authorized by law for similar purposes.

1 SEC. 81. Section three hundred seventy-nine A point one
 2 (379A.1), Code 1973, is amended to read as follows:

3 379A.1 Tax—purposes. Cities having a population of over sev-
 4 enty-five thousand and less than one hundred twenty-five thousand
 5 may when authorized as herein provided levy each year a tax of not
 6 to exceed ~~one-eighth of a mill~~ *three and three-eighths cents per thou-*
 7 *sand dollars of assessed value on the taxable property of the city* for
 8 the purpose of providing a fund for the maintenance or employment
 9 of a symphony orchestra for musical purposes; provided, however,
 10 that where there is maintained or employed in such city a symphony
 11 orchestra, not for profit under chapter 504, for educational purposes
 12 throughout the entire year, which, as a part of such educational pro-
 13 gram trains and maintains throughout the entire year subsidiary
 14 units of such orchestra whereby the youth of the city receive instruc-
 15 tion and training in symphony music, an additional tax of not to
 16 exceed ~~one-eighth mill~~ *three and three-eighths cents per thousand*
 17 *dollars of assessed value on the taxable property of the city* may be
 18 levied for such educational purposes without further authorization
 19 by an election.

1 SEC. 82. Section three hundred seventy-nine A point two
 2 (379A.2), Code 1973, is amended to read as follows:

3 379A.2 Petition. Said authority shall be initiated by a petition
 4 signed by ten percent of the legal voters of the city, as shown by the
 5 last municipal election. Said petition shall be filed with the council
 6 or commission and shall request that the following question be sub-
 7 mitted to the voters at a general municipal election, to wit: "Shall
 8 a tax of not exceeding ~~one-eighth mill~~ *three and three-eighths cents*
 9 *per thousand dollars of assessed value on the taxable property of the*
 10 *city* be levied each year for the purpose of furnishing a symphony
 11 orchestra fund?"

1 SEC. 83. Section three hundred seventy-nine A point four
 2 (379A.4), Code 1973, is amended to read as follows:

3 379A.4 Levy. Said levy shall be deemed authorized if a majority
 4 of the votes cast at said election be in favor of said proposition, and
 5 the council or commission shall then levy a tax sufficient to support
 6 or employ such orchestra not to exceed ~~one-eighth mill on the assessed~~
 7 *three and three-eighths cents per thousand dollars of assessed value*
 8 *on the taxable property of such city*. In lieu of the levy provided
 9 herein the council may allocate a portion of the proceeds of the recre-
 10 ation fund not to exceed the amount which would have been raised by
 11 the levy provided herein.

1 SEC. 84. Section three hundred seventy-nine B point one (379B.1),
 2 Code 1973, is amended to read as follows:
 3 **379B.1 Tax levy.** Cities having a population between seventy-
 4 five thousand and one hundred twenty-five thousand, other than
 5 special charter cities, may levy each year a tax of not to exceed ~~one~~
 6 ~~mill~~ *twenty-seven cents per thousand dollars of assessed value on the*
 7 *taxable property of the city* for the purpose of providing a fund for
 8 the acquisition, development, maintenance, and payment of appro-
 9 priate salaries and wages for the operation of cultural and scientific
 10 facilities.

1 SEC. 85. Section three hundred eighty-one point nine (381.9),
 2 unnumbered paragraph two (2), Code 1973, is amended to read as
 3 follows:
 4 A city having a population of five thousand or more may vote a
 5 tax, not to exceed ~~one-half~~ *fourteen hundredths* of one percent of the
 6 assessed value of the taxable property in such city, to construct, or
 7 aid any company which is or may be incorporated under the laws of
 8 this state in the construction of, a highway or combination bridge
 9 across any navigable boundary river of this state, commencing or
 10 terminating in such city, suitable for use as highway, or for both
 11 highway and railway and street railway purposes.

1 SEC. 86. Section three hundred eighty-one point sixteen (381.16),
 2 Code 1973, is amended to read as follows:
 3 **381.16 Contract for use of bridge.** Cities situated on a river
 4 wholly in the state, or one forming its boundary line, and from which
 5 to the opposite shore a bridge has been or may be constructed by
 6 any railroad company, corporation, or person, shall have power to
 7 contract with the railroad company, corporation, or person owning
 8 such bridge for the use of the same as a public highway; which con-
 9 tract may be for the joint use of such bridge, or for the sole use of
 10 such portion thereof as may be devoted or adapted to highway
 11 travel; and may assume the sole liability, or any portion thereof,
 12 for damages to persons or property by reason of their being on any
 13 portion of said bridge or approach to either end thereof, caused by
 14 the running of cars or locomotives thereon by any corporation, com-
 15 pany, or person entitled to its use, whether the damage results from
 16 the negligence of the person engaged in running said cars or locomo-
 17 tives or otherwise, and to indemnify the owners of said bridge, and all
 18 others entitled to use the same, from liability for damage so caused, to
 19 the extent or proportion thereof assumed in the said contract; and
 20 the city may thereafter, and during the continuance of said contract,
 21 manage and control said bridge so far as necessary to regulate the
 22 highway travel thereon, and may regulate the same as a free or
 23 toll bridge, and prescribe such rates of toll as to it from time to
 24 time shall seem proper, and make all necessary police regulations for
 25 the government of the highway travel thereon, and levy the necessary
 26 tax, not exceeding in any one year ~~two and one-half mills on the dollar~~
 27 *sixty-seven and one-half cents per thousand dollars of assessed value*
 28 *of taxable property*, for the purpose of carrying out the terms of such
 29 contract.

1 SEC. 87. Section three hundred eighty-one point seventeen
 2 (381.17), Code 1973, is amended to read as follows:

3 **381.17 Tax to purchase.** Any city in this state which has voted
 4 aid to any company for the construction of a highway or combination
 5 bridge across any navigable boundary river of this state, a condition
 6 of which vote, or the granting or acceptance of such aid, was that
 7 the city should have the right to purchase such bridge from the com-
 8 pany so aided, its successors or assigns, may, at any time after such
 9 taxes voted in aid are collected, vote an additional tax of not ex-
 10 ceeding ~~one and one-fourth~~ *thirty-four hundredths of one* percent of
 11 the assessed value of the taxable property of such city for the purpose
 12 of securing the funds necessary to enable it to make such purchase.
 13 Such taxes shall be payable in such annual installments, not less than
 14 ten, as the electors may determine.

1 SEC. 88. Section three hundred eighty-three point eight (383.8),
 2 Code 1973, is amended to read as follows:

3 **383.8 Preliminary expense—tax—bonds.** Cities may levy a tax
 4 of not to exceed ~~one-fourth mill on the dollar~~ *six and three-fourths*
 5 *cents per thousand dollars of assessed value*, on the taxable valuation
 6 of such city, to be levied, collected, and appropriated solely to finance
 7 preliminary work, including investigation, soundings, employment of
 8 engineers and architects, securing of estimates, and any other useful
 9 work, or appropriate expense in connection with the proposed acqui-
 10 sition, or construction or purchase of any bridge or bridges and the
 11 preliminary financing thereof, and notwithstanding any limitation
 12 now or hereafter imposed by law upon the limit of indebtedness,
 13 except constitutional limitation, may anticipate such tax and issue
 14 bonds with interest coupons maturing in not less than five years, and
 15 the provisions of chapter 408 shall be operative as to such bonds and
 16 coupons, insofar as they may be applicable and except as set forth in
 17 this section. The amount of such bonds may be included as a part of
 18 the cost of the bridge and may be repaid out of the proceeds of any
 19 bonds issued for permanent financing.

1 SEC. 89. Section three hundred eighty-four point three (384.3),
 2 subsections ten (10) and thirteen (13), Code 1973, are amended to
 3 read as follows:

4 10. Tax levy—dock fund. To defray the expense of exercising the
 5 powers conferred by this chapter, or any portion of such expense in
 6 excess of the income from the aforesaid rates and charges to be col-
 7 lected by the board, the council of the municipality shall levy a spe-
 8 cial tax upon the taxable property in the municipality not exceeding
 9 ~~one-half mill on the dollar~~ *thirteen and one-half cents per thousand*
 10 *dollars of assessed value*. The board shall annually make to the coun-
 11 cil a report of the receipts and disbursements made by or on account
 12 of said board, and shall file with the council an estimate of the
 13 amounts necessary to be raised by taxation to defray the expenses
 14 of the board. The council shall at the time of levying annual taxes
 15 levy a sufficient tax not exceeding said ~~one-half mill~~ *thirteen and one-*
 16 *half cents per thousand dollars of assessed value* to meet the said esti-
 17 mate and which shall be collected as other taxes and paid over to the
 18 treasurer of the municipality and by him credited to the fund to be
 19 known as the dock fund.

20 13. Additional tax. In cities having a population of less than
 21 thirty thousand the council shall have power to levy an additional

22 annual special tax upon the taxable property in the municipality, of
 23 not to exceed ~~one-half mill on the dollar~~ *thirteen and one-half cents*
 24 *per thousand dollars of assessed value*, to defray the expense of exer-
 25 cising the powers conferred by this chapter, or any portion of such
 26 expense in excess of the income from the rates and charges to be
 27 collected by the dock board.

1 SEC. 90. Section three hundred eighty-six A point one (386A.1),
 2 Code 1973, is amended to read as follows:

3 **386A.1 Petition for tax.** The qualified voters of any following
 4 named district may file a petition under the conditions hereinafter
 5 specified to vote taxes not exceeding ~~one-eighth mill~~ *three and three-*
 6 *eighths cents per thousand dollars* on the assessed value of the real
 7 and personal property within the district for aid to a public trans-
 8 portation company operating within said district. Said district shall
 9 be composed of all the area within the city where the principal office
 10 of the company to be aided is located plus all the area of any other
 11 city or town, through, or along all routes traveled by the vehicles of
 12 such transportation company.

1 SEC. 91. Section three hundred eighty-six B point twelve
 2 (386B.12), Code 1973, is amended to read as follows:

3 **386B.12 Deficit—transfer from enterprises fund.** If in any year
 4 it appears to the board that after providing for the payment of the
 5 accruing interest on and principal due of any bonds or certificates
 6 issued hereunder from the revenues derived from the operation of
 7 such transit system, there will be a balance of such revenues in such
 8 year insufficient to pay the expenses of operation and maintenance of
 9 the transit system and the creation of the reserve fund as provided
 10 in section 386B.8, the board of transit trustees shall certify the fact
 11 of such anticipated deficit as soon as ascertained to the council of
 12 the municipal corporation and thereupon it shall be the duty of such
 13 council to make the amount of such deficiency for paying the ex-
 14 penses of operation and maintenance and the creation of said reserve
 15 fund available from the municipal enterprises fund in an amount not
 16 exceeding a sum that may be equivalent to a ~~two-mill~~ *levy of fifty-four*
 17 *cents per thousand dollars of assessed value on the taxable property*,
 18 it being conditioned that no general municipal funds or the proceeds
 19 of any taxes shall ever be used or applied to the payment of the
 20 interest on or principal of any bonds issued under the provisions of
 21 this chapter, but that such general municipal funds or proceeds of
 22 taxes may only be used and applied to pay such expenses of opera-
 23 tion and maintenance and for the creation of the reserve fund as
 24 provided in section 386B.8 as cannot be paid from available revenue
 25 derived from such operation.

1 SEC. 92. Section three hundred eighty-seven point six (387.6),
 2 Code 1973, is amended to read as follows:

3 **387.6 Tax permissible.** In cities having a population of twelve
 4 thousand or over, where a viaduct or underpass is required to be
 5 constructed and the plans therefor have been approved and there are
 6 no available funds of said city which may be legally used for the
 7 payment of such damages, such city may levy an annual tax not ex-
 8 ceeding ~~one-half mill on the dollar~~ *thirteen and one-half cents* *per*
 9 *thousand dollars of assessed value on the taxable property* for the

10 purpose of creating a fund to be known as a viaduct or underpass
 11 fund for the payment of damages caused to property by reason of
 12 the construction of such viaduct or underpass and approaches thereto.

1 SEC. 93. Section three hundred eighty-nine point eight (389.8),
 2 Code 1973, is amended to read as follows:

3 **389.8 Increased award—assessment.** If upon appeal any award
 4 shall be raised and the cost and expense of acquiring such property
 5 thereby increased, the amount of such increased cost may also be as-
 6 sessed upon and against the property situated within such benefited
 7 district, and if the council so elects, there may be also assessed
 8 against the property in such benefited district the cost and expense
 9 of clearing and grading the ground so acquired; and street improve-
 10 ment certificates or bonds issued in like manner as provided in sec-
 11 tion 389.7. If two assessments are made and two sets of certificates
 12 or bonds are issued, the first of such certificates or bonds shall be
 13 designated as "Series A" and the second as "Series B". The aggre-
 14 gate amount of both such assessments shall not exceed ~~twenty-five~~
 15 *six and seventy-five hundredths* percent of the assessed value of the
 16 property.

1 SEC. 94. Section three hundred eighty-nine point eighteen
 2 (389.18), Code 1973, is amended to read as follows:

3 **389.18 Special lighting tax.** When any such city or town has
 4 been so divided into lighting districts, the city or town council of
 5 such city or town may levy a special tax upon the property embraced
 6 in such metropolitan lighting district, in addition to all other taxes
 7 provided by law, not to exceed ~~one-half mill~~ *thirteen and one-half*
 8 *cents per thousand dollars of assessed value* to defray the expense in
 9 connection with the lighting of such district; such special tax to be
 10 paid at the same time and in the same manner as general taxes.

1 SEC. 95. Section three hundred ninety point two (390.2), Code
 2 1973, is amended to read as follows:

3 **390.2 Payment—funds—tax.** Any such city or town is hereby
 4 authorized and empowered to acquire by purchase, gift, lease, or oth-
 5 erwise, real estate for parking purposes and pay the costs thereof
 6 either out of the general fund or in the event the required sum is
 7 not available in such fund, the city or town administration shall have
 8 the right to levy a tax to be known as the parking lot fund, to pro-
 9 vide the amount required, but in no event in excess of ~~one-half mill~~
 10 *thirteen and one-half cents per thousand dollars of assessed value* in
 11 any fiscal year.

1 SEC. 96. Section three hundred ninety point ten (390.10), Code
 2 1973, is amended to read as follows:

3 **390.10 Benefited district—tax.** Wherever the free movement and
 4 parking of vehicular traffic is substantially impeded by traffic con-
 5 gestion in cities and towns, the council of said cities and towns may
 6 establish a benefited district for the control, regulation and parking
 7 of said vehicles. Said district shall be established by ordinance after
 8 a public hearing to determine the necessity therefor, and said cities
 9 and towns may then levy a tax not exceeding ~~one-half mill~~ *thirteen*
 10 *and one-half cents per thousand dollars of assessed value* per annum
 11 against all the privately owned business, professional, commercial and
 12 industrial property within said district, but no such tax shall be levied

13 against private property used solely and only for private family resi-
14 dential purposes. Funds derived from said tax shall be used only for
15 the purpose of retiring the revenue bonds, and then only after first
16 applying on said retirement all funds available from the income from
17 said parking lots or from parking meters.

1 SEC. 97. Section three hundred ninety-two point two (392.2),
2 Code 1973, is amended to read as follows:

3 **392.2 Construction—assessment.** When any two such cities or
4 towns shall have so contracted with each other for the joint use of
5 such sanitary sewer system for outletting purposes, the city or town
6 obligating itself to pay a consideration for the use of the sanitary
7 sewer system of the other city or town, shall have the authority to
8 build the necessary line or lines of sanitary sewer to connect the san-
9 itary sewer system of such city or town with the sanitary sewer sys-
10 tem of such other city or town, and its council shall have authority to
11 levy, by resolution, a special assessment against all of the property in
12 such city or town which abuts upon any line of sanitary sewer therein
13 or which is adjacent thereto, for the payment in whole or in part,
14 of the cost of constructing such connecting line or lines, and the
15 amount agreed to be paid for the use of the sanitary sewer system
16 of such other city or town as an outlet, and costs incident thereto,
17 hereinafter spoken of as the project cost, and its council shall have
18 authority to establish, by resolution, a joint sewer district or dis-
19 tricts, including therein such property within its corporate limits, as
20 its council may determine will be benefited, and its council may an-
21 nually levy a tax thereon, of not to exceed ~~five mills~~ *one dollar and*
22 *thirty-five cents per thousand dollars of assessed value* for a joint
23 sewer fund, provided, that if anticipation of the collection of such
24 tax be proposed by said council, such anticipated tax may be levied
25 at one time for current and succeeding years not exceeding twenty,
26 but that the levy of such tax for any such year shall not exceed ~~said~~
27 ~~five mills~~ *one dollar and thirty-five cents per thousand dollars of as-*
28 *essed value.*

1 SEC. 98. Section three hundred ninety-three point seven (393.7),
2 Code 1973, is amended to read as follows:

3 **393.7 Rentals supplanting taxes.** Said sewer rentals, charges or
4 rates may supplant or replace, in whole or in part, any ~~millage~~ *levy*
5 taxes which may be, or have been, authorized by resolution of the
6 council of the municipality for any of the following purposes:

7 1. To meet interest and principal payments on bonds legally author-
8 ized for the financing of such sanitary utilities in any manner.

9 2. To pay any costs of the construction, maintenance or repair of
10 such sanitary facilities or utilities, including payments to be made
11 under any contract between municipalities for either the joint use of
12 sewerage or sewage facilities, or for the use by one municipality of
13 all or a part of the sewerage or sewer system of another municipi-
14 pality.

15 And when such sewer rental ordinance has been passed and put
16 into effect, prior ordinances or resolutions providing for ~~millage~~ taxes
17 against real and personal property for such purposes, or the portion
18 thereof replaced, may be rescinded, repealed or rendered inactive.

1 SEC. 99. Section three hundred ninety-five point twenty-two
2 (395.22), Code 1973, is amended to read as follows:

3 **395.22 Levy for deficiency.** After the contract or contracts for
4 making such improvement have been entered into, the council shall
5 ascertain the cost of the work, including the cost of property pur-
6 chased or condemned and appropriated, and the cost of filling the
7 old channel as ordered by the council, and the cost of surveys, plans
8 and specifications, estimates, notices, inspection, and supervision,
9 and the preparing of plats and schedules of assessments, and shall
10 thereupon by resolution levy the whole of the said cost remaining,
11 after deducting the amount of the special assessments for benefits
12 conferred upon the lands and other property within the improve-
13 ment district, at one time as a special tax. Such tax shall be levied
14 upon all the taxable property of the city except moneys and credits,
15 and the levy shall not exceed in the aggregate ~~one and one-fourth mills~~
16 *thirty-three and three-fourths cents per thousand dollars of assessed*
17 *value per year for all improvements made.*

1 SEC. 100. Section three hundred ninety-eight point one (398.1),
2 Code 1973, is amended to read as follows:

3 **398.1 Tax—sinking fund.** Cities having a population of over ten
4 thousand, shall have power to levy, in addition to the regular water
5 tax authorized by law, a tax of ~~one-half mill upon the dollar~~ *thirteen*
6 *and one-half cents per thousand dollars of assessed value* upon all the
7 property within the corporate limits of said cities, excepting lots
8 greater than ten acres in area used for horticultural or agricultural
9 purposes, for the purpose of creating a sinking fund to be used as
10 provided in this chapter for the purchase or erection of waterworks
11 in such cities, or for the payment of any indebtedness incurred by
12 such cities for waterworks now owned by the same. The proceeds
13 of such ~~one-half mill~~ levy, together with such other surplus funds as
14 may be set aside as a sinking fund by the board of waterworks trus-
15 tees, shall be deposited in one or more solvent banks or trust com-
16 panies of the city making such levy, at a rate of interest not less than
17 three percent per annum, compounded semiannually, and payable,
18 principal and interest, on demand, after sixty days' notice in writing.
19 The city treasurer depositing the proceeds of such tax shall exact
20 from the bank or trust company wherein such money is deposited a
21 satisfactory bond, payable to the city, to be approved by the treasurer
22 and mayor of such city, and to be filed in the office of the city trea-
23 surer.

1 SEC. 101. Section three hundred ninety-eight point five (398.5),
2 Code 1973, is amended to read as follows:

3 **398.5 Authority granted.** Cities having a population of over ten
4 thousand are hereby authorized to purchase or erect waterworks,
5 under the provisions of this chapter, for the purpose of supplying
6 said cities and the inhabitants thereof with water, and are author-
7 ized to continue the levy of the ~~one-half mill~~ tax herein provided for
8 *at the rate of thirteen and one-half cents per thousand dollars of*
9 *assessed value* until the purchase price, principal and interest, or
10 the cost incurred in the erection of said works, or the indebtedness
11 heretofore incurred for and on account of such works, is fully paid
12 and discharged.

1 SEC. 102. Section three hundred ninety-eight point six (398.6),
2 unnumbered paragraph one (1) and subsection two (2), Code 1973,
3 are amended to read as follows:

4 Cities levying such sinking fund tax are hereby authorized to let
5 a contract or contracts for the purchase or erection of waterworks,
6 and, upon the approval and adoption of such contract or contracts as
7 hereinafter provided, to apply such sinking fund upon the cost there-
8 of, and cities so purchasing or constructing and those now owning
9 such water works* are authorized to pledge the proceeds of the contin-
10 uing ~~one-half mill~~ levy provided for in this chapter, and the regular
11 water levy, and the net revenues derived from the operation of the
12 waterworks, and shall have the right to mortgage or bond such
13 works, to secure the payment of the purchase price or the cost of
14 constructing such waterworks, or the cost of making necessary ex-
15 tensions and improvements of such waterworks; and such cities shall
16 have the right to execute additional mortgage or mortgages or bonds
17 upon such works for the purposes above set forth. Provided that
18 said additional mortgage or mortgages or bonds shall bear not more
19 than seven percent interest per annum; but no part of the general
20 fund of such city shall be applied upon such contracts, bonds, or
21 mortgages. In the payment thereof, the city and holders of said
22 contracts, bonds, or mortgages shall be restricted to the proceeds of
23 the said taxes and the net revenues of the said waterworks, as here-
24 inbefore provided; and such contract, contracts, or bonds shall not
25 bear a higher rate of interest than seven percent per annum, pay-
26 able semiannually. Cities having a population of over ten thousand,
27 which have adopted or may adopt an ordinance availing themselves
28 of the privileges conferred herein, shall in addition thereto have and
29 possess the following powers:

30 2. They shall have power to issue the general bonds of the city
31 creating an indebtedness of said city to an amount which with its
32 other existing indebtedness, shall not exceed ~~five~~ *one and thirty-five*
33 *hundredths* percent of the assessed value of the taxable property of
34 said city as shown by the last preceding assessment, the said bonds
35 or proceeds of sale thereof to be used in the purchase or construc-
36 tion of a water plant, as herein provided; provided, however, that
37 such bonds can be issued by order of the city council of said city
38 only after a contract for the purchase or construction of a water
39 plant and providing for the issuance of such bonds has been ap-
40 proved by the majority of the electors of said city voting at an elec-
41 tion thereon to be held in accordance with the provisions of section
42 398.7. Neither the said bonds nor the proceeds thereof shall be di-
43 verted to another purpose than as herein provided. Said cities may
44 purchase or contract a water plant and pay for the same partly out
45 of the water bonds and partly out of the general bonds herein pro-
46 vided, or wholly out of either class of bonds or proceeds thereof, as
47 such city may determine. The general bonds of the city herein pro-
48 vided shall bear interest at not exceeding seven percent per annum,
49 payable semiannually, and shall be payable not more than twenty
50 years after date and be in the general form of bonds provided by sec-
51 tion 346.3, with such changes as may be necessary to conform the
52 same to this statute and the ordinances or contract of the city under
53 which they are issued.

*According to enrolled Act

1 SEC. 103. Section three hundred ninety-eight point ten (398.10),
2 Code 1973, is amended to read as follows:

3 **398.10 Fixing rates.** The board of trustees shall from time to
4 time fix the water rentals or rates to be charged for the furnishing
5 of water, and such rates, with the proceeds of the ~~one and one-fourth~~
6 ~~mill~~ water levy of *thirty-three and three-fourths cents per thousand*
7 *dollars of assessed value* and the sinking fund levy of ~~one-half mill~~
8 *thirteen and one-half cents per thousand dollars of assessed value*,
9 shall be sufficient for the maintenance and operation of such works,
10 and the proper and necessary extension thereof, for all repairs, and
11 for the payment of the purchase price or cost, principal and interest,
12 incurred in the purchase or erection of such works, as the same falls
13 due, according to the tenor of the mortgage and bonds given to secure
14 the payment of such purchase price or cost. The board shall make
15 quarterly statements giving full and complete reports of the receipts
16 and disbursements of the board for the first three quarters of the
17 fiscal year. Said reports shall be filed in the office of the city clerk on
18 the second Monday in April, July, and October, for the quarters pre-
19 ceding the first day of said months. The reports shall be audited by
20 the city council.

1 SEC. 104. Section three hundred ninety-nine point five (399.5),
2 Code 1973, is amended to read as follows:

3 **399.5 Power to tax.** It shall have the power to levy upon all the
4 taxable property within the corporate limits of said city for said
5 purposes in addition to all other taxes now provided by law a special
6 tax not exceeding in any one year ~~one and one-fourth mills on the~~
7 ~~dollar~~ *thirty-three and three-fourths cents per thousand dollars of*
8 *assessed value*, for a period of years not exceeding fifty.

1 SEC. 105. Section four hundred four point two (404.2), Code
2 1973, is amended to read as follows:

3 **404.2 Functional funds—maximum levy.** Municipal corporations
4 shall have power to establish the functional funds provided by sec-
5 tions 404.6 to 404.12, inclusive, and to cause taxes to be levied on all
6 taxable property within the corporate limits according to the needs
7 of the particular corporation for each particular function, and in
8 the aggregate not to exceed ~~thirty mills on the dollar~~ *eight dollars and*
9 *ten cents per thousand dollars of assessed value* in any tax year for
10 all of said functions, and they shall also have power to establish a
11 debt service fund, and trust or agency funds. The aforesaid aggregate
12 ~~millage~~ rate shall be exclusive of all sources of income received or
13 receivable by cities and towns other than taxes caused to be levied
14 under the provisions of sections 404.6 to 404.12, inclusive, and those
15 taxes in lieu of which allocations may be made under said sections by
16 express authorization contained therein.

1 SEC. 106. Section four hundred four point ten (404.10), sub-
2 section four (4), Code 1973, is amended to read as follows:

3 4. For the maintenance of a free public library. The board of
4 library trustees shall, on or before the first day of August in each
5 year, make an estimate of the amount it deems necessary for the
6 improvement, operation, and maintenance of the library and shall
7 transmit said estimate together with a statement of the amount nec-
8 essary for the purposes authorized by subsection 3 to the council. In

9 no event shall the amount of tax allocated for maintenance purposes
 10 exceed the amount that would be derived from a ~~three-mill~~ levy of
 11 *eighty-one cents per thousand dollars of assessed value* at current
 12 valuations, nor shall the amount allocated for purposes of subsection 3
 13 exceed the amount that would be derived from a levy of ~~three-fourths~~
 14 *mill twenty and one-fourth cents per thousand dollars of assessed*
 15 *value* at current valuations.

1 SEC. 107. Section four hundred four point thirteen (404.13),
 2 unnumbered paragraph one (1), Code 1973, is amended to read as
 3 follows:

4 Municipal corporations shall establish a debt service fund and
 5 shall cause to be levied for said fund a tax in such number of mills ~~on~~
 6 ~~the dollar~~ on all taxable property within the corporate limits, *in the*
 7 *amount* as is necessary for the following purposes:

1 SEC. 108. Section four hundred four point fifteen (404.15), Code
 2 1973, is amended to read as follows:

3 **404.15 Agricultural lands.** No land included within the limits of
 4 any municipal corporation which is not laid off into lots of ten acres
 5 or less, and which is also in good faith occupied and used for agri-
 6 cultural or horticultural purposes nor the personal property used in
 7 connection therewith shall be taxable for any city or town purpose,
 8 except that said lands and all personal property necessary to the
 9 use and cultivation of said agricultural or horticultural lands, shall
 10 be liable to taxation, not to exceed ~~one and one-fourth mills~~ *thirty-*
 11 *three and three-fourths cents per thousand dollars of assessed value*
 12 in any year, for municipal street purposes.

1 SEC. 109. Section four hundred four point twenty-six (404.26),
 2 subsection five (5), Code 1973, is amended to read as follows:

3 5. No other statute whether heretofore or hereafter enacted relat-
 4 ing to the taxing power of municipal corporations, shall be construed
 5 to increase, the limits on ~~millage~~ levies established in section 404.2
 6 unless this chapter is amended, but nothing contained in this sub-
 7 section shall be construed to limit the source of payment of bonds
 8 issued by municipal corporations and interest thereon. In all laws
 9 hereafter enacted such amendment shall be a separate section of the
 10 Act.

1 SEC. 110. Section four hundred four point twenty-seven (404.27),
 2 Code 1973, is amended to read as follows:

3 **404.27 City and town financing of sanitary disposal projects.** The
 4 governing body of any city or town may cause to be levied a tax on
 5 all taxable property within its corporate limits not to exceed ~~one~~
 6 ~~quarter mill~~ *six and three-fourths cents per thousand dollars of*
 7 *assessed value* for the purpose of planning a sanitary disposal project
 8 and such tax shall not be subject to the ~~thirty-mill~~ levy limitation
 9 contained in section 404.2, and shall be in addition to the taxes author-
 10 ized by that section and this provision shall not be construed to be a
 11 substitute for or a limitation upon any levy otherwise authorized by
 12 law. The tax herein authorized may be levied one time by each city
 13 and town in this state.

1 SEC. 111. Section four hundred seven point nine (407.9), un-
 2 numbered paragraph two (2), Code 1973, is amended to read as fol-
 3 lows:

4 Shall (Here name city or town)
 5 (Here state the particular proposition to be voted upon) and contract
 6 indebtedness for such purpose not exceeding \$..... and issue
 7 bonds for such purpose not exceeding \$..... and levy tax an-
 8 nually upon the taxable property in (Here name of city
 9 or town), not exceeding ~~mills~~ *dollars and* YES ___*
 10 *cents per thousand dollars of assessed value*
 11 per annum for the payment of such bonds and the inter- NO ___*
 12 est thereon?

1 SEC. 112. Section four hundred ten point one (410.1), unnum-
 2 bered paragraphs one (1) and two (2), Code 1973, are amended to
 3 read as follows:

4 Any city or town having an organized fire department may, and
 5 all cities having an organized police department or a paid fire depart-
 6 ment shall, levy annually *on taxable property* a tax not to exceed
 7 ~~one-eighth mill~~ *three and three-eighths cents per thousand dollars of*
 8 *assessed value* for each such department, for the purpose of creating
 9 firemen's and policemen's pension funds.

10 Provided that cities having a population of more than six thousand
 11 five hundred may annually levy *on taxable property* a tax of not more
 12 than ~~one-half mill~~ *thirteen and one-half cents per thousand dollars of*
 13 *assessed value* for each such department for such purpose. Provided,
 14 further, that cities, in which a police and/or fire retirement system
 15 based upon actuarial tables shall be established by law, shall levy for
 16 the police and/or fire pension funds a tax sufficient in amount to meet
 17 all necessary obligations and expenditures; and said obligations and
 18 expenditures shall be direct liabilities of said cities.

1 SEC. 113. Section four hundred nineteen point eleven (419.11),
 2 Code 1973, is amended to read as follows:

3 **419.11 Tax equivalent to be paid—assessment procedure—appeal.**
 4 Any municipality acquiring, purchasing, constructing, reconstruct-
 5 ing, improving or extending any industrial buildings or pollution
 6 control facilities, as provided in this chapter, shall annually pay out
 7 of the revenue from such industrial buildings or pollution control
 8 facilities to the state of Iowa and to the city, town, school district and
 9 any other political subdivision, authorized to levy taxes, a sum equal
 10 to the amount of tax, determined by applying the ~~millage~~ *tax* rate of
 11 the taxing district to the assessed value of the property, which the
 12 state, county, city, town, school district or other political subdivision
 13 would receive if the property were owned by any private person or
 14 corporation, any other statute to the contrary notwithstanding. For
 15 purposes of arriving at such tax equivalent, the property shall be
 16 valued and assessed by the assessor in whose jurisdiction the property
 17 is located, in accordance with chapter 441, but the municipality, the
 18 lessee on behalf of the municipality, and such other persons as are
 19 authorized by chapter 441 shall be entitled to protest any assessment
 20 and take appeals in the same manner as any taxpayer. Such valuations
 21 shall be included in any summation of valuations in the taxing district
 22 for all purposes known to the law. Income from this source shall be
 23 considered under the provisions of section 24.3, subsection 1. If and
 24 to the extent the proceedings under which the bonds authorized to be

*According to enrolled Act

25 issued under the provisions of this chapter so provide, the municipal-
 26 ity may agree to co-operate with the lessee of a project in connection
 27 with any administrative or judicial proceedings for determining the
 28 validity or amount of any such payments and may agree to appoint or
 29 designate and reserve the right in and for such lessee to take all action
 30 which the municipality may lawfully take in respect of such payments
 31 and all matters relating thereto, provided, however, that such lessee
 32 shall bear and pay all costs and expenses of the municipality thereby
 33 incurred at the request of such lessee or by reason of any such action
 34 taken by such lessee in behalf of the municipality. Any lessee of a
 35 project which has paid, as rentals additional to those required to be
 36 paid pursuant to section 419.5, the amounts required by the first sen-
 37 tence of this section to be paid by the municipality shall not be required
 38 to pay any such taxes to the state or to any such county, city, town,
 39 school district or other political subdivision, any other statute to the
 40 contrary notwithstanding. This section shall not be applicable to
 41 any municipality acquiring, purchasing, constructing, reconstruct-
 42 ing, improving, or extending any buildings for the purpose of estab-
 43 lishing, maintaining, or assisting any private college or university.
 44 The payment, collection, and apportionment of the tax equivalent
 45 shall be subject to the provisions of chapters 445, 446 and 447.

1 SEC. 114. Section four hundred twenty point one hundred fifty-
 2 five (420.155), Code 1973, is amended to read as follows:

3 **420.155 Water-front improvement—fund.** Any city acting under
 4 special charter, which is bounded in part or divided by a river, may
 5 improve said water front by constructing retaining walls, filling,
 6 grading, paving, macadamizing, or riprapping the same and may
 7 improve and beautify its water front and the river bank and nearby
 8 uplands and made and reclaimed lands in such city; and to pay for
 9 such improvements the council of such city is empowered to levy a
 10 tax of not exceeding ~~one-fourth mill on the dollar~~ *six and three-fourths*
 11 *cents per thousand dollars of assessed value* per annum on the taxable
 12 property thereof, the same when collected to be known as the levee
 13 improvement fund. The proceeds of such fund shall be used exclu-
 14 sively for said purposes.

1 SEC. 115. Section four hundred twenty point one hundred fifty-
 2 seven (420.157), Code 1973, is amended to read as follows:

3 **420.157 Bonds.** In the event that the proceeds of such tax in
 4 any one year shall be insufficient to pay for the improvements of
 5 that year, or if the city council shall deem best to extend the pay-
 6 ment over a number of years, then upon a majority vote of said
 7 council approving the same, said cities may borrow the money to
 8 make such improvements and issue the negotiable interest-bearing
 9 bonds of said city to evidence said debt; provided that the total bond
 10 that may be issued under this chapter by any one city shall not ex-
 11 ceed *twenty-seven hundredths* of one percent of the assessed value
 12 of said city.

1 SEC. 116. Section four hundred twenty point two hundred four
 2 (420.204), Code 1973, is amended to read as follows:

3 **420.204 Valuation.** The assessed or taxable value of all property
 4 except moneys and credits including moneyed capital other than
 5 moneyed capital within the meaning of section 548 of Title 12 of the

6 United States Code as amended, and the value at which it shall be
7 listed and upon which the levy shall be made, in special charter cities,
8 shall be valued and assessed as provided by section 441.21. The levy
9 so ascertained shall be certified to the county treasurer of the county
10 in which such city is located and the county treasurer shall pay to
11 the treasurer of such city, such portion of the ~~five-mill~~ tax on moneys
12 and credits collected within such city, and such city's share of the
13 moneys and credits tax replacement fund, as the aggregate levy so
14 certified is of the total levy obtained by adding such certified levy to
15 the levy for all purposes except city purposes.

1 SEC. 117. Section four hundred twenty point two hundred six
2 (420.206), Code 1973, is amended to read as follows:

3 420.206 Levy and collection. The council shall have power to
4 levy and collect taxes for all general and special purposes in this
5 chapter authorized, upon all property within the city not exempted
6 from taxation by the general law of the state, and to fix the ~~number of~~
7 ~~mills amount~~ to be levied on the value thereof, which shall be ascer-
8 tained by the assessor of said city.

1 SEC. 118. Section four hundred twenty point two hundred thirty
2 (420.230), Code 1973, is amended to read as follows:

3 420.230 Tax list. All assessments and taxes levied by the council,
4 except as otherwise provided by law, shall be placed by the auditor,
5 clerk, or recorder, as provided by ordinance, upon the proper tax
6 book, to be known as the "tax list", properly ruled and headed with
7 distinct columns to correspond with the assessment books, with a
8 column for polls and one for payments, and he shall complete the
9 same by carrying out the consolidated tax and all other taxes levied,
10 and at the end of the list shall make an abstract thereof and appor-
11 tion the consolidated tax among the respective funds to which it
12 belongs, according to the ~~number of mills amount~~ levied for each,
13 and certify the same to the collector or treasurer at or before the
14 regular time for the collection and payment of taxes.

1 SEC. 119. Section four hundred twenty-one point seventeen
2 (421.17), subsection twelve (12), Code 1973, is amended to read as
3 follows:

4 12. To make a summary of the tax situation in the state, setting
5 out the amount of moneys raised by both direct and indirect taxa-
6 tion; and also to formulate and recommend legislation for the better
7 administration of the fiscal laws so as to secure just and equal taxa-
8 tion. To recommend such additions to and changes in the present
9 system of taxation that in the director's judgment are for the best
10 interest of the state and will eliminate the necessity of any ~~millage~~
11 levy for state purposes.

1 SEC. 120. Section four hundred twenty-five point one (425.1),
2 subsections two (2), three (3) and four (4), Code 1973, are
3 amended to read as follows:

4 2. The homestead credit fund shall be apportioned each year as
5 hereinafter provided so as to give a credit against the tax on each
6 eligible homestead in the state, as defined herein; the amount of
7 such credit to be in the same proportion that the assessed valuation
8 of each eligible homestead in the state in an amount not to exceed

9 ~~twenty-five hundred~~ *nine thousand two hundred sixty* dollars bears to
10 the total assessed valuation of all eligible homesteads in the state in
11 an amount not to exceed ~~twenty-five hundred~~ *nine thousand two hun-*
12 *dred sixty* dollars for each homestead.

13 3. The revenue distributable from the homestead credit fund, as pro-
14 vided for in subsection 1 hereof, shall be allocated every six months
15 to the several counties of the state in the same proportion that the
16 assessed valuation of all eligible homesteads in each county in an
17 amount not to exceed ~~twenty-five hundred~~ *nine thousand two hundred*
18 *sixty* dollars for each homestead, bears to the total assessed valuation
19 of all eligible homesteads in the state in an amount not to exceed
20 ~~twenty-five hundred~~ *nine thousand two hundred sixty* dollars for each
21 homestead. Every six months the department of revenue shall certify
22 and remit to the county treasurer of each county in the state the total
23 amount of money which has been apportioned or is then apportionable
24 to that county.

25 4. Annually the department of revenue shall estimate the ~~millage~~
26 credit not to exceed ~~twenty-five mills~~ *six dollars and seventy-five cents*
27 *per thousand dollars of assessed value* to be given to each dollar of
28 eligible homestead valuation based upon the estimated revenue that
29 may be distributable from the homestead credit fund for the ensuing
30 year, and shall certify to the county auditor of each county such
31 ~~millage~~ credit and the amount in dollars thereof. Each county audi-
32 tor shall then enter such credit against the tax levied on each eligible
33 homestead in each county payable during the ensuing year, designat-
34 ing on the tax lists such credit as being from the homestead credit
35 fund, and credit shall then be given to the several taxing districts in
36 which such eligible homesteads are located in an amount equal to the
37 credits allowed on the taxes of such homesteads. The amount of said
38 credits shall be apportioned by each county treasurer to the several
39 taxing districts as provided by law, in the same manner as though
40 the amount of the credit had been paid by the owners of said home-
41 steads; provided, however, that the several taxing districts shall not
42 be permitted to draw the funds so credited until after the semiannual
43 allocations have been received by the county treasurer, as provided in
44 this chapter. Each county treasurer shall show on each tax receipt
45 the amount of credit received from the homestead credit fund.

1 SEC. 121. Section four hundred twenty-five point nine (425.9),
2 unnumbered paragraph two (2), Code 1973, is amended to read as
3 follows:

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

1 SEC. 122. Section four hundred twenty-five point eleven (425.11),
2 subsection one (1), paragraphs c and e, Code 1973, are amended to
3 read as follows:

- 4 c. If within a city or town plat, it must not exceed one-half acre
5 in extent; if, however, its assessed valuation is less than ~~twenty-five~~
6 ~~hundred nine thousand two hundred sixty~~ dollars, the land area may
7 be enlarged until its assessed valuation reaches that amount.
- 8 e. It must not embrace more than one dwelling house, but where a
9 homestead outside of a city or town has more than one dwelling house
10 situated thereon, the ~~millage~~ credit provided for in this chapter shall
11 apply to forty acres, the home and buildings used by the owner, but
12 shall not apply to any other dwelling house and buildings appurtenant
13 thereto situated upon said forty acres.

1 SEC. 123. Section four hundred twenty-five point thirteen
2 (425.13), Code 1973, is amended to read as follows:
3 **425.13 Conspiracy to defraud.** If any two or more persons conspire and confederate together with fraudulent intent to obtain the
4 ~~millage~~ credit provided for under the terms of this chapter by making
5 a false deed, or a false contract of purchase, they are guilty of a conspiracy and every person who is convicted of such a conspiracy shall
6 be imprisoned in the county jail for a period not to exceed one year,
7 or shall be fined in a sum not to exceed one thousand dollars, or shall
8 be imprisoned in the penitentiary not more than three years.

1 SEC. 124. Section four hundred twenty-six point three (426.3),
2 Code 1973, is amended to read as follows:
3 **426.3 Where credit given.** The agricultural land credit fund shall
4 be apportioned each year in the manner hereinafter provided so as
5 to give a credit against the tax on each tract of agricultural lands
6 within the several school districts of the state in which the ~~millage~~
7 ~~levy~~ for the general school fund exceeds ~~twenty mills five dollars and~~
8 ~~forty cents per thousand dollars of assessed value~~; the amount of
9 such credit on each tract of such lands shall be the amount the tax
10 levied for the general school fund exceeds the amount of tax which
11 would be levied on said tract of such lands were the levy for the general school fund ~~twenty mills five dollars and forty cents per thousand~~
12 ~~dollars of assessed value~~ for the previous year, except in the case of a
13 deficiency in the agricultural land credits fund to pay said credits in full, in which case the credit on each eligible tract of such lands in the
14 state shall be proportionate and shall be applied as hereinafter provided. The agricultural land credit as provided herein shall not be
15 made to any taxpayer on any portion of his property upon which he
16 made to any taxpayer on any portion of his property upon which he
17 made to any taxpayer on any portion of his property upon which he
18 made to any taxpayer on any portion of his property upon which he
19 made to any taxpayer on any portion of his property upon which he

1 SEC. 125. Section four hundred twenty-six point six (426.6),
2 unnumbered paragraph one (1), Code 1973, is amended to read as
3 follows:
4 **426.6 Computation by auditor — appeal.** The agricultural land
5 tax credit allowed each year shall be computed as follows: On or
6 before the first of June the county auditor shall list by school districts all tracts of agricultural lands which they are entitled to credit
7 hereunder, together with the taxable value for the previous year, together with the budget from each school district for the previous
8 year, and the tax rate determined for the general fund of the district in the manner prescribed in section 444.3 for the previous year,
9 and if such tax rate is in excess of ~~twenty mills five dollars and forty~~
10 ~~cents per thousand dollars of assessed value~~ he shall multiply the
11 and if such tax rate is in excess of ~~twenty mills five dollars and forty~~
12 ~~cents per thousand dollars of assessed value~~ he shall multiply the
13 and if such tax rate is in excess of ~~twenty mills five dollars and forty~~
14 ~~cents per thousand dollars of assessed value~~ he shall multiply the

14 millage tax levy which is in excess of ~~twenty mills~~ *five dollars and*
 15 *forty cents per thousand dollars of assessed value* by the total taxable
 16 value of the agricultural lands entitled to credit hereunder in the dis-
 17 trict, and on or before the first of June certify the amount thereof to
 18 the state comptroller.

1 SEC. 126. Section four hundred twenty-six A point two (426A.2),
 2 Code 1973, is amended to read as follows:

3 426A.2 Where credit given. The military service tax credit fund
 4 shall be apportioned each year as hereinafter provided so as to re-
 5 place all or a portion of the tax on property eligible for military
 6 service tax exemption in the state, were such property subject to tax-
 7 ation the amount of such credit to be equal to not more than ~~twenty-~~
 8 ~~five mills~~ *six dollars and seventy-five cents per thousand dollars of*
 9 *assessed value* upon the valuation of property subject to the tax
 10 which, but for military service tax exemption, would be payable upon
 11 such property in the taxing district to which such property is located.

1 SEC. 127. Section four hundred twenty-six A point eight
 2 (426A.8), unnumbered paragraph two (2), Code 1973, is amended
 3 to read as follows:

4 In the event any claim for exemption made hereunder has been
 5 denied by the board of supervisors, and such action is subsequently
 6 reversed on appeal, the same millage credit shall be allowed on the
 7 assessed valuation, not to exceed the amount of the military service
 8 tax exemption involved in said appeal, as was allowed on other mili-
 9 tary service tax exemption valuations for the year or years in ques-
 10 tion, and the director of revenue, the county auditor, and the county
 11 treasurer are hereby authorized and directed to make such millage
 12 credit and to change their books and records accordingly.

1 SEC. 128. Section four hundred twenty-seven point three (427.3),
 2 subsections one (1) through four (4), Code 1973, are amended to
 3 read as follows:

4 1. The property, not to exceed ~~three~~ *eleven thousand one hundred*
 5 *eleven* dollars in taxable value, and poll tax of any honorably dis-
 6 charged union soldier, sailor, or marine of the Mexican war or the
 7 war of the rebellion.

8 2. The property, not to exceed ~~eighteen~~ *six thousand six hundred*
 9 *sixty-seven* dollars in taxable value, and poll tax of any honorably
 10 discharged soldier, sailor, marine or nurse of the war with Spain,
 11 Tyler Rangers, Colorado volunteers in the war of the rebellion, 1861
 12 to 1865, Indian wars, Chinese relief expedition or the Philippine
 13 insurrection.

14 3. The property, not to exceed ~~seven~~ *two thousand seven hundred*
 15 *fifty seventy-eight* dollars in taxable value of any honorably dis-
 16 charged soldier, sailor, marine, or nurse of the first World War.

17 4. The property, not to exceed ~~five~~ *one thousand eight hundred*
 18 *fifty-two* dollars in taxable value of any honorably separated, retired,
 19 furloughed to a reserve, placed on inactive status, or discharged
 20 soldier, sailor, marine, or nurse of the second World War, army of
 21 occupation in Germany November 12, 1918, to July 11, 1923, Ameri-
 22 can expeditionary forces in Siberia November 12, 1918, to April 30,
 23 1920, second Nicaraguan campaign with the navy or marines in Nica-
 24 ragua or on combatant ships 1926-1933, second Haitian suppressions

25 of insurrections 1919-1920, navy and marine operations in China
 26 1937-1939 and Yangtze service with navy and marines in Shanghai
 27 or in the Yangtze Valley 1926-1927 and 1930-1932 or of the Korean
 28 Conflict at any time between June 27, 1950, and January 31, 1955,
 29 both dates inclusive, or *those who served on active duty during the*
 30 *Vietnam Conflict beginning August 5, 1964, and ending on June 30,*
 31 *1973, both dates inclusive, and as defined in chapter sixty-four (64),*
 32 *section three (3), Laws of the Sixty-fifth General Assembly, 1973*
 33 *Session the date the armed forces of the United States are directed*
 34 *by formal order of the government of the United States to cease hos-*
 35 *tilities, both dates inclusive, as well as those serving honorably on*
 36 *active military duty during the time of the Vietnam Conflict.*

1 SEC. 129. Section four hundred twenty-seven A point two
 2 (427A.2), unnumbered paragraph one (1), Code 1973, is amended
 3 to read as follows:

4 Persons entitled to exemption from personal property tax under
 5 provisions of section 427.3, shall be granted such exemption, in addi-
 6 tion to the credits provided by this chapter. There is hereby granted
 7 a credit of not to exceed ~~two ten thousand seven hundred~~ dollars
 8 against the assessed value of tangible personal property as defined
 9 in section 427A.1, owned by a person or business enterprise.

1 SEC. 130. Section four hundred twenty-seven A point four
 2 (427A.4), unnumbered paragraphs one (1), two (2), three (3) and
 3 five (5), Code 1973, are amended to read as follows:

4 No person or business enterprise in the state shall be allowed a
 5 credit on personal property tax in excess of ~~two ten thousand seven~~
 6 ~~hundred~~ dollars assessed valuation. Any person or business enter-
 7 prise who owns personal property subject to taxation in more than
 8 one county of the state shall designate in reporting such property to
 9 the assessor for the purpose of assessment as required in section
 10 427A.1 in which counties of the state the property is located and may
 11 claim the entire credit in one county or a proportionate part thereof
 12 in each county where the property is situated, and in no case shall he
 13 claim more than the ~~two ten thousand seven hundred~~ dollars assessed
 14 value for all personal property assessed in all counties.

15 Each year, on or before July ~~±~~ *first*, the taxpayer shall deliver to
 16 the assessor an application for personal property tax credit and state
 17 by such affidavit or affidavits filed in each county where his personal
 18 property is situated, that he has not claimed a total personal property
 19 tax credit in all counties in excess of a total of ~~two ten thousand seven~~
 20 ~~hundred~~ dollars assessed valuation.

21 It shall be the duty of the assessor to examine claims for such
 22 credit filed with him and recommend on each such claim the disallow-
 23 ance thereof where it appears that an owner of tangible personal
 24 property has attempted to divide the ownership thereof for purpose
 25 of obtaining additional credit beyond the amount of ~~two ten thousand~~
 26 ~~seven hundred~~ dollars in a year.

27 Any person making a false affidavit for the purpose of obtaining
 28 the credit provided for in this section, or who knowingly receives
 29 such credit without being legally entitled thereto, or who makes claim
 30 for credit of more than ~~two ten thousand seven hundred~~ dollars in the
 31 state shall be guilty of a misdemeanor and upon conviction thereof
 32 shall be fined not more than one hundred dollars or imprisoned in the

33 county jail for not more than thirty days or be both so fined and
34 imprisoned.

1 SEC. 131. Section four hundred twenty-seven A point five
2 (427A.5), unnumbered paragraph one (1), Code 1973, is amended
3 to read as follows:

4 If personal property is owned separately by a husband and wife,
5 they may divide the credit or one may take the entire credit, but in
6 no case may a husband and wife receive a total credit of more than
7 ~~two ten thousand seven hundred~~ dollars unless husband, wife or
8 minor children own farm units separately. If personal property is
9 owned by separate business enterprises and the business enterprises
10 are controlled or owned by the same person, the separate business
11 enterprises may divide the credit or one may take the entire credit,
12 but in no case may separate business enterprises which are controlled
13 or owned by the same person receive a total exemption of more than
14 ~~two ten thousand seven hundred~~ dollars.

1 SEC. 132. Section four hundred forty-one point sixteen (441.16),
2 unnumbered paragraph seven (7), Code 1973, is amended to read as
3 follows:

4 Any tax for the maintenance of the office of assessor and other
5 assessment procedure shall be levied only upon the property in the area
6 assessed by said assessor and such tax levy shall not exceed ~~one and~~
7 ~~one-half mills~~ *forty and one-half cents per thousand dollars of as-*
8 *essed value* in assessing areas where the valuation upon which the tax
9 is levied does not exceed ~~twenty-five ninety-two million six hundred~~
10 *thousand dollars; one and one-quarter mills thirty-three and three-*
11 *fourths cents per thousand dollars of assessed value* in assessing
12 areas where the valuation upon which the tax is levied exceeds
13 ~~twenty-five ninety-two million six hundred thousand~~ dollars and does
14 not exceed ~~thirty one hundred eleven million one hundred twenty~~
15 *thousand dollars; one mill twenty-seven cents per thousand dollars*
16 *of assessed value* in assessing areas where the valuation upon which
17 the tax is levied exceeds ~~thirty one hundred eleven million one hun-~~
18 *dred twenty thousand dollars. The county treasurer shall credit the
19 sums received from such levy to a separate fund to be known as the
20 "assessment expense fund" and from which fund all expenses in-
21 curred under this chapter shall be paid. In the case of a county where
22 there is more than one assessor the treasurer shall maintain separate
23 assessment expense funds for each assessor.*

1 SEC. 133. Section four hundred forty-one point twenty-two
2 (441.22), Code 1973, is amended to read as follows:

3 **441.22 Forest and fruit-tree reservations.** Forest reservations
4 fulfilling the conditions of sections 161.1 to 161.13, inclusive, shall be
5 assessed on a taxable valuation of ~~four fourteen~~ dollars and ~~eighty-~~
6 *two cents* per acre. Fruit-tree reservations shall be assessed on a
7 taxable valuation of ~~four fourteen~~ dollars and ~~eighty-two~~ cents per
8 acre for a period of eight years from the time of planting. In all other
9 cases where trees are planted upon any tract of land, without regard
10 to area, for forest, fruit, shade, or ornamental purposes, or for wind-
11 breaks, the assessor shall not increase the valuation of such property
12 because of such improvements.

1 SEC. 134. Section four hundred forty-one point forty-five
2 (441.45), subsections one (1) through four (4), Code 1973, are
3 amended to read as follows:

4 1. The number of acres of land and the aggregate ~~actual and~~ tax-
5 able values of the same, exclusive of town lots, returned by the asses-
6 sors, as corrected by the board of review.

7 2. The aggregate ~~actual and~~ taxable values of real estate in each
8 township, city, and town in the county, returned as corrected by the
9 board of review.

10 3. The aggregate ~~actual and~~ taxable values of personal property.

11 4. An abstract as to the number and value of all animals as the
12 same are returned by the assessor, showing the aggregate ~~actual and~~
13 taxable values and number of each kind or class, and such other facts
14 as may be required by the director of revenue.

1 SEC. 135. Section four hundred forty-one point forty-nine
2 (441.49), Code 1973, is amended to read as follows:

3 441.49 **Adjustment by assessor.** The director shall keep a record
4 of the review and adjustment proceedings and finish such proceed-
5 ings on or before the third Monday of October. He shall notify each
6 assessor by mail of the final action taken by him at such proceedings
7 and specify any adjustments in the valuations of any kind or class
8 of property to be made effective for the assessor jurisdiction. The
9 assessor shall, after December ~~31~~ *thirty-first* of the year in which the
10 adjustments were ordered by the director and prior to April ~~16~~ *six-*
11 *teenth* of the year following, review the actual and assessed valuations
12 then in effect on any part or all of the real estate of the class or classes
13 of property whose valuations were adjusted by the director and the
14 assessor shall revalue and reassess to the end that the aggregate
15 actual valuation for each class of property affected will be the amount
16 determined by the director. In making such adjustments the assessor
17 shall see to it that in no case shall the assessed value of an individual
18 property exceed ~~twenty-seven~~ *one hundred* percent of its actual value
19 determined in accordance with section 441.21. For the purposes of
20 this section, a taxpayer affected by the assessor's revaluation and re-
21 assessment shall have the right to have the same reviewed in the
22 manner provided for in sections 441.37, 441.38 and 441.39, but such
23 review shall be limited only to the action taken by the assessor for the
24 current year, not for prior years. By no later than April ~~21~~ *twenty-*
25 *first*, the assessor shall submit to the director of revenue, on forms
26 prescribed by the director, a report of whatever action he has taken
27 to comply with the equalization order issued to him the previous
28 October. If the director of revenue determines that, for any reason,
29 the assessor has not complied with the equalization order by making
30 the necessary adjustments in valuations, he shall on or about May ~~1~~
31 *first* so notify the local board of review. Upon its receipt of such
32 notification, the board of review shall make the necessary adjust-
33 ments to arrive at the level of assessment as provided for in the
34 equalization order, and shall notify, through publications in official
35 newspapers of general circulation, any class or classes of property
36 affected by such action. By no later than May ~~31~~ *thirty-first*, the
37 board of review shall submit to the director of revenue, on forms
38 prescribed by the director, a report of the action taken to comply
39 with the equalization order. The director of revenue shall reconvene

40 the local board of review as prescribed in section 421.17, subsection
41 10.

1 SEC. 136. Section four hundred forty-one point fifty (441.50),
2 Code 1973, is amended to read as follows:
3 **441.50 Appraisers employed.** The conference board shall have
4 power to employ appraisers or other technical or expert help to assist
5 in the valuation of property, the cost thereof to be paid in the same
6 manner as other expenses of the assessor's office. The conference
7 board may certify for levy annually an amount not to exceed ~~one and~~
8 ~~one-half mills upon all forty and one-half cents per thousand dollars~~
9 ~~of assessed value of taxable property~~ for the purpose of establishing
10 a special appraiser's fund, to be used only for such purposes. From
11 time to time the conference board may direct the transfer of any
12 unexpended balance in the special appraiser's fund to the assessment
13 expense fund.

1 SEC. 137. Section four hundred forty-two point one (442.1), as
2 amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
3 chapter two hundred fifty-eight (258), section one (1), is amended
4 to read as follows:
5 **442.1 State school foundation program.** This chapter establishes
6 a state school foundation program. For each school year, each school
7 district in the state is entitled to receive state school foundation aid,
8 which shall be an amount per pupil equal to the difference between
9 the amount per pupil of foundation property tax in the district, and
10 the state foundation base or the district cost per pupil, whichever is
11 less. However, for the school years beginning July 1, 1973, and
12 July 1, 1974, only, if the amount so determined for any district is
13 less than two hundred dollars per pupil, the district is entitled to
14 receive not less than two hundred dollars per pupil except when a
15 district's total general fund ~~millage tax~~ rate is reduced to ninety per-
16 cent or less of the district's total general fund ~~millage tax~~ rate for the
17 school year beginning July 1, 1970. In this case the district is entitled
18 to receive only that portion of the two hundred dollars per pupil
19 necessary to retain that ten percent reduction. In making computa-
20 tions and payments under this chapter, the state comptroller shall
21 round amounts to the nearest whole dollar.

1 SEC. 138. Section four hundred forty-two point two (442.2), un-
2 numbered paragraph one (1), Code 1973, is amended to read as fol-
3 lows:
4 **442.2 Foundation property tax.** Each school district shall cause to
5 be levied each year, for the school general fund, a foundation property
6 tax of ~~twenty mills per dollar~~ *five dollars and forty cents per thou-*
7 *sand dollars* of assessed valuation on all taxable property in the dis-
8 trict. For the purpose of this chapter, a school district is defined as
9 a school corporation organized under chapter 274. Each county audi-
10 tor shall certify to each school district within the county and to the
11 state comptroller, not later than October ~~1~~ *first* each year, the assessed
12 valuation of taxable property for the current year in each school
13 district within the county.

1 SEC. 139. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter two hundred fifty-four (254), section five (5), is amended
3 to read as follows:

4 Sec. 5. Section four hundred forty-two point two (442.2), Code
5 1973, is amended by adding the following new unnumbered para-
6 graph:

7 NEW UNNUMBERED PARAGRAPH. The amount paid to each school
8 district for the tax credit for livestock under this Act shall be re-
9 garded as property tax. The portion of the payment which is founda-
10 tion property tax shall be determined by applying the foundation
11 property tax millage rate to the taxable value of livestock assessed
12 for taxation in the district as of January 1, 1973, determined pur-
13 suant to this Act, and adjusted to actual value as provided in section
14 one hundred seventy-four (174) of this Act.

1 SEC. 140. Acts of the Sixty-fifth General Assembly, 1973 Ses-
2 sion, chapter two hundred fifty-five (255), section five (5), is
3 amended to read as follows:

4 Sec. 5. Section four hundred forty-two point two (442.2), Code
5 1973, is amended by adding the following new paragraph:

6 NEW PARAGRAPH. The amount paid to each school district from
7 the personal property tax replacement fund established by this Act
8 shall be regarded as property tax. For budget years beginning after
9 the year in which the ninth increase in the additional personal prop-
10 erty tax credit becomes effective as provided in this Act, the portion
11 of the payment which is foundation property tax shall be deter-
12 mined by applying the foundation property tax millage rate to the
13 total assessed actual value of all personal property assessed for tax-
14 ation in the district as of January 1, 1973, excluding livestock, but
15 including other personal property eligible for tax credits granted by
16 chapter four hundred twenty-seven A (427A) of the Code as amended
17 by this Act. For budget years to and including the year in which the
18 ninth increase in the additional personal property tax credit becomes
19 effective as provided in this Act, the portion of the payment which is
20 foundation property tax shall be determined by the state comptroller
21 pursuant to uniform methods established by him.

1 SEC. 141. Section four hundred forty-two point nine (442.9),
2 subsection one (1), paragraphs b and c, as amended by Acts of the
3 Sixty-fifth General Assembly, 1973 Session, chapter two hundred
4 fifty-eight (258), section eight (8), and subsection two (2), Code
5 1973, are amended to read as follows:

6 b. The district cost for the budget year is equal to the district
7 cost per pupil for the budget year multiplied by the enrollment. A
8 school district may not increase its district cost for the budget year
9 except to the extent that an excess millage tax levy is authorized by
10 the school budget review committee as provided in section 442.13,
11 subsection eight (8).

12 c. The amount to be raised by the additional school district prop-
13 erty tax levy is equal to the district cost for the budget year, less the
14 product of the state or district foundation base and the enrollment.
15 However, said amount shall be adjusted in accordance with the maxi-
16 mum millage levy provided in section 442.10 and the maximum mill-
17 age tax levy reduction provided in section 442.21.

18 2. No later than December 1 first of each year, the state comp-
19 troller shall notify the county auditor of each county the amount,
20 both in dollars and mills cents per thousand dollars of assessed value,

21 of the additional property tax levy in each school district in the
 22 county. Each county auditor shall spread the additional property tax
 23 levy for each school district over all taxable property in the district.

1 SEC. 142. Section four hundred forty-two point ten (442.10),
 2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
 3 1973 Session, chapter two hundred fifty-eight (258), section nine
 4 (9), is amended to read as follows:

5 **442.10 Maximum millage levy.** For the purpose of determining
 6 the maximum ~~millage tax~~ levy for the general fund in a school dis-
 7 trict, the state comptroller shall determine the sum of the foundation
 8 property tax levy and the additional property tax levy, in ~~mills dollars~~
 9 *and cents per thousand dollars of assessed value*. When this total
 10 ~~millage~~ levy exceeds the district general fund levy in ~~mills~~ for the
 11 school year which began July 1, 1970, he shall adjust the district
 12 general fund ~~millage~~ levy to a rate equal to the ~~millage~~ levy for the
 13 school year beginning July 1, 1970, except that *an excess millage tax*
 14 *levy* authorized by the school budget review committee, as provided
 15 in section 442.13, subsection eight (8), may be added to that rate.

1 SEC. 143. Section four hundred forty-two point eleven (442.11),
 2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
 3 1973 Session, chapter two hundred fifty-eight (258), section ten
 4 (10), is amended to read as follows:

5 **442.11 Guaranteed state aid.** For the school year beginning July
 6 1, 1972, and for the next four succeeding school years, the state shall
 7 provide specific funds, called guaranteed state aid, to any school dis-
 8 trict in which the amount to be raised by the maximum ~~millage~~ levy
 9 plus the state school foundation aid, does not meet the district cost.

10 There is hereby appropriated from the general fund of the state
 11 to the department of public instruction moneys sufficient to pay the
 12 guaranteed state aid provided in this section. The state comptroller
 13 shall pay this aid in installments, at the same time as the installments
 14 of state school foundation aid are paid.

1 SEC. 144. Section four hundred forty-two point thirteen (442.13),
 2 subsections seven (7) and ten (10), Code 1973, as amended by Acts
 3 of the Sixty-fifth General Assembly, 1973 Session, chapter two hun-
 4 dred fifty-eight (258), section eleven (11), are amended to read as
 5 follows:

6 7. If a nonpublic school closes wholly or in part, the committee
 7 may authorize an increase in the district general fund ~~millage tax~~
 8 levy beyond the maximum permitted by section four hundred forty-
 9 two point ten (442.10) of the Code, but only to the extent necessary
 10 to cover the cost of absorbing the former nonpublic school pupils into
 11 the public school system. The school board shall establish the amount
 12 of necessary increased cost to the satisfaction of the school budget
 13 review committee before an increase in ~~millage tax~~ *levy* is authorized.

14 10. When the committee makes a decision under subsections three
 15 (3) through nine (9) of this section, it shall make all necessary
 16 changes in the district cost, budget, and ~~millage tax~~ *levy*. It shall give
 17 written notice of its decision, including all such changes, to the school
 18 board through the state comptroller.

1 SEC. 145. Section four hundred forty-three point two (443.2),
 2 Code 1973, is amended to read as follows:

3 **443.2 Tax list.** Before the first day of January in each year, the
4 county auditor shall transcribe the assessments of the several town-
5 ships, towns, or cities into a book or record, to be known as the tax
6 list, properly ruled and headed, with separate columns, in which
7 shall be entered the names of the taxpayers, descriptions of lands,
8 number of acres and value, numbers of town lots and value, value
9 of personal property and each description of tax, with a column for
10 polls and one for payments, and shall complete the same by entering
11 the amount due on each installment, separately, and carrying out
12 the total of both installments. The total of all columns of each page
13 of each book or other record shall balance with the tax totals. In any
14 case where in transcribing such assessments any county auditor has
15 heretofore failed or hereafter fails to enter the actual value opposite
16 each item of taxable property on the tax list, then the aggregate
17 actual value, as well as the aggregate taxable value, of all such tax-
18 able property within such county and each political or municipal cor-
19 poration therein shall be transcribed from such books and records of
20 assessment onto such tax list in order that the actual value of the
21 taxable property within each county or other political or municipal
22 corporation therein may be ascertained and shown by the tax list for
23 the purpose of computing the debt incurring capacity of such county
24 or other political or municipal corporation therein.

1 **SEC. 146.** Section four hundred forty-three point three (443.3),
2 Code 1973, is amended to read as follows:

3 **443.3 Correction—tax apportioned.** At the time of transcribing
4 said assessments into the tax list, the county auditor shall correct
5 all transfers up to date and place the legal descriptions of all real
6 estate in the name of the owner at said date as shown by the trans-
7 fer book in his office. At the end of the list for each township, town,
8 or city he shall make an abstract thereof, and apportion the consoli-
9 dated tax among the respective funds to which it belongs, according
10 to the number of mills amounts levied for each.

1 **SEC. 147.** Section four hundred forty-three point five (443.5),
2 Code 1973, is amended to read as follows:

3 **443.5 Aggregate valuations certified.** At the time of delivering
4 the list to the treasurer, the auditor shall furnish to the director of
5 revenue a certified statement showing separately the aggregate actual
6 and taxable valuations of the real and personal property in the county,
7 and also the aggregate amount of each separate tax as shown by the
8 tax list.

1 **SEC. 148.** Section four hundred forty-three point twenty-one
2 (443.21), Code 1973, is amended to read as follows:

3 **443.21 Assessments certified to county auditor.** All assessors and
4 assessing bodies, including the department of revenue having author-
5 ity over the assessment of property for tax purposes shall certify to
6 the county auditor of each county the actual and assessed values of all
7 the taxable property in such county as finally equalized and deter-
8 mined, and the same shall be transcribed onto the tax lists as required
9 by section 443.2.

1 **SEC. 149.** Section four hundred forty-four point four (444.4),
2 Code 1973, is amended to read as follows:

3 **444.4 Fractional rates disregarded.** If in adjusting the rate to be
 4 levied in any taxing district to conform to law, such rates shall make
 5 necessary the levying of a fraction of a mill in excess of one-half of
 6 one-tenth of a mill cent, said fractional excess may be computed as
 7 one-tenth of a mill one cent, which latter shall be the smallest required
 8 to be spread upon the tax lists for any purpose except rates applicable
 9 to a state purpose.

1 **SEC. 150.** Section four hundred forty-four point nine (444.9),
 2 subsections two (2) and four (4), Code 1973, are amended to read
 3 as follows:

4 **2. Ordinary county revenue.** For ordinary county revenue, not to
 5 exceed ~~four and one-half mills on a dollar~~ *one dollar and twenty-one*
 6 *and one-half cents per thousand dollars of assessed value* in counties
 7 having an assessed ~~valuation~~ *value* of less than ~~sixteen~~ *fifty-nine* mil-
 8 *lion two hundred sixty thousand* dollars, not to exceed ~~four mills on a~~
 9 ~~dollar~~ *one dollar and eight cents per thousand dollars of assessed*
 10 *value* in counties having an assessed ~~valuation~~ *value* of ~~sixteen~~ *fifty-*
 11 *nine million two hundred sixty thousand* dollars or more and less than
 12 ~~twenty-six~~ *ninety-six million three hundred thousand* dollars, not to
 13 exceed ~~three and one-half mills on a dollar~~ *ninety-four and one-half*
 14 *cents per thousand dollars of assessed value* in counties having an
 15 assessed ~~valuation~~ *value** of ~~twenty-six~~ *ninety-six million three hun-*
 16 *dred thousand* dollars or more and less than ~~thirty-two~~ *one hundred*
 17 *eighteen million five hundred twenty thousand* dollars, and not to
 18 exceed ~~three mills on a dollar~~ *eighty-one cents per thousand dollars*
 19 *of assessed value* in counties having an assessed ~~valuation~~ *value* of
 20 ~~thirty-two~~ *one hundred eighteen million five hundred twenty thou-*
 21 *sand* dollars or more.

22 **4. Des Moines county levy.** In all counties having a population of
 23 thirty-five thousand, or more, and not more than forty thousand, and
 24 having an ordnance plant located therein owned by the United States
 25 government, the board of supervisors may, with the approval of the
 26 state comptroller, levy not to exceed ~~two mills on a dollar~~ *fifty-four*
 27 *cents per thousand dollars of assessed value* under the provisions of
 28 this section.

1 **SEC. 151.** Section four hundred forty-four point eleven (444.11),
 2 Code 1973, is amended to read as follows:

3 **444.11 County orphan fund.** The board of supervisors may levy
 4 a tax, not exceeding ~~one-eighth mill on the dollar~~ *three and three-*
 5 *eighths cents per thousand dollars of assessed value* in any one year,
 6 on all the taxable property in its county, at the same time other taxes
 7 are levied, and to be collected in the same manner, to aid in and for
 8 the maintenance and education of destitute orphans. The fund thus
 9 raised shall be called the "county orphan fund", and shall be expended
 10 in such sums and manner as the exigencies of each case may demand.
 11 If there be such children who are without guardian, or, having one,
 12 are neglected, they shall be cared for through some suitable person
 13 to be appointed by the board.

1 **SEC. 152.** Section four hundred forty-five point fifty-seven
 2 (445.57), Code 1973, is amended to read as follows:

3 **445.57 Monthly apportionment.** On or before the tenth day of
 4 each month, the treasurer shall apportion all taxes collected during

*value probably intended

5 the preceding month among the several funds to which they belong
 6 according to the ~~number of mills amount~~ levied for each fund, and
 7 the interest and penalties thereon to the general fund, and shall enter
 8 the same upon his cash account, and report the amount of each tax
 9 and the interest and penalties collected on the same to the county
 10 auditor, who shall charge him in each fund with the same.

1 SEC. 153. Section four hundred fifty-five B point eighty-one
 2 (455B.81), Code 1973, is amended to read as follows:

3 455B.81 **Tax levy.** The board of supervisors of any county may,
 4 in lieu of the levy authorized by section 332.32, annually levy a tax
 5 not to exceed ~~one-fourth mill on all six and three-fourths cents per~~
 6 *thousand dollars of assessed value of taxable property in the county*
 7 *outside the incorporated limits of any city or town for the purpose*
 8 *of planning a sanitary disposal project or of paying the interest and*
 9 *principal of bonds issued pursuant to the provisions of section 346.23*
 10 *as they become due. The levy authorized by this section shall be the*
 11 *only mill levy that the board of supervisors may authorize for the*
 12 *purposes of this section, notwithstanding the provisions of section*
 13 *346.11 or any other provision of law.*

1 SEC. 154. Section four hundred sixty-six point five (466.5), Code
 2 1973, is amended to read as follows:

3 466.5 **Annual installments.** If the proposed improvement is the
 4 maintenance of a levee, the amount collected in any one year shall
 5 not exceed ~~twelve and one-half mills on the dollar~~ *three dollars and*
 6 *thirty-seven and one-half cents per thousand dollars of the assess-*
 7 *ment valuation, which said assessment shall be levied at a level rate*
 8 *on the assessable value of the said lands, improvements, easements,*
 9 *and railroads within the district. If the amount necessary to pay for*
 10 *the improvement exceeds said sum, it shall be levied and collected in*
 11 *annual installments of twenty or less. For all other improvements,*
 12 *the board shall levy a rate sufficient to pay for the same, and may, at*
 13 *their discretion, make the same payable in annual installments of*
 14 *twenty or less.*

1 SEC. 155. Section four hundred sixty-six point seven (466.7),
 2 Code 1973, is amended to read as follows:

3 466.7 **Cost of maintaining.** The board of supervisors shall have
 4 the right and power to keep and maintain any such levee, ditches,
 5 drains, or system of drainage, either in whole or in part, established
 6 under sections 466.1 to 466.6, inclusive, as may in their judgment be
 7 required, and to levy the expense thereof upon the real estate within
 8 such drainage district as herein provided for, and collect and expend
 9 the same; provided, however, that no such work which shall impose
 10 a tax exceeding ~~twelve and one-half mills on the dollar~~ *three dollars*
 11 *and thirty-seven and one-half cents per thousand dollars on the*
 12 *assessable value of the lands and improvements within the district*
 13 *shall be authorized by them, unless the same is first petitioned for*
 14 *and authorized in substantially the manner required by this chapter*
 15 *for the inauguration of new work except that if such work is of the*
 16 *kinds contemplated by section 455.135, and the cost thereof is within*
 17 *the limitations of said section, or is of the kinds contemplated by*
 18 *section 455.201, and the cost thereof is within the limitations of said*
 19 *section, then the provisions of section 455.135 or section 455.201 shall*
 20 *supersede the limitations of this section.*

1 SEC. 156. Section four hundred sixty-seven A point twenty
2 (467A.20), unnumbered paragraph four (4), Code 1973, is amended
3 to read as follows:

4 The board or boards of supervisors shall upon receipt of certifi-
5 cation from the governing body of the district make the necessary
6 millage levy on the assessed valuation of all real estate within the
7 boundaries of the subdistrict lying within their respective county to
8 raise said amounts, but in no event to exceed ~~four mills~~ *one dollar and*
9 *eight cents per thousand dollars of assessed value.*

1 SEC. 157. Section four hundred sixty-seven B point nine
2 (467B.9), Code 1973, is amended to read as follows:

3 **467B.9 Tax.** The county board of supervisors may annually levy
4 a tax not to exceed ~~one-quarter mill~~ *on six and three-fourths cents per*
5 *thousand dollars of assessed value of all agricultural lands in the*
6 *county, the same to be used to acquire land or rights or interests*
7 *therein by purchase or condemnation, and for repair, alteration,*
8 *maintenance, and operation of the present and future works of im-*
9 *provement built on lands under the control or jurisdiction of the*
10 *county, as provided for in this chapter.*

1 SEC. 158. Section four hundred eighty-three point one (483.1),
2 unnumbered paragraph one (1), Code 1973, is amended to read as
3 follows:

4 The qualified voters of the following named districts may file a
5 petition under the conditions hereinafter specified to vote taxes not
6 exceeding ~~one and one-fourth~~ *thirty-four hundredths of one percent*
7 *on the assessed value of the real property within the district for any*
8 *of the following purposes:*

1 SEC. 159. Section four hundred eighty-three point fourteen
2 (483.14), Code 1973, is amended to read as follows:

3 **483.14 Limitation.** The aggregate amount of taxes on property
4 in aid of railroads shall not during any ten years exceed ~~five~~ *one and*
5 *thirty-five hundredths percent on the assessed value thereof.*

1 SEC. 160. Section five hundred sixty-five point eight (565.8),
2 Code 1973, is amended to read as follows:

3 **565.8 Tax voted to maintain.** When any county, city, or town
4 shall receive by gift or devise, property, real or personal, for the
5 purpose of establishing any institution of benevolence including hos-
6 pitals, and no sufficient fund or endowment is provided for its main-
7 tenance, or is received upon condition that the donee or devisee pro-
8 vide for aiding the maintenance of such institution by a tax levy
9 upon the assessed property of such municipality, it shall be the duty
10 of the governing board of such municipality to submit by resolution
11 to the qualified electors thereof at a regular or special election the
12 question whether there shall be levied upon the assessed property of
13 such municipality an annual tax not exceeding ~~three-fourths mill~~ *on*
14 *the dollar twenty and one-fourth cents per thousand dollars of*
15 *assessed value for the purpose of aiding the maintenance of such*
16 *institution. The said proposition shall be submitted in the manner*
17 *provided for similar propositions in the title on elections.*

1 SEC. 161. Section five hundred sixty-five point nine (565.9), Code
2 1973, is amended to read as follows:

3 565.9 **Amount of levy.** If a majority of the votes cast at such
4 election on the proposition so submitted shall be in favor of the prop-
5 osition, the governing board of such municipality shall determine the
6 amount to be levied for such purpose, not exceeding ~~three-fourths mill~~
7 ~~on the dollar~~ *twenty and one-fourth cents per thousand dollars of*
8 *assessed value*, and the amount so fixed shall be levied upon the as-
9 sessed property of such municipality and collected in the same man-
10 ner as other taxes of such municipality are levied and collected.

