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SENATE FILE 329

By COMMITTEE ON JUDICIARY

Approved 4/6 (p. 942)

Passed Senate, Date 4-14-77 (p. 1023) Passed House, Date _____

Vote: Ayes 45 Nays 0 Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act correcting erroneous, inconsistent, or obsolete
2 provisions of the 1977 Code.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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S.F. 329

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

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

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

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

18 Upon payment of the license fee as hereinafter determined,
19 the department shall issue a license which shall entitle the
20 applicant to be an itinerant merchant. The fee shall be based
21 upon the maximum weight of the load which said merchant may
22 transport at any one time and shall be as follows: On not
23 to exceed one thousand pounds at one time, ten dollars; on
24 not to exceed three thousand pounds at one time, twenty-five
25 dollars; on a load in excess of three thousand pounds at one
26 time, forty dollars. Provided, however, that the license
27 fee of an itinerant merchant for transportation of property
28 in a motor vehicle which is ~~licensed~~ registered under chapter
29 321 shall be the sum of two dollars regardless of the weight
30 of the load. The fee shall be reduced fifty percent after
31 June ~~30~~ thirtieth. Each license shall expire at the end of
32 the calendar year.

33 Sec. 3. Section eighty-five point thirty-six (85.36),
34 subsection ten (10), unnumbered paragraph one (1), Code 1977,
35 is amended to read as follows:

1 In the case of an employee who earns either no wages or
2 less than the usual weekly earnings of the regular full-time
3 adult laborer in the line of industry in which he the employee
4 is injured in that locality, the weekly earnings shall be
5 one-fiftieth of the total earnings which the employee has
6 earned from all employment during the twelve calendar months
7 immediately preceding the injury but shall be not less than
8 an amount equal to thirty-five percent of the state average
9 weekly wage paid employees as determined by the Iowa employment
10 security-commission department of job service under the
11 provisions of section 96.3, and in effect at the time of the
12 injury.

13 Sec. 4. Section ninety-six point seven (96.7), subsection
14 four (4), paragraph a, Code 1977, is amended to read as
15 follows:

16 a. As soon as practicable and in any event within two
17 years after an employer has filed reports, as required by
18 the department pursuant to section 96.11, subsection 7, the
19 department shall examine such reports and determine the correct
20 amount of contributions due, and the amount so determined
21 by the department shall be the contributions payable. If
22 the contributions found due shall be greater than the amount
23 theretofore paid, the notice with respect to the additional
24 contributions, together with any interest and penalty, shall
25 be sent by certified mail. A lien shall attach as provided
26 in section 96.14, subsection ~~46~~ three (3), if the assessment
27 is not paid or appealed within thirty days of the date of
28 the notice of assessment.

29 Sec. 5. Section ninety-six point fourteen (96.14), subsec-
30 tion sixteen (16), Code 1977, is amended to read as follows:

31 16. INJUNCTION UPON NONPAYMENT. Any employer or employing
32 unit refusing or failing to make and file required reports
33 or to pay any contributions, interest or penalty under the
34 provisions of this chapter, after ~~ten-day~~ ten days' written
35 notice sent by the department to the employer's or employing

1 unit's last known address by certified mail, may be enjoined
2 from operating any business in the state while in violation
3 of this chapter upon the complaint of the Iowa employment
4 security-commission department of job service in the district
5 court of a county in which the employer or employing unit
6 has or had a place of business within the state, and any
7 temporary injunction enjoining the continuance of such business
8 may be granted without notice and without a bond being required
9 from the Iowa employment-security-commission department of
10 job service. Such injunction may enjoin any employer or
11 employing unit from operating ~~his-er-her-er-its~~ a business
12 unit until the delinquent contributions, interest or penalties
13 shall have been made and filed or paid; or the employer shall
14 have furnished a good and sufficient bond conditioned upon
15 the payment of such delinquencies in such an amount and
16 containing such terms as may be determined by the court; or
17 the employer has entered into a plan for the liquidation of
18 such delinquencies as the court may approve, provided that
19 such injunction may be reinstated upon the employer's failure
20 to comply with the terms of said plan.

21 Sec. 6. Section ninety-six point nineteen (96.19), Code
22 1977, is amended by striking subsection three (3).

23 Sec. 7. Section ninety-six point twenty-four (96.24),
24 Code 1977, is amended to read as follows:

25 96.24 EMPLOYER TO BE NOTIFIED. Whenever an employee is
26 separated from ~~his-er-her~~ employment for the purpose of join-
27 ing the armed forces of the United States, the employee shall
28 notify the employer in writing of ~~his-er-her~~ the employee's
29 acceptance and date of reporting for service and the employer
30 shall, within fifteen days after said notice from the employee,
31 notify the Iowa employment-security-commission department
32 of job service of such separation and date of termination
33 of wages on a form furnished by the department.

34 Sec. 8. Section ninety-seven B point twelve (97B.12),
35 Code 1977, is amended to read as follows:

1 97B.12 STATEMENT TO EMPLOYEE. The employer shall furnish
2 to all employees a written statement in a form prescribed
3 by the ~~commission~~ department suitable for retention by the
4 employee, showing the wages paid to the employee for each
5 year after July 1, 1953. Each statement shall cover a calendar
6 year, or one, two or three quarters, whether or not within
7 the same calendar year, and shall show the name of the
8 employee, the period covered by the statement, the total
9 amount of wages paid within such period, and the amount of
10 contribution required by this chapter with respect to such
11 wages. Each statement shall be furnished to the employee
12 not later than thirty days following the period covered by
13 the statement, except that if the employee leaves the employ
14 of the employer, this final statement shall be furnished
15 within thirty days after the last payment of wages is made
16 to the employee. The employer may, at its option, furnish
17 such a statement to any employee at the time of each payment
18 of wages to the employee during any calendar quarter, in lieu
19 of a statement covering each quarter, and, in such case, the
20 statement may show the date of payment of wages in lieu of
21 the period covered by the statement.

22 Sec. 9. Section ninety-seven B point sixteen (97B.16),
23 Code 1977, is amended to read as follows:

24 97B.16 HEARINGS. The department is directed to make find-
25 ings of fact, and decisions as to the rights of any individual
26 applying for a payment under this chapter. Whenever requested
27 by any such individual or by any other person who makes a
28 showing in writing that his or her rights may be prejudiced
29 by any decision the ~~commission~~ department has rendered, it
30 shall give such applicant and such other individual reasonable
31 notice and opportunity for a hearing with respect to such
32 decision, and, if a hearing is held, shall, on the basis of
33 evidence adduced at the hearing, affirm, modify, or reverse
34 its findings of fact and such decision. The department is
35 further authorized, on its own motion, to hold such hearings

1 and to conduct such investigations and other proceedings as
2 it may deem necessary or proper for the administration of
3 this chapter. In the course of any hearing, investigation,
4 or other proceedings, it may administer oaths and affirmations,
5 examine witnesses, and receive evidence. Evidence may be
6 received at any hearing before the department even though
7 inadmissible under rules of evidence applicable to court
8 procedure.

9 Sec. 10. Section ninety-seven B point forty-four (97B.44),
10 Code 1977, is amended to read as follows:

11 97B.44 BENEFICIARY. Each member shall designate on a
12 form to be furnished by the ~~commission~~ department a beneficiary
13 for any death benefits payable hereunder on the death of such
14 member. Such designation may be changed from time to time
15 by the member by filing a new designation with the ~~commission~~
16 department.

