

MAR 20 1978

Place On Calendar

HOUSE FILE 2349

By COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT

Failed
~~Passed~~ House, Date 3-31-78 (p. 1297) Passed Senate, Date _____

Vote: Ayes 37 Nays 45 Vote: Ayes _____ Nays _____

Approved _____

Motion to reconsider p. 1297

A BILL FOR

1 An Act requiring that each judicial district department of
 2 correctional services in the state develop and maintain
 3 a community-based correctional program for juveniles,
 4 and providing for the content, administration and
 5 financial support of those programs.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Acts of the Sixty-seventh General Assembly,
2 1977 Session, chapter one hundred fifty-four (154), section
3 one (1), subsections two (2), three (3) and six (6), are
4 amended to read as follows:

5 2. "Community-based correctional program" means
6 correctional programs and services designed to supervise:

7 a. Supervise and assist individuals who are charged with
8 or have been convicted of a felony, an aggravated misdemeanor
9 or a serious misdemeanor, or who are on probation in lieu
10 of or as a result of a sentence of incarceration imposed upon
11 conviction of any of these offenses; or

12 b. Supervise and assist juveniles who have been placed
13 under the jurisdiction of the district department by the
14 juvenile court.

15 3. "Director" means ~~the director of~~ either of the directors
16 employed by a judicial district department of correctional
17 services under section four (4), subsection two (2) of this
18 chapter.

19 a. "Adult director" is a reference to the director employed
20 to administer a district department's community-based
21 correctional program for adults.

22 b. "Juvenile director" is a reference to the director
23 employed to administer a district department's community-based
24 correctional program for juveniles.

25 6. "Project" means a locally functioning part of a
26 community-based correctional program, serving either adults
27 or juveniles, officed and operating in a physical location
28 separate from the offices of the district department.

29 Sec. 2. Acts of the Sixty-seventh General Assembly, 1977
30 Session, chapter one hundred fifty-four (154), section two
31 (2), is amended to read as follows:

32 SEC. 2. NEW SECTION. DISTRICT DEPARTMENTS ESTABLISHED.
33 There shall be established in each judicial district in this
34 state a public agency to be known as the " "
35 judicial district department of correctional services." Each

1 district department shall furnish or contract for those
2 services necessary to provide a community-based correctional
3 program servicing adults, and a community-based correctional
4 program servicing juveniles, which meets meet the needs of that
5 judicial district. The district department shall be under
6 the direction of a board of directors, selected as provided
7 in section three (3) of this Act, ~~and shall~~ chapter. The
8 district department's adult program and its juvenile program
9 shall each be administered by a director employed by the
10 board.

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11 Sec. 3. Acts of the Sixty-seventh General Assembly, 1977
12 Session, chapter one hundred fifty-four (154), section four
13 (4), subsection two (2), is amended to read as follows:

14 2. Employ ~~a director~~ separate directors having the
15 qualifications required by section six (6) of this Act chapter
16 to head the district department's community-based correctional
17 ~~program~~ programs for adults and for juveniles, respectively,
18 and, within a range established by the state department of
19 social services, fix the compensation of and have control
20 over ~~the~~ each director and the district department's staff.
21 For purposes of collective bargaining under chapter twenty
22 (20) of the Code, employees of the district board who are
23 not exempt from chapter twenty (20) of the Code shall be
24 employees of the state, and the employees of all of the
25 district boards shall be included within one collective
26 bargaining unit.

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27 Sec. 4. Acts of the Sixty-seventh General Assembly, 1977
28 Session, chapter one hundred fifty-four (154), section six
29 (6), is amended to read as follows:

30 SEC. 6. NEW SECTION. DUTIES OF DIRECTOR. ~~The director~~

31 1. The adult director employed by the district board under
32 section four (4), subsection two (2) of this Act chapter shall
33 be qualified in the administration of adult correctional
34 programs, and the juvenile director so employed shall be
35 qualified in the administration of juvenile correctional

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1 programs. ~~The director shall~~

5855 - 2 2. The adult director and the juvenile director shall
3 each:

4 1 a. Perform the duties and have the responsibilities
5 delegated by the district board or specified by the state
5942 - 6 department of social services pursuant to this Act.