1 SEC. 162. Section five hundred sixty-five point twelve (565.12),
2 Code 1973, is amended to read as follows:

3 565.12 **Condition as to annuity.** When a gift or bequest is condi-
4 tioned upon the payment of an annuity to the donor, or any other
5 person, the governing board of such municipality may, upon accept-
6 ance of such gift or bequest, agree to pay such annuity providing the
7 amount thereof does not exceed five percent of the amount of the gift
8 or bequest and does not exceed the amount realized from a ~~one mill~~
9 *tax levy of twenty-seven cents per thousand dollars of assessed value*
10 upon the taxable property of said municipality.

1 SEC. 163. Section five hundred sixty-five point thirteen (565.13),
2 Code 1973, is amended to read as follows:

3 565.13 **Annuity tax.** To provide for the payment of such annuity,
4 said municipality, through its proper officers, shall annually there-
5 after levy a tax, not exceeding ~~three-fourths mill~~ *twenty and one-*
6 *fourth cents per thousand dollars of assessed value*, sufficient to pay
7 such annuity.

1 SEC. 164. Section five hundred sixty-five point fourteen (565.14),
2 Code 1973, is amended to read as follows:

3 565.14 **Limitation on acceptance.** No agreement shall be made
4 unless the annuity provided for therein, and all annuities provided
5 for under prior agreements, may be paid from the proceeds of one
6 annual tax levy of ~~three-fourths mill~~ *twenty and one-fourth cents per*
7 *thousand dollars of assessed value.*

1 SEC. 165. Section six hundred thirteen A point seven (613A.7),
2 Code 1973, is amended to read as follows:

3 613A.7 **Insurance.** The governing body of any municipality may
4 purchase a policy of liability insurance insuring against all or any
5 part of liability which might be incurred by such municipality or its
6 officers, employees and agents under the provisions of section 613A.2
7 and may similarly purchase insurance covering torts specified in sec-
8 tion 613A.4. The premium costs of such insurance may be levied
9 in excess of any ~~millage~~ tax limitation imposed by statute. Any in-
10 dependent or autonomous board or commission in the municipality
11 having authority to disburse funds for a particular municipal func-
12 tion without approval of the governing body may similarly procure
13 liability insurance within the field of its operation. The procure-
14 ment of such insurance constitutes a waiver of the defense of govern-
15 mental immunity as to those exceptions listed in section 613A.4 to
16 the extent stated in such policy but shall have no further effect on
17 the liability of the municipality beyond the scope of this chapter.

18 The existence of any insurance which covers in whole or in part any
 19 judgment or award which may be rendered in favor of the plaintiff,
 20 or lack of any such insurance, shall not be material in the trial of
 21 any action brought against the governing body of any municipality,
 22 or their officers, employees or agents and any reference to such in-
 23 surance, or lack of same, shall be grounds for a mistrial.

1 SEC. 166. Section six hundred thirteen A point ten (613A.10),
 2 Code 1973, is amended to read as follows:

3 **613A.10 Tax to pay judgment or settlement.** When a final judg-
 4 ment is entered against or a settlement is made by a municipality
 5 for a claim within the scope of sections 613A.2 or 613A.8, payment
 6 shall be made and the same remedies shall apply in the case of non-
 7 payment as in the case of other judgments against the municipality.
 8 If said judgment or settlement is unpaid at the time of the adoption
 9 of the annual budget, it shall budget an amount sufficient to pay the
 10 judgment or settlement together with interest accruing thereon to
 11 the expected date of payment. Such tax may be levied in excess of
 12 any millage limitation imposed by statute.

1 SEC. 167. Acts of the Sixty-fourth General Assembly, 1972 Ses-
 2 sion, chapter one thousand eighty-one (1081), section three (3), un-
 3 numbered paragraph one (1), is amended to read as follows:

4 The board of supervisors of each county shall levy in 1972 and
 5 annually thereafter for three consecutive years a tax of ~~two hun-~~
 6 ~~dredths of a mill against one-half cent per thousand dollars of the~~
 7 assessed value of the taxable property of the county, to be collected
 8 at the same time and in the same manner as other property taxes and
 9 the proceeds of the levy shall be deposited in the county indemnifica-
 10 tion fund.

1 SEC. 168. Acts of the Sixty-fourth General Assembly, 1972 Ses-
 2 sion, chapter one thousand eighty-eight (1088), section eighty-two
 3 (82), is amended to read as follows:

4 Sec. 82. A city may certify taxes to be levied by the county on
 5 all taxable property within the city limits, for all city government
 6 purposes. However, the tax levied by a city on lots of more than
 7 ten acres and the personal property thereon, occupied and used for
 8 agricultural or horticultural purposes, may not exceed ~~one and one-~~
 9 ~~fourth mills thirty-three and three-fourths cents per thousand dollars~~
 10 ~~of assessed value~~ in any year. A city's tax levy for the general fund
 11 may not exceed ~~thirty mills on the dollar~~ *eight dollars and ten cents*
 12 *per thousand dollars* of taxable value in any tax year, except for the
 13 levies authorized in section ninety-three (93) of this Act.

1 SEC. 169. Acts of the Sixty-fourth General Assembly, 1972 Ses-
 2 sion, chapter one thousand eighty-eight (1088), section eighty-eight
 3 (88), unnumbered paragraph one (1), is amended to read as follows:

4 A city may establish a capital improvements reserve fund, and
 5 may certify taxes not to exceed ~~two and one-half mills on the dollar~~
 6 *sixty-seven and one-half cents per thousand dollars* of taxable value
 7 each year to be levied for the fund for the purpose of accumulating
 8 moneys for the financing of specified capital improvements, or carry-
 9 ing out a specific capital improvement plan.

1 SEC. 170. Acts of the Sixty-fourth General Assembly, 1972 Ses-
2 sion, chapter one thousand eighty-eight (1088), section eighty-nine
3 (89), is amended to read as follows:

4 Sec. 89. A city may establish an emergency fund and may certify
5 taxes not to exceed ~~one mill on the dollar~~ *twenty-seven cents per thou-*
6 *sand dollars* of taxable value each year to be levied for the fund.
7 Transfers may be made from the emergency fund to the general fund
8 as provided in rules promulgated by the city finance committee cre-
9 ated in section ninety-four (94) of this Act.

1 SEC. 171. Acts of the Sixty-fourth General Assembly, 1972 Ses-
2 sion, chapter one thousand eighty-eight (1088), section ninety-three
3 (93), is amended to read as follows:

4 Sec. 93. A city may certify, for the general fund levy, taxes
5 which are not subject to the ~~thirty-mill~~ limit provided in section
6 eighty-two (82) of this Act, and which are in addition to any other
7 moneys the city may wish to spend for such purposes, as follows:

8 ~~1. A tax not to exceed one-half mill for voting machines, as pro-~~
9 ~~vided in section fifty-two point three (52.3) of the Code.~~

10 ~~2 1.~~ A tax not to exceed ~~one-half mill~~ *thirteen and one-half cents*
11 *per thousand dollars of assessed value* for the support of a municipal
12 band, subject to the following:

13 a. Upon receipt of a petition valid under the provisions of section
14 four (4) of this Act, the council shall submit to the voters at the next
15 regular city election the question of whether a tax shall be levied.

16 b. If a majority approves the levy, it may be imposed.

17 c. The levy can be eliminated by the same procedure of petition and
18 election.

19 d. A tax authorized by an election held prior to the effective date of
20 this Act may be continued until eliminated by the council, or by peti-
21 tion and election.

22 ~~3 2.~~ A tax not to exceed ~~five mills~~ *one dollar and thirty-five cents*
23 *per thousand dollars of assessed value* for development, operation,
24 and maintenance of a memorial building or monument, subject to the
25 procedure provided in subsection ~~two (2)~~ *one (1)* of this section.

26 ~~4 3.~~ A tax not to exceed ~~one-eighth mill~~ *three and three-eighths*
27 *cents per thousand dollars of assessed value* for support of a sym-
28 phony orchestra, subject to the provisions of subsection ~~two (2)~~ *one*
29 *(1)* of this section.

30 ~~5 4.~~ A tax not to exceed ~~one mill~~ *twenty-seven cents per thousand*
31 *dollars of assessed value* for the operation of cultural and scientific
32 facilities, subject to the provisions of subsection ~~two (2)~~ *one (1)* of
33 this section, except that the question may be submitted on the coun-
34 cil's own motion.

35 ~~6 5.~~ A tax to aid in the construction of a county bridge, subject to
36 the provisions of subsection ~~two (2)~~ *one (1)* of this section, except
37 that the question must be submitted at a special election. The
38 expense of a special election under this subsection must be paid by
39 the county. The notice of the special election must include full details
40 of the proposal, including the location of the proposed bridge, the rate
41 of tax to be levied, and all other conditions.

42 ~~7 6.~~ A tax to aid a company incorporated under the laws of this
43 state in the construction of a highway or combination bridge across
44 any navigable boundary river of this state, commencing or terminat-

45 ing in the city and suitable for use as highway, or for both highway
46 and railway purposes. This tax levy is subject to the provisions of
47 subsections ~~two (2)~~ *one (1)* and ~~six (6)~~ *five (5)* of this section. The
48 levy is limited to ~~one-half of one percent of one dollar and thirty-five~~
49 *cents per thousand dollars* of the assessed value of taxable property
50 in the city. The estimated cost of the bridge must be at least ten
51 thousand dollars, and the city aid may not exceed one-half of the
52 estimated cost. The notice of the special election must include the
53 name of the corporation to be aided, and all conditions required of the
54 corporation. Tax moneys received for this purpose may not be paid
55 over by the county treasurer until the city has filed a statement that
56 the corporation has complied with all conditions.

57 8 7. If a tax has been voted for aid of a bridge under subsection
58 ~~seven (7)~~ *six (6)* of this section, a further tax may be voted for the
59 purpose of purchasing the bridge, subject to the provisions of sub-
60 ~~section two (2)~~ *one (1)* of this section. The levy under this subsec-
61 tion is limited to ~~one and one-fourth percent of three dollars and~~
62 *thirty-seven and one-half cents per thousand dollars* of the assessed
63 value of the taxable property in the city, payable in not less than ten
64 annual installments.

65 9 8. A tax for the purpose of carrying out the terms of a contract
66 for the use of a bridge by a city situated on a river over which a
67 bridge has been built. The tax may not exceed ~~two and one-half mills~~
68 *sixty-seven and one-half cents per thousand dollars of assessed value*
69 *each year.*

70 10 9. A tax for aid to a public transportation company, subject to
71 the procedure provided in subsection ~~two (2)~~ *one (1)* of this section,
72 except the question must be submitted at a special election. The levy
73 is limited to ~~one-eighth mill~~ *three and three-eighths cents per thou-*
74 *sand dollars of assessed value.* In addition to any other conditions the
75 following requirements must be met before moneys received for this
76 purpose may be paid over by the county treasurer:

77 a. The public transportation company shall provide the city with
78 copies of state and federal income tax returns for the five years pre-
79 ~~ceding~~ the year for which payment is contemplated or for such lesser
80 period of time as the company has been in operation.

81 b. The city shall, in any given year, be authorized to pay over only
82 such sums as will yield not to exceed two percent of the public trans-
83 ~~portation~~ company's investment as the same is valued in its tax
84 depreciation schedule, provided that corporate profits and losses for
85 the five preceding years or for such lesser period of time as the com-
86 ~~pany~~ has been in operation shall not average in excess of a two per-
87 cent net return. Taxes levied under this subsection may not be used
88 to subsidize losses incurred prior to the election required by this sub-
89 section.

90 11 10. A tax for the operation and maintenance of a municipal
91 transit system, and for the creation of a reserve fund for the system,
92 in an amount not to exceed ~~two mills~~ *fifty-four cents per thousand*
93 *dollars of assessed value* each year, when the revenues from the
94 transit system are insufficient for such purposes, but proceeds of the
95 tax may not be used to pay interest and principal on bonds issued for
96 the purposes of the transit system.

97 ~~12~~ 11. If a city has entered into a lease of a building or complex
98 of buildings to be operated as a civic center, a tax sufficient to pay
99 the installments of rent and for maintenance, insurance, and taxes
100 not included in the lease rental payments.

101 ~~13~~ 12. A tax not to exceed ~~one-half mill~~ *thirteen and one-half cents*
102 *per thousand dollars of assessed value* each year for operating and
103 maintaining a civic center owned by a city.

104 ~~14~~ 13. A tax not to exceed ~~one-fourth mill~~ *six and three-fourths*
105 *cents per thousand dollars of assessed value* for planning a sanitary
106 disposal project.

107 ~~15~~ 14. A tax not to exceed ~~one mill~~ *twenty-seven cents per thou-*
108 *sand dollars of assessed value* each year for an aviation authority as
109 provided in section three hundred thirty A point fifteen (330A.15)
110 of the Code.

111 ~~16~~ 15. If a city has joined with the county to form an authority
112 for a joint county-city building, as provided in section two hundred
113 eighty-two (282) of this Act, and has entered into a lease with the
114 authority, a tax sufficient to pay the annual rent payable under the
115 lease.

116 ~~17~~ 16. A tax not to exceed ~~one-fourth mill~~ *six and three-fourths*
117 *cents per thousand dollars of assessed value* each year for a levee
118 improvement fund in special charter cities as provided in section four
119 hundred twenty point one hundred fifty-five (420.155) of the Code.

120 ~~18~~ 17. A tax not to exceed ~~one and one-fourth percent~~ *on three*
121 *dollars and thirty-seven and one-half cents per thousand dollars of*
122 *the assessed value* to aid a railway as provided in section four hun-
123 *dred eighty-three point one (483.1) of the Code.*

124 ~~19~~ 18. A tax not to exceed ~~three-fourths mill~~ *twenty and one-half*
125 *cents per thousand dollars of assessed value* each year to maintain an
126 institution received by gift or devise, as provided in section five hun-
127 *dred sixty-five point eight (565.8) of the Code.*

1 SEC. 172. Acts of the Sixty-fifth General Assembly, 1973 Ses-
2 sion, chapter two hundred fifty-five (255), section one (1), third
3 new section, is amended to read as follows:

4 NEW SECTION. For each annual assessment of personal property
5 through the final assessment, the total assessed value of all personal
6 property in each assessing jurisdiction shall not exceed the total
7 ~~assessed~~ *actual* value of all personal property in the assessing juris-
8 diction as of January 1, 1973, excluding livestock. The assessor shall
9 determine the tentative assessed value of all taxable personal prop-
10 erty in accordance with chapter four hundred forty-one (441) of the
11 Code. If the total tentative assessed value exceeds the limitation
12 established by this section, the assessor shall reduce the tentative
13 assessed value of each taxpayer's personal property by the same per-
14 centage, so that the total assessed value of all personal property in the
15 assessing jurisdiction shall be equal to the total ~~assessed~~ *actual* value
16 of all personal property in the assessing jurisdiction as of January 1,
17 1973, excluding livestock. This section shall prevail over all incon-
18 sistent statutes.

1 SEC. 173. Acts of the Sixty-fifth General Assembly, 1973 Ses-
2 sion, chapter two hundred fifty-six (256), section one (1), subsec-
3 tion one (1), paragraph a, and subsection two (2), paragraphs a and
4 d, are amended to read as follows:

5 a. "Taxable value" means ~~twenty-seven~~ *one hundred* percent of the
6 actual value of an electric power generating plant.

7 a. The first ~~twelve million~~ *forty-four million, four hundred forty-*
8 *four thousand, four hundred forty-five* dollars of taxable value shall
9 be apportioned to the taxing districts in which each such electric
10 power generating plant is situated.

11 d. If an electric power generating plant is jointly owned by two or
12 more owners, each owner's pro rata share of the first ~~twelve million~~
13 *forty-four million, four hundred forty-four thousand four hundred*
14 *forty-five* dollars of taxable value shall be apportioned to the taxing
15 district or districts in which such plant is situated. Each owner's
16 pro rata share of the remainder of such taxable value shall be allo-
17 cated as provided in paragraphs b and c of this subsection, whichever
18 is applicable.

1 SEC. 174. The provisions of this Act shall become effective on
2 January 1, 1975, and shall apply to procedures relating to taxes to
3 be collected during the fiscal year beginning July 1, 1976 and suc-
4 ceeding fiscal years, but shall not apply to taxes collected during the
5 extended fiscal year beginning January 1, 1974 and ending June 30,
6 1975, or the fiscal year beginning July 1, 1975.

7 Provisions of this Act and amendments to the same statutes con-
8 tained in Acts of the Sixty-fourth General Assembly, 1972 Session,
9 chapters one thousand twenty (1020) and one thousand eighty-eight
10 (1088), shall be harmonized and are not irreconcilable. If two or
11 more amendments to the same statute, contained in this Act or in
12 chapters one thousand twenty (1020) or one thousand eighty-eight
13 (1088) of the Acts of the Sixty-fourth General Assembly, 1972 Ses-
14 sion, appear to be irreconcilable, it is the intent of the legislature that
15 the statute shall be amended by a corrective amendment in order to
16 give effect to the intent of this Act as well as the intent of chapters
17 one thousand twenty (1020) and one thousand eighty-eight (1088)
18 of the Acts of the Sixty-fourth General Assembly, 1972 Session.

19 Provisions of this Act and amendments to the same statutes con-
20 tained in any other Acts of the Sixty-fifth General Assembly, 1974
21 Session, shall be harmonized and reconciled in order to carry out the
22 intent of this Act to change assessed and taxable value of property
23 to one hundred percent of actual value, and to change general prop-
24 erty tax levies computed in mills to tax levies computed in dollars
25 and cents per thousand dollars of assessed value.

26 If statutes pertaining to general property tax millage levies, or
27 assessed or taxable value of property computed as twenty-seven per-
28 cent of actual value, or millage levy limitations determined when
29 assessed or taxable value was twenty-seven percent of actual value,
30 are not amended by this Act or subsequently to reflect the purposes
31 of this Act to change assessed and taxable value of property to one
32 hundred percent of actual value, and to change general property tax
33 levies computed in mills to tax levies computed in dollars and cents
34 per thousand dollars of assessed value, or if it becomes necessary to
35 compare tax levies made before and after the effective date of this
36 Act, or assessed or taxable value determined before and after the
37 effective date of this Act, the tax officials shall make the appropri-
38 ate adjustments to effectuate the stated purposes of this Act.

Approved June 3, 1974.

CHAPTER 1232

TAX ASSESSMENTS

S. F. 1250

AN ACT relating to assessment changes and notices.

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

1 SECTION 1. Section four hundred forty-one point twenty-eight
2 (441.28), Code 1973, is amended to read as follows:

3 441.28 **Assessment rolls—change—notice to taxpayer.** The assess-
4 ment shall be completed not later than April 15. If the assessor makes
5 any change in an assessment after it has been entered on the assessor's
6 rolls, he shall note on said roll, together with the original assessment,
7 the new assessment and the reason for the change, together with his
8 signature and the date of the change. Provided, however, in the event
9 the assessor increases any assessment he shall give notice in writing
10 thereof to the taxpayer by certified mail prior to the meeting of the
11 board of review. No changes shall be made on the assessment rolls
12 after April 16 except by order of the board of review or by decree of
13 court.

1 SEC. 2. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter two hundred fifty-five (255), section one (1), third new sec-
3 tion, is amended to read as follows:

4 NEW SECTION. For each annual assessment of personal property
5 through the final assessment, the total assessed value of all personal
6 property in each assessing jurisdiction shall not exceed the total
7 assessed value of all personal property in the assessing jurisdiction
8 as of January 1, 1973, excluding livestock. The assessor shall deter-
9 mine the tentative assessed value of all taxable personal property in
10 accordance with chapter four hundred forty-one (441) of the Code.
11 If the total tentative assessed value exceeds the limitation established
12 by this section, the assessor shall reduce the tentative assessed value
13 of each taxpayer's personal property *after the board of review ad-*
14 *journs and prior to certifying values to the county auditor,* by the
15 same percentage, so that the total assessed value of all personal prop-
16 erty in the assessing jurisdiction shall be equal to the total assessed
17 value of all personal property in the assessing jurisdiction as of
18 January 1, 1973, excluding livestock. *The assessor shall inform tax-*
19 *payers of any percentage that the value of personal property is reduced*
20 *in the assessor jurisdiction by publication of notice in a newspaper of*
21 *general circulation in the city or county.* This section shall prevail over
22 all inconsistent statutes.

1 SEC. 3. This Act, being deemed of immediate importance, shall
2 take effect and be in force from and after its publication in the Council
3 Bluffs Nonpareil, a newspaper published in Council Bluffs, Iowa, and
4 in the Clinton Herald, a newspaper published in Clinton, Iowa.

Approved April 10, 1974

I hereby certify that the foregoing Act, Senate File 1250, was published in the Council Bluffs Nonpareil, Council Bluffs, Iowa, April 15, 1974, and in the Clinton Herald, Clinton, Iowa, April 16, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1233

SCHOOL FOUNDATION PROGRAM

H. F. 1121

AN ACT amending the state school foundation program by continuing the two hundred dollar per pupil minimum beyond the school year beginning in 1974, adjusting the method of determining enrollment in special education programs and in school districts which have a decreasing enrollment for the school years beginning July 1, 1974, and July 1, 1975, defining authorized expenditures, permitting districts to spend anticipated receipts from an income surtax before actual receipt, establishing, for the school years beginning in 1974 and 1975, that the state percent of growth will be eight percent and that no school district will receive less than the dollar equivalent of the state percent of growth, repealing the maximum millage reduction and a temporary provision, and making technical amendments.

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

1 SECTION 1. Section four hundred forty-two point one (442.1),
 2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
 3 1973 Session, chapter two hundred fifty-eight (258), section one (1),
 4 is further amended to read as follows:

5 442.1 State school foundation program. This chapter establishes
 6 a state school foundation program. For each school year, each school
 7 district in the state is entitled to receive state school foundation aid,
 8 which shall be an amount per pupil equal to the difference between the
 9 amount per pupil of foundation property tax in the district, and the
 10 state foundation base or the district cost per pupil, whichever is less.
 11 However, ~~for the school years beginning July 1, 1973, and July 1, 1974,~~
 12 ~~only,~~ if the amount so determined for any district is less than two
 13 hundred dollars per pupil, the district is entitled to receive not less
 14 than two hundred dollars per pupil except when a district's total gen-
 15 eral fund millage rate is reduced to ninety percent or less of the dis-
 16 trict's total general fund millage rate for the school year beginning
 17 July 1, 1970. In this case the district is entitled to receive only that
 18 portion of the two hundred dollars per pupil necessary to retain that
 19 ten percent reduction. In making computations and payments under
 20 this chapter, the state comptroller shall round amounts to the nearest
 21 whole dollar.

1 SEC. 2. Section four hundred forty-two point four (442.4), un-
 2 numbered paragraphs one (1) and three (3), Code 1973, as amended
 3 by Acts of the Sixty-fifth General Assembly, 1973 Session, chapter
 4 two hundred fifty-eight (258), section three (3), are amended to read
 5 as follows:

6 Except as otherwise provided in this section, enrollment shall be
 7 determined by adding the resident pupils who are enrolled on the
 8 second Friday of January in the base year or the second Friday of
 9 September in the budget year, whichever number is larger, in public
 10 elementary and secondary schools of the district, in public elementary
 11 and secondary schools in another district or state for which tuition
 12 is paid by the district, and in special education programs ~~for which~~
 13 ~~tuition is paid by the district whether the special education program is~~
 14 ~~conducted by a county board of education or another school district.~~
 15 The September enrollment may be estimated for budget purposes but
 16 actual enrollment shall be used for final computations. If actual Sep-
 17 tember enrollment is higher than the enrollment estimated for the

18 certified budget, the certified budget may be amended as provided in
19 section twenty-four point nine (24.9) of the Code.

20 Shared-time and part-time pupils of school age, *irrespective of the*
21 *districts in which the pupils reside*, shall be counted as of the same
22 date in the proportion that the time for which they are enrolled or
23 receive instruction for the school year bears to the time that full-time
24 pupils carrying a normal course schedule, at the same grade level, in
25 the same school district, for the same school year, are enrolled and
26 receive instruction. *Tuition charges to the parent or guardian of any*
27 *shared-time or part-time out-of-district pupil shall be reduced by any*
28 *increased state aid, occasioned by the counting of said pupil.*

1 SEC. 3. Section four hundred forty-two point four (442.4), Code
2 1973, as amended by Acts of the Sixty-fifth General Assembly, 1973
3 Session, chapter two hundred fifty-eight (258), section three (3), is
4 amended by adding the following new unnumbered paragraph:

5 NEW UNNUMBERED PARAGRAPH. If a district has a decreasing
6 enrollment from the base year to the budget year, the state comp-
7 troller shall determine the final enrollment for purposes of computa-
8 tions under this chapter as follows:

9 1. For the budget year beginning July 1, 1974, by adding to the
10 actual enrollment as otherwise determined under this section an addi-
11 tional amount of enrollment equal to fifty percent of the decrease.

12 2. For the budget year beginning July 1, 1975, by adding to the
13 actual enrollment as otherwise determined under this section an addi-
14 tional amount of enrollment equal to fifty percent of the decrease to
15 the extent that the decrease is not more than five percent of the base
16 year's enrollment, and twenty-five percent of the decrease to the extent
17 that the decrease exceeds five percent of the base year's enrollment.

1 SEC. 4. Section four hundred forty-two point five (442.5), subsec-
2 tion two (2), Code 1973, as amended by Acts of the Sixty-fifth General
3 Assembly, 1973 Session, chapter two hundred fifty-eight (258), section
4 four (4), is further amended to read as follows:

5 2. ~~The proposed expenditures in a certified budget may not exceed~~
6 ~~the district cost for the budget year plus the anticipated miscellaneous~~
7 ~~income for the budget year and any unspent balance from the preced-~~
8 ~~ing year's budget. Actual~~ *The authorized expenditures during a school*
9 *year may not exceed the lesser of the budget for that year certified*
10 *under section twenty-four point seventeen (24.17) plus any allowable*
11 *amendments permitted in this section of the Code, or the sum of the*
12 *district cost for that year plus the actual miscellaneous income re-*
13 *ceived for that year and any plus the actual unspent balance from the*
14 *preceding year's budget year. If actual miscellaneous income for a*
15 *school year exceeds the anticipated miscellaneous income in the certi-*
16 *fied budget for that year, a school district may amend its certified*
17 *budget. A school district receiving voter approval to levy an income*
18 *surtax may include, in the expenditures of the year prior to actual*
19 *receipt of such funds, an estimation of the yield of the surtax rate.*
20 *Actual expenditures following the last effective year of the approved*
21 *surtax must be reduced by the amount of such estimate.*

1 SEC. 5. Section four hundred forty-two point seven (442.7), Code
2 1973, as amended by Acts of the Sixty-fifth General Assembly, 1973

3 Session, chapter two hundred fifty-eight (258), section six (6), is
4 further amended to read as follows:

5 **442.7 Allowable growth.** Each year the state comptroller shall
6 compute the state percent of growth by adding the percents of increase
7 for the second and third years of the most recent three-year period for
8 which accurate figures are available, for each of the following *indi-*
9 *vidual* sources of revenue, and dividing the total by four:

10 1. State general fund revenues, adjusted for changes in rates or
11 basis.

12 2. Statewide assessed valuation of taxable *real* property, adjusted
13 for statewide changes in assessment practices.

14 Each year the state comptroller shall compute the dollar equivalent
15 of the state percent of growth by multiplying the state cost per pupil
16 for the ~~preceding~~ *school base* year by the ~~current~~ state percent of
17 growth *for the budget year*. As used in this chapter, *except as other-*
18 *wise provided in this section*, "allowable growth" means the dollar
19 equivalent of the state percent of growth.

20 However, ~~except as otherwise provided in this section~~, the state
21 percent of growth is established at ~~five percent~~ for the school year
22 beginning July 1, 1973, and the state percent of growth is limited to a
23 maximum of five percent for the school year beginning July 1, 1974
24 eight percent for the school years beginning July 1, 1974, and July 1,
25 1975.

26 *For the school years beginning July 1, 1974, and July 1, 1975, each*
27 *school district is entitled to a minimum "allowable growth" of the*
28 *dollar equivalent of the state percent of growth.*

29 For each school district whose district cost per pupil is below the
30 state cost per pupil for the budget year, "allowable growth" means
31 the lesser of the dollar equivalent of the state percent of growth mul-
32 tiplied by one hundred twenty-five percent, or the amount required to
33 make the district cost per pupil equal to the state cost per pupil.

34 If the school budget review committee has established a modified
35 allowable growth for a district, "allowable growth" for the district
36 means its modified allowable growth.

1 SEC. 6. Section four hundred forty-two point nine (442.9), subsec-
2 tion one (1), paragraphs b and c, Code 1973, as amended by Acts of
3 the Sixty-fifth General Assembly, 1973 Session, chapter two hundred
4 fifty-eight (258), section eight (8), are further amended to read as
5 follows:

6 b. The district cost for the budget year is equal to the district cost
7 per pupil for the budget year multiplied by the enrollment. A school
8 district may not increase its district cost for the budget year except
9 to the extent that excess millage is authorized by the school budget
10 review committee as provided in section 442.13, subsection ~~eight (8)~~
11 *seven (7)*.

12 c. The amount to be raised by the additional school district prop-
13 erty tax levy is equal to the district cost for the budget year, less the
14 product of the state or district foundation base and the enrollment.
15 However, said amount shall be adjusted in accordance with the maxi-
16 mum millage provided in section 442.10, and the ~~maximum millage~~
17 *reduction provided in section 442.21.*

1 SEC. 7. Section four hundred forty-two point ten (442.10), Code
2 1973, as amended by Acts of the Sixty-fifth General Assembly, 1973
3 Session, chapter two hundred fifty-eight (258), section nine (9), is
4 further amended to read as follows:

5 442.10 **Maximum millage levy.** For the purpose of determining
6 the maximum millage levy for the general fund in a school district,
7 the state comptroller shall determine the sum of the foundation prop-
8 erty tax levy and the additional property tax levy, in mills. When this
9 total millage levy exceeds the district general fund levy in mills for the
10 school year which began July 1, 1970, he shall adjust the district gen-
11 eral fund millage levy to a rate equal to the millage levy for the school
12 year beginning July 1, 1970, except that excess millage authorized by
13 the school budget review committee, as provided in section 442.13,
14 subsection ~~eight (8)~~ *seven (7)*, may be added to that rate.

1 SEC. 8. Chapter two hundred fifty-eight (258), Acts of the Sixty-
2 fifth General Assembly, first session 1973, section eleven (11), sub-
3 sections four (4) and five (5), amending section four hundred forty-
4 two point thirteen (442.13), Code 1973, are amended as follows:

5 4. If the district cost per pupil exceeds one hundred ten percent of
6 the state cost per pupil, the committee shall establish a modified allow-
7 able growth by reducing the allowable growth, *subject to the minimum*
8 *for the school years beginning July 1, 1974, and July 1, 1975, as pro-*
9 *vided in section four hundred forty-two point seven (442.7) of the*
10 *Code.* In making decisions under this subsection, the committee shall
11 permit allowable growth to the extent necessary to prevent severe
12 hardship to a district whose district cost per pupil would not have
13 exceeded one hundred ten percent of the state cost per pupil if mis-
14 cellaneous income were included in computations under this chapter
15 to the same extent that it was included for the school year beginning
16 July 1, 1972.

17 5. ~~The~~ *Subject to the minimum for the school years beginning*
18 *July 1, 1974, and July 1, 1975, as provided in section four hundred*
19 *forty-two point seven (442.7) of the Code, the committee may estab-*
20 *lish a modified allowable growth by reducing the allowable growth:*

21 a. If the district cost per pupil exceeds the state cost per pupil.

22 b. If in the committee's judgment the district cost is unreasonably
23 high in relation to the comparative cost factors of similar districts,
24 even if the district cost per pupil does not exceed the state cost per
25 pupil.

1 SEC. 9. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter two hundred fifty-eight (258), section seventeen (17), and
3 section four hundred forty-two point twenty-one (442.21), Code 1973,
4 as amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
5 chapter two hundred fifty-eight (258), section fourteen (14), are
6 repealed.

Approved April 19, 1974

CHAPTER 1234

INTEREST PENALTY ON DELINQUENT TAXES

H. F. 177

AN ACT increasing the interest penalty on delinquent property taxes.

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

1 SECTION 1. Section four hundred forty-five point thirty-nine
2 (445.39), Code 1973, is amended to read as follows:

3 445.39 **Interest as penalty.** If the first installment of taxes shall
4 not be paid by April $\frac{1}{2}$ first, said installment shall become due and
5 draw interest, as a penalty, of ~~three-fourths~~ of one percent per month
6 until paid, from the first day of April following the levy; and if the
7 last half shall not be paid by October $\frac{1}{2}$ first following such levy, then
8 a like interest shall be charged from the date such last half became
9 delinquent.

1 SEC. 2. Section four hundred forty-five point forty (445.40), Code
2 1973, is amended to read as follows:

3 445.40 **Penalty on personal taxes.** On all personal taxes not paid
4 on or before the first Monday in December a penalty of five percent
5 shall be added and collected in addition to the ~~three-fourths~~ of one
6 percent per month penalty herein provided; and the tax with all
7 penalties shall be collected at the same time and in the same manner.

1 SEC. 3. Notwithstanding the provisions of sections two (2) and
2 three (3) of this Act, it is the intent of the general assembly that the
3 amendments in Acts of the Sixty-fourth General Assembly, 1972 Ses-
4 sion, chapter one thousand twenty (1020), section eighty-two (82) to
5 section four hundred forty-five point thirty-nine (445.39) of the Code
6 and that the amendments in Acts of the Sixty-fourth General Assem-
7 bly, 1972 Session, chapter one thousand twenty (1020), section eighty-
8 three (83), to section four hundred forty-five point forty (445.40) of
9 the Code shall be effective July 1, 1975. The provisions of this Act and
10 Acts of the Sixty-fourth General Assembly, 1972 Session, chapter one
11 thousand twenty (1020), sections eighty-two (82) and eighty-three
12 (83), shall be construed together so that effect may be given to each.

Approved April 8, 1974

CHAPTER 1235

DEPUTY COUNTY AUDITOR IN CERTAIN COUNTIES

S. F. 484

AN ACT relating to the duties of deputy auditors in counties with dual county seats.

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

1 SECTION 1. Section four hundred forty-six point eight (446.8),
2 Code 1973, is amended to read as follows:

3 446.8 **Dual county seats.** In counties having two county seats and
4 divided into two districts for the collection of taxes, such sale may be

5 made by the deputy treasurer and the ~~recorder or~~ his deputy *auditor*
 6 at the county seat where the taxes for the district are collected, and
 7 the records thereof shall be kept thereat. Such deputy treasurer and
 8 the ~~recorder or~~ his deputy *auditor* shall have all the powers conferred
 9 by law upon the treasurer and auditor in relation to the collection of
 10 the revenue, sales for delinquent taxes, redemption therefrom, the
 11 execution of tax deeds thereunder, and every other matter connected
 12 therewith.

Approved March 29, 1974

CHAPTER 1236

SOIL CONSERVATION

H. F. 1178

AN ACT relating to administration of the department of soil conservation, soil conservation districts and conservancy districts.

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

1 SECTION 1. Section four hundred sixty-seven A point three
 2 (467A.3), subsection eleven (11), Code 1973, is amended to read as
 3 follows:

4 11. "Landowner" includes any person, firm, or corporation *or any*
 5 *federal agency, this state or any of its political subdivisions*, who shall
 6 hold title to ~~three or more~~ acres of land lying outside incorporated
 7 cities or towns and within a proposed district or a district organized
 8 under the provisions of this chapter.

1 SEC. 2. Section four hundred sixty-seven A point three (467A.3),
 2 Code 1973, is amended by adding the following new subsections:

3 NEW SUBSECTION. "Conservancy district" means one of the six
 4 conservancy districts established by section four hundred sixty-seven
 5 D point three (467D.3) of the Code.

6 NEW SUBSECTION. "Board" means the body designated by section
 7 four hundred sixty-seven D point four (467D.4) of the Code to admin-
 8 ister each of the conservancy districts.

9 NEW SUBSECTION. "Council" means the Iowa natural resources
 10 council.

1 SEC. 3. Section four hundred sixty-seven A point four (467A.4),
 2 subsection four (4), Code 1973, is amended by adding the following
 3 new paragraphs:

4 NEW PARAGRAPH. To offer such assistance as may be appropriate
 5 to the conservancy districts established by section four hundred sixty-
 6 seven D point three (467D.3) of the Code, and in the carrying out of
 7 any of their powers and programs.

8 NEW PARAGRAPH. Review, amend, and give final approval to the
 9 plan of each of the conservancy districts, and to any subsequent
 10 changes therein, in the manner provided by chapter four hundred
 11 sixty-seven D (467D) of the Code.

12 NEW PARAGRAPH. Maintain files of such proceedings, rules and
 13 regulations, and orders, of each of the conservancy districts in the
 14 state as the department may request from the conservancy districts
 15 pursuant to section four hundred sixty-seven D point six (467D.6),
 16 subsection eleven (11) of the Code.

17 NEW PARAGRAPH. To keep the boards of each of the six conserv-
 18 ancy districts established by section four hundred sixty-seven D point
 19 three (467D.3) of the Code informed of the activities and experience
 20 of the other conservancy districts and to facilitate an interchange of
 21 advice and experience between conservancy districts and cooperation
 22 between them.

23 NEW PARAGRAPH. To coordinate the programs of the conservancy
 24 districts so far as this may be done by advice and consultation.

25 NEW PARAGRAPH. To disseminate information throughout the state
 26 concerning the activities and programs of the conservancy districts
 27 established by section four hundred sixty-seven D point three (467D.3)
 28 of the Code.

29 NEW PARAGRAPH. To render financial aid and assistance to the six
 30 conservancy districts established by section four hundred sixty-seven
 31 D point three (467D.3) of the Code for the purpose of carrying out
 32 the policy stated in chapter four hundred sixty-seven D (467D) of the
 33 Code.

1 SEC. 4. Section four hundred sixty-seven A point seven (467A.7),
 2 subsection three (3), Code 1973, is amended to read as follows:

3 3. To carry out preventive and control measures within the dis-
 4 trict, including, but not limited to, crop rotations, engineering opera-
 5 tions, methods of cultivation, the growing of vegetation, changes in
 6 use of land, and the measures listed in section 467A.2, on lands owned
 7 or controlled by this state or any of its agencies, with the consent and
 8 co-operation of the agency administering and having jurisdiction
 9 thereof, and on any other lands within the district, upon obtaining
 10 the consent of the owner or occupier of such lands or the necessary
 11 rights or interests in such lands. ~~The Any approval of or permits from~~
 12 ~~the Iowa natural resources council shall be required on any project~~
 13 ~~which relates to or in any manner affects flood control under other~~
 14 ~~provisions of law shall be obtained by the district prior to initiation of~~
 15 ~~any construction activity.~~

1 SEC. 5. Section four hundred sixty-seven A point seven (467A.7),
 2 subsection seven (7), Code 1973, is amended to read as follows:

3 7. To construct, improve, and maintain such structures as may be
 4 necessary or convenient for the performance of any of the operations
 5 authorized in this chapter. ~~The Any approval of or permits from the~~
 6 ~~Iowa natural resources council shall be required on any project which~~
 7 ~~relates to or in any manner affects flood control under other provisions~~
 8 ~~of law shall be obtained by the district prior to initiation of any con-~~
 9 ~~struction activity.~~

1 SEC. 6. Section four hundred sixty-seven A point seven (467A.7),
 2 subsection thirteen (13), Code 1973, is amended to read as follows:

3 13. After the formation of any district under the provisions of this
 4 chapter, all participation hereunder shall be purely voluntary, ~~any~~
 5 ~~provision herein contained on the contrary notwithstanding except as~~
 6 ~~specifically stated herein.~~

1 SEC. 7. Section four hundred sixty-seven A point seven (467A.7),
2 subsection fifteen (15), Code 1973, is amended to read as follows:

3 15. To take notice of the *conservancy* district plan, and conform to
4 the duly promulgated rules of the conservancy district or *conservancy*
5 districts in which the soil conservation district is located; provided
6 that this subsection shall not be construed to grant any authority not
7 otherwise granted by law to the commissioners of soil conservation
8 districts.

1 SEC. 8. Section four hundred sixty-seven A point forty-four
2 (467A.44), subsection three (3), Code 1973, is amended to read as
3 follows:

4 3. Require the owners of real property in the district to employ
5 either soil and water conservation practices or erosion control prac-
6 tices, ~~but may and:~~

7 a. *May* not specify the particular practices to be employed so long
8 as such owners voluntarily comply with the applicable soil loss ~~limit or~~
9 ~~with an administrative order~~ *limits established for the district.*

10 b. *May specify two or more approved soil and water conservation*
11 *practices or erosion control practices, one of which shall be employed*
12 *by the landowner to bring erosion from land under ~~their~~ his control*
13 *with within the applicable soil loss limit, and in of the district when an*
14 *administrative order is issued to the landowner.*

15 c. In no case may the commissioners require:

16 a. (1) The employment of erosion control practices as defined in
17 section 467A.42, subsection 3, on land used in good faith for agricul-
18 tural or horticultural purposes only.

19 b. (2) The employment of soil and water conservation practices or
20 erosion control practices on that portion of any public street, road or
21 highway completed or under construction within the corporate limits
22 of any city or town, which is or will become the traveled or surfaced
23 portion of such street, road, or highway.

24 e. (3) That any owner or operator of agricultural land refrain from
25 fall plowing of land on which he intends to raise a crop during the
26 next succeeding growing season, however on those lands which are
27 prone to excessive wind erosion the commissioners may require that
28 reasonable temporary measures be taken to minimize the likelihood of
29 wind erosion so long as such measures do not unduly increase the cost
30 of operation of the farm on which the land is located. However, fall
31 plowing of soil which is commonly known as gumbo shall always be
32 permitted.

1 SEC. 9. Section four hundred sixty-seven A point forty-seven
2 (467A.47), unnumbered paragraph one (1), Code 1973, is amended
3 to read as follows:

4 The commissioners of any soil conservation district shall inspect or
5 cause to be inspected any land within the district, upon receipt of a
6 written and signed complaint, *from an owner or occupant of land*
7 *being damaged by sediment*, that soil erosion is occurring thereon in
8 excess of the limits established by the district's soil erosion control
9 regulations. If they find that *sediment damages are occurring to prop-*
10 *erty owned or occupied by the person filing the complaint and that*
11 *such excess soil erosion is so occurring on the land inspected, they*
12 *shall issue an administrative order to the landowner or landowners of*

13 record, and to the occupant of the land if known to the commission-
 14 ers, describing said land and stating as nearly as possible the extent
 15 to which soil erosion thereon exceeds the limits established by the dis-
 16 trict's regulations. The order shall be delivered either by personal
 17 service or by restricted certified mail to each of the persons to whom
 18 it is directed, and shall:

1 SEC. 10. Section four hundred sixty-seven A point fifty-one
 2 (467A.51), Code 1973, is amended to read as follows:

3 467A.51 **Entering on land.** The commissioners and their author-
 4 ized agents or employees shall have authority *after ten days written*
 5 *notice by restricted certified mail addressed to the owner and also to*
 6 *the occupant to enter upon any land in the district without the consent*
 7 *of the landowner or person in possession or control of the land, by the*
 8 ~~procedures and subject to the limitations prescribed in section 467D.24,~~
 9 *to determine whether soil erosion is occurring thereon in violation of*
 10 *the district's regulations. Such entry, after notice, shall not be deemed*
 11 *a trespass, and the commissioners may be aided by injunction to insure*
 12 *peaceful entry, when necessary in order to properly discharge their*
 13 *duties under this chapter.*

1 SEC. 11. Section four hundred sixty-seven D point two (467D.2),
 2 subsections one (1) and two (2), Code 1973, are amended to read as
 3 follows:

4 1. The terms "district" or "conservancy" "*Conservancy district*"
 5 ~~mean~~ *means* one of the six conservancy districts established by section
 6 467D.3.

7 2. "Board" means the body designated by section 467D.4 to admin-
 8 ister each of the *conservancy* districts.

1 SEC. 12. Section four hundred sixty-seven D point two (467D.2),
 2 Code 1973, is amended by adding the following new subsections:

3 NEW SUBSECTION. "Department" or "department of soil conserva-
 4 tion" means the agency established by section four hundred sixty-
 5 seven A point four (467A.4) of the Code.

6 NEW SUBSECTION. "Committee" or "state soil conservation com-
 7 mittee" means the committee established by section four hundred
 8 sixty-seven A point four (467A.4) of the Code.

1 SEC. 13. Section four hundred sixty-seven D point five (467D.5),
 2 Code 1973, is amended to read as follows:

3 467D.5 **Officially as board of *conservancy* districts.** When officially
 4 conducting the business of any conservancy district, the ~~state soil~~
 5 ~~conservation~~ committee shall formally convene as the board of that
 6 *conservancy* district and shall keep minutes as such. The chairman of
 7 the ~~state soil conservation~~ committee shall be the chairman of the
 8 board of each conservancy district.

1 SEC. 14. Section four hundred sixty-seven D point six (467D.6),
 2 subsections one (1), six (6), and eleven (11), Code 1973, are amended
 3 to read as follows:

4 1. Exercise such supervision over the water resources of the *con-*
 5 *servancy* district, including water in any basin, watercourse, or other
 6 body of water in the *conservancy* district, and have authority to pro-
 7 mulgate and repeal, with approval of the ~~council~~ *department*, and

8 enforce such rules and regulations, except those *rules and regulations*
 9 *relating to water quality standards resources* under the authority of
 10 the *council and the Iowa water pollution control quality* commission,
 11 as necessary to achieve the objectives of this chapter as set forth in
 12 section 467D.1.

13 6. Have authority to enter into binding agreements, with respect to
 14 any matter within the jurisdiction of the *conservancy* district, with:

15 a. Any person, firm, corporation or association, the state of Iowa,
 16 or any of its political subdivisions.

17 b. The federal government, or any of the agencies thereof.

18 c. Other states or agencies or subdivisions thereof comparable in
 19 purpose to the district, provided all such agreements are entered into
 20 jointly with the ~~council~~ *department in accordance with other provi-*
 21 *sions of law.*

22 11. Maintain at its office a record of all the *conservancy* district's
 23 proceedings, rules and regulations, and orders, and furnish copies
 24 thereof to the *department and the council* upon request.

1 SEC. 15. Section four hundred sixty-seven D point thirteen
 2 (467D.13), Code 1973, is amended to read as follows:

3 467D.13 **Review by state committee.** The ~~state soil conservation~~
 4 committee shall review the proposed biennial budget of each of the
 5 *conservancy* districts, and may revise any such budget. The ~~state soil~~
 6 ~~conservation~~ committee shall prepare a consolidated list of the appro-
 7 priations requested for administration, operation, and maintenance
 8 of each *conservancy* district for each year of the ensuing biennium,
 9 and of capital appropriations requested, if any, for each *conservancy*
 10 district, and shall forward the consolidated list to the state comptroller
 11 as a part of the ~~state soil conservation~~ committee's estimates of ex-
 12 penditure requirements submitted pursuant to section 8.23.

1 SEC. 16. Section four hundred sixty-seven D point sixteen
 2 (467D.16), unnumbered paragraph one (1), Code 1973, is amended to
 3 read as follows:

4 The board shall prepare, ~~in consultation with the council~~, a plan for
 5 accomplishment of the objectives of this chapter within the *conserv-*
 6 *ancy* district. For this purpose the board may request and shall obtain
 7 from any state agency or political subdivision information which the
 8 agency or subdivision may have already collected which is pertinent to
 9 preparation of the plan, and may conduct such hearings as it deems
 10 necessary. The plan shall establish an order of priorities for carrying
 11 out projects necessary to accomplish the objectives of this chapter,
 12 shall conform as nearly as practicable to the comprehensive state-wide
 13 water resources plan established by the council pursuant to section
 14 455A.17 and shall reflect the following general policies:

1 SEC. 17. Section four hundred sixty-seven D point seventeen
 2 (467D.17), Code 1973, is amended to read as follows:

3 467D.17 **Plan presented to department and council.** The board
 4 shall tentatively adopt the plan by resolution and shall present the plan
 5 to the *department and the council* ~~not later than July 1, 1973~~ for
 6 review. The council shall within ninety days ~~approve~~ review the plan
 7 as presented, ~~or with such amendments and make such recommenda-~~
 8 ~~tions~~ as, in its discretion, it deems necessary to bring the *conservancy*

9 district's plan into conformity with the comprehensive state-wide water
 10 resources plan established by the council pursuant to section 455A.17.
 11 *The department shall review the plan as presented and, with such*
 12 *amendments as are necessary to bring the plan into conformity with*
 13 *the statewide water resources plan, give final approval within one hun-*
 14 *dred twenty days.*

1 SEC. 18. Section four hundred sixty-seven D point eighteen
 2 (467D.18), Code 1973, is amended to read as follows:

3 **467D.18 Working program.** The plan and the order of priorities
 4 established thereby shall constitute the working program of the *con-*
 5 *servancy* district. The plan shall be reviewed from time to time and
 6 shall, ~~with the consent of the council,~~ be changed as deemed necessary
 7 as the result of experience gained in construction and maintenance of
 8 internal improvements by the *conservancy* district, and in operation of
 9 the *conservancy* district, or as the result of changed conditions. The
 10 board may initiate changes in the *conservancy* district plan on its own
 11 motion or at the direction of the ~~council~~ department.

1 SEC. 19. Section four hundred sixty-seven D point nineteen
 2 (467D.19), Code 1973, is amended to read as follows:

3 **467D.19 Implementation.** After final approval of the plan, the
 4 board shall begin to implement the plan as expeditiously as possible,
 5 within the limitations of available appropriations and other financial
 6 resources. When implementation of the plan involves construction or
 7 improvement of any internal improvement by the *conservancy* dis-
 8 trict, the board may order the preparation of detailed plans and speci-
 9 fications, and a refined cost estimate. Upon completion of such plans,
 10 specifications and cost estimate to their satisfaction, the board shall
 11 adopt the same, subject to the approval of the ~~council~~ department, and
 12 shall let the contract or contracts therefor in accordance with section
 13 467D.20. *Any approval or permits from the council required under*
 14 *other provisions of law shall be obtained by the conservancy district*
 15 *prior to initiation of any construction activity.*

1 SEC. 20. Section four hundred fifty-five A point forty (455A.40),
 2 subsection two (2), Code 1973, is amended to read as follows:

3 2. Review, ~~amend,~~ and ~~give final approval~~ *make such recommenda-*
 4 *tions as it deems necessary to bring the plan of each of the conservancy*
 5 *districts, and to any subsequent changes therein, in the manner pro-*
 6 *vided by this chapter into conformity with the statewide water re-*
 7 *sources plan established by the council pursuant to section four hun-*
 8 *dred fifty-five A point seventeen (455A.17) of the Code.*

1 SEC. 21. Section four hundred fifty-five A point forty (455A.40),
 2 Code 1973, is amended by striking subsection three (3).

1 SEC. 22. The Code editor is directed to insert the word "conserv-
 2 ancy" before the word "district" or the word "districts" or the word
 3 "district's" wherever any of these words appear, except where they
 4 are immediately preceded by the word "conservancy" or the words
 5 "soil conservation", and to make any necessary conforming changes in
 6 capitalization or punctuation, in sections four hundred sixty-seven D
 7 point four (467D.4), four hundred sixty-seven D point six (467D.6),
 8 subsections two (2), five (5), eight (8), nine (9) and ten (10), sections

9 four hundred sixty-seven D point seven (467D.7), four hundred sixty-
 10 seven D point eight (467D.8), four hundred sixty-seven D point ten
 11 (467D.10), subsections two (2), three (3) and four (4), sections four
 12 hundred sixty-seven D point eleven (467D.11), four hundred sixty-
 13 seven D point twelve (467D.12), four hundred sixty-seven D point
 14 fourteen (467D.14), four hundred sixty-seven D point fifteen
 15 (467D.15), four hundred sixty-seven D point twenty (467D.20), four
 16 hundred sixty-seven D point twenty-one (467D.21), four hundred
 17 sixty-seven D point twenty-two (467D.22), unnumbered paragraph
 18 one (1), and section four hundred sixty-seven D point twenty-three
 19 (467D.23), Code 1973, and to such extent the enumerated sections and
 20 subsections are amended.

Approved May 27, 1974

CHAPTER 1237

CO-OPERATIVE ASSOCIATIONS

H. F. 335

AN ACT relating to annual reports of cooperative associations.

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

1 SECTION 1. Section four hundred ninety-nine point forty-nine
 2 (499.49), unnumbered paragraph one (1), Code 1973, is amended to
 3 read as follows:

4 Each association shall, before April ~~1~~ *first* of each year, file a report
 5 with the secretary of state on forms prescribed by him, to be accom-
 6 panied by the annual fee required by section 499.45, subsection 4.
 7 Such report shall be ~~sworn to~~ *signed* by an officer of the association,
 8 or a receiver or trustee liquidating its affairs, and shall state:

Approved March 4, 1974

CHAPTER 1238

SECURITIES LAW MODIFICATIONS

H. F. 1432

AN ACT relating to the definition of "security" and providing for the clarification and modification of certain exemptions under the Iowa securities law; relating to the registration requirements of those operating as dealers in securities, and to the licensing and examination fees payable by dealers and salesmen of securities, and increasing the amount of the surety bond to be obtained prior to being registered as a securities dealer; relating to the requirements of escrow agreements entered into under the Iowa securities law; relating to the public disclosure of information required to be furnished the commissioner of insurance; and providing penalties.

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

1 SECTION 1. Section five hundred two point three (502.3), subsec-
 2 tion one (1), Code 1973, is amended to read as follows:

3 1. "Security" shall include any note, stock, treasury stock, bond,
 4 debenture, evidence of indebtedness, certificate of interest in an oil,
 5 gas, or mining lease, collateral trust certificate, preorganization cer-
 6 tificate, preorganization subscription, any transferable share, invest-
 7 ment contract, or beneficial interest in title to property, interest in or
 8 under a profit-sharing or participating agreement or scheme, *privilege*
 9 *or option to purchase or sell any commodity futures contract but not*
 10 *the underlying commodity futures contract itself*, or any other instru-
 11 ment commonly known as a security.

1 SEC. 2. Section five hundred two point three (502.3), Code 1973,
 2 is amended by adding the following new subsections:

3 NEW SUBSECTION. An "affiliate" of an issuer is a person control-
 4 ling, controlled by or under common control with such issuer. An
 5 individual who controls an issuer is also an affiliate of such issuer.

6 NEW SUBSECTION. A "predecessor" of an issuer is (a) a person
 7 the major portion of whose assets have been acquired directly or in-
 8 directly by the issuer or (b) a person from which the issuer acquired
 9 directly or indirectly the major portion of its assets.

1 SEC. 3. Section five hundred two point four (502.4), subsection
 2 seven (7), Code 1973, is amended by striking the subsection and in-
 3 serting in lieu thereof the following:

4 7. Any note, draft, bill of exchange, or banker's acceptance which
 5 arises out of a current transaction or the proceeds of which have been
 6 or are to be used for current transactions, and which has a maturity
 7 at the time of issuance of not exceeding nine months, exclusive of days
 8 of grace, or any renewal thereof the maturity of which is likewise
 9 limited, except where paper is proposed to be sold or offered to the
 10 public in units of less than five thousand dollars to any single person.

1 SEC. 4. Section five hundred two point five (502.5), subsection five
 2 (5), Code 1973, is amended to read as follows:

3 5. The offer, sale, transfer, or delivery to any bank, savings insti-
 4 tution, trust company, insurance company, or ~~to any corporation~~ *other*
 5 *bona fide institutional investor*, or to any broker or dealer, provided
 6 that such broker or dealer is actually engaged in buying and selling
 7 securities as a business.

1 SEC. 5. Section five hundred two point five (502.5), subsection
 2 seven (7), Code 1973, is amended by striking the subsection and in-
 3 serting in lieu thereof the following:

4 7. A sale of bonds or notes directly secured by a real estate mort-
 5 gage, security interest, deed of trust, or agreement for the sale of real
 6 estate or chattels, if the entire mortgage, security interest, deed of
 7 trust, or agreement, together with all the bonds or notes secured
 8 thereby, is offered and sold as a unit; provided, however, that the
 9 entire mortgage, security interest, deed of trust or agreement, to-
 10 gether with all of the bonds or notes secured thereby, shall not be
 11 deemed to be sold as a unit if either of the following apply:

12 a. Such bonds or notes are part of a single issue including other
 13 bonds or notes secured by interests in real estate or chattels owned
 14 or developed by the same person or by persons affiliated with such
 15 person.

16 b. Such bonds or notes are offered or sold with any right of recourse
 17 or substitution against or any guarantee by the real estate developer
 18 or any person other than the person primarily obligated on the bond
 19 or note.

1 SEC. 6. Section five hundred two point five (502.5), subsection
 2 nine (9), Code 1973, is amended by striking the subsection and insert-
 3 ing in lieu thereof the following:

4 9. Any offer or sale of a preorganization certificate or subscription,
 5 but only if all of the following apply:

6 a. No commission or other remuneration is paid or given directly or
 7 indirectly for soliciting any prospective subscriber.

8 b. The number of subscribers does not exceed ten.

9 c. No payment is made by any subscriber.

10 d. No public advertisement of the offer is made.

1 SEC. 7. Section five hundred two point five (502.5), subsection fif-
 2 teen (15), Code 1973, is amended by striking the subsection and in-
 3 serting in lieu thereof the following:

4 15. The sale, as part of a single issue, of securities other than frac-
 5 tional undivided interests in oil, gas or other mineral leases, rights or
 6 royalties, by the issuer thereof within any period of twelve consecutive
 7 months to not more than thirty-five purchasers in this state, exclusive
 8 of purchases by bona fide institutional investors for their own account
 9 for investment, provided that both of the following are complied with:

10 a. No commission or other remuneration is paid or given directly or
 11 indirectly for or on account of such sale except as may be permitted
 12 by the commissioner of insurance by rule, order, or upon written
 13 application showing good cause for allowance of commission or other
 14 remuneration.

15 b. The issuer files with the commissioner of insurance a report of
 16 sale within thirty days after each sale, setting forth the name and
 17 address of the issuer, the total amount of securities sold for which
 18 exemption is claimed under this subsection, and the names and ad-
 19 dresses of the purchasers thereof to whom such securities have been
 20 or are to be issued who are to be counted against the thirty-five pur-
 21 chaser limitation specified herein. A filing of a report of sale shall not
 22 be required to be made, however, until the number of purchasers who
 23 are to be counted against the thirty-five purchaser limitation specified
 24 herein exceeds ten.

25 The issuer must, additionally, pursuant to the request of the com-
 26 missioner of insurance made at any time, submit a report listing the
 27 names and addresses of purchasers claimed to have been bona fide
 28 institutional investors purchasing for their own account for invest-
 29 ment, and a justification of each such purchaser's characterization as a
 30 bona fide institutional investor purchasing for its own account for
 31 investment.

1 SEC. 8. Section five hundred two point seven (502.7), Code 1973,
 2 is amended by adding the following new subsection:

3 NEW SUBSECTION. Quantity limitation.

4 a. Notwithstanding any other provision of this section, the aggre-
 5 gate offering price of all securities of the issuer offered or sold in this
 6 state in reliance on the exemption from federal registration require-

7 ments provided by paragraph eleven (11) of subsection a of section
8 three (3) of the Federal Securities Act of 1933, as amended, as part
9 of a single issue of equity securities, shall not exceed the following
10 amounts:

11 (1) Two million dollars if the securities are offered or sold by or
12 on behalf of the issuer or affiliates of the issuer, or by the estate of a
13 decedent who owned the securities at death if offered within two years
14 after death of the decedent, provided that the aggregate offering price
15 of securities offered or sold by or on behalf of any one affiliate, other
16 than an estate, shall not exceed five hundred thousand dollars.

17 (2) Five hundred thousand dollars if the securities are offered or
18 sold by or on behalf of any person other than the issuer or its affiliates,
19 provided that the aggregate offering of all such other persons shall not
20 exceed seven hundred fifty thousand dollars and further provided that
21 the aggregate offering price of securities offered or sold by or on behalf
22 of an estate pursuant to this paragraph and paragraph a above shall
23 not exceed two million dollars.

24 b. The following definitions shall apply for the purposes of this sub-
25 section:

26 (1) The term "securities of the issuer" shall include securities is-
27 sued by any predecessor of the issuer or by any affiliate of the issuer
28 which was organized or became such an affiliate within three years
29 prior to the effectiveness of the registration of those securities sought
30 to be registered in this state.

31 (2) The term "person" includes, in addition to such person, all of
32 the following:

33 (a) When having the same home as that person, any relative or
34 spouse or relative of the spouse.

35 (b) Any trust or estate in which that person and any of the persons
36 specified in item (a) of this subparagraph collectively own ten percent
37 or more of the total beneficial interest, or of which any of such persons
38 serves as trustee or executor, or in any similar capacity.

39 (c) Any corporation or other organization (other than the issuer)
40 in which that person and any of the persons specified in item (a) of
41 this subparagraph are the beneficial owners collectively of ten percent
42 or more of any class of equity securities, or ten percent or more of the
43 equity interest.

44 c. The commissioner of insurance may, by rule, order, or interpre-
45 tation issued upon written application by any interested party, further
46 interpret and implement the provisions of this subsection.

1 SEC. 9. Section five hundred two point eleven (502.11), unnum-
2 bered paragraphs five (5), seven (7), eight (8) and eleven (11), Code
3 1973, are amended to read as follows:

4 If the commissioner of insurance shall find that the applicant is of
5 good repute and has proven his competence to act as a dealer and has
6 complied with the provisions of this section including the payment of
7 the fee hereinafter provided he shall register such applicant as a dealer
8 upon his filing a bond as ~~is required by~~ section 502.18 ~~provided, or~~
9 ~~upon his providing other surety or security in like amount under terms~~
10 ~~satisfactory to the commissioner of insurance.~~

11 The commissioner of insurance may by a rule provide for an exami-
12 nation, which may be written or oral, or both, to be taken by first-time
13 applicants who apply for registration in order to determine the skill,

14 competency and training of such applicants. The commissioner of
 15 insurance shall require payment of an examination fee of *five ten*
 16 dollars for each examination taken which fee shall be in addition to
 17 registration fees hereinafter provided.

18 The names and addresses of all persons approved by registration as
 19 dealers or salesmen and all orders with respect thereto shall be re-
 20 corded in a register of dealers and salesmen kept in the office of the
 21 commissioner of insurance which shall be open to public inspection.
 22 The fee for such registration and for each annual renewal shall be
 23 ~~fifty one hundred~~ dollars in the case of dealers and *five ten* dollars in
 24 the case of salesmen, which fees shall be paid at the time the infor-
 25 mation and application is filed with the commissioner of insurance.
 26 Every registration under this section shall expire one year from date
 27 of issuance, but new registrations for the succeeding year may be
 28 issued upon written application and upon payment of said fee without
 29 filing of further statements or furnishing any further information
 30 unless specifically required by the commissioner of insurance.

31 Any issuer or owner of a security ~~required to be registered under~~
 32 ~~the provisions of this chapter,~~ selling such securities except in exempt
 33 transactions as defined in section 502.5, shall be deemed a dealer within
 34 the meaning of this section and required to comply with all the provi-
 35 sions hereof, but such issuer or owner shall be required to pay only one
 36 fee which shall be either the fee for registration of the security or for
 37 dealer's registration, whichever is the greater, and the issuer shall not
 38 be required to furnish the bond herein prescribed. *By rule, order, or*
 39 *upon written application by any interested person, the commissioner*
 40 *of insurance may waive any of the limitations or requirements set*
 41 *forth herein. The commissioner of insurance may require any infor-*
 42 *mation necessary to assist him in determining whether to issue a*
 43 *waiver.*

1 SEC. 10. Section five hundred two point eighteen (502.18), unnum-
 2 bered paragraph two (2), Code 1973, is amended to read as follows:

3 Every such bond shall run in favor of the state of Iowa for the use
 4 and benefit of any purchaser of securities sustaining damages as a
 5 result of any breach of the conditions thereof, in the sum of *five fifteen*
 6 thousand dollars and shall be in such form consistent with the provi-
 7 sions hereof as the commissioner of insurance may prescribe, and shall
 8 be executed with surety or sureties satisfactory to the commissioner
 9 of insurance. In suits against the surety upon such bond it shall not be
 10 necessary to join such dealer as a party.

1 SEC. 11. Section five hundred two point twenty (502.20), Code
 2 1973, is amended to read as follows:

3 **502.20 Escrow agreement.** If the statement containing informa-
 4 tion as to securities to be registered, as provided for in section 502.7,
 5 shall disclose that any such securities or any securities senior thereto
 6 shall have been or shall be intended to be issued for any patent right,
 7 copyright, trade-mark, process, formulas or good will, or for promotion
 8 fees or expenses or for other intangible assets, the amount and nature
 9 thereof shall be fully set forth and the commissioner of insurance may
 10 require that such securities so issued in payment of such patent right,
 11 copyright, trade-mark, process, formulas or good will, or for promotion
 12 fees or expenses, or for other intangible assets shall be delivered in

13 escrow to the commissioner of insurance *or to a depository acceptable*
14 *to the commissioner of insurance*, under an escrow agreement ap-
15 *proved by the commissioner of insurance providing* that the owners
16 of such securities shall not be entitled to withdraw such securities
17 from escrow until ~~all other stockholders who have paid for their stock~~
18 ~~in cash shall have been paid a dividend or dividends aggregating not~~
19 ~~less than six percent, shown to the satisfaction of said commissioner~~
20 ~~of insurance to have been actually earned on the investment in any~~
21 ~~common stock so held~~ *the conditions provided in the escrow agreement*
22 *have been satisfied, and providing that* in case of dissolution or insol-
23 vency during the time such securities are held in escrow, that the
24 owners of such securities shall not participate in the assets until after
25 the owners of all other securities shall have been paid in full.

1 SEC. 12. Section five hundred two point twenty-one (502.21), sub-
2 section five (5), Code 1973, is amended to read as follows:

3 5. Whenever it shall appear to the commissioner of insurance from
4 any report or statement filed, from any examination made as provided
5 for in this chapter, or from any other source, that any person, ~~as~~
6 ~~defined in this chapter~~, has engaged in, is engaged in, or is about to
7 engage in any practice declared to be illegal and prohibited by the
8 chapter, or that it will be against public interest for any person, ~~as~~
9 ~~defined in this chapter~~, to issue, sell, offer for sale, purchase, offer to
10 purchase, promote, negotiate, advertise, or distribute any securities
11 within or from this state, he may *issue an order directing the person*
12 *to cease and desist therefrom, or he may additionally or alternatively*
13 by petition apply to a court of equity for a writ of injunction or the
14 appointment of a receiver, or both. The ~~said~~ petition shall allege that
15 it appears to the commissioner of insurance from an investigation
16 made in accordance with the provisions of this chapter, that such
17 person, ~~as defined in the chapter~~, is engaged in or is about to engage
18 in practices declared to be illegal and prohibited or that it is against
19 public interests for such person, ~~as defined in this chapter~~, to issue,
20 sell, offer for sale, purchase, offer to purchase, promote, negotiate,
21 advertise, or distribute any securities within or from this state, which
22 allegations may be verified generally, and on the filing of said petition
23 the court may issue an injunction restraining such person from con-
24 tinuing such practices or engaging therein or doing any acts in fur-
25 therance thereof and/or the court may issue an injunction restraining
26 the issuance, sale, offer for sale, purchase or offer to purchase, pro-
27 motion, negotiation, advertisement, or distribution within or from this
28 state, of any securities by such person and any agents, employees,
29 brokers, partners, officers, directors, or stockholders thereof, until the
30 court shall otherwise order.

1 SEC. 13. Section five hundred two point twenty-three (502.23),
2 unnumbered paragraph one (1), Code 1973, is amended to read as
3 follows:

4 Every sale or contract for sale made in violation of any of the pro-
5 visions of this chapter shall be voidable at the election of the pur-
6 chaser and the person making such sale or contract for sale and every
7 director, officer, or agent of or for such seller who shall have person-
8 ally participated in making such sales and at the time knew of such
9 violations shall be jointly and severally liable to such purchaser in an

10 action at law in any court of competent jurisdiction upon tender to the
 11 seller in person or in open court of the securities sold or of the contract
 12 made for the full amount paid by such purchaser, together with all
 13 taxable court costs and reasonable attorney's fees in any action or
 14 tender under this section; provided, that no action shall be brought
 15 for the recovery of the purchase price after ~~two~~ five years from the
 16 date of such sale or contract for sale; and provided further, that no
 17 purchaser otherwise entitled shall claim or have the benefit of this
 18 section who shall have refused or failed within thirty days from the
 19 date thereof to accept an offer in writing of the seller to take back the
 20 security in question and to refund the full amount paid by such pur-
 21 chaser, together with interest on such amount for the period from the
 22 date of payment by such purchaser down to the date of repayment,
 23 such interest to be computed:

1 SEC. 14. Section five hundred two point twenty-seven (502.27),
 2 Code 1973, is amended to read as follows:

3 502.27 **General violations.** Any person, firm, association, com-
 4 pany, or corporation subject to the provisions of this chapter that shall
 5 sell or negotiate for the sale of any securities within this state without
 6 complying with the provisions of this chapter, or that continues to sell,
 7 offer for sale, or negotiates for the sale of securities in this state after
 8 his registration has been revoked or canceled by the commissioner of
 9 insurance, or that shall otherwise neglect or refuse to comply with any
 10 of the provisions of this chapter, shall be guilty of a misdemeanor and
 11 upon conviction thereof shall be punished by a fine not to exceed one
 12 thousand dollars or by imprisonment in the county jail not to exceed
 13 six months or by both such fine and imprisonment in the discretion of
 14 the court, and if it shall be found that any such person is guilty of such
 15 a violation with the intent to ~~evade the provisions of this chapter~~
 16 *defraud* he shall be guilty of a felony and upon conviction thereof shall
 17 be fined not to exceed five thousand dollars or be imprisoned not to
 18 exceed five years in the penitentiary or reformatory or by both such
 19 fine and imprisonment in the discretion of the court.

1 SEC. 15. Section five hundred two point twenty-eight (502.28),
 2 Code 1973, is amended to read as follows:

3 502.28 **False representations.** Any person, firm, association, com-
 4 pany, or corporation, or any agent or representative thereof, whether
 5 subject to the provisions of this chapter or otherwise, that sells, offers
 6 for sale, or negotiates for the sale of any securities within this state,
 7 and knowingly makes any false representations or statements as to the
 8 nature, character, or value of such security, or the amount of the earn-
 9 ing power of such security whether in the nature of interest, dividends,
 10 or otherwise, or knowingly makes any other false or fraudulent repre-
 11 sentation to any person for the purpose of inducing said person to pur-
 12 chase said security, or conceals any material fact in the advertisement
 13 or prospectus of such security for the purpose of defrauding the pur-
 14 chaser, ~~or knowingly violates any of the provisions of this chapter~~
 15 ~~with intent to defraud~~, shall be deemed guilty of a felony and upon
 16 conviction thereof shall be punished by a fine of not less than five
 17 hundred dollars nor more than five thousand dollars or by imprison-
 18 ment in the penitentiary or reformatory for not more than five years
 19 or by both such fine and imprisonment.

1 SEC. 16. Section five hundred two point thirty-one (502.31), Code
2 1973, is amended by striking the section and inserting in lieu thereof
3 the following:

4 502.31 **Statement open to public.** The information contained in or
5 filed with a registration statement or application shall be made avail-
6 able to the public under such rules as the commissioner of insurance
7 prescribes or at his discretion.

1 SEC. 17. Chapter five hundred two (502), Code 1973, is amended
2 by adding the following new section:

3 **NEW SECTION. Restitution.** Any person convicted of a violation
4 of this chapter which involves the loss of a purchaser's money shall,
5 upon conviction, be required to prepare a plan of restitution. The pro-
6 visions of chapter two hundred ninety-five (295), Acts of the Sixty-
7 fifth General Assembly, 1973 Session, section eight (8) shall apply to
8 restitution allowed under this section, insofar as applicable; provided,
9 however, that probation or deferred judgment shall not be necessary
10 to require restitution under this section.

1 SEC. 18. This Act, being deemed of immediate importance, shall
2 take effect and be in force from and after its publication in the West
3 Des Moines Express, a newspaper published in West Des Moines,
4 Iowa, and in The Whittemore Champion, a newspaper published in
5 Whittemore, Iowa.

Approved April 25, 1974

I hereby certify that the foregoing Act, House File 1432, was published in the West Des Moines Express, West Des Moines, Iowa, May 2, 1974, and in The Whittemore Champion, Whittemore, Iowa, May 2, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1239

INSURANCE COMPANIES

H. F. 526

AN ACT relating to the examination of insurance companies.

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

1 SECTION 1. Section five hundred seven point one (507.1), Code
2 1973, is amended to read as follows:

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

1 SEC. 2. Section five hundred ten point twelve (510.12), Code 1973,
2 is amended to read as follows:

3 **510.12 Publication of report—examination and expense.** The com-
 4 missioner of insurance shall publish such annual statement in detail in
 5 his report, and for the purpose of verifying it he may make or cause
 6 to be made an examination of the affairs of any such association at its
 7 expense, which shall be, if done by him or his clerk, necessary hotel
 8 and traveling expenses only, if, by a person not regularly employed in
 9 his office, the actual cost thereof, ~~not exceeding ten dollars per day~~ for
 10 the time required and actual expenses; but the examination herein
 11 provided for shall be in addition to those authorized by the provisions
 12 of section 507.2.

1 **SEC. 3.** Section five hundred ten point twenty-one (510.21), Code
 2 1973, is amended to read as follows:

3 **510.21 Examiner's fee—payment.** If the commissioner appoints
 4 someone not receiving a regular salary in his office to make this exami-
 5 nation, such examiner shall receive ~~ten dollars per day a per diem in~~
 6 *an amount fixed by the commissioner* for his services in addition to
 7 his actual traveling and hotel expenses, to be paid by the association
 8 examined, or by the state on the approval of the executive council, if
 9 the association fails to pay the same.

1 **SEC. 4.** Section five hundred twelve point twenty (512.20), Code
 2 1973, is amended to read as follows:

3 **512.20 Expense.** The expense of such examination shall be ~~limited~~
 4 ~~to five dollars per day fixed by the commissioner and shall include a~~
 5 *per diem charge for the examiners* and the necessary expenses of
 6 travel and for hotel bills.

Approved March 4, 1974

CHAPTER 1240

RECIPROCAL ENFORCEMENT AGAINST INSURERS

H. F. 1177

AN ACT to provide for reciprocal enforcement of court orders against insurers.

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

1 **SECTION 1.** Section five hundred seven A point six (507A.6), Code
 2 1973, is amended by striking subsection six (6).

1 **SEC. 2.** Chapter five hundred seven A (507A), Code 1973, is
 2 amended by adding the following new section:

3 **NEW SECTION.** The attorney general upon request of the commis-
 4 sioner of insurance may proceed in the courts of this state or any
 5 reciprocal state to enforce an order or decision in any court proceed-
 6 ing or in any administrative proceeding before the commissioner of
 7 insurance.

8 1. As used in this section, unless the context otherwise requires:
 9 a. "Reciprocal state" means any state or territory of the United
 10 States the laws of which contain procedures substantially similar to
 11 those specified in this section for the enforcement of decrees or orders
 12 in equity issued by courts located in other states or territories of the

13 United States, against any insurer incorporated or authorized to do
14 business in said state or territory.

15 b. "Foreign decree" means any decree or order in equity of a court
16 located in a reciprocal state, including a court of the United States
17 located therein, against any insurer incorporated or authorized to do
18 business in this state.

19 c. "Qualified party" means a state regulatory agency acting in its
20 capacity to enforce the insurance laws of its state.

21 2. The commissioner of insurance shall determine which states and
22 territories qualify as reciprocal states and shall maintain at all times
23 an up-to-date list of such states.

24 3. A copy of any foreign decree authenticated in accordance with
25 the statutes of this state may be filed in the office of the clerk of any
26 district court of this state. The clerk, upon verifying with the insur-
27 ance commissioner that the decree or order qualifies as a foreign
28 decree, shall treat the foreign decree in the same manner as a decree
29 of a district court of this state. A foreign decree so filed has the same
30 effect and shall be deemed as a decree of a district court of this state,
31 and is subject to the same procedures, defenses and proceedings for
32 reopening, vacating, or staying as a decree of a district court of this
33 state and may be enforced or satisfied in like manner.

34 4. a. At the time of the filing of the foreign decree, the attorney
35 general shall make and file with the clerk of the court an affidavit
36 setting forth the name and last known post office address of the
37 defendant.

38 b. Promptly upon the filing of the foreign decree and the affidavit,
39 the clerk shall mail notice of the filing of the foreign decree to the
40 defendant at the address given and to the insurance commissioner of
41 this state and shall make a note of the mailing in the docket. In addi-
42 tion, the attorney general may mail a notice of the filing of the foreign
43 decree to the defendant and to the insurance commissioner of this
44 state and may file proof of mailing with the clerk. Lack of mailing
45 notice of filing by the clerk shall not affect the enforcement proceed-
46 ings if proof of mailing by the attorney general has been filed.