17 Sec. 11. Section ninety-seven B point sixty-seven (97B.67),
18 subsection one (1), unnumbered paragraph two (2), Code 1977,
19 is amended to read as follows:

20 It is also the intent of the general assembly that the
21 monthly benefit specified in section 97B.49, subsection 5
22 be reviewed annually by the general assembly and that the
23 general assembly will consult with the Iowa public employees'
24 retirement system division of the ~~employment-security-commis-~~
25 ~~sion~~ Iowa department of job service and the consulting
26 actuaries relating to the actuarial soundness of the system
27 in order that the percent of the final five-year average
28 covered wage used in determining monthly benefits will be
29 increased by action of the general assembly as the contribution
30 rates increase until the percent of the final five-year average
31 covered wage used in determining monthly benefits equals
32 fifty.

33 Sec. 12. Section ninety-seven C point nineteen (97C.19),
34 Code 1977, is amended to read as follows:

35 97C.19 APPORTIONMENT OF EXPENSE. The Iowa ~~employment~~

1 ~~security-commission~~ department of job service is authorized
2 to enter into arrangements with the federal bureau of
3 employment security whereby services performed by the
4 ~~commission~~ job service department and its employees both under
5 this chapter and under the Iowa employment security chapter
6 shall be equitably apportioned between the funds provided
7 for the administration of said chapters. The money spent
8 for rentals, supplies, and equipment used by the ~~commission~~
9 job service department in administering both chapters shall
10 be equitably apportioned and charged against said funds.

11 Sec. 13. Section one hundred thirty-five B point seven-
12 teen (135B.17), unnumbered paragraph one (1), Code 1977, is
13 amended to read as follows:

14 This chapter shall not be construed as affecting, modifying
15 or repealing any provision of chapter 413, except as provided
16 in section 135B.7, and provided further that this chapter
17 shall be construed as being in addition to and not in conflict
18 with ~~chapters~~ chapter 235 and-236.

19 Sec. 14. Section one hundred fifty-nine point six (159.6),
20 subsection ten (10), Code 1977, is amended to read as follows:

21 10. State aid received by certain associations as pro-
22 vided in chapters ~~475~~ one hundred seventy-six (176) of the
23 Code to 184, ~~inclusive~~, and 186.

24 Sec. 15. Section one hundred seventy-two B point five
25 (172B.5), subsection one (1), Code 1977, is amended to read
26 as follows:

27 1. INVESTIGATION. A law enforcement officer may stop
28 and detain a person, whether on or off a highway, who is
29 transporting livestock for the purpose of obtaining compliance
30 with section 172B.2, and the officer may request the
31 presentation or execution of a transportation certificate.
32 The officer may examine the livestock for identification,
33 the vehicle for the purpose of obtaining the vehicle
34 registration number, and the registration of the vehicle and
35 the operator's license of the driver or person detained.

1 However, nothing in this chapter shall be construed to
2 authorize any law enforcement officer to open or require the
3 opening of the cargo compartment of any vehicle manufactured
4 for use in carrying refrigerated cargo when both the cargo
5 is actually under refrigeration at the time the vehicle is
6 detained by the law enforcement officer, and the person
7 operating the vehicle has in possession when stopped a valid
8 transportation certificate or approved shipping document which
9 was executed by the shipper and ~~when~~ which identifies the
10 cargo as processed livestock and otherwise complies with
11 section 172B.3, subsection 2.

12 Sec. 16. Section one hundred seventy-three point two
13 (173.2), Code 1977, is amended by striking subsection four
14 (4).

15 Sec. 17. Section one hundred seventy-three point three
16 (173.3), Code 1977, is amended to read as follows:

17 173.3 CERTIFICATION OF STATE AID ASSOCIATIONS. On or
18 before November ~~45~~ fifteenth of each year, the secretary of
19 agriculture shall certify to the secretary of the state fair
20 board the names of the various associations and societies
21 which have qualified for state aid under the provisions of
22 chapters ~~475~~ one hundred seventy-six (176) of the Code to
23 178, 180 to 184, ~~inclusive,~~ and 186, and which are entitled
24 to representation in the convention as provided in section
25 173.2.

26 Sec. 18. Section two hundred nineteen point one (219.1),
27 Code 1977, is amended to read as follows:

28 219.1 FOR WHOM MAINTAINED. The Iowa veterans home, located
29 in Marshalltown, shall be maintained for honorably discharged
30 veterans and for the dependent spouses and surviving spouses
31 of such veterans. Eligibility requirements for admission
32 to the Iowa ~~soldiers~~ veterans home shall coincide with the
33 eligibility requirements for hospitalization in a United
34 States veterans administration facility pursuant to title
35 ~~thirty-eight-(38)~~ 38, United States Code, sections 210 and

1 610, and regulations promulgated under such provisions as
2 amended to January 1, 1975.

3 Sec. 19. Section two hundred twenty-nine point one (229.1),
4 subsection three (3), Code 1977, is amended to read as follows:

5 3. "Serious emotional injury" is an injury which does
6 not necessarily exhibit any physical characteristics, but
7 which can be recognized and diagnosed by a licensed physician
8 or other qualified mental health professional and which can
9 be ~~casually~~ causally connected with the act or omission of
10 a person who is, or is alleged to be, mentally ill.

11 Sec. 20. Section two hundred thirty-nine A point one
12 (239A.1), Code 1977, is amended to read as follows:

13 239A.1 WHO MAY BE PLACED. Any person who is receiving
14 or has obtained approval of an application to receive assis-
15 tance under chapter 239, and who is an eligible person as
16 defined by section 249C.1, subsection 5, may be referred to
17 the ~~employment-security-commission~~ Iowa department of job
18 service for placement in public works positions available
19 pursuant to this chapter or to such other authority as may
20 be applicable.

21 Sec. 21. Section two hundred thirty-nine A point two
22 (239A.2), unnumbered paragraph one (1), Code 1977, is amended
23 to read as follows:

24 The ~~employment-security-commission~~ Iowa department of job
25 service, in consultation with the commissioner of social ser-
26 vices, shall establish a procedure for assignment of persons
27 referred under section 239A.1 to positions available in public
28 works projects. The ~~employment-security-commission~~ Iowa
29 department of job service shall arrange with units of local
30 government for establishment of such projects, which may
31 include any type of work or endeavor that is within the scope
32 of authority of the unit of local government involved so long
33 as the project meets the following requirements:

34 Sec. 22. Section two hundred thirty-nine A point three
35 (239A.3), unnumbered paragraph one (1), Code 1977, is amended

1 to read as follows:

2 The ~~employment-security-commission~~ Iowa department of job
3 service shall select not to exceed two target counties for
4 implementation of sections 239A.1 and 239A.2. In selecting
5 the target county or counties in which this chapter is to
6 be implemented, the ~~employment-security-commission~~ Iowa
7 department of job service shall be guided by the following
8 criteria:

9 Sec. 23. Section two hundred seventy-nine point fifteen
10 (279.15), subsection two (2), unnumbered paragraph one (1),
11 is amended to read as follows:

12 ~~Such-notification~~ Notification of recommendation of ter-
13 mination of a teacher's contract shall be in writing and shall
14 be personally delivered to the teacher, or mailed by certified
15 mail. The notification shall be complete when received by
16 the teacher. The notification and the recommendation to
17 terminate shall contain a short and plain statement of the
18 reasons, which shall be for just cause, why the recommendation
19 is being made. The notification shall be given at or before
20 the time the recommendation is given to the board.

21 Sec. 24. Section three hundred four point three (304.3),
22 subsection two (2), Code 1977, is amended to read as follows:

23 2. The ~~curator-of-history~~ director of the historical
24 museum and archives.

25 Sec. 25. Section three hundred four point ten (304.10),
26 Code 1977, is amended to read as follows:

27 304.10 ~~CURATOR-OF-HISTORY~~ DIRECTOR OF HISTORICAL MUSEUM
28 AND ARCHIEVES--DUTIES. All lists and schedules submitted
29 to the commission shall be referred to the ~~curator-of-his-~~
30 ~~tery~~ director of the historical museum and archives, who shall
31 determine whether the records proposed for disposal have value
32 to other agencies of the state or have research or historical
33 value. The ~~curator-of-history~~ director of the historical
34 museum and archives shall submit the lists and schedules with
35 ~~his~~ recommendations in writing to the commission, and the

1 final disposition of the records shall be according to the
2 orders of the commission.