7 2 b. Manage the district department's community-based
8 correctional program programs for adults and for juveniles,
9 respectively, in accordance with the policies of the district
5942 10 board and the state department of social services.

11 3 c. Employ, with approval of the district board, and
5854 12 supervise the employees necessary to carry out the adult and
13 the juvenile programs, respectively, of the district
14 department.

15 4 d. Assist the county serving as administrative agent
16 for the district department to prepare all budgets and fiscal
17 documents, and certify for payment all expenses and payrolls
18 lawfully incurred by the district department.

5855 - 19 5 e. Act as secretary to the district board, when so
20 directed by the board, and in that capacity prepare its agenda
21 and record its proceedings.

22 6 f. Develop and submit to the district board a plan for
23 the establishment, implementation and operation of a an
24 appropriate community-based correctional program in that
25 judicial district, which program conforms to the guidelines
26 drawn up by the state department of social services under
5942 27 this Act.

28 7 g. Negotiate and, upon approval by the district board,
29 implement contracts or other arrangements for utilization
30 of local treatment and service resources authorized by section
31 four (4), subsection nine (9) of this Act.

32 Sec. 5. Acts of the Sixty-seventh General Assembly, 1977
5942 33 Session, chapter one hundred fifty-four (154), section seven
34 (7), subsections one (1) through four (4), are amended to
35 read as follows:

1 1. As a part of its community-based correctional program
2 for adults:

3 1 a. Provide pretrial release, presentence investigations,
4 probation services, and residential treatment centers
5 throughout the district, as necessary; and

6 2 b. Locate community-based correctional program services
7 in or near municipalities providing a substantial number of
8 treatment and service resources.

9 2. As a part of its community-based correctional program
10 for juveniles:

11 a. Make such investigations as may be required by the
12 court;

13 b. Be present in court to represent the interests of a
14 child when that child's case is heard;

15 c. Furnish to the court such information and assistance
16 as the judge may require;

17 d. Take charge of any child before and after trial as
18 may be directed by the court; and

19 e. Locate programs and purchase services within the
20 community which provide resources appropriate for the treatment
21 of juveniles.

22 3. Follow practices and procedures which maximize the
23 availability of federal funding for the district department's
24 community-based correctional ~~program~~ programs.

25 4. Provide for gathering and evaluating performance data
26 relative to the district department's community-based
27 correctional ~~program~~ programs.

28 Sec. 6. Acts of the Sixty-seventh General Assembly, 1977
29 Session, chapter one hundred fifty-four (154), section eight
30 (8), is amended to read as follows:

31 SEC. 8. NEW SECTION. STATE FUNDS ALLOCATED. The state
32 department of social services shall provide for the allocation
33 among judicial districts in the state of any state funds
34 appropriated for the establishment, operation, support and
35 evaluation of community-based correctional programs and

1 services. However, no state funds shall be allocated under
2 this section to any judicial district unless the state
3 department has reviewed and approved that district department's
4 community-based correctional ~~program~~ programs for adults and
5 for juveniles for compliance with the requirements of this
6 ~~Aet~~ chapter and the guidelines adopted under section seven
7 (7) of this ~~Aet~~ chapter.

8 Sec. 7. Acts of the Sixty-seventh General Assembly, 1977
9 Session, chapter one hundred fifty-four (154), section nine
10 (9), is amended to read as follows:

11 SEC. 9. NEW SECTION. REPORT OF REVIEW--SANCTION. Upon
12 completion of a review of a district community-based
13 correctional program, made under section eight (8) of this
14 ~~Aet~~ chapter, the state department of social services shall
15 submit its findings to the district board in writing. If
16 the state department concludes that the district department's
17 community-based correctional program for adults, or its
18 community-based correctional program for juveniles, fails
19 to meet any of the requirements of this ~~Aet~~ chapter and of
20 the guidelines adopted under section seven (7) of this ~~Aet~~
21 chapter, it shall also request in writing a response to this
22 finding from the district board. If no response is received
23 within sixty days after the date of that request, or if the
24 response is unsatisfactory, the state department may call
25 a public hearing on the matter. If after the hearing, the
26 state department is not satisfied that the district's
27 community-based correctional program for adults, or its
28 community-based correctional program for juveniles, will
29 expeditiously be brought into compliance with the requirements
30 of this ~~Aet~~ chapter and of the guidelines adopted under section
31 seven (7) of this ~~Aet~~ chapter, it may assume responsibility
32 for administration of either or both of the district's
33 community-based correctional ~~program~~ programs on an interim
34 basis.