47 c. No execution or other process for enforcement of a foreign decree
48 filed under this section shall issue until thirty days after the date the
49 decree is filed.

50 5. a. If the defendant shows the district court that an appeal from
51 the foreign decree is pending or will be taken, or that a stay of execu-
52 tion has been granted, the court shall stay enforcement of the foreign
53 decree until the appeal is concluded, the time for appeal expires, or
54 the stay of execution expires or is vacated, upon proof that the defend-
55 ant has furnished the security for the satisfaction of the decree
56 required by the state in which it was rendered.

57 b. If the defendant shows the district court any ground upon which
58 enforcement of a decree of any district court of this state would be
59 stayed, the court shall stay enforcement of the foreign decree for an
60 appropriate period, upon requiring the same security for satisfaction
61 of the decree which is required in this state.

62 6. Any person filing a foreign decree shall pay to the clerk of court
63 twenty-five dollars. Fees for docketing, transcription or other enforce-
64 ment proceedings shall be as provided for decrees of the district court.

Approved April 19, 1974

CHAPTER 1241

LIFE INSURANCE COMPANIES

H. F. 1249

AN ACT relating to the investments of life insurance companies and to life insurance standard valuation and nonforfeiture laws.

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

1 SECTION 1. Section five hundred eight point ten (508.10), Code
2 1973, is amended to read as follows:

3 508.10 **Foreign companies—capital or surplus—investments.** No
4 company incorporated by or organized under the laws of any other
5 state or government shall transact business in this state unless it is
6 possessed of the actual amount of capital and surplus required of any
7 company organized by the laws of this state, or, if it be a mutual com-
8 pany, of surplus equal in amount thereto, and the same is invested in
9 bonds of the United States or of this state, or in interest-paying bonds,
10 when they are at or above par, of the state in which the company is
11 located, or of some other state, or in notes or bonds secured by mort-
12 gages on unencumbered real estate within this or the state where such
13 company is located, worth one and ~~two-thirds~~ *one-third* times the
14 amount loaned thereon, which securities shall, at the time, be on
15 deposit with the superintendent of insurance, auditor, comptroller, or
16 chief financial officer of the state by whose laws the company is incor-
17 porated, or of some other state, and the commissioner of insurance is
18 furnished with a certificate of such officer, under his official seal, that
19 he as such officer holds in trust and on deposit for the benefit of all
20 the policyholders of such company, the securities above mentioned.
21 This certificate shall embrace the items of security so held, and show
22 that such officer is satisfied that such securities are worth the amount
23 stated in the certificate. Nothing herein contained shall invalidate
24 the agency of any company incorporated in another state by reason of
25 its having exchanged the bonds or securities so deposited with such
26 officer for other bonds or securities authorized by this chapter, or
27 by reason of its having drawn its interest and dividends on the same.

1 SEC. 2. Section five hundred eleven point eight (511.8), subsection
2 eight (8), paragraph b, subparagraphs one (1) and two (2), Code
3 1973, are amended to read as follows:

4 (1) ~~Two~~ *With the exception of public utility securities, two percent*
5 *of the legal reserve in the securities of any one corporation. Five*
6 *percent of the legal reserve in the securities of any one public utility*
7 *corporation.*

8 (2) *Fifty percent of the legal reserve in the securities described in*
9 *subsection 5 issued by other than public utility corporations. Fifty*
10 *percent of the legal reserve in the securities described in subsection*
11 *five (5) issued by public utility corporations.*

1 SEC. 3. Section five hundred eleven point eight (511.8), subsection
2 nine (9), paragraph f, Code 1973, is amended to read as follows:

3 f. Bonds, notes, obligations or other evidences of indebtedness
4 secured by mortgages or deeds of trust which are a first lien upon
5 unencumbered personal or real property or both personal and real
6 property, including a leasehold of real estate, within the United

7 States of America, or any insular or territorial possession of the
8 United States of America, or the Dominion of Canada, under lease,
9 purchase contract, or lease purchase contract to any governmental
10 body or instrumentality whose obligations qualify under subsections 1,
11 2 or 3 of this section, or to a corporation whose obligations qualify
12 under paragraph "a" of subsection 5 of this section, if the terms of the
13 bond, note or other evidence of indebtedness provide for the amortiza-
14 tion during the initial, fixed period of the lease or contract of one hun-
15 dred percent of the indebtedness and there is pledged or assigned, as
16 additional security for the loan, sufficient of the rentals payable under
17 the lease, or of contract payments, to provide the required payments
18 on the loan necessary to permit such amortization, including but not
19 limited to payments of principal, interest, ground rents and taxes
20 other than the income taxes of the borrower; provided, however, that
21 where the security consists of a first mortgage or deed of trust lien
22 on a fee interest in real property only, the bond, note or other evidence
23 of indebtedness may provide for the amortization during the initial,
24 fixed period of the lease or contract of less than one hundred percent
25 of the indebtedness if there is to be left unamortized at the end of
26 such period an amount not greater than the appraised value of the
27 land only, exclusive of all improvements, and if there is pledged or
28 assigned, as additional security for the loan, sufficient of the rentals
29 payable under the lease, or of contract payments, to provide the
30 required payments on the loan necessary to permit such amortization,
31 including but not limited to payments of principal, interest, and taxes
32 other than the income taxes of the borrower. Investments made in
33 accordance with the provisions of this paragraph shall not be eligible
34 in excess of ~~fifteen~~ *twenty-five* percent of the legal reserve, *nor shall*
35 *any one such investment in excess of five percent of the legal reserve*
36 *be eligible.*

1 SEC. 4. Section five hundred eight point thirty-six (508.36), sub-
2 section two (2), unnumbered paragraph two (2), Code 1973, is
3 amended to read as follows:

4 *The Except as otherwise provided in section eight (8) of this Act*
5 *for group annuity and pure endowment contracts, the minimum*
6 *standard of valuation for all policies of domestic life insurance com-*
7 *panies shall be the Commissioners Reserve Valuation Method defined*
8 *in paragraph "b" of subsection 3 and the American Experience Table*
9 *of Mortality and four and one-half percent interest or the Actuaries'*
10 *(or Combined) Experience Table of Mortality and four percent*
11 *interest.*

1 SEC. 5. Section five hundred eight point thirty-six (508.36), sub-
2 section three (3), unnumbered paragraph one (1), Code 1973, is
3 amended to read as follows:

4 This subsection shall apply to only those policies and contracts
5 issued on or after the operative date of section 508.37 (the Standard
6 Nonforfeiture Law), *except as otherwise provided in section eight (8)*
7 *of this Act for group annuity and pure endowment contracts issued*
8 *prior to such operative date.*

1 SEC. 6. Section five hundred eight point thirty-six (508.36), sub-
2 section three (3), paragraph a, unnumbered paragraph one (1), Code
3 1973, is amended to read as follows:

4 *The Except as otherwise provided in section eight (8) of this Act,*
5 *the minimum standard for the valuation of all such policies and con-*
6 *tracts shall be the Commissioners Reserve Valuation Method defined*
7 *in paragraph "b" of this subsection 3, three and one-half percent*
8 *interest or in the case of policies and contracts, other than annuity*
9 *and pure endowment contracts, issued on or after July 1, 1974 and*
10 *prior to January 1, 1986, four percent interest, and the following*
11 *tables:*

1 SEC. 7. Section five hundred eight point thirty-six (508.36), sub-
2 section three (3), paragraph e, Code 1973, is amended to read as fol-
3 lows:

4 e. If the gross premium charged by any life insurance company on
5 any policy or contract is less than the net premium for the policy or
6 contract according to the mortality table, rate of interest and method
7 used in calculating the reserve thereon, *according to the minimum*
8 *standard prescribed in this section*, there shall be maintained on such
9 policy or contract a deficiency reserve in addition to all other reserves
10 required by law. For each such policy or contract the deficiency re-
11 serve shall be the present value, according to such standard, of an an-
12 nuity of the difference between such net premium and the premium
13 charged for such policy or contract, running for the remainder of the
14 premium-paying period.

1 SEC. 8. Section five hundred eight point thirty-six (508.36), sub-
2 section three (3), Code 1973, is amended by adding the following new
3 paragraphs:

4 NEW PARAGRAPH. The minimum standard for the valuation of all
5 individual annuity and pure endowment contracts issued on or after
6 the operative date of this paragraph, and for all annuities and pure
7 endowments purchased on or after such operative date under group
8 annuity and pure endowment contracts, shall be the Commissioners
9 Reserve Valuation Method defined in paragraph b of this subsection
10 and the following tables and interest rates:

11 (1) For individual annuity and pure endowment contracts issued
12 prior to January 1, 1986, excluding any disability and accidental death
13 benefits in such contracts, the 1971 Individual Annuity Mortality
14 Table, or any modification of this table approved by the commissioner,
15 and six percent interest for single premium immediate annuity con-
16 tracts, and four percent interest for all other individual annuity and
17 pure endowment contracts.

18 (2) For individual annuity and pure endowment contracts issued
19 on or after January 1, 1986, excluding any disability and accidental
20 death benefits in such contracts, the 1971 Individual Annuity Mortality
21 Table, or any modification of this table approved by the commissioner,
22 and three and one-half percent interest.

23 (3) For all annuities and pure endowments purchased prior to Jan-
24 uary 1, 1986 under group annuity and pure endowment contracts, ex-
25 cluding any disability and accidental death benefits purchased under
26 such contracts, the 1971 Group Annuity Mortality Table, or any modi-
27 fication of this table approved by the commissioner, and six percent
28 interest.

29 (4) For all annuities and pure endowments purchased on or after
30 January 1, 1986 under group annuity and pure endowment contracts,

31 excluding any disability and accidental death benefits in such con-
32 tracts, the 1971 Group Annuity Mortality Table, or any modification
33 of this table approved by the commissioner, and three and one-half
34 percent interest.

35 NEW PARAGRAPH. After July 1, 1974, any company may file with
36 the commissioner a written notice of its election to comply with the
37 provisions of section eight (8) of this Act after a specified date before
38 January 1, 1979, which shall be the operative date of section eight
39 (8) of this Act for such company; provided, a company may elect a
40 different operative date for individual annuity and pure endowment
41 contracts from that elected for group annuity and pure endowment
42 contracts. If a company makes no such election, the operative date of
43 section eight (8) of this Act for such company shall be January 1,
44 1979.

1 SEC. 9. Section five hundred eight point thirty-seven (508.37), sub-
2 section five (5), unnumbered paragraph four (4), Code 1973, is
3 amended to read as follows:

4 All adjusted premiums and present values referred to in this sec-
5 tion shall for all policies of ordinary insurance be calculated on
6 the basis of the Commissioners 1958 Standard Ordinary Mortality
7 Table, provided that for any category of ordinary insurance issued on
8 female risks, adjusted premiums and present values may be calculated
9 according to an age not more than three years younger than the actual
10 age of the insured. Such calculations for all policies of industrial in-
11 surance shall be made on the basis of the 1941 Standard Industrial
12 Mortality Table; provided, however, that any company may file with
13 the commissioner a written notice of its election that such adjusted
14 premiums and present values shall be calculated on the basis of the
15 Commissioners 1961 Standard Industrial Mortality Table, after a
16 specified date before January 1, 1968; provided, further, that, whether
17 or not any election has been made, such Commissioners 1961 Standard
18 Industrial Mortality Table shall be the basis for such calculations as
19 to all policies of industrial insurance issued on or after January 1,
20 1968. All calculations shall be made on the basis of the rate of inter-
21 est, ~~not exceeding three and one-half percent per annum~~, specified in
22 the policy for calculating cash surrender values and paid-up nonfor-
23 feiture benefits; provided, *that such rate of interest shall not exceed*
24 *three and one-half percent per annum, except that a rate of interest*
25 *not exceeding four percent per annum may be used for policies issued*
26 *on or after July 1, 1974 and prior to January 1, 1986. Provided, how-*
27 *ever, that in calculating the present value of any paid-up term insur-*
28 *ance with accompanying pure endowment, if any, offered as a non-*
29 *forfeiture benefit, the rates of mortality assumed in the case of policies*
30 *of ordinary insurance, may be not more than those shown in the*
31 *Commissioners 1958 Extended Term Insurance Table, and, in the case*
32 *of policies of industrial insurance, may be not more than one hundred*
33 *thirty percent of the rates of mortality according to the 1941 Standard*
34 *Industrial Mortality Table, except that when the Commissioners 1961*
35 *Standard Industrial Mortality Table becomes applicable, as herein-*
36 *before provided, such rates of mortality assumed may be not more*
37 *than those shown in the Commissioners 1961 Industrial Extended*
38 *Term Insurance Table, provided, further, that for insurance issued*
39 *on a substandard basis, the calculation of any such adjusted premiums*

40 and present values may be based on such other table of mortality as
41 may be specified by the company and approved by the commissioner.

Approved May 27, 1974

CHAPTER 1242

INSURANCE COMPANIES ANNUAL STATEMENT

H. F. 392

AN ACT relating to the annual statement of insurance companies.

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

1 SECTION 1. Section five hundred eight point eleven (508.11), Code
2 1973, is amended by adding the following new subsection:

3 NEW SUBSECTION. All other information as required by the na-
4 tional association of insurance commissioners' annual statement blank.

1 SEC. 2. Section five hundred fifteen point sixty-three (515.63),
2 Code 1973, is amended by adding the following new unnumbered para-
3 graph:

4 NEW UNNUMBERED PARAGRAPH. Fifteenth—All other information
5 as required by the national association of insurance commissioners'
6 annual statement blank.

Approved March 29, 1974

CHAPTER 1243

INSURANCE COMPANY AUTHORITY

H. F. 639

AN ACT relating to the annual certificate of authority of insurance companies.

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

1 SECTION 1. Section five hundred eight point thirteen (508.13),
2 Code 1973, is amended to read as follows:

3 508.13 **Annual certificate of authority.** On receipt of the deposit
4 provided in subsection 13 of section 511.8 and the statement, and the
5 statement and evidence of investment of foreign companies, all of
6 which shall be renewed annually, by the first day of March, the com-
7 missioner of insurance shall issue a certificate setting forth the cor-
8 porate name of the company, its home office, that it has fully com-
9 plied with the laws of the state and is authorized to transact the
10 business of life insurance for the ensuing year, which certificate shall
11 expire on the first day of ~~April~~ *May* of the ensuing year, or sooner
12 upon thirty days' notice given by the commissioner, of the next annual
13 valuation of its policies. Such certificate shall be renewed annually,

14 upon the renewal of the deposit and statement by a domestic company,
 15 or of the statement and evidence of investment by a foreign company,
 16 and compliance with the conditions above required, and be subject to
 17 revocation as the original certificate.

1 SEC. 2. Section five hundred ten point fourteen (510.14), Code
 2 1973, is amended to read as follows:

3 **510.14 Certificate of authority.** Upon compliance with the provi-
 4 sions of this chapter by an association, the commissioner of insurance
 5 shall issue to it a certificate, setting forth that it has fully complied
 6 with the provisions of this chapter, and is authorized to transact busi-
 7 ness for a period of one year from ~~April 1~~ *May first* of the year of its
 8 issue.

1 SEC. 3. Section five hundred fifteen point forty-two (515.42), Code
 2 1973, is amended to read as follows:

3 **515.42 Tenure of certificate—renewal—evidence.** Such certificate
 4 of authority shall expire on the first day of ~~April~~ *May* next succeeding
 5 its issue, and shall be renewed annually so long as such company shall
 6 transact business in accordance with the requirements of law; a copy
 7 of which certificate, when certified to by the commissioner of insur-
 8 ance, shall be admissible in evidence for or against a company with the
 9 same effect as the original.

Approved February 20, 1974

CHAPTER 1244

CREDIT LIFE INSURANCE

H. F. 787

AN ACT making a correction to House File one hundred eighty-six (186) of the 1973 Session of the Sixty-fifth General Assembly.

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

1 SECTION 1. House File one hundred eighty-six (186), section four
 2 (4), as amended* by the Sixty-fifth General Assembly, 1973 Session,
 3 is amended by striking such section and inserting in lieu thereof the
 4 following:

5 Sec. 4. Section five hundred nine point one (509.1), subsection
 6 three (3), paragraph d, Code 1973, is amended to read as follows:

7 d. The amount of insurance on the life of any debtor shall at no time
 8 exceed the amount owed by him to the creditor, or the face amount of
 9 any loan or loan commitment, totally or partially executed, creating
 10 **personal liability** and made in good faith for general agricultural or
 11 horticultural purposes to a debtor with seasonal income; *however, it*
 12 *shall not exceed thirty-five thousand dollars; or ten thousand dollars,*
 13 ~~whichever is less.~~

Approved March 15, 1974

*According to enrolled Act

CHAPTER 1245

HEALTH INSURANCE

S. F. 1290

AN ACT relating to individual and group health insurance policies and subscriber contracts for newly born children.

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

1 SECTION 1. NEW SECTION.

2 1. Any policy of individual or group accident and sickness insur-
3 ance providing coverage on an expense incurred basis, and any indi-
4 vidual or group hospital or medical service contracts issued pursuant
5 to chapters five hundred nine (509), five hundred fourteen (514), and
6 five hundred fourteen A (514A) of the Code, which provides coverage
7 for a family member of the insured or subscriber shall also provide
8 that the health insurance benefits applicable for children shall be pay-
9 able with respect to a newly born child of the insured or subscriber
10 from the moment of birth.

11 2. The coverage for newly born children shall consist of coverage
12 for injury or sickness including the necessary care and treatment of
13 medically diagnosed congenital defects and birth abnormalities.

14 3. If payment of a specific premium or subscription fee is required
15 to provide coverage for a newly born child, the policy or contract may
16 require that notification of birth of a newly born child and payment of
17 the required premium or fees must be furnished to the insurer or non-
18 profit service or indemnity corporation within thirty-one days after
19 the date of birth in order to have coverage continue beyond such
20 thirty-one day period.

1 SEC. 2. The provisions of this Act shall become effective January 1,
2 1975.

Approved April 25, 1974

CHAPTER 1246

BANKING INVESTMENTS

H. F. 637

AN ACT amending the Iowa Banking Act relating to permissible investments by banks, livestock loans by banks, and investments of fiduciary accounts by banks.

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

1 SECTION 1. Section five hundred twenty-four point nine hundred
2 one (524.901), subsection three (3), paragraph d, Code 1973, is
3 amended to read as follows:

4 d. Shares in a corporation which the state bank is authorized to
5 acquire and hold pursuant to ~~subsections 2 and 3 paragraphs c and d~~
6 *of subsection one (1) of section 524.803.*

1 SEC. 2. Section five hundred twenty-four point nine hundred four
 2 (524.904), subsection two (2), paragraph a, subparagraph three (3),
 3 Code 1973, is amended to read as follows:

4 (3) Obligations in the form of notes or drafts secured by bills of
 5 lading, bills of sale or security agreements covering feeder livestock
 6 ~~when the proceeds of such obligations shall have been given as pur-~~
 7 ~~chase money for all or part of the purchase price of such feeder live-~~
 8 ~~stock, but not to exceed the total purchase price thereof or female~~
 9 ~~animals purchased and held for resale, or raised and held for sale prior~~
 10 ~~to giving birth to their first off-spring or after giving birth to but prior~~
 11 ~~to weaning of their first off-spring. Such livestock loans, including~~
 12 ~~renewals or extensions thereof, made under the foregoing provisions~~
 13 ~~shall not be made for a period in excess of eighteen months. In the~~
 14 ~~case of purchase price livestock, the proceeds of such obligations shall~~
 15 ~~have been given as purchase money for all or part of the purchase~~
 16 ~~price of such livestock, but not to exceed the purchase price thereof.~~
 17 ~~In the case of nonpurchase livestock, the proceeds of such obligations~~
 18 ~~shall not be in an amount in excess of the prevailing local market price~~
 19 ~~at the time of the loan, and the bank shall maintain proof of this fact.~~

1 SEC. 3. Section five hundred twenty-four point one thousand two
 2 (524.1002), subsection two (2), Code 1973, is amended to read as fol-
 3 lows:

4 2. Funds of a fiduciary account may be deposited in the state bank
 5 which is acting as fiduciary, either as demand deposits, savings de-
 6 posits or, for a period not exceeding one year, in single maturity time
 7 deposits or *automatically renewable time deposits for the same lengths*
 8 *of time as originally issued.*

Approved February 20, 1974

CHAPTER 1247

SAVINGS AND LOAN ASSOCIATIONS

S. F. 551

AN ACT relating to investments and administration of state chartered savings and loan associations.

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

1 SECTION 1. Section five hundred thirty-four point seventeen
 2 (534.17), subsection one (1), Code 1973, is amended to read as fol-
 3 lows:

4 1. In securities without limit, in obligations of, or guaranteed as to
 5 principal and interest by, the United States or this state; in stock of a
 6 federal home loan bank of which it is eligible to be a member, and in
 7 any obligation or consolidated obligations of any federal home loan
 8 bank or banks; in stock or obligation of the federal savings and loan
 9 insurance corporation; in stock or obligations of a national mortgage

10 association or any successor or successors thereto; in demand, time
11 or savings deposits, *in bankers acceptances* with any bank or trust
12 company the deposits of which are insured by the federal deposit
13 insurance corporation; in stock or obligations of any corporation or
14 agency of the United States or this state, or in deposits therewith to
15 the extent that such corporation or agency assists in furthering or
16 facilitating the association's purposes or powers; in share accounts of
17 any association operating under the provisions of this chapter and of
18 any federal savings and loan association; in bonds, notes, or other
19 evidences of indebtedness which are a general obligation of any city,
20 town, village, county, school district, or other municipal or political
21 subdivision so long as the total investment in such corporation does
22 not exceed five percent of the assets of said association. Any of said
23 investments which are securities or obligations which are evidence of
24 first mortgage liens on real estate are exempt from the above five
25 percent limitation.

1 SEC. 2. Section five hundred thirty-four point forty-three (534.43),
2 Code 1973, is amended to read as follows:

3 534.43 **Reserve for contingencies.** As of June 30 and December 31
4 of each year, before declaring any dividends, the board of directors
5 shall transfer and credit to a general reserve account an amount equiv-
6 alent to not less than two percent of the net earnings of the association
7 for the preceding six months, called the "accounting period", such
8 transfers to be made at the end of each six months accounting period,
9 until such general reserve account is equal to at least five percent of
10 the total amount paid in by members and credited on share accounts.
11 The above action shall be taken March 31, June 30, September 30 and
12 December 31 of each year and the dividends and reserve periods cor-
13 respondingly adjusted if dividends are paid quarterly. If at any time
14 thereafter such general reserve account shall on account of losses be
15 reduced to less than five percent of the amount paid in and credited on
16 share accounts, such transfers and credits thereto shall be resumed
17 and continued until such reserve is again equal to at least five percent
18 of the total amount paid in and credited on share accounts of members.
19 The reserve account so established shall at all times be maintained and
20 used for the sole purpose of absorbing losses incurred by the associa-
21 tion and for no other purposes. An association may establish such
22 other and additional special reserves as may be ordered by its board
23 of directors. *An association as an optional method may close its books*
24 *on a fiscal year base with one transfer to reserves at the conclusion of*
25 *the fiscal year.*

Approved February 12, 1974

CHAPTER 1248

SAVINGS AND LOAN DIVISION

S. F. 1383

AN ACT providing for the establishment of a revolving fund, assessment of administrative expenses, and continuation of the appropriation to the auditor of state's savings and loan division.

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

1 SECTION 1. Section five hundred thirty-four point sixty-one
2 (534.61), subsection one (1), Code 1973, is amended to read as follows:
3 534.61 Fees.

4 1. Payable to state auditor. Associations shall pay fees by deliver-
5 ing to the supervisor a check payable to the state auditor. *All fees*
6 *collected under the provisions of this chapter shall be deposited with*
7 *the treasurer of state in a separate fund to be known as the savings*
8 *and loan revolving fund. All expenses necessary to carry out the pro-*
9 *visions of this chapter shall be paid from the savings and loan revol-*
10 *ving fund.*

1 SEC. 2. Section five hundred thirty-four point sixty-one (534.61),
2 subsection four (4), Code 1973, is amended to read as follows:

3 4. Supervision and examination fee. At the time of filing its annual
4 report each association shall pay to the auditor of state, an annual
5 filing fee of fifty dollars. The supervisor ~~may~~ shall assess against any
6 association the actual and necessary expenses incidental to any exami-
7 nations, or to supervision, or to any special audit made pursuant to an
8 order of the supervisor acting under authority of this chapter. *The*
9 *annual assessment to each association shall also include a fair propor-*
10 *tion of the cost of administration of the savings and loan division.*

1 SEC. 3. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter nine (9), section seven (7), is amended to read as follows:

3 Sec. 7. Notwithstanding the provisions of section eight point
4 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
5 ances of appropriations made by this Act for the first fiscal year of
6 the biennium commencing July 1, 1973, *except the balance of the*
7 *appropriation made in section one (1), subsection two (2), para-*
8 *graph b, which shall carry forward to the savings and loan revolving*
9 *fund established in section one (1) of this Act, shall, on August 31,*
10 *1974, revert to the state treasury and to the credit of the fund from*
11 *which appropriated. In all other respects the provisions of section*
12 *eight point thirty-three (8.33) of the Code shall apply to appropria-*
13 *tions made for the first fiscal year of such biennium. Unencumbered*
14 *or unobligated balances of appropriations made for the second fiscal*
15 *year of such biennium shall be subject to section eight point thirty-*
16 *three (8.33) of the Code.*

Approved May 11, 1974

CHAPTER 1249
COMMERCIAL CODE

S. F. 1315

AN ACT amending the uniform commercial code and making coordinating amendments relating to security interests, securities depositories, sales contracts, rights of buyers, warranties, commercial paper, bank deposits and collections, letters of credit, and warehouseman's liens, establishing effective dates and transition provisions, and imposing a penalty.

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

DIVISION 1

1 SECTION 1. Section five hundred fifty-four point one thousand
2 two hundred one (554.1201), subsection thirty-seven (37), Code
3 1973, is amended to read as follows:

4 37. "Security interest" means an interest in personal property or
5 fixtures which secures payment or performance of an obligation. The
6 retention or reservation of title by a seller of goods notwithstanding
7 shipment or delivery to the buyer (section 554.2401) is limited in
8 effect to a reservation of a "security interest". The term also in-
9 cludes any interest of a buyer of accounts, chattel paper, or contract
10 rights which is subject to Article 9. The special property interest
11 of a buyer of goods on identification of such goods to a contract for
12 sale under section 554.2401 is not a "security interest", but a buyer
13 may also acquire a "security interest" by complying with Article 9.
14 Unless a lease or consignment is intended as security, reservation
15 of title thereunder is not a "security interest" but a consignment is
16 in any event subject to the provisions on consignment sales (section
17 554.2326). Whether a lease is intended as security is to be deter-
18 mined by the facts of each case; however, (a) the inclusion of an
19 option to purchase does not of itself make the lease one intended for
20 security, and (b) an agreement that upon compliance with the terms
21 of the lease the lessee shall become or has the option to become the
22 owner of the property for no additional consideration or for a nomi-
23 nal consideration does make the lease one intended for security. The
24 term also includes any interest of an owner of farm products whose
25 possession is entrusted to a person engaged in farming operations.

1 SEC. 2. Section five hundred fifty-four point two thousand four
2 hundred three (554.2403), subsection two (2), Code 1973, is amended
3 to read as follows:

4 2. Any entrusting of possession of goods to a merchant who deals
5 in goods of that kind gives him power to transfer all rights of the
6 entruster to a buyer in ordinary course of business. ~~However, any~~
7 ~~entrusting of farm products to a person engaged in farming opera-~~
8 ~~tions shall not give the farmer the power to transfer all rights of the~~
9 ~~entruster to a buyer in the ordinary course of business if the entruster~~
10 ~~perfects a security interest as provided in Article 9.~~

1 SEC. 3. Section five hundred fifty-four point nine thousand one
2 hundred two (554.9102), subsection two (2), Code 1973, is amended
3 to read as follows:

4 2. This Article applies to security interests created by contract
5 including pledge, assignment, chattel mortgage, chattel trust, trust

6 deed, factor's lien, equipment trust, conditional sale, trust receipt,
7 ~~bailment~~, other lien or title retention contract and lease or consign-
8 ment intended as security. This Article does not apply to statutory
9 liens except as provided in section 554.9310.

1 SEC. 4. Section five hundred fifty-four point nine thousand three
2 hundred seven (554.9307), subsection one (1), Code 1973, is amended
3 to read as follows:

4 1. A buyer in ordinary course of business (subsection 9 of section
5 554.1201) other than a person buying farm products ~~subject to a~~
6 ~~perfected security interest~~ from a person engaged in farming opera-
7 tions takes free of a security interest created by his seller even though
8 the security interest is perfected and even though the buyer knows of
9 its existence.

1 SEC. 5. Section five hundred fifty-four point eight thousand one
2 hundred two (554.8102), Code 1973, is amended by striking subsec-
3 tion three (3) and inserting in lieu thereof the following:

4 3. A "clearing corporation" is a corporation

5 a. At least ninety percent of the capital stock of which is held by or
6 for one or more persons, other than individuals, each of whom

7 i. is subject to supervision or regulation pursuant to the provi-
8 sions of federal or state banking laws or state insurance laws, or

9 ii. is a broker or dealer or investment company registered under
10 the Securities Exchange Act of 1934 (forty-eight (48) Stat. eight
11 hundred eighty-one (881); fifteen (15) U.S.C. sec. seventy-eight a
12 (78a) et seq.) or the Investment Company Act of 1940 (fifty-four
13 (54) Stat. seven hundred eighty-nine (789); fifteen (15) U.S.C. sec.
14 eighty a dash one (80a-1) et seq.) or

15 iii. is a national securities exchange or association registered
16 under a statute of the United States such as the Securities Exchange
17 Act of 1934, and none of whom, other than a national securities ex-
18 change or association, holds in excess of twenty percent of the capi-
19 tal stock of such corporation; and

20 b. Any remaining capital stock of which is held by individuals
21 who have purchased such capital stock at or prior to the time of their
22 taking office as directors of such corporation and who have pur-
23 chased only so much of such capital stock as may be necessary to
24 permit them to qualify as such directors.

1 SEC. 6. Chapter five hundred twenty-four (524), Code 1973, is
2 amended by adding the following new section:

3 NEW SECTION. A bank, either acting as a fiduciary or holding secu-
4 rities as a managing agent or custodian, including a custodian for a
5 fiduciary, may deposit securities in a federally regulated clearing cor-
6 poration as provided in section seven (7) of this Act, and in addition
7 may deposit securities, the principal and interest of which the United
8 States or any United States department, agency, or instrumentality
9 either has agreed to pay or has guaranteed, in a federal reserve bank.

10 The records of a depositing bank at all times must identify the
11 persons on whose behalf securities have been deposited in a federal
12 reserve bank. An interest in deposited securities may be transferred
13 by entry on the books of the federal reserve bank without physical
14 delivery of the securities. A depositing bank is subject to rules and

15 regulations adopted by the superintendent of banking, with respect
 16 to state banks, and by the comptroller of the currency, with respect
 17 to national banking associations. On demand by the owner, a bank
 18 acting as a managing agent or as a custodian shall identify in writ-
 19 ing the securities deposited in a federal reserve bank for the ac-
 20 count of the owner. On demand by any party to the accounting of
 21 a bank acting as a fiduciary, the bank shall identify in writing the
 22 securities deposited in a federal reserve bank for its account as fiduci-
 23 ary.

24 This section applies regardless of the date of the agreement, instru-
 25 ment, or court order under which the bank was appointed.

1 SEC. 7. Chapter six hundred thirty-three (633), Code 1973, is
 2 amended by adding the following new section:

3 **NEW SECTION. Power of fiduciary or custodian to deposit securi-**
 4 **ties.** A fiduciary as defined in section six hundred thirty-three point
 5 three (633.3), subsection seventeen (17), of the Code, holding securi-
 6 ties, and a bank as defined in section five hundred twenty-four point
 7 one hundred three (524.103), subsection five (5) of the Code, which
 8 is holding securities as a managing agent or as a custodian, includ-
 9 ing a custodian for a fiduciary, may deposit securities in a clearing cor-
 10 poration, as defined in section five hundred fifty-four point eight
 11 thousand one hundred two (554.8102), subsection three (3), of the
 12 Code, which is located within or without the state of Iowa, if the
 13 clearing corporation is federally regulated. A depositing bank is
 14 subject to rules and regulations adopted by the superintendent of
 15 banking, with respect to state banks, and by the comptroller of the
 16 currency, with respect to national banking associations.

17 Certificates representing deposited securities of the same class of
 18 the same issuer may merge securities deposited by a fiduciary, or
 19 by a bank acting as a managing agent or custodian, with securities
 20 deposited by any other person and may be held in the name of the
 21 clearing corporation or its nominee. The records of a depositing
 22 fiduciary and a depositing bank acting as a managing agent or cus-
 23 todian at all times must identify the persons on whose behalf securi-
 24 ties have been deposited. Title to deposited securities may be trans-
 25 ferred by entry on the books of a clearing corporation without
 26 physical delivery of the securities.

27 On demand by the owner, a bank depositing securities in a clear-
 28 ing corporation as a managing agent or as a custodian shall identify
 29 in writing the securities so deposited. On demand by any party to
 30 the accounting of a fiduciary, the fiduciary shall identify in writing
 31 the securities deposited in a clearing corporation for its account as
 32 fiduciary.

33 This section applies regardless of the date of the agreement, in-
 34 strument, or court order under which the fiduciary or bank was
 35 appointed.

1 **SEC. 8. Effective date.**

2 1. Division one (1) of this Act, sections one (1) through eight
 3 (8), the Iowa amendments to the Uniform Commercial Code pertain-
 4 ing to entrusting of farm products, and to securities depositories,
 5 and related amendments, shall become effective at 12:01 a.m. on
 6 July 1, 1974.

7 2. Security interests in farm products whose possession is en-
 8 trusted to a person engaged in farming operations, which were filed
 9 as provided by this chapter prior to July 1, 1974, remain effective
 10 for their original term and may have their effectiveness continued,
 11 subject to the provisions of subsection five (5) of section five hun-
 12 dred fifty-four point eleven thousand one hundred five (554.11105)
 13 of the Code. Notwithstanding sections one (1) through eight (8)
 14 of this Act, an owner of farm products whose possession is entrusted
 15 to a person engaged in farming operations may create an Article
 16 nine (9) security interest in the farm products, with respect to the
 17 obligation of the person engaged in farming operations.

DIVISION 2

1 SEC. 9. Section one hundred thirty-five D point twenty-six
 2 (135D.26), Code 1973, is amended to read as follows:

3 135D.26 **Conversion to real property.** No mobile home shall be
 4 assessed for property tax nor be eligible for homestead tax credit or
 5 military service tax credit unless:

6 1. The mobile home owner intends to convert his mobile home to
 7 real estate and does so by:

8 a. Attaching his unencumbered mobile home to a permanent foun-
 9 dation on real estate owned by him. Encumbered mobile homes shall
 10 not be converted to real property.

11 b. Destruction or modification of the vehicular frame rendering it
 12 impossible to reconvert the real property thus created to a mobile
 13 home.

14 c. *If a lien is noted on the certificate of title, tendering to the*
 15 *secured party a mortgage on the real estate upon which the mobile*
 16 *home is to be located in the unpaid amount of the secured debt, and*
 17 *with the same priority as or a higher priority than the secured party's*
 18 *lien, or obtaining written consent of the secured party to the conver-*
 19 *sion.*

20 2. After converting a mobile home to real estate complying with
 21 the provisions of subsection one (1) of this section, the owner shall
 22 notify the assessor who shall inspect the new premises for compliance
 23 with the provisions of this section and if. *If a lien is noted on the*
 24 *certificate of title, the assessor shall require an affidavit, as defined in*
 25 *section six hundred twenty-two point eighty-five (622.85) of the Code,*
 26 *from the mobile home owner, declaring that the owner has complied*
 27 *with paragraph c of subsection one (1) of this section, and shall send*
 28 *notice of the proposed conversion to the secured party by regular mail*
 29 *not less than ten days before the conversion becomes effective. When*
 30 *the mobile home is properly converted, the assessor shall then collect*
 31 *the mobile home vehicle title, registration, and license plates from the*
 32 *owner and enter the property upon the tax rolls.*

1 SEC. 10. Section three hundred twenty-one point fifty (321.50),
 2 Code 1973, is amended by adding the following new subsection:

3 **NEW SUBSECTION.** Upon request of any person, the county trea-
 4 surer shall issue his certificate showing whether there are, on the date
 5 and hour stated therein, any liens noted on a particular vehicle's cer-
 6 tificate of title, and the name and address of each secured party
 7 whose lien is noted thereon. The uniform fee for a written certifi-
 8 cate shall be two dollars if the request for the certificate is on a form

9 conforming to standards prescribed by the secretary of state; other-
10 wise, three dollars.

1 SEC. 11. Section five hundred fifty-four point one thousand one
2 hundred five (554.1105), subsection two (2), Code 1973, is amended
3 to read as follows:

4 2. Where one of the following provisions of this chapter specifies
5 the applicable law, that provision governs and a contrary agreement
6 is effective only to the extent permitted by the law (including the con-
7 flict of laws rules) so specified:

8 Rights of creditors against sold goods. Section 554.2402.

9 Applicability of the Article on Bank Deposits and Collections.
10 Section 554.4102.

11 Bulk transfers subject to the Article on Bulk Transfers. Section
12 554.6102.

13 Applicability of the Article on Investment Securities. Section
14 554.8106.

15 ~~Policy and scope~~ *Perfection provisions* of the Article on Secured
16 Transactions. ~~Sections 554.9102 and~~, section 554.9103.

1 SEC. 12. Section five hundred fifty-four point one thousand two
2 hundred one (554.1201), subsections nine (9) and twelve (12), and
3 subsection thirty-seven (37) as amended by section one (1) of this
4 Act, are further amended to read as follows:

5 9. "Buyer in ordinary course of business" means a person who in
6 good faith and without knowledge that the sale to him is in violation
7 of the ownership rights or security interest of a third party in the
8 goods buys in ordinary course from a person in the business of sell-
9 ing goods of that kind but does not include a pawnbroker. *All per-*
10 *sons who sell minerals or the like (including oil and gas) at wellhead*
11 *or minehead shall be deemed to be persons in the business of selling*
12 *goods of that kind.* "Buying" may be for cash or by exchange of other
13 property or on secured or unsecured credit and includes receiving
14 goods or documents of title under a pre-existing contract for sale but
15 does not include a transfer in bulk or as security for or in total or
16 partial satisfaction of a money debt.

17 12. "Creditor" includes a general creditor, a secured creditor, a
18 lien creditor and any representative of creditors, including an as-
19 signee for the benefit of creditors, a trustee in bankruptcy, a receiver
20 in equity and ~~a legal representative of a decedent's or incompetent's~~
21 ~~estate an executor or administrator of an insolvent debtor's or as-~~
22 ~~signor's estate.~~

23 37. "Security interest" means an interest in personal property or
24 fixtures which secures payment or performance of an obligation. The
25 retention or reservation of title by a seller of goods notwithstanding
26 shipment or delivery to the buyer (section 554.2401) is limited in
27 effect to a reservation of a "security interest". The term also includes
28 any interest of a buyer of accounts, ~~or chattel paper, or contract rights~~
29 which is subject to Article 9. The special property interest of a buyer
30 of goods on identification of such goods to a contract for sale under
31 section 554.2401 is not a "security interest", but a buyer may also
32 acquire a "security interest" by complying with Article 9. Unless a
33 lease or consignment is intended as security, reservation of title there-
34 under is not a "security interest" but a consignment is in any event

35 subject to the provisions on consignment sales (section 554.2326).
36 Whether a lease is intended as security is to be determined by the
37 facts of each case; however, (a) the inclusion of an option to pur-
38 chase does not of itself make the lease one intended for security, and
39 (b) an agreement that upon compliance with the terms of the lease
40 the lessee shall become or has the option to become the owner of the
41 property for no additional consideration or for a nominal considera-
42 tion does make the lease one intended for security.

1 SEC. 13. Chapter five hundred fifty-four (554), Article one (1),
2 Code 1973, is amended by adding the following new section following
3 section five hundred fifty-four point one thousand two hundred eight
4 (554.1208):

5 NEW SECTION. 554.1209 **Subordinated obligations.** An obliga-
6 tion may be issued as subordinated to payment of another obligation
7 of the person obligated, or a creditor may subordinate his right to
8 payment of an obligation by agreement with either the person obli-
9 gated or another creditor of the person obligated. Such a subordina-
10 tion does not create a security interest as against either the common
11 debtor or a subordinated creditor. This section shall be construed as
12 declaring the law as it existed prior to the enactment of this section
13 and not as modifying it.

1 SEC. 14. Section five hundred fifty-four point two thousand one
2 hundred seven (554.2107), subsections one (1) and two (2), Code
3 1973, are amended to read as follows:

4 1. A contract for the sale of ~~timber~~, minerals or the like (*including*
5 *oil and gas*) or a structure or its materials to be removed from realty
6 is a contract for the sale of goods within this Article if they are to be
7 severed by the seller but until severance a purported present sale
8 thereof which is not effective as a transfer of an interest in land is
9 effective only as a contract to sell.

10 2. A contract for the sale apart from the land of growing crops or
11 other things attached to realty and capable of severance without materi-
12 al harm thereto but not described in subsection 1 *or of timber to be*
13 *cut* is a contract for the sale of goods within this Article whether the
14 subject matter is to be severed by the buyer or by the seller even
15 though it forms part of the realty at the time of contracting, and the
16 parties can by identification effect a present sale before severance.

1 SEC. 15. Section five hundred fifty-four point two thousand two
2 hundred seven (554.2207), subsection two (2), Code 1973, is
3 amended to read as follows:

4 2. The additional ~~or different~~ terms are to be construed as pro-
5 posals for addition to the contract. Between merchants such terms
6 become part of the contract unless:

7 a. the offer expressly limits acceptance to the terms of the offer;
8 b. they materially alter it; or
9 c. notification of objection to them has already been given or is
10 given within a reasonable time after notice of them is received.

1 SEC. 16. Section five hundred fifty-four point two thousand three
2 hundred eighteen (554.2318), Code 1973, is amended by striking the
3 section and inserting in lieu thereof the following:

4 554.2318 Third party beneficiaries of warranties express or im-
 5 plied. A seller's warranty whether express or implied extends to any
 6 person who may reasonably be expected to use, consume or be
 7 affected by the goods and who is injured by breach of the warranty.
 8 A seller may not exclude or limit the operation of this section with
 9 respect to injury to the person of an individual to whom the war-
 10 ranty extends.

1 SEC. 17. Section five hundred fifty-four point two thousand five
 2 hundred two (554.2502), subsection one (1), Code 1973, is amended
 3 to read as follows:

4 1. Subject to subsection 2 and even though the goods have not been
 5 shipped a buyer who has paid a part or all of the price of goods in
 6 which he has a special property under the provisions of the immedi-
 7 ately preceding section may on making and keeping good a tender
 8 of any unpaid portion of their price recover them from the seller if
 9 the seller is insolvent at the time of receipt of the first installment ~~on~~
 10 ~~their price or~~ becomes insolvent within ten days thereafter after
 11 receipt of the first installment on their price.

1 SEC. 18. Section five hundred fifty-four point two thousand five
 2 hundred thirteen (554.2513), subsection two (2), Code 1973, is
 3 amended to read as follows:

4 2. ~~Unless otherwise agreed expenses~~ Expenses of inspection must
 5 be borne by the buyer but may be recovered from the seller if the
 6 goods do not conform and are rejected.

1 SEC. 19. Section five hundred fifty-four point two thousand six
 2 hundred sixteen (554.2616), Code 1973, is amended by adding the
 3 following new subsection following subsection two (2):

4 NEW SUBSECTION. 3. The provisions of this section may not be
 5 negated by agreement except insofar as the seller has assumed a
 6 greater obligation under the preceding section.

1 SEC. 20. Section five hundred fifty-four point two thousand seven
 2 hundred two (554.2702), subsection three (3), Code 1973, is amended
 3 to read as follows:

4 3. The seller's right to reclaim under subsection 2 is subject to the
 5 rights of a buyer in ordinary course or other good faith purchaser ~~or~~
 6 ~~lien creditor~~ under this Article (section 554.2403). Successful recla-
 7 mation of goods excludes all other remedies with respect to them.

1 SEC. 21. Section five hundred fifty-four point three thousand one
 2 hundred three (554.3103), subsection one (1), Code 1973, is amended
 3 to read as follows:

4 1. This Article does not apply to money, documents of title or *in-*
 5 *vestment securities as defined in section 554.3102.*

1 SEC. 22. Section five hundred fifty-four point three thousand six
 2 hundred four (554.3604), Code 1973, is amended by striking sub-
 3 section four (4).

1 SEC. 23. Section five hundred fifty-four point four thousand one
 2 hundred two (554.4102), subsection two (2), Code 1973, is amended
 3 to read as follows:

4 2. The liability of a bank for action or nonaction with respect to
 5 any item handled by it for purposes of presentment, payment or col-

6 lection is governed by the law of the place where the bank is located.
 7 *In the case of action or nonaction by or at a branch or separate office*
 8 *of a bank, its liability is governed by the law of the place where the*
 9 *branch or separate office is located.*

1 SEC. 24. Section five hundred fifty-four point four thousand one
 2 hundred six (554.4106), Code 1973, is amended to read as follows:
 3 **554.4106 Separate office of a bank.** A branch or separate office of
 4 a bank is a separate bank for the purpose of computing the time
 5 within which and determining the place at or to which action may
 6 be taken or notices or orders shall be given under this Article and
 7 under Article 3.

1 SEC. 25. Section five hundred fifty-four point four thousand three
 2 hundred one (554.4301), subsection one (1), paragraph b, Code
 3 1973, is amended to read as follows:

4 b. sends written notice of dishonor or nonpayment if the item is
 5 held for protest or is otherwise unavailable for return; and the item
 6 or notice includes the reason for dishonor *or nonpayment.*

1 SEC. 26. Section five hundred fifty-four point five thousand one
 2 hundred sixteen (554.5116), subsection two (2), unnumbered para-
 3 graph one (1), Code 1973, is amended to read as follows:

4 2. Even though the credit specifically states that it is nontransfer-
 5 able or nonassignable the beneficiary may before performance of the
 6 conditions of the credit assign his right to proceeds. Such an assign-
 7 ment is an assignment of a ~~contract right~~ *an account* under Article
 8 9 on Secured Transactions and is governed by that Article except
 9 that

1 SEC. 27. Section five hundred fifty-four point seven thousand two
 2 hundred nine (554.7209), subsection three (3), Code 1973, is amended
 3 to read as follows:

4 3. a. A warehouseman's lien for charges and expenses under sub-
 5 section 1 or a security interest under subsection 2 is also effective
 6 against any person who so entrusted the bailor with possession of
 7 the goods that a pledge of them by him to a good faith purchaser for
 8 value would have been valid but is not effective against a person as
 9 to whom the document confers no right in the goods covered by it
 10 under section 554.7503.

11 b. *A warehouseman's lien on household goods for charges and ex-*
 12 *penses in relation to the goods under subsection one (1) is also effec-*
 13 *tive against all persons if the depositor was the legal possessor of the*
 14 *goods at the time of deposit. "Household goods" means furniture,*
 15 *furnishings and personal effects used by the depositor in a dwelling.*

1 SEC. 28. The Code editor shall change the title of Article nine (9)
 2 of the Uniform Commercial Code, chapter five hundred fifty-four
 3 (554), Code 1973, to read as follows:

ARTICLE 9

SECURED TRANSACTIONS; SALES OF ACCOUNTS AND CHATTEL PAPER

1 SEC. 29. Section five hundred fifty-four point nine thousand one
 2 hundred two (554.9102), title and subsection one (1), Code 1973, are
 3 amended to read as follows:

4 **554.9102 Policy and scope subject matter of article.**

5 1. Except as otherwise provided in section ~~554.9103~~ on multiple
6 state transactions and in section 554.9104 on excluded transactions,
7 this Article applies so far as concerns any personal property and fix-
8 tures within the jurisdiction of this state

9 a. to any transaction (regardless of its form) which is intended to
10 create a security interest in personal property or fixtures including
11 goods, documents, instruments, general intangibles, chattel paper, or
12 accounts or contract rights; and also

13 b. to any sale of accounts, contract rights or chattel paper.

1 SEC. 30. Section five hundred fifty-four point nine thousand one
2 hundred three (554.9103), Code 1973, is amended by striking the sec-
3 tion and inserting in lieu thereof the following:

4 **554.9103 Perfection of security interests in multiple state trans-**
5 **actions.**

6 1. Documents, instruments and ordinary goods.

7 a. This subsection applies to documents and instruments and to
8 goods other than those covered by a certificate of title described in
9 subsection two (2), mobile goods described in subsection three (3),
10 and minerals described in subsection five (5).

11 b. Except as otherwise provided in this subsection, perfection and
12 the effect of perfection or nonperfection of a security interest in col-
13 lateral are governed by the law of the jurisdiction where the collat-
14 eral is when the last event occurs on which is based the assertion
15 that the security interest is perfected or unperfected.

16 c. If the parties to a transaction creating a purchase money secu-
17 rity interest in goods in one jurisdiction understand at the time that
18 the security interest attaches that the goods will be kept in another
19 jurisdiction, then the law of the other jurisdiction governs the per-
20 fection and the effect of perfection or nonperfection of the security
21 interest from the time it attaches until thirty days after the debtor
22 receives possession of the goods and thereafter if the goods are taken
23 to the other jurisdiction before the end of the thirty-day period.

24 d. When collateral is brought into and kept in this state while sub-
25 ject to a security interest perfected under the law of the jurisdiction
26 from which the collateral was removed, the security interest remains
27 perfected, but if action is required by Part three (3) of this Article
28 to perfect the security interest,

29 i. if the action is not taken before the expiration of the period of
30 perfection in the other jurisdiction or the end of four months after
31 the collateral is brought into this state, whichever period first ex-
32 pires, the security interest becomes unperfected at the end of that
33 period and is thereafter deemed to have been unperfected as against
34 a person who became a purchaser after removal;

35 ii. if the action is taken before the expiration of the period speci-
36 fied in subparagraph (i), the security interest continues perfected
37 thereafter;

38 iii. for the purpose of priority over a buyer of consumer goods,
39 section five hundred fifty-four point nine thousand three hundred
40 seven (554.9307), subsection two (2), the period of the effectiveness
41 of a filing in the jurisdiction from which the collateral is removed is
42 governed by the rules with respect to perfection in subparagraphs (i)
43 and (ii).

44 2. Certificate of title.

45 a. This subsection applies to goods covered by a certificate of title
46 issued under a statute of this state or of another jurisdiction under
47 the law of which indication of a security interest on the certificate
48 is required as a condition of perfection.

49 b. Except as otherwise provided in this subsection, perfection and
50 the effect of perfection or nonperfection of the security interest are
51 governed by the law (including the conflict of laws rules) of the juris-
52 diction issuing the certificate until four months after the goods are
53 removed from that jurisdiction and thereafter until the goods are
54 registered in another jurisdiction, but in any event not beyond sur-
55 render of the certificate. After the expiration of that period, the
56 goods are not covered by the certificate of title within the meaning
57 of this section.

58 c. Except with respect to the rights of a buyer described in the
59 next paragraph, a security interest, perfected in another jurisdic-
60 tion otherwise than by notation on a certificate of title, in goods
61 brought into this state and thereafter covered by a certificate of
62 title issued by this state is subject to the rules stated in subsection
63 one (1), paragraph d.

64 d. If goods are brought into this state while a security interest
65 therein is perfected in any manner under the law of the jurisdiction
66 from which the goods are removed and a certificate of title is issued
67 by this state and the certificate does not show that the goods are sub-
68 ject to the security interest or that they may be subject to security
69 interests not shown on the certificate, the security interest is subor-
70 dinate to the rights of a buyer of the goods who is not in the busi-
71 ness of selling goods of that kind to the extent that he gives value
72 and receives delivery of the goods after issuance of the certificate
73 and without knowledge of the security interest.

74 3. Accounts, general intangibles and mobile goods.

75 a. This subsection applies to accounts (other than an account de-
76 scribed in subsection five (5) on minerals) and general intangibles
77 and to goods which are mobile and which are of a type normally
78 used in more than one jurisdiction, such as motor vehicles, trailers,
79 rolling stock, airplanes, shipping containers, road building and con-
80 struction machinery and commercial harvesting machinery and the
81 like, if the goods are equipment or are inventory leased or held for
82 lease by the debtor to others, and are not covered by a certificate of
83 title described in subsection two (2).

84 b. The law (including the conflict of laws rules) of the jurisdic-
85 tion in which the debtor is located governs the perfection and the
86 effect of perfection or nonperfection of the security interest.

87 c. If, however, the debtor is located in a jurisdiction which is not
88 a part of the United States, and which does not provide for perfec-
89 tion of the security interest by filing or recording in that jurisdic-
90 tion, the law of the jurisdiction in the United States in which the
91 debtor has its major executive office in the United States governs
92 the perfection and the effect of perfection or nonperfection of the
93 security interest through filing. In the alternative, if the debtor is
94 located in a jurisdiction which is not a part of the United States or
95 Canada and the collateral is accounts or general intangibles for
96 money due or to become due, the security interest may be perfected

97 by notification to the account debtor. As used in this paragraph,
98 "United States" includes its territories and possessions and the Com-
99 monwealth of Puerto Rico.

100 d. A debtor shall be deemed located at his place of business if he
101 has one, at his chief executive office if he has more than one place
102 of business, otherwise at his residence. If, however, the debtor is a
103 foreign air carrier under the Federal Aviation Act of 1958, as
104 amended, it shall be deemed located at the designated office of the
105 agent upon whom service of process may be made on behalf of the
106 foreign air carrier.

107 e. A security interest perfected under the law of the jurisdiction of
108 the location of the debtor is perfected until the expiration of four
109 months after a change of the debtor's location to another jurisdiction,
110 or until perfection would have ceased by the law of the first jurisdic-
111 tion, whichever period first expires. Unless perfected in the new
112 jurisdiction before the end of that period, it becomes unperfected
113 thereafter and is deemed to have been unperfected as against a per-
114 son who became a purchaser after the change.

115 4. Chattel paper. The rules stated for goods in subsection one (1)
116 apply to a possessory security interest in chattel paper. The rules
117 stated for accounts in subsection three (3) apply to a nonpossessory
118 security interest in chattel paper, but the security interest may not
119 be perfected by notification to the account debtor.

120 5. Minerals. Perfection and the effect of perfection or nonperfec-
121 tion of a security interest which is created by a debtor who has an
122 interest in minerals or the like (including oil and gas) before extrac-
123 tion and which attaches thereto as extracted, or which attaches to
124 an account resulting from the sale thereof at the wellhead or mine-
125 head are governed by the law (including the conflict of laws rules)
126 of the jurisdiction wherein the wellhead or minehead is located.

1 SEC. 31. Section five hundred fifty-four point nine thousand one
2 hundred four (554.9104), Code 1973, is amended to read as follows:
3 554.9104 Transactions excluded from Article. This Article does
4 not apply

5 a. to a security interest subject to any statute of the United States
6 such as the Ship Mortgage Act, 1920, to the extent that such statute
7 governs the rights of parties to and third parties affected by trans-
8 actions in particular types of property; or

9 b. to a landlord's lien; or

10 c. to a lien given by statute or other rule of law for services or
11 materials except as provided in section 554.9310 on priority of such
12 liens; or

13 d. to a transfer of a claim for wages, salary or other compensation
14 of an employee; or

15 e. to ~~an equipment trust covering railway rolling stock a transfer~~
16 ~~by a government or governmental subdivision or agency; or~~

17 f. to a sale of accounts, ~~contract rights~~ or chattel paper as part of
18 a sale of the business out of which they arose, or an assignment of
19 accounts, ~~contract rights~~ or chattel paper which is for the purpose of
20 collection only, or a transfer of a ~~contract~~ right to payment under a
21 contract to an assignee who is also to do the performance under the
22 contract or a transfer of a single account to an assignee in whole or
23 partial satisfaction of a preexisting indebtedness; or

- 24 g. to a transfer of an interest or claim in or under any policy of
 25 insurance, *except as provided with respect to proceeds (section five*
 26 *hundred fifty-four point nine thousand three hundred six (554.9306))*
 27 *and priorities in proceeds (section five hundred fifty-four point nine*
 28 *thousand three hundred twelve (554.9312)); or*
 29 h. to a right represented by a judgment (*other than a judgment*
 30 *taken on a right to payment which was collateral); or*
 31 i. to any right of setoff; or
 32 j. except to the extent that provision is made for fixtures in sec-
 33 tion 554.9313, to the creation or transfer of an interest in or lien on
 34 real estate, including a lease or rents thereunder; or
 35 k. to a transfer in whole or in part of ~~any of the following: any~~
 36 ~~claim arising out of tort; any deposit, savings, passbook or like~~
 37 ~~account maintained with a bank, savings and loan association, credit~~
 38 ~~union or like organization. or~~
 39 l. *to a transfer of an interest in any deposit account (subsection*
 40 *one (1) of section five hundred fifty-four point nine thousand one*
 41 *hundred five (554.9105)), except as provided with respect to proceeds*
 42 *(section five hundred fifty-four point nine thousand three hundred six*
 43 *(554.9306)) and priorities in proceeds (section five hundred fifty-four*
 44 *point nine thousand three hundred twelve (554.9312)).*

1 SEC. 32. Section five hundred fifty-four point nine thousand one
 2 hundred five (554.9105), subsections one (1) and two (2), Code 1973,
 3 are amended to read as follows:

- 4 1. In this Article unless the context otherwise requires:
 5 a. "Account debtor" means the person who is obligated on an ac-
 6 count, chattel paper, ~~contract right~~ or general intangible;
 7 b. "Chattel paper" means a writing or writings which evidence
 8 both a monetary obligation and a security interest in or a lease of
 9 specific goods, *but a charter or other contract involving the use or*
 10 *hire of a vessel is not chattel paper.* When a transaction is evidenced
 11 both by such a security agreement or a lease and by an instrument or
 12 a series of instruments, the group of writings taken together consti-
 13 tutes chattel paper;
 14 c. "Collateral" means the property subject to a security interest,
 15 and includes accounts, ~~contract rights~~ and chattel paper which have
 16 been sold;
 17 d. "Debtor" means the person who owes payment or other perform-
 18 ance of the obligation secured, whether or not he owns or has rights
 19 in the collateral, and includes the seller of accounts, ~~contract rights~~
 20 or chattel paper. Where the debtor and the owner of the collateral are
 21 not the same person, the term "debtor" means the owner of the col-
 22 lateral in any provision of the Article dealing with the collateral, the
 23 obligor in any provision dealing with the obligation, and may include
 24 both where the context so requires;
 25 e. "*Deposit account*" means a demand, time, savings, passbook or
 26 like account maintained with a bank, savings and loan association,
 27 credit union or like organization, *other than an account evidenced by*
 28 *a certificate of deposit;*
 29 e f. "Document" means document of title as defined in the general
 30 definitions of Article 1 (section 554.1201), *and a receipt of the kind*
 31 *described in subsection two (2) of section five hundred fifty-four*
 32 *point seven thousand two hundred one (554.7201);*

33 *g. "Encumbrance" includes real estate mortgages and other liens*
 34 *on real estate and all other rights in real estate that are not ownership*
 35 *interests;*

36 *£ h. "Goods" include all things which are movable at the time the*
 37 *security interest attaches or which are fixtures (section 554.9313),*
 38 *but does do not include money, documents, instruments, accounts,*
 39 *chattel paper, general intangibles, ~~contract rights and other things in~~*
 40 *~~action~~ or minerals or the like (including oil and gas) before extrac-*
 41 *tion. "Goods" also include standing timber which is to be cut and*
 42 *removed under a conveyance or contract for sale, the unborn young of*
 43 *animals and growing crops;*

44 *§ i. "Instrument" means a negotiable instrument (defined in sec-*
 45 *tion 554.3104), or a security (defined in section 554.8102) or any*
 46 *other writing which evidences a right to the payment of money and*
 47 *is not itself a security agreement or lease and is of a type which is in*
 48 *ordinary course of business transferred by delivery with any neces-*
 49 *sary endorsement or assignment;*

50 *j. "Mortgage" means a consensual interest created by a real estate*
 51 *mortgage, a trust deed on real estate, or the like;*

52 *k. An advance is made "pursuant to commitment" if the secured*
 53 *party has bound himself to make it, whether or not a subsequent*
 54 *event of default or other event not within his control has relieved or*
 55 *may relieve him from his obligation;*

56 *h l. "Security agreement" means an agreement which creates or*
 57 *provides for a security interest;*

58 *i m. "Secured party" means a lender, seller or other person in*
 59 *whose favor there is a security interest, including a person to whom*
 60 *accounts, ~~contract rights~~ or chattel paper have been sold. When the*
 61 *holders of obligations issued under an indenture of trust, equipment*
 62 *trust agreement or the like are represented by a trustee or other per-*
 63 *son, the representative is the secured party-;*

64 *n. "Transmitting utility" means any person primarily engaged in*
 65 *the railroad, street railway or trolley bus business, the electric or*
 66 *electronics communications transmission business, the transmission*
 67 *of goods by pipeline, or the transmission or the production and trans-*
 68 *mission of electricity, steam, gas or water, or the provision of sewer*
 69 *service.*

70 2. Other definitions applying to this Article and the sections in
 71 which they appear are:

72 "Account". Section 554.9106.

73 "Attach". Section five hundred fifty-four point nine thousand two
 74 hundred three (554.9203).

75 "Construction mortgage". Section five hundred fifty-four point
 76 nine thousand three hundred thirteen (554.9313), subsection one
 77 (1).

78 "Consumer goods". Section 554.9109(1).

79 "~~Contract right~~". Section 554.9106.

80 "Equipment". Section 554.9109(2).

81 "Farm products". Section 554.9109(3).

82 "Fixture". Section five hundred fifty-four point nine thousand
 83 three hundred thirteen (554.9313).

84 "Fixture filing". Section five hundred fifty-four point nine thou-
 85 sand three hundred thirteen (554.9313).

- 86 "General intangibles". Section 554.9106.
 87 "Inventory". Section 554.9109(4).
 88 "Lien creditor". Section 554.9301(3).
 89 "Proceeds". Section 554.9306(1).
 90 "Purchase money security interest". Section 554.9107.
 91 "United States". Section five hundred fifty-four point nine thou-
 92 sand one hundred three (554.9103).

1 SEC. 33. Section five hundred fifty-four point nine thousand one
 2 hundred six (554.9106), Code 1973, is amended to read as follows:
 3 554.9106 Definitions: "Account"—~~"contract right"~~—"general in-
 4 tangibles". "Account" means any right to payment for goods sold or
 5 leased or for services rendered which is not evidenced by an instru-
 6 ment or chattel paper. ~~"Contract right" means any right to payment~~
 7 ~~under a contract not yet earned by performance and not evidenced by~~
 8 ~~an instrument or chattel paper, whether or not it has been earned by~~
 9 ~~performance.~~ "General intangibles" means any personal property
 10 (including things in action) other than goods, accounts, ~~contract~~
 11 ~~rights,~~ chattel paper, documents and, instruments, and money. All
 12 rights to payment earned or unearned under a charter or other con-
 13 tract involving the use or hire of a vessel and all rights incident to
 14 the charter or contract are accounts.

1 SEC. 34. Chapter five hundred fifty-four (554), Article nine (9),
 2 Part one (1), Code 1973, is amended by adding the following new
 3 section following section five hundred fifty-four point nine thousand
 4 one hundred thirteen (554.9113):

5 NEW SECTION. 554.9114. Consignment.

6 1. A person who delivers goods under a consignment which is not
 7 a security interest and who would be required to file under this Arti-
 8 cle by section five hundred fifty-four point two thousand three hun-
 9 dred twenty-six (554.2326), subsection three (3), paragraph c, has
 10 priority over a secured party who is or becomes a creditor of the con-
 11 signee and who would have a perfected security interest in the
 12 goods if they were the property of the consignee, and also has pri-
 13 ority with respect to identifiable cash proceeds received on or before
 14 delivery of the goods to a buyer, if

15 a. the consignor complies with the filing provision of the Article
 16 on Sales with respect to consignments (section five hundred fifty-four
 17 point two thousand three hundred twenty-six (554.2326), subsection
 18 three (3), paragraph c) before the consignee receives possession of
 19 the goods; and

20 b. the consignor gives notification in writing to the holder of the
 21 security interest if the holder has filed a financing statement cov-
 22 ering the same types of goods before the date of the filing made by
 23 the consignor; and

24 c. the holder of the security interest receives the notification with-
 25 in five years before the consignee receives possession of the goods;
 26 and

27 d. the notification states that the consignor expects to deliver
 28 goods on consignment to the consignee, describing the goods by item
 29 or type.

30 2. In the case of a consignment which is not a security interest
 31 and in which the requirements of the preceding subsection have not

32 been met, a person who delivers goods to another is subordinate to
 33 a person who would have a perfected security interest in the goods
 34 if they were the property of the debtor.

1 SEC. 35. Section five hundred fifty-four point nine thousand two
 2 hundred three (554.9203), Code 1973, is amended by amending the
 3 title to read as follows:

4 554.9203 *Attachment and enforceability of security interest—pro-*
 5 *ceeds, formal requisites.*

1 SEC. 36. Section five hundred fifty-four point nine thousand two
 2 hundred three (554.9203), Code 1973, is amended *ly* striking sub-
 3 section one (1), and inserting in lieu thereof the following, and re-
 4 numbering the remaining subsection:

5 1. Subject to the provisions of section five hundred fifty-four point
 6 four thousand two hundred eight (554.4208) on the security inter-
 7 est of a collecting bank and section five hundred fifty-four point nine
 8 thousand one hundred thirteen (554.9113) on a security interest aris-
 9 ing under the Article on Sales, a security interest is not enforceable
 10 against the debtor or third parties with respect to the collateral and
 11 does not attach unless

12 a. the collateral is in the possession of the secured party pursuant
 13 to agreement, or the debtor has signed a security agreement which
 14 contains a description of the collateral and in addition, when the
 15 security interest covers crops growing or to be grown or timber to
 16 be cut, a description of the land concerned; and

17 b. value has been given; and

18 c. the debtor has rights in the collateral.

19 2. A security interest attaches when it becomes enforceable
 20 against the debtor with respect to the collateral. Attachment occurs
 21 as soon as all of the events specified in subsection one (1) have taken
 22 place unless explicit agreement postpones the time of attaching.

23 3. Unless otherwise agreed a security agreement gives the secured
 24 party the rights to proceeds provided by section five hundred fifty-
 25 four point nine thousand three hundred six (554.9306).

1 SEC. 37. Section five hundred fifty-four point nine thousand two
 2 hundred four (554.9204), Code 1973, is amended by amending the
 3 title to read as follows:

4 554.9204 ~~When security interest attaches—~~After-acquired proper-
 5 ~~ty—~~future advances.

1 SEC. 38. Section five hundred fifty-four point nine thousand two
 2 hundred four (554.9204), Code 1973, is amended by striking subsec-
 3 tions one (1) through four (4), and inserting in lieu thereof the
 4 following:

5 1. Except as provided in subsection two (2), a security agree-
 6 ment may provide that any or all obligations covered by the security
 7 agreement are to be secured by after-acquired collateral.

8 2. No security interest attaches under an after-acquired property
 9 clause to consumer goods other than accessions (section five hundred
 10 fifty-four point nine thousand three hundred fourteen (554.9314))
 11 when given as additional security unless the debtor acquires rights
 12 in them within ten days after the secured party gives value.

1 SEC. 39. Section five hundred fifty-four point nine thousand two
2 hundred four (554.9204), subsection five (5), Code 1973, is amended
3 to read as follows:

4 ~~5~~ 3. Obligations covered by a security agreement may include
5 future advances or other value whether or not the advances or value
6 are given pursuant to commitment (*section five hundred fifty-four*
7 *point nine thousand one hundred five (554.9105), subsection one (1)*).

1 SEC. 40. Section five hundred fifty-four point nine thousand
2 two hundred five (554.9205), Code 1973, is amended to read as fol-
3 lows:

4 **554.9205 Use or disposition of collateral without accounting per-**
5 **missible.** A security interest is not invalid or fraudulent against
6 creditors by reason of liberty in the debtor to use, commingle or dis-
7 pose of all or part of the collateral (including returned or repossessed
8 goods) or to collect or compromise accounts, ~~contract rights~~ or chattel
9 paper, or to accept the return of goods or make repossessions, or to
10 use, commingle or dispose of proceeds, or by reason of the failure of
11 the secured party to require the debtor to account for proceeds or
12 replace collateral. This section does not relax the requirements of
13 possession where perfection of a security interest depends upon pos-
14 session of the collateral by the secured party or by a bailee.

1 SEC. 41. Section five hundred fifty-four point nine thousand three
2 hundred one (554.9301), Code 1973, is amended to read as follows:

3 **554.9301 Persons who take priority over unperfected security in-**
4 **terests—right of “lien creditor”.**

5 1. Except as otherwise provided in subsection 2, an unperfected
6 security interest is subordinate to the rights of

7 a. persons entitled to priority under section 554.9312;

8 b. a person who becomes a lien creditor ~~without knowledge of the~~
9 ~~security interest and before it~~ *the security interest* is perfected;

10 c. in the case of goods, instruments, documents, and chattel paper,
11 a person who is not a secured party and who is a transferee in bulk or
12 other buyer not in ordinary course of business, *or is a buyer of farm*
13 *products in ordinary course of business*, to the extent that he gives
14 value and receives delivery of the collateral without knowledge of the
15 security interest and before it is perfected;

16 d. in the case of accounts, ~~contract rights~~, and general intangibles,
17 a person who is not a secured party and who is a transferee to the
18 extent that he gives value without knowledge of the security interest
19 and before it is perfected.

20 2. If the secured party files with respect to a purchase money secu-
21 rity interest before or within ten days after the *debtor receives pos-*
22 *session of the collateral comes into possession of the debtor*, he takes
23 priority over the rights of a transferee in bulk or of a lien creditor
24 which arise between the time the security interest attaches and the
25 time of filing.

26 3. A “lien creditor” means a creditor who has acquired a lien on
27 the property involved by attachment, levy or the like and includes an
28 assignee for benefit of creditors from the time of assignment, and a
29 trustee in bankruptcy from the date of the filing of the petition or a
30 receiver in equity from the time of appointment. ~~Unless all the credi-~~
31 ~~tors represented had knowledge of the security interest such a repre-~~

32 ~~sentative of creditors is a lien creditor without knowledge even though~~
 33 ~~he personally has knowledge of the security interest.~~

34 *4. A person who becomes a lien creditor while a security interest is*
 35 *perfected takes subject to the security interest only to the extent that*
 36 *it secures advances made before he becomes a lien creditor or within*
 37 *forty-five days thereafter or made without knowledge of the lien or*
 38 *pursuant to a commitment entered into without knowledge of the lien.*

1 SEC. 42. Section five hundred fifty-four point nine thousand three
 2 hundred two (554.9302), subsection one (1), Code 1973, is amended
 3 to read as follows:

4 1. A financing statement must be filed to perfect all security inter-
 5 ests except the following:

6 a. a security interest in collateral in possession of the secured
 7 party under section 554.9305;

8 b. a security interest temporarily perfected in instruments or doc-
 9 uments without delivery under section 554.9304 or in proceeds for a
 10 ten-day period under section 554.9306;

11 ~~c. a purchase money security interest in farm equipment having a~~
 12 ~~purchase price not in excess of one thousand dollars; but filing is~~
 13 ~~required for a fixture or for a vehicle required to be licensed a security~~
 14 ~~interest created by an assignment of a beneficial interest in a trust or~~
 15 ~~a decedent's estate;~~

16 d. a purchase money security interest in consumer goods; but filing
 17 is required ~~for a fixture or for a vehicle required to be licensed for a~~
 18 ~~vehicle required to be registered; and fixture filing is required for~~
 19 ~~priority over conflicting interests in fixtures to the extent provided in~~
 20 ~~section five hundred fifty-four point nine thousand three hundred thir-~~
 21 ~~teen (554.9313);~~

22 e. an assignment of accounts ~~or contract rights~~ which does not
 23 alone or in conjunction with other assignments to the same assignee
 24 transfer a significant part of the outstanding accounts ~~or contract~~
 25 ~~rights~~ of the assignor;

26 f. a security interest of a collecting bank (section 554.4208) or
 27 arising under the Article on Sales (see section 554.9113) or covered
 28 in subsection 3 of this section-;

29 *g. an assignment for the benefit of all the creditors of the trans-*
 30 *feror, and subsequent transfers by the assignee thereunder.*

1 SEC. 43. Section five hundred fifty-four point nine thousand three
 2 hundred two (554.9302), Code 1973, is amended by striking subsec-
 3 tions three (3) and four (4) and inserting in lieu thereof the follow-
 4 ing:

5 3. The filing of a financing statement otherwise required by this
 6 Article is not necessary or effective to perfect a security interest in
 7 property subject to

8 **a. a statute or treaty of the United States which provides for a**
 9 **national or international registration or a national or international**
 10 **certificate of title or which specifies a place of filing different from**
 11 **that specified in this Article for filing of the security interest; or**

12 **b. the following statutes of this state; sections three hundred**
 13 **twenty-one point eighteen (321.18) and three hundred twenty-one**
 14 **point twenty (321.20); but during any period in which collateral is**
 15 **inventory held for sale by a person who is in the business of selling**

16 goods of that kind, the filing provisions of this Article (Part four
17 (4)) apply to a security interest in that collateral created by him as
18 debtor; or

19 c. a certificate of title statute of another jurisdiction under the law
20 of which indication of a security interest on the certificate is required
21 as a condition of perfection (section five hundred fifty-four point nine
22 thousand one hundred three (554.9103), subsection two (2)).

23 4. Compliance with a statute or treaty described in subsection three
24 (3) is equivalent to the filing of a financing statement under this
25 Article, and a security interest in property subject to the statute or
26 treaty can be perfected only by compliance therewith except as pro-
27 vided in section five hundred fifty-four point nine thousand one hun-
28 dred three (554.9103) on multiple state transactions. Duration and
29 renewal of perfection of a security interest perfected by compliance
30 with the statute or treaty are governed by the provisions of the stat-
31 ute or treaty; in other respects the security interest is subject to
32 this Article.

1 SEC. 44. Section five hundred fifty-four point nine thousand three
2 hundred four (554.9304), subsections one (1) and five (5), Code
3 1973, are amended to read as follows:

4 1. A security interest in chattel paper or negotiable documents
5 may be perfected by filing. A security interest in *money* or instru-
6 ments (other than instruments which constitute part of chattel
7 paper) can be perfected only by the secured party's taking possession,
8 except as provided in subsections 4 and 5 of this section and subsec-
9 tions two (2) and three (3) of section five hundred fifty-four point
10 nine thousand three hundred six (554.9306) on proceeds.

11 5. A security interest remains perfected for a period of twenty-one
12 days without filing where a secured party having a perfected security
13 interest in an instrument, a negotiable document or goods in posses-
14 sion of a bailee other than one who has issued a negotiable document
15 therefor

16 a. makes available to the debtor the goods or documents represent-
17 ing the goods for the purpose of ultimate sale or exchange or for the
18 purpose of loading, unloading, storing, shipping, transshipping, man-
19 ufacturing, processing or otherwise dealing with them in a manner
20 preliminary to their sale or exchange, *but priority between conflict-*
21 *ing security interests in the goods is subject to section five hundred*
22 *fifty-four point nine thousand three hundred twelve (554.9312), sub-*
23 *section three (3); or*

24 b. delivers the instrument to the debtor for the purpose of ultimate
25 sale or exchange or of presentation, collection, renewal or registration
26 of transfer.

1 SEC. 45. Section five hundred fifty-four point nine thousand three
2 hundred five (554.9305), Code 1973, is amended to read as follows:

3 **554.9305 When possession by secured party perfects security in-**
4 **terest without filing.** A security interest in letters of credit and ad-
5 vices of credit (subsection 2 "a" of section 554.5116), goods, instru-
6 ments, *money*, negotiable documents or chattel paper may be per-
7 fected by the secured party's taking possession of the collateral. If
8 such collateral other than goods covered by a negotiable document is
9 held by a bailee, the secured party is deemed to have possession from

10 the time the bailee receives notification of the secured party's inter-
 11 est. A security interest is perfected by possession from the time pos-
 12 session is taken without relation back and continues only so long as
 13 possession is retained, unless otherwise specified in this Article. The
 14 security interest may be otherwise perfected as provided in this
 15 Article before or after the period of possession by the secured party.