3 The ~~curator-of-history~~ director of the historical museum
4 and archives shall submit to the commission, with ~~his~~
5 recommendations in writing, disposal lists of records that
6 have been deposited in the state archives after having
7 determined that the records concerned do not have sufficient
8 value to warrant their continued preservation. Records de-
9 posited in the state archives by any agency shall not be dis-
10 posed of by the commission without first consulting with the
11 head of the agency concerned, except as provided in section
12 304.11.

13 Sec. 26. Section three hundred twenty-one point one
14 (321.1), subsection thirty-three (33), Code 1977, is amended
15 to read as follows:

16 33. "Department" means the state department of trans-
17 portation. "Commission" means the state transportation
18 commission.

19 Sec. 27. Section three hundred twenty-one point eighty-
20 nine (321.89), subsection four (4), unnumbered paragraph one
21 (1), is amended to read as follows:

22 If an abandoned vehicle has not been reclaimed as provided
23 for in subsection 3, the police authority shall make a
24 determination as to whether or not the vehicle shall be sold
25 for use upon the highways. If it is to be sold as a ~~meter~~
26 vehicle for use upon the highways, it shall first be inspected
27 as required by section 321.238 and have a valid certificate
28 of inspection affixed. If the vehicle is not sold for use
29 upon the highways, it shall be sold for junk, or demolished
30 and sold as scrap or sold as provided in section 321.88 with
31 a restricted certificate of title and not for use upon the
32 highways. The police authority shall sell the vehicle at
33 public auction. Notwithstanding any other provision of this
34 section, any police authority, which has taken into possession
35 any abandoned vehicle which lacks an engine or two or more

1 wheels or other part which renders the vehicle totally
2 inoperable may dispose of such vehicle to a demolisher for
3 junk after complying with the notification procedures
4 enumerated in subsection 3 and without public auction. The
5 purchaser of the vehicle shall take title free and clear of
6 all liens and claims of ownership, shall receive a sales
7 receipt from the police authority, and shall be entitled to
8 register the vehicle and receive a certificate of title if
9 sold for use upon the highways or a restricted certificate
10 of title as the case may be, ~~however~~ However, if the vehicle
11 is sold or disposed of to a demolisher for junk, the sales
12 receipt by itself shall be sufficient title only for purposes
13 of transferring the vehicle to such demolisher for demolition,
14 wrecking, or dismantling and, when so transferred, no further
15 titling of the vehicle shall be permitted. From the proceeds
16 of the sale of an abandoned vehicle the police authority shall
17 reimburse itself for the expenses of the auction, the costs
18 of towing, preserving, and storing which resulted from placing
19 the abandoned vehicle in custody, all notice and publication
20 costs incurred pursuant to subsection 3, the cost of
21 inspection, and any other costs incurred except costs of
22 bookkeeping and other administrative costs. Any remainder
23 from the proceeds of a sale shall be held for the owner of
24 the vehicle or entitled lienholder for ninety days, and shall
25 then be deposited in the reimbursement fund received by the
26 department pursuant to section 321.145, subsection 2. The
27 costs to police authorities of auction, towing, preserving,
28 storage, and all notice and publication costs, inspection
29 costs and all other costs which result from placing abandoned
30 vehicles in custody, whenever the proceeds from a sale of
31 such abandoned vehicles are insufficient to meet these expenses
32 and costs, shall be paid from the reimbursement fund of the
33 department under section 321.145, subsection 2. In the event
34 the reimbursement fund is temporarily exhausted, payment shall
35 be deferred until the reimbursement fund contains sufficient

1 funds to meet the claims.

2 Sec. 28. Section three hundred twenty-five point seven
3 (325.7), unnumbered paragraph three (3), Code 1977, is amended
4 to read as follows:

5 If a certificate is to be issued without a public hearing,
6 the board shall publish notice of its action, at its own ex-
7 pense, in the same manner as provided in section 325.13.
8 Written objections to the issuance of a certificate without
9 holding a hearing may be filed within ten days of last
10 publication of notice ~~notwithstanding the provisions of section~~
11 ~~325.16~~. If no objections are filed within ten days of last
12 publication of the notice, the board may proceed to issue
13 the certificate in the manner provided in section 325.18.

14 Sec. 29. Section three hundred twenty-seven G point fifteen
15 (327G.15), unnumbered paragraph three (3), Code 1977, is
16 amended to read as follows:

17 Payments from the grade crossing safety fund shall be made
18 ~~to~~ by the treasurer of state upon certification by the
19 department that the terms of the agreement have been followed.

20 Sec. 30. Section three hundred fifty-seven B point four
21 (357B.4), Code 1977, is amended to read as follows:

22 357B.4 ANTICIPATION OF TAX. The board of trustees of
23 a benefited fire district may anticipate the collection of
24 taxes authorized under section 357B.3 and, for the purpose
25 of providing fire protection, may issue bonds payable in not
26 more than ten equal installments at an interest rate not
27 exceeding seven percent per annum. The bonds shall be in
28 such form and payable at such place as specified by resolution
29 of the board of trustees. The provisions of sections 23.12
30 to 23.16 and chapter ~~408~~ three hundred eighty-four (384) of
31 the Code shall apply to such bonds to the extent applicable.

32 Sec. 31. Section four hundred twenty-one point twenty-
33 two (421.22), Code 1977, is amended to read as follows:

34 421.22 SERVICE OF ORDERS. Any sheriff, ~~constable,~~ or
35 other person may serve any subpoena or order issued under

1 the provisions of this chapter.

2 Sec. 32. Section four hundred forty-six point four (446.4),
3 Code 1977, is amended to read as follows:

4 446.4 NOTICE OF TIME AND PLACE OF SALE. The treasurer
5 shall give notice of the time and place of their sale within
6 five days after the taking, in the manner ~~constables~~ officers
7 are required to give notice of the sale of personal property
8 under execution.

9 Sec. 33. Section four hundred fifty point eighteen
10 (450.18), Code 1977, is amended to read as follows:

11 450.18 ACCEPTANCE OF FINAL REPORT. No final settlement
12 of the account of any executor, administrator, or trustee
13 shall be accepted or allowed unless a strict compliance has
14 been had by such person with the provision relative to the
15 making and filing of said report, ~~and with section 450.16.~~

16 Sec. 34. Section four hundred fifty-five point twenty-
17 two (455.22), unnumbered paragraph one (1), Code 1977, is
18 amended to read as follows:

19 If any person, corporation, or company owning or having
20 interest in any land or other property affected by any proposed
21 improvement under chapters 455 to ~~468~~ four hundred sixty-seven
22 D (467D) of the Code shall file with the auditor an instrument
23 in writing designating the name and post-office address of
24 ~~his or its~~ the agent of the person, corporation, or company
25 upon whom service of notice of said proceeding shall be made,
26 the auditor shall, not less than twenty days prior to the
27 date set for hearing upon said petition, send a copy of said
28 notice by certified mail addressed to the agent so designated.
29 Proof of such service shall be made by affidavit of the auditor
30 filed ~~by him~~ in said proceeding at or before the date of the
31 hearing upon the petition, and such service shall be in lieu
32 of all other service of notice to such persons, corporations,
33 or companies.