35 Sec. 8. Acts of the Sixty-seventh General Assembly, 1977

1 Session, chapter one hundred fifty-four (154), section ten
2 (10), is amended to read as follows:

3 SEC. 10. NEW SECTION. POST-INSTITUTIONAL PROGRAMS AND
4 SERVICES. Persons participating in post-institutional services
5 for adults shall remain under the jurisdiction of the state
6 department of social services' division of corrections. The
7 state department shall maintain adequate personnel to provide
8 post-institutional residential services, parole services,
9 and supervision of persons transferred into the state under
10 the interstate compact for supervision of parolees and
11 probationers.

12 Sec. 9. Acts of the Sixty-seventh General Assembly, 1977
13 Session, chapter one hundred fifty-four (154), is amended
14 by adding the following new section, which shall be placed
15 in the permanent Code in the same chapter with sections one
16 (1) through ten (10) of said chapter one hundred fifty-four
17 (154):

18 NEW SECTION. COUNTIES TO REIMBURSE STATE FOR COST OF
19 JUVENILE PROGRAMS.

20 1. The department of social services shall at least once
21 each calendar quarter certify to the auditor of each county
22 in the state that county's appropriate share of the amount
23 allocated by the department under section eight (8) of this
24 chapter to the judicial district of which that county is a
25 part for the establishment, operation, support and evaluation
26 of the district department's community-based correctional
27 program for juveniles. Each county's appropriate share shall
28 be determined in accordance with a formula to be prepared
29 by the department in consultation with the respective district
30 departments. The amount certified by the department to each
31 county, under this subsection, shall be a charge against the
32 county and the auditor shall direct the treasurer of the
33 county to remit to the state comptroller, either from the
34 county general fund or from the court expense fund, the amount
35 so certified. The comptroller shall place all moneys so

1 remitted in the general fund of the state.

2 2. Notwithstanding subsection one (1) of this section,
3 the amount certified under that subsection by the department
4 to any county in any one budget year shall not exceed the
5 total of:

6 a. The amount expended by that county from its general
7 fund or its court fund, or both, under section two hundred
8 thirty-one point twelve (231.12) of the Code of 1977 in the
9 last full budget year prior to the effective date of this
10 Act; plus

11 b. A growth factor equal to a specified percentage of
12 the amount determined under paragraph a of this subsection.
13 That percentage shall be five percent unless the general as-
14 sembly establishes a different figure for any budget year.

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15 Sec. 10. Section two hundred thirty-one point ten (231.10),
16 Code 1977, is amended to read as follows:

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17 231.10 POWERS AND DUTIES--OFFICE AND SUPPLIES. Probation
18 officers appointed or employed by the director of a judicial
19 district department of correctional services program for
20 juveniles, in the discharge of their duties as such, shall
21 possess the powers of peace officers. ~~They shall be furnished~~
22 ~~by the county with a proper office and all necessary blanks,~~
23 ~~books, and stationery. It shall be the duty of said probation~~
24 ~~officers to make such investigation as may be required by~~
25 ~~the court, to be present in court in order to represent the~~
26 ~~interests of the child when the case is heard, to furnish~~
27 ~~to the court such information and assistance as the judge~~
28 ~~may require, and to take such charge of any child before and~~
29 ~~after trial as may be directed by the court.~~

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30 Sec. 11. The commissioner of social services, or the
31 commissioner's designee, shall consult with and seek to con-
32 clude suitable arrangements with the several counties in the
33 state which are employers of juvenile court probation offi-
34 cers and probation office secretarial, clerical and other
35 help, regarding continuation and transfer of benefits to which

1 such persons are entitled by reason of such employment. It
2 is the intent of this Act that such persons who become state
3 employees by virtue of this Act shall not lose, either
4 permanently or temporarily, any of the following benefits
5 to which they are entitled on the effective date of this Act:

6 1. Accrued Iowa public employees retirement system
7 benefits.

8 2. Eligibility for and current protection under a health
9 insurance program.

10 3. Continuation of life insurance coverage.

11 4. Continuation of disability insurance coverage.