1 SEC. 46. Section five hundred fifty-four point nine thousand three
 2 hundred six (554.9306), subsections one (1) through four (4), Code
 3 1973, are amended to read as follows:

4 1. "Proceeds" include whatever is received ~~when~~ *upon the sale,*
 5 *exchange, collection or other disposition of collateral or proceeds is*
 6 *sold, exchanged, collected or otherwise disposed of. The term also*
 7 *includes the account arising when the right to payment is earned*
 8 ~~under a contract right. Insurance payable by reason of loss or dam-~~
 9 *age to the collateral is proceeds, except to the extent that it is payable*
 10 *to a person other than a party to the security agreement. Money,*
 11 *checks, deposit accounts, and the like are "cash proceeds". All other*
 12 *proceeds are "noncash proceeds".*

13 2. Except where this Article otherwise provides, a security interest
 14 continues in collateral notwithstanding sale, exchange or other dis-
 15 position thereof ~~by the debtor unless his action~~ *the disposition was*
 16 *authorized by the secured party in the security agreement or other-*
 17 *wise, and also continues in any identifiable proceeds including collec-*
 18 *tions received by the debtor.*

19 3. The security interest in proceeds is a continuously perfected
 20 security interest if the interest in the original collateral was perfected
 21 but it ceases to be a perfected security interest and becomes unper-
 22 fected ten days after receipt of the proceeds by the debtor unless

23 a. a filed financing statement ~~covering~~ *covers the original collateral*
 24 ~~also covers~~ *and the proceeds are collateral in which a security interest*
 25 *may be perfected by filing in the office or offices where the financing*
 26 *statement has been filed and, if the proceeds are acquired with cash*
 27 *proceeds, the description of collateral in the financing statement indi-*
 28 *cates the types of property constituting the proceeds; or*

29 b. a filed financing statement covers the original collateral and the
 30 proceeds are identifiable cash proceeds; or

31 c. the security interest in the proceeds is perfected before the
 32 expiration of the ten-day period.

33 *Except as provided in this section, a security interest in proceeds*
 34 *can be perfected only by the methods or under the circumstances per-*
 35 *mitted in this Article for original collateral of the same type.*

36 4. In the event of insolvency proceedings instituted by or against a
 37 debtor, a secured party with a perfected security interest in proceeds
 38 has a perfected security interest *only in the following proceeds:*

39 a. in identifiable noncash proceeds *and in separate deposit accounts*
 40 *containing only proceeds;*

41 b. in identifiable cash proceeds in the form of money which is ~~not~~
 42 *neither commingled with other money or nor deposited in a bank*
 43 *deposit account prior to the insolvency proceedings;*

44 c. in identifiable cash proceeds in the form of checks and the like
 45 which are not deposited in a ~~bank~~ *deposit* account prior to the insol-
 46 vency proceedings; and

47 d. in all cash and ~~bank deposit~~ accounts of the debtor, if ~~other cash~~
 48 ~~in which~~ proceeds have been commingled ~~or deposited in a bank~~
 49 ~~account with other funds~~, but the perfected security interest under
 50 this paragraph "d" is

51 i. subject to any right of setoff; and

52 ii. limited to an amount not greater than the amount of any cash
 53 proceeds received by the debtor within ten days before the institution
 54 of the insolvency proceedings and ~~commingled or deposited in a bank~~
 55 ~~account prior to the insolvency proceedings less the amount of cash~~
 56 ~~proceeds received by the debtor and paid over to the secured party~~
 57 ~~during the ten-day period less the sum of (I) the payments to the~~
 58 ~~secured party on account of cash proceeds received by the debtor~~
 59 ~~during such period and (II) the cash proceeds received by the debtor~~
 60 ~~during such period to which the secured party is entitled under para-~~
 61 ~~graphs a through c of this subsection four (4).~~

1 SEC. 47. Section five hundred fifty-four point nine thousand three
 2 hundred seven (554.9307), subsection two (2), Code 1973, is
 3 amended to read as follows:

4 2. In the case of consumer goods ~~and in the case of farm equipment~~
 5 ~~having an original purchase price not in excess of one thousand dol-~~
 6 ~~lars (other than fixtures)~~, a buyer takes free of a security interest
 7 even though perfected if he buys without knowledge of the security
 8 interest, for value and for his own personal, family or household pur-
 9 poses ~~or his own farming operations~~ unless prior to the purchase the
 10 secured party has filed a financing statement covering such goods.

1 SEC. 48. Section five hundred fifty-four point nine thousand three
 2 hundred seven (554.9307), Code 1973, is amended by adding the fol-
 3 lowing new subsection:

4 NEW SUBSECTION. A buyer other than a buyer in ordinary course
 5 of business (subsection one (1) of this section) takes free of a secu-
 6 rity interest to the extent that it secures future advances made after
 7 the secured party acquires knowledge of the purchase, or more than
 8 forty-five days after the purchase, whichever first occurs, unless
 9 made pursuant to a commitment entered into without knowledge of
 10 the purchase and before the expiration of the forty-five day period.

1 SEC. 49. Section five hundred fifty-four point nine thousand three
 2 hundred eight (554.9308), Code 1973, is amended by striking the
 3 section and inserting in lieu thereof the following:

4 554.9308. **Purchase of chattel paper and instruments.** A pur-
 5 chaser of chattel paper or an instrument who gives new value and
 6 takes possession of it in the ordinary course of his business has pri-
 7 ority over a security interest in the chattel paper or instrument

8 a. which is perfected under section five hundred fifty-four point
 9 nine thousand three hundred four (554.9304) (permissive filing and
 10 temporary perfection) or under section five hundred fifty-four point
 11 nine thousand three hundred six (554.9306) (perfection as to pro-
 12 ceeds) if he acts without knowledge that the specific paper or in-
 13 strument is subject to a security interest; or

14 b. which is claimed merely as proceeds of inventory subject to a
 15 security interest (section five hundred fifty-four point nine thousand
 16 three hundred six (554.9306)) even though he knows that the specific
 17 paper or instrument is subject to the security interest.

1 SEC. 50. Section five hundred fifty-four point nine thousand three
 2 hundred twelve (554.9312), Code 1973, is amended by striking sub-
 3 sections one (1) and three (3) and inserting in lieu thereof the fol-
 4 lowing:

5 1. The rules of priority stated in other sections of this Part and
 6 in the following sections shall govern when applicable: section five
 7 hundred fifty-four point four thousand two hundred eight (554.4208)
 8 with respect to the security interests of collecting banks in items
 9 being collected, accompanying documents and proceeds; section five
 10 hundred fifty-four point nine thousand one hundred three (554.9103)
 11 on security interests related to other jurisdictions; section five hun-
 12 dred fifty-four point nine thousand one hundred fourteen (554.9114)
 13 on consignments.

14 3. A perfected purchase money security interest in inventory has
 15 priority over a conflicting security interest in the same inventory
 16 and also has priority in identifiable cash proceeds received on or
 17 before the delivery of the inventory to a buyer if

18 a. the purchase money security interest is perfected at the time
 19 the debtor receives possession of the inventory; and

20 b. the purchase money secured party gives notification in writing
 21 to the holder of the conflicting security interest if the holder had
 22 filed a financing statement covering the same types of inventory (i)
 23 before the date of the filing made by the purchase money secured
 24 party, or (ii) before the beginning of the twenty-one day period where
 25 the purchase money security interest is temporarily perfected with-
 26 out filing or possession (section five hundred fifty-four point nine
 27 thousand three hundred four (554.9304), subsection five (5)); and

28 c. the holder of the conflicting security interest receives the noti-
 29 fication within five years before the debtor receives possession of the
 30 inventory; and

31 d. the notification states that the person giving the notice has or
 32 expects to acquire a purchase money security interest in inventory
 33 of the debtor, describing such inventory by item or type.

1 SEC. 51. Section five hundred fifty-four point nine thousand three
 2 hundred twelve (554.9312), subsections four (4) and five (5), Code
 3 1973, are amended to read as follows:

4 4. A purchase money security interest in collateral other than
 5 inventory has priority over a conflicting security interest in the
 6 same collateral *or its proceeds* if the purchase money security inter-
 7 est is perfected at the time the debtor receives possession of the col-
 8 lateral or within ten days thereafter.

9 5. In all cases not governed by other rules stated in this section
 10 (including cases of purchase money security interests which do not
 11 qualify for the special priorities set forth in subsections 3 and 4 of
 12 this section), priority between conflicting security interests in the
 13 same collateral shall be determined as follows:

14 a. ~~in the order of filing if both are perfected by filing, regardless of~~
 15 ~~which security interest attached first under section 554.9204, subsec-~~
 16 ~~tion 1, and whether it attached before or after filing;~~

17 b. ~~in the order of perfection unless both are perfected by filing,~~
 18 ~~regardless of which security interest attached first under section~~
 19 ~~554.9204, subsection 1, and, in the case of a filed security interest,~~
 20 ~~whether it attached before or after filing; and~~

21 e. in the order of attachment under section 554.9204, subsection 1,
 22 so long as neither is perfected
 23 according to the following rules:

24 a. *Conflicting security interests rank according to priority in time*
 25 *of filing or perfection. Priority dates from the time a filing is first*
 26 *made covering the collateral or the time the security interest is first*
 27 *perfected, whichever is earlier, provided that there is no period there-*
 28 *after when there is neither filing nor perfection.*

29 b. *So long as conflicting security interests are unperfected, the first*
 30 *to attach has priority.*

1 SEC. 52. Section five hundred fifty-four point nine thousand three
 2 hundred twelve (554.9312), Code 1973, is amended by striking sub-
 3 section six (6) and inserting in lieu thereof the following:

4 6. For the purposes of subsection five (5) a date of filing or per-
 5 fection as to collateral is also a date of filing or perfection as to pro-
 6 ceeds.

7 7. If future advances are made while a security interest is per-
 8 fected by filing or the taking of possession, the security interest has
 9 the same priority for the purposes of subsection five (5) with respect
 10 to the future advances as it does with respect to the first advance. If
 11 a commitment is made before or while the security interest is so per-
 12 fected, the security interest has the same priority with respect to
 13 advances made pursuant thereto. In other cases a perfected security
 14 interest has priority from the date the advance is made.

1 SEC. 53. Section five hundred fifty-four point nine thousand three
 2 hundred thirteen (554.9313), Code 1973, is amended by striking the
 3 section and inserting in lieu thereof the following:

4 554.9313 **Priority of security interests in fixtures.**

5 1. In this section and in the provisions of Part four (4) of this
 6 Article referring to fixture filing, unless the context otherwise re-
 7 quires

8 a. goods are "fixtures" when they become so related to particular
 9 real estate that an interest in them arises under real estate law

10 b. a "fixture filing" is the filing in the office where a mortgage on
 11 the real estate would be filed or recorded of a financing statement
 12 covering goods which are or are to become fixtures and conforming
 13 to the requirements of subsection five (5) of section five hundred
 14 fifty-four point nine thousand four hundred two (554.9402)

15 c. a mortgage is a "construction mortgage" to the extent that it
 16 secures an obligation incurred for the construction of an improve-
 17 ment on land including the acquisition cost of the land, if the re-
 18 corded writing so indicates.

19 2. A security interest under this Article may be created in goods
 20 which are fixtures or may continue in goods which become fixtures,
 21 but no security interest exists under this Article in ordinary building
 22 materials incorporated into an improvement on land.

23 3. This Article does not prevent creation of an encumbrance upon
 24 fixtures pursuant to real estate law.

25 4. A perfected security interest in fixtures has priority over the
 26 conflicting interest of an encumbrancer or owner of the real estate
 27 where

28 a. the security interest is a purchase money security interest, the
 29 interest of the encumbrancer or owner arises before the goods be-
 30 come fixtures, the security interest is perfected by a fixture filing be-
 31 fore the goods become fixtures or within ten days thereafter, and
 32 the debtor has an interest of record in the real estate or is in pos-
 33 session of the real estate; or

34 b. the security interest is perfected by a fixture filing before the
 35 interest of the encumbrancer or owner is of record, the security in-
 36 terest has priority over any conflicting interest of a predecessor in
 37 title of the encumbrancer or owner, and the debtor has an interest
 38 of record in the real estate or is in possession of the real estate; or

39 c. the fixtures are readily removable factory or office machines or
 40 readily removable replacements of domestic appliances which are
 41 consumer goods, and before the goods become fixtures the security
 42 interest is perfected by any method permitted by this Article; or

43 d. the conflicting interest is a lien on the real estate obtained by
 44 legal or equitable proceedings after the security interest was per-
 45 fected by any method permitted by this Article.

46 5. A security interest in fixtures, whether or not perfected, has
 47 priority over the conflicting interest of an encumbrancer or owner of
 48 the real estate where

49 a. the encumbrancer or owner has consented in writing to the se-
 50 curity interest or has disclaimed an interest in the goods as fixtures;
 51 or

52 b. the debtor has a right to remove the goods as against the encum-
 53 brancer or owner. If the debtor's right terminates, the priority of
 54 the security interest continues for a reasonable time.

55 6. Notwithstanding paragraph a of subsection four (4) but other-
 56 wise subject to subsections four (4) and five (5), a security interest
 57 in fixtures is subordinate to a construction mortgage recorded before
 58 the goods become fixtures if the goods become fixtures before the
 59 completion of the construction. To the extent that it is given to
 60 refinance a construction mortgage, a mortgage has this priority to
 61 the same extent as the construction mortgage.

62 7. In cases not within the preceding subsections, a security inter-
 63 est in fixtures is subordinate to the conflicting interest of an encum-
 64 brancer or owner of the related real estate who is not the debtor.

65 8. When the secured party has priority over all owners and en-
 66 cumbrancers of the real estate, he may, on default, subject to the
 67 provisions of Part five (5), remove his collateral from the real estate
 68 but he must reimburse any encumbrancer or owner of the real estate
 69 who is not the debtor and who has not otherwise agreed for the cost
 70 of repair of any physical injury, but not for any diminution in value
 71 of the real estate caused by the absence of the goods removed or by
 72 any necessity of replacing them. A person entitled to reimburse-
 73 ment may refuse permission to remove until the secured party gives
 74 adequate security for the performance of this obligation.

1 SEC. 54. Section five hundred fifty-four point nine thousand three
 2 hundred eighteen (554.9318), subsections two (2), three (3), and
 3 four (4), Code 1973, are amended to read as follows:

4 2. So far as the right to payment *or a part thereof* under an as-
 5 signed contract ~~right has not already become an account~~ *has not been*
 6 *fully earned by performance*, and notwithstanding notification of the

7 assignment, any modification of or substitution for the contract made
8 in good faith and in accordance with reasonable commercial stan-
9 dards is effective against an assignee unless the account debtor has
10 otherwise agreed but the assignee acquires corresponding rights
11 under the modified or substituted contract. The assignment may
12 provide that such modification or substitution is a breach by the
13 assignor.

14 3. The account debtor is authorized to pay the assignor until the
15 account debtor receives notification that the ~~account~~ amount due or
16 to become due has been assigned and that payment is to be made to
17 the assignee. A notification which does not reasonably identify the
18 rights assigned is ineffective. If requested by the account debtor, the
19 assignee must seasonably furnish reasonable proof that the assign-
20 ment has been made and unless he does so the account debtor may pay
21 the assignor.

22 4. A term in any contract between an account debtor and an as-
23 signor *which is ineffective if it prohibits assignment of an account*
24 *or contract right to which they are parties is ineffective or prohibits*
25 *creation of a security interest in a general intangible for money due*
26 *or to become due or requires the account debtor's consent to such*
27 *assignment or security interest.*

1 SEC. 55. Section five hundred fifty-four point nine thousand four
2 hundred one (554.9401), subsections one (1) and four (4), Code
3 1973, are amended to read as follows:

4 1. The proper place to file in order to perfect a security interest
5 is as follows:

6 a. when the collateral is ~~equipment used in farming operations, or~~
7 ~~farm products, timber to be cut or is minerals or the like (including~~
8 ~~oil and gas) or accounts, contract rights or general intangibles arising~~
9 ~~from or relating to the sale of farm products by a farmer, or con-~~
10 ~~sumer goods subject to subsection five (5) of section five hundred~~
11 ~~fifty-four point nine thousand one hundred three (554.9103), or when~~
12 ~~the financing statement is filed as a fixture filing (section five hundred~~
13 ~~fifty-four point nine thousand three hundred thirteen (554.9313))~~
14 ~~and the collateral is goods which are or are to become fixtures, then~~
15 ~~in the office of the Recorder in the county of the debtor's residence or~~
16 ~~if the debtor is not a resident of this state then in the office of the~~
17 ~~Recorder in the county where the goods are kept, and in addition~~
18 ~~when the collateral is crops in the office of the Recorder in the county~~
19 ~~where the land on which the crops are growing or to be grown is~~
20 ~~located where a mortgage on the real estate would be filed or~~
21 ~~recorded;~~

22 b. when the collateral is *consumer goods which at the time the*
23 *security interest attaches are or are to become fixtures, then in the*
24 *office where a mortgage on the real estate concerned would be filed or*
25 *recorded of the recorder in the county of the debtor's residence or if*
26 *the debtor is not a resident of this state then in the office of the*
27 *recorder in the county where the goods are kept;*

28 c. in all other cases, in the office of the ~~Secretary of State~~ *secretary*
29 *of state.*

30 4. ~~If collateral is brought into this state from another jurisdiction,~~
31 ~~the~~ *The rules stated in section 554.9103 determine whether filing is*
32 *necessary in this state.*

1 SEC. 56. Section five hundred fifty-four point nine thousand four
2 hundred one (554.9401), Code 1973, is amended by adding the follow-
3 ing new subsection:

4 NEW SUBSECTION. Notwithstanding the preceding subsections,
5 and subject to subsection three (3) of section five hundred fifty-four
6 point nine thousand three hundred two (554.9302), the proper place
7 to file in order to perfect a security interest in collateral, including
8 fixtures, of a transmitting utility is the office of the secretary of
9 state. This filing constitutes a fixture filing (section five hundred
10 fifty-four point nine thousand three hundred thirteen (554.9313)) as
11 to the collateral described therein which is or is to become fixtures.

1 SEC. 57. Section five hundred fifty-four point nine thousand four
2 hundred two (554.9402), Code 1973, is amended to read as follows:

3 554.9402 Formal requisites of financing statement—amendments
4 *mortgage as financing statement.*

5 1. A financing statement is sufficient if it *gives the names of the*
6 *debtor and the secured party*, is signed by the debtor ~~and the secured~~
7 ~~party~~, gives an address of the secured party from which information
8 concerning the security interest may be obtained, gives a mailing
9 address of the debtor and contains a statement indicating the types,
10 or describing the items, of collateral. A financing statement may be
11 filed before a security agreement is made or a security interest other-
12 wise attaches. When the financing statement covers crops growing or
13 to be grown ~~or goods which are or are to become fixtures~~, the state-
14 ment must also contain a description of the real estate concerned.
15 *When the financing statement covers timber to be cut or covers min-*
16 *erals or the like (including oil and gas) or accounts subject to subsec-*
17 *tion five (5) of section five hundred fifty-four point nine thousand one*
18 *hundred three (554.9103), or when the financing statement is filed as*
19 *a fixture filing (section five hundred fifty-four point nine thousand*
20 *three hundred thirteen (554.9313)) and the collateral is goods which*
21 *are or are to become fixtures, the statement must also comply with sub-*
22 *section five (5).* A copy of the security agreement is sufficient as a
23 financing statement if it contains the above information and is signed
24 by ~~both parties~~ the debtor. *A carbon, photographic or other repro-*
25 *duction of a security agreement or a financing statement is sufficient*
26 *as a financing statement if the security agreement so provides or if*
27 *the original has been filed in this state.*

28 2. A financing statement which otherwise complies with subsection
29 1 is sufficient ~~although~~ *when* it is signed ~~only~~ by the secured party
30 ~~when instead of the debtor~~ if it is filed to perfect a security interest
31 in

32 a. collateral already subject to a security interest in another juris-
33 diction when it is brought into this state, *or when the debtor's location*
34 *is changed to this state.* Such a financing statement must state that
35 the collateral was brought into this state *or that the debtor's location*
36 *was changed to this state under such circumstances;* or

37 b. proceeds under section 554.9306 if the security interest in the
38 original collateral was perfected. Such a financing statement must
39 describe the original collateral; or

40 c. collateral as to which the filing has lapsed; or

41 d. collateral acquired after a change of name, identity or corporate
42 structure of the debtor (subsection seven (7)).

- 43 3. A form substantially as follows is sufficient to comply with sub-
 44 section 1:
 45 Name of debtor (or assignor)
 46 Address
 47 Name of secured party (or assignee)
 48 Address
 49 (1) This financing statement covers the following types (or items)
 50 of property:
 51 (Describe)
 52 (2) (If collateral is crops) The above described crops are growing
 53 or are to be grown on:
 54 (Describe Real Estate)
 55 ~~(3) (If collateral is goods which are or are to become fixtures) The~~
 56 ~~above described goods are affixed or to be affixed to:~~
 57 ~~(Describe Real Estate)~~
 58 (3) (If applicable) *The above goods are to become fixtures on*
 59 *"Where appropriate substitute either "The above timber is stand-*
 60 *ing on" or "The above minerals or the like (including oil and*
 61 *gas) or accounts will be financed at the wellhead or minehead of the*
 62 *well or mine located on"*
 63 *(Describe Real Estate)* and this financing state-
 64 *ment is to be filed for record in the real estate records. (If the debtor*
 65 *does not have an interest of record) The name of a record owner is*
 66 *.....*
 67 (4) (If ~~proceeds or~~ products of* collateral are claimed) ~~Proceeds—~~
 68 ~~Products of the collateral are also covered.~~
 69 *(use whichever is applicable)*
 70 Signature of Debtor (or Assignor)
 71 Signature of Secured Party (or Assignee)
 72 4. ~~The term "financing statement" as used in this Article means~~
 73 ~~the original financing statement and any amendments but if A financ-~~
 74 ~~ing statement may be amended by filing a writing signed by both the~~
 75 ~~debtor and the secured party. An amendment does not extend the~~
 76 ~~period of effectiveness of a financing statement. If any amendment~~
 77 ~~adds collateral, it is effective as to the added collateral only from the~~
 78 ~~filing date of the amendment. In this Article, unless the context~~
 79 ~~otherwise requires, the term "financing statement" means the original~~
 80 ~~financing statement and any amendments.~~
 81 5. *A financing statement covering timber to be cut or covering*
 82 *minerals or the like (including oil and gas) or accounts subject to*
 83 *subsection five (5) of section five hundred fifty-four point nine thou-*
 84 *sand one hundred three (554.9103), or a financing statement filed as*
 85 *a fixture filing (section five hundred fifty-four point nine thousand*
 86 *three hundred thirteen (554.9313)) where the debtor is not a trans-*
 87 *mitting utility, must show that it covers this type of collateral, must*
 88 *recite that it is to be filed for record in the real estate records, and*
 89 *the financing statement must contain a description of the real estate*
 90 *sufficient if it were contained in a mortgage of the real estate to give*
 91 *constructive notice of the mortgage under the law of this state. If the*
 92 *debtor does not have an interest of record in the real estate, the*
 93 *financing statement must show the name of a record owner.*

*According to enrolled Act

94 6. A mortgage is effective as a financing statement filed as a fixture
 95 filing from the date of its recording if (a) the goods are described in
 96 the mortgage by item or type, (b) the goods are or are to become fix-
 97 tures related to the real estate described in the mortgage, (c) the
 98 mortgage complies with the requirements for a financing statement
 99 in this section other than a recital that it is to be filed in the real
 100 estate records, and (d) the mortgage is duly recorded. No fee with
 101 reference to the financing statement is required other than the regular
 102 recording and satisfaction fees with respect to the mortgage.

103 7. A financing statement sufficiently shows the name of the debtor
 104 if it gives the individual, partnership or corporate name of the debtor,
 105 whether or not it adds other trade names or the names of partners.
 106 Where the debtor so changes his name or in the case of an organization
 107 its name, identity or corporate structure that a filed financing state-
 108 ment becomes seriously misleading, the filing is not effective to per-
 109 fect a security interest in collateral acquired by the debtor more than
 110 four months after the change, unless a new appropriate financing
 111 statement is filed before the expiration of that time. A filed financing
 112 statement remains effective with respect to collateral transferred by
 113 the debtor even though the secured party knows of or consents to the
 114 transfer.

115 8. A financing statement substantially complying with the re-
 116 quirements of this section is effective even though it contains minor
 117 errors which are not seriously misleading.

1 SEC. 58. Section five hundred fifty-four point nine thousand four
 2 hundred three (554.9403), Code 1973, is amended to read as follows:
 3 554.9403 What constitutes filing—duration of filing—effect of
 4 lapsed filing—duties of filing officer.

5 1. Presentation for filing of a financing statement and tender of
 6 the filing fee or acceptance of the statement by the filing officer con-
 7 stitutes filing under this Article.

8 2. ~~A~~ Except as provided in subsection six (6) a filed financing
 9 statement which states a maturity date of the obligation secured of
 10 five years or less is effective until such maturity date and thereafter
 11 for a period of sixty days. Any other filed financing statement is
 12 effective for a period of five years from the date of filing. The effec-
 13 tiveness of a filed financing statement lapses ~~on the expiration of such~~
 14 ~~sixty-day period after a stated maturity date or on the expiration of~~
 15 ~~such the five-year period, as the case may be, unless a continuation~~
 16 ~~statement is filed prior to the lapse. If a security interest perfected~~
 17 ~~by filing exists at the time insolvency proceedings are commenced by~~
 18 ~~or against the debtor, the security interest remains perfected until~~
 19 ~~termination of the insolvency proceedings and thereafter for a period~~
 20 ~~of sixty days or until expiration of the five-year period, whichever~~
 21 ~~occurs later. Upon such lapse the security interest becomes unper-~~
 22 ~~fectured. A filed financing statement which states that the obligation~~
 23 ~~secured is payable on demand is effective for five years from the date~~
 24 ~~of filing, unless it is perfected without filing. If the security interest~~
 25 ~~becomes unperfected upon lapse, it is deemed to have been unper-~~
 26 ~~fectured as against a person who became a purchaser or lien creditor~~
 27 ~~before lapse.~~

28 3. A continuation statement may be filed by the secured party ~~(i)~~
 29 ~~within six months before and sixty days after a stated maturity date~~

30 of five years or less, and (ii) otherwise within six months prior to the
31 expiration of the five-year period specified in subsection 2. Any such
32 continuation statement must be signed by the secured party, identify
33 the original statement by file number and state that the original state-
34 ment is still effective. A continuation statement signed by a person
35 other than the secured party of record must be accompanied by a
36 separate written statement of assignment signed by the secured party
37 of record and complying with subsection two (2) of section five hun-
38 dred fifty-four point nine thousand four hundred five (554.9405),
39 including payment of the required fee. Upon timely filing of the
40 continuation statement, the effectiveness of the original statement
41 is continued for five years after the last date to which the filing was
42 effective whereupon it lapses in the same manner as provided in sub-
43 section 2 unless another continuation statement is filed prior to such
44 lapse. Succeeding continuation statements may be filed in the same
45 manner to continue the effectiveness of the original statement. Unless
46 a statute on disposition of public records provides otherwise, the filing
47 officer may remove a lapsed statement from the files and destroy it
48 immediately if he has retained a microfilm or other photographic
49 record, or in other cases after one year after the lapse. The filing
50 officer shall so arrange matters by physical annexation of financing
51 statements to continuation statements or other related filings, or by
52 other means, that if he physically destroys the financing statements
53 of a period more than five years past, those which have been continued
54 by a continuation statement or which are still effective under subsec-
55 tion six (6) shall be retained.

56 4. ~~A~~ Except as provided in subsection seven (7) a filing officer shall
57 mark each statement with a consecutive file number and with the date
58 and hour of filing and shall hold the statement or a microfilm or other
59 photographic copy thereof for public inspection. In addition the filing
60 officer shall index the statements according to the name of the debtor
61 and shall note in the index the file number and the address of the
62 debtor given in the statement.

63 5. The uniform fee for filing, indexing and furnishing filing data
64 for an original or a continuation statement on a form conforming to
65 standards prescribed by the secretary of state shall be one dollar and
66 fifty cents. If the statement is not on a form conforming to standards
67 prescribed by the secretary of state but otherwise conforms to the
68 requirements of the law, the fee shall be two dollars and fifty cents
69 and indexing and for stamping a copy furnished by the secured party
70 to show the date and place of filing shall be as follows:

71 a. Three dollars for an original financing statement if the state-
72 ment is in the standard form prescribed by the secretary of state, and
73 otherwise four dollars.

74 b. Two dollars for a continuation statement if the statement is in
75 the standard form prescribed by the secretary of state, and otherwise
76 three dollars.

77 6. If the debtor is a transmitting utility (subsection five (5) of
78 section five hundred fifty-four point nine thousand four hundred one
79 (554.9401)) and a filed financing statement so states, it is effective
80 until a termination statement is filed. A real estate mortgage which
81 is effective as a fixture filing under subsection six (6) of section five
82 hundred fifty-four point nine thousand four hundred two (554.9402)

83 *remains effective as a fixture filing until the mortgage is released or*
 84 *satisfied of record or its effectiveness otherwise terminates as to the*
 85 *real estate.*

86 *7. When a financing statement covers timber to be cut or covers*
 87 *minerals or the like (including oil and gas) or accounts subject to sub-*
 88 *section five (5) of section five hundred fifty-four point nine thousand*
 89 *one hundred three (554.9103), or is filed as a fixture filing, it shall be*
 90 *filed for record and the filing officer shall index it under the names of*
 91 *the debtor and any owner of record shown on the financing statement*
 92 *in the same fashion as if they were the mortgagors in a mortgage of*
 93 *the real estate described, and, to the extent that the law of this state*
 94 *provides for indexing of mortgages under the name of the mortgagee,*
 95 *under the name of the secured party as if he were the mortgagee*
 96 *thereunder, or where indexing is by description in the same fashion*
 97 *as if the financing statement were a mortgage of the real estate*
 98 *described.*

1 SEC. 59. Section five hundred fifty-four point nine thousand four
 2 hundred four (554.9404), Code 1973, is amended to read as follows:
 3 **554.9404 Termination statement.**

4 *1. Whenever If a financing statement covering consumer goods is*
 5 *filed on or after January 1, 1975, then within one month or within ten*
 6 *days following written demand by the debtor after there is no out-*
 7 *standing secured obligation and no commitment to make advances,*
 8 *incur obligations or otherwise give value, the secured party must file*
 9 *with each filing officer with whom the financing statement was filed,*
 10 *a termination statement to the effect that he no longer claims a secu-*
 11 *rity interest under the financing statement, which shall be identified*
 12 *by file number. In other cases whenever there is no outstanding*
 13 *secured obligation and no commitment to make advances, incur obli-*
 14 *gations or otherwise give value, the secured party must on written*
 15 *demand by the debtor send the debtor a, for each filing officer with*
 16 *whom the financing statement was filed, a termination statement to*
 17 *the effect that he no longer claims a security interest under the financ-*
 18 *ing statement, which shall be identified by file number. A termination*
 19 *statement signed by a person other than the secured party of record*
 20 *must include or be accompanied by the assignment or a separate*
 21 *written statement of assignment signed by the secured party of*
 22 *record that he has assigned the security interest to the signer of the*
 23 *termination statement. The uniform fee for filing and indexing such*
 24 *an assignment or statement on a form conforming to standards*
 25 *prescribed by the secretary of state shall be one dollar and fifty cents,*
 26 *or if the assignment or statement thereof otherwise conforms to the*
 27 *requirements of this section, two dollars and fifty cents complying*
 28 *with subsection two (2) of section five hundred fifty-four point nine*
 29 *thousand four hundred five (554.9405), including payment of the*
 30 *required fee. If the affected secured party fails to file such a termi-*
 31 *nation statement as required by this subsection, or to send such a*
 32 *termination statement within ten days after proper demand therefor*
 33 *he shall be liable to the debtor for one hundred dollars, and in addi-*
 34 *tion for any loss caused to the debtor by such failure.*

35 *2. On presentation to the filing officer of such a termination state-*
 36 *ment he must note it in the index. The filing officer shall remove from*
 37 *the files, mark "terminated" and send or deliver to the secured party*

38 the financing statement and any continuation statement, statement
39 of assignment or statement of release pertaining thereto. If he has
40 received the termination statement in duplicate, he shall return one
41 copy of the termination statement to the secured party stamped to
42 show the time of receipt thereof. If the filing officer has a microfilm
43 or other photographic record of the financing statement, and of any
44 related continuation statement, statement of assignment and state-
45 ment of release, he may remove the originals from the files at any
46 time after receipt of the termination statement, or if he has no such
47 record, he may remove them from the files at any time after one year
48 after receipt of the termination statement.

49 3. The uniform fee for filing and indexing a termination statement
50 on a form conforming to standards prescribed by the secretary of
51 state including sending or delivering the financing statement shall be
52 one dollar and fifty cents, or if the termination statement otherwise
53 conforms to the requirements of this section, two dollars and fifty
54 cents. There shall be no fee for filing a termination statement.

1 SEC. 60. Section five hundred fifty-four point nine thousand four
2 hundred five (554.9405), subsections one (1) and two (2), Code
3 1973, are amended to read as follows:

4 1. A financing statement may disclose an assignment of a security
5 interest in the collateral described in the *financing* statement by indi-
6 cation in the *financing* statement of the name and address of the
7 assignee or by an assignment itself or a copy thereof on the face or
8 back of the statement. ~~Either the original secured party or the~~
9 ~~assignee may sign this statement as the secured party.~~ On presenta-
10 tion to the filing officer of such a financing statement the filing officer
11 shall mark the same as provided in section 554.9403, subsection 4.
12 The uniform fee for filing, indexing and furnishing filing data for a
13 financing statement so indicating an assignment on a form conform-
14 ing to standards prescribed by the secretary of state shall be ~~one~~
15 ~~dollar and fifty cents~~ *three dollars*, or if such statement otherwise
16 conforms to the requirements of this section, ~~two dollars and fifty~~
17 ~~cents~~ *four dollars*.

18 2. A secured party may assign of record all or a part of his rights
19 under a financing statement by the filing *in the place where the origi-*
20 *nal financing statement was filed* of a separate written statement of
21 assignment signed by the secured party of record and setting forth
22 the name of the secured party of record and the debtor, the file num-
23 ber and the date of filing of the financing statement and the name and
24 address of the assignee and containing a description of the collateral
25 assigned. A copy of the assignment is sufficient as a separate state-
26 ment if it complies with the preceding sentence. On presentation to
27 the filing officer of such a separate statement, the filing officer shall
28 mark such separate statement with the date and hour of the filing.
29 He shall note the assignment on the index of the financing statement,
30 *or in the case of a fixture filing, or a filing covering timber to be cut, or*
31 *covering minerals or the like (including oil and gas) or accounts sub-*
32 *ject to subsection five (5) of section five hundred fifty-four point nine*
33 *thousand one hundred three (554.9103), he shall index the assignment*
34 *under the name of the assignor as grantor and, to the extent that the*
35 *law of this state provides for indexing the assignment of a mortgage*
36 *under the name of the assignee, he shall index the assignment of the*

37 *financing statement under the name of the assignee. The uniform fee*
 38 *for filing, indexing and furnishing filing data about such a separate*
 39 *statement of assignment on a form conforming to standards pre-*
 40 *scribed by the secretary of state shall be ~~one dollar and fifty cents~~ *two**
 41 *dollars, or if such statement otherwise conforms to the requirements*
 42 *of this section, ~~two dollars and fifty cents~~ *three dollars. Notwithstand-**
 43 *ing the provisions of this subsection, an assignment of record of a*
 44 *security interest in a fixture contained in a mortgage effective as a*
 45 *fixture filing (subsection six (6) of section five hundred fifty-four*
 46 *point nine thousand four hundred two (554.9402)) may be made only*
 47 *by an assignment of the mortgage in the manner provided by the law*
 48 *of this state other than this Act.*

1 SEC. 61. Section five hundred fifty-four point nine thousand four
 2 hundred six (554.9406), Code 1973, is amended to read as follows:
 3 **554.9406 Release of collateral—duties of filing officer—fees.** A
 4 secured party of record may by his signed statement release all or
 5 a part of any collateral described in a filed financing statement. The
 6 statement of release is sufficient if it contains a description of the
 7 collateral being released, the name and address of the debtor, the
 8 name and address of the secured party, and the file number of the
 9 financing statement. *A statement of release signed by a person other*
 10 *than the secured party of record must be accompanied by a separate*
 11 *written statement of assignment signed by the secured party of record*
 12 *and complying with subsection two (2) of section five hundred fifty-*
 13 *four point nine thousand four hundred five (554.9405), including pay-*
 14 *ment of the required fee. Upon presentation of such a statement of*
 15 *release to the filing officer he shall mark the statement with the hour*
 16 *and date of filing and shall note the same upon the margin of the index*
 17 *of the filing of the financing statement. The uniform fee for filing and*
 18 *noting such a statement of release on a form conforming to standards*
 19 *prescribed by the secretary of state shall be ~~one dollar and fifty cents~~*
 20 *two dollars, or if such statement otherwise conforms to the require-*
 21 *ments of this section, ~~two dollars and fifty cents~~ *three dollars.**

1 SEC. 62. Section five hundred fifty-four point nine thousand four
 2 hundred seven (554.9407), Code 1973, is amended by adding the fol-
 3 lowing new subsection:

4 NEW SUBSECTION.

5 3. Charging no more than a reasonable estimate of cost, in his dis-
 6 cretion the secretary of state may adopt one or more of the following
 7 methods of providing information concerning public filings in his
 8 office to persons with an interest in this information that is related
 9 exclusively to the purposes of this Article:

10 a. subscription telephone service;

11 b. subscription daily, weekly, or monthly written summaries;

12 c. granting suitable space for the preparation of written sum-
 13 maries and the provision of telephone service by those persons
 14 deemed by the secretary of state to have a legitimate interest in reg-
 15 ular examination of the secretary of state's public files; and

16 d. any other appropriate method of disseminating information.

17 Except with respect to willful misconduct, the state of Iowa, the sec-
 18 retary of state, and their employees and agents are immune from

19 liability as a result of errors or omissions in information supplied
20 pursuant to this subsection.

1 SEC. 63. Chapter five hundred fifty-four (554), Article nine (9),
2 Part four (4), Code 1973, is amended by adding the following new
3 section following section five hundred fifty-four point nine thousand
4 four hundred seven (554.9407):

5 NEW SECTION. 554.9408 **Financing statements covering con-**
6 **signed or leased goods.** A consignor or lessor of goods may file a
7 financing statement using the terms "consignor", "consignee",
8 "lessor", "lessee" or the like instead of the terms specified in section
9 five hundred fifty-four point nine thousand four hundred two
10 (554.9402). The provisions of this Part shall apply as appropriate to
11 such a financing statement but its filing shall not of itself be a factor
12 in determining whether or not the consignment or lease is intended
13 as security (section five hundred fifty-four point one thousand two
14 hundred one (554.1201), subsection thirty-seven (37)). However, if
15 it is determined for other reasons that the consignment or lease is so
16 intended, a security interest of the consignor or lessor which at-
17 taches to the consigned or leased goods is perfected by such filing.

1 SEC. 64. Section five hundred fifty-four point nine thousand five
2 hundred one (554.9501), subsection three (3), unnumbered para-
3 graph one (1), Code 1973, is amended to read as follows:

4 3. To the extent that they give rights to the debtor and impose
5 duties on the secured party, the rules stated in the subsections re-
6 ferred to below may not be waived or varied except as provided with
7 respect to compulsory disposition of collateral (~~subsection 1 of sec-~~
8 *tion five hundred fifty-four point nine thousand five hundred four*
9 *(554.9504), subsection three (3), and section 554.9505)* and with
10 respect to redemption of collateral (section 554.9506) but the parties
11 may by agreement determine the standards by which the fulfillment
12 of these rights and duties is to be measured if such standards are not
13 manifestly unreasonable:

1 SEC. 65. Section five hundred fifty-four point nine thousand five
2 hundred two (554.9502), subsection two (2), Code 1973, is amended
3 to read as follows:

4 2. A secured party who by agreement is entitled to charge back
5 uncollected collateral or otherwise to full or limited recourse against
6 the debtor and who undertakes to collect from the account debtors
7 or obligors must proceed in a commercially reasonable manner and
8 may deduct his reasonable expenses of realization from the collec-
9 tions. If the security agreement secures an indebtedness, the se-
10 cured party must account to the debtor for any surplus, and unless
11 otherwise agreed, the debtor is liable for any deficiency. But, if the
12 underlying transaction was a sale of accounts, ~~contract rights,~~ or
13 chattel paper, the debtor is entitled to any surplus or is liable for any
14 deficiency only if the security agreement so provides.

1 SEC. 66. Section five hundred fifty-four point nine thousand five
2 hundred four (554.9504), subsections one (1), two (2), and three
3 (3), Code 1973, are amended to read as follows:

4 1. A secured party after default may sell, lease or otherwise dis-
5 pose of any or all of the collateral in its then condition or following

6 any commercially reasonable preparation or processing. Any sale of
7 goods is subject to the Article on Sales (Article 2). The proceeds of
8 disposition shall be applied in the order following to

9 a. the reasonable expenses of retaking, holding, preparing for sale
10 *or lease*, selling, *leasing* and the like and, to the extent provided for
11 in the agreement and not prohibited by law, the reasonable attorneys'
12 fees and legal expenses incurred by the secured party;

13 b. the satisfaction of indebtedness secured by the security interest
14 under which the disposition is made;

15 c. the satisfaction of indebtedness secured by any subordinate
16 security interest in the collateral if written notification of demand
17 therefor is received before distribution of the proceeds is completed.
18 If requested by the secured party, the holder of a subordinate security
19 interest must seasonably furnish reasonable proof of his interest,
20 and unless he does so, the secured party need not comply with his
21 demand.

22 2. If the security interest secures an indebtedness, the secured
23 party must account to the debtor for any surplus, and, unless other-
24 wise agreed, the debtor is liable for any deficiency. But if the under-
25 lying transaction was a sale of accounts, ~~contract rights~~, or chattel
26 paper, the debtor is entitled to any surplus or is liable for any defi-
27 ciency only if the security agreement so provides.

28 3. Disposition of the collateral may be by public or private pro-
29 ceedings and may be made by way of one or more contracts. Sale or
30 other disposition may be as a unit or in parcels and at any time and
31 place and on any terms but every aspect of the disposition including
32 the method, manner, time, place and terms must be commercially
33 reasonable. Unless collateral is perishable or threatens to decline
34 speedily in value or is of a type customarily sold on a recognized mar-
35 ket, reasonable notification of the time and place of any public sale or
36 reasonable notification of the time after which any private sale or
37 other intended disposition is to be made shall be sent by the secured
38 party to the debtor, ~~and except in the case of consumer goods to any~~
39 ~~other person who has a security interest in the collateral and who has~~
40 ~~duly filed a financing statement indexed in the name of the debtor in~~
41 ~~this state or who is known by the secured party to have a security~~
42 ~~interest in the collateral if he has not signed after default a statement~~
43 ~~renouncing or modifying his right to notification of sale. In the case~~
44 ~~of consumer goods no other notification need be sent. In other cases~~
45 ~~notification shall be sent to any other secured party from whom the~~
46 ~~secured party has received (before sending his notification to the~~
47 ~~debtor or before the debtor's renunciation of his rights) written~~
48 ~~notice of a claim of an interest in the collateral. The secured party~~
49 ~~may buy at any public sale and if the collateral is of a type custom-~~
50 ~~arily sold in a recognized market or is of a type which is the subject~~
51 ~~of widely distributed standard price quotations he may buy at private~~
52 ~~sale.~~

1 SEC. 67. Section five hundred fifty-four point nine thousand five
2 hundred five (554.9505), subsection two (2), Code 1973, is amended
3 to read as follows:

4 2. In any other case involving consumer goods or any other col-
5 lateral a secured party in possession may, after default, propose to
6 retain the collateral in satisfaction of the obligation. Written notice

7 of such proposal shall be sent to the debtor and except in the case of
 8 consumer goods to any other secured party who has a security inter-
 9 est in the collateral and who has duly filed a financing statement
 10 indexed in the name of the debtor in this state or is known by the
 11 secured party in possession to have a security interest in it. If the
 12 debtor or other person entitled to receive notification objects in writ-
 13 ing within thirty days from the receipt of the notification or if any
 14 other secured party objects in writing within thirty days after the
 15 secured party obtains possession if he has not signed after default
 16 a statement renouncing or modifying his rights under this subsection.
 17 In the case of consumer goods no other notice need be given. In other
 18 cases notice shall be sent to any other secured party from whom the
 19 secured party has received (before sending his notice to the debtor or
 20 before the debtor's renunciation of his rights) written notice of a
 21 claim of an interest in the collateral. If the secured party receives
 22 objection in writing from a person entitled to receive notification
 23 within twenty-one days after the notice was sent, the secured party
 24 must dispose of the collateral under section 554.9504. In the absence
 25 of such written objection the secured party may retain the collateral
 26 in satisfaction of the debtor's obligation.

1 SEC. 68. Section five hundred fifty-four point ten thousand one
 2 hundred one (554.10101), unnumbered paragraph one (1), Code
 3 1973, is amended to read as follows:

4 *This Except as otherwise provided in Article eleven (11) of this*
 5 *chapter, this chapter shall take effect and be in force on and after*
 6 *July 4, 1966. It applies to transactions entered into and events occur-*
 7 *ing after that date.*

1 SEC. 69. Chapter five hundred fifty-four (554), Code 1973, is
 2 amended by adding the following new sections as Article eleven (11)
 3 of the chapter:

4 **NEW SECTION. 554.11101. Effective date.** Division two (2) of
 5 this Act, sections nine (9) through seventy-two (72), the Iowa
 6 amendments to the Uniform Commercial Code pertaining primarily
 7 to security interests, and related amendments, shall become effective
 8 at 12:01 a.m. on January 1, 1975.

9 **NEW SECTION. 554.11102. Preservation of old transition provi-**
 10 **sion.** The provisions of Article ten (10) of this chapter, sections
 11 554.10101 through 554.10105, shall continue to apply to this chapter
 12 as amended and for this purpose this chapter prior to amendment
 13 and this chapter as amended shall be considered one continuous stat-
 14 ute.

15 **NEW SECTION. 554.11103. Transition to this chapter as amended**
 16 **—general rule.** Transactions validly entered into after July 4, 1966,
 17 and before January 1, 1975, which were subject to the provisions of
 18 this chapter prior to amendment and which would be subject to this
 19 chapter as amended if they had been entered into on or after Janu-
 20 ary 1, 1975, and the rights, duties and interests flowing from such
 21 transactions remain valid after January 1, 1975, and may be termi-
 22 nated, completed, consummated or enforced as required or permitted
 23 by this chapter as amended. Security interests arising out of such
 24 transactions which are perfected on January 1, 1975, shall remain
 25 perfected until they lapse or are terminated as provided in this chap-

26 ter as amended, and may be continued as permitted by this chapter
27 as amended, except as stated in section five hundred fifty-four point
28 eleven thousand one hundred five (554.11105).

29 **NEW SECTION. 554.11104. Transition provision on change of re-**
30 **quirement of filing.** A security interest for the perfection of which
31 filing or the taking of possession was required under this chapter
32 prior to amendment and which attached prior to January 1, 1975, but
33 was not perfected shall be deemed perfected on January 1, 1975, if this
34 chapter as amended permits perfection without filing or the taking of
35 possession, or authorizes filing in the office or offices where a prior in-
36 effective filing was made.

37 **NEW SECTION. 554.11105. Transition provision on change of**
38 **place of filing.**

39 1. Except as provided in subsection five (5), a filed financing or con-
40 tinuation statement which has not lapsed or been terminated prior to
41 January 1, 1975, shall remain effective for the period provided in this
42 chapter prior to amendment, but not less than five years after the filing.

43 2. Except as provided in subsection five (5), with respect to any
44 collateral acquired by the debtor subsequent to January 1, 1975, any
45 effective financing statement or continuation statement described
46 in this section shall apply only if the filing or filings are in the office
47 or offices that would be appropriate to perfect the security interests
48 in the new collateral under this chapter as amended.

49 3. The effectiveness of any financing statement or continuation
50 statement filed prior to January 1, 1975, may be continued by a con-
51 tinuation statement as permitted by this chapter as amended, except
52 that if this chapter as amended requires a filing in an office where
53 there was no previous financing statement, a new financing state-
54 ment conforming to either section five hundred fifty-four point nine
55 thousand four hundred two (554.9402) or subsection seven (7) shall
56 be filed in that office.

57 4. If the record of a mortgage of real estate would have been effec-
58 tive as a fixture filing of goods described therein if this chapter as
59 amended had been in effect on the date of recording the mortgage,
60 the mortgage shall be deemed effective as a fixture filing as to such
61 goods under subsection six (6) of section five hundred fifty-four point
62 nine thousand four hundred two (554.9402) on January 1, 1975.

63 5. If collateral consists of equipment used in farming operations, or
64 farm products, or accounts, contract rights, or general intangibles
65 arising from or relating to the sale of farm products by a farmer, the
66 place of effective filing is as follows:

67 a. Filings in the office of a county recorder which have not lapsed
68 or been terminated prior to January 1, 1975, retain their effective-
69 ness unless subsequently lapsed or terminated until January 1, 1980;
70 however, on or after January 1, 1975, continuation statements are
71 not to be filed in the office of a county recorder, and effectiveness can
72 be continued only through the filing in the office of the secretary of
73 state of a financing statement which complies with section five hun-
74 dred fifty-four point nine thousand four hundred two (554.9402) or,
75 if filed before January 1, 1980, with subsection seven (7);

76 b. on or after January 1, 1975, initial financing statements must
77 be filed in the office of the secretary of state; and must conform to

78 section five hundred fifty-four point nine thousand four hundred two
79 (554.9402); and

80 c. on or after January 1, 1980, all filings must be in the office of the
81 secretary of state and must conform to either section five hundred
82 fifty-four point nine thousand four hundred two (554.9402) or sub-
83 section seven (7).

84 6. If a security interest is perfected or has priority on January 1,
85 1975, as to all persons or as to certain persons without any filing
86 or recording, and if the filing of a financing statement would be re-
87 quired for the perfection or priority of the security interest against
88 those persons under this chapter as amended, the perfection and pri-
89 ority rights of the security interest continue until three years after
90 January 1, 1975. The perfection will then lapse unless a financing
91 statement which complies with either section five hundred fifty-four
92 point nine thousand four hundred two (554.9402) or subsection
93 seven (7) of this section has been filed or unless the security interest
94 has been perfected otherwise than by filing.

95 7. Where indicated by this section, a financing statement which
96 otherwise complies with section five hundred fifty-four point nine
97 thousand four hundred two (554.9402) may be signed by the secured
98 party instead of the debtor provided that the financing statement
99 is accompanied by a carbon, photocopy, or other suitable reproduc-
100 tion of an effective prior filing, and evidence of proper prior filing,
101 and states that the prior filing is still effective. Insofar as subsec-
102 tion six (6) authorizes perfection by filing of security interests
103 which have been perfected without filing under section five hundred
104 fifty-four point nine thousand three hundred two (554.9302), sub-
105 section one (1), paragraph c, prior to amendment, a financing state-
106 ment which otherwise complies with section five hundred fifty-four
107 point nine thousand four hundred two (554.9402) may be signed by
108 the secured party instead of the debtor provided that the financing
109 statement identifies the security agreement and states that the
110 security interest was perfected without filing under section five hun-
111 dred fifty-four point nine thousand three hundred two (554.9302),
112 subsection one (1), paragraph c, prior to amendment.

113 **NEW SECTION. 554.11106. Reserved for future use.**

114 **NEW SECTION. 554.11107. Transition provisions as to priorities.**

115 Except as otherwise provided in this Article, this chapter prior to
116 amendment shall apply to any questions of priority if the positions
117 of the parties were fixed prior to January 1, 1975. In other cases
118 questions of priority shall be determined by this chapter as amended.

119 **NEW SECTION. 554.11108. Presumption that rule of law continues**
120 **unchanged.** Unless a change in law has clearly been made, the provi-
121 sions of this chapter as amended shall be deemed declaratory of the
122 meaning of this chapter prior to amendment. The first sentence of
123 section 554.9402, subsection seven (7), shall be deemed to be a change
124 in law.

125 **NEW SECTION. 554.11109. Effect of official comments.** To the
126 extent that they are consistent with the Iowa statutory text, the 1972
127 Official Comments to the 1972 Official Text of the Uniform Commer-
128 cial Code are evidence of legislative intent as to the meaning of this
129 chapter as amended. However, prior drafts of the Official Text and
130 Comments may not be used to ascertain legislative intent.

1 SEC. 70. Section five hundred fifty-five point one (555.1), Code
2 1973, is amended to read as follows:

3 555.1 **Definitions.** As used in this chapter "transmitting utility"
4 means any corporation or other entity primarily engaged in the rail-
5 road or street railway business, the furnishing of telephone or tele-
6 graph service, the transmission of oil, gas, or petroleum products by
7 pipe line, or the production, transmission, or distribution of electric-
8 ity, steam, gas, or water has the same meaning as defined in the
9 Uniform Commercial Code, section five hundred fifty-four point nine
10 thousand one hundred five (554.9105), subsection one (1), paragraph
11 n of the Code. Security interests filed pursuant to chapter five hun-
12 dred fifty-five (555) of the Code prior to January 1, 1975, which
13 have not been terminated, are deemed to be filed in accordance with
14 section five hundred fifty-four point nine thousand four hundred one
15 (554.9401), subsection five (5), of the Code.

1 SEC. 71. Section five hundred fifty-five point two (555.2), Code
2 1973, is amended by striking the section and inserting in lieu thereof
3 the following:

4 555.2 **Security interest.** A security interest in rolling stock of a
5 transmitting utility may be perfected either as provided in the Uni-
6 form Commercial Code, chapter five hundred fifty-four (554) of the
7 Code, or as provided in the Interstate Commerce Act, forty-nine (49)
8 U.S.C., section twenty c (20c).

1 SEC. 72. Section five hundred fifty-five point four (555.4), Code
2 1973, and Acts of the Sixty-fifth General Assembly, 1974 Session,
3 Senate File four hundred forty-two (442), section eleven (11), are
4 repealed.

Approved June 3, 1974

CHAPTER 1250

CREDIT TRANSACTIONS

S. F. 1405

AN ACT relating to credit related transactions, acts, practices and conduct, enacting the Iowa Consumer Credit Code, making coordinating amendments to the Code, and providing civil remedies and criminal penalties for violations.

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

ARTICLE ONE

GENERAL PROVISIONS AND DEFINITIONS

PART 1

SHORT TITLE, CONSTRUCTION, GENERAL PROVISIONS

1 SECTION 1.101. NEW SECTION. Short title. Articles one (1)
2 through seven (7) of this Act shall be known and may be cited as the
3 Iowa Consumer Credit Code.

1 **SEC. 1.102. NEW SECTION. Purposes—rules of construction.**
2 1. This Act shall be liberally construed and applied to promote its
3 underlying purposes and policies.
4 2. The underlying purposes and policies of this Act are to:
5 a. Simplify, clarify and modernize the law governing retail install-
6 ment sales, and other consumer credit.
7 b. Provide rate ceilings for certain creditors in order to assure an
8 adequate supply of credit to consumers.
9 c. Further consumer understanding of the terms of credit trans-
10 actions and foster competition among suppliers of consumer credit
11 so that consumers may obtain credit at reasonable cost.
12 d. Protect consumers against unfair practices by some suppliers,
13 solicitors, or collectors of consumer credit, having due regard for the
14 interests of legitimate and scrupulous creditors.
15 e. Permit and encourage the development of fair and economically
16 sound consumer credit practices.
17 f. Conform the regulation of disclosure in consumer credit trans-
18 actions to the Truth in Lending Act.
19 g. Make the law, including administrative rules, more uniform
20 among the various jurisdictions.
21 3. A reference to a requirement imposed by this Act includes ref-
22 erence to a related rule of the administrator adopted pursuant to
23 this Act.

1 **SEC. 1.103. NEW SECTION. Law applicable.** Unless displaced by
2 the particular provisions of this Act, the Uniform Commercial Code
3 and the principles of law and equity, including the law relative to
4 capacity to contract, principal and agent, estoppel, fraud, misrepre-
5 sentation, duress, coercion, mistake, bankruptcy, or other validating
6 or invalidating cause supplement its provisions.

1 **SEC. 1.104. NEW SECTION. Construction.** This Act being a gen-
2 eral Act intended as a unified coverage of its subject matter, no part
3 of it shall be deemed to be impliedly repealed by subsequent legisla-
4 tion if such construction can reasonably be avoided.

1 **SEC. 1.105. NEW SECTION. Severability.** The provisions of sec-
2 tion four point twelve (4.12) of the Code are applicable to this Act.

1 **SEC. 1.106.** Reserved for future use.

1 **SEC. 1.107. NEW SECTION. Waiver—agreement—settlement.**
2 1. Except in settlement of a bona fide dispute, a consumer may not
3 waive or agree to forego rights or benefits under this Act.
4 2. A claim by a consumer against a creditor relating to an excess
5 charge, any other civil violation of this Act, or a civil penalty, or a
6 claim by a creditor against a consumer for default or breach of a
7 civil duty imposed by this Act, may be settled by agreement if the
8 claim is disputed in good faith.
9 3. A claim against a consumer, whether or not disputed, may be
10 settled for less value than the amount claimed.
11 4. A settlement in which the consumer waives or agrees to forego
12 rights or benefits under this Act is invalid if the court as a matter
13 of law finds the settlement to have been unconscionable at the time
14 it was made. The competence of the consumer, any deception or co-
15 ercion practiced upon him, the nature and extent of the legal advice

16 received by him, and the value of the consideration may be consid-
 17 ered, among other factors, with respect to the issue of unconscion-
 18 ability.

1 **SEC. 1.108. NEW SECTION. Effect on organizations.**

2 1. This Act prescribes maximum charges for certain creditors, ex-
 3 cept lessors and those excluded in section one point two hundred two
 4 (1.202) of this Act, extending credit in consumer credit transactions.

5 2. This Act does not displace limitations on powers of credit un-
 6 ions, savings and loan associations, or other thrift institutions
 7 whether organized for the profit of shareholders or as mutual organ-
 8 izations.

9 3. This Act does not displace:

10 a. Limitations on powers of supervised financial organizations
 11 with respect to the amount of a loan to a single borrower, the ratio
 12 of a loan to the value of collateral, the duration of a loan secured by
 13 an interest in land, or other similar restrictions designed to protect
 14 deposits.

15 b. Limitations on powers an organization is authorized to exer-
 16 cise under the laws of this state or the United States.

1 **SEC. 1.109. Reserved for future use.**

1 **SEC. 1.110. NEW SECTION. Obligation of good faith.** Every
 2 contract or duty within this Act imposes an obligation of good faith
 3 in its performance or enforcement.

PART 2

SCOPE AND JURISDICTION

1 **SEC. 1.201. NEW SECTION. Territorial application.**

2 1. This Act applies to:

3 a. A transaction, or acts, practices or conduct with respect to a
 4 transaction, if the transaction is entered into in this state, except
 5 that a transaction involving other than open end credit or acts, prac-
 6 tices or conduct with respect to such a transaction shall not subject
 7 any person to damages or penalty under article five (5) of this Act,
 8 or administrative enforcement under part one (1) of article six (6)
 9 of this Act,

10 (1) If the buyer, lessee or debtor was physically located outside
 11 of this state, at the time he signed the writing evidencing the trans-
 12 action or made, in face to face solicitation, a written or oral offer to
 13 enter into the transaction,

14 (2) If the transaction or acts, practices or conduct with respect
 15 to the transaction were not in violation of law in the state in which
 16 the buyer, lessee or debtor was physically located, and

17 (3) If, with respect to charges and agreements, the person does
 18 not collect or enforce that transaction except to the extent permitted
 19 by this Act.

20 b. A transaction, or acts, practices or conduct with respect to a
 21 transaction, if it is modified in this state, without regard to where
 22 the transaction is entered into, except that acts, practices, conduct,
 23 disclosures, charges or provisions of agreements not in violation of
 24 law in the state where they occurred or were entered into, shall not
 25 subject any person to damages or penalty under article five (5) of
 26 this Act or administrative enforcement under part one (1) of article

27 six (6), if, with respect to acts, practices, conduct or disclosures,
28 they occurred outside this state and before a modification in this
29 state, and if, with respect to charges and agreements, they are not
30 collected or enforced by that person except to the extent permitted
31 by this Act. A person shall not be required to obtain a license under
32 section two point three hundred one (2.301) of this Act solely be-
33 cause the person modifies a transaction in this state.

34 c. Acts, practices or conduct in this state in the solicitation, in-
35 ducement, negotiation, collection or enforcement of a transaction,
36 without regard to where it is entered into or modified; including,
37 but not limited to, acts, practices or conduct in violation of sections
38 three point two hundred nine (3.209), three point two hundred ten
39 (3.210), three point three hundred eleven (3.311), three point five
40 hundred one (3.501), article five (5), parts one (1) and three (3),
41 and article seven (7) of this Act.

42 2. For the purposes of this section, a transaction is entered into or
43 modified in this state if any of the following apply:

44 a. In a transaction involving other than open end credit:

45 (1) If the buyer, lessee or debtor is a resident of this state at the
46 time the person extending credit solicits the transaction or modifica-
47 tion, whether personally, by mail or by telephone, unless the parties
48 have agreed that the law of the residence of the buyer, lessee or
49 debtor applies, in which case that law applies.

50 (2) If the buyer, lessee or debtor is a resident of this state at the
51 time the person extending credit receives either a signed writing
52 evidencing the transaction or modification, or a written or oral offer
53 of the buyer, lessee or debtor to enter into or modify the transaction.

54 (3) If the transaction otherwise has significant contacts with this
55 state, unless the buyer, lessee or debtor is not a resident of this state
56 at the times designated in subsection two (2), paragraph a, subpara-
57 graphs one (1) and two (2) of this section and the parties have
58 agreed that the law of his residence applies. A person shall not be
59 required to obtain a license under section two point three hundred
60 one (2.301) of this Act solely because this Act applies to a transac-
61 tion pursuant to this subparagraph.

62 b. In an open end credit transaction:

63 (1) If the buyer, lessee or debtor is a resident of this state either
64 at the time the buyer, lessee or debtor forwards or otherwise gives
65 to the person extending credit a written or oral communication of
66 his intention to establish the open end transaction, or at the time
67 the person extending credit forwards or otherwise gives to the buyer,
68 lessee or debtor a written or oral communication giving notice to the
69 buyer, lessee or debtor of the right to enter into open end transac-
70 tions with such person, unless the parties have agreed that the law
71 of the residence of the buyer, lessee or debtor applies in which case
72 that law shall apply.

73 (2) If the transaction otherwise has significant contacts with this
74 state, unless the buyer, lessee or debtor is not a resident of this state
75 at the times designated in subsection two (2), paragraph a, subpara-
76 graph one (1), of this section and the parties have agreed that the
77 law of his residence applies. A person shall not be required to obtain
78 a license under section two point three hundred one (2.301) of this

79 Act solely because this Act applies to a transaction pursuant to this
80 subparagraph.

81 c. In any credit transaction, if the parties have agreed that the
82 law of the residence of the buyer, lessee or debtor applies and the
83 buyer, lessee or debtor is a resident of this state at any time desig-
84 nated, with respect to a transaction other than open end, in sub-
85 section two (2), paragraph a, subparagraphs one (1) and two (2)
86 of this section or, with respect to an open end credit transaction, in
87 subsection two (2), paragraph b, subparagraph one (1) of this sec-
88 tion.

89 3. For the purposes of this section, "modification" shall include,
90 but not be limited to, any alteration in the maturity, schedule of pay-
91 ments, amount financed, rate of finance charge or other term of a
92 transaction.

93 4. For the purposes of this Act, the residence of a buyer, lessee or
94 debtor is the address given by him as his residence in a writing
95 signed by him in connection with a transaction until he notifies the
96 person extending credit of a different address as his residence, and
97 it is then the different address.

98 5. Except as provided in subsection one (1), paragraph c, and
99 subsection six (6) of this section, a transaction entered into or mod-
100 ified in another jurisdiction is valid and enforceable in this state
101 according to its terms to the extent that it is valid and enforceable
102 under the laws of the other jurisdiction.

103 6. A provision of an agreement made by a buyer, lessee or debtor
104 is invalid:

105 a. Which provides, if the buyer, lessee or debtor is a resident of
106 this state at the times designated in subsection two (2), paragraph
107 a, subparagraphs one (1) and two (2) of this section and subsection
108 two (2), paragraph b, subparagraph one (1) of this section:

109 (1) That the law of another jurisdiction shall apply, except as
110 provided in subsection two (2), paragraph a, subparagraph one (1)
111 of this section and in subsection two (2), paragraph b, subpara-
112 graph one (1) of this section.

113 (2) That the buyer, lessee or debtor consents to be subject to the
114 process of another jurisdiction.

115 (3) That the buyer, lessee or debtor appoints an agent to receive
116 service of process.

117 (4) That venue is fixed at a particular place.

118 (5) That the consumer consents to the jurisdiction of a court
119 that does not otherwise have jurisdiction.

120 b. If a provision would negate subsection one (1), paragraph b
121 of this section.

122 7. The following provisions of this Act specify the applicable law
123 governing certain cases:

124 a. Section six point one hundred two (6.102) of this Act specifies
125 the applicability of part one (1) of article six (6) of this Act.

126 b. Section six point two hundred one (6.201) of this Act speci-
127 fies the applicability of part two (2) of article six (6) of this Act.

1 SEC. 1.202. NEW SECTION. Exclusions. This Act does not ap-
2 ply to:

3 1. Extensions of credit to government or governmental agencies or
4 instrumentalities.

5 2. Except as otherwise provided in article four (4) of this Act, the
6 sale of insurance if the insured is not obligated to pay installments
7 of the premium and the insurance may terminate or be cancelled
8 after nonpayment of an installment of the premium.

9 3. Transactions under public utility or common carrier tariffs if a
10 subdivision or agency of this state or of the United States regulates
11 the charges for the services involved, the charges for delayed pay-
12 ment, and any discount allowed for early payment.

13 4. Transactions in securities or commodities accounts with a
14 broker-dealer registered with the securities and exchange commis-
15 sion.

16 5. Pawnbrokers who are licensed and whose rates and charges
17 are regulated under or pursuant to ordinances of cities or towns or
18 statutes of this state, except with respect to the provisions on com-
19 pliance with the Truth in Lending Act in section three point two
20 hundred one (3.201) of this Act, civil liability for violation of dis-
21 closure provisions in section five point two hundred three (5.203)
22 of this Act, criminal penalties for disclosure violations in section five
23 point three hundred two (5.302) of this Act, and powers and func-
24 tions of the administrator with respect to disclosure violations.

1 **SEC. 1.203. NEW SECTION. Jurisdiction—service of process.**

2 1. The district court of this state may exercise jurisdiction over
3 any person with respect to any conduct in this state governed by
4 this Act or with respect to any claim arising from a transaction sub-
5 ject to this Act. In addition to any other method provided by rule
6 or by statute, personal jurisdiction over a person may be acquired
7 in a civil action or proceeding instituted in the district court by the
8 service of process in the manner provided by this section.

9 2. If a person is not a resident of this state or is a corporation not
10 authorized to do business in this state and engages in any conduct
11 in this state governed by this Act, or engages in a transaction sub-
12 ject to this Act, he may designate an agent upon whom service of
13 process or original notice may be made in this state. The agent shall
14 be a resident of this state or a corporation authorized to do business
15 in this state. The designation shall be in a writing and filed with
16 the secretary of state. If no designation is made and filed or if proc-
17 ess or original notice cannot be served in this state upon the desig-
18 nated agent, process or original notice may be served upon the secre-
19 tary of state, in the manner provided in section six hundred seven-
20 teen point three (617.3) of the Code for service upon nonresident
21 persons and foreign corporations which have made contracts with
22 residents of Iowa, and the provisions of that section relating to the
23 service of process or original notice apply.

PART 3

DEFINITIONS

1 **SEC. 1.301. NEW SECTION. General definitions.** As used in this
2 Act, unless otherwise required by the context:

3 1. "Actuarial method" means the method of allocating payments
4 made on a debt between the amount financed and the finance charge,
5 pursuant to which a payment is applied first to the accumulated
6 finance charge and any remainder is subtracted from, or any defi-
7 ciency is added to, the unpaid balance of the amount financed. The

8 administrator may adopt rules not inconsistent with the Truth in
9 Lending Act further defining the term and prescribing its application.

10 2. "Administrator" means the administrator designated in section
11 six point one hundred three (6.103) of this Act.

12 3. "Agreement" means the oral or written bargain of the parties in
13 fact as found in their language or by implication from other circum-
14 stances including course of dealing or usage of trade or course of
15 performance.

16 4. "Agricultural purpose" means a purpose related to the produc-
17 tion, harvest, exhibition, marketing, transportation, processing, or
18 manufacture of agricultural products by a natural person who culti-
19 vates, plants, propagates, or nurtures the agricultural products.
20 "Agricultural products" includes agricultural, horticultural, viticul-
21 tural, and dairy products, livestock, wildlife, poultry, bees, forest
22 products, fish and shellfish, and any products thereof, including proc-
23 essed and manufactured products, and any and all products raised or
24 produced on farms and any processed or manufactured products
25 thereof.

26 5. "Amount financed" means:

27 a. In the case of a sale, the cash price of the goods, services, or
28 interest in land, plus the amount actually paid or to be paid by the
29 seller pursuant to an agreement with the buyer to discharge a secu-
30 rity interest in, a lien on, or a debt with respect to property traded in,
31 less the amount of any down payment whether made in cash or in
32 property traded in, plus additional charges if permitted under para-
33 graph c of this subsection.

34 b. In the case of a loan, the net amount paid to, receivable by, or
35 paid or payable for the account of the debtor, plus the amount of any
36 discount excluded from the finance charge under subsection twenty
37 (20), paragraph b, subparagraph three (3), of this section, plus addi-
38 tional charges if permitted under paragraph c of this subsection.

39 c. In the case of a sale or loan, additional charges permitted under
40 section two point five hundred one (2.501) of this Act, to the extent
41 that payment is deferred, that the charge is not otherwise included,
42 in the amount permitted respectively in paragraph a or b of this sub-
43 section, and that the charge is authorized by and disclosed to the
44 consumer as required by law.

45 6. "Billing cycle" means the time interval between periodic billing
46 statement dates.

47 7. "Card issuer" means a person who issues a credit card.

48 8. "Cardholder" means a person to whom a credit card is issued or
49 who has agreed with the card issuer to pay obligations arising from
50 the issuance or use of the card to or by another person.

51 9. "Cash price" of goods, services, or an interest in land means the
52 price at which they are sold by the seller to cash buyers in the ordi-
53 nary course of business, and may include the cash price of accessories
54 or services related to the sale, such as delivery, installation, altera-
55 tions, modifications, and improvements, and taxes to the extent
56 imposed on a cash sale of the goods, services, or interest in land.

57 10. "Conspicuous". A term or clause is conspicuous when it is so
58 written that a reasonable person against whom it is to operate ought
59 to have noticed it. Whether or not a term or clause is conspicuous is
60 for decision by the court.

- 61 11. "Consumer" means the buyer, lessee, or debtor to whom credit
62 is granted in a consumer credit transaction.
- 63 12. "Consumer credit transaction" means a consumer credit sale or
64 consumer loan, or a refinancing or consolidation thereof, or a con-
65 sumer lease.
- 66 13. "Consumer credit sale".
- 67 a. Except as provided in paragraph b of this subsection, a "con-
68 sumer credit sale" is a sale of goods, services, or an interest in land
69 in which all of the following are applicable:
- 70 (1) Credit is granted either pursuant to a seller credit card or by a
71 seller who regularly engages as a seller in credit transactions of the
72 same kind.
- 73 (2) The buyer is a person other than an organization.
- 74 (3) The goods, services, or interest in land are purchased primarily
75 for a personal, family, household or agricultural purpose.
- 76 (4) Either the debt is payable in installments or a finance charge
77 is made.
- 78 (5) With respect to a sale of goods or services, the amount financed
79 does not exceed thirty-five thousand dollars.
- 80 b. A "consumer credit sale" does not include:
- 81 (1) A sale in which the seller allows the buyer to purchase goods
82 or services pursuant to a lender credit card.
- 83 (2) A sale of an interest in land if the finance charge does not
84 exceed twelve percent per year calculated on the actuarial method on
85 the assumption that the debt will be paid according to the agreed
86 terms and will not be paid before the end of the agreed term.
- 87 14. "Consumer lease". A "consumer lease" is a lease of goods in
88 which all of the following are applicable:
- 89 a. The lessor is regularly engaged in the business of leasing.
- 90 b. The lessee is a person other than an organization.
- 91 c. The lessee takes under the lease primarily for a personal, family,
92 household or agricultural purpose.
- 93 d. The amount payable under the lease does not exceed thirty-five
94 thousand dollars.
- 95 e. The lease is for a term exceeding four months.
- 96 15. "Consumer loan".
- 97 a. Except as provided in paragraph b of this subsection, a "con-
98 sumer loan" is a loan in which all of the following are applicable:
- 99 (1) The person is regularly engaged in the business of making
100 loans.
- 101 (2) The debtor is a person other than an organization.
- 102 (3) The debt is incurred primarily for a personal, family, house-
103 hold or agricultural purpose.
- 104 (4) Either the debt is payable in installments or a finance charge
105 is made.
- 106 (5) Either the amount financed does not exceed thirty-five thou-
107 sand dollars, or the debt is not incurred primarily for an agricultural
108 purpose and is secured by an interest in land.
- 109 b. A "consumer loan" does not include:
- 110 (1) A sale or lease in which the seller or lessor allows the buyer or
111 lessee to purchase or lease pursuant to a seller credit card.
- 112 (2) A loan secured by an interest in land if the security interest is
113 bona fide and not for the purpose of circumvention or evasion of this

114 Act and the finance charge does not exceed twelve percent per year
115 calculated according to the actuarial method on the assumption that
116 the debt will be paid according to the agreed terms and will not be
117 paid before the end of the agreed term.

118 16. "Credit" means the right granted by a person extending credit
119 to a person to defer payment of debt, to incur debt and defer its pay-
120 ment, or to purchase property or services and defer payment there-
121 for.

122 17. "Credit card" means a card or device issued under an arrange-
123 ment pursuant to which a card issuer gives a cardholder the privilege
124 of purchasing or leasing property or purchasing services, obtaining
125 loans, or otherwise obtaining credit from the card issuer or other
126 persons. A transaction is "pursuant to a credit card" if credit is ob-
127 tained according to the terms of the arrangement by transmitting
128 information contained on the card or device orally, in writing, by
129 mechanical or automated methods, or in any other manner. A trans-
130 action is not "pursuant to a credit card" if the card or device is used
131 solely to identify the cardholder and credit is not obtained according
132 to the terms of the arrangement.

133 18. "Creditor" means the person who grants credit in a consumer
134 credit transaction or, except as otherwise provided, an assignee of a
135 creditor's right to payment, but use of the term does not in itself
136 impose on an assignee any obligation of his assignor. In the case of
137 credit granted pursuant to a credit card, the "creditor" is the card
138 issuer and not another person honoring the credit card.

139 19. "Earnings" means compensation paid or payable to an indi-
140 vidual or for his account for personal services rendered or to be
141 rendered by him, whether denominated as wages, salary, commission,
142 bonus, or otherwise, and includes periodic payments pursuant to a
143 pension, retirement, or disability program.

144 20. "Finance charge".

145 a. Except as otherwise provided in subsection b of this section,
146 "finance charge" means the sum of all charges payable directly or
147 indirectly by the consumer and imposed directly or indirectly by the
148 creditor as an incident to or as a condition of the extension of credit,
149 including any of the following types of charges which are applicable:

150 (1) Interest or any amount payable under a point, discount or
151 other system of charges, however denominated, except that, with
152 respect to a consumer loan secured by a first lien on a dwelling of the
153 debtor given to finance the acquisition of that dwelling, points, con-
154 sisting of a charge paid in cash at the time of commitment or closing
155 of a loan transaction, shall not be part of the finance charge for the
156 purpose of determining maximum charges pursuant to section two
157 point four hundred one (2.401) of this Act and chapters five hundred
158 twenty-four (524), five hundred thirty-four (534), and five hundred
159 thirty-five (535) of the Code.

160 (2) Time price differential, credit service, service, carrying or
161 other charge, however denominated.

162 (3) Premium or other charge for any guarantee or insurance pro-
163 tecting the creditor against the consumer's default or other credit loss.

164 (4) Charges incurred for investigating the collateral or credit-
165 worthiness of the consumer or for commissions or brokerage for
166 obtaining the credit, irrespective of the person to whom the charges

167 are paid or payable, unless the creditor had no notice of the charges
168 when the credit was granted.

169 b. "Finance charge" does not include:

170 (1) Charges as a result of default or delinquency if made for actual
171 unanticipated late payment, delinquency, default, or other like occur-
172 rence unless the parties agree that these charges are finance charges.
173 A charge is not made for actual unanticipated late payment, delin-
174 quency, default or other like occurrence if imposed on an account
175 which is or may be debited from time to time for purchases or other
176 debts and, under its terms, payment in full or at a specified amount
177 is required when billed, and in the ordinary course of business the
178 consumer is permitted to continue to have purchases or other debts
179 debited to the account after the imposition of the charge.

180 (2) Additional charges as defined in section two point five hundred
181 one (2.501) of this Act, or deferral charges as defined in section two
182 point five hundred three (2.503) of this Act.

183 (3) A discount, if a creditor purchases or satisfies obligations of a
184 cardho'der pursuant to a credit card and the purchase or satisfaction
185 is made at less than the face amount of the obligation.

186 21. "Gift certificate" means a merchandise certificate conspicuously
187 designated as a gift certificate, and purchased by a buyer for use by
188 a person other than the buyer.

189 22. a. "Goods" includes, but is not limited to:

190 (1) "Goods" as described in section five hundred fifty-four point
191 two thousand one hundred five (554.2105), subsection one (1), of the
192 Code.

193 (2) Goods not in existence at the time the transaction is entered
194 into.

195 (3) Things in action.

196 (4) Investment securities.

197 (5) Mobile homes regardless of whether they are affixed to the
198 land.

199 (6) Gift certificates.