34 Sec. 35. Section five hundred forty-three point twenty-
35 eight (543.28), subsection three (3), unnumbered paragraph

1 four (4), Code 1977, is amended to read as follows:

2 Rates for storage, conditioning of stored products, and
3 ~~delivery~~ receiving or loadout charges shall be just,
4 reasonable, and nondiscriminatory, and every unjust,
5 unreasonable, and discriminatory charge for such services
6 or any part thereof and not in accordance with tariffs as
7 herein provided, is prohibited and is hereby declared to be
8 unlawful.

9 Sec. 36. Section five hundred fifty-four point eleven
10 thousand one hundred five (554.11105), subsection four (4),
11 Code 1977, is amended to read as follows:

12 4. If the record of a mortgage of real estate would have
13 been effective as a fixture filing or a filing covering timber
14 to be cut, or minerals or the like (including oil and gas),
15 or accounts subject to ~~subsection 5 and~~ section 554.9103,
16 subsection five (5), or any or all of these, of goods described
17 therein if this chapter as amended had been in effect on the
18 date of recording the mortgage, the mortgage shall be deemed
19 effective as a fixture filing as to such goods under section
20 554.9402, subsection 6, on January 1, 1975, and the mortgage
21 shall be deemed effective as a filing covering timber to be
22 cut or minerals or the like (including oil and gas), or
23 accounts subject to section 554.9103, subsection 5, or any
24 or all of these, on July 1, 1976.

25 Sec. 37. Section six hundred point twenty (600.20), Code
26 1977, is amended to read as follows:

27 600.20 AVAILABILITY OF ASSISTANCE. Financial assistance
28 shall be available only if the child to be adopted was under
29 the guardianship of the state, county, or a licensed child-
30 placing agency immediately prior to his adoption. The ~~twelve~~
31 ~~months~~ one hundred eighty day period of residence in the
32 proposed home required in section ~~600.2~~ six hundred point
33 ten (600.10) of the Code shall not apply to this section.

34 Sec. 38. Section six hundred five A point four (605A.4),
35 Code 1977, is amended to read as follows:

1 605A.4 DEPOSIT BY JUDGE--DEDUCTIONS--CONTRIBUTIONS BY
2 GOVERNING BODY.

3 1. Each judge coming within the purview of this chapter
4 shall, on or before retirement, pay to the court administrator
5 for deposit with the treasurer of state to the credit of a
6 fund to be known as the "judicial retirement fund", hereinafter
7 called the "fund", a sum equal to four percent of ~~his~~ the
8 judge's basic salary for services as such judge for the total
9 period of service as a judge of a municipal, superior, district
10 or supreme court, or the court of appeals, including dis-
11 trict associate judges, before the date of said notice, and
12 after the date of the notice there shall be deducted and
13 withheld from the basic salary of each judge coming within
14 the purview of this chapter a sum equal to four percent of
15 such basic salary. Provided that the maximum amount which
16 any judge shall be required to contribute for past service
17 shall not exceed for municipal or superior or district
18 associate judges thirty-five hundred dollars, for district
19 judges four thousand dollars, for court of appeals judges
20 four thousand five hundred dollars, and for supreme court
21 judges five thousand dollars.

22 2. The amounts so deducted and withheld from the basic
23 salary of each said judge shall be paid to the court
24 administrator for deposit with the treasurer of state to the
25 credit of the judicial retirement fund, and said fund is
26 hereby appropriated for the payment of annuities, refunds,
27 and allowances herein provided, except that the amount of
28 such appropriations affecting payment of annuities, refunds,
29 and allowances to judges of the municipal and superior court
30 shall be limited to that part of said fund accumulated for
31 their benefit as hereinafter provided.

32 3. The judges of the municipal, superior, district and
33 supreme court, and the court of appeals, including district
34 associate judges, coming within the provisions of this chapter
35 shall be deemed to consent and agree to the deductions from

1 basic salary as provided herein and payment less such
2 deductions shall be a full and complete discharge and
3 acquittance of all claims and demands whatsoever for all
4 regular services rendered by such judges during the period
5 covered by such payment, except the right to the benefits
6 to which they shall be entitled under the provisions of this
7 chapter.

8 4. The state shall contribute a sum not exceeding three
9 percent of the basic salary of all judges of the district
10 and supreme court for the years 1949 and 1950 and thereafter
11 such sums as may be necessary over the amount contributed
12 by the district and supreme court judges to finance the system,
13 but only to the extent that the system applies to them. After
14 June 30, 1973, the state shall contribute such sums as may
15 be necessary over the amount contributed by district associate
16 judges to finance the system as to them for the portion of
17 their tenure after July 1, 1973, and thereafter such sums
18 as may be necessary over the amount contributed by the district
19 associate judges to finance the system, but only to the extent
20 the system applies to them, ~~and the respective cities and~~
21 ~~counties within each municipal and superior court district~~
22 ~~shall contribute the additional amount necessary pursuant~~
23 ~~to the next paragraph of this section, for the portion of~~
24 ~~the tenure of such district associate judges prior to July~~
25 ~~1, 1973.~~ After July 1, 1976, the state shall contribute such
26 sums as may be necessary over the amount contributed by judges
27 of the court of appeals to finance the system, but only to
28 the extent the system applies to them.

29 Sec. 39. Section six hundred seventeen point four (617.4),
30 Code 1977, is amended to read as follows:

31 617.4 CONSOLIDATED RAILWAYS. If the action is against
32 any railway corporation ~~which has merged and consolidated~~
33 ~~its stock, property, franchises, and liabilities with that~~
34 ~~of any other railway corporation, as authorized by section~~
35 ~~476.4, or~~ which has sold or leased its property and franchises

1 to any other railway corporation as authorized by section
2 327E.2, service of the original notice may be made upon any
3 station, ticket, or other agent of the merged, vendee, or
4 lessee corporation in the county where the action is brought;
5 if there is no such agent in said county, then service may
6 be made upon such agent or person in any other county.

7 Sec. 40. Chapters one hundred two (102), one hundred
8 eighty-two (182), and one hundred eighty-six A (186A), Code
9 1977, are repealed.

10 EXPLANATION

11 This bill corrects erroneous, inconsistent, or obsolete
12 provisions of the 1977 Code.

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S-3304

1 Amend Senate File 329 as follows:

2 1. Page 1, by inserting before line 1 the
3 following section:

4 "Section 1. Section sixty-eight B point two
5 (68B.2), subsection four (4), Code 1977, is amended
6 to read as follows:

7 4. "Regulatory agency" means department of
8 agriculture, industrial commissioner, bureau of labor,
9 occupational safety and health review commission,
10 department of job service, department of banking,
11 insurance department of Iowa, state department of
12 health, department of public safety, department of
13 public instruction, state board of regents, department
14 of social services, department of revenue, Iowa state
15 commerce commission, Iowa beer and liquor control
16 department, board of pharmacy examiners, state
17 conservation commission, state department of
18 transportation, Iowa state civil rights commission,
19 department of soil conservation, department of public
20 defense, and Iowa natural resources council."

21 2. Page 1, by inserting after line 32 the follow-
22 ing section:

23 "Sec. ____ . Section eighty-five point thirty-four
24 (85.34), subsection three (3), unnumbered paragraph
25 one (1), Code 1977, is amended to read as follows:

26 Compensation for an injury causing permanent total
27 disability shall be upon the basis of eighty percent
28 per week of the employee's average weekly spendable
29 earnings, but not more than a weekly benefit amount,
30 rounded to the nearest dollar, equal to sixty-six
31 and two-thirds percent of the state average weekly
32 wage paid employees as determined by the Iowa
33 employment-security-commission director of the Iowa
34 department of job service under the provisions of
35 section 96.3 and in effect at the time of the injury
36 provided that as of July 1, 1975; July 1, 1977, July
37 1, 1979; and July 1, 1981, the maximum weekly benefit
38 amount rounded to the nearest dollar shall be increased
39 so that it shall equal one hundred percent, one hundred
40 thirty-three and one-third percent, one hundred sixty-
41 six and two-thirds percent and two hundred percent,
42 respectively, of the state average weekly wage as
43 determined above. No employee shall receive as compensa-
44 tion less than thirty-six dollars per week, except if at
45 the time of his the injury his the employees's earnings
46 are less than thirty-six dollars per week, then the
47 weekly compensation shall be a sum equal to the full
48 amount of his the employee's weekly earnings; said weekly
49 compensation shall be payable during the period of his
50 the employee's disability."