12 5. Carry-over of accrued vacation and sick leave.

13 Sec. 12. Sections two hundred thirty-one point eight
14 (231.8), two hundred thirty-one point nine (231.9), two hundred
15 thirty-one point twelve (231.12) and two hundred thirty-one
16 point thirteen (231.13), Code 1977, are repealed.

17 Sec. 13. This Act is effective January 1, 1979.

18 EXPLANATION

19 This Act transfers authority to employ and supervise
20 juvenile court probation officers from the county juvenile
21 courts to the several judicial district community-based
22 corrections departments established by action of the
23 Legislature in 1977. The juvenile probation officers will
24 be under a different director than the probation and parole
25 officers working with adult offenders, but both the adult
26 and the juvenile services directors will be responsible to
27 the same judicial district boards of directors. The juvenile
28 services directors will employ probation officers and other
29 persons to be hired in the future, but the present juvenile
30 probation officers are grandfathered into the new system,
31 and appropriate provisions are made for their transfer without
32 loss of benefits, etc.

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1 Amend House File 2349 as follows:

2 1. Page 8, by inserting after line 16 the follow-
3 ing new section:

4 "Sec. _____.

5 1. Notwithstanding any of the provisions of this
6 Act, sections two hundred thirty-one point eight
7 (231.8), two hundred thirty-one point nine (231.9),
8 two hundred thirty-one point ten (231.10), two hundred
9 thirty-one point twelve (231.12) and two hundred
10 thirty-one point thirteen (231.13), as those sections
11 appear in the Code of 1977, shall continue to govern
12 the terms of employment and the responsibilities of
13 the juvenile court probation officer or officers as
14 if those sections were in full force and effect, and
15 sections one (1) through ten (10) of this Act shall
16 be of no force or effect, in any county where one
17 or more juvenile court probation officers are employed
18 on the effective date of this Act, under the following
19 conditions:

20 a. If the judge designated as judge of the juvenile
21 court in that county, or where there is more than
22 one such judge in the county, such judges acting
23 jointly issue an order to that effect prior to the
24 effective date of this Act; and

25 b. For so long as the judge or judges do not
26 revoke such order, and any juvenile court probation
27 officer employed in that county on the effective date
28 of this Act remains in that position.

29 2. This section shall not be construed to authorize
30 the employment of any new juvenile court probation
31 officers under the provisions of section two hundred
32 thirty-one point eight (231.8) as that section appears
33 in the Code of 1977, except as may be necessary to
34 fill vacancies created by the resignation, retirement
35 or death of a tenured juvenile court probation officer
36 during the period prior to the resignation, retirement
37 or death of the last juvenile court probation offi-
38 cer in the county who is tenured under subsection
39 one (1), paragraph b, of this section. An appointee
40 chosen to fill a vacancy, as authorized by this
41 subsection, shall not be tenured under subsection
42 one (1), paragraph b, of this section.

43 3. The juvenile court judge or judges of any
44 county, having once issued an order as authorized
45 by subsection one (1), paragraph a, of this section,
46 may thereafter revoke the order at any time, except
47 that the judge or judges shall give the department
48 of corrections in that judicial district at least
49 one year's notice. The district department may at
50 its option accept a shorter period of notice or waive

1 such notice entirely."

-5838 FILED *Adopted 3/31* BY CONLON of Muscatine

ARCH 30, 1978 (*p. 1291*)

considered lost 3/31 (p. 1294)