200 b. "Goods" excludes money, chattel paper, documents of title, in-
201 struments and merchandise certificates other than gift certificates.

202 23. "Insurance premium loan" means a consumer loan that is made
203 for the sole purpose of financing the payment by or on behalf of an
204 insured of the premium on one or more policies or contracts issued by
205 or on behalf of an insurer, is secured by an assignment by the insured
206 to the lender of the unearned premium on the policy or contract, and
207 contains an authorization to cancel the policy or contract financed.

208 24. "Lender" means a person who makes a loan or, except as other-
209 wise provided in this Act, a person who takes an assignment of a
210 lender's right to payment, but use of the term does not in itself
211 impose on an assignee any obligation of the lender.

212 25. "Lender credit card" means a credit card issued by a lender.

213 26. a. "Loan" means any of the following, except as provided in
214 paragraph b of this subsection:

215 (1) The creation of debt by the lender's payment of or agreement
216 to pay money to the debtor or to a third person for the account of the
217 debtor.

218 (2) The creation of debt by a credit to an account with the lender
219 upon which the debtor is entitled to draw immediately.

220 (3) The creation of debt pursuant to a lender credit card in any
221 manner, including a cash advance or the card issuer's honoring a draft
222 or similar order for the payment of money drawn or accepted by the
223 debtor, paying or agreeing to pay the debtor's obligation, or purchas-
224 ing or otherwise acquiring the debtor's obligation from the obligee or
225 his assignees.

226 (4) The creation of debt by a cash advance to a debtor pursuant to
227 a seller credit card.

228 (5) The forbearance of debt arising from a loan.

229 b. "Loan" does not include:

230 (1) A card issuer's payment or agreement to pay money to a third
231 person for the account of a debtor if the debt of the debtor arises
232 from a sale or lease and results from use of a seller credit card.

233 (2) The forbearance of debt arising from a sale or lease.

234 27. "Merchandise certificate" means a writing not redeemable in
235 cash and usable in its face amount in lieu of cash in exchange for
236 goods or services. Sale of a merchandise certificate on credit is a
237 credit sale beginning at the time the certificate is redeemed.

238 28. "Official fees" means:

239 a. Fees and charges prescribed by law which actually are or will be
240 paid to public officials for determining the existence of or for per-
241 fecting, releasing, terminating, or satisfying a security interest re-
242 lated to a consumer credit transaction.

243 b. Premiums payable for insurance in lieu of perfecting a security
244 interest otherwise required by the creditor in connection with the
245 transaction, if the premium does not exceed the fees and charges
246 described in paragraph a of this subsection which would otherwise be
247 payable.

248 29. "Open end credit" means an arrangement pursuant to which all
249 of the following are applicable:

250 a. A creditor may permit a consumer, from time to time, to pur-
251 chase or lease on credit from the creditor or pursuant to a credit card,
252 or to obtain loans from the creditor or pursuant to a credit card.

253 b. The amounts financed and the finance and other appropriate
254 charges are debited to an account.

255 c. The finance charge, if made, is computed on the account peri-
256 odically.

257 d. Either the consumer has the privilege of paying in full or in
258 installments or the creditor periodically imposes charges computed
259 on the account for delaying payment of it and permits the consumer
260 to continue to purchase or lease on credit.

261 30. "Organization" means a corporation, government or govern-
262 mental subdivision or agency, trust, estate, partnership, cooperative,
263 or association.

264 31. "Payable in installments" means that payment is required or
265 permitted by agreement to be made in more than four periodic pay-
266 ments, excluding a down payment. If any periodic payment other
267 than the down payment under an agreement requiring or permitting
268 two or more periodic payments is more than twice the amount of any
269 other periodic payment excluding the down payment, a transaction is
270 "payable in installments".

271 32. "Person" means:

272 a. A natural person or an individual.

273 b. An organization.

274 33. a. "Person related to" with respect to a natural person or an
275 individual means any of the following:

276 (1) The spouse of the individual.

277 (2) A brother, brother-in-law, sister, or sister-in-law of the indi-
278 vidual.

279 (3) An ancestor or lineal descendant of the individual or his spouse.

280 (4) Any other relative, by blood or marriage, of the individual or
281 his spouse, if the relative shares the same home with the individual.

282 b. "Person related to" with respect to an organization means:

283 (1) A person directly or indirectly controlling, controlled by or
284 under common control with the organization.

285 (2) An officer or director of the organization or a person perform-
286 ing similar functions with respect to the organization or to a person
287 related to the organization.

288 (3) The spouse of a person related to the organization.

289 (4) A relative by blood or marriage of a person related to the or-
290 ganization who shares the same home with him.

291 34. A "precomputed consumer credit transaction" is a consumer
292 credit transaction, other than a consumer lease, in which the debt is
293 a sum comprising the amount financed and the amount of the finance
294 charge computed in advance. A disclosure required by the Truth in
295 Lending Act does not in itself make a finance charge or transaction
296 precomputed.

297 35. "Presumed" or "presumption" means that the trier of fact
298 must find the existence of the fact presumed unless and until evidence
299 is introduced which would support a finding of its nonexistence.

300 36. "Sale of goods" includes, but is not limited to, any agreement
301 in the form of a bailment or lease of goods if the bailee or lessee pays
302 or agrees to pay as compensation for use a sum substantially equiva-
303 lent to or in excess of the aggregate value of the goods involved and
304 it is agreed that the bailee or lessee will become, or for no other or a
305 nominal consideration has the option to become, the owner of the
306 goods upon full compliance with the terms of the agreement.

307 37. "Sale of an interest in land" includes, but is not limited to, a
308 lease in which the lessee has an option to purchase the interest, by
309 which all or a substantial part of the rental or other payments pre-
310 viously made by him are applied to the purchase price.

311 38. "Sale of services" means furnishing or agreeing to furnish ser-
312 vices for a consideration and includes making arrangements to have
313 services furnished by another.

314 39. "Seller" means a person who makes a sale or, except as other-
315 wise provided in this Act, a person who takes an assignment of the
316 seller's right to payment, but use of the term does not in itself impose
317 on an assignee any obligation of the seller.

318 40. "Seller credit card" means either of the following:

319 a. A credit card issued primarily for the purpose of giving the card-
320 holder the privilege of using the credit card to purchase or lease prop-
321 erty or services from the card issuer, persons related to the card
322 issuer, persons licensed or franchised to do business under the card
323 issuer's business or trade name or designation, or from any of these
324 persons and from other persons as well.

325 b. A credit card issued by a person other than a supervised lender
 326 primarily for the purpose of giving the cardholder the privilege of
 327 using the credit card to purchase or lease property or services from
 328 at least one hundred persons not related to the card issuer.

329 41. "Services" includes, but is not limited to:

330 a. Work, labor, and other personal services.

331 b. Privileges or benefits with respect to transportation, hotel and
 332 restaurant accommodations, education, entertainment, recreation,
 333 physical culture, hospital accommodations, funerals, cemetery accom-
 334 modations, and the like.

335 c. Insurance.

336 42. "Supervised financial organization" means a person, other than
 337 an insurance company or other organization primarily engaged in an
 338 insurance business, which is organized, chartered, or holding an
 339 authorization certificate pursuant to chapter five hundred twenty-four
 340 (524), five hundred thirty-three (533), or five hundred thirty-four
 341 (534) of the Code, or pursuant to the laws of the United States
 342 which authorizes the person to make loans and to receive deposits,
 343 including a savings, share, certificate or deposit account, and which
 344 is subject to supervision by an official or agency of this state or of
 345 the United States.

346 43. "Supervised loan" means a consumer loan, including a loan
 347 made pursuant to open end credit, in which the rate of the finance
 348 charge, calculated according to the actuarial method, exceeds the rate
 349 of finance charge permitted in chapter five hundred thirty-five (535)
 350 of the Code.

351 With respect to a consumer loan made pursuant to open end credit,
 352 the finance charge shall be deemed not to exceed the rate permitted in
 353 chapter five hundred thirty-five (535) of the Code if the finance
 354 charge contracted for and received does not exceed a charge for each
 355 monthly billing cycle which is one-twelfth of that rate multiplied by
 356 the average daily balance of the open end account in the billing cycle
 357 for which the charge is made. The average daily balance of the open
 358 end account is the sum of the amount unpaid each day during that
 359 cycle divided by the number of days in the cycle. The amount unpaid
 360 on a day is determined by adding to the balance, if any, unpaid as of
 361 the beginning of that day all purchases and other debits and deducting
 362 all payments and other credits made or received as of that day. If the
 363 billing cycle is not monthly, the finance charge shall be deemed not to
 364 exceed that rate per year if the finance charge contracted for and
 365 received does not exceed a percentage which bears the same relation
 366 to that rate as the number of days in the billing cycle bears to three
 367 hundred sixty-five. A billing cycle is monthly if the closing date of
 368 the cycle is the same date each month or does not vary by more than
 369 four days from the regular date.

1 **SEC. 1.302. NEW SECTION. Definition—Truth in Lending Act.**
 2 As used in this Act, "Truth in Lending Act" means title one (1) of
 3 the Consumer Credit Protection Act, in subchapter one (1) of chap-
 4 ter forty-one (41) of title fifteen of the United States Code, as
 5 amended to and including July 1, 1974, and includes regulations is-
 6 sued pursuant to that Act prior to that date.

1 **SEC. 1.303. NEW SECTION. Other defined terms. Other defined**
 2 **terms in this Act and the sections in which they appear are:**

- 3 1. "Closing costs". Section two point five hundred one (2.501),
4 subsection one (1), paragraph e.
- 5 2. "Computational period". Section two point five hundred ten
6 (2.510), subsection four (4), paragraph a.
- 7 3. "Debt". Section seven point one hundred two (7.102), subsec-
8 tion one (1).
- 9 4. "Debt collection". Section seven point one hundred two (7.102),
10 subsection two (2).
- 11 5. "Debt collector". Section seven point one hundred two (7.102),
12 subsection three (3).
- 13 6. "Disposable earnings". Section five point one hundred five
14 (5.105), subsection one (1), paragraph a.
- 15 7. "Garnishment". Section five point one hundred five (5.105),
16 subsection one (1), paragraph b.
- 17 8. "Interval". Section two point five hundred ten (2.510), subsec-
18 tion four (4), paragraph b.
- 19 9. "Location". Section two point three hundred ten (2.310), sub-
20 section one (1).
- 21 10. "Pursuant to a credit card". Section one point three hundred
22 one (1.301), subsection seventeen (17).
- 23 11. "Residence". Section one point two hundred one (1.201), sub-
24 section four (4).

ARTICLE TWO

FINANCE CHARGES AND RELATED PROVISIONS

PART 1

GENERAL PROVISIONS

- 1 SEC. 2.101. NEW SECTION. **Short title.** This article shall be
2 known and may be cited as the Iowa Consumer Credit Code—Finance
3 Charges and Related Provisions.
- 1 SEC. 2.102. NEW SECTION. **Scope.** Part two (2) of this article
2 applies to consumer credit sales. Parts three (3) and four (4) apply
3 to consumer loans. Part five (5) applies to other charges and modi-
4 fications with respect to consumer credit transactions. Part six (6)
5 applies to other credit transactions.

PART 2

CONSUMER CREDIT SALES:
MAXIMUM FINANCE CHARGES

- 1 SEC. 2.201. NEW SECTION. **Finance charge for consumer credit**
2 **sales not pursuant to open end credit.**
- 3 1. With respect to a consumer credit sale, other than a sale pursu-
4 ant to open end credit, a creditor may contract for and receive a
5 finance charge not exceeding the maximum charge permitted by the
6 law of this state or the United States for similar creditors. In addi-
7 tion, with respect to a consumer credit sale of goods or services, other
8 than a sale pursuant to open end credit or a sale of a motor vehicle,
9 a creditor may contract for and receive a finance charge not exceed-
10 ing that permitted in subsections two (2) through six (6) of this
11 section. With respect to a consumer credit sale of a motor vehicle,
12 a creditor may contract for and receive a finance charge as provided
13 in section three hundred twenty-two point nineteen (322.19) of the

14 Code, and a finance charge in excess of that provided in section three
15 hundred twenty-two point nineteen (322.19) of the Code, is an excess
16 charge in violation of this Act.

17 2. The finance charge, calculated according to the actuarial meth-
18 od, may not exceed fifteen percent per year on the unpaid balances of
19 the amount financed.

20 3. This section does not limit or restrict the manner of calculating
21 the finance charge whether by way of add-on, discount, or otherwise,
22 so long as the rate of the finance charge does not exceed that per-
23 mitted by this section. If the sale is a precomputed consumer credit
24 transaction, the finance charge may be calculated on the assumption
25 that all scheduled payments will be made when due, and the effect of
26 prepayment is governed by the provisions on rebate upon prepayment
27 contained in section two point five hundred ten (2.510) of this Act.

28 4. For the purposes of this section, the term of a sale agreement
29 commences with the date the credit is granted or, if goods are de-
30 livered or services performed ten days or more after that date, with
31 the date of commencement of delivery or performance. Any month
32 may be counted as one-twelfth of a year, but a day is counted as one-
33 three hundred sixty-fifth of a year. Subject to classifications and dif-
34 ferentiations the seller may reasonably establish, a part of a month
35 in excess of fifteen days may be treated as a full month if periods
36 of fifteen days or less are disregarded and that procedure is not
37 consistently used to obtain a greater yield than would otherwise be
38 permitted. The administrator may adopt rules not inconsistent with
39 the Truth in Lending Act with respect to treating as regular other
40 minor irregularities in amount or time.

41 5. Subject to classifications and differentiations the seller may rea-
42 sonably establish, he may make the same finance charge on all
43 amounts financed within a specified range. A finance charge so made
44 does not violate subsection two (2) of this section if both of the fol-
45 lowing are applicable:

46 a. When applied to the median amount within each range, it does
47 not exceed the maximum rate permitted by subsection one (1) of this
48 section.

49 b. When applied to the lowest amount within each range, it does
50 not produce a rate of finance charge exceeding the rate calculated ac-
51 cording to paragraph a of this subsection by more than eight percent
52 of the rate calculated according to paragraph a of this subsection.

53 6. Regardless of subsection two (2) of this section, the seller may
54 contract for and receive a minimum finance charge of not more than
55 five dollars when the amount financed does not exceed seventy-five
56 dollars, or seven dollars and fifty cents when the amount financed ex-
57 ceeds seventy-five dollars.

1 **SEC. 2.202. NEW SECTION. Finance charge for consumer credit**
2 **sales pursuant to open end credit.**

3 1. With respect to a consumer credit sale made pursuant to open
4 end credit, a creditor may contract for and receive a finance charge
5 not exceeding that permitted in this section.

6 2. For each billing cycle, a charge may be made which is a percent-
7 age of an amount not exceeding the greatest of the following:

8 a. The average daily balance of the open end account in the billing
9 cycle for which the charge is made, which is the sum of the amount

10 unpaid each day during that cycle, divided by the number of days in
 11 that cycle. The amount unpaid on a day is determined by adding to
 12 the balance, if any, unpaid as of the beginning of that day all pur-
 13 chases and other debits and deducting all payments and other credits
 14 made or received as of that day.

15 b. The balance of the open end account at the beginning of the
 16 first day of the billing cycle, after deducting all payments and credits
 17 made in the cycle except credits attributable to purchases charged to
 18 the account during the cycle.

19 c. The median amount within a specified range including the bal-
 20 ance of the open end account not exceeding that permitted by para-
 21 graph a or b of this subsection. A charge may be made pursuant to
 22 this paragraph only if the creditor, subject to classifications and dif-
 23 ferentiations he may reasonably establish, makes the same charge
 24 on all balances within the specified range and if the percentage when
 25 applied to the median amount within the range does not produce a
 26 charge exceeding the charge resulting from applying that percentage
 27 to the lowest amount within the range by more than eight percent
 28 of the charge on the median amount.

29 3. If the billing cycle is monthly, the charge may not exceed an
 30 amount equal to one and one-half percent of that part of the maxi-
 31 mum amount pursuant to subsection two (2) of this section which is
 32 five hundred dollars or less and one and one-fourth percent of that
 33 part of the maximum amount which is more than five hundred dol-
 34 lars. If the billing cycle is not monthly, the maximum charge for
 35 the billing cycle shall bear the same relation to the applicable monthly
 36 maximum charge as the number of days in the billing cycle bears to
 37 three hundred sixty-five divided by twelve. A billing cycle is monthly
 38 if the closing date of the cycle is the same date each month or does
 39 not vary by more than four days from the regular date.

40 4. If the charge determined pursuant to subsection three (3) of
 41 this section is less than fifty cents, a charge may be made which does
 42 not exceed fifty cents if the billing cycle is monthly or longer, or the
 43 pro rata part of fifty cents which bears the same relation to fifty
 44 cents as the number of days in the billing cycle bears to three hun-
 45 dred sixty-five divided by twelve if the billing cycle is shorter
 46 than monthly.

PART 3

CONSUMER LOANS: SUPERVISED LOANS

- 1 SEC. 2.301. NEW SECTION. Authority to make supervised loans.
 2 1. As used in this part, "licensing authority" means the agency
 3 designated in chapter five hundred twenty-four (524), five hundred
 4 thirty-three (533), five hundred thirty-four (534), five hundred
 5 thirty-six (536), or five hundred thirty-six A (536A) of the Code to
 6 issue licenses or otherwise authorize the conduct of business pursu-
 7 ant to the respective chapter or this Act, and "licensee" includes any
 8 person subject to regulation by a licensing authority. "License" in-
 9 cludes the authorization, of whatever form, to engage in the conduct
 10 regulated under those chapters.
 11 2. A person who is not authorized to make supervised loans as pro-
 12 vided herein shall not engage in the business of making supervised
 13 loans or undertaking direct collection of payments from or enforce-

14 ment of rights against consumers arising from supervised loans, but
15 he may collect and enforce for three months without a license if he
16 promptly applies for a license and his application has not been denied.

17 3. The following persons are authorized to make supervised loans:

18 a. A person which is a supervised financial organization.

19 b. A person which has obtained a license pursuant to either chap-
20 ter five hundred thirty-six (536) or five hundred thirty-six A (536A)
21 of the Code.

22 c. A person which enters into less than ten supervised loans per
23 year in this state and has neither an office physically located in this
24 state nor engages in face to face solicitation in this state.

25 4. This section shall not affect dollar amount, purpose, or rate of
26 finance charge restrictions imposed by any statute of this state or
27 of the United States with respect to which a person is authorized to
28 make loans at a rate of finance charge in excess of that permitted by
29 chapter five hundred thirty-five (535) of the Code or pursuant to
30 which a person is licensed.

1 SEC. 2.302. Reserved for future use.

1 SEC. 2.303. NEW SECTION. **Revocation or suspension of license.**

2 1. The licensing authority may issue to a person subject to regu-
3 lation by that authority an order to show cause why the person's
4 license with respect to one or more specific places of business should
5 not be suspended for a period not in excess of six months, or revoked.
6 The order shall set the place for a hearing and set a time for the
7 hearing that is not less than ten days from the date of the order.
8 After the hearing, if the licensing authority finds that the licensee
9 has intentionally violated this Act, or any rule or order made pur-
10 suant to law, including an order of discontinuance, or if facts or con-
11 ditions exist which would clearly have justified the licensing author-
12 ity in refusing to grant a license for that place or those places of
13 business had these facts or conditions been known to exist at the time
14 the application for the license was made, he shall revoke or suspend
15 the license or, if there are mitigating circumstances, may accept an
16 assurance of discontinuance as provided in section six point one hun-
17 dred nine (6.109) of this Act, and allow retention of the license.

18 2. No revocation or suspension of a license is lawful unless prior
19 to institution of proceedings by the licensing authority notice is
20 given to the licensee of the facts or conduct which warrant the in-
21 tended action, and the licensee is given an opportunity to show com-
22 pliance with all lawful requirements for retention of the license.

23 3. If the licensing authority finds that probable cause for revoca-
24 tion of a license exists and that enforcement of the law requires im-
25 mediate suspension of the license pending investigation, he may,
26 after a hearing upon five days' written notice, enter an order sus-
27 pending the license for not more than thirty days.

28 4. Whenever the licensing authority revokes or suspends a license,
29 he shall enter an order to that effect and forthwith notify the licen-
30 see of the revocation or suspension. Within five days after the entry
31 of the order he shall deliver to the licensee a copy of the order and
32 the findings supporting the order.

33 5. Any person holding a license to make supervised loans may re-
34 linquish the license by notifying the licensing authority in writing

35 of its relinquishment, but this relinquishment does not affect his lia-
36 bility for acts previously committed.

37 6. No revocation, suspension, or relinquishment of a license im-
38 pairs or affects the obligation of any preexisting lawful contract be-
39 tween the licensee and any consumer.

40 7. The licensing authority may reinstate a license, terminate a
41 suspension, or grant a new license to a person whose license has been
42 revoked or suspended if no fact or condition then exists which clearly
43 would justify the licensing authority in refusing to grant a license.

1 SEC. 2.304. NEW SECTION. **Records—annual reports.**

2 1. Every licensee shall maintain records in conformity with gen-
3 erally accepted accounting principles and practices in a manner that
4 will enable the licensing authority to determine whether the licensee
5 is complying with the provisions of law. The record keeping system
6 of a licensee is sufficient if he makes the required information reason-
7 ably available. The records need not be kept in the place of business
8 where supervised loans are made, if the licensing authority is given
9 free access to the records wherever located.

10 2. On or before April fifteenth each year every licensee shall file
11 with the licensing authority a composite annual report in the form
12 prescribed by that authority relating to all supervised loans made by
13 him. The licensing authority shall consult with comparable officials
14 in other states for the purpose of making the kinds of information
15 required in annual reports uniform among the states. Information
16 contained in annual reports shall be confidential and may be pub-
17 lished only in composite form. The licensing authority shall assess
18 against a licensee who fails to file the prescribed report on or before
19 April fifteenth a penalty of ten dollars for each day the report is over-
20 due, up to a maximum of thirty days. When an annual report is
21 overdue for more than thirty days, the licensing authority may insti-
22 tute proceedings under section two point three hundred three (2.303)
23 of this Act for revocation of the licenses held by the licensee.

1 SEC. 2.305. NEW SECTION. **Examinations and investigations.**

2 1. For the purpose of discovering violations of this Act or secur-
3 ing information lawfully required, the licensing authority shall ex-
4 amine periodically at intervals he deems appropriate, but not less
5 than annually, the loans, business, and records of every licensee, ex-
6 cept a licensee which has no office physically located in this state and
7 engages in no face to face solicitation in this state. In addition, the
8 licensing authority may at any time investigate the loans, business,
9 and records of any lender. For these purposes the licensing author-
10 ity shall be given free and reasonable access to the offices, places of
11 business, and records of the lender.

12 2. If the lender's records are located outside this state, the lender
13 at his option shall make them available to the licensing authority at
14 a convenient location within this state, or pay the reasonable and nec-
15 essary expenses for the licensing authority or his representative to
16 examine them at the place where they are maintained. The licen-
17 sing authority may designate representatives, including comparable
18 officials of the state in which the records are located, to inspect them
19 on his behalf.

20 3. For the purposes of this section, the licensing authority may
 21 administer oaths or affirmations, and upon his own motion or upon
 22 request of any party may subpoena witnesses, compel their attend-
 23 ance, adduce evidence, and require the production of any matter
 24 which is relevant to the investigation, including the existence, de-
 25 scription, nature, custody, condition, and location of any books, docu-
 26 ments, or other tangible things and the identity and location of per-
 27 sons having knowledge of relevant facts, or any other matter reason-
 28 ably calculated to lead to the discovery of admissible evidence.

29 4. Upon failure without lawful excuse to obey a subpoena or to
 30 give testimony and upon reasonable notice to all persons affected
 31 thereby, the licensing authority may apply to the district court for
 32 an order compelling compliance.

1 SEC. 2.306. Reserved for future use.

1 SEC. 2.307. NEW SECTION. **Restrictions on interest in land as**
 2 **security.** With respect to a supervised loan in which the rate of
 3 finance charge is in excess of fifteen percent computed according to
 4 the actuarial method, and the amount financed is two thousand dol-
 5 lars or less, a lender may not contract for a security interest in real
 6 property used as a residence for the consumer or his dependents. A
 7 security interest taken in violation of this section is void.

1 SEC. 2.308. NEW SECTION. **Regular schedule of payments—max-**
 2 **imum loan term.** Supervised loans, not made pursuant to open end
 3 credit and in which the amount financed is one thousand dollars or
 4 less, shall be scheduled to be payable in substantially equal install-
 5 ments at substantially equal periodic intervals except to the extent
 6 that the schedule of payments is adjusted to the seasonal or irregu-
 7 lar income of the debtor, and over a period of not more than thirty-
 8 seven months if the amount financed is more than three hundred dol-
 9 lars, or over a period of not more than twenty-five months if the
 10 amount financed is three hundred dollars or less.

1 SEC. 2.309. NEW SECTION. **No other business for purpose of**
 2 **evasion.** A lender may not carry on other business for the purpose
 3 of evasion or violation of this Act at a location where he makes su-
 4 pervised loans.

1 SEC. 2.310. NEW SECTION. **Conduct of business other than mak-**
 2 **ing loans.**

3 1. Except as provided in subsection two (2) of this section, a
 4 licensee authorized to make supervised loans pursuant to section two
 5 point three hundred one (2.301) of this Act may not engage in the
 6 business of selling or leasing tangible goods at a location where super-
 7 vised loans are made. In this section, "location" means the entire
 8 space in which supervised loans are made and the location must be
 9 separated from any space where goods are sold or leased by walls
 10 which may be broken only by a passageway to which the public is
 11 not admitted.

12 2. This section does not apply to:

13 a. Occasional sales of property used in the ordinary course of busi-
 14 ness of the licensee.

15 b. Sales of items of collateral of which the licensee has taken pos-
 16 session.

17 c. Sales of items by a licensee who is also authorized by law to
18 operate as a pawnbroker.

PART 4

CONSUMER LOANS: MAXIMUM FINANCE CHARGES

1 SEC. 2.401. NEW SECTION. Finance charge for consumer loans
2 not pursuant to open end credit.

3 1. Except as provided with respect to a finance charge for loans
4 pursuant to open end credit under section two point four hundred two
5 (2.402) of this Act, a lender may contract for and receive a finance
6 charge not exceeding the maximum charge permitted by the laws of
7 this state or of the United States for similar lenders, and, in addition,
8 with respect to a consumer loan not secured by a first lien on a
9 dwelling of the debtor given to finance the acquisition of that dwelling,
10 a supervised financial organization may contract for and receive
11 a finance charge, calculated according to the actuarial method, not
12 exceeding fifteen percent per year on the unpaid balance of the
13 amount financed.

14 2. This section does not limit or restrict the manner of calculating
15 the finance charge, whether by way of add-on, discount, or otherwise,
16 so long as the rate of the finance charge does not exceed that permitted
17 by this section or the laws of this state or of the United States.
18 The finance charge permitted by this section or the laws of this state
19 or of the United States may be calculated by determining the single
20 annual percentage rate as required to be disclosed to the consumer
21 pursuant to section three point two hundred one (3.201) of this Act
22 which, when applied according to the actuarial method to the unpaid
23 balances of the amount financed, will yield the finance charge for that
24 transaction which would result from applying any graduated rates
25 permitted by this section or the laws of this state or of the United
26 States to the transaction on the assumption that all scheduled payments
27 will be made when due. If the loan is a precomputed consumer
28 credit transaction, the finance charge may be calculated on the assumption
29 that all scheduled payments will be made when due, and the effect
30 of prepayment is governed by section two point five hundred
31 ten (2.510) of this Act.

32 3. Except as provided in subsection five (5) of this section, the
33 term of a loan for the purposes of this section commences on the
34 date the loan is made. Any month may be counted as one-twelfth of
35 a year but a day is counted as one-three hundred sixty-fifth of a year.
36 Subject to classifications and differentiations the lender may reasonably
37 establish, a part of a month in excess of fifteen days may be treated
38 as a full month if periods of fifteen days or less are disregarded and
39 that procedure is not consistently used to obtain a greater yield than
40 would otherwise be permitted. The administrator may adopt rules
41 not inconsistent with the Truth in Lending Act with respect to treating
42 as regular other minor irregularities in amount or time.

43 4. Subject to classifications and differentiations the lender may
44 reasonably establish, he may make the same finance charge on all
45 amounts financed within a specified range. A finance charge so made
46 does not violate subsection one (1) of this section, if both of the following
47 are applicable:

48 a. When applied to the median amount within each range, it does
49 not exceed the maximum permitted by that subsection.

50 b. When applied to the lowest amount within each range, it does
51 not produce a rate of finance charge exceeding the rate calculated ac-
52 cording to paragraph a of this subsection by more than eight percent
53 of the rate calculated according to paragraph a of this subsection.

54 5. With respect to an insurance premium loan, the term of the loan
55 commences on the earliest inception date of a policy or contract of
56 insurance for which the premium is financed.

1 SEC. 2.402. NEW SECTION. Finance charge for consumer loans
2 pursuant to open end credit.

3 1. If authorized to make supervised loans, a creditor may contract
4 for and receive a finance charge with respect to a loan pursuant to
5 open end credit not exceeding that permitted in this section.

6 2. For each billing cycle, a charge may be made which is a percent-
7 age of an amount not exceeding the greatest of the following:

8 a. The average daily balance of the open end account in the billing
9 cycle for which the charge is made, which is the sum of the amount
10 unpaid each day during that cycle, divided by the number of days
11 in that cycle. The amount unpaid on a day is determined by adding
12 to the balance, if any, unpaid as of the beginning of that day all pur-
13 chases and other debits and deducting all payments and other credits
14 made or received as of that day.

15 b. The balance of the open end account at the beginning of the
16 first day of the billing cycle, after deducting all payments and credits
17 made in the cycle except credits attributable to purchases charged to
18 the account during the cycle.

19 c. The median amount within a specified range including the bal-
20 ance of the open end account not exceeding that permitted by para-
21 graph a or b of this subsection. A charge may be made pursuant to
22 this paragraph only if the organization, subject to classifications and
23 differentiations it may reasonably establish, makes the same charge
24 on all balances within the specified range and if the percentage when
25 applied to the median amount within the range does not produce a
26 charge exceeding the charge resulting from applying that percentage
27 to the lowest amount within the range by more than eight percent
28 of the charge on the median amount.

29 3. If the billing cycle is monthly, the charge may not exceed an
30 amount equal to one and one-half percent of that part of the maxi-
31 mum amount pursuant to subsection two (2) of this section which is
32 five hundred dollars or less and one and one-fourth percent of that
33 part of the maximum amount which is more than five hundred dol-
34 lars. If the billing cycle is not monthly, the maximum charge for
35 the billing cycle shall bear the same relation to the applicable monthly
36 maximum charge as the number of days in the billing cycle bears to
37 three hundred sixty-five divided by twelve. A billing cycle is monthly
38 if the closing date of the cycle is the same date each month or does not
39 vary by more than four days from the regular date.

40 4. If the charge determined pursuant to subsection three (3) of
41 this section is less than fifty cents, a charge may be made which does
42 not exceed fifty cents if the billing cycle is monthly or longer, or the
43 pro rata part of fifty cents which bears the same relation to fifty
44 cents as the number of days in the billing cycle bears to three hun-

45 dred sixty-five divided by twelve if the billing cycle is shorter than
46 monthly.

PART 5

CONSUMER CREDIT TRANSACTIONS:
OTHER CHARGES AND MODIFICATIONS

1 SEC. 2.501. NEW SECTION. Additional charges.

2 1. In addition to the finance charge permitted by parts two (2)
3 and four (4) of this article, a creditor may contract for and receive
4 the following additional charges:

5 a. Official fees and taxes.

6 b. Charges for insurance as described in subsection two (2) of
7 this section.

8 c. Amounts actually paid or to be paid by the creditor for regis-
9 tration, certificate of title, or license fees.

10 d. Annual charges, payable in advance, for the privilege of using a
11 credit card which entitles the cardholder to purchase or lease goods
12 or services from at least one hundred persons not related to the card
13 issuer, under an arrangement pursuant to which the debts resulting
14 from the purchases or leases are payable to the card issuer.

15 e. With respect to a debt secured by an interest in land, the fol-
16 lowing "closing costs," provided they are bona fide, reasonable in
17 amount, and not for the purpose of circumvention or evasion of this
18 Act:

19 (1) Fees or premiums for title examination, abstract of title, title
20 insurance, or similar purposes including surveys.

21 (2) Fees for preparation of a deed, settlement statement, or other
22 documents, if not paid to the creditor or a person related to the
23 creditor.

24 (3) Escrows for future payments of taxes, including assessments
25 for improvements, insurance and water, sewer and land rents.

26 (4) Fees for notarizing deeds and other documents, if not paid to
27 the creditor or a person related to the creditor.

28 f. Charges for other benefits, including insurance, conferred on the
29 consumer, if the benefits are of value to him and if the charges are
30 reasonable in relation to the benefits, are of a type which is not for
31 credit, and are authorized as permissible additional charges by rule
32 adopted by the administrator.

33 2. An additional charge may be made for insurance written in con-
34 nection with the transaction, as follows:

35 a. With respect to insurance against loss of or damage to property,
36 or against liability arising out of the ownership or use of property, if
37 the creditor furnishes a clear, conspicuous and specific statement in
38 writing to the consumer setting forth the cost of the insurance if
39 obtained from or through the creditor and stating that the consumer
40 may choose the person through whom the insurance is to be obtained.

41 b. With respect to consumer credit insurance providing life, acci-
42 dent, or health coverage, if the insurance coverage is not required by
43 the creditor, and this fact is clearly and conspicuously disclosed in
44 writing to the consumer, and if, in order to obtain the insurance in
45 connection with the extension of credit, the consumer gives specific
46 dated and separately signed affirmative written indication of his de-
47 sire to do so after written disclosure to him of the cost.

1 **SEC. 2.502. NEW SECTION. Delinquency charges.**

2 1. With respect to a precomputed consumer credit transaction, the
3 parties may contract for a delinquency charge on any installment not
4 paid in full within ten days after its due date, as originally scheduled
5 or as deferred, in an amount not exceeding the greater of either of
6 the following:

7 a. One and one-half percent of the unpaid amount of the install-
8 ment, or a maximum of five dollars.

9 b. The deferral charge that would be permitted to defer the unpaid
10 amount of the installment for the period that it is delinquent.

11 2. A delinquency charge under paragraph a of subsection one (1)
12 of this section may be collected only once on an installment however
13 long it remains in default. No delinquency charge may be collected
14 with respect to a deferred installment unless the installment is not
15 paid in full within ten days after its deferred due date. A delin-
16 quency charge may be collected at the time it accrues or at any time
17 afterward.

18 3. No delinquency charge may be collected under paragraph a of
19 subsection one (1) of this section on an installment which is paid in
20 full within ten days after its scheduled or deferred installment due
21 date even though an earlier maturing installment or a delinquency
22 or deferral charge on an earlier installment may not have been paid
23 in full. For purposes of this subsection payments are applied first to
24 current installments and then to delinquent installments.

1 **SEC. 2.503. NEW SECTION. Deferral charges.**

2 1. Before or after default in payment of a scheduled installment of
3 a precomputed consumer credit transaction, the parties to the trans-
4 action may agree in writing to a deferral of all or part of one or
5 more unpaid installments and the creditor may make at the time of
6 deferral and receive at that time or at any time thereafter a deferral
7 charge which is not in excess of one and one-half percent per month
8 for the period of time for which it is deferred, but not to exceed the
9 rate of finance charge which was required to be disclosed in the
10 transaction to the consumer pursuant to section three point two hun-
11 dred one (3.201) of this Act applied to each amount deferred for the
12 period for which it is deferred. In computing a deferral charge for
13 one or more months, any month may be counted as one-twelfth of a
14 year and in computing a deferral charge for part of a month, a day
15 shall be counted as one three hundred sixty-fifth of a year.

16 2. In addition to the deferral charge permitted by this section, a
17 creditor may make and receive appropriate additional charges as
18 permitted under section two point five hundred one (2.501) of this
19 Act, and the amount of these charges which is not paid may be added
20 to the amount deferred for the purpose of computing the deferral
21 charge according to subsection one (1) of this section.

22 3. The parties may agree in writing at the time of a precomputed
23 consumer credit transaction that if an installment is not paid within
24 ten days after its due date, the creditor may unilaterally grant a de-
25 ferral and make charges as provided in this section. No deferral
26 charge may be made for a period after the date that the creditor
27 elects to accelerate the maturity of the transaction.

28 4. A delinquency charge made by the creditor on an installment
29 may not be retained if a deferral charge is made pursuant to this
30 section with respect to the period of delinquency.

1 SEC. 2.504. NEW SECTION. **Finance charge on refinancing.** With
2 respect to a consumer credit transaction in which the rate of finance
3 charge required to be disclosed in the transaction pursuant to section
4 three point two hundred one (3.201) of this Act does not exceed eigh-
5 teen percent per year, other than a consumer lease, the creditor may,
6 by agreement with the consumer, refinance the unpaid balance and
7 may contract for and receive a finance charge based on the amount
8 financed resulting from the refinancing at a rate not exceeding that
9 permitted by the provisions on finance charge for consumer credit
10 sales other than open end credit in section two point two hundred
11 one (2.201) of this Act if a consumer credit sale is refinanced, the
12 provisions on finance charge for a consumer loan other than a super-
13 vised loan in section two point four hundred one (2.401), subsection
14 one (1) of this Act, or the provisions on finance charge for a super-
15 vised loan not pursuant to open end credit in section two point four
16 hundred one (2.401), subsection two (2) of this Act, as applicable,
17 if a consumer loan is refinanced. With respect to a consumer credit
18 transaction in which the rate of finance charge required to be dis-
19 closed in the transaction to the consumer pursuant to section three
20 point two hundred one (3.201) of this Act exceeds eighteen percent
21 per year, other than a consumer lease, the creditor may by agree-
22 ment with the consumer, refinance the unpaid balance and may con-
23 tract for and receive a finance charge based on the amount financed
24 resulting from the refinancing at a rate of finance charge not to ex-
25 ceed that which was required to be disclosed in the original transac-
26 tion to the consumer pursuant to section three point two hundred one
27 (3.201) of this Act. For the purpose of determining the finance
28 charge permitted, the amount financed resulting from the refinancing
29 consists of:

30 1. If the transaction was not precomputed, the total of the unpaid
31 balance of the amount financed and the accrued charges, including
32 finance charges, on the date of the refinancing, or, if the transaction
33 was precomputed, the amount determined by deducting the unearned
34 portion of the finance charge and any other unearned charges, in-
35 cluding charges for insurance or deferral charges, from the unpaid
36 balance on the date of refinancing. For the purposes of this section,
37 the unearned portion of the finance charge and deferral charge, if
38 any, shall be determined as provided in section two point five hun-
39 dred ten (2.510), subsection two (2) of this Act, but without allow-
40 ing any minimum charge.

41 2. Appropriate additional charges as permitted under section two
42 point five hundred one (2.501) of this Act, payment of which is de-
43 ferred.

1 SEC. 2.505. NEW SECTION. **Finance charge on consolidation.**

2 1. In this section, "consumer credit transaction" does not include a
3 consumer lease.

4 2. If a consumer owes an unpaid balance to a creditor with respect
5 to a consumer credit transaction and becomes obligated on another
6 consumer credit transaction with the same creditor, the parties may

7 agree to a consolidation resulting in a single schedule of payments. If
8 the previous consumer credit transaction was not precomputed, the
9 parties may agree to add the unpaid amount of the amount financed
10 and accrued charges including finance charges on the date of consoli-
11 dation to the amount financed with respect to the subsequent con-
12 sumer credit transaction. If the previous consumer credit transac-
13 tion was precomputed, the parties may agree to refinance the un-
14 paid balance pursuant to section two point five hundred four (2.504)
15 of this Act, and to consolidate the amount financed resulting from
16 the refinancing by adding it to the amount financed with respect to
17 the subsequent consumer credit transaction. In either case the cred-
18 itor may contract for and receive a finance charge as provided in sub-
19 section three (3) of this section, based on the aggregate amount
20 financed resulting from the consolidation.

21 3. If all debts consolidated arise exclusively from consumer loans,
22 the creditor may contract for and receive the finance charge per-
23 mitted by the provisions on finance charge for consumer loans pur-
24 suant to section two point four hundred one (2.401) of this Act. If
25 the debts consolidated include a debt arising from a consumer credit
26 sale, including a transaction pursuant to a lender credit card, the
27 amount of the finance charge is governed by the provisions on finance
28 charge for consumer credit sales in section two point two hundred
29 one (2.201) of this Act.

30 4. If a consumer owes an unpaid balance to a creditor with respect
31 to a consumer credit transaction arising out of a consumer credit sale,
32 and becomes obligated on another consumer credit transaction arising
33 out of another consumer credit sale by the same seller, the parties
34 may agree to a consolidation resulting in a single schedule of pay-
35 ments either pursuant to subsection two (2) of this section or by add-
36 ing together the unpaid balances with respect to the two sales.

1 **SEC. 2.506. NEW SECTION. Advances to perform covenants of**
2 **consumer.**

3 1. If the agreement with respect to a consumer credit transaction
4 other than a consumer lease contains covenants by the consumer to
5 perform certain duties pertaining to insuring or preserving collateral
6 and the creditor pursuant to the agreement pays for performance of
7 the duties on behalf of the consumer, he may add the amounts paid
8 to the debt. Within a reasonable time after advancing any sums, he
9 shall state to the consumer in writing the amount of the sums ad-
10 vanced, any charges with respect to this amount, and any revised pay-
11 ment schedule and, if the duties of the consumer performed by the
12 creditor pertain to insurance, a brief description of the insurance
13 paid for by the creditor including the type and amount of coverages.
14 No further information need be given.

15 2. A finance charge may be made for sums advanced pursuant to
16 subsection one (1) of this section at a rate not exceeding the rate of
17 finance charge required to be stated to the consumer pursuant to
18 law in the disclosure statement required by this Act and the Truth
19 in Lending Act, except that with respect to open end credit the
20 amount of the advance may be added to the unpaid balance of the
21 debt and the creditor may make a finance charge not exceeding that

22 permitted by section two point two hundred two (2.202) or two point
23 four hundred two (2.402) of this Act, as applicable.

1 **SEC. 2.507. NEW SECTION. Attorney's fees.** With respect to a
2 consumer credit transaction, the agreement may not provide for the
3 payment by the consumer of attorney's fees. A provision in violation
4 of this subsection is unenforceable.

1 **SEC. 2.508. NEW SECTION. Conversion to open end credit.** The
2 parties may agree at or within ten days prior to the time of conver-
3 sion to add the unpaid balance of a consumer credit transaction,
4 other than a consumer lease, not made pursuant to open end credit
5 to the consumer's open end credit account with the creditor. The un-
6 paid balance so added is an amount equal to the amount financed
7 determined according to the provisions on finance charge on refinanc-
8 ing under section two point five hundred four (2.504) of this Act.

1 **SEC. 2.509. NEW SECTION. Right to prepay.** Subject to the pro-
2 visions on prepayment and minimum charge under section two point
3 five hundred ten (2.510) of this Act, the consumer may prepay in full
4 the unpaid balance of a consumer credit transaction, other than a
5 consumer lease, at any time.

1 **SEC. 2.510. NEW SECTION. Rebate upon prepayment.**

2 1. Except as provided in this section, upon prepayment in full of
3 a precomputed consumer credit transaction, the creditor shall rebate
4 to the consumer an amount not less than the amount of rebate pro-
5 vided in paragraph a of subsection two (2) of this section, or rede-
6 termine the earned finance charge as provided in paragraph b of sub-
7 section two (2) of this section, and rebate any other unearned
8 charges including charges for insurance. If the rebate otherwise re-
9 quired is less than one dollar, no rebate need be made.

10 2. The amount of rebate and the redetermined earned finance
11 charge shall be as follows:

12 a. The amount of rebate shall be determined by applying the rate
13 of finance charge which was required to be disclosed in the transac-
14 tion pursuant to section three point two hundred one (3.201) of this
15 Act, according to the actuarial method,

16 (1) If no deferral charges have been made in a transaction, to the
17 unpaid balances and time remaining as originally scheduled for the
18 period following prepayment.

19 (2) If a deferral charge has been made, to the unpaid balances and
20 time remaining as deferred for the period following prepayment.

21 The time remaining for the period following prepayment shall be
22 either the full days following the prepayment; or both the full days,
23 counting the date of prepayment, between the prepayment date and
24 the end of the computational period in which the prepayment occurs,
25 and the full computational periods following the date of prepayment
26 to the scheduled due date of the final installment of the transaction.

27 b. The redetermined earned finance charge shall be determined by
28 applying, according to the actuarial method, the rate of finance
29 charge which was required to be disclosed in the transaction pursu-
30 ant to section three point two hundred one (3.201) of this Act to the
31 actual unpaid balances of the amount financed for the actual time the
32 unpaid balances were outstanding as of the date of prepayment. Any

33 delinquency or deferral charges collected before the date of prepay-
 34 ment shall be applied to reduce the amount financed as of the date
 35 collected.

36 3. Upon prepayment, but not otherwise, of a consumer credit trans-
 37 action whether or not precomputed, other than a consumer lease or
 38 one pursuant to open end credit:

39 a. If the prepayment is in full, the creditor may collect or retain
 40 a minimum charge not exceeding five dollars in a transaction which
 41 had an amount financed of seventy-five dollars or less, or not exceed-
 42 ing seven dollars and fifty cents in a transaction which had an amount
 43 financed of more than seventy-five dollars, if the minimum charge
 44 was contracted for, and the finance charge earned at the time of pre-
 45 payment is less than the minimum charge contracted for.

46 b. If the prepayment is in part, the creditor may not collect or re-
 47 tain a minimum charge.

48 4. For the purposes of this section, the following defined terms
 49 apply:

50 a. "Computational period" means the interval between scheduled
 51 due dates of installments under the transaction if the intervals are
 52 substantially equal or, if the intervals are not substantially equal,
 53 one month if the smallest interval between the scheduled due dates
 54 of installments under the transaction is one month or more, and
 55 otherwise one week.

56 b. The "interval" between specified dates means the interval be-
 57 tween them including one or the other but not both of them. If the
 58 interval between the date of a transaction and the due date of the
 59 first scheduled installment does not exceed one month by more than
 60 fifteen days when the computational period is one month, or eleven
 61 days when the computational period is one week, the interval may be
 62 considered by the creditor as one computational period.

63 5. This section does not preclude the collection or retention by
 64 the creditor of delinquency charges under section two point five hun-
 65 dred two (2.502) of this Act.

66 6. If the maturity is accelerated for any reason and judgment is ob-
 67 tained, the consumer is entitled to the same rebate as if payment had
 68 been made on the date maturity is accelerated.

69 7. Upon prepayment in full of a precomputed consumer credit
 70 transaction by the proceeds of consumer credit insurance, the con-
 71 sumer or his estate is entitled to the same rebate as though the con-
 72 sumer had prepaid the agreement on the date the proceeds of the
 73 insurance are paid to the creditor, but no later than ten business days
 74 after satisfactory proof of loss is furnished to the creditor.

PART 6

OTHER CREDIT TRANSACTIONS

1 SEC. 2.601. NEW SECTION. Charges for other credit transac-
 2 tions.

3 1. Except as provided in subsection two (2) of this section, with
 4 respect to a credit transaction other than a consumer credit transac-
 5 tion, the parties may contract for the payment by the debtor of any
 6 finance or other charge as permitted by law. Except with respect to
 7 debt obligations issued by a government, governmental agency or
 8 instrumentality, in calculating any finance charge contracted for, any

9 month may be counted as one-twelfth of a year, but a day is to be
10 counted as one three-hundred sixty-fifth of a year.

11 2. With respect to a credit transaction which would be a consumer
12 credit transaction if a finance charge were made, a charge for delin-
13 quency may not exceed amounts allowed for finance charges for con-
14 sumer credit sales pursuant to open end credit.

ARTICLE 3

REGULATION OF AGREEMENTS AND PRACTICES

PART 1

GENERAL PROVISIONS

1 SEC. 3.101. NEW SECTION. **Short title.** This article shall be
2 known and may be cited as the Iowa Consumer Credit Code—Regula-
3 tion of Agreements and Practices.

1 SEC. 3.102. NEW SECTION. **Scope.** Part two (2) of this article
2 applies to disclosure with respect to consumer credit transactions,
3 and the provision in section three point two hundred one (3.201) of
4 this Act applies to a sale of an interest in land or a loan secured by
5 an interest in land, without regard to the rate of finance charge, if
6 the sale or loan is otherwise a consumer credit sale or consumer loan.
7 Parts three (3) and four (4) of this article apply, respectively, to
8 disclosure, limitations on agreements and practices, and limitations
9 on consumer's liability with respect to certain consumer credit trans-
10 actions. Part five (5) applies to home solicitation sales.

PART 2

DISCLOSURE

1 SEC. 3.201. NEW SECTION. **Compliance with Truth in Lending**
2 **Act.** A person upon whom the Truth in Lending Act imposes duties
3 or obligations shall make or give to the consumer the disclosures, in-
4 formation and notices required of him by that Act and in all respects
5 shall comply with that Act. To the extent the Truth in Lending Act
6 does not impose duties or obligations upon a person in a credit trans-
7 action, other than a consumer lease, which is a consumer credit trans-
8 action under this Act, the person shall make or give to the consumer
9 disclosures, information and notices in accordance with the Truth in
10 Lending Act, with respect to the credit transaction.

1 SEC. 3.202. NEW SECTION. **Consumer leases.**

2 1. With respect to a consumer lease the lessor shall give to the
3 consumer the following information:
4 a. Brief description or identification of the goods.
5 b. Amount of any payment required at the inception of the lease.
6 c. Amount paid or payable for official fees, registration, certificate
7 of title, or license fees or taxes.
8 d. Amount of other charges not included in the periodic payments
9 and a brief description of the charges.
10 e. Brief description of insurance to be provided or paid for by the
11 lessor, including the types and amounts of the coverages.
12 f. Except with respect to a consumer lease made pursuant to a
13 lender credit card, the number of periodic payments, the amount of
14 each payment, the due date of the first payment, the due dates of

15 subsequent payments or interval between payments, and the total
16 amount payable by the consumer.

17 g. Statement of the conditions under which the consumer may
18 terminate the lease prior to the end of the term.

19 h. Statement of the liabilities the lease imposes upon the consumer
20 at the end of the term.

21 2. The disclosures required by this section are subject to the fol-
22 lowing:

23 a. They shall be made clearly and conspicuously in writing, a copy
24 of which shall be delivered to the lessee.

25 b. They may be supplemented by additional information or expla-
26 nations supplied by the lessor but none shall be stated, utilized or
27 placed so as to mislead or confuse the lessee or contradict, obscure,
28 or detract attention from the information required to be disclosed
29 by this section.

30 c. They need be made only to the extent applicable.

31 d. They shall be made on the assumption that all scheduled pay-
32 ments will be made when due and will comply with this section, al-
33 though the assumption may be rendered inaccurate by an act, occur-
34 rence, or agreement subsequent to the required disclosure.

35 e. They shall be made before the lease transaction is consummated
36 but may be made in the lease to be signed by the lessee.

1 SEC. 3.203. NEW SECTION. Notice to consumer. The creditor
2 shall give to the consumer a copy of any writing evidencing a con-
3 sumer credit transaction, other than one pursuant to open end credit,
4 if the writing requires or provides for signature of the consumer.
5 The writing evidencing the consumer's obligation to pay under a
6 consumer credit transaction, other than one pursuant to open end
7 credit, shall contain a clear and conspicuous notice to the consumer
8 that he should not sign it before reading it, that he is entitled to a
9 copy of it, and, except in the case of a consumer lease, that he is en-
10 titled to prepay the unpaid balance at any time with such penalty
11 and minimum charges as the agreement and section two point five
12 hundred ten (2.510) of this Act may permit, and may be entitled to
13 receive a refund of unearned charges in accordance with law. The
14 following notices if clear and conspicuous comply with this section:

15 1. In all transactions to which this section applies:

16 NOTICE TO CONSUMER: 1. Do not sign this paper before you read
17 it. 2. You are entitled to a copy of this paper. 3. You may prepay
18 the unpaid balance at any time without penalty and may be entitled
19 to receive a refund of unearned charges in accordance with law.

20 2. In addition, in a transaction in which a minimum charge will
21 be collected or retained, the notice to consumer shall state "4. If you
22 prepay the unpaid balance, you may have to pay a minimum charge
23 not greater than seven dollars and fifty cents."

1 SEC. 3.204. NEW SECTION. Notice of assignment. A consumer
2 is authorized to pay the original creditor until he receives notification
3 of assignment of rights to payment pursuant to a consumer credit
4 transaction and that payment is to be made to the assignee. A noti-
5 fication which does not reasonably identify the rights assigned is in-
6 effective. If requested by the consumer, the assignee must season-

7 ably furnish reasonable proof that the assignment has been made and
8 unless he does so the consumer may pay the original creditor.

1 **SEC. 3.205. NEW SECTION. Change in terms of open end credit**
2 **accounts.**

3 1. Whether or not a change is authorized by prior agreement, a
4 creditor may make a change in the terms of an open end credit ac-
5 count applying to any balance incurred after the effective date of the
6 change only if either the consumer after receiving disclosure of the
7 change agrees to it in writing or the creditor delivers or mails to the
8 consumer two written disclosures of the change, the first at least
9 three months before the effective date of the change and the second
10 at a later time before the effective date of the change.

11 2. Unless authorized by a provision of this Act, no creditor shall
12 change the terms of an open end credit account, with respect to any
13 balance incurred before the effective date of the change, which re-
14 sults in an increase of the rate of the finance charge or other charge
15 or an increase in the amount of a periodic payment due, or which
16 otherwise adversely affects the interests of the consumer with re-
17 spect to such balance.

18 3. A disclosure provided for in subsection one (1) of this section
19 is mailed to the consumer when mailed to him at his address used
20 by the creditor for mailing him periodic billing statements.

21 4. If a creditor attempts to make a change in the terms of an open
22 end credit account without complying with this section, any addi-
23 tional cost or charge to the consumer resulting from the change is
24 an excess charge and is subject to the remedies available to the con-
25 sumer under section five point two hundred one (5.201) and to the
26 administrator under section six point one hundred thirteen (6.113)
27 of this Act.

1 **SEC. 3.206. NEW SECTION. Receipt — statements of account —**
2 **evidence of payment.**

3 1. The creditor shall deliver or mail to the consumer, without re-
4 quest, a written receipt for each payment by coin or currency on an
5 obligation pursuant to a consumer credit transaction. A periodic
6 statement for a computational period showing a payment received
7 by mail complies with this subsection.

8 2. Upon written request of a consumer, the person to whom an
9 obligation is owed pursuant to a consumer credit agreement shall pro-
10 vide a written statement of the dates and amounts of payments made
11 within the twelve months preceding the month in which the request
12 is received and the total amount unpaid as of the end of the period
13 covered by the statement. The statement shall be provided without
14 charge once during each year of the term of the obligation. If addi-
15 tional statements are requested the creditor may charge not in excess
16 of three dollars for each additional statement.

17 3. After a consumer has fulfilled all obligations with respect to a
18 consumer credit transaction, other than one pursuant to open end
19 credit, the person to whom the obligation was owed shall, upon re-
20 quest of the consumer, deliver or mail to the consumer written evi-
21 dence acknowledging payment in full of all obligations with respect
22 to the transaction.

1 SEC. 3.207. NEW SECTION. Form of insurance premium loan
 2 agreement. An agreement pursuant to which an insurance premium
 3 loan is made shall contain the names of the insurance agent or broker
 4 negotiating each policy or contract and of the insurer issuing each
 5 policy or contract, the number and inception date of, and premium
 6 for, each policy or contract, the date on which the term of the loan
 7 begins, and a clear and conspicuous notice that each policy or con-
 8 tract may be cancelled if payment is not made in accordance with
 9 the agreement. If a policy or contract has not been issued when the
 10 agreement is signed, the agreement may provide that the insurance
 11 agent or broker may insert the appropriate information in the agree-
 12 ment and, if he does so, shall furnish the information promptly in
 13 writing to the insured.

1 SEC. 3.208. NEW SECTION. Notice to co-signers and similar par-
 2 ties.

3 1. No natural person, other than the spouse of the consumer, is
 4 obligated as a co-signer, co-maker, guarantor, endorser, surety, or
 5 similar party with respect to a consumer credit transaction, unless
 6 before or contemporaneously with signing any separate agreement of
 7 obligation or any writing setting forth the terms of the debtor's
 8 agreement, the person receives a separate written notice that con-
 9 tains a completed identification of the debt he may have to pay and
 10 reasonably informs him of his obligation with respect to it.

11 2. A clear and conspicuous notice in substantially the following
 12 form complies with this section:

13 NOTICE

14 You agree to pay the debt identified below although you may not
 15 personally receive any property, services, or money. You may be
 16 sued for payment although the person who receives the property,
 17 services, or money is able to pay. This notice is not the contract
 18 that obligates you to pay the debt. Read the contract for the exact
 19 terms of your obligation.

20 IDENTIFICATION OF DEBT YOU MAY HAVE TO PAY

21 -----
 22 (Name of Debtor)

23 -----
 24 (Name of Creditor)

25 -----
 26 (Date)

27 -----
 28 (Kind of Debt)

29 I have received a copy of this notice.

30 -----
 31 (Date)

 (Signed)

32 3. The notice required by this section need not be given to a seller,
 33 lessor, or lender who is obligated to an assignee of his rights.

34 4. A person entitled to notice under this section shall also be given
 35 a copy of any writing setting forth the terms of the debtor's agree-
 36 ment and of any separate agreement of obligation signed by the
 37 person entitled to the notice.

1 **SEC. 3.209. NEW SECTION. Advertising.**

2 1. A seller, lessor, or lender shall not advertise, print, display, pub-
3 lish, distribute, utter or broadcast, or cause to be advertised, printed,
4 displayed, published, distributed, uttered or broadcast in any man-
5 ner, any false, misleading, or deceptive statement or representation
6 with regard to the rates, terms or conditions of credit with respect
7 to a consumer credit transaction.

8 2. Advertising that complies with the Truth in Lending Act does
9 not violate this section.

10 3. This section does not apply to the owner or personnel, as such,
11 of any medium in which an advertisement appears or through which
12 it is disseminated.

1 **SEC. 3.210. NEW SECTION. Prohibited statements relating to**
2 **rates.** A creditor shall not state the rate of a finance charge to a
3 consumer, in response to any inquiry, or in any advertisement, in the
4 form of an add-on or discount rate, or in any form other than the
5 rate calculated according to the actuarial method as a percent per
6 year on the unpaid balances of the amount financed, or the annual
7 percentage rate required to be disclosed under the Truth in Lending
8 Act.

1 **SEC. 3.211. NEW SECTION. Notice of consumer paper.** Every
2 note which is a negotiable instrument pursuant to section five hun-
3 dred fifty-four point three thousand one hundred four (554.3104) of
4 the Code taken in a consumer credit transaction, if the writing re-
5 quires or provides for a signature of the consumer, shall conspicu-
6 ously show on its face the following: "This is a consumer credit
7 transaction."

1 **SEC. 3.212. NEW SECTION. Notice of methods of financing and**
2 **rates.**

3 1. With respect to a consumer who has an open end credit account
4 with a creditor, and with respect to a creditor which offers to some
5 or all of its customers consumer credit sales of goods or services both
6 pursuant to open end credit and not pursuant to open end credit, that
7 creditor shall give written notice to that consumer of those alterna-
8 tive methods at the times provided in subsection three (3) of this sec-
9 tion. The notice shall be as provided in subsection two (2) of this
10 section.

11 2. The notice required by this section shall conspicuously state the
12 highest finance charge charged by that creditor to any consumer
13 within the last calendar year for each type of credit sale. Such
14 finance charge shall be stated as an annual percentage rate in such
15 form as is required pursuant to section three point two hundred one
16 (3.201) of this Act for each type of credit sale described in subsec-
17 tion one (1) of this section, and the terms of repayment for each
18 type of credit sale.

19 3. This section is complied with if notice is given at the following
20 times:

21 a. With respect to an existing open end credit account holder, in a
22 writing contained as a part of, or mailed with a periodic statement
23 mailed to the account holders and no less than once every six months.

24 b. With respect to a consumer not holding an existing open end
 25 credit account, if the written notice is presented to the person at the
 26 time of the consumer credit transaction, and thereafter as provided
 27 in paragraph a of this subsection.

PART 3

LIMITATIONS ON AGREEMENTS AND PRACTICES

1 SEC. 3.301. NEW SECTION. Security in consumer credit transac- 2 tions.

3 1. With respect to a consumer credit sale, a seller may take a secu-
 4 rity interest in the property sold. In addition, a seller may take a
 5 security interest in goods upon which services are performed or in
 6 which goods sold are installed or to which they are annexed, or in
 7 land to which the goods are affixed or which is maintained, repaired
 8 or improved as a result of the sale of the goods or services, if in the
 9 case of a security interest in land the amount financed is one thou-
 10 sand dollars or more, or in the case of a security interest in goods if
 11 either the amount financed is three hundred dollars or more, or if the
 12 goods are household goods, or motor vehicles used by a consumer, his
 13 dependents, or the family with which the consumer resides, as trans-
 14 portation to and from a place of employment, one hundred dollars or
 15 more. The seller may also take a security interest in property which
 16 is itemized in the security agreement, to secure the debt arising from
 17 a consumer credit sale primarily for an agricultural purpose. Except
 18 as provided with respect to cross-collateral under section three point
 19 three hundred two (3.302) of this Act, a seller may not otherwise
 20 take a security interest in property to secure the debt arising from
 21 a consumer credit sale.

22 2. With respect to a consumer lease other than a lease primarily
 23 for an agricultural purpose, a lessor may not take a security interest
 24 in property to secure the debt arising from the lease. This subsec-
 25 tion does not apply to a security deposit for a consumer lease.

26 3. With respect to a supervised loan, a lender may not take a secu-
 27 rity interest, other than a purchase money security interest, in the
 28 clothing, one dining table and set of chairs, one refrigerator, one
 29 heating stove, one cooking stove, one radio, beds and bedding, one
 30 couch, two living-room chairs, cooking utensils, or kitchenware used
 31 by the consumer, his dependents, or the family with which the con-
 32 sumer resides.

33 4. A security interest taken in violation of this section is void.

1 SEC. 3.302. NEW SECTION. Cross-collateral.

2 1. In addition to contracting for a security interest pursuant to the
 3 provisions on security in consumer credit transactions under section
 4 three point three hundred one (3.301) of this Act, a seller in a con-
 5 sumer credit sale may secure the debt arising from the sale by con-
 6 tracting for a security interest in other property if as a result of a
 7 prior sale the seller has an existing security interest in the other
 8 property. The seller may also contract for a security interest in the
 9 property sold in the subsequent sale as security for the previous debt.

10 2. If the seller contracts for a security interest in other property
 11 pursuant to this section, the rate of finance charge thereafter on the
 12 aggregate unpaid balances so secured may not exceed that permitted
 13 if the balances so secured were consolidated pursuant to the provi-

14 sions on finance charge on consolidation under section two point five
15 hundred five (2.505) of this Act. The seller has a reasonable time after
16 so contracting to make any adjustments required by this section.

1 **SEC. 3.303. NEW SECTION. Debt secured by cross-collateral.**

2 1. If debts arising from two or more consumer credit sales, other
3 than sales primarily for an agricultural purpose or pursuant to open
4 end credit, are secured by cross-collateral or consolidated into one
5 debt payable on a single schedule of payments, and the debt is se-
6 cured by security interests taken with respect to one or more of the
7 sales, payments received by the seller after the taking of the cross-
8 collateral or the consolidation are deemed, for the purpose of deter-
9 mining the amount of the debt secured by the various security inter-
10 ests, to have been first applied to the payment of the debts arising
11 from the sales first made. To the extent debts are paid according to
12 this section, security interests in items of property terminate as the
13 debt originally incurred with respect to each item is paid.

14 2. Payments received by the seller upon an open end credit ac-
15 count are deemed, for the purpose of determining the amount of the
16 debt secured by the various security interests, to have been applied
17 first to the payment of finance charges in the order of their entry to
18 the account and then to the payment of debts in the order in which
19 the entries to the account showing the debts were made.

20 3. If the debts consolidated arose from two or more sales made on
21 the same day, payments received by the seller are deemed, for the
22 purpose of determining the amount of the debt secured by the various
23 security interests, to have been applied first to the payment of the
24 smallest debt.

1 **SEC. 3.304. NEW SECTION. Use of multiple agreements.**

2 1. With respect to a sale or loan other than a supervised loan, a
3 creditor may not use multiple agreements in what is in substance a
4 single transaction, with intent to obtain a higher finance charge than
5 would otherwise be permitted by the provisions of article two (2) of
6 this Act.

7 2. With respect to a supervised loan, a lender may not use multiple
8 agreements with intent to obtain a higher finance charge than would
9 otherwise be permitted. For the purposes of this subsection, multiple
10 agreements are used if a lender allows any person, or husband and
11 wife, to become obligated in any way under more than one loan agree-
12 ment with the lender or with a person related to the lender.

13 3. The excess amount of finance charge obtained in violation of
14 this section is an excess charge for the purposes of the provisions on
15 rights of parties in section five point two hundred one (5.201) of this
16 Act and the provisions on civil actions by the administrator in sec-
17 tion six point one hundred thirteen (6.113) of this Act.

1 **SEC. 3.305. NEW SECTION. No assignment of earnings.**

2 1. A creditor may not take an assignment of earnings of the con-
3 sumer for payment or as security for payment of a debt arising out
4 of a consumer credit transaction. An assignment of earnings in vio-
5 lation of this section is unenforceable by the assignee of the earnings
6 and revocable by the consumer. This section does not prohibit a con-
7 sumer from authorizing deductions in favor of his creditor if the

8 authorization is revocable, the consumer is given a complete copy of
9 the writing evidencing the authorization at the time he signs it, and
10 the writing contains on its face a conspicuous notice of the consum-
11 er's right to revoke the authorization.

12 2. A sale of unpaid earnings made in consideration of the payment
13 of money to or for the account of the seller of the earnings is deemed
14 to be a loan to him secured by an assignment of earnings.

1 SEC. 3.306. NEW SECTION. **Authorization to confess judgment**
2 **prohibited.** Unless executed after default on a claim arising out of
3 a consumer credit transaction, authorization for a judgment by con-
4 fession on that claim pursuant to chapter six hundred seventy-six
5 (676) of the Code is void. Any other authorization by a consumer
6 for any person to confess judgment on the claim, whenever executed,
7 is void.

1 SEC. 3.307. NEW SECTION. **Certain negotiable instruments pro-**
2 **hibited.** With respect to a consumer credit sale or consumer lease,
3 other than a sale or lease primarily for an agricultural purpose, the
4 creditor may not take a negotiable instrument other than a check
5 dated not later than ten days after its issuance as evidence of the
6 obligation of the consumer.

1 SEC. 3.308. NEW SECTION. **Balloon payments.**

2 1. Except as provided in subsection two (2) of this section, if any
3 scheduled payment of a consumer credit transaction is more than
4 twice as large as the average of earlier scheduled payments, the con-
5 sumer has the right to refinance the amount of that payment at the
6 time it is due without penalty, as provided in section two point five
7 hundred four (2.504) of this Act. The terms of the refinancing shall
8 be no less favorable to the consumer than the terms of the original
9 transaction.

10 2. This section does not apply to any of the following:

11 a. A consumer lease.

12 b. A transaction pursuant to open end credit.

13 c. A transaction primarily for an agricultural purpose.

14 d. A transaction to the extent that the payment schedule is ad-
15 justed to the seasonal or irregular income or scheduled payments of
16 obligations of the consumer.

17 e. A transaction of a class defined by rule of the administrator as
18 not requiring for the protection of the consumer his right to refinance
19 as provided in this section.

1 SEC. 3.309. NEW SECTION. **Referral sales and leases.** A prac-
2 tice unlawful under section seven hundred thirteen point twenty-four
3 (713.24), subsection two (2), paragraph b, of the Code, if done in
4 connection with a consumer credit sale or consumer lease, is a viola-
5 tion of this Act for which the consumer has a cause of action under
6 section five point two hundred one (5.201), subsection one (1) of this
7 Act. The administrator has all powers granted under article six (6),
8 part one (1) of this Act, to enforce the provisions of section seven
9 hundred thirteen point twenty-four (713.24), subsection two (2), par-
10 agraph b of the Code. If a consumer is induced by a violation of sec-
11 tion seven hundred thirteen point twenty-four (713.24), subsection
12 two (2), paragraph b of the Code to enter into a consumer credit sale

13 or consumer lease, the agreement is unenforceable by the seller or
 14 lessor and the consumer, at his option, in addition to other remedies,
 15 may rescind the agreement or retain the goods delivered and the ben-
 16 efit of any services performed, without any obligation to pay for them.

1 **SEC. 3.310. NEW SECTION. Limitations on executory transac-**
 2 **tions.**

3 1. In a consumer credit transaction, if performance by a creditor
 4 is by delivery of goods, services or both, in four or more installments,
 5 either on demand of the consumer or by prearranged scheduled per-
 6 formance, the consumer shall have the right to cancel the obligation
 7 with respect to that part which has not been performed on the date
 8 of cancellation.

9 2. If the consumer exercises his right to cancel or, in any event,
 10 if the creditor attempts to exercise a right to accelerate, the creditor
 11 is entitled to recover only that part of the cash price and charges at-
 12 tributable to the part of the creditor's obligation which has been per-
 13 formed.

14 3. Cancellation under this section shall be effective when the con-
 15 sumer mails or delivers a written notice of cancellation.

16 4. Notwithstanding an agreement to the contrary, a creditor may
 17 not exercise a right to accelerate beyond the amount set forth in sub-
 18 section two (2) of this section.

1 **SEC. 3.311. NEW SECTION. Discrimination prohibited.** A cred-
 2 itor shall not refuse to enter into a consumer credit transaction or
 3 impose finance charges or other terms or conditions more onerous
 4 than those regularly extended by that creditor to consumers of sim-
 5 ilar economic backgrounds because of the age, color, creed, national
 6 origin, political affiliation, race, religion, sex, marital status or dis-
 7 ability of the consumer, or because the consumer receives public as-
 8 sistance, social security benefits, pension benefits or the like, or be-
 9 cause of the exercise by the consumer of rights pursuant to this Act
 10 or other provisions of law.

PART 4

LIMITATIONS ON CONSUMER'S LIABILITY

1 **SEC. 3.401. NEW SECTION. Restriction on liability in consumer**
 2 **lease.** The obligation of a lessee upon expiration of a consumer lease
 3 other than one primarily for an agricultural purpose, may not exceed
 4 twice the average payment allocable to a monthly period under the
 5 lease. This limitation does not apply to charges for damages to the
 6 leased property or for other default.

1 **SEC. 3.402. NEW SECTION. Limitation on default charges.** Ex-
 2 cept for reasonable expenses incurred in realizing on a security in-
 3 terest, the agreement with respect to a consumer credit transaction
 4 other than a consumer lease may not provide for any charges as a
 5 result of default by the consumer other than those authorized by this
 6 Act. A provision in violation of this section is unenforceable.

1 **SEC. 3.403. NEW SECTION. Card issuer subject to claims and**
 2 **defenses.**

3 1. This section neither limits the liability of nor imposes liability
 4 on a card issuer as a manufacturer, supplier, seller, or lessor of prop-

5 erty or services sold or leased pursuant to the credit card. This sec-
6 tion may subject a card issuer to claims and defenses of a cardholder
7 against a seller or lessor arising from sales or leases made pursuant
8 to the credit card.

9 2. A card issuer is subject to claims and defenses of a cardholder
10 against the seller or lessor arising from the sale or lease of property
11 or services by a seller or lessor licensed, franchised, or permitted by
12 the card issuer or a person related to the card issuer to do business
13 under the trade name or designation of the card issuer or a person
14 related to the card issuer, to the extent of the original amount owing
15 to the card issuer with respect to the sale or lease of the property
16 or services as to which the claim or defense arose.

17 3. Except as otherwise provided in subsection two (2) of this sec-
18 tion, a card issuer, including a lender credit card issuer, is subject
19 to all claims and defenses of a cardholder against the seller or lessor
20 arising from the sale or lease of property or services pursuant to the
21 credit card only if all of the following apply:

22 a. The original amount owing to the card issuer with respect to
23 the sale or lease of the property or services as to which the claim
24 or defense arose exceeds fifty dollars.

25 b. The residence of the cardholder and the place where the sale
26 or lease occurred are in the same state or within one hundred miles
27 of each other.

28 c. The cardholder has made a good faith attempt to obtain satis-
29 faction from the seller or lessor with respect to the claim or defense.

30 4. Except as otherwise provided in subsection two (2) of this sec-
31 tion, a card issuer, including a lender credit card issuer, is subject
32 to claims and defenses only to the extent of the amount owing to the
33 card issuer with respect to the sale or lease of the property or ser-
34 vices as to which the claim or defense arose at the time the card
35 issuer has notice of the claim or defense. Notice of the claim or
36 defense may be given prior to the attempt to obtain satisfaction
37 specified in subsection three (3) of this section. Written notice is
38 effective when mailed or delivered.

39 5. For the purpose of determining the amount owing to the card
40 issuer with respect to the sale or lease upon an open end credit ac-
41 count, payments received for the account are deemed to have been
42 first applied to the payment of finance charges in the order of their
43 entry to the account and then to the payment of debts in the order
44 in which the entries of the debts are made to the account.

45 6. Except as provided in section one point one hundred seven
46 (1.107) of this Act, an agreement may not contain a provision to
47 limit or waive the claims or defenses of a cardholder under this sec-
48 tion. A provision in violation of this subsection is unenforceable.

1 **SEC. 3.404. NEW SECTION. Assignee subject to claims and de-**
2 **defenses.**

3 1. With respect to a consumer credit sale or consumer lease, other
4 than one primarily for an agricultural purpose, an assignee of the
5 rights of the seller or lessor is subject to all claims and defenses of the
6 consumer against the seller or lessor arising from the sale or
7 lease of property or services, notwithstanding that the assignee is
8 a holder in due course of a negotiable instrument issued in violation
9 of the provisions prohibiting certain negotiable instruments in sec-

10 tion three point three hundred seven (3.307) of this Act; unless
11 the consumer has agreed in writing not to assert against an as-
12 signee a claim or defense arising out of such sale, and the consumer's
13 contract has been assigned to an assignee not related to the seller
14 who acquired the consumer's contract in good faith and for value and
15 who gives the consumer notice of the assignment as provided in this
16 subsection and who within thirty days after the mailing of the notice
17 receives no written notice of the facts giving rise to the consumer's
18 claim or defense. Such agreement not to assert a claim or defense
19 is not valid if the assignee receives such written notice from the con-
20 sumer within such thirty-day period. The notice of assignment shall
21 be in writing and addressed to the consumer at his address as stated
22 in the contract, identify the contract, describe the property pur-
23 chased by the consumer, state the names of the seller and consumer,
24 the name and address of the assignee, the amount payable by the
25 consumer and the number, amounts and due dates of the installments,
26 and contain a conspicuous notice to the consumer that he has thirty
27 days from the date of the mailing of the notice to him within which
28 to notify the assignee in writing of any claims or defenses he may
29 have against the seller and that if written notification of any such
30 claims or defenses is not received by the assignee within such thirty-
31 day period, the assignee will have the right to enforce the contract
32 free of any claims or defenses the consumer may have against the
33 seller. An assignee does not acquire a consumer's contract in good
34 faith within the meaning of this subsection if the assignee has knowl-
35 edge or, from his course of dealing with the seller or his records,
36 notice of substantial complaints by other consumers of the seller's
37 failure or refusal to perform his contracts with them and of the sell-
38 er's failure to remedy his defaults within a reasonable time after the
39 assignee notifies him of the complaints.

40 2. A claim or defense of a consumer specified in subsection one (1)
41 of this section may be asserted against the assignee under this sec-
42 tion only if the consumer has made a good faith attempt to obtain
43 satisfaction from the seller or lessor with respect to the claim or de-
44 fense, and only to the extent of the amount owing to the assignee
45 with respect to the sale or lease of the property or services as to
46 which the claim or defense arose, at the time the assignee has notice
47 of the claim or defense. Notice of the claim or defense may be given
48 prior to the attempt specified in this subsection. Written notice is
49 effective when mailed or delivered.

50 3. For the purpose of determining the amount owing to the as-
51 signee with respect to the sale or lease:

52 a. Payments received by the assignee after the consolidation of
53 two or more consumer credit sales, other than pursuant to open end
54 credit, are deemed to have been first applied to the payment of the
55 sales first made, and if the sales consolidated arose from sales made
56 on the same day, payments are deemed to have been first applied to
57 the smaller or smallest sale or sales.

58 b. Payments received upon an open end credit account are deemed
59 to have been first applied to the payment of finance charges in the
60 order of their entry to the account and then to the payment of
61 debts in the order in which the entries of the debts are made to the
62 account.

63 4. Except as provided in section one point one hundred seven
64 (1.107) of this Act, an agreement may not contain a provision to limit
65 or waive the claims or defenses of a consumer under this section. A
66 provision in violation of this subsection is unenforceable.

1 **SEC. 3.405. NEW SECTION. Lender subject to defenses arising**
2 **from sales and leases.**

3 1. A lender, other than the issuer of a lender credit card, who,
4 with respect to a particular transaction, makes a consumer loan for
5 the purpose of enabling a consumer to buy or lease from a particular
6 seller or lessor property or services, other than for use primarily for
7 an agricultural purpose, is subject to all claims and defenses of the
8 consumer against the seller or lessor arising from that sale or lease
9 of the property or services if any of the following are applicable:

10 a. The lender knows that the seller or lessor arranged for a com-
11 mission, brokerage, or referral fee, for the extension of credit by the
12 lender.