1 3. Page 9, by inserting after line 20 the
2 following:

3 "Sec. ____ . Section two hundred seventy-nine point
4 sixteen (279.16), Code 1977, unnumbered paragraph
5 four (4), is amended to read as follows:

6 The board shall not be bound by common law or
7 statutory rules of evidence or by technical or
8 formal rules of procedure, but it shall hold the
9 hearing in such manner as is best suited to
10 ascertain and conserve the substantial rights of
11 the parties. Process and procedure under this
12 section sections two hundred seventy-nine point
13 thirteen (279.13) to two hundred seventy-nine point
14 nineteen (279.19) shall be as summary as reasonably
15 may be.

16 Sec. ____ . Section two hundred seventy-nine point
17 twenty-one (279.21), Code 1977, unnumbered paragraph
18 one (1), is amended to read as follows:

19 The board of directors of a school district may
20 employ principals, under the provisions of section
21 279-13 two hundred seventy-nine point twenty-three
22 (279.23). A principal shall hold a current valid
23 principal's certificate. Notwithstanding the
24 provisions of section 279-13 two hundred seventy -
25 nine point twenty-three (279.23), after serving at
26 least nine months, a principal may be employed for
27 a term of not to exceed two years."

28 4. By renumbering the remaining sections.

S-3304 FILED - *Adopted 4/14 (p. 1022)* BY LUCAS J. DE KOSTER
APRIL 6, 1977

Senate File 329

S-3305

1 Amend Senate File 329 as follows:

2 1. Page 17, by inserting after line 9 the following
3 section:

4 "Sec. ____ . The Code editor shall indicate in the
5 Acts of the Sixty-seventh General Assembly, 1977
6 Session, those sections of the 1977 Code which are
7 amended in the 1977 Session which were also amended
8 by the criminal code revision found at chapter twelve
9 hundred forty-five (1245), Acts of the Sixty-sixth
10 General Assembly, 1976 Session."

S-3305 FILED - *Adopted 4/14 (p. 1023)* BY LUCAS J. DE KOSTER
APRIL 6, 1977

SENATE FILE 329

S-3345

1 Amend Senate File 329 as follows:

2 1. Page 10, by inserting after line 10 the
3 following:

4 "Sec. ____ . Section three hundred twenty-one point
5 four (321.4), Code 1977, is amended to read as follows:

6 321.4. The ~~commission~~ commissioner of public
7 safety is authorized to adopt and promulgate administrative
8 rules governing procedures as may be necessary to carry
9 out the provisions of this chapter; and to carry out any
10 other laws the enforcement of which is vested in the
11 department of public safety."

12 2. Page 17, by inserting after line 12 the
13 following:

14 "With the creation of the department of ~~transportation~~,
15 the rule-making authority of the department of public
16 safety was erroneously repealed. The rule-making authority
17 for the department of transportation is found in section
18 307.10 (5) of the Code. Thus, under current law, the
19 department of transportation is provided rule-making
20 authority in at least two different sections of the Code,
21 while the department of public safety is provided no rule-
22 making authority. This amendment restores to the department
23 of public safety the power to make administrative rules as
24 found in section 321.4 of the Code."

S-3345 FILED - *Adopted as amended* BY RICHARD R. RAMSEY
APRIL 13, 1977 *by 3350 4/14 (1022)*

SENATE FILE 329

S-3350

1 Amend the Ramsey amendment, S-3345, to Senate
2 File 329 as follows:

3 1. Page 1, line 2, by striking the word and
4 figure "line 10" and inserting in lieu thereof the word
5 and figure "line 12".

S-3350 FILED & ADOPTED (*p. 1022*) BY RICHARD R. RAMSEY
APRIL 14, 1977

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

3 4. "Regulatory agency" means department of agriculture,
4 industrial commissioner, bureau of labor, occupational safety
5 and health review commission, department of job service,
6 department of banking, insurance department of Iowa, state
7 department of health, department of public safety, department
8 of public instruction, state board of regents, department
9 of social services, department of revenue, Iowa state commerce
10 commission, Iowa beer and liquor control department, board
11 of pharmacy examiners, state conservation commission, state
12 department of transportation, Iowa state civil rights
13 commission, department of soil conservation, department of
14 public defense, and Iowa natural resources council.

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

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

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

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

32 Upon payment of the license fee as hereinafter determined,
33 the department shall issue a license which shall entitle the
34 applicant to be an itinerant merchant. The fee shall be based
35 upon the maximum weight of the load which said merchant may

1 transport at any one time and shall be as follows: On not
2 to exceed one thousand pounds at one time, ten dollars; on
3 not to exceed three thousand pounds at one time, twenty-five
4 dollars; on a load in excess of three thousand pounds at one
5 time, forty dollars. Provided, however, that the license
6 fee of an itinerant merchant for transportation of property
7 in a motor vehicle which is ~~licensed~~ registered under chapter
8 321 shall be the sum of two dollars regardless of the weight
9 of the load. The fee shall be reduced fifty percent after
10 June ~~30~~ thirtieth. Each license shall expire at the end of
11 the calendar year.

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

15 Compensation for an injury causing permanent total
16 disability shall be upon the basis of eighty percent per week
17 of the employee's average weekly spendable earnings, but not
18 more than a weekly benefit amount, rounded to the nearest
19 dollar, equal to sixty-six and two-thirds percent of the state
20 average weekly wage paid employees as determined by the ~~Iowa~~
21 ~~employment-security-commission~~ director of the Iowa department
22 of job service under the provisions of section 96.3 and in
23 effect at the time of the injury provided that as of July
24 1, 1975; July 1, 1977; July 1, 1979; and July 1, 1981, the
25 maximum weekly benefit amount rounded to the nearest dollar
26 shall be increased so that it shall equal one hundred percent,
27 one hundred thirty-three and one-third percent, one hundred
28 sixty-six and two-thirds percent and two hundred percent,
29 respectively, of the state average weekly wage as determined
30 above. No employee shall receive as compensation less than
31 thirty-six dollars per week, except if at the time of his
32 the injury his the employee's earnings are less than thirty-
33 six dollars per week, then the weekly compensation shall be
34 a sum equal to the full amount of his the employee's weekly
35 earnings; said weekly compensation shall be payable during

1 the period of ~~his~~ the employee's disability.

2 Sec. 5. Section eighty-five point thirty-six (85.36),
3 subsection ten (10), unnumbered paragraph one (1), Code 1977,
4 is amended to read as follows:

5 In the case of an employee who earns either no wages or
6 less than the usual weekly earnings of the regular full-time
7 adult laborer in the line of industry in which ~~he~~ the employee
8 is injured in that locality, the weekly earnings shall be
9 one-fiftieth of the total earnings which the employee has
10 earned from all employment during the twelve calendar months
11 immediately preceding the injury but shall be not less than
12 an amount equal to thirty-five percent of the state average
13 weekly wage paid employees as determined by the Iowa ~~employment~~
14 ~~security-commission~~ department of job service under the
15 provisions of section 96.3, and in effect at the time of the
16 injury.