H-5855

- 1 Amend House File 2349 as follows:
 2 1. Page 1, by striking lines 15 through 18 and
 3 inserting in lieu thereof the following:
 4 "3. "Director" means the director of a judicial
 5 district department of correctional services."
 6 2. Page 1, by striking line 19 and inserting in
 7 lieu thereof the following:
 8 "a. "Adult supervisor" is a reference to the
 9 supervisor employed".
 10 3. Page 1, by striking line 22 and inserting in
 11 lieu thereof the following:
 12 "b. "Juvenile supervisor" is a reference to the
 13 supervisor".
 14 4. Page 2, by striking lines 7 through 10 and
 15 inserting in lieu thereof the words "in section three
 16 (3) of this Act chapter, and shall be administered
 17 by a director employed by the board."
 18 5. Page 2, line 14, by striking the words "a
 19 ~~director~~ separate directors" and inserting in lieu
 20 thereof the words "a director".
 21 6. Page 2, line 20, by striking the words "~~the~~
 22 each" and inserting in lieu thereof the word "the".
 23 7. Page 2, line 31, by striking the word "adult".
 24 8. Page 2, line 33, by striking the word "adult".
 25 9. Page 2, by striking lines 34 and 35.
 26 10. Page 3, line 1, by striking the word "programs"
 27 and inserting in lieu thereof the word "programs".
 28 11. Page 3, by striking lines 2 and 3 and inserting
 29 in lieu thereof the following:
 30 "2. The director shall, with approval of the
 31 district board, employ a qualified adult supervisor
 32 and a qualified juvenile supervisor and, with their
 33 assistance, shall:".
 34 12. Page 3, lines 19 and 20, by striking the words
 35 "when so directed by the board, and in that capacity".
 36 13. Page 7, lines 19 and 20, by striking the words
 37 "program for juveniles".

H-5855 FILED *Adopted 3/31* BY GARRISON of Black Hawk
 MARCH 31, 1978 (*p. 1292*)

H-5909

- 1 Amend House File 2349 as follows:
 2 1. Page 6, line 30, by striking the word "The"
 3 and inserting in lieu thereof the words "Eighty percent
 4 of the".
 5 2. Page 6, line 34, by inserting after the word
 6 "fund," the words "eighty percent of".

H-5909 FILED
 APRIL 4, 1978

BY SCHROEDER of Pottawattamie
 HANSEN of O'Brien
 MILLER of Buchanan

H-5942

1 Amend House File 2349 as follows:

2 1. Page 2, lines 18 and 19, by striking the words
3 "by the state department of social services" and
4 inserting in lieu thereof the words "~~by-the-state~~
5 ~~department-of-social-services~~ as prescribed by this
6 subsection".

7 2. Page 2, line 20, by inserting after the period
8 the words "The permissible salary ranges shall be
9 established by the department of social services for
10 employees assigned to the program serving adults,
11 and by the Iowa supreme court for employees assigned
12 to the program serving juveniles."

13 3. Page 3, line 6, by striking the word "Act"
14 and inserting in lieu thereof the words "Act chapter
15 with respect to the program serving adults, and by
16 the Iowa supreme court pursuant to this Act with
17 respect to the program serving juveniles".

18 4. Page 3, by striking line 10 and inserting in
19 lieu thereof the words "board, and those of the state
20 department of social services with respect to the
21 program serving adults and also for the program serving
22 juveniles insofar as the department's policies do not
23 conflict with the rules, standards and guidelines
24 for district department programs serving juveniles
25 which are established by the Iowa supreme court as
26 provided by this Act."

27 5. Page 3, line 26, by inserting after the word
28 "services" the words "for the program serving adults".

29 6. Page 3, line 27, by striking the word "Act"
30 and inserting in lieu thereof the words "Act chapter,
31 and by the Iowa supreme court for the program serving
32 juveniles under this Act".

33 7. By striking page 3, line 32 through page 4,
34 line 27.

35 8. Page 6, line 14, by striking the word "section"
36 and inserting in lieu thereof the word "sections".

37 9. Page 6, by inserting after line 17 the follow-
38 ing:

39 "NEW SECTION. OPERATIONAL POLICY. The programs
40 servng adults of each district department shall
41 remain under the guidelines and shall continue to
42 have the duties assigned by sections seven (7) and
43 nine (9) of this chapter. The programs serving
44 juveniles shall be governed by rules, standards and
45 guidelines for juvenile court services established
46 by the Iowa supreme court."

47 10. Page 7, by striking lines 23 through 29 and
48 inserting in lieu thereof the words "~~books-and~~
49 ~~stationery~~. It shall be the duty of said probation
50 officers to make such investigation as may be required

1 by the court; to be present in court in order to
2 represent the interests of the child when the case
3 is heard; to furnish to the court such information
4 and assistance as the judge may require, and to take
5 such charge of any child before and after trial as
6 may be directed by the court."