13 b. The lender is a person related to the seller or lessor, unless the
14 relationship is remote or is not a factor in the transaction.

15 c. The seller or lessor guarantees the loan or otherwise assumes
16 the risk of loss by the lender upon the loan.

17 d. The lender directly supplies the seller or lessor with the contract
18 document used by the consumer to evidence the loan, and the seller
19 or lessor has knowledge of the credit terms and participates in the
20 preparation of the document.

21 e. The loan is conditioned upon the consumer's purchase or lease
22 of the property or services from the particular seller or lessor, but
23 the lender's payment of proceeds of the loan to the seller or lessor
24 does not in itself establish that the loan was so conditioned.

25 f. The lender otherwise knowingly participates with the seller in
26 the sale. The fact that the lender takes a security interest in prop-
27 erty sold in that sale, or makes the proceeds of the loan payable to
28 the seller does not in itself constitute knowing participation in the
29 sale.

30 2. A claim or defense of a consumer specified in subsection one (1)
31 of this section may be asserted against the lender under this section
32 only if the consumer has made a good faith attempt to obtain satis-
33 faction from the seller or lessor with respect to the claim or defense
34 and only to the extent of the amount owing to the lender with respect
35 to the sale or lease of the property or services as to which the claim
36 or defense arose at the time the lender has notice of the claim or de-
37 fense. Notice of the claim or defense may be given prior to the at-
38 tempt specified in this subsection. Written notice is effective when
39 mailed or delivered.

40 3. For the purpose of determining the amount owing to the lender
41 with respect to the sale or lease:

42 a. Payments received by the lender after the consolidation of two
43 or more consumer loans, other than pursuant to open end credit, are
44 deemed to have been first applied to the payment of the loans first
45 made, and if the loans consolidated arose from loans made on the
46 same day, payments are deemed to have been first applied to the
47 smaller or smallest loan or loans.

48 b. Payments received upon an open end credit account are deemed
49 to have been first applied to the payment of finance charges in the

50 order of their entry to the account and then to the payment of debts
 51 in the order in which the entries of the debts are made to the account.
 52 4. Except as provided in section one point one hundred seven
 53 (1.107) of this Act, an agreement may not contain a provision to
 54 limit or waive the claims or defenses of a consumer under this sec-
 55 tion. A provision in violation of this section is unenforceable.

PART 5

HOME SOLICITATION SALES

1 SEC. 3.501. NEW SECTION. **Door-to-door sales.** In a consumer
 2 credit sale or a sale in which the goods or services are paid for in
 3 whole or in part by a lender credit card or a consumer loan in which
 4 the lender is subject to defenses arising from the sale under section
 5 three point four hundred five (3.405) of this Act, other than a trans-
 6 action for an agricultural purpose, a consumer has, in addition to all
 7 the rights and remedies provided by Acts of the Sixty-fifth General
 8 Assembly, 1973 Session, chapter two hundred ninety-one (291), a
 9 cause of action under section five point two hundred one (5.201), sub-
 10 section one (1) of this Act, and the administrator has all powers
 11 granted under article six (6), part one (1) of this Act, to enforce the
 12 provisions of Acts of the Sixty-fifth General Assembly, 1973 Session,
 13 chapter two hundred ninety-one (291).

ARTICLE 4

INSURANCE

1 SEC. 4.101. NEW SECTION. **Scope—excess charges.**
 2 1. This article applies to insurance provided in relation to a con-
 3 sumer credit transaction.
 4 2. A charge for insurance in excess of the rates promulgated by
 5 the commissioner of insurance, or otherwise made in violation of the
 6 law, including this Act, or the rules promulgated by the commis-
 7 sioner of insurance, is an excess charge for purposes of determining
 8 rights of parties under section five point two hundred one (5.201)
 9 of this Act, and authority of the administrator to bring civil action
 10 under section six point one hundred thirteen (6.113) of this Act.

ARTICLE 5

REMEDIES AND PENALTIES

PART 1

LIMITATIONS ON CREDITORS' REMEDIES

1 SEC. 5.101. NEW SECTION. **Short title.** This article shall be
 2 known and may be cited as the Iowa Consumer Credit Code—Reme-
 3 dies and Penalties.

1 SEC. 5.102. NEW SECTION. **Scope.** This part applies to actions
 2 or other proceedings to enforce rights arising from consumer credit
 3 transactions, to extortionate or unlawful extensions of credit, and to
 4 unconscionability.

1 SEC. 5.103. NEW SECTION. **Creditor's obligations on reposses-
 2 sion—restriction on deficiency judgments.**

3 1. This section applies to a consumer credit sale of goods or ser-
 4 vices and a consumer loan. A consumer is not liable for a deficiency

5 unless the creditor has disposed of repossessed or surrendered goods
6 in good faith and in a commercially reasonable manner.

7 2. If the seller repossesses or voluntarily accepts surrender either
8 of goods which were the subject of the sale and in which he has a
9 security interest, or of goods which were not the subject of the sale
10 but in which he has a security interest to secure a debt arising from
11 a sale of goods or services or a combined sale of goods and services,
12 the seller's duty to dispose of the collateral is governed by the pro-
13 visions on disposition of collateral in sections five hundred fifty-four
14 point nine thousand five hundred one (554.9501) through five hun-
15 dred fifty-four point nine thousand five hundred seven (554.9507) of
16 the Code.

17 3. If a lender takes possession or voluntarily accepts surrender of
18 goods in which he has a security interest to secure a debt arising
19 from a consumer loan, the lender's duty to dispose of the collateral
20 is governed by the provisions on disposition of collateral in sections
21 five hundred fifty-four point nine thousand five hundred one
22 (554.9501) through five hundred fifty-four point nine thousand five
23 hundred seven (554.9507) of the Code.

1 **SEC. 5.104. NEW SECTION. No garnishment before judgment.**
2 Prior to entry of judgment in an action against the consumer arising
3 from a consumer credit transaction, the creditor may not attach un-
4 paid earnings of the consumer, or earnings deposited in a financial
5 institution by the consumer, by garnishment, attachment, or pro-
6 ceedings under chapter six hundred thirty (630) of the Code.

1 **SEC. 5.105. NEW SECTION. Limitation on garnishment.**

2 1. For the purposes of this part:

3 a. "Disposable earnings" means that part of the earnings of an in-
4 dividual remaining after the deduction from those earnings of
5 amounts required by law to be withheld.

6 b. "Garnishment" means any legal or equitable procedure through
7 which the earnings of an individual are required to be withheld for
8 payment of a debt.

9 2. In addition to the provisions of section six hundred forty-two
10 point twenty-one (642.21) of the Code, the maximum part of the
11 aggregate disposable earnings of an individual for any workweek
12 which is subjected to garnishment to enforce payment of a judgment
13 arising from a consumer credit transaction may not exceed the lesser
14 of twenty-five percent of his disposable earnings for that week, or the
15 amount by which his disposable earnings for that week exceed forty
16 times the federal minimum hourly wage prescribed by the Fair Labor
17 Standards Act of 1938, United States Code, title twenty-nine (29),
18 section two hundred six (206), subsection a, paragraph one (1), in
19 effect at the time the earnings are payable.

20 In the case of earnings for a pay period other than a week, the
21 administrator shall prescribe by rule a multiple of the federal mini-
22 mum hourly wage equivalent in effect to that set forth for a pay
23 period of a week.

24 3. No court may make, execute, or enforce an order or process in
25 violation of this section.

26 4. At any time after the entry of a judgment in favor of a credi-
27 tor in an action against a consumer for debt arising from a con-

28 sumer credit transaction, the consumer may file with the court his
 29 verified application for an order exempting from garnishment pursu-
 30 ant to that judgment for an appropriate period of time a greater por-
 31 tion or all of his aggregate disposable earnings for a workweek or
 32 other applicable pay period than is provided for in subsection two (2)
 33 of this section. The application shall designate the portion of his
 34 earnings which are not exempt from garnishment under this section
 35 and other law, shall specify the period of time for which the addi-
 36 tional exemption is sought, shall describe the judgment with respect
 37 to which the application is made, and shall state that the designated
 38 portion in addition to earnings that are exempt by law is necessary
 39 for the maintenance of the consumer or a family supported wholly or
 40 partly by the earnings. Upon the filing of a sufficient application
 41 under this subsection, the court may issue any temporary order stay-
 42 ing enforcement of the judgment by garnishment that may be nec-
 43 essary under the circumstances, shall set a hearing on the applica-
 44 tion not less than five nor more than ten days from the date of the
 45 filing of the application, and shall cause notice of the application and
 46 the hearing date to be served on the judgment creditor or his attor-
 47 ney of record. At the hearing, if it appears to the court that all or
 48 any portion of the earnings sought to be additionally exempted are
 49 necessary for the maintenance of the consumer or a family sup-
 50 ported wholly or partly by the earnings of the consumer for all or
 51 any part of the time requested in the application, the court shall issue
 52 an order granting the application to that extent, otherwise it shall
 53 deny the application. The order is subject to modification or vaca-
 54 tion upon the further application of any party to it upon a showing
 55 of changed circumstances after a hearing upon notice to all inter-
 56 ested parties.

1 **SEC. 5.106. NEW SECTION. No discharge from employment for**
 2 **garnishment.** The administrator has all powers granted under article
 3 six (6), part one (1) of this Act, to enforce the provisions of section
 4 six hundred forty-two point twenty-one (642.21) of the Code, in rela-
 5 tion to a garnishment arising from a consumer credit transaction.

1 **SEC. 5.107. NEW SECTION. Extortionate or unlawful extensions**
 2 **of credit.** If it is the understanding of the creditor and the debtor at
 3 the time an extension of credit is made that delay in making repay-
 4 ment or failure to make repayment could result in the use of vio-
 5 lence or other criminal means to cause harm to the person, reputa-
 6 tion, or property of any person, the repayment of the extension of
 7 credit is unenforceable through civil judicial processes against the
 8 consumer.

1 **SEC. 5.108. NEW SECTION. Unconscionability — inducement by**
 2 **unconscionable conduct—unconscionable debt collection.**

3 1. With respect to a transaction that is, gives rise to, or leads the
 4 debtor to believe it will give rise to a consumer credit transaction, in
 5 an action other than a class action, if the court as a matter of law
 6 finds the agreement or transaction to have been unconscionable at
 7 the time it was made, or to have been induced by unconscionable con-
 8 duct, the court may refuse to enforce the agreement, or if the court
 9 finds any term or part of the agreement or transaction to have been
 10 unconscionable at the time it was made, the court may refuse to en-

11 force the agreement, or may enforce the remainder of the agreement
12 without the unconscionable term or part, or may so limit the applica-
13 tion of any unconscionable term or part as to avoid any unconscion-
14 able result.

15 2. With respect to a consumer credit transaction, or a transaction
16 which would have been a consumer credit transaction if a finance
17 charge was made or the obligation was payable in installments, if the
18 court as a matter of law finds in an action other than a class action,
19 that a person has engaged in, is engaging in, or is likely to engage in
20 unconscionable conduct in collecting a debt arising from that trans-
21 action, the court may grant an injunction and award the consumer
22 any actual damages he has sustained.

23 3. If it is claimed or appears to the court that the agreement or
24 transaction or any term or part of it may be unconscionable, or that
25 a person has engaged in, is engaging in, or is likely to engage in un-
26 conscionable conduct in collecting a debt, the parties shall be afforded
27 a reasonable opportunity to present evidence as to the setting, pur-
28 pose, and effect of the agreement or transaction or term or part
29 thereof, or of the conduct, to aid the court in making the determina-
30 tion.

31 4. In applying subsection one (1) of this section, consideration
32 shall be given to each of the following factors, among others, as appli-
33 cable:

34 a. Belief by the seller, lessor, or lender at the time a transaction
35 is entered into that there is no reasonable probability of payment in
36 full of the obligation by the consumer or debtor.

37 b. In the case of a consumer credit sale or consumer lease, knowl-
38 edge by the seller or lessor at the time of the sale or lease of the in-
39 ability of the consumer to receive substantial benefits from the prop-
40 erty or services sold or leased.

41 c. In the case of a consumer credit sale or consumer lease, gross
42 disparity between the price of the property or services sold or leased
43 and the value of the property or services measured by the price at
44 which similar property or services are readily obtainable in credit
45 transactions by like consumers.

46 d. The fact that the creditor contracted for or received separate
47 charges for insurance with respect to a consumer credit sale or con-
48 sumer loan with the effect of making the sale or loan, considered as
49 a whole, unconscionable.

50 e. The fact that the seller, lessor, or lender has knowingly taken
51 advantage of the inability of the consumer or debtor reasonably to
52 protect his interests by reason of physical or mental infirmities, ig-
53 norance, illiteracy or inability to understand the language of the
54 agreement, or similar factors.

55 f. The fact that the seller, lessor or lender has engaged in conduct
56 with knowledge or reason to know that like conduct has been re-
57 strained or enjoined by a court in a civil action by the administrator
58 against any person pursuant to the provisions on injunctions against
59 fraudulent or unconscionable agreements or conduct in section six
60 point one hundred eleven (6.111) of this Act.

61 5. In applying subsection two (2) of this section, violations of sec-
62 tion seven point one hundred three (7.103) of this Act shall be con-
63 sidered, among other factors, as applicable.

64 6. If in an action in which unconscionability is claimed the court
 65 finds unconscionability pursuant to subsections one (1) or two (2) of
 66 this Act,* the court shall award reasonable fees to the attorney for
 67 the consumer or debtor. If the court does not find unconscionability
 68 and the consumer or debtor claiming unconscionability has brought
 69 or maintained an action he knew to be groundless, the court shall
 70 award reasonable fees to the attorney for the party against whom the
 71 claim is made. Reasonable attorney's fees shall be determined by
 72 the value of the time reasonably expended by the attorney on the
 73 unconscionability issue and not by the amount of the recovery on be-
 74 half of the prevailing party.

75 7. The remedies of this section are in addition to remedies other-
 76 wise available for the same conduct under law other than this Act,
 77 but no double recovery of actual damages may be had.

78 8. For the purpose of this section, a charge or practice expressly
 79 permitted by this Act is not in itself unconscionable.

1 SEC. 5.109. NEW SECTION. **Default.** "Default" with respect to
 2 a consumer credit transaction and for the purposes of this article,
 3 means either of the following, if without justification under any law:

4 1. Failure to make a payment within ten days of the time required
 5 by agreement.

6 2. Failure to observe any other covenant of the transaction, breach
 7 of which materially impairs the condition, value or protection of or
 8 the creditor's right in any collateral securing the transaction, or ma-
 9 terially impairs the consumer's prospect to pay amounts due under
 10 the transaction. The burden of establishing material impairment is
 11 on the creditor.

1 SEC. 5.110. NEW SECTION. **Cure of default.**

2 1. Notwithstanding any term or agreement to the contrary, the ob-
 3 ligation of a consumer in a consumer credit transaction is enforce-
 4 able by a creditor only after compliance with this section.

5 2. A creditor who believes in good faith that a consumer is in de-
 6 fault may give the consumer written notice of the alleged default,
 7 and, if the consumer has a right to cure the default, shall give the
 8 consumer the notice of right to cure provided in section five point one
 9 hundred eleven (5.111) of this Act before exercising any right he
 10 may have to enforce.

11 3. A consumer has a right to cure the default unless, in other than
 12 an insurance premium loan transaction, the creditor has given the
 13 consumer a proper notice of right to cure with respect to a prior de-
 14 fault which occurred within three hundred sixty-five days of the
 15 present default, or the consumer has voluntarily surrendered posses-
 16 sion of goods that are collateral and the creditor has accepted them
 17 in full satisfaction of any debt owing on the transaction in default.

18 4. If the consumer has a right to cure a default:

19 a. A creditor shall not accelerate the maturity of the unpaid bal-
 20 ance of the obligation, demand or take possession of collateral, other-
 21 wise than by accepting a voluntary surrender of it, or otherwise at-
 22 tempt to enforce the obligation until twenty days after a proper no-
 23 tice of right to cure is given.

*According to enrolled Act

24 b. With respect to an insurance premium loan, a creditor shall not
 25 give notice of cancellation as provided in subsection six (6) of this
 26 section until thirteen days after a proper notice of right to cure is
 27 given.

28 c. Until the expiration of the minimum applicable period after the
 29 notice is given, the consumer may cure the default by tendering
 30 either the amount of all unpaid installments due at the time of the
 31 tender, without acceleration, plus any unpaid delinquency or deferral
 32 charges, or the amount stated in the notice of right to cure, which-
 33 ever is less, or by tendering any performance necessary to cure any
 34 default other than nonpayment of amounts due, which is described
 35 in the notice of right to cure. The act of curing a default restores to
 36 the consumer his rights under the agreement as though no default
 37 had occurred, except as provided in subsection three (3) of this sec-
 38 tion.

39 5. This section and the provisions on waiver, agreements to forego
 40 rights, and settlement of claims under section one point one hundred
 41 seven (1.107) of this Act do not prohibit a consumer from voluntar-
 42 ily surrendering possession of goods which are collateral and do not
 43 prohibit the creditor from thereafter enforcing his security interest
 44 in the goods at any time after default.

45 6. If a default on an insurance premium loan is not cured, the
 46 lender may give notice of cancellation of each insurance policy or
 47 contract to be cancelled. If given, the notice of cancellation shall be
 48 in writing and given to the insurer that issued the policy or contract
 49 and to the insured. The insurer, within two business days after re-
 50 ceipt of the notice of cancellation together with a copy of the insur-
 51 ance premium loan agreement if not previously given to him, shall
 52 give any notice of cancellation required by the policy or contract or
 53 by law and, within ten business days after the effective date of the
 54 cancellation, pay to the lender any premium unearned on the policy
 55 or contracts as of that effective date. Within ten business days
 56 after receipt of the unearned premium, the lender shall pay to the
 57 consumer indebted upon the insurance premium loan any excess of
 58 the unearned premium received over the amount owing by the con-
 59 sumer upon the insurance premium loan.

1 SEC. 5.111. NEW SECTION. Notice of right to cure.

2 1. The notice of right to cure shall be in writing and shall conspic-
 3 uously state the name, address, and telephone number of the creditor
 4 to which payment is to be made, a brief identification of the credit
 5 transaction and of the consumer's right to cure the default, a state-
 6 ment of the nature of the right to cure the default, a statement of the
 7 nature of the alleged default, a statement of the total payment, in-
 8 cluding an itemization of any delinquency or deferral charges, or
 9 other performance necessary to cure the alleged default, and the
 10 exact date by which the amount must be paid or performance ten-
 11 dered.

12 2. Except as provided in subsection four (4) of this section, a
 13 notice in substantially the following form complies with this section:

14 -----
 15 (name, address, and telephone number of creditor)

16 -----
 17 (account number, if any)

18 -----
 19 (brief identification of credit transaction)
 20 You are now in default on this credit transaction. You have a right
 21 to correct this default until ----- If you do so, you may continue
 22 (date)
 23 with the contract as though you did not default. Your default consists
 24 of ----- Correction of the Default: Before
 25 (describe default alleged)
 26 ----- If you do not correct
 27 (date) (describe the acts necessary for cure)
 28 your default by the date stated above, we may exercise rights against
 29 you under the law.

30 If you default again in the next year, we may exercise our rights
 31 without sending you another notice like this one. If you have ques-
 32 tions, write or telephone ----- promptly.
 33 (the creditor)

34 3. A creditor gives notice to the consumer under this part when he
 35 delivers the notice to the consumer or mails the notice to him at his
 36 residence as defined in section one point two hundred one (1.201),
 37 subsection four (4) of this Act.

38 4. If the consumer credit transaction is an insurance premium
 39 loan, the notice shall conform to the requirements of subsection two
 40 (2) of this section, and a notice in substantially the form specified in
 41 that subsection complies with this subsection except for the follow-
 42 ing:

43 a. In lieu of a brief identification of the credit transaction, the
 44 notice shall identify the transaction as an insurance premium loan
 45 and each insurance policy or contract that may be cancelled.

46 b. In lieu of the statement in the form of notice specified in sub-
 47 section two (2) of this section that the creditor may exercise his
 48 rights under the law, the statement that each policy or contract iden-
 49 tified in the notice may be cancelled.

50 c. The last paragraph of the form of notice specified in subsection
 51 two (2) of this section shall be omitted.

1 SEC. 5.112. Reserved for future use.

1 SEC. 5.113. NEW SECTION. **Venue.** An action by a creditor
 2 against a consumer arising from a consumer credit transaction shall
 3 be brought in the county of the consumer's residence as defined in sec-
 4 tion one point two hundred one (1.201), subsection four (4) of this
 5 Act, unless an action is brought to enforce an interest in land secur-
 6 ing the consumer's obligation, in which case the action shall be
 7 brought in the county in which the land or a part of it is located. If
 8 the county of the consumer's residence has changed, the consumer
 9 upon motion may have the action removed to the county of his cur-
 10 rent residence. If the residence of the consumer is not within this
 11 state, the action may be brought in the county in which the sale,
 12 lease, or loan was made. If the initial papers offered for filing in the
 13 action on their face show noncompliance with this section, they shall
 14 not be accepted by the clerk of the court.

1 SEC. 5.114. NEW SECTION. **Complaint—proof.**

2 1. In an action brought by a creditor against a consumer arising
 3 from a consumer credit transaction, the complaint shall allege the

4 facts of the consumer's default, the amount to which the creditor is
5 entitled, and an indication of how that amount was determined.

6 2. No default judgment shall be entered in the action in favor of
7 the creditor unless the complaint is verified by the creditor, or unless
8 sworn testimony, by affidavit or otherwise, is adduced showing that
9 the creditor is entitled to the relief demanded.

1 SEC. 5.115. Reserved for future use.

PART 2

CONSUMERS' REMEDIES

1 SEC. 5.201. NEW SECTION. Effect of violations on rights of par-
2 ties.

3 1. The consumer has a cause of action to recover actual damages
4 and in addition a right in an action other than a class action to recover
5 from the person violating this Act a penalty in an amount determined
6 by the court not less than one hundred dollars nor more than one
7 thousand dollars, if a person has violated the provisions of this Act
8 relating to:

9 a. Authority to make supervised loans under section two point
10 three hundred one (2.301).

11 b. Restrictions on interests in land as security under section two
12 point three hundred seven (2.307).

13 c. Limitations on the schedule of payments or loan terms for super-
14 vised loans under section two point three hundred eight (2.308).

15 d. Attorney's fees under section two point five hundred seven
16 (2.507).

17 e. Charges for other credit transactions under section two point six
18 hundred one (2.601).

19 f. Disclosure with respect to consumer leases under section three
20 point two hundred two (3.202).

21 g. Notice to consumers under section three point two hundred three
22 (3.203).

23 h. Receipts, statements of account and evidences of payment under
24 section three point two hundred six (3.206).

25 i. Form of insurance premium loan agreement under section three
26 point two hundred seven (3.207).

27 j. Notice to co-signers and similar parties under section three point
28 two hundred eight (3.208).

29 k. Restrictions on rates stated to the consumer under section three
30 point two hundred ten (3.210).

31 l. Security in consumer credit transactions under section three
32 point three hundred one (3.301).

33 m. Prohibition against assignments of earnings under section three
34 point three hundred five (3.305).

35 n. Authorizations to confess judgment under section three point
36 three hundred six (3.306).

37 o. Certain negotiable instruments prohibited under section three
38 point three hundred seven (3.307).

39 p. Referral sales and leases under section three point three hundred
40 nine (3.309).

41 q. Limitations on executory transactions under section three point
42 three hundred ten (3.310).

- 43 r. Prohibition against discrimination under section three point
44 three hundred eleven (3.311).
- 45 s. Limitations on default charges under section three point four
46 hundred two (3.402).
- 47 t. Card issuer subject to claims and defenses under section three
48 point four hundred three (3.403).
- 49 u. Assignees subject to claims and defenses under section three
50 point four hundred four (3.404).
- 51 v. Lenders subject to claims and defenses arising from sales and
52 leases, under section three point four hundred five (3.405).
- 53 w. Door-to-door sales under section three point five hundred one
54 (3.501).
- 55 x. Assurance of discontinuance under section six point one hundred
56 nine (6.109).
- 57 y. Prohibitions against unfair debt collection practices under sec-
58 tion seven point one hundred three (7.103).
- 59 z. Failure to provide a proper notice of cure or right to cure under
60 sections five point one hundred ten (5.110) and five point one hundred
61 eleven (5.111).
- 62 aa. Failure to provide a notice of consumer paper under section
63 three point two hundred eleven (3.211).
- 64 With respect to violations arising from sales or loans made pur-
65 suant to open end credit, no action pursuant to this subsection may
66 be brought more than two years after the violations occurred. With
67 respect to violations arising from other consumer credit transactions,
68 no action pursuant to this subsection may be brought more than one
69 year after the due date of the last scheduled payment of the agree-
70 ment.
- 71 2. A consumer is not obligated to pay a charge in excess of that
72 allowed by this Act, and has a right of refund of any excess charge
73 paid. A refund may not be made by reducing the consumer's obliga-
74 tion by the amount of the excess charge unless the creditor has noti-
75 fied the consumer that the consumer may request a refund and the
76 consumer has not so requested within thirty days thereafter. If the
77 consumer has paid an amount in excess of the lawful obligation under
78 the agreement, the consumer may recover the excess amount either
79 from the person who made the excess charge or from an assignee of
80 that person's rights who undertakes direct collection of payments from
81 or enforcement of rights against consumers arising from the debt.
- 82 3. If a creditor has contracted for or received a charge in excess of
83 that allowed by this Act, or if a consumer is entitled to a refund and
84 a person liable to the consumer refuses to make a refund within a
85 reasonable time after demand, the consumer may recover from the
86 creditor or the person liable, in an action other than a class action,
87 the excess charge or refund and a penalty in an amount determined
88 by the court not less than one hundred dollars or more than one
89 thousand dollars. With respect to excess charges arising from sales
90 or loans made pursuant to open end credit, no action pursuant to this
91 subsection may be brought more than two years after the time the
92 excess charge was made. With respect to excess charges arising from
93 other consumer credit transactions no action pursuant to this sub-
94 section may be brought more than one year after the due date of the
95 last scheduled payment of the agreement pursuant to which the charge

96 was made. For purposes of this subsection, a reasonable time is pre-
97 sumed to be thirty days.

98 4. Except as otherwise provided in this Act, no violation of this Act
99 impairs rights on a debt.

100 5. If an employer discharges an employee in violation of the pro-
101 visions prohibiting discharge in section six hundred forty-two point
102 twenty-one (642.21), subsection two (2), paragraph c, of the Code,
103 the employee may within two years bring a civil action for recovery
104 of wages lost as a result of the violation and for an order requiring
105 the reinstatement of the employee. Damages recoverable shall not
106 exceed lost wages for six weeks.

107 6. A person is not liable for a penalty under subsection one (1) or
108 three (3) of this section if he notifies the consumer of an error before
109 the person receives from the consumer written notice of the error or
110 before the consumer has brought an action under this section, and the
111 person corrects the error within forty-five days after notifying the
112 consumer. If the violation consists of a prohibited agreement, giving
113 the consumer a corrected copy of the writing containing the error is
114 sufficient notification and correction. If the violation consists of an
115 excess charge, correction shall be made by an adjustment or refund
116 as provided in subsection two (2) of this section. The administrator,
117 and any official or agency of this state having supervisory authority
118 over a person, shall give prompt notice to a person of any errors
119 discovered pursuant to an examination or investigation of the trans-
120 actions, business, records and acts of the person.

121 7. A person may not be held liable in any action brought under this
122 section for a violation of this Act if the person shows by a preponder-
123 ance of evidence that the violation was not intentional and resulted
124 from a bona fide error notwithstanding the maintenance of procedures
125 reasonably adapted to avoid the error.

126 8. In an action in which it is found that a person has violated this
127 Act, the court shall award to the consumer the costs of the action and
128 to his attorneys their reasonable fees. Reasonable attorney's fees
129 shall be determined by the value of the time reasonably expended by
130 the attorney and not by the amount of the recovery on behalf of the
131 consumer.

1 SEC. 5.202. NEW SECTION. **Damages or penalties as setoff to**
2 **obligation.** Damages or penalties to which a consumer is entitled
3 pursuant to this part may be setoff against the consumer's obliga-
4 tion, and may be raised as a defense to a suit on the obligation with-
5 out regard to the time limitations prescribed by this part.

1 SEC. 5.203. NEW SECTION. **Civil liability for violation of dis-**
2 **closure provisions.**

3 1. Except as otherwise provided in this section, a creditor who, in
4 violation of the provisions of the Truth in Lending Act other than
5 its provisions concerning advertising of credit terms, fails to disclose
6 information to a person entitled to the information under this Act
7 is liable to that person, in other than a class action, in an amount
8 equal to the sum of the following:

9 a. Twice the amount of the finance charge in connection with the
10 transaction, but the liability pursuant to this paragraph shall be not
11 less than one hundred dollars or more than one thousand dollars.

12 b. In the case of a successful action to enforce the liability under
13 paragraph a of this subsection, the costs of the action together with
14 reasonable attorney's fees as determined by the court.

15 2. A creditor has no liability under this section if within fifteen
16 days after discovering an error, and prior to the institution of an
17 action under this section or the receipt of written notice of the error,
18 the creditor notifies the person concerned of the error and makes
19 whatever adjustments in the appropriate account are necessary to
20 assure that the person will not be required to pay a finance charge in
21 excess of the amount or percentage rate actually disclosed. The ad-
22 ministrators, and any official or agency of this state having super-
23 visory authority over a creditor, shall give prompt notice to a creditor
24 of any errors discovered pursuant to an examination or investigation
25 of the transactions, business, records and acts of the creditor.

26 3. A creditor may not be held liable in any action brought under
27 this section for a violation of this Act if the creditor shows by a pre-
28 ponderance of evidence that the violation was not intentional and
29 resulted from a bona fide error notwithstanding the maintenance of
30 procedures reasonably adapted to avoid the error.

31 4. Any action which may be brought under this section against
32 the original creditor in any credit transaction involving a security in-
33 terest in land may be maintained against any subsequent assignee
34 of the original creditor where the assignee, its subsidiaries, or affil-
35 iates were in a continuing business relationship with the original
36 creditor either at the time the credit was extended or at the time
37 of the assignment, unless the assignment was involuntary, or the as-
38 signee shows by a preponderance of evidence that it did not have rea-
39 sonable grounds to believe that the original creditor was engaged in
40 violations of this Act and that it maintained procedures reasonably
41 adapted to apprise it of the existence of the violations.

42 5. An obligor or consumer has all rights under this Act that he
43 has under the provisions of the Truth in Lending Act concerning a
44 right of rescission as to certain transactions, and a creditor or other
45 person has all liabilities and defenses under this section that he has
46 under the Truth in Lending Act.

47 6. No action pursuant to this section may be brought more than
48 one year after the date of the occurrence of the violation.

49 7. In this section, creditor includes a person who in the ordinary
50 course of business regularly extends or arranges for the extension of
51 credit, or offers to arrange for the extension of credit, and includes
52 the seller of an interest in land and the lender who makes a loan
53 secured by an interest in land if, but for the rate of the finance
54 charge made in the transaction, the sale or loan would be a consumer
55 credit sale or consumer loan.

56 8. The liability of a creditor under this section is in lieu of and
57 not in addition to his liability under the Truth in Lending Act. An
58 action by a person with respect to a violation may not be maintained
59 pursuant to this section if a final judgment has been rendered for or
60 against that person with respect to the same violation pursuant to
61 the Truth in Lending Act, and if a final judgment has been rendered
62 in favor of a person pursuant to this section and thereafter a final
63 judgment with respect to the same violation is rendered in favor of
64 the same person pursuant to the Truth in Lending Act, a creditor

65 liable under both judgments has a cause of action against that per-
 66 son for appropriate relief to the extent necessary to avoid double lia-
 67 bility with respect to the same violation.

68 9. The administrator shall adopt rules to keep this section in har-
 69 mony with the Truth in Lending Act. These rules supersede any
 70 provisions of this section which are inconsistent with the Truth in
 71 Lending Act as adopted by section one point three hundred two
 72 (1.302) of this Act.

PART 3

CRIMINAL PENALTIES

1 SEC. 5.301. NEW SECTION. Willful violations.

2 1. A person who willfully and knowingly makes charges in excess
 3 of those permitted by the provisions of article two (2), part four (4)
 4 of this Act, applying to supervised loans, is guilty of a misdemeanor
 5 and upon conviction may be sentenced to pay a fine not exceeding
 6 one thousand dollars, or to imprisonment not exceeding one year, or
 7 both.

8 2. A person who, in violation of the provisions of this Act apply-
 9 ing to authority to make supervised loans under section two point
 10 three hundred one (2.301), willfully and* and knowingly engages with-
 11 out a license in the business of making supervised loans, or of taking
 12 assignments of and undertaking direct collection of payments from
 13 and enforcement of rights against consumers arising from super-
 14 vised loans, is guilty of a misdemeanor and upon conviction may be
 15 sentenced to pay a fine not exceeding one thousand dollars, or to im-
 16 prisonment not exceeding one year, or both.

17 3. A person who willfully and knowingly engages in the business
 18 of entering into consumer credit transactions, or of taking assign-
 19 ments of rights against consumers arising therefrom and undertak-
 20 ing direct collection of payments or enforcement of these rights,
 21 without complying with the provisions of this Act concerning notifi-
 22 cation under section six point two hundred two (6.202) or payment
 23 of fees under section six point two hundred three (6.203) of this Act,
 24 is guilty of a misdemeanor and upon conviction may be sentenced to
 25 pay a fine not exceeding one hundred dollars.

26 4. A person who willfully and knowingly violates the provisions of
 27 section seven point one hundred three (7.103) of this Act is guilty of
 28 a misdemeanor and upon conviction may be sentenced to pay a fine
 29 not exceeding one thousand dollars.

1 SEC. 5.302. NEW SECTION. Disclosure violations. A person is
 2 guilty of a misdemeanor and upon conviction may be sentenced to
 3 pay a fine not exceeding five thousand dollars, or to imprisonment not
 4 exceeding one year, or both, if he willfully and knowingly does any
 5 of the following:

6 1. Gives false or inaccurate information or fails to provide infor-
 7 mation which he is required to disclose under the provisions of the
 8 Truth in Lending Act.

9 2. Uses any rate table or chart, the use of which is authorized by
 10 the provisions of the Truth in Lending Act, in a manner which con-

*According to enrolled Act

11 sistently understates the annual percentage rate determined accord-
12 ing to those provisions.

13 3. Otherwise fails to comply with any requirement of the provi-
14 sions on disclosure of the Truth in Lending Act.

15 4. The criminal liability of a person under this section is in lieu of
16 and not in addition to his criminal liability under the Truth in Lend-
17 ing Act. No prosecution of a person with respect to the same viola-
18 tion may be maintained pursuant to both this section and the Truth
19 in Lending Act.

ARTICLE SIX
ADMINISTRATION

PART 1

POWERS AND FUNCTIONS OF ADMINISTRATOR

1 SEC. 6.101. NEW SECTION. **Short title.** This article shall be
2 known and may be cited as the Iowa Consumer Credit Code—Admin-
3 istration.

1 SEC. 6.102. NEW SECTION. **Applicability.** This part applies to
2 persons who:

3 1. Participate in transactions, acts, practices or conduct to which
4 this Act applies pursuant to section one point two hundred one
5 (1.201).

6 2. Participate in this state in transactions, acts, practices or con-
7 duct to which this Act would apply pursuant to section one point two
8 hundred one (1.201), but for the residence of the consumer.

9 3. Enter into or modify a sale of an interest in land or a loan
10 secured by an interest in land, if, but for the rate of the finance
11 charge, the sale, loan or modification would involve a consumer credit
12 sale or consumer loan, but applies only for the purpose of authoriz-
13 ing the administrator to enforce the provisions on compliance with
14 the Truth in Lending Act.

1 SEC. 6.103. NEW SECTION. **Administrator.** Except as expressly
2 provided in sections six point one hundred six (6.106) and six point
3 one hundred eight (6.108) of this part, "administrator" means the
4 attorney general or his designee.

1 SEC. 6.104. NEW SECTION. **Powers of administrator—reliance**
2 **on rules—duty to report.**

3 1. The administrator, within the limitations provided by law, may:

4 a. Receive and act on complaints.

5 b. Take action designed to obtain voluntary compliance with this
6 Act.

7 c. Commence proceedings on his own initiative.

8 d. Counsel persons and groups on their rights and duties under
9 this Act.

10 e. Establish programs for the education of consumers with respect
11 to credit practices and problems.

12 f. Make studies appropriate to effectuate the purposes and policies
13 of this Act and make the results available to the public.

14 g. Maintain offices within this state.

15 2. The administrator may enforce the Truth in Lending Act to the
16 fullest extent provided by law.

17 3. To keep the administrator's rules in harmony with the rules of
18 administrators in other jurisdictions which enact the Uniform Con-
19 sumer Credit Code, the administrator, so far as is consistent with
20 the purposes, policies and provisions of this Act, shall do both of the
21 following:

22 a. Before adopting, amending, and repealing rules, advise and con-
23 sult with administrators in other jurisdictions which enact the Uni-
24 form Consumer Credit Code.

25 b. In adopting, amending, and repealing rules, take into consider-
26 ation the rules of administrators in other jurisdictions which enact
27 the Uniform Consumer Credit Code.

28 4. Except for refund of an excess charge, no liability is imposed
29 under this Act for an act done or omitted in conformity with a rule
30 of the administrator notwithstanding that after the act or omission
31 the rule is amended or repealed or determined by judicial or other
32 authority to be invalid for any reason.

33 5. The administrator shall report annually on or before January
34 first to the general assembly on the operation of the consumer credit
35 protection bureau and the other agencies of this state charged with
36 administering this Act, on the use of consumer credit in the state,
37 and on the problems of persons of small means obtaining credit from
38 persons regularly engaged in extending sales or loan credit. For the
39 purpose of making the report, the administrator may conduct re-
40 search and make appropriate studies. The report shall include, for
41 the consumer credit protection bureau and for other state agencies
42 enforcing this Act, a description of the examination and investiga-
43 tion procedures and policies, a statement of policies followed in de-
44 ciding whether to investigate or examine the offices of credit sup-
45 pliers subject to this Act, a statement of the number and percentages
46 of offices which are periodically investigated or examined, a state-
47 ment of the types of consumer credit problems of both creditors and
48 consumers which have come to his attention through his examina-
49 tions and investigations and the disposition of them under existing
50 law, and recommendations, if any, for legislation to deal with those
51 problems within his general jurisdiction, a statement of the extent
52 to which the rules of the administrator pursuant to this Act are
53 not in harmony with the rules of administrators in other jurisdic-
54 tions which enact the Uniform Consumer Credit Code and the reas-
55 ons for the variations, and a general statement of the activities of
56 his office and of others to promote the purposes of this Act. The re-
57 port shall not identify the creditors against whom action is taken.

1 **SEC. 6.105. NEW SECTION. Administrative powers with respect**
2 **to supervised financial organizations and supervised loan licensees.**

3 1. With respect to supervised financial organizations subject to
4 regulation under chapters five hundred twenty-four (524), five hun-
5 dred thirty-three (533) and five hundred thirty-four (534) of the
6 Code, and persons licensed under chapters five hundred thirty-six
7 (536) and five hundred thirty-six A (536A) of the Code, the powers
8 of examination and investigation as provided in sections two point
9 three hundred five (2.305) and six point one hundred six (6.106) of
10 this Act, and administrative enforcement as provided in sections two
11 point three hundred three (2.303) and six point one hundred eight
12 (6.108) of this Act, shall be exercised by the official or agency to

13 whose supervision the person is subject. All other powers of the ad-
14 ministrator under this Act may be exercised by the administrator
15 with respect to such persons. In all actions or other court proceed-
16 ings brought to enforce this Act, the attorney general or his designee
17 shall participate.

18 2. If the administrator receives a complaint or other information
19 concerning noncompliance with this Act by a person specified in sub-
20 section one (1) of this section, he shall inform the official or agency
21 having supervisory authority over that person. The administrator
22 may obtain information about any such person from the officials or
23 agencies supervising them.

24 3. The administrator and any official or agency of this state hav-
25 ing supervisory authority over a supervised financial organization or
26 a chapter five hundred thirty-six (536) or five hundred thirty-six A
27 (536A) licensee are authorized and directed to consult and assist one
28 another in maintaining compliance with this Act. They may jointly
29 pursue investigations, prosecute suits, and take other official action
30 against violations of this Act, as they deem appropriate, if either
31 of them otherwise is empowered to take the action.

1 **SEC. 6.106. NEW SECTION. Investigatory powers.**

2 1. For purposes of this section, "administrator" means either the
3 attorney general or his designee, or the official or agency charged
4 with enforcing this Act against the person under investigation, as
5 provided in subsection one (1) of section six point one hundred five
6 (6.105) of this Act. If the administrator has reasonable cause to be-
7 lieve that a person has engaged in conduct or committed an act which
8 is in violation of this Act, he may make an investigation to deter-
9 mine whether the person has engaged in the conduct or committed
10 the act, and, to the extent necessary for this purpose, may adminis-
11 ter oaths or affirmations, and, upon his own motion or upon request
12 of any party, may subpoena witnesses, compel their attendance, ad-
13 duce evidence, and require the production of, or testimony as to, any
14 matter which is relevant to the investigation, including the existence,
15 description, nature, custody, condition, and location of any books,
16 documents, or other tangible things and the identity and location of
17 persons having knowledge of relevant facts, or any other matter rea-
18 sonably calculated to lead to the discovery of admissible evidence. In
19 any civil action brought by the administrator as a result of such an
20 investigation, the administrator shall be awarded the reasonable costs
21 of making the investigation if he prevails in the action.

22 2. If the person's records are located outside this state, the person
23 at his option shall either make them available to the administrator
24 at a convenient location within this state or pay the reasonable and
25 necessary expenses for the administrator or his representative to ex-
26 amine them at the place where they are maintained. The adminis-
27 trator may designate representatives, including comparable officials
28 of the state in which the records are located, to inspect them on his
29 behalf.

30 3. Upon application by the administrator showing failure without
31 lawful excuse to obey a subpoena or to give testimony and upon rea-
32 sonable notice to all persons affected thereby, the district court shall
33 grant an order compelling compliance.

34 4. The administrator shall not make public the name or identity
35 of a person whose acts or conduct he investigates pursuant to this
36 section or the facts disclosed in the investigation, but this subsection
37 does not prohibit disclosures in actions or enforcement proceedings
38 pursuant to this Act.

1 SEC. 6.107. Reserved for future use.

1 SEC. 6.108. NEW SECTION. **Administrative enforcement orders.**

2 1. For purposes of this section, "administrator" means either the
3 attorney general or his designee, or the official or agency charged
4 with enforcing this Act against the person under investigation, as
5 provided in subsection one (1) of section six point one hundred five
6 (6.105) of this Act. Except as provided in subsection six (6) of this
7 section, after notice and hearing the administrator may order a per-
8 son to cease and desist from engaging in violations of this Act. A
9 person aggrieved by an order of the administrator may obtain judi-
10 cial review of the order and the administrator may obtain an order
11 of the district court for enforcement of the cease and desist order if
12 he prevails in the proceeding for review, or as provided in subsection
13 five (5) of this section. The proceeding for review or enforcement
14 is initiated by filing a petition in the district court. Copies of the
15 petition shall be served upon all parties of record.

16 2. Within thirty days after service of the petition for review
17 upon the administrator, or within any further time the court may
18 allow, the administrator shall transmit to the court the original or a
19 certified copy of the entire record upon which the order is based, in-
20 cluding any transcript of testimony, which need not be printed. By
21 stipulation of all parties to the review proceeding, the record may be
22 shortened. After hearing, the court may reverse or modify the
23 order if the findings of fact of the administrator are clearly erro-
24 neous in view of the reliable, probative, and substantial evidence on
25 the whole record, or grant any temporary relief or restraining order
26 it deems just, and enter an order enforcing, modifying and enforcing
27 as modified, or setting aside in whole or in part the order of the ad-
28 ministrator, or remanding the case to the administrator for further
29 proceedings.

30 3. An objection not urged at the hearing shall not be considered
31 by the court unless the failure to urge the objection is excused for
32 good cause shown. A party may move the court to remand the case
33 to the administrator in the interest of justice for the purpose of ad-
34 ducing additional specified and material evidence and seeking findings
35 thereon upon good cause shown for the failure to adduce this evi-
36 dence before the administrator.

37 4. The jurisdiction of the court shall be exclusive and its final judg-
38 ment or decree shall be subject to review by the supreme court in the
39 same manner and form and with the same effect as in appeals from
40 a final judgment or decree in an equitable proceeding. The adminis-
41 trator's copy of the testimony shall be available at reasonable times
42 to all parties for examination without cost.

43 5. A proceeding for review under this section must be initiated
44 within thirty days after a copy of the order of the administrator is
45 received. If no proceeding is so initiated, the administrator may ob-
46 tain a decree of the district court for enforcement of the cease and

47 desist order upon a showing that the order was issued in compliance
 48 with this section, that no proceeding for review was initiated within
 49 thirty days after copy of the order was received, and that the per-
 50 son against whom the order was directed is subject to the jurisdiction
 51 of the court.

52 6. With respect to unconscionable agreements or fraudulent or un-
 53 conscionable conduct by the respondent, the administrator may not
 54 issue an order pursuant to this section but may bring a civil action
 55 for an injunction under section six point one hundred eleven (6.111)
 56 of this Act.

1 SEC. 6.109. NEW SECTION. **Assurance of discontinuance.** If it
 2 is claimed that a person has engaged in conduct which could be sub-
 3 ject to an order by the administrator or by a court, the administra-
 4 tor may accept an assurance in writing that the person will not en-
 5 gage in the same or in similar conduct in the future. The assurance
 6 may include stipulations that the creditor will voluntarily pay the
 7 costs of investigation, or that an amount will be held in escrow as
 8 restitution to debtors aggrieved by future conduct of the creditor or
 9 as a reserve to cover costs of future investigation, or may include ad-
 10 missions of past specific acts by the creditor or admissions that those
 11 acts violated this Act or other statutes. A violation of an assur-
 12 ance of discontinuance is a violation of this Act.

1 SEC. 6.110. NEW SECTION. **Injunctions and other proceedings in**
 2 **equity of Act.** The administrator may bring a civil action to restrain
 3 a person from violating this Act and for other appropriate relief, in-
 4 cluding but not limited to the following:

5 a. To prevent the use or employment by a person of practices pro-
 6 hibited by this Act.

7 b. To reform contracts to conform to this Act and to rescind con-
 8 tracts into which a creditor has induced a consumer to enter by con-
 9 duct violating this Act, even though the consumers are not parties
 10 to the action. An action under this section may be joined with an
 11 action under the provisions on civil actions by the administrator
 12 under section six point one hundred thirteen (6.113) of this Act.

1 SEC. 6.111. NEW SECTION. **Injunctions against unconscionable**
 2 **agreements and fraudulent or unconscionable conduct.**

3 1. The administrator may bring a civil action to restrain a person
 4 to whom this part applies from engaging in any of the following
 5 courses of action:

6 a. Making or enforcing unconscionable terms or provisions of con-
 7 sumer credit transactions.

8 b. Fraudulent or unconscionable conduct in inducing consumers to
 9 enter into consumer credit transactions.

10 c. Conduct of any of the types specified in paragraphs a or b of
 11 this subsection with respect to transactions that give rise to or that
 12 lead persons to believe they will give rise to consumer credit trans-
 13 actions.

14 d. Fraudulent or unconscionable conduct in the collection of debts
 15 arising from consumer credit transactions or from transactions which
 16 would have been consumer credit transactions if a finance charge was
 17 made or the obligation was payable in installments.

18 2. In an action brought pursuant to this section the court may
19 grant relief only if it finds all of the following:

20 a. That the defendant has made unconscionable agreements or has
21 engaged in or is likely to engage in a course of fraudulent or uncon-
22 scionable conduct.

23 b. That the defendant's agreements have caused or are likely to
24 cause, or the conduct of the defendant has caused or is likely to cause,
25 injury to consumers or debtors.

26 c. That the defendant has been able to cause or will be able to cause
27 the injury primarily because the transactions involved are credit
28 transactions.

29 3. In applying subsection one (1), paragraphs a, b, or c of this
30 section, consideration shall be given to the factors specified in the
31 provisions on unconscionability with respect to a transaction that is
32 or gives rise to or that a person leads the debtor to believe will give
33 rise to a consumer credit transaction, as provided in section five point
34 one hundred eight (5.108), subsection three (3), of this Act, among
35 others.

36 4. In applying subsection one (1), paragraph d, of this section, vio-
37 lations of section seven point one hundred three (7.103) of this Act
38 shall be considered, among other factors, as applicable.

39 5. In an action brought pursuant to this section, a charge or prac-
40 tice expressly permitted by this Act is not in itself unconscionable.

1 SEC. 6.112. NEW SECTION. **Temporary relief.** With respect to
2 an action brought to enjoin violations of this Act under section six
3 point one hundred ten (6.110) or unconscionable agreements or fraud-
4 ulent or unconscionable conduct under section six point one hundred
5 eleven (6.111) of this Act, the administrator may apply to the court
6 for appropriate temporary relief against a defendant, pending final
7 determination of the action. The court may grant appropriate tem-
8 porary relief.

1 SEC. 6.113. NEW SECTION. **Civil actions by administrator.**

2 1. After demand, the administrator may bring a civil action
3 against a person for all amounts of money, other than penalties,
4 which a consumer or class of consumers has a right to recover explic-
5 itly granted by this Act. The court shall order amounts recovered or
6 recoverable under this subsection to be paid to each consumer or set
7 off against his obligation. A consumer's action, other than a class
8 action, takes precedence over a prior or subsequent action by the ad-
9 ministrator with respect to the claim of that consumer. A consum-
10 er's class action takes precedence over a subsequent action by the
11 administrator with respect to claims common to both actions but
12 intervention by the administrator is authorized. An administrator's
13 action on behalf of a class of consumers takes precedence over a con-
14 sumer's subsequent class action with respect to claims common to
15 both actions. Whenever an action takes precedence over another ac-
16 tion under this subsection, the latter action may be stayed to the
17 extent appropriate while the precedent action is pending and dis-
18 missed if the precedent action is dismissed with prejudice or results in
19 a final judgment granting or denying the claim asserted in the prece-
20 dent action. A defense available to a person in a civil action brought

21 by a consumer is available to him in a civil action brought under this
22 subsection.

23 2. The administrator may bring a civil action against a person to
24 recover a civil penalty of no more than five thousand dollars for re-
25 peatedly and intentionally violating this Act. No civil penalty pur-
26 suant to this subsection may be imposed for violations of this Act
27 occurring more than two years before the action is brought or for
28 making unconscionable agreements or engaging in a course of fraud-
29 ulent or unconscionable conduct.

30 3. The administrator may bring a civil action against a person for
31 failure to file notification in accordance with the provisions on notifi-
32 cation in section six point two hundred two (6.202) of this Act, or
33 to pay fees in accordance with the provisions on fees in section six
34 point two hundred three (6.203) of this Act, to recover the fees the
35 defendant has failed to pay plus interest at the rate of seven per-
36 cent per annum and the administrator's reasonable costs in bringing
37 the action, and a civil penalty in an amount determined by the court
38 not exceeding the greater of three times the amount of fees the per-
39 son has failed to pay or one thousand dollars.

1 SEC. 6.114. Reserved for future use.

1 SEC. 6.115. NEW SECTION. **Consumer's remedies not affected.**
2 The grant of powers to the administrator in this article does not
3 affect remedies available to consumers under this Act or under other
4 principles of law or equity, except as provided in section six point
5 one hundred thirteen (6.113) of this Act.

1 SEC. 6.116. NEW SECTION. **Venue.** The administrator may bring
2 actions or proceedings in the district court in a county in which an
3 act on which the action or proceeding is based occurred, or in a
4 county in which the defendant resides or transacts business.

PART 2

NOTIFICATION AND FEES

1 SEC. 6.201. NEW SECTION. **Applicability.** This part applies to
2 all of the following:

3 1. Creditors engaged in consumer credit transactions and acts, prac-
4 tices or conduct involving consumer credit transactions to which this
5 Act applies pursuant to section one point two hundred one (1.201)
6 of this Act, but not to those licensed, certificated, or otherwise author-
7 ized to engage in business by chapter five hundred twenty-four (524),
8 five hundred thirty-three (533), five hundred thirty-four (534), five
9 hundred thirty-six (536) or five hundred thirty-six A (536A) of
10 the Code.

11 2. Debt collectors, as defined in subsection three (3) of section
12 seven point one hundred two (7.102) of this Act, to whose acts, prac-
13 tices, or conduct this Act applies pursuant to section one point two
14 hundred one (1.201) of this Act.

1 SEC. 6.202. NEW SECTION. **Notification.**

2 1. Persons subject to this part shall file notification with the ad-
3 ministrator within thirty days after commencing business in this

4 state, and, thereafter, on or before January thirty-first of each year.
5 The notification must state all of the following:
6 a. Name of the person.
7 b. Every name in which business is transacted if different from
8 the name of the person.
9 c. Address of principal office, whether or not within this state.
10 d. Address of all offices or retail stores, if any, in this state at
11 which consumer credit transactions are entered into or acts, practices
12 or conduct involving consumer credit transactions are engaged in,
13 or in the case of a person taking assignments of obligations, any
14 offices or places of business within this state at which business is
15 transacted or, in the case of debt collectors, any offices in this state
16 from or at which debt collection is engaged in.
17 e. If consumer credit transactions or acts, practices or conduct
18 involving consumer credit transactions or debt collection, are engaged
19 in otherwise than at an office or retail store in this state and this Act
20 applies to such transactions, acts, practices or conduct, pursuant to
21 section one point two hundred one (1.201) of this Act, a brief descrip-
22 tion of the manner in which they are engaged in.
23 f. Address of designated agent upon whom service of process may
24 be made in this state.
25 g. Whether or not supervised loans are made.
26 2. If information in a notification becomes inaccurate after filing,
27 no further notification is required until the following January thirty-
28 first.

1 SEC. 6.203. NEW SECTION. Fees.

2 1. A person required to file notification shall pay to the adminis-
3 trator an annual fee of ten dollars. The fee shall be paid with the
4 filing of the first notification and on or before January thirty-first of
5 each succeeding year.
6 2. A person required to file notification who is a seller, lessor, or
7 lender and who is not an assignee shall pay an additional fee at the
8 time and in the manner stated in subsection one (1) of this section
9 of ten dollars for each one hundred thousand dollars, or part thereof
10 exceeding ten thousand dollars, of the average unpaid balances, in-
11 cluding unpaid scheduled periodic payments under consumer leases,
12 of obligations arising from consumer credit transactions entered into
13 or modified by him in this state and held on the last day of each cal-
14 endar month during the preceding calendar year and held either by
15 the seller, lessor, or lender, or by his immediate or remote assignee
16 who has not filed notification. The unpaid balances of assigned obli-
17 gations held by an assignee who has not filed notifications are pre-
18 sumed to be the unpaid balances of the assigned obligations at the
19 time of their assignment by the seller, lessor, or lender.
20 3. A person required to file notification who is an assignee shall
21 pay an additional fee at the time and in the manner stated in sub-
22 section one (1) of this section of ten dollars for each one hundred
23 thousand dollars, or part thereof exceeding ten thousand dollars, of
24 the average unpaid balances including unpaid scheduled periodic pay-
25 ments payable by lessees, of obligations arising from consumer credit
26 transactions entered into or modified in this state taken by him by

27 assignment and held by him on the last day of each calendar month
28 during the preceding calendar year.

29 4. In addition to the penalties provided by subsection three (3) of
30 section six point one hundred thirteen (6.113) of this Act, the ad-
31 ministrator may collect a charge, established by rule, not exceeding
32 twenty-five dollars from each person required to pay fees under this
33 section who fails to pay the fees in full within thirty days after they
34 are due.

1 **SEC. 6.204. Administrative rules.**

2 1. The attorney general or his designee pursuant to chapter seven-
3 teen A (17A) of the Code may adopt, amend and repeal rules which
4 he deems reasonably necessary for the enforcement of this Act. Each
5 rule so adopted shall be applicable to and binding upon every person
6 subject to the provisions of this Act.

7 2. An official or agency of this state charged with the enforce-
8 ment of provisions of this Act may adopt, amend or repeal rules pur-
9 suant to chapter seventeen A (17A) of the Code, subject to the fol-
10 lowing limitations:

11 a. A rule adopted pursuant to this subsection which conflicts with
12 a rule adopted by the administrator is void.

13 b. An official or agency shall not adopt a rule which interprets or
14 prescribes law or policy which has not been approved in advance of
15 adoption by the administrator. If, in the opinion of the administra-
16 tor, the proposed rule interprets the provisions of this Act, or other-
17 wise should be a rule of general applicability, the administrator may
18 disapprove the proposed rule, in which case the official or agency shall
19 not adopt that rule. The administrator may adopt that rule or a
20 different rule relating to the same subject, or may determine that
21 no rule relating to that subject shall be adopted.

ARTICLE SEVEN

DEBT COLLECTION PRACTICES

1 **SEC. 7.101. NEW SECTION. Short title.** This article shall be
2 known and may be cited as the "Iowa Debt Collection Practices Act".

1 **SEC. 7.102. NEW SECTION. Definitions.** As used in this article,
2 unless the context otherwise requires:

3 1. "Debt" means an actual or alleged obligation arising out of a
4 consumer credit transaction, or a transaction which would have been
5 a consumer credit transaction either if a finance charge was made, if
6 the obligation was not payable in installments, if a lease was for a
7 term of four months or less, or if a lease was of an interest in land.

8 2. "Debt collection" means an action, conduct or practice in solicit-
9 ing debts for collection or in the collection or attempted collection of
10 a debt.

11 3. "Debt collector" means a person engaging, directly or indirectly,
12 in debt collection, whether for himself, his employer, or others, and
13 includes a person who sells, or offers to sell, forms represented to be
14 a collection system, device, or scheme, intended to be used to collect
15 debts.

16 4. "Administrator" means the person designated in section six
17 point one hundred three (6.103) of this Act.

18 5. "Debtor", for the purposes of this Part,* means the person obli-
19 gated.

20 6. "Creditor", for the purposes of this Part,* means the person to
21 whom a debtor is obligated, either directly or indirectly, on a debt.

1 SEC. 7.103. NEW SECTION. **Prohibited practices.**

2 1. A debt collector shall not collect or attempt to collect a debt by
3 means of an illegal threat, coercion, or attempt to coerce. The conduct
4 described in each of the following paragraphs is an illegal threat,
5 coercion or attempt to coerce within the meaning of this subsection:

6 a. The use, or express or implicit threat of use, of force, violence or
7 other criminal means, to cause harm to a person or to property of a
8 person.

9 b. The false accusation or threat to falsely accuse a person of fraud
10 or any other crime.

11 c. False accusations made to a person, including a credit reporting
12 agency, or the threat to falsely accuse, that a debtor is willfully refus-
13 ing to pay a just debt. However, a failure to reply to requests for
14 payment and a failure to negotiate disputes in good faith are deemed
15 willful refusal.

16 d. The threat to sell or assign to another an obligation of the debtor
17 with an attending representation or implication that the result of the
18 sale or assignment will be to subject the debtor to harsh, vindictive,
19 or abusive collection attempts.

20 e. The false threat that nonpayment of a debt may result in the
21 arrest of a person or the seizure, garnishment, attachment or sale of
22 property or wages of that person.

23 f. An action or threat to take an action prohibited by this Act or
24 any other law.

25 2. A debt collector shall not oppress, harass, or abuse a person in
26 connection with the collection or attempted collection of a debt of that
27 person or another person. The following conduct is oppressive, harass-
28 ing or abusive within the meaning of this subsection:

29 a. The use of profane or obscene language or language that is in-
30 tended to abuse the hearer or reader and which by its utterance would
31 tend to incite an immediate breach of the peace.

32 b. The placement of telephone calls to the debtor without disclosure
33 of the name of the business or company the debt collector represents.

34 c. Causing expense to a person in the form of long distance tele-
35 phone tolls, telegram fees, or other charges incurred by a medium of
36 communication by attempting to deceive or mislead persons as to the
37 true purpose of the notice, letter, message or communication.

38 d. Causing a telephone to ring or engaging a person in telephone
39 conversation* repeatedly or continuously or at unusual hours or times
40 known to be inconvenient, with intent to annoy, harass, or threaten a
41 person.

42 3. A debt collector shall not disseminate information relating to a
43 debt or debtor as follows:

44 a. The communication or threat to communicate or imply the fact
45 of a debt to a person other than the debtor or a person who might
46 reasonably be expected to be liable for the debt, except with the writ-
47 ten permission of the debtor given after default. For the purposes of

*According to enrolled Act

48 this paragraph, the use of language on envelopes indicating that the
49 communication relates to the collection of a debt is a communication
50 of the debt. However, this paragraph does not prohibit a debt col-
51 lector from any of the following:

52 (1) Notifying a debtor of the fact that he may report a debt to a
53 credit bureau or engage an agent or an attorney for the purpose of
54 collecting the debt.

55 (2) Reporting a debt to a credit reporting agency or any other
56 person reasonably believed to have a legitimate business need for the
57 information.

58 (3) Engaging an agent or attorney for the purpose of collecting a
59 debt.

60 (4) Attempting to locate a debtor whom the debt collector has
61 reasonable grounds to believe has moved from his residence, where
62 the purpose of the communication is to trace the debtor, and the con-
63 tent of the communication is restricted to requesting information on
64 the debtor's location.

65 (5) Communicating with the debtor's employer or credit union not
66 more than once during any three month period when the purpose of
67 the communication is to obtain an employer's or credit union's debt
68 counselling services for the debtor. In the event no response is re-
69 ceived by the debt collector from a communication to the debtor's
70 employer or credit union the debt collector may make one inquiry as
71 to whether the communication was received. In addition a debt col-
72 lector may respond to any communications by a debtor's employer or
73 credit union.

74 (6) Communicating with the debtor's employer once during any
75 one-month period, if the purpose of the communication is to verify
76 with an employer the fact of the debtor's employment and if the debt
77 collector does not disclose, except as permitted in subparagraph five
78 (5) of this subsection, any information other than the fact that a
79 debt exists. This subparagraph shall not authorize a debtor* collector
80 to disclose to an employer the fact that a debt is in default.

81 (7) Communicating the fact of the debt not more than once in any
82 three-month period, with the parents of a minor debtor, or with any
83 trustee of any property of the debtor, conservator of the debtor or the
84 debtor's property, or guardian of the debtor. In addition, a debt col-
85 lector may respond to inquiry from a parent, trustee, conservator or
86 guardian.

87 (8) Communicating with the debtor's spouse with the consent of
88 the debtor, or responding to inquiry from the debtor's spouse.

89 b. The disclosure, publication, or communication of information
90 relating to a person's indebtedness to another person, by publishing
91 or posting a list of indebted persons, commonly known as "deadbeat
92 lists", or by advertising for sale a claim to enforce payment of a debt
93 when the advertisement names the debtor.

94 c. The use of a form of communication to the debtor, except a
95 telegram, an original notice or other court process, or an envelope
96 displaying only the name and address of a debtor and the return
97 address of the debt collector, intended or so designed as to display or
98 convey information about the debt to another person other than the
99 name, address, and phone number of the debt collector.

*According to enrolled Act

100 4. A debt collector shall not use a fraudulent, deceptive, or mislead-
101 ing representation or means to collect or attempt to collect a debt or
102 to obtain information concerning debtors. The following conduct is
103 fraudulent, deceptive, or misleading within the meaning of this sub-
104 section:

105 a. The use of a business, company, or organization name while
106 engaged in the collection of debts, other than the true name of the
107 debt collector's business, company, or organization or the name of the
108 business or company the debt collector represents.

109 b. The failure to clearly disclose in all written communications
110 made to collect or attempt to collect a debt or to obtain or attempt to
111 obtain information about a debtor, that the debt collector is attempt-
112 ing to collect a debt and that information obtained will be used for that
113 purpose, except where disclosure would tend to embarrass the debtor.

114 c. A false representation that the debt collector has information
115 in his possession or something of value for the debtor, which is made
116 to solicit or discover information about the debtor.

117 d. The failure to clearly disclose the name and full business address
118 of the person to whom the claim has been assigned at the time of
119 making a demand for money.

120 e. An intentional misrepresentation, or a representation which
121 tends to create a false impression of the character, extent or amount
122 of a debt, or of its status in a legal proceeding.

123 f. A false representation, or a representation which tends to create
124 a false impression, that a debt collector is vouched for, bonded by,
125 affiliated with, or an instrumentality, agency or official of the state or
126 an agency of federal, state or local government.

127 g. The use or distribution or sale of a written communication which
128 simulates or is falsely represented to be a document authorized, issued
129 or approved by a court, an official, or other legally constituted or
130 authorized authority, or which tends to create a false impression
131 about its source, authorization, or approval.

132 h. A representation that an existing obligation of the debtor may
133 be increased by the addition of attorney's fees, investigation fees,
134 service fees, or other fees or charges, when in fact such fees or
135 charges may not legally be added to the existing obligation.

136 i. A false representation, or a representation which tends to create
137 a false impression, about the status or true nature of, or services
138 rendered by, the debt collector or his business.

139 5. A debt collector shall not engage in the following conduct to col-
140 lect or attempt to collect a debt:

141 a. The seeking or obtaining of a written statement or acknowledge-
142 ment in any form that specifies that a debtor's obligation is one
143 chargeable upon the property of either husband or wife or both, under
144 section five hundred ninety-seven point fourteen (597.14) of the Code,
145 when the original obligation was not in fact so chargeable.

146 b. The seeking or obtaining of a written statement or acknowledge-
147 ment in any form containing an affirmation of an obligation which has
148 been discharged in bankruptcy, without clearly disclosing the nature
149 and consequences of the affirmation and the fact that the debtor is not
150 legally obligated to make the affirmation. However, this subsection
151 does not prohibit the accepting of promises to pay that are volun-
152 tarily written and offered by a bankrupt debtor.

153 c. The collection of or the attempt to collect from the debtor a part
154 or all of the debt collector's fee for services rendered, unless the debt
155 collector is legally entitled to collect the fee from the debtor.

156 d. The collection of or the attempt to collect interest or other
157 charge, fee or expense incidental to the principal obligation unless the
158 interest or incidental charge, fee, or expense is expressly authorized
159 by the agreement creating the obligation and is legally chargeable to
160 the debtor, or is otherwise legally chargeable.

161 e. A communication with a debtor when the debt collector knows
162 that the debtor is represented by an attorney and the attorney's name
163 and address are known, or could be easily ascertained, unless the attor-
164 ney fails to answer correspondence, return phone calls, or discuss the
165 obligation in question, within a reasonable time, or prior approval is
166 obtained from the debtor's attorney or when the communication is a
167 response in the ordinary course of business to the debtor's inquiry.

168 6. A debt collector shall not use or distribute, sell, or prepare for
169 use, a written communication that violates or fails to conform to
170 United States postal laws and regulations.

ARTICLE EIGHT

RESERVED FOR FUTURE USE

ARTICLE NINE

CONFORMING AMENDMENTS AND REPEALER

1 SEC. 9.101. Section five hundred twenty-four point one hundred
2 three (524.103), Code 1973, is amended by adding the following new
3 subsections:

4 NEW SUBSECTION. "Administrator" means the person designated
5 in section six point one hundred three (6.103) of this Act.

6 NEW SUBSECTION. "Supervised financial organization" as defined
7 and used in the Iowa Consumer Credit Code includes a person organ-
8 ized pursuant to this chapter.

1 SEC. 9.102. Chapter five hundred twenty-four (524), Code 1973,
2 is amended by adding the following new section:

3 **NEW SECTION. Enforcement of Iowa Consumer Credit Code.**

4 1. The superintendent shall enforce the Iowa Consumer Credit
5 Code with respect to banks, as provided in sections two point three
6 hundred three (2.303), two point three hundred five (2.305), and six
7 point one hundred five (6.105) of this Act.

8 2. The superintendent shall cooperate with the administrator, and
9 shall assist the administrator whenever necessary to provide for the
10 discharge of the duties of the administrator.

11 3. Notwithstanding other provisions of this chapter to the con-
12 trary, the superintendent shall authorize to be furnished to the ad-
13 ministrator, access to or copies of records in the possession of the
14 superintendent or other persons which relate to a bank when neces-
15 sary to enable the administrator to enforce this Act.

16 4. The superintendent shall make an annual report in writing to
17 the administrator. A copy of the report shall be furnished at cost
18 by the superintendent to each bank or other person upon request.
19 The annual report shall contain:

20 a. A summary of applications to engage in the business of bank-
21 ing approved or denied by the superintendent since the last report.

22 b. A summary of the volume of consumer installment credit out-
23 standing per bank under the superintendent's supervision as of De-
24 cember thirty-first of the year for which the report is made.

25 c. A statement of the receipts and disbursements of agency funds
26 for consumer credit protection during the calendar year ending the
27 preceding December thirty-first, and of the funds on hand on that
28 date.

29 d. Information which the superintendent may deem appropriate
30 and advisable to disclose.

31 e. Information which the administrator may require to be in-
32 cluded.

1 SEC. 9.103. Chapter five hundred thirty-three (533), Code 1973,
is amended by adding the following new sections:

3 NEW SECTION. **Definitions.** As used in this chapter unless the
4 context otherwise requires:

5 1. "Administrator" means the person designated in section six
6 point one hundred three (6.103) of this Act.

7 2. "Credit union" means a person having a certificate of approval
8 issued pursuant to this chapter. A credit union is also a supervised
9 financial organization as defined and used in the Iowa Consumer
10 Credit Code.

11 NEW SECTION. **Enforcement of Iowa Consumer Credit Code.**

12 1. The superintendent shall enforce the Iowa Consumer Credit
13 Code with respect to credit unions, as provided in sections two point
14 three hundred three (2.303), two point three hundred five (2.305)
15 and six point one hundred five (6.105) of this Act.

16 2. The superintendent shall cooperate with the administrator, and
17 shall assist the administrator whenever necessary to provide for the
18 discharge of the duties of the administrator.

19 3. Notwithstanding other provisions of this chapter to the con-
20 trary, the superintendent shall authorize to be furnished to the ad-
21 ministrator, access to or copies of records in the possession of the
22 superintendent or other persons which relate to a credit union, when
23 necessary to enable the administrator to enforce this Act.

24 4. The superintendent shall make an annual report in writing to
25 the administrator. A copy of the report shall be furnished at cost
26 by the superintendent to each credit union or other person upon re-
27 quest. The annual report shall contain:

28 a. A summary of applications for organization approved or denied
29 by the superintendent since the last report.

30 b. A summary of the assets, liabilities and capital structure of all
31 credit unions, and a summary of the volume of consumer installment
32 credit outstanding per credit union, as of December thirty-first of
33 the year for which the report is made.

34 c. A statement of the receipts and disbursements of agency funds
35 for consumer credit protection during the calendar year ending the
36 preceding December thirty-first, and of the funds on hand on that
37 date.

38 d. Information which the superintendent may deem appropriate
39 and advisable to disclose.

40 e. Information which the administrator may require to be in-
41 cluded.

1 SEC. 9.104. Section five hundred thirty-four point two (534.2),
2 Code 1973, is amended by adding the following new subsections:

3 NEW SUBSECTION. "Administrator" means the person designated
4 in section six point one hundred three (6.103) of this Act.

5 NEW SUBSECTION. "Supervised financial organization" as defined
6 and used in the Iowa Consumer Credit Code includes a person or-
7 ganized pursuant to this chapter.

1 SEC. 9.105. Chapter five hundred thirty-four (534), Code 1973, is
2 amended by adding the following new section:

3 NEW SECTION. **Enforcement of Iowa Consumer Credit Code.**

4 1. The supervisor shall enforce the Iowa Consumer Credit Code
5 with respect to associations, as provided in sections two point three
6 hundred three (2.303), two point three hundred five (2.305) and six
7 point one hundred five (6.105) of this Act.

8 2. The supervisor shall cooperate with the administrator, and shall
9 assist the administrator whenever necessary to provide for the dis-
10 charge of the duties of the administrator.

11 3. Notwithstanding other provisions of this chapter to the con-
12 trary, the supervisor shall authorize to be furnished to the adminis-
13 trator, access to or copies of records in the possession of the super-
14 visor or other persons which relate to a savings and loan association
15 when necessary to enable the administrator to enforce this Act.

16 4. The supervisor shall make an annual report in writing to the
17 administrator. A copy of the report shall be furnished at cost by
18 the supervisor to each association or other person upon request. The
19 annual report shall contain:

20 a. A summary of applications for organization approved or denied
21 by the supervisor since the last report.

22 b. A summary of the volume of consumer installment credit out-
23 standing per association as of December thirty-first of the year for
24 which the report is made.

25 c. A statement of the receipts and disbursements of agency funds
26 for consumer credit protection during the calendar year ending the
27 preceding December thirty-first, and of the funds on hand on that
28 date.

29 d. Information which the supervisor may deem appropriate and
30 advisable to disclose.

31 e. Information which the administrator may require to be in-
32 cluded.

1 SEC. 9.106. Chapter five hundred thirty-six (536), Code 1973, is
2 amended by adding the following new sections:

3 NEW SECTION. **Definitions.** As used in this chapter, unless the
4 context otherwise requires:

5 1. "Administrator" means the person designated in section six
6 point one hundred three (6.103) of this Act.

7 2. "Licensee" means a person licensed under this chapter.

8 NEW SECTION. **Enforcement of Iowa Consumer Credit Code.**

9 1. The superintendent shall enforce the Iowa Consumer Credit
10 Code with respect to licensees, as provided in sections two point three
11 hundred three (2.303), two point three hundred five (2.305) and six
12 point one hundred five (6.105) of this Act.

13 2. The superintendent shall cooperate with the administrator, and
 14 shall assist the administrator whenever necessary to provide for the
 15 discharge of the duties of the administrator.

16 3. Notwithstanding other provisions of this chapter to the con-
 17 trary, the superintendent shall authorize to be furnished to the ad-
 18 ministrator, access to or copies of records in the possession of the
 19 superintendent or other persons which relate to a person licensed
 20 under this chapter, when necessary to enable the administrator to
 21 enforce this Act.

22 4. The superintendent shall make an annual report in writing to
 23 the administrator. A copy of the report shall be furnished at cost
 24 by the superintendent to each licensee or other person upon request.
 25 The annual report shall contain:

26 a. A summary of license applications approved or denied by the
 27 superintendent since the last report.

28 b. A summary of the assets, liabilities and capital structure of all
 29 licensees, and volume of consumer installment of credit outstanding
 30 per licensee, as of December thirty-first of the year for which the
 31 report is made.

32 c. A statement of the receipts and disbursements of agency funds
 33 for consumer credit protection during the calendar year ending the
 34 preceding December thirty-first, and of the funds on hand on that
 35 date.

36 d. Information which the superintendent may deem appropriate
 37 and advisable to disclose.

38 e. Information which the administrator may require to be in-
 39 cluded.

1 SEC. 9.107. Section five hundred thirty-six A point two (536A.2),
 2 Code 1973, is amended by adding the following new subsections:

3 NEW SUBSECTION. "Administrator" means the person designated
 4 in section six point one hundred three (6.103) of this Act.

5 NEW SUBSECTION. "Licensee" means a person licensed under this
 6 chapter.

1 SEC. 9.108. Chapter five hundred thirty-six A (536A), Code 1973,
 2 is amended by adding the following new section:

3 **NEW SECTION. Enforcement of Iowa Consumer Credit Code.**

4 1. The auditor shall enforce the Iowa Consumer Credit Code with
 5 respect to licensees, as provided in sections two point three hundred
 6 three (2.303), two point three hundred five (2.305) and six point one
 7 hundred five (6.105) of this Act.

8 2. The auditor shall cooperate with the administrator, and shall
 9 assist the administrator whenever necessary to provide for the dis-
 10 charge of the duties of the administrator.

11 3. Notwithstanding other provisions of this chapter to the con-
 12 trary, the auditor shall authorize to be furnished to the administra-
 13 tor, access to or copies of records in the possession of the auditor or
 14 other persons which relate to a licensee when necessary to enable
 15 the administrator to enforce this Act.

16 4. The auditor shall make an annual report in writing to the ad-
 17 ministrator. A copy of the report shall be furnished at cost by the
 18 auditor to each licensee or other person upon request. The annual
 19 report shall contain:

- 20 a. A summary of license applications approved or denied by the
21 auditor since the last report.
- 22 b. A summary of the assets, liabilities and capital structure of all
23 licensees, and volume of consumer installment credit outstanding per
24 licensee, as of December thirty-first of the year for which the report
25 is made.
- 26 c. A statement of the receipts and disbursements of agency funds
27 for consumer credit protection during the calendar year ending the
28 preceding December thirty-first, and of the funds on hand on that
29 date.
- 30 d. Information which the auditor may deem appropriate and ad-
31 visable to disclose.
- 32 e. Information which the administrator may require to be in-
33 cluded.

1 SEC. 9.109. Section three hundred twenty-two point two (322.2),
2 subsection eight (8), Code 1973, is amended to read as follows:

3 8. "Retail installment transaction" means any sale evidenced by a
4 retail installment contract between a retail buyer and a retail seller
5 wherein the retail buyer buys a motor vehicle from a retail seller at a
6 time price payable in one or more deferred installments. ~~The cash sale~~
7 ~~price of the motor vehicle, the amount included for insurance and~~
8 ~~other benefits, if a separate charge is made therefor, official fees and~~
9 ~~finance charge, shall together constitute the time price.~~

1 SEC. 9.110. Section three hundred twenty-two point two (322.2),
2 Code 1973, is amended by striking subsections twelve (12), thirteen
3 (13), fourteen (14), and fifteen (15).