17 Sec. 6. Section ninety-six point seven (96.7), subsection
18 four (4), paragraph a, Code 1977, is amended to read as
19 follows:

20 a. As soon as practicable and in any event within two
21 years after an employer has filed reports, as required by
22 the department pursuant to section 96.11, subsection 7, the
23 department shall examine such reports and determine the correct
24 amount of contributions due, and the amount so determined
25 by the department shall be the contributions payable. If
26 the contributions found due shall be greater than the amount
27 theretofore paid, the notice with respect to the additional
28 contributions, together with any interest and penalty, shall
29 be sent by certified mail. A lien shall attach as provided
30 in section 96.14, subsection ~~46~~ three (3), if the assessment
31 is not paid or appealed within thirty days of the date of
32 the notice of assessment.

33 Sec. 7. Section ninety-six point fourteen (96.14), subsec-
34 tion sixteen (16), Code 1977, is amended to read as follows:

35 16. INJUNCTION UPON NONPAYMENT. Any employer or employing

1 unit refusing or failing to make and file required reports
2 or to pay any contributions, interest or penalty under the
3 provisions of this chapter, after ~~ten-day~~ ten days' written
4 notice sent by the department to the employer's or employing
5 unit's last known address by certified mail, may be enjoined
6 from operating any business in the state while in violation
7 of this chapter upon the complaint of the Iowa ~~employment~~
8 ~~security-commission~~ department of job service in the district
9 court of a county in which the employer or employing unit
10 has or had a place of business within the state, and any
11 temporary injunction enjoining the continuance of such business
12 may be granted without notice and without a bond being required
13 from the Iowa ~~employment-security-commission~~ department of
14 job service. Such injunction may enjoin any employer or
15 employing unit from operating ~~his-or-her-or-its~~ a business
16 unit until the delinquent contributions, interest or penalties
17 shall have been made and filed or paid; or the employer shall
18 have furnished a good and sufficient bond conditioned upon
19 the payment of such delinquencies in such an amount and
20 containing such terms as may be determined by the court; or
21 the employer has entered into a plan for the liquidation of
22 such delinquencies as the court may approve, provided that
23 such injunction may be reinstated upon the employer's failure
24 to comply with the terms of said plan.

25 Sec. 8. Section ninety-six point nineteen (96.19), Code
26 1977, is amended by striking subsection three (3).

27 Sec. 9. Section ninety-six point twenty-four (96.24),
28 Code 1977, is amended to read as follows:

29 96.24 EMPLOYER TO BE NOTIFIED. Whenever an employee is
30 separated from ~~his-or-her~~ employment for the purpose of join-
31 ing the armed forces of the United States, the employee shall
32 notify the employer in writing of ~~his-or-her~~ the employee's
33 acceptance and date of reporting for service and the employer
34 shall, within fifteen days after said notice from the employee,
35 notify the Iowa ~~employment-security-commission~~ department

1 of job service of such separation and date of termination
2 of wages on a form furnished by the department.

3 Sec. 10. Section ninety-seven B point twelve (97B.12),
4 Code 1977, is amended to read as follows:

5 97B.12 STATEMENT TO EMPLOYEE. The employer shall furnish
6 to all employees a written statement in a form prescribed
7 by the ~~commission~~ department suitable for retention by the
8 employee, showing the wages paid to the employee for each
9 year after July 1, 1953. Each statement shall cover a calendar
10 year, or one, two or three quarters, whether or not within
11 the same calendar year, and shall show the name of the
12 employee, the period covered by the statement, the total
13 amount of wages paid within such period, and the amount of
14 contribution required by this chapter with respect to such
15 wages. Each statement shall be furnished to the employee
16 not later than thirty days following the period covered by
17 the statement, except that if the employee leaves the employ
18 of the employer, this final statement shall be furnished
19 within thirty days after the last payment of wages is made
20 to the employee. The employer may, at its option, furnish
21 such a statement to any employee at the time of each payment
22 of wages to the employee during any calendar quarter, in lieu
23 of a statement covering each quarter, and, in such case, the
24 statement may show the date of payment of wages in lieu of
25 the period covered by the statement.

26 Sec. 11. Section ninety-seven B point sixteen (97B.16),
27 Code 1977, is amended to read as follows:

28 97B.16 HEARINGS. The department is directed to make find-
29 ings of fact, and decisions as to the rights of any individual
30 applying for a payment under this chapter. Whenever requested
31 by any such individual or by any other person who makes a
32 showing in writing that his or her rights may be prejudiced
33 by any decision the ~~commission~~ department has rendered, it
34 shall give such applicant and such other individual reasonable
35 notice and opportunity for a hearing with respect to such

1 decision, and, if a hearing is held, shall, on the basis of
2 evidence adduced at the hearing, affirm, modify, or reverse
3 its findings of fact and such decision. The department is
4 further authorized, on its own motion, to hold such hearings
5 and to conduct such investigations and other proceedings as
6 it may deem necessary or proper for the administration of
7 this chapter. In the course of any hearing, investigation,
8 or other proceedings, it may administer oaths and affirmations,
9 examine witnesses, and receive evidence. Evidence may be
10 received at any hearing before the department even though
11 inadmissible under rules of evidence applicable to court
12 procedure.

13 Sec. 12. Section ninety-seven B point forty-four (97B.44),
14 Code 1977, is amended to read as follows:

15 97B.44 BENEFICIARY. Each member shall designate on a
16 form to be furnished by the ~~commission~~ department a beneficiary
17 for any death benefits payable hereunder on the death of such
18 member. Such designation may be changed from time to time
19 by the member by filing a new designation with the ~~commission~~
20 department.

21 Sec. 13. Section ninety-seven B point sixty-seven (97B.67),
22 subsection one (1), unnumbered paragraph two (2), Code 1977,
23 is amended to read as follows:

24 It is also the intent of the general assembly that the
25 monthly benefit specified in section 97B.49, subsection 5
26 be reviewed annually by the general assembly and that the
27 general assembly will consult with the Iowa public employees'
28 retirement system division of the ~~employment-security-commis-~~
29 ~~sion~~ Iowa department of job service and the consulting
30 actuaries relating to the actuarial soundness of the system
31 in order that the percent of the final five-year average
32 covered wage used in determining monthly benefits will be
33 increased by action of the general assembly as the contribution
34 rates increase until the percent of the final five-year average
35 covered wage used in determining monthly benefits equals

1 fifty.

2 Sec. 14. Section ninety-seven C point nineteen (97C.19),
3 Code 1977, is amended to read as follows:

4 97C.19 APPORTIONMENT OF EXPENSE. The Iowa ~~employment~~
5 ~~security-commission~~ department of job service is authorized
6 to enter into arrangements with the federal bureau of
7 employment security whereby services performed by the
8 ~~commission~~ job service department and its employees both under
9 this chapter and under the Iowa employment security chapter
10 shall be equitably apportioned between the funds provided
11 for the administration of said chapters. The money spent
12 for rentals, supplies, and equipment used by the ~~commission~~
13 job service department in administering both chapters shall
14 be equitably apportioned and charged against said funds.

15 Sec. 15. Section one hundred thirty-five B point seven-
16 teen (135B.17), unnumbered paragraph one (1), Code 1977, is
17 amended to read as follows:

18 This chapter shall not be construed as affecting, modifying
19 or repealing any provision of chapter 413, except as provided
20 in section 135B.7, and provided further that this chapter
21 shall be construed as being in addition to and not in conflict
22 with ~~chapters~~ chapter 235 ~~and-236~~.

23 Sec. 16. Section one hundred fifty-nine point six (159.6),
24 subsection ten (10), Code 1977, is amended to read as follows:

25 10. State aid received by certain associations as pro-
26 vided in chapters 475 one hundred seventy-six (176) of the
27 Code to 184, ~~inclusive~~, and 186.