H-5942 FILED
APRIL 6, 1978

BY BRANSTAD of Winnebago

HOUSE FILE 2349

H-5936

1 Amend House File 2349 as follows:
2 1. Page 6, line 14, by striking the word "section"
3 and inserting in lieu thereof the word "sections".
4 2. Page 7, by inserting after line 14 the
5 following:
6 "NEW SECTION. ADMINISTRATION OF JUVENILE HOMES.
7 Juvenile detention and juvenile shelter care homes
8 provided and maintained in accordance with chapter
9 two hundred thirty-two (232) of the Code shall be
10 subject to the overall administration and coordination
11 of the director of the district department of
12 correctional services. In such capacity, the director
13 shall work cooperatively with the boards of super-
14 visors to the end that maximum coordination of juvenile
15 shelter and detention services within the judicial
16 district may be attained."

H-5936 FILED
APRIL 6, 1978

BY WYCKOFF of Benton

HOUSE FILE 2349

H-5935

1 Amend House File 2349 as follows:
2 1. Page 4, by inserting after line 21 the
3 following:
4 "f. Take charge of any child upon release from
5 the Iowa training school for boys, the Iowa training
6 school for girls, or the Iowa juvenile home if that
7 child was committed to the department of social
8 services by a juvenile court in the judicial district."
9 2. Page 7, by inserting after line 29 the follow-
10 ing:
11 "Sec. . Chapter two hundred thirty-two (232),
12 Code 1977, is amended by adding the following new
13 section:
14 NEW SECTION. RELEASE AND SUPERVISION OF CHILD
15 COMMITTED TO STATE. Upon the release of any child
16 from the Iowa training school for boys, the Iowa
17 training school for girls, or the Iowa juvenile home,
18 such child shall be placed under the supervision of
19 the juvenile correctional program of the department
20 of correctional services in the judicial district
21 from which the child was originally committed to the
22 guardianship of the department of social services.
23 Such supervision shall terminate upon the order of
24 the juvenile court, upon the lawful return of such
25 child to the training school or state juvenile home
26 from which the child was released, or upon the
27 expiration of the time limitations provided by law."

H-5935 FILED
APRIL 6, 1978

BY BRANSTAD of Winnebago

H-5854

1 Amend House File 2349 as follows:

2 1. Page 2, line 20, by inserting after the word
3 "staff" the words "except that the juvenile director
4 shall not fix the compensation of juvenile probation
5 officers appointed pursuant to section two hundred
6 thirty-one point eight (231.8) of the Code".

7 2. Page 3, by striking lines 11 and 12 and
8 inserting in lieu thereof the following:

9 "~~3.--Employ, with approval of the district board,~~
10 ~~and supervise~~

11 c. Supervise the employees necessary to carry
12 out the adult and".

13 3. Page 3, by inserting after line 14 the
14 following:

15 "(1) The adult director shall employ, with approval
16 of the district board, the employees necessary to
17 carry out the district department's adult program.

18 (2) The district department's juvenile program
19 personnel shall be employed as provided by section
20 two hundred thirty-one point eight (231.8) of the
21 Code."

22 4. Page 6, line 30, by inserting after the word
23 "departments" the words "and juvenile court judges".

24 5. Page 7, by striking lines 18, 19 and 20 and
25 inserting in lieu thereof the words "officers, in
26 the discharge of their duties as such, shall".

27 6. By striking page 7, line 30 through page 8,
28 line 16.

H-5854 FILED, LOST BY HARBOR of Mills
MARCH 31, 1978 (1295)

H-5905

1 Amend House File 2349 as follows:

2 1. Page 6, by striking lines 25, 26 and 27 and
3 inserting in lieu thereof the words "part for payment
4 of the salaries, benefits and mileage or travel
5 allowances for juvenile probation officers, and of
6 the salaries and benefits of secretarial and clerical
7 employees and the cost of offices, equipment and
8 supplies needed for juvenile probation officers, which
9 were paid by the respective counties under section
10 two hundred thirty-one point twelve (231.12) as that
11 section appeared in the Code of 1977. The cost of
12 any facilities for juveniles, and of the salaries
13 and benefits of personnel required to staff those
14 facilities, established by the district department
15 after the effective date of this Act shall not be
16 certified to the counties under this section. Each
17 county's appropriate share of those expenditures which
18 are to be certified to the counties under this section
19 shall".

H-5905 FILED
APRIL 4, 1978

BY HANSEN of O'Brien
SCHROEDER of Pottawattamie