1 SEC. 9.111. Section three hundred twenty-two point three (322.3),
2 subsection six (6), Code 1973, is amended by striking paragraphs b,
3 c, d, and e, and by adding the following new paragraph:

4 NEW PARAGRAPH. The contract shall comply with the Iowa Con-
5 sumer Credit Code, where applicable.

1 SEC. 9.112. Section three hundred twenty-two point six (322.6),
2 Code 1973, is amended by adding the following new subsection:

3 NEW SUBSECTION. If it has been judicially determined that the
4 licensee has intentionally violated any of the provisions of the Iowa
5 Consumer Credit Code, and the licensee continues to make consumer
6 credit sales, consumer loans or consumer leases in violation of the
7 Iowa Consumer Credit Code.

1 SEC. 9.113. Section three hundred twenty-two point fourteen
2 (322.14), Code 1973, is amended to read as follows:

3 **322.14 Penalties.** Any person violating any of the provisions of
4 this chapter where a penalty is not specifically provided for shall be
5 deemed guilty of a misdemeanor and upon conviction thereof shall be
6 punished by a fine not exceeding one hundred dollars or thirty days
7 in jail.

8 ~~Any person who shall willfully and intentionally violate the provi-~~
9 ~~sions of subsection 6 of section 322.3 shall be guilty of a misdemeanor~~
10 ~~and upon conviction shall be punished by a fine not to exceed five hun-~~
11 ~~dred dollars.~~

12 *If a retail installment contract is subject to a provision of the Iowa*
 13 *Consumer Credit Code which is enforced by a criminal penalty, such*
 14 *penalty shall be considered to be specifically provided for a violation*
 15 *of this chapter.*

16 The provisions of this section shall not apply to violations under
 17 subsection 5 of section 322.3.

1 SEC. 9.114. Section three hundred twenty-two point nineteen
 2 (322.19), subsection one (1), Code 1973, is amended to read as fol-
 3 lows:

4 1. Amount. Notwithstanding the provisions of any other existing
 5 law, a retail installment transaction may include a finance charge not
 6 in excess of the following rates:

7 Class 1. Any new motor vehicle designated by the manufacturer
 8 by a year model not earlier than the year in which the sale is made,
 9 an amount equivalent to one and one-fourth percent per month simple
 10 interest on the declining balance *of the amount financed.*

11 Class 2. Any new motor vehicle not in Class 1 and any used motor
 12 vehicle designated by the manufacturer by a year model of the same
 13 or not more than two years prior to the year in which the sale is
 14 made, an amount equivalent to one and three-fourths percent per
 15 month simple interest on the declining balance *of the amount*
 16 *financed.*

17 Class 3. Any used motor vehicle not in Class 2 and designated by
 18 the manufacturer by a year model ~~not more than four~~ *more than two*
 19 years prior to the year in which the sale is made, an amount equiva-
 20 lent to two and one-fourth percent per month simple interest on the
 21 declining balance *of the amount financed.*

22 Class 4. ~~Any used motor vehicle not in Class 2 or Class 3 and~~
 23 ~~designated by the manufacturer by a year model more than four~~
 24 ~~years prior to the year in which the sale is made, an amount equiva-~~
 25 ~~lent to two and one-fourth percent per month simple interest on the~~
 26 ~~declining balance, plus a flat charge of one dollar per month for the~~
 27 ~~number of months from the date of the contract to the maturity date~~
 28 ~~of the last installment thereunder, but in no event in excess of twelve~~
 29 ~~dollars.~~

30 *Amount financed shall be as defined in section one point three hun-*
 31 *dred one (1.301) of the Iowa Consumer Credit Code.*

1 SEC. 9.115. Section three hundred twenty-two point nineteen
 2 (322.19), Code 1973, is amended by striking subsections two (2) and
 3 three (3).

1 SEC. 9.116. Section three hundred twenty-two point twenty
 2 (322.20), Code 1973, is amended to read as follows:

3 **322.20 Extension of time.** *If Sections two point five hundred*
 4 *three (2.503) and three point four hundred two (3.402) of the Iowa*
 5 *Consumer Credit Code notwithstanding, if the holder of a retail*
 6 *installment contract, at the request of the buyer, extends the sched-*
 7 *uled due date of all or any part of any installment or installments,*
 8 *the holder may restate the amount of the installments and the time*
 9 *schedule therefor, and collect for such extension not more than one*
 10 *percent* per month simple interest on the respective declining bal-*

*According to enrolled Act

11 ances of the amount financed computed on the amount and for the
12 period of such extension or renewal.

1 SEC. 9.117. Sections three hundred twenty-two point twenty-one
2 (322.21) and three hundred twenty-two point twenty-two (322.22),
3 Code 1973, are repealed.

1 SEC. 9.118. Chapter three hundred twenty-two (322), Code 1973,
2 is amended by adding the following new section:

3 **NEW SECTION. Applicability of the Iowa Consumer Credit Code.**

4 1. The provisions of the Iowa Consumer Credit Code shall apply
5 to a consumer credit sale in which a licensed motor vehicle dealer par-
6 ticipates or engages, and any violation of that Code shall be a viola-
7 tion of this chapter.

8 2. Article two (2), parts five (5) and six (6), and article three
9 (3), sections three point two hundred three (3.203), three point two
10 hundred six (3.206), three point two hundred nine (3.209), three
11 point three hundred four (3.304), three point three hundred five
12 (3.305), and three point three hundred six (3.306) of the Iowa Con-
13 sumer Credit Code shall apply to any credit transaction as defined in
14 section one point three hundred one (1.301) of that Code, that is a
15 retail installment transaction. For the purpose of applying provi-
16 sions of that Code to those transactions, "consumer credit sale" shall
17 include a sale for a business purpose.

18 3. A provision of the Iowa Consumer Credit Code shall supersede
19 a conflicting provision of this chapter.

1 SEC. 9.119. Section five hundred twenty-four point nine hundred
2 six (524.906), Code 1973, is amended by inserting the following new
3 unnumbered paragraph ahead of subsection one (1):

4 **NEW UNNUMBERED PARAGRAPH.** This section shall apply to in-
5 stallment loans other than consumer loans as defined in the Iowa Con-
6 sumer Credit Code.

1 SEC. 9.120. Section five hundred twenty-four point nine hundred
2 six (524.906), subsection six (6), Code 1973, is amended to read as
3 follows:

4 6. No state bank shall have outstanding loans subject to this sec-
5 tion *and section five hundred twenty-four point nine hundred thirteen*
6 *(524.913) of this chapter* in an aggregate amount exceeding twenty-
7 five percent of its total assets.

1 SEC. 9.121. Chapter five hundred twenty-four (524), Division
2 nine (IX), Code 1973, is amended by adding the following new sec-
3 tion:

4 **NEW SECTION. 524.913. Consumer loans.**

5 1. The provisions of the Iowa Consumer Credit Code shall apply
6 to consumer loans made by a bank, and provisions of that Code shall
7 supersede any conflicting provision of this chapter with respect to
8 consumer loans.

9 2. This section shall not apply to a consumer loan which is a real
10 property improvement loan insured wholly or in part by the federal
11 housing administration of the United States.

1 SEC. 9.122. Section five hundred thirty-three point sixteen
2 (533.16), Code 1973, is amended by adding the following new un-
3 numbered paragraph:

4 NEW UNNUMBERED PARAGRAPH. The provisions of the Iowa Con-
5 sumer Credit Code shall apply to consumer loans made by a credit
6 union, and a provision of that Code shall supersede any conflicting
7 provision of this chapter with respect to a consumer loan.

1 SEC. 9.123. Section five hundred thirty-four point nineteen
2 (534.19), subsection six (6), Code 1973, is amended to read as fol-
3 lows:

4 6. Property improvement loans. To make property improvement
5 loans to home owners and other property owners for maintenance, re-
6 pair, landscaping, modernization, furniture and fixtures, improve-
7 ment and equipment for their properties, and loans on mobile homes,
8 with or without security provided that no such loan without security
9 shall exceed five thousand dollars, and provided further that not in
10 excess of fifteen percent of the assets of the association shall be so
11 invested, said fifteen percent to be exclusive of the forty percent of
12 assets power set out in section 534.21 hereof. Such loans, *other than*
13 *consumer loans as defined in the Iowa Consumer Credit Code*, shall
14 be amortized to mature in not to exceed eight years. Such loans may
15 also be based on a discount or add-on charge of not to exceed six dol-
16 lars per one hundred dollars face amount per year in lieu of straight
17 interest otherwise provided by law.

18 *The provisions of the Iowa Consumer Credit Code shall apply to*
19 *consumer loans made by a savings and loan association and a provi-*
20 *sion of that Code shall supersede any conflicting provision of this*
21 *chapter with respect to a consumer loan.*

1 SEC. 9.124. Section five hundred thirty-six point one (536.1),
2 Code 1973, is amended to read as follows:

3 536.1 **License and rights thereunder.** *No With respect to a loan*
4 *other than a consumer loan, no person, copartnership, association,*
5 *or corporation shall engage in the business of making loans of money,*
6 *credit, goods, or things in action in the amount or of the value of one*
7 *thousand dollars or less and charge, contract for, or receive on any*
8 *such loan a greater rate of interest or consideration therefor than the*
9 *lender would be permitted by law to charge if he were not a licensee*
10 *hereunder except as authorized by this chapter and without first*
11 *obtaining a license from the superintendent of banking, hereinafter*
12 *called the superintendent. The word "person", when used hereinafter,*
13 *shall include individuals, copartnerships, associations, and corpora-*
14 *tions unless the context requires a different meaning. With respect*
15 *to a consumer loan, a person required by section two point three hun-*
16 *dred one (2.301) of the Iowa Consumer Credit Code to have a license*
17 *shall not engage in the business of making loans of money, credit,*
18 *goods, or things in action in the amount or value of one thousand*
19 *dollars or less and charge, contract for, or receive on any such loan*
20 *a greater rate of interest or consideration therefor than the lender*
21 *would be permitted by law to charge if he were not a licensee here-*
22 *under, except as authorized by this chapter and without first obtain-*
23 *ing a license from the superintendent. A person which enters into*
24 *less than ten supervised loans per year in this state and which neither*

25 *has an office physically located in this state nor engages in face-to-*
26 *face solicitation in this state may contract for and receive the rate of*
27 *interest permitted in this chapter for licensees hereunder. A "con-*
28 *sumer loan" shall be as defined in section one point three hundred one*
29 *(1.301) of the Iowa Consumer Credit Code.*

1 SEC. 9.125. Section five hundred thirty-six point twelve (536.12),
2 Code 1973, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **536.12 Restrictions on practices.** No licensee shall conduct the
5 business of making loans under the provisions of this chapter within
6 any office, room, suite, or place of business in which any other business
7 is solicited or engaged in, or in association or conjunction therewith,
8 except as may be authorized in writing by the superintendent upon
9 his finding that the character of such other business is such that the
10 granting of such authority would not facilitate evasions of this chap-
11 ter or of the rules and regulations lawfully made by him hereunder.

12 No licensee shall make any loan provided for by this chapter under
13 any other name or at any other place of business than that named in
14 the license.

15 No licensee shall take any instrument in which blanks are left to
16 be filled in after execution.

1 SEC. 9.126. Section five hundred thirty-six point thirteen
2 (536.13), subsection one (1), paragraph b, Code 1973, is amended to
3 read as follows:

4 b. To determine and fix by a regulation such maximum rate of
5 interest or charges upon each such class of small loans as will in-
6 duce efficiently managed commercial capital to enter such business
7 in sufficient amounts to make available adequate credit facilities to
8 individuals without the security or financial responsibility usually
9 required by banks. *Such maximum rate of interest or charge shall*
10 *be stated by the board as an annual percentage rate calculated ac-*
11 *cording to the actuarial method and applied to the unpaid balances of*
12 *the amount financed.*

1 SEC. 9.127. Section five hundred thirty-six point thirteen
2 (536.13), subsection six (6), Code 1973, is amended by striking the
3 subsection and inserting in lieu thereof the following:

4 6. The following provision shall apply to all loans including **con-**
5 **sumer loans** made by a licensee hereunder: If any interest or charge
6 in excess of those permitted by this chapter are charged, contracted
7 for, or received, the contract of loan shall be void and the licensee
8 shall have no right to collect or receive any principal, interest, or
9 charges whatsoever.

10 The provisions of the Iowa Consumer Credit Code shall apply to
11 a consumer loan in which the licensee participates or engages, and
12 any violation of the Iowa Consumer Credit Code shall be a violation
13 of this chapter.

14 Article two (2), parts three (3), five (5) and six (6), and article
15 three (3), sections three point two hundred three (3.203), three point
16 two hundred six (3.206), three point two hundred nine (3.209),
17 three point three hundred four (3.304), three point three hundred
18 five (3.305), and three point three hundred six (3.306) of the Iowa

19 Consumer Credit Code shall apply to any credit transaction, as de-
20 fined in section one point three hundred one (1.301) of that Code, in
21 which a licensee participates or engages, and any violation of those
22 parts or sections shall be a violation of this chapter. For the pur-
23 pose of applying the provisions of the Iowa Consumer Credit Code
24 to those credit transactions, "consumer loan" shall include a loan for
25 a business purpose.

26 A provision of the Iowa Consumer Credit Code applicable to loans
27 regulated by this chapter shall supersede a conflicting provision of
28 this chapter.

1 SEC. 9.128. Section five hundred thirty-six point fourteen
2 (536.14), unnumbered paragraph one (1), is amended to read as fol-
3 lows:

4 Every licensee, *in addition to complying with requirements of the*
5 *Iowa Consumer Credit Code respecting consumer loans*, shall:

1 SEC. 9.129. Section five hundred thirty-six point nineteen
2 (536.19), Code 1973, is amended to read as follows:

3 **536.19 Violations.** Any person, copartnership, association, or cor-
4 poration and the several members, officers, directors, agents, and
5 employees thereof, who shall violate or participate in the violation of
6 any of the provisions of sections 536.1, 536.12, 536.13, or 536.14, ~~or~~
7 ~~536.18~~, *which are not also violations of article five (5), part three (3),*
8 *of the Iowa Consumer Credit Code*, shall be guilty of a misdemeanor,
9 and upon conviction thereof, shall be punishable by a fine of not more
10 than five hundred dollars or by imprisonment of not more than six
11 months, or by both such fine and imprisonment, in the discretion of
12 the court. *Violations of the Iowa Consumer Credit Code shall be*
13 *subject to the penalties provided therein.*

1 SEC. 9.130. Section five hundred thirty-six point twenty-six
2 (536.26), unnumbered paragraphs four (4) and five (5), Code 1973,
3 are amended to read as follows:

4 The premium, which shall be the only charge for such insurance,
5 shall not exceed that approved by the commissioner of insurance of
6 the state of Iowa as filed in the office of such commissioner. Such
7 charge, computed at the time the loan is made for the full term of the
8 loan contract on the total amount required to pay principal and inter-
9 est, ~~shall be stated separately in the contract and in the same location~~
10 ~~in such contract as are the statements of the principal and interest of~~
11 ~~the loan.~~

12 If a borrower procures insurance by or through a licensee, ~~the~~
13 ~~statement required by section 536.14 shall disclose the cost to the~~
14 ~~borrower and the type of insurance, and the licensee shall cause to be~~
15 ~~delivered to the borrower a copy of the policy within fifteen days~~
16 ~~from the date such insurance is procured. No licensee shall decline~~
17 ~~new or existing insurance which meets the standards set out herein~~
18 ~~nor prevent any obligor from obtaining such insurance coverage from~~
19 ~~other sources.~~

1 SEC. 9.131. Chapter five hundred thirty-six (536), Code 1973, is
2 amended by adding the following new section:

3 **NEW SECTION. Nonresident licensees.** Notwithstanding other
4 provisions of this chapter to the contrary, a person which neither has

5 an office physically located in this state nor engages in face-to-face
6 solicitation in this state, if authorized by another state to make loans
7 in that state at a rate of finance charge in excess of the rate provided
8 in chapter five hundred thirty-five (535) of the Code, shall not be sub-
9 ject to the following provisions of this chapter:

10 1. Section five hundred thirty-six point two (536.2), Code 1973, to
11 the extent it requires payment of an annual license fee in excess of
12 ten dollars and requires a person to prove he has any dollar amount of
13 liquid assets or the use of any dollar amount in the conduct of his
14 business at the licensed place of business.

15 2. Section five hundred thirty-six point four (536.4), Code 1973,
16 however, the superintendent may deny a license if upon investigation
17 he determines that the financial responsibility, experience, character
18 or general fitness of the person, or members, officers, or directors
19 thereof, do not warrant the belief that the business will be operated
20 lawfully, honestly, fairly, and efficiently, within the purposes of this
21 chapter.

22 3. Section five hundred thirty-six point six (536.6), Code 1973, to
23 the extent it requires a person to have any dollar amount of assets
24 available for a licensed place of business.

25 4. Section five hundred thirty-six point ten (536.10), Code 1973,
26 to the extent it requires the superintendent to make an examination
27 of the affairs, place of business, and records of the person on a peri-
28 odic basis.

1 SEC. 9.132. Sections five hundred thirty-six point sixteen
2 (536.16), five hundred thirty-six point seventeen (536.17), five hun-
3 dred thirty-six point eighteen (536.18), five hundred thirty-six point
4 twenty-seven (536.27), and subsections seven (7) and eight (8) of
5 section five hundred thirty-six point thirteen (536.13), subsections
6 one (1) and two (2) of section five hundred thirty-six point fourteen
7 (536.14), and paragraph seven (7) of section five hundred thirty-six
8 point twenty-six (536.26), Code 1973, are repealed.

1 SEC. 9.133. Section five hundred thirty-six A point three
2 (536A.3), Code 1973, is amended to read as follows:

3 **536A.3 License.** *No corporation With respect to a loan other*
4 *than a consumer loan, no person shall engage in the business of oper-*
5 *ating an "Industrial Loan Company" in the state of Iowa without*
6 *first having obtained a license from the auditor of the state of Iowa.*
7 *With respect to a consumer loan, no person required by section*
8 *two point three hundred one (2.301) of the Iowa Consumer Credit*
9 *Code to have a license shall be authorized to engage in the business of*
10 *operating an "Industrial Loan Company" without first obtaining a*
11 *license from the auditor of the state of Iowa. A person which enters*
12 *into less than ten supervised loans per year in this state and which*
13 *neither has an office physically located in this state nor engages in*
14 *face-to-face solicitation in this state may contract for and receive the*
15 *rate of interest permitted in this chapter for licensees hereunder. A*
16 *"consumer loan" shall be as defined in section one point three hundred*
17 *one (1.301) of the Iowa Consumer Credit Code.*

1 SEC. 9.134. Section five hundred thirty-six A point twenty-three
2 (536A.23), subsection one (1), Code 1973, is amended to read as fol-
3 lows:

4 1. Charge, receive or collect interest at a rate greater than that
 5 authorized by section 535.2, except that the interest may be computed
 6 when the note is made on the full amount of the cash advanced on the
 7 loan from the date of the note to the date of the final installment
 8 thereof, and the interest so computed may be included in the note,
 9 notwithstanding any agreement to pay the entire amount in install-
 10 ments; or the interest may be computed on the amount of the note
 11 and discounted or collected in advance when the loan is made, not-
 12 withstanding any agreement to pay the entire amount in installments.
 13 If the note is repayable in other than equal monthly installments, the
 14 interest may be an amount computed on the basis of the effective
 15 rates permitted as provided above; provided, however, there shall be
 16 no compounding of interest and when an interest rate as authorized
 17 herein is advertised, or negotiated for with a prospective borrower,
 18 with intent that it be computed by either of the two methods author-
 19 ized herein, they being the "add on" method or the "discount" method,
 20 in such case such rate shall be further described as to the method of
 21 computation to be used, *but interest computed by either method shall*
 22 *be stated to the borrower as provided in section three point two hun-*
 23 *dred ten (3.210) of the Iowa Consumer Credit Code.*

1 SEC. 9.135. Section five hundred thirty-six A point twenty-three
 2 (536A.23), Code 1973, is amended by adding the following new sub-
 3 section:

4 NEW SUBSECTION. Industrial loan companies licensed under the
 5 provisions of this chapter may purchase notes, contracts, mortgages,
 6 accounts, receivables, leases and securities of a type and kind author-
 7 ized by the auditor.

1 SEC. 9.136. Section five hundred thirty-six A point twenty-six
 2 (536A.26), Code 1973, is amended by striking the section and insert-
 3 ing in lieu thereof the following:

4 536A.26 Prepayment. In addition to the requirements of the
 5 Iowa Consumer Credit Code respecting consumer loans, and notwith-
 6 standing the provisions of any note or contract to the contrary, a
 7 borrower may, at any time, prepay all or any part of the unpaid bal-
 8 ance to become payable under any note or installment contract.

1 SEC. 9.137. Section five hundred thirty-six A point twenty-seven
 2 (536A.27), Code 1973, is amended to read as follows:

3 536A.27 Penalty. If any officer, director or agent of any corpo-
 4 ration engaged in the business of operating an industrial loan com-
 5 pany shall violate any of the provisions of this chapter *which are not*
 6 *also violations of the Iowa Consumer Credit Code*; or if any person
 7 individually or as a partner, or officer, director or agent of any cor-
 8 poration shall engage in the business of operating an industrial loan
 9 company without obtaining the license required by section 536A.3,
 10 *when that person is not required by section two point three hundred*
 11 *one (2.301) of the Iowa Consumer Credit Code to have a license*, he
 12 shall be guilty of a misdemeanor and upon conviction thereof shall be
 13 punishable by a fine of not more than five hundred dollars or by
 14 imprisonment in the county jail for not more than six months, or by
 15 both such fine and imprisonment. *Violations of the Iowa Consumer*
 16 *Credit Code shall be subject to the penalties provided therein.*

1 SEC. 9.138. Chapter five hundred thirty-six A (536A), Code 1973,
2 is amended by adding the following new sections:

3 NEW SECTION. **Nonresident licensees.** Notwithstanding other
4 provisions of this chapter to the contrary, a person which neither has
5 an office physically located in this state nor engages in face-to-face
6 solicitation in this state, if authorized by another state to make loans
7 in that state at a rate of finance charge in excess of the rate provided
8 in chapter five hundred thirty-five (535) of the Code, shall not be
9 subject to the following provisions of this chapter:

10 1. Section five hundred thirty-six A point seven (536A.7) of the
11 Code, to the extent it requires payment of an annual license fee in
12 excess of ten dollars.

13 2. Section five hundred thirty-six A point eight (536A.8) of the
14 Code.

15 3. Section five hundred thirty-six A point ten (536A.10), subsec-
16 tions two (2), three (3) and four (4) of the Code.

17 4. Section five hundred thirty-six A point twelve (536A.12) of the
18 Code, to the extent it requires a licensee to pay an annual licensee fee
19 which, when combined with that required in section five hundred
20 thirty-six A point seven (536A.7) of this chapter, is in excess of ten
21 dollars.

22 5. Section five hundred thirty-six A point fifteen (536A.15) of this
23 chapter, to the extent it requires the auditor to make an examination
24 and audit of the books, accounts and records of the licensee on a
25 periodic basis.

26 NEW SECTION. **Applicability of Iowa Consumer Credit Code.**

27 1. The provisions of the Iowa Consumer Credit Code shall apply to
28 a consumer loan in which the licensee participates or engages, and
29 any violation of the Iowa Consumer Credit Code shall be a violation of
30 this chapter.

31 2. Article two (2), parts three (3), five (5), and six (6), and
32 article three (3), sections three point two hundred three (3.203),
33 three point two hundred six (3.206), three point two hundred nine
34 (3.209), three point two hundred ten (3.210), three point three hun-
35 dred four (3.304), three point three hundred five (3.305), and three
36 point three hundred six (3.306) of the Iowa Consumer Credit Code
37 shall apply to any credit transaction, as defined in section one point
38 three hundred one (1.301) of that Code, in which a licensee partici-
39 pates or engages, and any violation of those parts or sections shall be
40 violations of this chapter. For the purpose of applying the provisions
41 of the Iowa Consumer Credit Code to those credit transactions, "con-
42 sumer loan" shall include a loan for a business purpose.

43 3. A provision of the Iowa Consumer Credit Code applicable to
44 loans regulated by this chapter shall supersede a conflicting provision
45 of this chapter.

1 SEC. 9.139. Sections five hundred thirty-six A point twenty
2 (536A.20) and five hundred thirty-six A point twenty-four (536A.24),
3 and subsections three (3), four (4), six (6) and seven (7) of section
4 five hundred thirty-six A point twenty-three (536A.23), Code 1973,
5 are repealed.

1 SEC. 9.140. Section five hundred fifty-four point nine thousand
2 two hundred three (554.9203), subsection two (2), Code 1973, is
3 amended to read as follows:

4 2. A transaction, although subject to this Article, is also subject
5 to chapters 322, 534, 535, 536, 536A and, section 524.906, and the
6 Iowa Consumer Credit Code, where applicable, and in the case of
7 conflict between the provisions of this Article and ~~any such statute~~
8 ~~those statutes~~, the provisions of ~~such statute~~ those statutes control.
9 Failure to comply with any applicable statute has only the effect
10 which is specified therein.

1 SEC. 9.141. Section six hundred forty-two point two (642.2),
2 Code 1973, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **642.2 Garnishment of public employer.**

5 1. The state of Iowa, and all of its governmental subdivisions and
6 agencies may be garnisheed, only as provided in this section and the
7 consent of the state and of its governmental subdivisions and agencies
8 to those garnishment proceedings is hereby given.

9 2. Garnishment pursuant to this section may be made only upon a
10 judgment against an employee of the state, or of a governmental sub-
11 division or agency thereof.

12 3. No debt of the garnishee is subject to garnishment other than
13 the wages of the public employee.

14 4. Service upon the garnishee shall be made by serving an original
15 notice with a copy of the judgment against the defendant, and with a
16 copy of the questions specified in section six hundred forty-two point
17 five (642.5) of this chapter, by certified mail or by personal service
18 upon the attorney general, county attorney, city attorney, or other
19 legal counsel of the appropriate governmental unit. The garnishee
20 shall be required to answer within thirty days following receipt of the
21 notice.

22 5. If it is established that the garnishee owed wages to the defend-
23 ant at the time of being served with the notice of garnishment, judg-
24 ment shall be entered, subject to the requirement of section six
25 hundred forty-two point fourteen (642.14) of the Code against the
26 garnishee in an amount not exceeding the amount recoverable upon
27 the judgment against the defendant employee, but in no event shall
28 the judgment granted be for any amount in excess of that permitted
29 by section six hundred forty-two point twenty-one (642.21) of the
30 Code, and section five point one hundred five (5.105) of the Iowa
31 Consumer Credit Code.

32 6. A judgment in garnishment issued pursuant to this section shall
33 be enforceable against a garnishee only to the extent of the defend-
34 ant's wages actually in the possession of the garnishee, and shall not
35 be enforceable against any property, claims or other rights of the
36 garnishee.

37 7. A person garnisheed pursuant to this section shall be subject to
38 the provisions of this chapter not inconsistent with this section.

1 SEC. 9.142. The secretary of the senate is authorized to correct
2 any errors in internal referencing which may appear in this bill.

1 SEC. 9.143. Section five hundred thirty-three point fourteen
2 (533.14), Code 1973, is amended to read as follows:
3 **533.14 Interest rates.** Interest rates on loans made by a credit
4 union shall not exceed one percent a month on unpaid balances, *except*
5 *that with respect to consumer loans, a credit union may charge the*
6 *finance charge permitted in sections two point four hundred one*
7 *(2.401) and two point four hundred two (2.402) of the Iowa Con-*
8 *sumer Credit Code.*

Approved June 3, 1974

CHAPTER 1251

PERSONAL PROPERTY REMOVED FROM REAL ESTATE

S. F. 354

AN ACT relating to property unlawfully placed on public or private property.

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

1 SECTION 1. NEW SECTION.
2 1. The owner or other lawful possessor of real property may remove
3 or cause to be removed any motor vehicle or other personal property
4 which has been unlawfully parked or placed on that real property, and
5 may place or cause such personal property to be placed in storage until
6 the owner of the same pays a fair and reasonable charge for towing,
7 storage, or other expense incurred. The real property owner or pos-
8 sessor, or his agent, shall not be liable for damages caused to the per-
9 sonal property by the removal or storage unless the damage is caused
10 willfully or by gross negligence.
11 2. The real property owner or possessor shall notify the sheriff of
12 the county where the real property is located of the removal of the
13 motor vehicle or other personal property. If the owner of the motor
14 vehicle or other personal property can be determined, he shall be
15 notified of the removal by the sheriff by certified mail, return receipt
16 requested. If such owner cannot be identified, notice by one publica-
17 tion in one newspaper of general circulation in the area where the
18 personal property was parked or placed shall be sufficient to meet all
19 notice requirements under this Act. If the personal property has not
20 been reclaimed by the owner within six months after notice has been
21 effected, it may be sold by the sheriff at public or private sale. The net
22 proceeds after deducting the cost of the sale shall be applied to the cost
23 of removal and storage of the property, and the remainder, if any,
24 shall be paid to the county treasurer for the use and benefit of the
25 county general fund.

Approved May 10, 1974

CHAPTER 1252

RENTAL DEPOSITS

S. F. 1004

AN ACT relating to rental deposits, imposing liability and providing penalties for violations.

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

1 SECTION 1. NEW SECTION. Any deposit of money to secure the
2 performance of a residential rental agreement, other than a deposit
3 which is exclusively an advance payment of rent, shall be subject to
4 the provisions of this Act.

1 SEC. 2. NEW SECTION. All deposits of money shall be held by the
2 landlord for the tenant, who is a party to the agreement, in a bank or
3 savings and loan association which is insured by an agency of the fed-
4 eral government. Such deposits shall not be commingled with the
5 personal funds of the landlord. Notwithstanding the provisions of
6 chapter one hundred seventeen (117) of the Code, all such deposits of
7 money may be held in a trust account, which may be a common trust
8 account and which may be an interest bearing trust account. Any in-
9 terest earned on a deposit of money shall be the property of the land-
10 lord.

1 SEC. 3. NEW SECTION. A landlord shall, within thirty days from
2 the date of termination of the tenancy and receipt of the tenant's
3 mailing address or delivery instructions, return the deposit to the ten-
4 ant or furnish to the tenant a written statement showing the specific
5 reason for withholding of the deposit or any portion thereof. If the
6 deposit or any portion of the deposit is withheld for the restoration
7 of the premises, the statement shall specify the nature of the dam-
8 ages. The landlord may withhold from the deposit only such amounts
9 as are reasonably necessary for the following reasons:

10 1. To remedy a tenant's default in the payment of rent or of other
11 funds due to the landlord pursuant to an agreement.

12 2. To restore the premises to their condition at the commencement
13 of the tenancy, ordinary wear and tear excepted.

14 In an action concerning the deposit, the burden of proving, by a
15 preponderance of the evidence, the reason for withholding all or any
16 portion of the deposit shall be on the landlord.

1 SEC. 4. NEW SECTION. A landlord who fails to provide a written
2 statement within thirty days of termination of the tenancy and re-
3 ceipt of the tenant's mailing address or delivery instructions shall
4 forfeit all rights to withhold any portion of the deposit. If no mail-
5 ing address or instructions are provided to the landlord within one
6 year from the termination of the tenancy, the deposit shall revert to
7 the landlord and the tenant will be deemed to have forfeited all rights
8 to the deposit.

1 SEC. 5. NEW SECTION. Upon termination of a landlord's interest
2 in the premises, the landlord or his agent shall, within a reasonable
3 time, transfer the deposit, or any remainder after any lawful deduc-
4 tions to the landlord's successor in interest and notify the tenant of

5 the transfer and of the transferee's name and address or return the
6 deposit, or any remainder after any lawful deductions to the tenant.
7 Upon the termination of the landlord's interest in the premises and
8 compliance with the provisions of this section, he shall be relieved of
9 any further liability with respect to the deposit.

1 SEC. 6. NEW SECTION. Upon termination of the landlord's inter-
2 est in the premises, the landlord's successor in interest shall have all
3 the rights and obligations of the landlord with respect to such depos-
4 its, except that if the tenant does not object to the stated amount
5 within twenty days after written notice to the tenant of the amount
6 of deposit being transferred or assumed, the obligations of the land-
7 lord's successor to return the deposit shall be limited to the amount
8 contained in the notice. The notice shall contain a stamped envelope
9 addressed to landlord's successor and may be given by mail or by per-
10 sonal service.

1 SEC. 7. NEW SECTION. The bad faith retention of a deposit by
2 a landlord, or any portion of the deposit, in violation of this Act shall
3 subject the landlord to punitive damages not to exceed two hundred
4 dollars in addition to actual damages.

1 SEC. 8. NEW SECTION. Any attempted waiver of this Act by a
2 landlord and tenant shall be void and unenforceable.

1 SEC. 9. NEW SECTION. The provisions of this Act shall apply
2 only to tenancies commencing or renewed on or after July 1, 1974.
3 For the purposes of this section, estates at will shall be deemed to be
4 renewed at the commencement of each rental period.

Approved May 28, 1974

CHAPTER 1253

VISITATION RIGHTS OF GRANDPARENTS

S. F. 500

AN ACT relating to visitation rights.

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

1 SECTION 1. NEW SECTION. The grandparents of a child may peti-
2 tion the district court for grandchild visitation rights when:
3 1. The parents of the child are divorced, or
4 2. A petition for dissolution of marriage has been filed by one of the
5 parents of the child, or
6 3. The parent of the child, who is the child of the grandparents, has
7 died, or
8 4. The child has been placed in a foster home.
9 A petition for grandchild visitation rights shall be granted only
10 upon a finding that the visitation is in the best interests of the child.

Approved April 25, 1974

CHAPTER 1254

CIVIL RIGHTS COMMISSION

S. F. 1265

AN ACT relating to the membership, powers, and duties of the civil rights commission.

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

1 SECTION 1. Section six hundred one A point five (601A.5), Code
2 1973, is amended by adding the following new subsections:

3 NEW SUBSECTION. To issue subpoenas for books and papers relating
4 to any matters involved in the complaint, after the respondent has been
5 notified of the complaint as provided for in section six hundred one A
6 point nine (601A.9), subsection three (3) of the Code. The commis-
7 sion shall issue subpoenas in behalf of the respondent in the same
8 manner and for the same purposes. If a party either fails or refuses
9 to obey a subpoena issued by the commission, the commission may
10 petition the district court having jurisdiction for issuance of a sub-
11 poena and the court shall in the proper case issue the subpoena. A
12 person refusing to obey the subpoena issued by the court shall be
13 subject to punishment for contempt.

14 This new subsection is repealed as of July 1, 1975.

15 NEW SUBSECTION. To seek a temporary injunction against a re-
16 spondent when it appears that a complainant may suffer irreparable
17 injury as a result of an alleged violation of chapter six hundred one A
18 (601A) of the Code. A temporary injunction may only be issued ex
19 parte, if the complaint filed with the commission alleges discrimina-
20 tion in housing. In all other cases a temporary injunction may be
21 issued only after the respondent has been notified and afforded the
22 opportunity to be heard.

23 NEW SUBSECTION. To defer a complaint to a local civil rights com-
24 mission under commission rules promulgated pursuant to chapter
25 seventeen A (17A) of the Code.

1 SEC. 2. Section six hundred one A point seven (601A.7), subsec-
2 tion two (2), paragraph d, Code 1973, is amended to read as follows:

3 d. Any bona fide religious institution *or its educational facility,*
4 *association, corporation, or society* with respect to any qualifications
5 for employment based on religion when such qualifications are related
6 to a bona fide religious purpose.

1 SEC. 3. Section six hundred one A point nine (601A.9), subsec-
2 tions three (3) and fifteen (15), Code 1973, are amended to read as
3 follows:

4 3. After the filing of a verified complaint, a true copy thereof shall
5 be *promptly* served by registered mail to the person against whom the
6 complaint is filed. Then a commissioner or a duly authorized member
7 of the commission's staff shall make a prompt investigation thereof
8 and if such investigating official shall determine that probable cause
9 exists for crediting the allegations of the complaint, the investigating
10 official shall ~~immediately~~ *promptly* endeavor to eliminate such discrim-
11 inatory or unfair practice by conference, conciliation, and persuasion.

12 15. Any *verified* complaint filed under this chapter shall be so filed
13 within ~~ninety one hundred twenty~~ *ninety* days after the alleged discrimina-
14 tory or unfair practice occurred.

- 1 SEC. 4. Chapter six hundred one A (601A), Code 1973, is amended
 2 by adding the following new section:
 3 **NEW SECTION. Unfair credit practices.**
 4 1. A creditor shall not refuse to enter into a consumer credit trans-
 5 action or impose finance charges or other terms or conditions more
 6 onerous than those regularly extended by that creditor to consumers
 7 of similar economic backgrounds because of age, color, creed, national
 8 origin, race, religion, marital status, sex, or physical disability.
 9 2. A person authorized or licensed to do business in this state pur-
 10 suant to chapter five hundred twenty-four (524), five hundred thirty-
 11 three (533), five hundred thirty-four (534), five hundred thirty-six
 12 (536), or five hundred thirty-six A (536A) of the Code shall not
 13 refuse to loan or extend credit or impose terms or conditions more
 14 onerous than those regularly extended to persons of similar economic
 15 backgrounds because of age, color, creed, national origin, race, reli-
 16 gion, marital status, sex, or physical disability.
 17 3. Refusal by a creditor to offer credit life or health and accident
 18 insurance based upon the age or physical disability of the consumer
 19 shall not violate the provisions of this section provided such denial is
 20 based solely upon bona fide underwriting considerations not prohib-
 21 ited by title twenty (XX) of the Code.
 22 The provisions of this section shall not be construed by negative
 23 implication or otherwise to narrow or restrict any other provisions
 24 of this chapter.

Approved June 3, 1974

CHAPTER 1255

SEX DISCRIMINATION IN HOUSING

S. F. 487

AN ACT to prohibit sex discrimination in housing.

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

- 1 SECTION 1. Section six hundred one A point thirteen (601A.13),
 2 subsections one (1), two (2), and three (3), Code 1973, are amended
 3 to read as follows:
 4 1. To refuse to sell, rent, lease, assign, or sublease any real prop-
 5 erty or housing accommodation or part, portion or interest therein, to
 6 any person because of the race, color, creed, *sex*, religion, national
 7 origin or disability of such person.
 8 2. To discriminate against any person because of his race, color,
 9 creed, *sex*, religion, national origin or disability, in the terms, condi-
 10 tions or privileges of the sale, rental, lease assignment or sublease of
 11 any real property or housing accommodation or any part, portion or
 12 interest therein.

13 3. To directly or indirectly advertise, or in any other manner indi-
 14 cate or publicize that the purchase, rental, lease, assignment, or sub-
 15 lease of any real property or housing accommodation or any part,
 16 portion or interest therein, by persons of any particular race, color,
 17 creed, *sex*, religion, national origin or disability is unwelcome, objec-
 18 tionable, not acceptable or not solicited.

1 SEC. 2. Section six hundred one A point fourteen (601A.14), Code
 2 1973, is amended by adding the following new subsections:

3 NEW SUBSECTION. Restrictions based on sex on the rental or leas-
 4 ing of housing accommodations by nonprofit corporations.

5 NEW SUBSECTION. The rental or leasing of a housing accommoda-
 6 tion within which residents of both sexes must share a common bath-
 7 room facility on the same floor of the building.

Approved May 27, 1974

CHAPTER 1256

CURB RAMPS

S. F. 1124

AN ACT relating to curb ramps for the physically handicapped.

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

1 SECTION 1. NEW SECTION. Curb cutouts and ramps for handi-
 2 capped.

3 1. Curbs constructed along any public street in this state, when the
 4 street is paralleled or intersected by sidewalks, or when city ordinances
 5 or other lawful regulations will require the construction of sidewalks
 6 in parallel to or intersecting the street, shall be constructed with not
 7 less than two curb cuts or ramps per lineal block which shall be
 8 located on or near the crosswalks at intersections. Each curb cut or
 9 ramp shall be at least thirty inches wide, shall be sloped at not greater
 10 than one inch of rise per twelve inches lineal distance, except that a
 11 slope no greater than one inch of rise per eight inches lineal distance
 12 may be used where necessary, shall have a nonskid surface, and shall
 13 otherwise be so constructed as to allow reasonable access to the cross-
 14 walk for physically handicapped persons using the sidewalk.

15 2. The requirements of subsection one (1) of this section shall apply
 16 after January 1, 1975 to all new curbs constructed and to all replace-
 17 ment curbs constructed at any point along a public street which gives
 18 reasonable access to a crosswalk.

Approved May 2, 1974

CHAPTER 1257

CITIZENS' AIDE

(Ombudsman)

S. F. 73

AN ACT relating to the citizens' aide.

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

- 1 SECTION 1. Chapter six hundred one G (601G), Code 1973, is
 2 amended by adding the following new section:
 3 NEW SECTION. The citizens' aide shall appoint an assistant who
 4 shall be responsible for investigating complaints relating only to penal
 5 or correctional agencies.

Approved February 12, 1974

CHAPTER 1258

VIOLATIONS OF MUNICIPAL ORDINANCES

H. F. 1490

AN ACT relating to the collection and disposition of fines and forfeited bail in actions based upon municipal ordinance, and providing clerical assistance to judicial officers to simplify collections by and dispositions from district court.

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

- 1 SECTION 1. Section six hundred two point fifty-five (602.55), un-
 2 numbered paragraph one (1), Code 1973, as amended by Acts of the
 3 Sixty-fifth General Assembly, 1973 Session, chapter two hundred
 4 eighty-two (282), section forty-two (42), is amended to read as fol-
 5 lows:
 6 Each month each judicial magistrate and district associate judge
 7 shall file with the clerk of the district court of the proper county a
 8 sworn, itemized statement, ~~by case~~, of all *cases disposed of and all*
 9 *funds received and disbursed per case*, and at least monthly shall remit
 10 to the clerk all funds received by him. The clerk shall provide adequate
 11 clerical assistance to judicial magistrates ~~servng pursuant to section~~
 12 ~~six hundred two point fifty-one (602.51) of the Code~~ and district asso-
 13 ciate judges to carry out this section. The clerk shall remit ninety
 14 percent of all fines and forfeited bail received from a magistrate or
 15 district associate judge to the city or town that was the plaintiff in
 16 any action, *and shall provide that city or town with a statement show-*
 17 *ing the total number of such cases, the total of all fines and forfeited*
 18 *bail collected and the total of all cases dismissed.* The clerk shall remit
 19 the remaining ten percent to the county treasurer for deposit in the
 20 county general fund. The clerk shall remit to the treasurer of the
 21 county, for the benefit of the school fund, all other fines and forfeited
 22 bail received from a magistrate. All fees and costs for the filing of a
 23 complaint or information or upon forfeiture of bail received from a
 24 magistrate shall be remitted monthly by the clerk as follows:

1 SEC. 2. Section three hundred twenty-one point two hundred
2 thirty-six (321.236), subsection one (1), paragraph a, Code 1973, as
3 amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
4 chapter two hundred eighty-two (282), section nineteen (19), is
5 amended to read as follows:

6 a. May be charged *and collected* upon a simple notice of a fine not
7 exceeding five dollars payable to the city or town clerk, if authorized
8 by ordinance. *No costs or other charges shall be assessed. One hun-*
9 *dred percent of all fines collected by a city or town pursuant to this*
10 *paragraph shall be retained by the city or town.*

1 SEC. 3. Acts of the Sixty-fourth General Assembly, 1972 Session,
2 chapter one thousand eighty-eight (1088), section twelve (12), subsec-
3 tion two (2), is amended to read as follows:

4 2. A city may not provide a penalty in excess of a one hundred
5 dollar fine or in excess of thirty days imprisonment for the violation of
6 an ordinance. *An amount equal to ten percent of all fines collected by*
7 *municipal corporations shall be remitted quarterly to the county trea-*
8 *surer of the county in which the municipal corporation is located for*
9 *deposit in the county general fund. However, one hundred percent of*
10 *all fines collected by a city or town pursuant to subsection one (1)*
11 *of section three hundred twenty-one point two hundred thirty-six*
12 *(321.236) of the Code, shall be retained by the city or town.*

1 SEC. 4. Section three hundred sixty-six point one (366.1), Code
2 1973, as amended by Acts of the Sixty-fifth General Assembly, 1973
3 Session, chapter two hundred eighty-two (282), section twenty-seven
4 (27), is amended to read as follows:

5 **366.1 Power to pass.** Municipal corporations shall have power to
6 make and publish, from time to time, ordinances, not inconsistent with
7 the laws of the state, for carrying into effect or discharging the powers
8 and duties conferred by this title, and such as shall seem necessary
9 and proper to provide for the safety, preserve the health, promote the
10 prosperity, improve the morals, order, comfort, and convenience of
11 such corporations and the inhabitants thereof, and to enforce obedi-
12 ence to such ordinances by fine not exceeding one hundred dollars, or
13 by imprisonment not exceeding thirty days. An amount equal to ten
14 percent of all fines collected by municipal corporations shall be re-
15 mitted quarterly to the county treasurer of the county in which the
16 municipal corporation is located for deposit in the county general fund.
17 *However, one hundred percent of all fines collected by a city or town*
18 *pursuant to subsection one (1) of section three hundred twenty-one*
19 *point two hundred thirty-six (321.236) of the Code, shall be retained*
20 *by the city or town.*

1 SEC. 5. Section two (2) of this Act shall take effect on July 1, 1974.
2 Sections one (1), three (3) and four (4) shall take effect on July 1,
3 1975.

Approved May 27, 1974

CHAPTER 1259

RETIRED SUPREME COURT JUDGES

H. F. 33

AN ACT relating to temporary service by retired supreme court judges, quorum, and divisions of the supreme court.

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

1 SECTION 1. Section six hundred five point twenty-five (605.25),
2 Code 1973, is amended to read as follows:

3 **605.25 Temporary service by retired judges.** Judges of the su-
4 preme court and district court who are hereafter retired by reason of
5 age, or who are drawing benefits under section 605A.6, may with their
6 consent be assigned by the supreme court to temporary judicial duties
7 on any court in the state ~~other than~~, *however only retired supreme*
8 *court judges may be assigned to the supreme court and only in the*
9 *case of temporary absence of a member of the supreme court.* No such
10 judge shall engage in the practice of law unless he shall file with the
11 clerk of the supreme court an election to practice law, in which event
12 he shall thereafter be ineligible for assignment to temporary judicial
13 duties at any time. While serving under temporary assignment as
14 herein provided, a retired judge shall receive the compensation and
15 actual expense provided by law for judges on the court to which he is
16 assigned, but shall not receive any annuity payments to which he may
17 be entitled under the judicial retirement system. He may be author-
18 ized in the order of assignment to appoint a temporary reporter, who
19 shall receive the compensation and actual expense provided by law for
20 a regular reporter in the court to which the judge is assigned. The
21 order of assignment shall be filed in the offices of the clerks of court
22 at the places where the judge is to serve.

1 SEC. 2. Section six hundred eighty-four point one (684.1), Code
2 1973, is amended by striking the section and inserting in lieu thereof
3 the following:

4 **684.1 Judges—quorum.** The supreme court shall consist of nine
5 judges. A majority of the judges sitting shall constitute a quorum
6 but in no case shall a quorum consist of less than three judges.

1 SEC. 3. Section six hundred eighty-four point two (684.2), Code
2 1973, is amended to read as follows:

3 **684.2 Division into sections Divisions.** The supreme court may be
4 divided into ~~two sections~~ *divisions of three or more judges* in such
5 manner as it may by rule prescribe. Said ~~sections~~ *divisions* may hold
6 open court separately and cases may be submitted to each ~~section~~
7 *division* separately, in accordance with such rules as the court may
8 adopt.

1 SEC. 4. Section six hundred eighty-four point three (684.3), Code
2 1973, is amended to read as follows:

3 **684.3 Submission to entire court—rules.** The ~~said~~ supreme court
4 shall also adopt rules for the submission of any case or petition for
5 rehearing whenever differences shall arise between members of ~~either~~
6 ~~section~~ *divisions* or whenever the chief justice shall order or direct
7 the submission of said question or petition for rehearing to the whole

8 court. The supreme court shall make all rules and regulations neces-
 9 sary to provide for the submission of cases to the entire bench, or to
 10 the separate ~~sections~~ *divisions*.

Approved March 4, 1974

CHAPTER 1260

JUDICIAL RETIREMENT SYSTEM

S. F. 314

AN ACT relating to the administration of the judicial retirement system.

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

1 SECTION 1. Section six hundred five A point two (605A.2), Code
 2 1973, is amended to read as follows:

3 **605A.2 Administered by state ~~comptroller~~ court administrator.**
 4 The ~~state comptroller~~ *court administrator* shall be vested with author-
 5 ity to administer the system *and related reports* and may promulgate
 6 rules therefor not inconsistent with the provisions of this chapter.

1 SEC. 2. Section six hundred five A point four (605A.4), unnum-
 2 bered paragraph one (1), Code 1973, as amended by the Acts of the
 3 Sixty-fifth General Assembly, 1973 Session, chapter two hundred
 4 eighty-two (282), section fifty-six (56), is amended to read as follows:

5 **605A.4 Deposit by judge—deductions—contributions by governing**
 6 **body.** Each judge coming within the purview of this chapter shall, on
 7 or before retirement, pay to the ~~state comptroller~~ *court administrator*
 8 for deposit with the treasurer of state to the credit of a fund to be
 9 known as the "judicial retirement fund", hereinafter called the "fund",
 10 a sum equal to four percent of his basic salary for services as such
 11 judge for the total period of service as a judge of a municipal, superior,
 12 district or supreme court, including district associate judges, before
 13 the date of said notice, and after the date of the notice there shall be
 14 deducted and withheld from the basic salary of each judge coming
 15 within the purview of this chapter a sum equal to four percent of such
 16 basic salary. Provided that the maximum amount which any judge shall
 17 be required to contribute for past service shall not exceed for municipal
 18 or superior or district associate judges thirty-five hundred dollars, for
 19 district judges four thousand dollars and for supreme court judges
 20 five thousand dollars. The amounts so deducted and withheld from the
 21 basic salary of each said judge shall be paid to the ~~state comptroller~~
 22 *court administrator* for deposit with the treasurer of state to the credit
 23 of the judicial retirement fund, and said fund is hereby appropriated
 24 for the payment of annuities, refunds, and allowances herein provided,
 25 except that the amount of such appropriations affecting payment of
 26 annuities, refunds, and allowances to judges of the municipal and
 27 superior court shall be limited to that part of said fund accumulated
 28 for their benefit as hereinafter provided. The judges of the municipal,
 29 superior, district and supreme court, including district associate
 30 judges, coming within the provisions of this chapter shall be deemed

31 to consent and agree to the deductions from basic salary as provided
32 herein, and payment less such deductions shall be a full and complete
33 discharge and acquittance of all claims and demands whatsoever for
34 all regular services rendered by such judges during the period covered
35 by such payment, except the right to the benefits to which they shall
36 be entitled under the provisions of this chapter. The state shall con-
37 tribute a sum not exceeding three percent of the basic salary of all
38 judges of the district and supreme court for the years 1949 and 1950
39 and thereafter such sums as may be necessary over the amount con-
40 tributed by the district and supreme court judges to finance the sys-
41 tem, but only to the extent that the system applies to them. After
42 June 30, 1973, the state shall contribute such sums as may be neces-
43 sary over the amount contributed by district associate judges to
44 finance the system as to them for the portion of their tenure after
45 July 1, 1973, and thereafter such sums as may be necessary over the
46 amount contributed by the district associate judges to finance the
47 system, but only to the extent the system applies to them; and the
48 respective cities and counties within each municipal and superior court
49 district shall contribute the additional amount necessary pursuant to
50 the next paragraph of this section, for the portion of the tenure of
51 such district associate judges prior to July 1, 1973.

1 SEC. 3. Section six hundred five A point twelve (605A.12), Code
2 1973, as amended by the Acts of the Sixty-fifth General Assembly,
3 1973 Session, chapter two hundred eighty-two (282), section fifty-
4 eight (58), is amended to read as follows:

5 **605A.12 Voluntary retirement for disability.** Any judge of the
6 supreme, district or municipal court including a district associate
7 judge, who shall have served as a judge of one or both of such courts
8 for a period of six years in the aggregate and who believes he has
9 become permanently incapacitated, physically or mentally, to perform
10 the duties of his office may personally or by his next friend or guard-
11 ian file with the ~~state comptroller~~ *court administrator* a written appli-
12 cation for retirement. The application shall be filed in duplicate and
13 accompanied by an affidavit as to the duration and particulars of his
14 service and the nature of his incapacity. The ~~state comptroller~~ *court*
15 *administrator* shall forthwith transmit one copy of the application and
16 affidavit to the chief justice who shall request the attorney general in
17 writing to cause an investigation to be made relative to the claimed
18 incapacity and report back the results thereof in writing. If the chief
19 justice finds from the report of the attorney general that the applicant
20 is permanently incapacitated, physically or mentally, to perform the
21 duties of his office he shall by his endorsement thereon declare the
22 applicant retired, and the office vacant, and shall file the report in the
23 office of the ~~state comptroller~~ *court administrator*, and a copy in the
24 office of the secretary of state. From the date of such filing the appli-
25 cant shall be deemed retired from his office and entitled to the benefits
26 of this chapter to the same extent as if he had retired under the pro-
27 visions of section 605A.6.

Approved May 9, 1974

CHAPTER 1261

MILEAGE OF JURORS

H. F. 173

AN ACT relating to the fees and mileage of jurors.

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

- 1 SECTION 1. Section six hundred seven point five (607.5), Code
 2 1973, is amended by striking the section and inserting in lieu thereof
 3 the following:
 4 607.5 Fees of jurors. Grand jurors and petit jurors in all courts
 5 shall receive for each day's service or attendance, including attendance
 6 required for the purpose of being considered for service, ten dollars,
 7 for each mile traveled each day to and from their residences to the
 8 place of attendance, ten* cents, and for actual expenses of parking, as
 9 determined by the clerk of court. No juror shall receive mileage for
 10 travel or actual expenses of parking when he travels in a vehicle for
 11 which another juror is receiving mileage.

Approved May 27, 1974

*See §79.9 for mileage for public employees

CHAPTER 1262

JURY COMMISSIONERS

S. F. 389

AN ACT relating to the appointment of jury commissioners.

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

- 1 SECTION 1. Section six hundred eight point two (608.2), Code
 2 1973, is amended to read as follows:
 3 608.2 Appointive commission to select. In each county having
 4 situated therein a city with a population of fourteen thousand or more,
 5 the judge ~~or~~ judges of the district court of the judicial district in
 6 which said county is located shall, on or before October 1 of each year
 7 in which the general election is held, appoint three competent electors
 8 as a jury commission to select and make lists of the names of persons
 9 to serve as grand and petit jurors and talesmen for the two years
 10 beginning January 1 after such election.
- 1 SEC. 2. Section six hundred eight point four (608.4), Code 1973,
 2 is amended to read as follows:
 3 608.4 Manner of appointment. The appointment shall be in writ-
 4 ing, signed by the judge, ~~or a majority of the judges if more than one,~~
 5 ~~three judges of the judicial district~~ and shall be filed and made a mat-
 6 ter of record, in the office of the clerk of the district court. ~~If, for any~~
 7 ~~reason, any judge is unable to act, the appointment shall be signed by~~
 8 ~~the judge, or a majority of the judges of such district, who are able to~~
 9 ~~act.~~

Approved May 2, 1974

CHAPTER 1263

MUNICIPAL TORT CLAIMS

H. F. 462

AN ACT relating to municipal tort claims.

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

1 SECTION 1. Section six hundred thirteen A point one (613A.1),
2 Code 1973, is amended by adding the following new subsection:

3 NEW SUBSECTION. "Officer" includes but is not limited to the
4 members of the governing body.

1 SEC. 2. Section six hundred thirteen A point one (613A.1), sub-
2 section three (3), Code 1973, is amended to read as follows:

3 3. "Tort" means every civil wrong which results in wrongful death
4 or injury to person or injury to property *or injury to personal or prop-*
5 *erty rights* and includes but is not restricted to actions based upon
6 negligence; *error or omission; nuisance; breach of duty, and nuisance*
7 *whether statutory or other duty or denial or impairment of any right*
8 *under any constitutional provision, statute, or rule of law.*

1 SEC. 3. Section six hundred thirteen A point two (613A.2), Code
2 1973, is amended by adding the following new unnumbered para-
3 graphs:

4 NEW UNNUMBERED PARAGRAPH. A tort shall be deemed to be with-
5 in the scope of employment or duties if the act or omission reasonably
6 relates to the business or affairs of the municipality and the officer,
7 employee, or agent acted in good faith and in a manner a reasonable
8 person would have believed to be in and not opposed to the best inter-
9 ests of the municipality.

10 NEW UNNUMBERED PARAGRAPH. For the purposes of this chapter,
11 employee includes a person who performs services for a municipality
12 whether or not the person is compensated for the services, unless the
13 services are performed only as an incident to the person's attendance
14 at a municipality function.

1 SEC. 4. Section six hundred thirteen A point four (613A.4), un-
2 numbered paragraph two (2), Code 1973, is amended to read as fol-
3 lows:

4 The remedy against the municipality provided by section 613A.2
5 ~~for injury or loss of property or personal injury or death resulting~~
6 ~~from any act or omission of an officer or employee in the execution~~
7 ~~of a statute or ordinance, or officially adopted resolution, rule or~~
8 ~~regulation of a governing body while acting in the scope of his office~~
9 ~~or employment shall hereafter be exclusive of any other civil action or~~
10 ~~proceeding by reason of the same subject matter against the officer~~
11 ~~or, employee, or agent whose act or omission gave rise to the claim, or~~
12 ~~his estate.~~

1 SEC. 5. Section six hundred thirteen A point five (613A.5), Code
2 1973, is amended to read as follows:

3 613A.5 **Limitation of actions.** Every person who claims damages
4 for any municipality *or any officer, employee, or agent of a munic-*
5 *ipality* for or on account of any wrongful death, loss or injury within
6 the scope of section 613A.2 *or section six hundred thirteen A point*

7 *eight (613A.8) of the Code or under common law shall commence*
 8 *an action therefor within three months six months, unless said person*
 9 *shall cause to be presented to the governing body of the municipality*
 10 *within sixty days after the alleged wrongful death, loss or injury a*
 11 *written notice stating the time, place, and circumstances thereof and*
 12 *the amount of compensation or other relief demanded. Failure to state*
 13 *time or place or circumstances or the amount of compensation or other*
 14 *relief demanded shall not invalidate the notice; providing, the claimant*
 15 *shall furnish full information regarding the nature and extent of the*
 16 *injuries and damages within fifteen days after demand by the muni-*
 17 *cipality. No action therefor shall be maintained unless such notice has*
 18 *been given and unless the action is commenced within two years after*
 19 *such notice. The time for giving such notice shall include a reasonable*
 20 *length of time, not to exceed ninety days, during which the person*
 21 *injured is incapacitated by his injury from giving such notice.*

1 SEC. 6. Section six hundred thirteen A point seven (613A.7), Code
 2 1973, is amended to read as follows:

3 **613A.7 Insurance.** The governing body of any municipality may
 4 purchase a policy of liability insurance insuring against all or any
 5 part of liability which might be incurred by such municipality or its
 6 officers, employees and agents under the provisions of section 613A.2
 7 and section six hundred thirteen A point eight (613A.8) of the Code
 8 and may similarly purchase insurance covering torts specified in sec-
 9 tion 613A.4. The premium costs of such insurance may be paid out
 10 of the general fund or any available funds or may be levied in excess
 11 of any millage tax limitation imposed by statute. Any independent or
 12 autonomous board or commission in the municipality having authority
 13 to disburse funds for a particular municipal function without ap-
 14 proval of the governing body may similarly procure liability insurance
 15 within the field of its operation. The procurement of such insurance
 16 constitutes a waiver of the defense of governmental immunity as to
 17 those exceptions listed in section 613A.4 to the extent stated in such
 18 policy but shall have no further effect on the liability of the muni-
 19 cipality beyond the scope of this chapter. The existence of any insur-
 20 ance which covers in whole or in part any judgment or award which
 21 may be rendered in favor of the plaintiff, or lack of any such insur-
 22 ance, shall not be material in the trial of any action brought against
 23 the governing body of any municipality, or their officers, employees or
 24 agents and any reference to such insurance, or lack of same, shall be
 25 grounds for a mistrial.

1 SEC. 7. Section six hundred thirteen A point eight (613A.8), Code
 2 1973, is amended to read as follows:

3 **613A.8 Officers and employees defended.** The governing body shall
 4 defend any of its officers and, employees and agents, whether elected
 5 or appointed and, except in cases of malfeasance in office or, willful
 6 and unauthorized injury to persons or property, or willful or wanton
 7 neglect of duty, shall save harmless and indemnify such officers and,
 8 employees, and agents against any tort claim or demand, whether
 9 groundless or otherwise, arising out of an alleged act or omission
 10 occurring in the performance of duty within the scope of their employ-
 11 ment or duties. Any independent or autonomous board or commission
 12 of a municipality having authority to disburse funds for a particular

13 municipal function without approval of the governing body shall sim-
 14 ilarly defend, save harmless and indemnify its officers and, employees,
 15 and agents against such tort claims or demands. This section is
 16 intended to confer power in addition to that conferred by section
 17 368A.1.

18 *The duty to defend, save harmless, and indemnify shall apply*
 19 *whether or not the municipality is a party to the action and shall*
 20 *include but not be limited to cases arising under title forty-two (42)*
 21 *United States Code section one thousand nine hundred eighty-three*
 22 *(1983).*

Approved May 27, 1974

CHAPTER 1264

SCHOOL GUIDANCE COUNSELORS

H. F. 753

AN ACT relating to confidential communications with certified guidance counselors.

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

1 SECTION 1. Section six hundred twenty-two point ten (622.10),
 2 Code 1973, is amended by adding the following new unnumbered para-
 3 graph:

4 NEW UNNUMBERED PARAGRAPH. No qualified school guidance coun-
 5 selor, who has met the certification and approval standards of the de-
 6 partment of public instruction as provided in section two hundred fifty-
 7 seven point twenty-five (257.25), subsection nine (9) of the Code, who
 8 obtains information by reason of his employment as a qualified school
 9 guidance counselor shall be allowed, in giving testimony, to disclose
 10 any confidential communications properly entrusted to him by a pupil
 11 or his parent or guardian in his capacity as a qualified school guidance
 12 counselor and necessary and proper to enable him to perform his duties
 13 as a qualified school guidance counselor.

Approved May 27, 1974

CHAPTER 1265

PROBATE CODE

S. F. 442

AN ACT relating to the Iowa probate code.

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

1 SECTION 1. Section six hundred thirty-three point three (633.3),
 2 unnumbered paragraph one (1), Code 1973, is amended to read as fol-
 3 lows:

4 When used in this Code, unless otherwise required by the context
 5 or another division of this Code, the following words and phrases shall
 6 be construed as follows:

1 SEC. 2. Section six hundred thirty-three point forty (633.40), sub-
 2 section four (4), Code 1973, is amended to read as follows:

3 4. Notice otherwise provided. In lieu of the foregoing the notice
 4 may direct each interested party to appear in the court in which the
 5 proceedings are pending, and to file his objections thereto in writing,
 6 of any he has, within twenty days after the day such notice is served
 7 upon him and that unless he does so appear and if any, on or before a
 8 date certain, to be set out in the notice and to be not less than twenty
 9 days after the day the notice is served upon him and that unless he
 10 does so file his objections in writing that he will be forever barred
 11 from making any objections thereto. Said notice may be served upon
 12 each interested party either by ordinary United States mail or per-
 13 sonally in compliance with the rules of civil procedure. In the event
 14 objections thereto are timely filed, the court shall fix the time and
 15 place of the hearing for the judicial determination of the issues raised.

1 SEC. 3. Section six hundred thirty-three point two hundred eleven
 2 (633.211), subsection four (4), Code 1973, is amended to read as fol-
 3 lows:

4 4. If the property received by the surviving spouse under subsec-
 5 tions 1, 2 and 3 of this section is not equal in value to the sum of
 6 twenty-five thousand dollars, then so much additional of *any remain-*
 7 *ing homestead interest and of the remaining real and personal prop-*
 8 *erty of the decedent that is subject to payment of debts and charges*
 9 *against the decedent's estate, after payment of such debts and charges,*
 10 *even to the extent of the whole of the net estate, as may be necessary*
 11 *to make the amount of twenty-five thousand dollars.*

1 SEC. 4. Section six hundred thirty-three point two hundred twelve
 2 (633.212), subsection four (4), Code 1973, is amended to read as fol-
 3 lows:

4 4. If the property received by the surviving spouse under subsec-
 5 tions 1 and 3 of this section is not equal in value to the sum of twenty-
 6 five thousand dollars, then so much additional of *any remaining home-*
 7 *stead interest and of the nonexempt real and personal property of the*
 8 *decedent remaining after payment of the debts and charges against*
 9 *the estate, as may be necessary, (even to the extent of the entire net*
 10 *estate), to make the amount of twenty-five thousand dollars.*

1 SEC. 5. Section six hundred thirty-three point two hundred sev-
 2 enty-eight (633.278), Code 1973, is amended to read as follows:

3 **633.278 Devise of encumbered property.** When any property sub-
 4 ject to a mortgage ~~or~~, other lien or security interest is specifically
 5 devised, the devisee shall take such property so devised subject to such
 6 mortgage ~~or~~, other lien or security interest, unless the will provides
 7 expressly or by necessary implication that such mortgage ~~or~~, other
 8 lien or security interest be otherwise paid. If there is a testamentary
 9 direction to discharge such mortgage ~~or~~, other lien or security interest,
 10 the rules of abatement specified in section 633.436 shall be applied.
 11 The term "mortgage or other lien" as used in this section shall not
 12 include a pledge of personal property.

1 SEC. 6. Section six hundred thirty-three point three hundred
2 eighty-nine (633.389), Code 1973, is amended to read as follows:

3 **633.389 Notice and hearing on sale, mortgage, exchange, pledge or**
4 **lease of property.** Upon the filing of the petition, the court shall fix
5 the time and place of hearing of the petition, and prescribe the time
6 and manner of service of the notice of such hearing unless notice is
7 waived in writing, notice of hearing in accordance with section six
8 hundred thirty-three point forty (633.40) of the Code, shall be served
9 on all persons interested in such property, provided, however, that as
10 to personal property and as to the lease of real property not specifically
11 devised, for a period of not to exceed one year, the court may, in its
12 discretion, hear the petition without notice. In those instances where
13 notice is required, the notice shall state briefly the nature of the appli-
14 cation. At the hearing and upon satisfactory proof, the court may
15 order the sale, mortgage, exchange, pledge or lease of the property
16 described, or any part thereof, at such price and upon such terms and
17 conditions as the court may authorize. For the purposes of this section,
18 the term "all persons interested" shall include only distributees in the
19 estate and persons who have requested notice as provided by this Code.

1 SEC. 7. Section six hundred thirty-three point four hundred sev-
2 enty-eight (633.478), Code 1973, is amended to read as follows:

3 **633.478 Notice of application for discharge.** Unless notice be
4 waived in writing, no personal representative shall be discharged
5 from further duty or responsibility upon final settlement until notice
6 of hearing on his final report or of an application for discharge shall
7 have been served upon all persons interested at such time and in such
8 manner as the court may prescribe by an order made before or after
9 the filing of the final report, in accordance with section six hundred
10 thirty-three point forty (633.40) of the Code, unless such notice is
11 waived. An order prescribing notice may be made before or after the
12 filing of the final report.

1 SEC. 8. Section six hundred thirty-three point six hundred seventy-
2 seven (633.677), Code 1973, is amended to read as follows:

3 **633.677 Accounting to ward—notice of hearing.** Upon the termina-
4 tion of a conservatorship, the conservator shall pay the costs of admin-
5 istration, and render a full and complete accounting to the ward or his
6 personal representative and to the court. Notice of hearing on the final
7 report of a conservator shall be served on the ward or his personal
8 representative, in accordance with section six hundred thirty-three
9 point forty (633.40) of the Code, unless such notice is waived, at such
10 time and in such manner as the court may prescribe. An order pre-
11 scribing notice may be made before or after the filing of the final
12 report.

1 SEC. 9. Section six hundred thirty-three point seven hundred two
2 (633.702), Code 1973, is amended to read as follows:

3 **633.702 Notice of application for discharge.** Unless notice is
4 waived in writing, no final report of a trustee of a trust pending
5 in court shall be approved, and no such trustee shall be discharged
6 from further duty or responsibility upon final settlement, until notice
7 of his application for discharge shall have been served upon all persons
8 interested at such time and in such manner as the court may prescribe

9 by an order made either before or after the filing of the final report
10 of the trustee, in accordance with section six hundred thirty-three
11 point forty (633.40) of the Code, unless notice is waived. An order
12 prescribing notice may be made before or after the filing of the final
13 report.

1 SEC. 10. Section six hundred thirty-three point seven hundred four
2 (633.704), subsection one (1), unnumbered paragraph one (1), Code
3 1973, is amended to read as follows:

4 No person, including a person designated to take pursuant to a
5 power of appointment, shall be required to take as a distributee, or
6 otherwise, under the laws of Iowa, and any person may disclaim in
7 whole or in part, the succession to any property, real or personal, or
8 interest therein, including a power of appointment, by filing a written
9 instrument within the time and at the place hereinafter provided. The
10 instrument shall:

1 SEC. 11.* Chapter six hundred thirty-three (633), division three
2 (III), part two (2), Code 1973, is amended by adding the following
3 new section:

4 **NEW SECTION. Power of fiduciary or custodian to deposit securi-**
5 **ties.** Notwithstanding any other provision of law, any fiduciary as
6 defined in section six hundred thirty-three point three (633.3), sub-
7 section seventeen (17), of the Code holding securities in its fiduciary
8 capacity, any bank, trust company or private banker holding securities
9 as a custodian or managing agent, and any bank, trust company or
10 private banker holding securities as custodian for a fiduciary is author-
11 ized to deposit or arrange for the deposit of such securities in a clear-
12 ing corporation, as defined in section five hundred fifty-four point eight
13 thousand one hundred two (554.8102), subsection three (3) of the
14 Code. When such securities are so deposited, certificates representing
15 securities of the same class of the same issuer may be merged and held
16 in bulk in the name of the nominee of such clearing corporation with
17 any other such securities deposited in such clearing corporation by
18 any person regardless of the ownership of such securities, and certifi-
19 cates of small denomination may be merged into one or more certifi-
20 cates of larger denomination. The records of such fiduciary and the
21 records of such bank, trust company or private banker acting as cus-
22 todian, as managing agent or as custodian for a fiduciary shall at all
23 times show the name of the party for whose account the securities are
24 so deposited. Title to such securities may be transferred by bookkeep-
25 ing entry on the books of such clearing corporation without physical
26 delivery of certificates representing such securities. A bank, trust
27 company or private banker so depositing securities pursuant to this
28 section shall be subject to such rules and regulations as, in the case of
29 state-chartered institutions, the state superintendent of banking and,
30 in the case of national banking associations, the comptroller of the cur-
31 rency may from time to time issue. A bank, trust company or private
32 banker acting as custodian for a fiduciary shall, on demand by the
33 fiduciary, certify in writing to the fiduciary the securities so deposited
34 by such bank, trust company or private banker in such clearing cor-
35 poration for the account of such fiduciary. A fiduciary shall, on
36 demand by any party to a judicial proceeding for the settlement of

*This section repealed by 65 GA, ch 1249, §72

37 such fiduciary's account or on demand by the attorney for such party,
 38 certify in writing to such party the securities deposited by such
 39 fiduciary in such clearing corporation for its account as such fiduciary.
 40 This section shall apply to any fiduciary holding securities in its
 41 fiduciary capacity, and to any bank, trust company or private banker
 42 holding securities as a custodian, managing agent or custodian for a
 43 fiduciary, acting on the effective date of this section or who thereafter
 44 may act regardless of the date of the agreement, instrument or court
 45 order by which it is appointed and regardless of whether or not such
 46 fiduciary, custodian, managing agent or custodian for a fiduciary owns
 47 capital stock of such clearing corporation.

Approved April 25, 1974

CHAPTER 1266

ADMINISTRATION OF SMALL ESTATES

H. F. 453

AN ACT relating to administration of small estates.

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

1 SECTION 1. NEW SECTION.

2 1. When the total value of the probate and nonprobate property of
 3 a decedent subject to the jurisdiction of this state including life insur-
 4 ance payable to the estate but not including other life insurance does
 5 not exceed ten thousand dollars, if the decedent dies intestate and is
 6 survived by a spouse or children or both, or if the decedent leaves a
 7 last will and testament and that will is admitted to probate but there
 8 is no present administration and the only beneficiaries are a spouse or
 9 children or both, then upon the petition of the spouse or a child of the
 10 decedent who is a resident of the state of Iowa, the clerk shall issue to
 11 the petitioner letters of appointment of executor or administrator for
 12 administration of a small estate.

13 2. When the total value of the probate and nonprobate property of
 14 a decedent subject to the jurisdiction of this state including life insur-
 15 ance payable to the estate but not including other life insurance does
 16 not exceed ten thousand dollars, if the decedent dies intestate without
 17 a surviving spouse or issue and with a surviving parent or parents, or
 18 if the decedent dies without a surviving spouse or issue and leaves a
 19 last will and testament and that will is admitted to probate but there
 20 is no present administration and the only beneficiaries are a surviving
 21 parent or parents, then upon the petition of a parent of the decedent
 22 who is a resident of the state of Iowa the clerk shall issue to the peti-
 23 tioner letters of appointment as executor or administrator for admin-
 24 istration of a small estate.

1 SEC. 2. NEW SECTION. The petition for administration of a small
 2 estate must contain the following:

- 3 1. The name, domicile and date of death of the decedent.
- 4 2. The name and address of the surviving spouse, if any, the name
 5 and address of each child of the decedent, and the name and address

6 of each parent of the decedent, if the parent is an heir or beneficiary
7 of the decedent, unless none are beneficiaries under the will of the
8 decedent.

9 3. Whether a will has been admitted without present administra-
10 tion.

11 4. A statement that the probate and nonprobate property of the
12 decedent subject to the jurisdiction of this state including life insur-
13 ance payable to the estate but not including other life insurance does
14 not have an aggregate gross value of more than the amount permitted
15 under the provisions of section one (1) of this Act.

16 5. A statement that petitioner agrees to be personally liable for the
17 payment of debts and charges against the estate to the extent the
18 assets of the estate would be subject to the payment of those debts and
19 charges under estate administration other than for a small estate.

20 6. A statement that petitioner agrees to account to any personal
21 representative for all assets of the estate coming into the possession
22 of petitioner, if a personal representative is appointed for adminis-
23 tration of the estate other than for a small estate.

1 SEC. 3. NEW SECTION. The letters of appointment of the personal
2 representative of a small estate shall entitle the personal representa-
3 tive to possession of any property of the estate.

1 SEC. 4. NEW SECTION. Any debtor, financial institution, or other
2 possessor of property shall deliver to the personal representative of a
3 small estate all property of the estate in its possession unless the value
4 of the property exceeds ten thousand dollars. The possessor of prop-
5 erty shall be exonerated from any liability for the delivery of property
6 to the personal representative and shall not be responsible for its dis-
7 position after the delivery.

1 SEC. 5. NEW SECTION. The letters of appointment are authority
2 for the transfer of stock or other securities to the persons entitled by
3 law to the stock or other securities as stated to the transfer agent by
4 the personal representative for the small estate. The transfer agent
5 shall be exonerated from all liability for making the transfer.

1 SEC. 6. NEW SECTION. The personal representative of a small
2 estate may sell personal property of a perishable nature and personal
3 property for which there is a regularly established market without
4 order of court. The personal representative has no other power to sell
5 property of the estate.

1 SEC. 7. NEW SECTION. The personal representative is required
2 to file the report and inventory for which provision is made in section
3 six hundred thirty-three point three hundred sixty-one (633.361) of
4 the Code. Nothing in sections one (1) through three (3) of this Act
5 shall exempt the personal representative from complying with the
6 requirements of section four hundred fifty point twenty-two (450.22)
7 or the clerk from complying with the requirements of section six hun-
8 dred thirty-three point four hundred eighty-one (633.481), of the
9 Code. If the inventory and report shows assets subject to the juris-
10 diction of this state including life insurance payable to the estate but
11 not including other life insurance which exceed the total gross value
12 of ten thousand dollars, the clerk shall terminate the letters issued

13 under section one (1) of this Act without prejudice to the rights of
 14 persons who delivered property as permitted under section three (3)
 15 of this Act. The personal representative shall then be required to
 16 petition for administration of the estate.

1 SEC. 8. NEW SECTION. Unless an interested person petitions for
 2 administration of the estate on a basis other than for a small estate
 3 within one year after letters of administration for a small estate are
 4 issued, if those letters of administration are not terminated under the
 5 provisions of section seven (7) of this Act, any property of the estate
 6 shall then be free of debts and charges. However, the personal repre-
 7 sentative of the small estate shall not be exonerated from debts and
 8 charges of the estate and shall be subject to personal liability to the
 9 extent provided in section two (2), subsection five (5) of this Act,
 10 for the period of time otherwise provided by law.