28 Sec. 17. Section one hundred seventy-two B point five
29 (172B.5), subsection one (1), Code 1977, is amended to read
30 as follows:

31 1. INVESTIGATION. A law enforcement officer may stop
32 and detain a person, whether on or off a highway, who is
33 transporting livestock for the purpose of obtaining compliance
34 with section 172B.2, and the officer may request the
35 presentation or execution of a transportation certificate.

1 The officer may examine the livestock for identification,
2 the vehicle for the purpose of obtaining the vehicle
3 registration number, and the registration of the vehicle and
4 the operator's license of the driver or person detained.
5 However, nothing in this chapter shall be construed to
6 authorize any law enforcement officer to open or require the
7 opening of the cargo compartment of any vehicle manufactured
8 for use in carrying refrigerated cargo when both the cargo
9 is actually under refrigeration at the time the vehicle is
10 detained by the law enforcement officer, and the person
11 operating the vehicle has in possession when stopped a valid
12 transportation certificate or approved shipping document which
13 was executed by the shipper and ~~when~~ which identifies the
14 cargo as processed livestock and otherwise complies with
15 section 172B.3, subsection 2.

16 Sec. 18. Section one hundred seventy-three point two
17 (173.2), Code 1977, is amended by striking subsection four
18 (4).

19 Sec. 19. Section one hundred seventy-three point three
20 (173.3), Code 1977, is amended to read as follows:

21 173.3 CERTIFICATION OF STATE AID ASSOCIATIONS. On or
22 before November 45 fifteenth of each year, the secretary of
23 agriculture shall certify to the secretary of the state fair
24 board the names of the various associations and societies
25 which have qualified for state aid under the provisions of
26 chapters 475 one hundred seventy-six (176) of the Code to
27 178, 180 to 184, ~~inclusive~~, and 186, and which are entitled
28 to representation in the convention as provided in section
29 173.2.

30 Sec. 20. Section two hundred nineteen point one (219.1),
31 Code 1977, is amended to read as follows:

32 219.1 FOR WHOM MAINTAINED. The Iowa veterans home, located
33 in Marshalltown, shall be maintained for honorably discharged
34 veterans and for the dependent spouses and surviving spouses
35 of such veterans. Eligibility requirements for admission

1 to the Iowa ~~soldiers~~ veterans home shall coincide with the
2 eligibility requirements for hospitalization in a United
3 States veterans administration facility pursuant to title
4 ~~thirty-eight-(38)~~ 38, United States Code, sections 210 and
5 610, and regulations promulgated under such provisions as
6 amended to January 1, 1975.

7 Sec. 21. Section two hundred twenty-nine point one (229.1),
8 subsection three (3), Code 1977, is amended to read as follows:

9 3. "Serious emotional injury" is an injury which does
10 not necessarily exhibit any physical characteristics, but
11 which can be recognized and diagnosed by a licensed physician
12 or other qualified mental health professional and which can
13 be ~~casualty~~ causally connected with the act or omission of
14 a person who is, or is alleged to be, mentally ill.

15 Sec. 22. Section two hundred thirty-nine A point one
16 (239A.1), Code 1977, is amended to read as follows:

17 239A.1 WHO MAY BE PLACED. Any person who is receiving
18 or has obtained approval of an application to receive assis-
19 tance under chapter 239, and who is an eligible person as
20 defined by section 249C.1, subsection 5, may be referred to
21 the ~~employment-security-commission~~ Iowa department of job
22 service for placement in public works positions available
23 pursuant to this chapter or to such other authority as may
24 be applicable.

25 Sec. 23. Section two hundred thirty-nine A point two
26 (239A.2), unnumbered paragraph one (1), Code 1977, is amended
27 to read as follows:

28 The ~~employment-security-commission~~ Iowa department of job
29 service, in consultation with the commissioner of social ser-
30 vices, shall establish a procedure for assignment of persons
31 referred under section 239A.1 to positions available in public
32 works projects. The ~~employment-security-commission~~ Iowa
33 department of job service shall arrange with units of local
34 government for establishment of such projects, which may
35 include any type of work or endeavor that is within the scope

1 of authority of the unit of local government involved so long
2 as the project meets the following requirements:

3 Sec. 24. Section two hundred thirty-nine A point three
4 (239A.3), unnumbered paragraph one (1), Code 1977, is amended
5 to read as follows:

6 The ~~employment-security-commission~~ Iowa department of job
7 service shall select not to exceed two target counties for
8 implementation of sections 239A.1 and 239A.2. In selecting
9 the target county or counties in which this chapter is to
10 be implemented, the ~~employment-security-commission~~ Iowa
11 department of job service shall be guided by the following
12 criteria:

13 Sec. 25. Section two hundred seventy-nine point fifteen
14 (279.15), subsection two (2), unnumbered paragraph one (1),
15 is amended to read as follows:

16 ~~Such-notification~~ Notification of recommendation of ter-
17 mination of a teacher's contract shall be in writing and shall
18 be personally delivered to the teacher, or mailed by certified
19 mail. The notification shall be complete when received by
20 the teacher. The notification and the recommendation to
21 terminate shall contain a short and plain statement of the
22 reasons, which shall be for just cause, why the recommendation
23 is being made. The notification shall be given at or before
24 the time the recommendation is given to the board.

25 Sec. 26. Section two hundred seventy-nine point sixteen
26 (279.16), unnumbered paragraph four (4), Code 1977, is amended
27 to read as follows:

28 The board shall not be bound by common law or statutory
29 rules of evidence or by technical or formal rules of procedure,
30 but it shall hold the hearing in such manner as is best suited
31 to ascertain and conserve the substantial rights of the
32 parties. Process and procedure under ~~this-section~~ sections
33 two hundred seventy-nine point thirteen (279.13) to two hundred
34 seventy-nine point nineteen (279.19) shall be as summary as
35 reasonably may be.

1 Sec. 27. Section two hundred seventy-nine point twenty-
2 one (279.21), unnumbered paragraph one (1), Code 1977, is
3 amended to read as follows:

4 The board of directors of a school district may employ
5 principals, under the provisions of section ~~279.43~~ two hundred
6 seventy-nine point twenty-three (279.23). A principal shall
7 hold a current valid principal's certificate. Notwithstanding
8 the provisions of section ~~279.43~~ two hundred seventy-nine
9 point twenty-three (279.23), after serving at least nine
10 months, a principal may be employed for a term of not to
11 exceed two years.

12 Sec. 28. Section three hundred four point three (304.3),
13 subsection two (2), Code 1977, is amended to read as follows:

14 2. The ~~curator-of-history~~ director of the historical
15 museum and archives.

16 Sec. 29. Section three hundred four point ten (304.10),
17 Code 1977, is amended to read as follows:

18 304.10 ~~CURATOR-OF-HISTORY~~ DIRECTOR OF HISTORICAL MUSEUM
19 AND ARCHIEVES--DUTIES. All lists and schedules submitted
20 to the commission shall be referred to the ~~curator-of-his-~~
21 tery director of the historical museum and archives, who shall
22 determine whether the records proposed for disposal have value
23 to other agencies of the state or have research or historical
24 value. The ~~curator-of-history~~ director of the historical
25 museum and archives shall submit the lists and schedules with
26 his recommendations in writing to the commission, and the
27 final disposition of the records shall be according to the
28 orders of the commission.

29 The ~~curator-of-history~~ director of the historical museum
30 and archives shall submit to the commission, with his
31 recommendations in writing, disposal lists of records that
32 have been deposited in the state archives after having
33 determined that the records concerned do not have sufficient
34 value to warrant their continued preservation. Records de-
35 posited in the state archives by any agency shall not be dis-

1 posed of by the commission without first consulting with the
2 head of the agency concerned, except as provided in section
3 304.11.