1 SEC. 9. NEW SECTION. At any time within one year after letters
 2 of administration are issued for a small estate, any interested person
 3 may petition for appointment of an executor or administrator for
 4 administration of the estate other than as a small estate. In that event
 5 the clerk shall notify the person holding letters of appointment for
 6 administration of a small estate by ordinary mail not less than ten
 7 days before a hearing on the petition. The notice shall be directed to
 8 the personal representative of the small estate at his last known
 9 address as reflected in the petition filed under section two (2) of this
 10 Act or the report and inventory filed under section six hundred thirty-
 11 three point three hundred sixty-one (633.361) of the Code, whichever
 12 is filed later.

1 SEC. 10. NEW SECTION. If letters of administration of a small
 2 estate are terminated under section seven (7) of this Act, the time
 3 period for estate proceedings under section six hundred thirty-three
 4 point three hundred thirty-one (633.331) of the Code shall apply.

1 SEC. 11. NEW SECTION. If a petition for administration of a
 2 small estate is filed at the time a will is admitted to probate without
 3 administration, the clerk's notice under section six hundred thirty-
 4 three point three hundred five (633.305) of the Code shall state that a
 5 small estate administration is contemplated.

1 SEC. 12. Section six hundred thirty-three point thirty-one (633.31),
 2 subsection two (2), Code 1973, is amended by adding the following
 3 new paragraph:

4 NEW PARAGRAPH. For services performed in small estate admin-
 5 istration\$10.00

Approved April 8, 1974

CHAPTER 1267

OBSCENITY

H. F. 1102

AN ACT relating to the dissemination and exhibition of obscene material to minors and lascivious acts with certain minors and providing penalties.

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

1 SECTION 1. NEW SECTION. **Definitions.** As used in this Act, un-
2 less the context otherwise requires:

3 1. "Obscene material" is any material depicting or describing the
4 genitals, sex acts, masturbation, excretory functions or sado-masochis-
5 tic abuse which the average person, taking the material as a whole
6 and applying contemporary community standards with respect to what
7 is suitable material for minors, would find appeals to the prurient in-
8 terest and is patently offensive; and the material, taken as a whole,
9 lacks serious literary, scientific, political or artistic value.

10 2. "Material" means any book, magazine, newspaper or other
11 printed or written material or any picture, drawing, photograph, mo-
12 tion picture, or other pictorial representation or any statue or other
13 figure, or any recording, transcription or mechanical, chemical or elec-
14 trical reproduction or any other articles, equipment, machines or
15 materials.

16 3. "Disseminate" means to transfer possession, with or without con-
17 sideration.

18 4. "Knowingly" means being aware of the character of the matter.

19 5. "Sado-masochistic abuse" means the infliction of physical or
20 mental pain upon a person or the condition of a person being fettered,
21 bound or otherwise physically restrained.

22 6. "Minor" means any person under the age of eighteen.

23 7. "Sex act" means any sexual contact, actual or simulated, between
24 two or more persons, either natural or deviate, or between a person
25 and an animal, by penetration of the penis into the vagina or anus, or
26 by contact between the mouth and genitalia or anus, or by use of
27 artificial sexual organs or substitutes therefor in contact with the gen-
28 italialia or anus.

1 SEC. 2. NEW SECTION. **Dissemination and exhibition of obscene**
2 **material to minors.** Any person, other than the parent or guardian of
3 the minor, who knowingly disseminates or exhibits obscene material to
4 a minor; including the exhibition of obscene material so that it can be
5 observed by a minor on or off the premises where it is displayed, is
6 guilty of a public offense and shall upon conviction be imprisoned in
7 the state penitentiary for not to exceed one year or be fined not to
8 exceed one thousand dollars or be subject to both such fine and im-
9 prisonment.

1 SEC. 3. NEW SECTION. **Admitting minors to premises where ob-**
2 **scene material is exhibited.** Any person who knowingly sells, gives,
3 delivers, or provides a minor with a pass or admits a minor to prem-
4 ises where obscene material is exhibited is guilty of a public offense
5 and shall upon conviction be imprisoned in the state penitentiary for
6 not to exceed one year or be fined not to exceed one thousand dollars
7 or be subject to both such fine and imprisonment.

1 **SEC. 4. NEW SECTION. Civil suit to determine obscenity.** When-
2 ever the county attorney of any county has reasonable cause to be-
3 lieve that any person is engaged or plans to engage in the dissemina-
4 tion or exhibition of obscene material within his county to minors he
5 may institute a civil proceeding in the district court of the county to
6 enjoin the dissemination or exhibition of obscene material to minors.
7 Such application for injunction is optional and not mandatory and
8 shall not be construed as a prerequisite to criminal prosecution for a
9 violation of this Act.

1 **SEC. 5. NEW SECTION. Exemptions for public libraries and edu-**
2 **cational institutions.** Nothing in this Act prohibits the use of appro-
3 priate material for educational purposes in any accredited school, or
4 any public library, or in any educational program in which the minor
5 is participating. Nothing in this Act prohibits the attendance of
6 minors at an exhibition or display of art works or the use of any
7 materials in any public library.

1 **SEC. 6. NEW SECTION. Suspension of licenses or permits.** Any
2 person who knowingly permits a violation of section two (2) or three
3 (3) of this Act to occur on premises under his control shall have all
4 permits and licenses issued to him under state or local law as a pre-
5 requisite for doing business on such premises revoked for a period of
6 six months. The county attorney shall notify all agencies responsible
7 for issuing licenses and permits of any conviction under section two
8 (2) or three (3) of this Act.

1 **SEC. 7. NEW SECTION. Evidence considered.** At a trial for vio-
2 lation of sections two (2) and three (3) of this Act the court may
3 consider the material, and receive into evidence in addition to other
4 competent evidence, the offered testimony of experts pertaining to:
5 1. The artistic, literary, political, or scientific value, if any, of the
6 challenged material.
7 2. The degree of public acceptance within the community of the
8 material or material of similar character.
9 3. The intent of the author, artist, producer, publisher, or manufac-
10 turer in creating the material.
11 4. The advertising promotion and other circumstances relating to
12 the sale of the material.

1 **SEC. 8. NEW SECTION. Affirmative defense.** In any prosecution
2 for disseminating or exhibiting obscene material to minors, it is an
3 affirmative defense that the defendant had reasonable cause to believe
4 that the minor involved was eighteen years old or more and the minor
5 exhibited to the defendant a draft card, driver's license, birth certifi-
6 cate or other official or apparently official document purporting to
7 establish that such minor was eighteen years old or more or was ac-
8 companied by a parent or spouse eighteen years of age or more.

1 **SEC. 9. NEW SECTION. Uniform application.** In order to provide
2 for the uniform application of the provisions of this Act relating to
3 obscene material applicable to minors within this state, it is intended
4 that the sole and only regulation of obscene material shall be under
5 the provisions of this Act, and no municipality, county or other gov-
6 ernmental unit within this state shall make any law, ordinance or
7 regulation relating to the availability of obscene materials. All such

8 laws, ordinances or regulations, whether enacted before or after this
9 Act, shall be or become void, unenforceable and of no effect upon the
10 effective date of this Act.

1 SEC. 10. NEW SECTION. Lascivious acts with persons under the
2 age of sixteen years. It is unlawful for any person eighteen years of
3 age or older to perform any of the following acts with any person
4 under the age of sixteen, with or without his or her consent unless
5 married to each other, for the purpose of arousing or satisfying the
6 sexual desires of either of them:

7 1. Fondle or touch the pubes or genitals of a person under the age
8 of sixteen.

9 2. Permit a person under the age of sixteen to fondle or touch his
10 or her genitals or pubes.

11 3. Solicit a person under sixteen years of age to engage in sexual
12 contact performed by penetration of the penis into the vagina or anus
13 or by contact between the mouth and genitalia or anus, or by use of
14 artificial sexual organs or substitutes therefor in contact with geni-
15 talia or anus.

16 4. Inflict pain or discomfort upon a person under the age of sixteen
17 or permit a person under the age of sixteen to inflict pain or discom-
18 fort on him or her.

19 Any person who violates a provision of this section shall, upon con-
20 viction, be imprisoned in the penitentiary for not to exceed five years
21 or be fined not to exceed five hundred dollars, or be subject to both
22 such fine and imprisonment.

1 SEC. 11. Sections seven hundred twenty-five point one (725.1),
2 seven hundred twenty-five point two (725.2), seven hundred twenty-
3 five point three (725.3), seven hundred twenty-five point four (725.4),
4 seven hundred twenty-five point six (725.6), seven hundred twenty-five
5 point seven (725.7), seven hundred twenty-five point eight (725.8),
6 seven hundred twenty-five point nine (725.9), seven hundred twenty-
7 five point ten (725.10), and seven hundred twenty-five point eleven
8 (725.11), Code 1973, are repealed.

Approved May 27, 1974

CHAPTER 1268

CONTRACEPTIVE PRODUCTS

S. F. 301

AN ACT relating to the sale, distribution or advertisement of contraceptive products,
and the regulation of distribution of venereal disease prophylactics and providing
a penalty.

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

1 SECTION 1. Section seven hundred twenty-five point five (725.5),
2 Code 1973, is hereby repealed.

1 SEC. 2. Section one hundred thirty-five point eleven (135.11),
2 Code 1973, is amended by adding the following new subsection:

3 NEW SUBSECTION. Establish standards for, issue permits, and
 4 exercise control over the distribution of venereal disease prophylactics
 5 distributed by methods not under the direct supervision of a physician
 6 licensed under chapter one hundred forty-eight (148), one hundred
 7 fifty (150), or one hundred fifty A (150A) of the Code or a pharma-
 8 cist licensed under chapter one hundred forty-seven (147) of the Code.
 9 Any person selling, offering for sale, or giving away any venereal dis-
 10 ease prophylactics in violation of the standards established by the
 11 department shall be fined not exceeding five hundred dollars, and the
 12 department shall revoke their permit.

1 SEC. 3. NEW SECTION. The department of agriculture and the
 2 board of pharmacy examiners shall, when requested by the depart-
 3 ment of health, obtain samples of venereal disease prophylactics in
 4 the course of their regular inspections or duties and shall deliver the
 5 samples to the department of health.

Approved March 4, 1974

CHAPTER 1269

BOXING AND WRESTLING

S. F. 86

AN ACT relating to licenses for professional boxing and wrestling matches.

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

1 SECTION 1. Section seven hundred twenty-seven A point four
 2 (727A.4), Code 1973, is amended to read as follows:
 3 727A.4 License. No boxing or wrestling match shall be held with-
 4 in this state except as provided in this chapter. The commissioner
 5 may issue, suspend or revoke a license to conduct boxing and wrestling
 6 matches ~~to any person~~ *except that a person shall not be issued a*
 7 *license unless he has been a resident of this state for at least three*
 8 *years immediately preceding the date of application, and no group,*
 9 *club or association shall be issued a license unless it has at least ten*
 10 *members and all members shall have been residents of this state for at*
 11 *least one year immediately preceding the date of application, and no*
 12 *corporation shall be issued a license unless it has at least ten members*
 13 *or stockholders and all such members or stockholders shall have been*
 14 *residents of the state for at least one year immediately preceding the*
 15 *date of application. However, a license may be issued to residents of*
 16 *another state without complying with the residence requirements of*
 17 *this section if the other state extends the same privilege to residents*
 18 *of this state. Nothing in this chapter shall be construed to prohibit*
 19 *amateur boxing or wrestling exhibitions. Every license shall be sub-*
 20 *ject to such rules and regulations as the commissioner may prescribe.*

1 SEC. 2. The provisions of this Act shall become effective Janu-
 2 ary 1, 1975.

Approved June 3, 1974

CHAPTER 1270

DISPOSITION OF FORFEITED LIQUOR

S. F. 1366

AN ACT relating to the disposition of intoxicating liquors.

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

1 SECTION 1. Section seven hundred fifty-one point thirty-one
2 (751.31), Code 1973, is amended by striking subsection one (1) and
3 inserting in lieu thereof the following new subsections:

4 NEW SUBSECTION. By ordering that forfeited intoxicating liquors,
5 which have a valid unbroken federal liquor tax stamp properly affixed
6 to the vessel and which the magistrate has no reason to believe is
7 adulterated or contaminated, be delivered to the Iowa beer and liquor
8 control department.

9 NEW SUBSECTION. By ordering the destruction of forfeited intoxi-
10 cating liquors which do not have a valid federal liquor tax stamp prop-
11 erly affixed to the vessel or which the magistrate has reason to believe
12 is contaminated or adulterated.

1 SEC. 2. Section one hundred twenty-three point twenty (123.20),
2 Code 1973, is amended by adding the following new subsection:

3 NEW SUBSECTION. To accept intoxicating liquors ordered delivered
4 to the Iowa beer and liquor control department pursuant to section one
5 (1) of this Act and offer such intoxicating liquors for sale through the
6 state liquor stores, unless the director determines that such intoxicat-
7 ing liquors may be adulterated or contaminated. If the director deter-
8 mines that such intoxicating liquors may be adulterated or contami-
9 nated he shall order their destruction.

Approved May 2, 1974

CHAPTER 1271

RAPE VICTIM'S EVIDENCE

S. F. 1009

AN ACT relating to the repeal of the requirement of corroboration of the testimony of the victim in a rape and relating to the introduction of evidence of past sexual conduct.

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

1 SECTION 1. Chapter seven hundred eighty-two (782), Code 1973,
2 is amended by adding the following new section:

3 NEW SECTION. Evidence of past sexual conduct in trials of rape.
4 In prosecutions for the crime of rape, evidence of the prosecuting
5 witness' previous sexual conduct shall not be admitted, nor reference
6 made thereto in the presence of the jury, except as provided herein.
7 Evidence of the prosecuting witness' previous sexual conduct shall be
8 admissible if the defendant shall make application to the court before
9 or during the trial.

10 The court shall conduct a hearing in camera as to the relevancy of
 11 such evidence of previous sexual conduct, and shall limit the question-
 12 ing and control the admission and exclusion of evidence upon trial.

13 In no event shall such evidence of previous sexual conduct of the
 14 prosecuting witness committed more than one year prior to the date
 15 of the alleged crime be admissible upon the trial, except previous
 16 sexual conduct with the defendant. Nothing in this section shall limit
 17 the right of either the state or the accused to impeach credibility by
 18 the showing of prior felony convictions.

1 SEC. 2. Section seven hundred eighty-two point four (782.4), Code
 2 1973, is repealed.

Approved May 11, 1974

CHAPTER 1272

IMMUNITY TO WITNESS

S. F. 568

AN ACT relating to the granting of immunity to witnesses testifying in criminal proceedings and providing a penalty.

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

1 SECTION 1. NEW SECTION. Before any witness shall be compelled
 2 to answer or to produce evidence in any judicial proceeding after hav-
 3 ing asserted that such answer or evidence would tend to render him
 4 criminally liable, incriminate him or violate his right to remain silent
 5 under the fifth amendment to the Constitution of the United States,
 6 the witness must knowingly waive his right or:

7 1. A county attorney or the attorney general must file with a dis-
 8 trict court judge or district associate judge a verified application set-
 9 ting forth that:

10 a. The testimony of the witness, or the production of documents or
 11 other evidence in the possession of such witness, or both, is necessary
 12 and material; and

13 b. The witness has refused to testify, or to produce documents or
 14 other evidence, or both, upon the ground that such testimony or evi-
 15 dence would tend to incriminate him; and

16 c. It is the considered judgment of the county attorney or attorney
 17 general that justice and the public interest require the testimony,
 18 documents or evidence in question.

19 2. The application, transcripts and orders required by this Act
 20 shall be filed as a separate case in the criminal docket entitled "In the
 21 matter of the testimony of" and shall be indexed in

22 (Name of witness)

23 the criminal index under the name of the witness. Any testimony given
 24 in support of the application for immunity shall be reported and a
 25 transcript of the testimony shall be filed with the application.

26 3. Upon consideration of such application the judge shall enter an
 27 order granting the witness immunity to prosecution for any crime or

28 public offense concerning which he was compelled to give competent
29 and relevant testimony or to produce competent and relevant evi-
30 dence.

31 4. Testimony, documents or evidence which has been given by a
32 witness granted immunity shall not be used against him in any trial
33 or proceeding, or subject him to any penalty or forfeiture; provided,
34 that such immunity shall not apply to any prosecution or proceeding
35 for a perjury or a contempt of court committed in the course of or
36 during the giving of such testimony.

1 SEC. 2. NEW SECTION. A complete verbatim transcript of tes-
2 timony given pursuant to an order of immunity shall be made and
3 filed with the application and the order of court. The application, or-
4 der granting immunity and all transcripts filed shall be sealed upon
5 motion of the defendant, county attorney, or attorney general and shall
6 be opened only by order of the court. This section shall not bar the
7 use of the transcript as evidence in any proceeding except the tran-
8 script shall not be used in any proceeding against the witness himself.

1 SEC. 3. NEW SECTION. Whoever shall refuse to testify or to pro-
2 duce evidence after having been granted immunity as aforesaid shall
3 be subject to punishment for contempt of court as in the case of any
4 witness who refuses to testify, a claim to privilege against self-incrim-
5 ination notwithstanding.

1 SEC. 4. Sections six hundred twenty-two point fourteen (622.14),
2 six hundred twenty-two point fifteen (622.15), and six hundred
3 twenty-two point sixteen (622.16), Code 1973, are repealed.

Approved May 27, 1974

SPECIAL AND LEGALIZING ACTS

SPECIAL AND LEGALIZING ACTS

Land purchases by conservation commission, see ch 1023
Easement at Eldora to telephone co., see ch 1075
Veterinary facility at Ames, see ch 1081

CHAPTER 1273

BLACK HAWK AND BUCHANAN LEGALIZING ACT

H. F. 1494

AN ACT legalizing the transfer of certain property by the joint county system of Black Hawk and Buchanan counties.

WHEREAS, it appears from the records of the Board of Directors of the Joint County System of Black Hawk and Buchanan Counties, State of Iowa, that at its regular meeting held on March 21, 1974, at the Board of Education Building, 314 East Fourteenth Street, Waterloo, Iowa, the Board adopted a Resolution transferring title to the Independence Community School District, Independence, Iowa, to the hereinafter described property and on which the John Loeck School Building is located, with the understanding that the Independence Community School District assume all of the costs in making the legal transfer:

Commencing at a point Thirty-Nine (39) Rods West of the Southeast Corner of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-Three (33), Township Eighty-Nine (89) North, Range Nine (9) West of the 5th P.M. in Buchanan County, Iowa, running thence North Three Hundred Thirty (330) Feet, thence West Two Hundred (200) Feet, thence South Three Hundred Thirty (330) Feet, thence East Two Hundred (200) Feet to the place of beginning; and

WHEREAS, the Joint County System of Black Hawk and Buchanan Counties provided programs for all eligible mentally retarded children of school age from Buchanan County Schools, on the above described property where the John Loeck School Building is located; and

WHEREAS, the Independence Community School District, Independence, Iowa, is now providing programs for all educable mentally retarded children of school age from the Buchanan County Schools by integrating them into the regular school buildings; and

WHEREAS, the above described land and building, located in Independence, Iowa, presently owned by the Joint County System of Black Hawk and Buchanan Counties, is no longer necessary for the purpose for which it was acquired; and

WHEREAS, the Independence Community School District does have a need for this building for school purposes; and

WHEREAS, this transfer will continue to serve the best public interests; and

WHEREAS, there appears some doubt whether the Joint County System of Black Hawk and Buchanan Counties has the authority to make the transfer of property held in its name; and it is deemed advisable and necessary to put to rest such doubts and all other doubts that might arise concerning the transfer of said property to the Independence Community School District; NOW, THEREFORE;

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

1 SECTION 1. That all acts and proceedings heretofore taken by the
2 Board of Directors of Joint County System of Black Hawk and Bu-
3 chanan Counties in connection with the transfer from the Joint County
4 System of Black Hawk and Buchanan Counties to Independence Com-
5 munity School District of the hereinafter described property are here-
6 by legalized, validated, and confirmed:
7 Commencing at a point Thirty-Nine (39) Rods West of the
8 Southeast Corner of the Southeast Quarter (SE $\frac{1}{4}$) of Section
9 Thirty-Three (33), Township Eighty-Nine (89) North, Range
10 Nine (9) West of the 5th P.M. in Buchanan County, Iowa, run-
11 ning thence North Three Hundred Thirty (330) Feet, thence
12 West Two Hundred (200) Feet to the place of beginning.

1 SEC. 2. The President of the Board of Directors of Joint County
2 System of Black Hawk and Buchanan Counties is hereby authorized
3 to sign a Quit Claim Deed for the transfer of said property.
4 PROPOSED BY BOARD OF DIRECTORS OF THE JOINT COUNTY SYSTEM OF
5 BLACK HAWK AND BUCHANAN COUNTIES.

1 SEC. 3. This Act, being deemed of immediate importance, shall
2 take effect and be in force from and after its publication in The
3 Bulletin-Journal, a newspaper published in Independence, Iowa, and
4 in the Independence Conservative, a newspaper published in Inde-
5 pendence, Iowa, without expense to the state.

Approved May 27, 1974

I hereby certify that the foregoing Act, House File 1494, was published in The Bulletin-Journal, Independence, Iowa, June 14, 1974, and in the Independence Conservative, Independence, Iowa, June 11, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1274

CERRO GORDO LEGALIZING ACT

S. F. 1369

AN ACT to legalize the proceedings of the board of supervisors of Cerro Gordo county in connection with contracts made for improvements to the Cerro Gordo county home located west of Mason City, Iowa.

WHEREAS, on September 6 and 7, 1973 an inspection of the Cerro Gordo County Home by the State Department of Health was conducted; and,

WHEREAS, on October 5, 1973 the Cerro Gordo County Board of Supervisors was advised by the State Department of Health that said structure failed in numerous respects to comply with each of 22 requirements of said Department and said Board was directed to arrange compliance with said requirements within various periods of time ranging from thirty days to one year; and,

WHEREAS, pursuant to said direction of the State Department of Health, the Cerro Gordo County Board of Supervisors made a contract with

Ray E. Pauley Company, Inc. of Mason City, for fabrication and installation of radiator covers at a cost of \$3270.00 and a contract with O'Connor Construction, Inc. of Mason City, Iowa for labor and materials in repair or replacement and installation of doors, loose plaster, inadequate flooring, fire exits, fire doors, partitions, window frames, locks, ventilation fans, water closets and other miscellaneous small items, to be determined as the work progressed, having in mind the anticipated structural problems in aged structure, said work and materials upon completion amounting to \$26,536.84, and said contracts being entered into without complying with the requirements of Code Sections 332.7 and 332.8 pertaining to Contracts, Bids, Plans and Specifications; and,

WHEREAS, work above contracted for has been completed and funds for the payment therefore* are available in the General Fund of Cerro Gordo County; NOW THEREFORE,

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

1 SECTION 1. All proceedings heretofore taken by the Board of
2 Supervisors of Cerro Gordo County, Iowa in connection with and per-
3 taining to the completion of contracts with Ray E. Pauley Company,
4 Inc., Mason City, Iowa, and O'Connor Construction, Inc., Mason City,
5 Iowa, entered into by said Board of Supervisors for improvements to
6 the Cerro Gordo County Home located west of Mason City, Iowa, are
7 hereby declared to be legal and constitute a valid and binding obliga-
8 tion of Cerro Gordo County.

1 SEC. 2. This Act, being deemed of immediate importance, shall
2 take effect and be in force from and after its publication in the Globe-
3 Gazette, a newspaper published in Mason City, Iowa, and in The Clear
4 Lake Mirror-Reporter, a newspaper published in Clear Lake, Iowa,
5 without expense to the State.

Approved May 11, 1974

I hereby certify that the foregoing Act, Senate File 1369, was published in the Globe-Gazette, Mason City, Iowa, May 29, 1974, and in The Clear Lake Mirror-Reporter, Clear Lake, Iowa, May 22, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

*According to enrolled Act

CHAPTER 1275

DICKINSON COUNTY LEGALIZING ACT

S. F. 1356

AN ACT to legalize and validate procedures of Iowa great lakes sanitary district, the county auditors and county treasurers of Dickinson county, Iowa in connection with annexations with municipalities in the Iowa great lakes sanitary district, since the creation of said district.

WHEREAS, at the time of the creation of Iowa Great Lakes Sanitary District in 1949, pursuant to the Provisions of Chapter 358 Code of Iowa, all of the then areas within the boundaries of the following incorporated towns in Dickinson County, Iowa were included in said District, to-wit

Spirit Lake, Orleans, Arnolds Park, Okoboji, West Okoboji, Milford and Wahpeton; and,

WHEREAS, since the creation of said District some of the said towns have extended their boundaries by annexation for purposes of providing to the areas so annexed certain utilities and benefits not previously enjoyed by the areas so annexed; and,

WHEREAS, some of said annexed areas had, prior thereto or thereafter, upon petition to the Board of Trustees of said District, been annexed to and became a part of said Sanitary District, and some of said areas were not formally by order upon petition included in said District by its Board of Trustees; and,

WHEREAS, the Trustees of the Sanitary District, the County Auditors and County Treasurers of Dickinson County have treated all of the areas annexed to the incorporated towns as being a part of and included in the boundaries of said District and in each instance applied the Sanitary Sewer District Tax millage to said areas; and,

WHEREAS, the owners of the properties so annexed have at all times since said annexations enjoyed the benefits and services provided by said Sanitary District; and,

WHEREAS, some doubts have arisen concerning the status of said annexed areas, that is whether or not they are within the boundaries of said Sanitary District and concerning the validity of the taxation of said areas for services of the District, and all such doubts should once and for all be put at rest; NOW THEREFORE,

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

1 SECTION 1. That in all cases where areas have been annexed to the
2 incorporated towns of Spirit Lake, Orleans, Arnolds Park, Okoboji,
3 West Okoboji, Milford and Wahpeton since the formation of the Iowa
4 Great Lakes Sanitary Sewer District, said areas so annexed shall be
5 treated as having been and hereafter being within and forming a part
6 of said Sanitary District.

1 SEC. 2. That all procedures of the Trustees of Iowa Great Lakes
2 Sanitary District, the County Auditors and County Treasurers of Dick-
3 inson County, Iowa in considering and treating said annexed areas as
4 a part of the Sanitary District, be and the same are hereby ratified and
5 validated;

1 SEC. 3. That the imposition of the Sanitary Sewer levy of taxes
2 upon said areas so annexed be and the same are hereby ratified, vali-
3 dated and legalized, and that all such areas shall hereafter be consid-
4 ered and treated in all respects as though formal Petition to the Sani-
5 tary District for annexation had been filed and approved by its Board
6 of Trustees and thereupon an Order so annexing to the District been
7 formally entered and recorded.

Approved May 9, 1974

CHAPTER 1276

BUFFALO LEGALIZING ACT

H. F. 1495

AN ACT to legalize the proceedings of the town of Buffalo, also known as the city of Buffalo, in Scott county, Iowa, whereby the issuance, sale and delivery of water revenue bonds were authorized.

WHEREAS it appears from the records of the town council of the town of Buffalo (also known as the city of Buffalo), in Scott county, Iowa, that pursuant to notice published in a newspaper printed and published in Scott county, Iowa, and having a general circulation in said town, the town council thereof has by resolution authorized and provided for the issuance, sale and delivery of water revenue bonds, 1974 series, of said town in the amount of one hundred fifty thousand dollars (\$150,000) to pay the cost, to that amount, of improving and extending the municipal waterworks plant and system in and for said town, such bonds being payable as to both principal and interest solely out of the net earnings of such municipal waterworks plant and system; and

WHEREAS doubts have arisen concerning the validity and legal sufficiency of said proceedings and provisions made for the issuance and sale of said bonds and for their payment from the net earnings of the municipal waterworks plant and system of said town, and it is deemed advisable to put such doubt and all others that might arise concerning same forever at rest; NOW, THEREFORE,

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

1 SECTION 1. That all proceedings heretofore taken by the town
2 council of the town of Buffalo (also known as the city of Buffalo), in
3 Scott county, Iowa, authorizing and providing for the issuance, sale
4 and delivery of water revenue bonds, 1974 series, of the town of Buf-
5 falo (also known as the city of Buffalo), Iowa, in the amount of one
6 hundred fifty thousand dollars (\$150,000) to pay the cost, to that
7 amount, or improving and extending the municipal waterworks plant
8 and system in and for said town land for the payment of said bonds
9 and the interest thereon from the net earnings of said plant and sys-
10 tem are hereby legalized, validated and confirmed, and said water
11 revenue bonds, 1974 series, issued, sold and delivered pursuant to and
12 in accordance with said proceedings are hereby declared to be legal
13 and to constitute valid and binding obligations of said town payable
14 only from such revenues, but said bonds shall not be a corporate in-
15 debtedness of said town, nor shall said town be authorized to levy ad
16 valorem taxes to pay either principal thereof or interest thereon.

1 SEC. 2. This Act, being deemed of immediate importance, shall
2 take effect and be in force from and after its publication in the Musca-
3 tine Journal, a newspaper published in Muscatine, Iowa, and in the
4 Times-Democrat, a newspaper published in Davenport, Iowa, without
5 expense to the state.

Approved May 27, 1974

I hereby certify that the foregoing Act, House File 1495, was published in the Muscatine Journal, Muscatine, Iowa, June 3, 1974, and in the Times-Democrat, Davenport, Iowa, May 31, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1277

BUFFALO LEGALIZING ACT

H. F. 1493

AN ACT to legalize the proceedings of the town of Buffalo, also known as the city of Buffalo, in Scott county, Iowa, whereby the issuance, sale and delivery of sewer bonds were authorized.

WHEREAS it appears from the records of the town council of the town of Buffalo (also known as the city of Buffalo), in Scott county, Iowa, that pursuant to notice published in a newspaper printed and published in Scott county, Iowa, and having a general circulation in said town, the town council thereof has by resolution authorized and provided for the issuance, sale and delivery of sewer bonds of said town in the amount of two hundred thousand dollars (\$200,000) to pay the cost, to that amount, of improving the municipal sewer system in and for said town, and made provision for the levy of taxes to pay said bonds and the interest thereon; and

WHEREAS doubts have arisen concerning the validity and legal sufficiency of said proceedings and provisions made for the issuance and sale of said bonds and for the levy and collection of taxes to pay the principal of and the interest on said bonds as the same become due, and it is deemed advisable to put such doubts and all others that might arise concerning same forever at rest; NOW THEREFORE,

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

1 SECTION 1. That all proceedings heretofore taken by the town
2 council of the town of Buffalo (also known as the city of Buffalo), in
3 Scott county, Iowa, authorizing and providing for the issuance, sale
4 and delivery of sewer bonds of said town of Buffalo (also known as
5 the city of Buffalo), Iowa, in the amount of two hundred thousand
6 dollars (\$200,000) to pay the cost, to that amount, of improving the
7 municipal sewer system in and for said town, and for the levy of taxes
8 to pay said bonds and interest thereon, are hereby legalized, validated
9 and confirmed and said sewer bonds issued, sold and delivered pursu-
10 ant to and in accordance with said proceedings are hereby declared to
11 be legal and to constitute valid and binding obligations of said town.

1 SEC. 2. This Act, being deemed of immediate importance, shall
2 take effect and be in force from and after its publication in the Musca-
3 tine Journal, a newspaper published in Muscatine, Iowa, and in the
4 Times-Democrat, a newspaper published in Davenport, Iowa, without
5 expense to the state.

Approved May 27, 1974

I hereby certify that the foregoing Act, House File 1493, was published in the Muscatine Journal, Muscatine, Iowa, June 3, 1974, and in the Times-Democrat, Davenport, Iowa, May 31, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1278

HARLAN LEGALIZING ACT

S. F. 1320

AN ACT to legalize and validate the proceedings of the board of trustees of the municipal electric plant and system of the city of Harlan, Iowa, authorizing and providing for the issuance of electric revenue bonds of said city and declaring the bonds issued pursuant to said proceedings to be enforceable obligations of said city.

WHEREAS it appears from the records of the board of trustees of the municipal electric plant and system of the city of Harlan, Iowa, that pursuant to a public hearing held in and for said city said board of trustees has by resolution adopted on March 14, 1974, authorized and provided for the issuance of electric revenue bonds of said city in the principal amount of one million nine hundred ninety thousand dollars (\$1,990,000) for the purpose of improving the municipal electric light and power plant and system of said city, said electric revenue bonds and interest thereon to be payable solely and only out of the net earnings of said municipal electric light and power plant and system; and

WHEREAS doubts have arisen concerning the validity and legal sufficiency of said proceedings and provisions made for the issuance and payment of said electric revenue bonds and it is deemed advisable to put such doubts and all others that might arise concerning the same forever at rest; NOW THEREFORE,

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

1 SECTION 1. That all proceedings heretofore taken by the board of
2 trustees of the municipal electric plant and system of the city of
3 Harlan, Iowa, preliminary to, in connection with and providing for the
4 issuance of electric revenue bonds of said city to the amount of one
5 million nine hundred ninety thousand dollars (\$1,990,000) pursuant to
6 and as provided in the resolution adopted by said board of trustees on
7 March 14, 1974, are hereby legalized, validated and confirmed and said
8 electric revenue bonds issued, sold and delivered pursuant to and in
9 accordance with said proceedings are hereby declared to be legal and
10 to constitute valid and binding obligations of said city in accordance
11 with their terms.

1 SEC. 2. This Act, being deemed of immediate importance, shall
2 take effect and be in force from and after its publication in Council
3 Bluffs Nonpareil, a newspaper published in Council Bluffs, Iowa, and
4 in The Harlan News-Advertiser, a newspaper published in Harlan,
5 Iowa, without expense to the state.

Approved May 9, 1974

I hereby certify that the foregoing Act, Senate File 1320, was published in the Council Bluffs Nonpareil, Council Bluffs, Iowa, May 15, 1974, and in The Harlan News-Advertiser, Harlan, Iowa, May 20, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1279

LIBERTYVILLE LEGALIZING ACT

H. F. 1473

AN ACT to legalize contracts awarded by the town of Libertyville, Jefferson county, Iowa, dated February 4th, 1974, for the improvements and extensions to the municipal waterworks in said town.

WHEREAS, records of the town of Libertyville, Jefferson County, Iowa, show that on the first day of October 1973, the town council adopted a resolution ordering construction of improvements and extensions to the municipal waterworks and fixing the date for hearing thereon and the taking of bids therefor and directing publication of a notice of hearing and letting, pursuant to the provisions of chapters 23 and 397 of the Code of Iowa, 1973; and

WHEREAS, said hearing was held and no objections received; and

WHEREAS, bids were received and contracts awarded and,

WHEREAS, it has been discovered by said town that said notice of hearing and letting was published only in the newspaper having general circulation within the municipality and was not also published in a newspaper of general circulation in the state of Iowa as required by section 397.16 of the Code of Iowa, 1973; and

WHEREAS, doubts have arisen concerning the legality of the construction contracts due to the failure to publish said notice of hearing and letting in the second newspaper and it is required that said doubts be resolved; NOW THEREFORE,

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

1 SECTION 1. All notices given by the town of Libertyville, Jefferson
2 County, Iowa, in connection with and pertaining to the hearing and
3 letting and the award of contracts for the construction of improve-
4 ments and extensions to the municipal waterworks, said contracts
5 being dated February 4, 1974, pursuant to the resolution ordering
6 construction adopted August 15, 1973, and said contracts themselves
7 are hereby legalized, validated and confirmed and shall constitute full
8 authority for the said town council to proceed with the construction
9 of said improvements as provided in same resolution ordering con-
10 struction.

1 SEC. 2. Nothing herein contained shall be construed as to affect
2 pending litigation, if any.

1 SEC. 3. This Act, being deemed of immediate importance, shall
2 take effect and be in force from and after its publication in The Fair-
3 field Ledger, a newspaper published in Fairfield, Iowa, and in The
4 Record-Republican, a newspaper published in Bonaparte, Iowa, with-
5 out expense to the state.

Approved April 3, 1974

I hereby certify that the foregoing Act, House File 1473, was published in The Fairfield Ledger, Fairfield, Iowa, April 11, 1974, and in The Record-Republican, Bonaparte, Iowa, April 11, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1280

JANESVILLE SCHOOL LEGALIZING ACT

S. F. 1160

AN ACT to legalize and validate the proceedings of the board of directors of the Janesville Community School District, in the counties of Bremer and Black Hawk, state of Iowa, in connection with an election authorizing the issuance of certain bonds and the levy of a tax to pay said bonds and declaring the validity of said election and the validity of bonds issued and taxes levied pursuant thereto.

WHEREAS, it appears from the records of the Janesville Community School District and the County Auditor of Bremer County, Iowa, that at a special election held in and for said School District on October 18, 1973, on the following propositions, to-wit:

PROPOSITION ONE

"Shall the Janesville Community School District, in the Counties of Bremer and Black Hawk, State of Iowa, issue School Bonds in a sum of not to exceed \$530,000.00 for the purpose of remodeling an existing elementary school building and building and furnishing an addition thereto?"

PROPOSITION TWO

"Shall the Janesville Community School District, in the Counties of Bremer and Black Hawk, State of Iowa, issue School Bonds in a sum of not to exceed \$150,000.00 for the purpose of acquiring land and improving the same for use as an athletic field?"

PROPOSITION THREE

"Shall the Board of Directors of the Janesville Community School District, in the Counties of Bremer and Black Hawk, State of Iowa, be authorized to levy annually a tax exceeding ten (10) mills, but not exceeding fifteen (15) mills, on the dollar of the assessed valuation of the taxable property within said school corporation to pay the principal of and interest on bonded indebtedness of said school corporation, it being understood that the approval of this proposition shall not limit the source of payment of the bonds and interest, but shall only operate to restrict the amount of bonds which may be issued?"

each were approved by more than sixty percent of the total number of votes cast for and against the propositions, and in reliance upon said election said Board of Directors proposes to issue bonds and to levy and collect said tax as authorized; and

WHEREAS, said election was conducted by the County Auditor of Bremer County by reason of an error made in good faith; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of said election and it is deemed advisable to put such doubts and all others that might arise concerning same forever at rest; NOW, THEREFORE,

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

- 1 SECTION 1. That all proceedings heretofore taken by the Board of
- 2 Directors of the Janesville Community School District, in the Counties
- 3 of Bremer and Black Hawk, State of Iowa, and the County Auditor and
- 4 Board of Supervisors of Bremer County, Iowa, preliminary to and in

5 connection with said election held in said School District on October 18,
6 1973, said election and the adoption by the voters of the propositions
7 set forth above are hereby legalized, validated and confirmed and by
8 authority of said election and this Act said Board of Directors are
9 authorized to levy said tax of not to exceed fifteen (15) mills on all
10 taxable property within said School District as approved by the voters
11 for the purpose of paying principal and interest on bonded indebtedness
12 of said School District and the bonds authorized at said election when
13 issued, sold and delivered pursuant to Chapter 75, Code of Iowa (1973)
14 are hereby declared to constitute lawful, valid and binding obligations
15 of said School District.

1 SEC. 2. This Act, being deemed of immediate importance shall take
2 effect and be in force from and after its publication in The Waverly
3 Democrat, a newspaper published in Waverly, Iowa, and in the Bremer
4 County Independent, a newspaper published in Waverly, Iowa.

Approved February 19, 1974

I hereby certify that the foregoing Act, Senate File 1160, was published in The Waverly Democrat, Waverly, Iowa, February 28, 1974, and in the Bremer County Independent, Waverly, Iowa, February 25, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1281

JEFFERSON SCHOOL LEGALIZING ACT

S. F. 1375

AN ACT to legalize and validate the proceedings of the board of directors of the Jefferson Community School District No. 2, in the county of Greene, state of Iowa, authorizing and providing for the issuance, sale and delivery of school bonds and for the levy of taxes for the payment of said bonds and declaring the bonds issued pursuant to said proceedings to be enforceable obligations of said school district.

WHEREAS, it appears from the records of the Board of Directors of the Jefferson Community School District No. 2, in the County of Greene, State of Iowa, that at a special school election held in and for said School District on March 19, 1974, the proposition of issuing bonds of said School District in the amount of Forty-five Thousand Dollars (\$45,000) for the purpose of improving the high school building grounds by hard surfacing the student parking lot and driveways and the teachers' parking lot and driveways in and for said School District and the proposition of issuing bonds of said School District in the amount of Ten Thousand Dollars (\$10,000) for the purpose of improving the junior high school building grounds by hard surfacing the school bus loading area and driveways in and for said School District were each approved by more than sixty percent (60 percent) of the total number of votes cast for and against each proposition, and in reliance upon said election said Board of Directors thereafter authorized and provided for the issuance, sale and delivery of school bonds of said School District to the aggregate amount of Fifty-five Thousand Dollars (\$55,000) for the purpose of paying the cost of improving said school building grounds as aforesaid and made provision for the levy of taxes to pay said bonds and interest thereon; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of said election and proceedings and provisions made for the issuance, sale and payment of said bonds, and it is deemed advisable to put such doubts and all others that might arise concerning same forever at rest; NOW THEREFORE,

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

1 SECTION 1. That all proceedings heretofore taken by the Board of
2 Directors of the Jefferson Community School District No. 2, in the
3 County of Greene, State of Iowa, preliminary to and in connection with
4 the election on said bonds held in said School District on March 19,
5 1974, and providing for the issuance, sale and delivery of school bonds
6 of said School District in the aggregate principal amount of Fifty-five
7 Thousand Dollars (\$55,000) pursuant to said election, and for the levy
8 of taxes to pay said bonds and interest thereon, are hereby legalized,
9 validated and confirmed and said school bonds issued, sold and deliv-
10 ered pursuant to and in accordance with said proceedings are hereby
11 declared to be legal and to constitute the valid and binding obligations
12 of said School District.

1 SEC. 2. This Act, being deemed of immediate importance, shall
2 take effect and be in force from and after its publication in The Jeffer-
3 son Bee, a newspaper published in Jefferson, Iowa, and in The Jefferson
4 Herald, a newspaper published in Jefferson, Iowa, without expense to
5 the state.

Approved May 9, 1974

I hereby certify that the foregoing Act, Senate File 1375, was published in The Jefferson Bee, Jefferson, Iowa, May 27, 1974, and in The Jefferson Herald, Jefferson, Iowa, May 22, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

**JOINT RESOLUTIONS
AND
RULES OF CIVIL PROCEDURE**

JOINT RESOLUTIONS
AND
RULES OF CIVIL PROCEDURE

CHAPTER 1282

CONSTITUTIONAL AMENDMENT—APPROPRIATION OF FINES

Second time passed

H. J. R. 13

A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Iowa relating to the appropriation of fines as provided by law.

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

1 SECTION 1. The following amendment to the Constitution of the
2 State of Iowa is hereby proposed:

3 1. Section four (4), subdivision two (2) entitled "School Funds
4 and School Lands", of Article nine (IX) of the Constitution of the
5 State of Iowa is hereby repealed.

6 2. Section four (4) of Article twelve (XII) of the Constitution of
7 the State of Iowa is hereby repealed.

1 SEC. 2. The foregoing proposed amendment, having been adopted
2 and agreed to by the Sixty-fourth General Assembly, thereafter duly
3 published, and now adopted and agreed to by the Sixty-fifth General
4 Assembly, in this Joint Resolution, shall be submitted to the people
5 of the State of Iowa at the general election in November of the year
6 nineteen hundred seventy-four (1974) in the manner required by the
7 Constitution of the State of Iowa and the laws of the State of Iowa.

CHAPTER 1283

CONSTITUTIONAL AMENDMENT ON CONVENING OF GENERAL ASSEMBLY

Second time passed

H. J. R. 3

A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Iowa to provide means for the general assembly to convene itself into special session between regular sessions.

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

1 SECTION 1. The following amendment to the Constitution of the
2 State of Iowa is hereby proposed:

3 Section two (2) of Article three (III) of the Constitution of the
4 State of Iowa, as amended by amendment number one (1) of the
5 Amendments of 1968 to the Constitution of the State of Iowa, is re-
6 pealed and the following adopted in lieu thereof:

7 The General Assembly shall meet in session on the second Monday of
8 January of each year. Upon the written request to the presiding offi-
9 cer of each House of the General Assembly by two-thirds of the mem-

10 bers of each House, the General Assembly shall convene in special ses-
 11 sion. The Governor of the state may convene the General Assembly
 12 by proclamation in the interim.

1 SEC. 2. The foregoing proposed amendment, having been adopted
 2 and agreed to by the Sixty-fourth General Assembly, Second Session,
 3 thereafter duly published, and now adopted and agreed to by the Sixty-
 4 fifth General Assembly in this Joint Resolution, shall be submitted to
 5 the people of the State of Iowa at the general election in November of
 6 the year nineteen hundred seventy-four in the manner required by the
 7 Constitution of the State of Iowa and the laws of the State of Iowa.

CHAPTER 1284

RULES OF CIVIL PROCEDURE

IN THE MATTER OF
 THE
 RULES OF CIVIL PROCEDURE

REPORT OF THE
 SUPREME COURT

To the 1974 Regular Session of the Sixty-fifth General Assembly of the State of Iowa:

1 Pursuant to Sections 684.18 and 684.19, Code 1973, the Supreme
 2 Court of Iowa has prescribed and hereby reports to the General
 3 Assembly changes in the existing Rules of Civil Procedure as follows:

4 **Rule 9. Actions by and against the state.**

5 That Rule 9 be amended by striking the following sentence:

6 "It may be sued as provided by any statutes in force at the time."

7 **Rule 49. Tolling limitations.**

8 That Rule 49 be stricken and the following substituted:

9 "49. **Tolling limitations.** For the purpose of determining whether
 10 an action has been commenced within the time allowed by statutes
 11 for limitation of actions, whether the limitation inheres in the stat-
 12 utes creating the remedy or not, the following shall be deemed a
 13 commencement of the action, to-wit:

14 (a) The delivery of the original notice to the sheriff of the proper
 15 county with the intent that it be served immediately (which intent
 16 shall be presumed unless the contrary appears).

17 (b) The filing of the original notice with the Secretary of State
 18 as provided in Section 617.3 provided that service is completed as
 19 required by said section.

20 (c) The filing of the original notice with the commissioner of
 21 public safety as provided by Section 321.498 provided that service is
 22 completed as provided in said section."

23 **Rule 56. Personal service.**

24 That Rule 56 be amended by adding the following:

25 "(n) If service cannot be made by any of the methods provided by
 26 this rule, any defendant may be served as provided by Court Order,
 27 consistent with due process of law."

28 **Rule 68. Allowable pleadings.**

29 That Rule 68 be stricken and the following substituted:

30 "68. **Allowable pleadings.** There shall be a petition and an answer;
31 a reply to a counterclaim denominated as such; an answer to a cross-
32 claim, if the answer contains a cross-claim; a third-party petition, if
33 a person who was not an original party is summoned under the provi-
34 sions of Rule 34; and a third-party answer, if a third-party petition
35 is served."36 **Rule 73. Reply.**

37 That Rule 73 be stricken and the following substituted:

38 "73. **Reply.** The court may order a reply to an answer or a third-
39 party answer."40 **Rule 82. Filing, copies, delivery.**

41 That Rule 82 be stricken and the following substituted:

42 "82. **Service and filing of pleadings and other papers.**43 (a) When service required. Everything required by these rules to
44 be filed, every order required by its terms to be served, every pleading
45 subsequent to the original petition unless the court otherwise orders
46 because of numerous defendants, every paper relating to discovery
47 required to be served upon a party unless the court otherwise orders,
48 every written motion other than one which may be heard ex parte,
49 and every written notice, appearance, demand, offer of judgment,
50 designation of record on appeal, and similar paper shall be served
51 upon each of the parties. No service need be made on parties in
52 default for failure to appear except that pleadings asserting new or
53 additional claims for relief against them shall be served upon them
54 in the manner provided for service of original notice in Rule 56.55 In an action begun by seizure of property, in which no person need
56 be or is named as defendant, any service required to be made prior to
57 the filing of an answer, claim, or appearance shall be made upon the
58 person having custody or possession of the property at the time of
59 its seizure.60 (b) Same: how made. Service upon a party represented by an
61 attorney shall be made upon the attorney unless service upon the
62 party himself is ordered by the court. Service upon the attorney or
63 upon a party shall be made by delivering a copy to him or by mailing
64 it to him at his last known address or, if no address is known, by
65 leaving it with the clerk of court. Delivery of a copy within this rule
66 means: handing it to the attorney or to the party; or leaving it at
67 his office with his clerk or other person in charge thereof; or, if there
68 is no one in charge, leaving it in a conspicuous place therein; or, if
69 the office is closed or the person to be served has no office, leaving it
70 at his dwelling house or usual place of abode with some person of
71 suitable age and discretion then residing therein. Service by mail is
72 complete upon mailing.73 (c) Same: numerous defendants. In any action in which there
74 are unusually large numbers of defendants, the court, upon motion
75 or of its own initiative, may order that service of the pleadings of the
76 defendants and replies thereto need not be made as between the
77 defendants and that any cross-claim, counterclaim, or matter con-
78 stituting an avoidance or affirmative defense contained therein shall
79 be deemed to be denied or avoided by all other parties and that the
80 filing of any such pleading and service thereof upon the plaintiff con-

81 stitutes due notice of it to the parties. A copy of every such order
82 shall be served upon the parties in such manner and form as the court
83 directs.

84 (d) Filing. All papers after the petition required to be served
85 upon a party shall be filed with the court either before service or
86 within a reasonable time thereafter. Whenever these rules require a
87 filing within a certain time said filing shall be deemed timely if service
88 is made within said time and filing is completed within a reasonable
89 time thereafter.

90 (e) Filing with the court defined. The filing of pleadings and
91 other papers with the court as required by these rules shall be made
92 by filing them with the clerk of the court, except that the judge may
93 permit the papers to be filed with him, in which event he shall note
94 thereon the filing date and forthwith transmit them to the office of
95 the clerk.

96 (f) Notice of orders or judgments. Immediately upon the entry
97 of an order or judgment the clerk shall serve a notice of the entry by
98 mail in the manner provided for in Rule 82 upon each party who is not
99 in default for failure to appear, and shall make a note in the docket
100 of the mailing. Such mailing is sufficient notice for all purposes for
101 which notice of the entry of an order is required by these rules; but
102 any party may in addition serve a notice of such entry in the manner
103 provided in Rule 82 for the service of papers. Lack of notice of the
104 entry by the clerk does not affect the time to appeal or relieve or
105 authorize the court to relieve a party for failure to appeal within the
106 time allowed, except as permitted in Rule 335(a).

107 (g) Proof of service. Proof of service of all papers required or
108 permitted to be served, shall be filed in the Clerk's office promptly,
109 and, in any event, before action is to be taken thereon by the court or
110 the parties. The proof shall show the time and manner of service and
111 may be by written acknowledgement of service, by certification of a
112 member of the bar of this state, by affidavit of the person who served
113 the papers, or by any other proof satisfactory to the court."

114 **Rule 83. Failure to file copies.**

115 That Rule 83 be stricken and the following substituted:

116 **"83. Enlargement; additional time after service by mail.**

117 (a) Enlargement. When by these rules or by a notice given there-
118 under or by order of court an act is required or allowed to be done at
119 or within a specified time, the court for cause shown may at any time
120 in its discretion (1) with or without motion or notice order the period
121 enlarged if request therefor is made before the expiration of the
122 period originally prescribed or as extended by a previous order, or (2)
123 upon motion made after the expiration of the specified period permit
124 the act to be done where the failure to act was the result of excusable
125 neglect; but it may not extend the time for taking any action under
126 Rules 241, 243 and 244, except to the extent and under the conditions
127 stated in them.

128 (b) Additional time after service by mail. Whenever a party has
129 the right or is required to do some act or take some proceedings
130 within a prescribed period after the service of a notice or other paper
131 upon him and the notice or paper is served upon him by mail, 3 days
132 shall be added to the prescribed period."

133 Rule 84. **Copy fees.**

134 That Rule 84 be stricken and the following substituted:

135 "84. **Copy fees.** A fee of 10 cents per hundred words for each copy
136 shall be taxed with the costs, to be the property of the attorney filing
137 or serving the copy."

138 Rule 102. **What admitted.**

139 That Rule 102 be amended by striking subdivision (2) and substi-
140 tuting the following:

141 "(2) averments in a pleading to which no responsive pleading is
142 required or permitted."

143 Rule 114. **Notice of motion unnecessary.**

144 That Rule 114 be stricken and the following substituted:

145 "114. **Notice of motion days unnecessary.** A party who has been
146 served with original notice or has appeared, shall take notice of the
147 regular motion day on which motions will be heard."

148 Rule 156. **Notice—service.**

149 That Rule 156 be stricken.

150 Rule 335. **Time for appeal.**

151 That Rule 335(b) be amended by striking "Appellant's proposed
152 abstract on such appeal" and substituting "The Appendix to the
153 briefs."*

Respectfully submitted,

THE SUPREME COURT OF IOWA

s/ C. EDWIN MOORE,
CHIEF JUSTICE

158 Des Moines, Iowa

159 January 25, 1974

ACKNOWLEDGEMENT

160 I, Ralph R. Brown, Secretary of the Senate of the State of Iowa,
161 hereby acknowledge delivery to me on the 25th day of January, 1974
162 of the foregoing report of the Supreme Court of Iowa pertaining to
163 Rules of Civil Procedure.

s/ RALPH R. BROWN
Secretary of the Senate
1974 Regular Session
Sixty-fifth General Assembly
of the State of Iowa

ACKNOWLEDGEMENT

170 I, William H. Harbor, Chief Clerk of the House of Representatives
171 of the State of Iowa, hereby acknowledge delivery to me on this 25th
172 day of January, 1974 of the foregoing report of the Supreme Court
173 of Iowa pertaining to Rules of Civil Procedure.

s/ WILLIAM H. HARBOR
Chief Clerk of the
House of Representatives
1974 Regular Session
Sixty-fifth General Assembly
of the State of Iowa

*According to enrolled copy

181

CERTIFICATE

182 I, Arthur A. Neu, do hereby certify that I am the President of the
 183 Senate of the 1974 Regular Session of the Sixty-fifth General Assem-
 184 bly of the State of Iowa; and I, Ralph R. Brown, do hereby certify
 185 that I am the Secretary of the Senate of the 1974 Regular Session of
 186 the Sixty-fifth General Assembly of the State of Iowa, and we do
 187 hereby jointly certify that as such President and Secretary that on
 188 the twenty-fifth day of January, 1974, the Supreme Court of the
 189 State of Iowa reported to said Senate, and filed with it, the attached
 190 and foregoing modifications, amendments, revisions and additions to
 191 the Rules of Civil Procedure, heretofore reported by said Supreme
 192 Court to the Fiftieth General Assembly of the State of Iowa;

193 THAT the date of making said report to the 1974 Regular Session
 194 of the Sixty-fifth General Assembly was within the twenty days sub-
 195 sequent to the convening of the 1974 Regular Session of the Sixty-
 196 fifth General Assembly;

197 THAT no other report pertaining to the Rules of Civil Procedure
 198 was made or filed by said Supreme Court with said Senate;

199 THAT no other or different changes, modifications, amendments,
 200 revisions or additions to the Rules of Civil Procedure were made or
 201 enacted at such 1974 Regular Session of said Sixty-fifth General
 202 Assembly.

203 Signed this fourth day of May, 1974, being the last legislative day
 204 of the 1974 Regular Session of the Sixty-fifth General Assembly.

205

s/ ARTHUR A. NEU

206

President of the Senate

207

s/ RALPH R. BROWN

208

Secretary of the Senate

209

1974 Regular Session of the Sixty-

210

fifth General Assembly of the State

211

of Iowa

212

CERTIFICATE

213 I, Andrew Varley, do hereby certify that I am the Speaker of the
 214 House of Representatives of the 1974 Regular Session of the Sixty-
 215 fifth General Assembly of the State of Iowa; and I, William H.
 216 Harbor, do hereby certify that I am the Chief Clerk of the House of
 217 Representatives of the 1974 Regular Session of the Sixty-fifth Gen-
 218 eral Assembly of the State of Iowa, and we do hereby jointly certify
 219 that as such Speaker and Chief Clerk that on the twenty-fifth day of
 220 January, 1974, the Supreme Court of the State of Iowa reported to
 221 said House of Representatives, and filed with it, the attached and
 222 foregoing modifications, amendments, revisions and additions to the
 223 Rules of Civil Procedure, heretofore reported by said Supreme Court
 224 to the Fiftieth General Assembly of the State of Iowa;

225 THAT the date of making said report to the 1974 Regular Session
 226 of the Sixty-fifth General Assembly was within the twenty days sub-
 227 sequent to the convening of the 1974 Regular Session of the Sixty-
 228 fifth General Assembly;

229 THAT no other or different changes, modifications, amendments,
 230 revisions or additions to the Rules of Civil Procedure were made or

231 enacted at such 1973* Regular Session of said Sixty-fifth General
232 Assembly.

233 Signed this fourth day of May, 1974, being the last legislative day
234 of the 1974 Regular Session of the Sixty-fifth General Assembly.

235 s/ ANDREW VARLEY

236 Speaker of the House

237 s/ WILLIAM H. HARBOR

238 Chief Clerk of the

239 House of Representatives

240 1974 Regular Session of the Sixty-

241 fifth General Assembly of the State

242 of Iowa

*See substitute certificate below

**SUBSTITUTE CERTIFICATE TO BE FILED WITH THE RULES
OF CIVIL PROCEDURE IN THE OFFICE OF SECRETARY OF STATE**

I, Andrew Varley, do hereby certify that I am the Speaker of the House of Representatives of the 1974 Regular Session of the Sixty-fifth General Assembly of the State of Iowa; and I, William H. Harbor, do hereby certify that I am the Chief Clerk of the House of Representatives of the 1974 Regular Session of the Sixty-fifth General Assembly of the State of Iowa, and we do hereby jointly certify that as such Speaker and Chief Clerk that on the twenty-fifth day of January, 1974, the Supreme Court of the State of Iowa reported to said House of Representatives, and filed with it, the attached and foregoing modifications, amendments, revisions and additions to the Rules of Civil Procedure, heretofore reported by said Supreme Court to the Fiftieth General Assembly of the State of Iowa;

THAT the date of making said report to the 1974 Regular Session of the Sixty-fifth General Assembly was within the twenty days subsequent to the convening of the 1974 Regular Session of the Sixty-fifth General Assembly;

THAT no other or different changes, modifications, amendments, revisions or additions to the Rules of Civil Procedure were made or enacted at such 1974 Regular Session of said Sixty-fifth General Assembly.

Signed this fourth day of May, 1974, being the last legislative day of the 1974 Regular Session of the Sixty-fifth General Assembly.

s/ ANDREW VARLEY
Speaker of the House

s/ WILLIAM H. HARBOR
Chief Clerk of the
House of Representatives
1974 Regular Session of the Sixty-fifth
General Assembly of the State of Iowa

SENATE CONCURRENT RESOLUTIONS

- *SCR 56 Tax mill levies, committee to study local budget process. Introduced, S. J. 2137, 2138.
- *SCR 57 State taxes paid by insurance companies, study committee created. Introduced, S. J. 2138.
- *SCR 58 Spanish-speaking people in Iowa, committee to evaluate existing programs and study needs. Introduced, S. J. 2138, 2139.
- *[Priorities determined by Legislative Council, HCR 42, page 684, 1973.]
[Priorities on the following determined by Legislative Council, SCR 119.]
- SCR 101 Compensation for Secretary of Senate and Chief Clerk of House. Adopted, S. J. 24, 501-503; Adopted, H. J. 661, 662, 764.
- SCR 102 Energy supply shortage, alternative sources. Introduced, S. J. 24.
- SCR 103 Public pensions and retirement programs study, actuarial analyses funds authorized. Adopted, S. J. 76, 77, 200, 201; Adopted, H. J. 222, 250. [See HCR 104]
- SCR 104 Alcohol-related accidents, recognition of Sioux City-Woodbury County alcohol safety action project. Introduced, S. J. 137.
- SCR 105 Invitation to Iowa's Congressional delegation to address joint session of 65th General Assembly. Adopted, S. J. 248, 273; Adopted, H. J. 278, 487, 488.
- SCR 106 Fertilizer shortage, committee appointed to meet with U. S. Secretary of Agriculture. Adopted, S. J. 248, 249, 1154-56; Lost, H. J. 1444, 1445, 1493-98.
- SCR 107 Law enforcement, authority to county sheriff, committee to study. Introduced, S. J. 313, 314.
- SCR 108 Abraham Lincoln's birthday observance. Adopted, S. J. 314, 318; Adopted, H. J. 353, 402.
- SCR 109 Corporate farming, committee to study. Introduced, S. J. 338.
- SCR 110 Building inspections, overlapping duties and powers, study committee created. Introduced, S. J. 339.
- SCR 111 Railroads, federal ownership and operation, U. S. Congressional action urged. Introduced, S. J. 470.
- SCR 112 Fuel conservation, industrial heating systems, Iowa development commission urged to study. Introduced, S. J. 511.
- SCR 113 Red Rock and Coralville Reservoirs, committee to study adverse effects. Introduced, S. J. 916, 917. [See HCR 119]
- SCR 114 Bicycle travel on public highways, study committee created. Introduced, S. J. 1005.
- SCR 115 County social services departments, replacement with regional offices, interim committee to study. Introduced, S. J. 1096, 1097.
- SCR 116 Private colleges and universities, building programs, U. S. Congress memorialized to declare moratorium on loan payments. Adopted, S. J. 1117, 1118, 1310, 1311; Adopted, H. J. 1679, 1715, 1716.
- SCR 117 Iowa River, damage to west bank, City of Wapello, conservation commission to study. Introduced, S. J. 1145.
- SCR 118 Senate File 531, fiscal note, joint rule 16 waived. Ruled out of order, S. J. 1184.
- SCR 119 Legislative Council to determine priorities of study committees not approved. Adopted, S. J. 1200, 1318; Adopted, H. J. 1698, 1699, 2182.
- SCR 120 Overlapping jurisdiction of local government units, committee to study. Introduced, S. J. 1200.
- SCR 121 Campaign contributions and expenditures, disclosure, interim committee to study. Introduced, S. J. 1222, 1223.
- SCR 122 Mechanic's Lien Law, study committee to re-examine. Introduced, S. J. 1295.
- SCR 123 House and Senate clip sheets, journal duplication. Introduced, S. J. 1295.
- SCR 124 National Day of Prayer observance, April 30, 1974. Introduced, S. J. 1387, 1388. [See HCR 137]
- SCR 125 Early childhood development task force, Governor to appoint. Adopted, S. J. 1388, 1389, 1968, 1969; Adopted, H. J. 2492, 2493.

RESOLUTIONS—Continued

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- SCR 126 Housing assistance for needy, committee to study. Introduced, S. J. 1416. [See HCR 141]
- SCR 127 Chairs, presentation to President of Senate and Speaker of House. Adopted, S. J. 1461, 1468; Adopted, H. J. 1969, 1970, 2187.
- SCR 128 Interim legislative committee meetings, expenses. Adopted, S. J. 1461, 1462, 1468; Adopted, H. J. 1970, 2187.
- SCR 129 Adjournment of Sixty-fifth General Assembly, final procedure. Adopted, S. J. 1462, 1463, 1468; Adopted, H. J. 1971, 1972, 2187, 2188.
- SCR 130 General Assembly employees' salary schedule. Introduced, S. J. 1494-1503, 1543, 1584, 1613, 1708, 1925. [See HCR 162]
- SCR 131 Capitol building cafeteria, operation. Introduced, S. J. 1580, 1581.
- SCR 132 Overtime, state merit system employees. Introduced, S. J. 1581, 1582. [See HCR 149]
- SCR 133 Otto Weber, WHO reporter, congratulations on legislative coverage. Adopted, S. J. 1606, 2046; Adopted, H. J. 2503, 2504.
- SCR 134 College study internship program for General Assembly, committee to organize and supervise. Introduced, S. J. 1606, 1607, and withdrawn, S. J. 1933.
- SCR 135 Farm right of way restrictions, I-35 diagonal. Introduced, S. J. 1607, 1608.
- SCR 136 Recycling of animal solid and liquid wastes, study committee established. Introduced, S. J. 1608.
- SCR 137 Iowa income tax structure, inequities, loopholes, study committee created. Introduced, S. J. 1672, 1673.
- SCR 138 Nuclear power, committee to study future use and effects. Introduced, S. J. 1812.
- SCR 139 Bus transportation system, state department of transportation to make study. Introduced, S. J. 1813.
- SCR 140 ADC program, funding and payment system, committee to study. Introduced, S. J. 1814. [See HCR 152]
- SCR 141 Iowa income tax structure, (corrected version of SCR 141), study committee created. Introduced, S. J. 1854-56.
- SCR 142 Elementary-secondary career and vocational education, committee to review. Introduced, S. J. 1856, 1857. [See HCR 157]
- SCR 143 Livestock health and identification, study committee created. Introduced, S. J. 1924. [See HCR 156]
- SCR 144 Central State Boys Farm Foundation, Oskaloosa, commended for social services to boys. Introduced, S. J. 2009. [See HCR 164]
- SCR 145 Elderly and physically handicapped persons, committee to study quality of life. Introduced, S. J. 2010, 2011.
- SCR 146 School of Optometry, state-supported, committee to review. Introduced, S. J. 2011, 2012. [See HCR 167]
- SCR 147 Public improvements without special assessments, feasibility, study committee created. Introduced, S. J. 2012.
- SCR 148 Land use policy, committee to study. Introduced, S. J. 2075, 2076.

HOUSE CONCURRENT RESOLUTIONS

- *HCR 63 Iowa Civil Rights Commission, funding, committee to study. Introduced, H. J. 1858, and withdrawn, H. J. 2336.
 - *HCR 73 Spanish-speaking persons in Iowa, committee to study needs. Introduced, H. J. 2311, 2312.
 - *HCR 74 Grain alcohol motor fuel industry, committee created to serve in advisory capacity to Iowa Development Commission. Introduced, H. J. 2312.
 - *HCR 75 Personal property tax repeal and replacement, committee to study. Introduced, H. J. 2312.
 - *HCR 76 Final adjournment, 1973 Regular Session, 65th General Assembly, Sunday, June 24, 1973. Adopted, H. J. 2392; Adopted, S. J. 2136.
- *[Priorities determined by Legislative Council, HCR 42, page 684, 1973.]
 [Priorities on the following determined by Legislative Council, SCR 119, page 1004.]
- HCR 101 Governor Ray's message, joint convention, January 15, 1974. Adopted, H. J. 2, 3; Adopted, S. J. 15.
 - HCR 102 Invitation to Governor Ray to address both houses on energy and transportation, January 22, 1974. Adopted, H. J. 26, 27, 50; Adopted, S. J. 75, 94.
 - HCR 103 Migratory waterfowl, duck stamps, U. S. President urged to release impounded funds. Introduced, H. J. 27, and withdrawn, H. J. 174.
 - HCR 104 Public pensions and retirement programs, funds authorized for actuarial analyses. Introduced, H. J. 98, 99. [See SCR 103]
 - HCR 105 Evening legislative sessions, time limitation. Introduced, H. J. 99.
 - HCR 106 Amendment to Joint Rules of House and Senate (Rule 17—Lobbyists). Adopted, H. J. 99, 100, 118.
 - HCR 107 Duck stamp funds, Congress urged to pass legislation to prevent future impoundment. Introduced, H. J. 161, 162.
 - HCR 108 Winter daylight savings time, Congress urged to repeal. Introduced, H. J. 212.
 - HCR 109 Length of legislative day, 8:00 p.m. adjournment. Introduced, H. J. 223, 224.
 - HCR 110 Water pollution control grants, Nixon administration urged to release impounded funds. Introduced, H. J. 298.
 - HCR 111 Motor vehicle registration procedure, interim study committee to recommend changes. Introduced, H. J. 352.
 - HCR 112 Susan B. Anthony, foremother of women's rights, tribute to memory. Adopted, H. J. 448, 473; Adopted, S. J. 405.
 - HCR 113 Amendment to Rule 12 of Joint Rules of Senate and House, conference committee members. Introduced, H. J. 554.
 - HCR 114 Iowa inheritance tax law, study committee to research. Introduced, H. J. 603.
 - HCR 115 Voting machines in Senate and House, display board. Introduced, H. J. 645.
 - HCR 116 Uniform residential landlord and tenant Act, study committee created. Introduced, H. J. 659, 660.
 - HCR 117 Rock Island Railroad merger, ICC urged to act favorably. Adopted, H. J. 696, 954, 955; Introduced, S. J. 818, 1339.
 - HCR 118 Governor of Iowa, term limited to 8 years. Introduced, H. J. 934.
 - HCR 119 Red Rock and Coralville Reservoirs, committee to study adverse effects. Adopted, H. J. 1122, 1123, 1212; Introduced, S. J. 1003. [See SCR 113]
 - HCR 120 Housing shortage, low- and moderate-income categories, committee to study. Introduced, H. J. 1123, 1124.
 - HCR 121 Road use tax funds, distribution, study committee established. Introduced, H. J. 1124.
 - HCR 122 Iowa Securities Law, revision need, committee to study. Adopted, H. J. 1220, 1221, 1249; Introduced, S. J. 1056, 1057.
 - HCR 123 Interim study committee membership, term of office continuity. Introduced, H. J. 1271.
 - HCR 124 Deaf and hearing impaired persons, interim committee to determine problems and means of aid. Adopted, H. J. 1292, 2491, 2492; Introduced, S. J. 2038, 2039.

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- HCR 125 County-wide unified law enforcement, Decatur County experiment cited, interim study committee urged. Introduced, H. J. 1371. [See HCR 154]
- HCR 126 Overlap between local government units, interim study committee created. Introduced, H. J. 1406.
- HCR 127 State school foundation program, committee to study. Introduced, H. J. 1442.
- HCR 128 Social services department "Institutional Plan", interim committee to study. Introduced, H. J. 1442, 1443.
- HCR 129 Joint session of General Assembly to meet with Iowa's Congressional delegation, April 17, 1974. Adopted, H. J. 1534, 1535; Adopted, S. J. 1262, 1284.
- HCR 130 Midwestern conference of the council of state governments, hosting in 1975, expense authorization. Adopted, H. J. 1520, 1774, 1775; Adopted, S. J. 1412, 1413, 1970, 1971.
- HCR 131 Land annexation, regulations, interim study committee to be appointed. Introduced, H. J. 1628.
- HCR 132 USDA offices, reorganization into USDA service centers. Adopted, H. J. 1628, 1629, 1742; Adopted, S. J. 1386, 1469, 1470.
- HCR 133 Judicial districts, reapportionment, caseload equalization, committee to review. Introduced, H. J. 1629.
- HCR 134 Claims, action of joint claims committee approved by Senate and House. Adopted, H. J. 1665-67, 1790; Adopted, S. J. 1413-15, 1558.
- HCR 135 Vietnam War Memorial on Statehouse grounds, study committee to make recommendations. Introduced, H. J. 1667.
- HCR 136 Medical doctor shortage in rural areas, committee to study. Introduced, H. J. 1667, 1668.
- HCR 137 National Day of Prayer observance, April 30, 1974. Adopted, H. J. 1705, 1982; Introduced, S. J. 1646, 1647. [See SCR 124]
- HCR 138 Rural development programs, co-ordination of state efforts, interim committee to study. Introduced, H. J. 1752, 1753.
- HCR 139 Energy requirements and priorities, study to be undertaken by National Science Foundation. Adopted, H. J. 1818, 1819, 2108; Adopted, 1647, 1933-35.
- HCR 140 Dome of State Capitol, illumination. Adopted, H. J. 1846, 1951; Introduced, S. J. 1534.
- HCR 141 State housing needs, interim study committee created. Introduced, H. J. 1846, 1847. [See SCR 126]
- HCR 142 County officers and employees, compensation, interim study committee continuation funding. Adopted, H. J. 1882, 1883, 1981, 1982; Introduced, S. J. 1534.
- HCR 143 War on poverty objectives, similar to those in House File 1291, interim committee to study. Introduced, H. J. 1909.
- HCR 144 Adjournment sine die, 5:00 p.m., April 26, 1974. Introduced, H. J. 1964.
- HCR 145 Iowa adoption laws, interim study committee to study changes. Adopted, H. J. 1987, 2152; Introduced, S. J. 1694.
- HCR 146 Adjournment, sine die, Sixty-fifth General Assembly. Adopted, H. J. 1994, 1995, 2516; Adopted, S. J. 1604, 2074, 2075.
- HCR 147 Mobile home taxation, interim committee to review. Introduced, H. J. 2008.
- HCR 148 Legislative internship program, appointment of joint committee to supervise. Adopted, H. J. 2062, 2188; Adopted, S. J. 1694, 1932, 1933.
- HCR 149 Overtime, state merit system employees. Introduced, H. J. 2126, 2127. [See SCR 132]
- HCR 150 State corporation income tax, study committee created. Introduced, H. J. 2127, 2128.
- HCR 151 State tax structure, committee to study. Introduced, H. J. 2180, 2181.
- HCR 152 ADC program, funding and payment system, committee to study. Introduced, H. J. 2208, 2209. [See SCR 140]
- HCR 153 Tuition reciprocity agreements, state universities and area schools, committee to study. Introduced, H. J. 2209, 2210.
- HCR 154 House File 1146, county-wide law enforcement, Decatur County plan cited. Introduced, H. J. 2222. [See HCR 125]

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- HCR 155 Political campaign contributions, limitation and public financing, interim committee to study. Introduced, H. J. 2252.
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- HCR 157 Elementary-secondary career and vocational education, responsibility, role and direction, committee to review. Introduced, H. J. 2292, 2293. [See SCR 142]
- HCR 158 State bonding laws, study committee to research. Introduced, H. J. 2293.
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- HCR 160 Elderly residents, problems confronting, continuation of study. Adopted, H. J. 2317, 2491; Introduced, S. J. 2039.
- HCR 161 Legalizing acts, background information scrutinized, illegal aspects. Introduced, H. J. 2318.
- HCR 162 General Assembly employees' salary schedule. Adopted, H. J. 2374-82, 2455, 2456, 2510, 2511; Adopted, S. J. 2013-21, 2057-62, 2074, 2075. [See SCR 130]
- HCR 163 Salary adjustment, certain General Assembly employees. Introduced, H. J. 2382.
- HCR 164 Central State Boys Farm Foundation, Oskaloosa, commended for social services to boys. Introduced, H. J. 2400, 2401. [See SCR 144]
- HCR 165 Energy crisis, use of coal resources, committee to study. Introduced, H. J. 2401.
- HCR 166 Underground water resources, interim study committee established. Introduced, H. J. 2428.
- HCR 167 School of Optometry, state-supported, committee to review. Introduced, H. J. 2428, 2429. [See SCR 146]

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- SR 9 Charles W. Lakin, legislative news reporter, best wishes upon retirement. Adopted, S. J. 2030, 2035. [1973]
- SR 10 Abortion, U. S. Supreme Court rulings, proposed amendment to U. S. Constitution for state ratification. Introduced, S. J. 2136, 2137. [1973]
- SR 11 Abortion, U. S. Supreme Court rulings, state's right to legislate. Introduced, S. J. 2137. [1973]
- SR 101 "The Golden Dome" booklet, printing of second edition authorized. Adopted, S. J. 84.
- SR 102 Towns of Randalia, Elgin, Clermont, West Union and Fayette, congratulations upon founding anniversaries. Introduced, S. J. 967.
- SR 103 Nuclear fission power plants, U. S. Congress to direct Office of Technology Assessment to study safety aspects. Introduced, S. J. 1171, 1172.
- SR 104 Agricultural fertilizer, committee appointed to visit U. S. secretary of agriculture. Adopted, S. J. 1196, 1197.
- SR 105 Town of Ringsted, congratulations upon its seventy-fifth anniversary. Introduced, S. J. 1361.
- SR 106 Town of Fenton, congratulations upon its seventy-fifth anniversary. Introduced, S. J. 1361, 1362.
- SR 107 Town of Lone Rock, congratulations upon its seventy-fifth anniversary. Introduced, S. J. 1362.
- SR 108 Fuel and fertilizer shortages, U. S. Department of Justice urged to investigate pricing. Introduced, S. J. 1362.
- SR 109 Secretary of Senate, expenses and compensation for interim duties. Adopted, S. J. 1461, 1468.
- SR 110 Electric typewriters, procurement and installation for Senate secretaries. Introduced, S. J. 1540.

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- HR 101 Sioux City-Woodbury County alcohol safety action project, recognition as demonstration project. Adopted, H. J. 10, 213.
- HR 102 House voting machine, preservation by state curator. Adopted, H. J. 604, 850.
- HR 103 Town of Fenton, congratulations upon its seventy-fifth anniversary. Adopted, H. J. 645, 646, 766.
- HR 104 Col. Ralph A. Lancaster, Sergeant-at-Arms, best wishes upon retirement. Adopted, H. J. 722.
- HR 105 Glenn Miller week, Governor Ray proclaims. Adopted, H. J. 795, 850.
- HR 106 Mrs. Dolores Abels, expression of sympathy in the loss of her husband, Leonard Abels. Adopted, H. J. 1366.
- HR 107 Town of Ringsted, congratulations upon its seventy-fifth anniversary. Adopted, H. J. 1590, 1742.
- HR 108 Town of Lone Rock, congratulations upon its seventy-fifth anniversary. Adopted, H. J. 1590, 1591, 1742.
- HR 109 Mr. Frank H. Mendell, expression of sympathy to Mrs. Mendell in the loss of her husband. Adopted, H. J. 1668, 1820.
- HR 110 House-wide intercom system, committee to investigate. Introduced, H. J. 1668, 1669.
- HR 111 Miss Lillian Leffert, best wishes upon retirement. Adopted, H. J. 2220, 2265, 2266.
- HR 112 City of Randalia, congratulations upon its one hundredth anniversary. Adopted, H. J. 2221, 2487.
- HR 113 City of Fayette, congratulations upon its one hundredth anniversary. Introduced, H. J. 2221, 2487.
- HR 114 Chairs, presentation to retiring House members who served for 16 years. Adopted, H. J. 2454.

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