4 Sec. 30. Section three hundred twenty-one point four
5 (321.4), Code 1977, is amended to read as follows:

6 321.4 The ~~commission~~ commissioner of public safety is
7 authorized to adopt and promulgate administrative rules
8 governing procedures as may be necessary to carry out the
9 provisions of this chapter; and to carry out any other laws
10 the enforcement of which is vested in the department of public
11 safety.

12 Sec. 31. Section three hundred twenty-one point one
13 (321.1), subsection thirty-three (33), Code 1977, is amended
14 to read as follows:

15 33. "Department" means the state department of trans-
16 portation. "Commission" means the state transportation
17 commission.

18 Sec. 32. Section three hundred twenty-one point eighty-
19 nine (321.89), subsection four (4), unnumbered paragraph one
20 (1), is amended to read as follows:

21 If an abandoned vehicle has not been reclaimed as provided
22 for in subsection 3, the police authority shall make a
23 determination as to whether or not the vehicle shall be sold
24 for use upon the highways. If it is to be sold as a meter
25 vehicle for use upon the highways, it shall first be inspected
26 as required by section 321.238 and have a valid certificate
27 of inspection affixed. If the vehicle is not sold for use
28 upon the highways, it shall be sold for junk, or demolished
29 and sold as scrap or sold as provided in section 321.88 with
30 a restricted certificate of title and not for use upon the
31 highways. The police authority shall sell the vehicle at
32 public auction. Notwithstanding any other provision of this
33 section, any police authority which has taken into possession
34 any abandoned vehicle which lacks an engine or two or more
35 wheels or other part which renders the vehicle totally

1 inoperable may dispose of such vehicle to a demolisher for
2 junk after complying with the notification procedures
3 enumerated in subsection 3 and without public auction. The
4 purchaser of the vehicle shall take title free and clear of
5 all liens and claims of ownership, shall receive a sales
6 receipt from the police authority, and shall be entitled to
7 register the vehicle and receive a certificate of title if
8 sold for use upon the highways or a restricted certificate
9 of title as the case may be, ~~however~~ However, if the vehicle
10 is sold or disposed of to a demolisher for junk, the sales
11 receipt by itself shall be sufficient title only for purposes
12 of transferring the vehicle to such demolisher for demolition,
13 wrecking, or dismantling and, when so transferred, no further
14 titling of the vehicle shall be permitted. From the proceeds
15 of the sale of an abandoned vehicle the police authority shall
16 reimburse itself for the expenses of the auction, the costs
17 of towing, preserving, and storing which resulted from placing
18 the abandoned vehicle in custody, all notice and publication
19 costs incurred pursuant to subsection 3, the cost of
20 inspection, and any other costs incurred except costs of
21 bookkeeping and other administrative costs. Any remainder
22 from the proceeds of a sale shall be held for the owner of
23 the vehicle or entitled lienholder for ninety days, and shall
24 then be deposited in the reimbursement fund received by the
25 department pursuant to section 321.145, subsection 2. The
26 costs to police authorities of auction, towing, preserving,
27 storage, and all notice and publication costs, inspection
28 costs and all other costs which result from placing abandoned
29 vehicles in custody, whenever the proceeds from a sale of
30 such abandoned vehicles are insufficient to meet these expenses
31 and costs, shall be paid from the reimbursement fund of the
32 department under section 321.145, subsection 2. In the event
33 the reimbursement fund is temporarily exhausted, payment shall
34 be deferred until the reimbursement fund contains sufficient
35 funds to meet the claims.

1 Sec. 33. Section three hundred twenty-five point seven
2 (325.7), unnumbered paragraph three (3), Code 1977, is amended
3 to read as follows:

4 If a certificate is to be issued without a public hearing,
5 the board shall publish notice of its action, at its own ex-
6 pense, in the same manner as provided in section 325.13.
7 Written objections to the issuance of a certificate without
8 holding a hearing may be filed within ten days of last
9 publication of notice ~~notwithstanding the provisions of section~~
10 ~~325.16~~. If no objections are filed within ten days of last
11 publication of the notice, the board may proceed to issue
12 the certificate in the manner provided in section 325.18.

13 Sec. 34. Section three hundred twenty-seven G point fifteen
14 (327G.15), unnumbered paragraph three (3), Code 1977, is
15 amended to read as follows:

16 Payments from the grade crossing safety fund shall be made
17 ~~to~~ by the treasurer of state upon certification by the
18 department that the terms of the agreement have been followed.

19 Sec. 35. Section three hundred fifty-seven B point four
20 (357B.4), Code 1977, is amended to read as follows:

21 357B.4 ANTICIPATION OF TAX. The board of trustees of
22 a benefited fire district may anticipate the collection of
23 taxes authorized under section 357B.3 and, for the purpose
24 of providing fire protection, may issue bonds payable in not
25 more than ten equal installments at an interest rate not
26 exceeding seven percent per annum. The bonds shall be in
27 such form and payable at such place as specified by resolution
28 of the board of trustees. The provisions of sections 23.12
29 to 23.16 and chapter ~~400~~ three hundred eighty-four (384) of
30 the Code shall apply to such bonds to the extent applicable.

31 Sec. 36. Section four hundred twenty-one point twenty-
32 two (421.22), Code 1977, is amended to read as follows:

33 421.22 SERVICE OF ORDERS. Any sheriff, ~~constable,~~ or
34 other person may serve any subpoena or order issued under
35 the provisions of this chapter.

1 Sec. 37. Section four hundred forty-six point four (446.4),
2 Code 1977, is amended to read as follows:

3 446.4 NOTICE OF TIME AND PLACE OF SALE. The treasurer
4 shall give notice of the time and place of their sale within
5 five days after the taking, in the manner ~~constables~~ officers
6 are required to give notice of the sale of personal property
7 under execution.

8 Sec. 38. Section four hundred fifty point eighteen
9 (450.18), Code 1977, is amended to read as follows:

10 450.18 ACCEPTANCE OF FINAL REPORT. No final settlement
11 of the account of any executor, administrator, or trustee
12 shall be accepted or allowed unless a strict compliance has
13 been had by such person with the provision relative to the
14 making and filing of said report, ~~and with section 450.16.~~

15 Sec. 39. Section four hundred fifty-five point twenty-
16 two (455.22), unnumbered paragraph one (1), Code 1977, is
17 amended to read as follows:

18 If any person, corporation, or company owning or having
19 interest in any land or other property affected by any proposed
20 improvement under chapters 455 to ~~468~~ four hundred sixty-seven
21 D (467D) of the Code shall file with the auditor an instrument
22 in writing designating the name and post-office address of
23 ~~his or its~~ the agent of the person, corporation, or company
24 upon whom service of notice of said proceeding shall be made,
25 the auditor shall, not less than twenty days prior to the
26 date set for hearing upon said petition, send a copy of said
27 notice by certified mail addressed to the agent so designated.
28 Proof of such service shall be made by affidavit of the auditor
29 filed ~~by him~~ in said proceeding at or before the date of the
30 hearing upon the petition, and such service shall be in lieu
31 of all other service of notice to such persons, corporations,
32 or companies.

33 Sec. 40. Section five hundred forty-three point twenty-
34 eight (543.28), subsection three (3), unnumbered paragraph
35 four (4), Code 1977, is amended to read as follows:

1 Rates for storage, conditioning of stored products, and
2 delivery receiving or loadout charges shall be just,
3 reasonable, and nondiscriminatory, and every unjust,
4 unreasonable, and discriminatory charge for such services
5 or any part thereof and not in accordance with tariffs as
6 herein provided, is prohibited and is hereby declared to be
7 unlawful.

8 Sec. 41. Section five hundred fifty-four point eleven
9 thousand one hundred five (554.11105), subsection four (4),
10 Code 1977, is amended to read as follows:

11 4. If the record of a mortgage of real estate would have
12 been effective as a fixture filing or a filing covering timber
13 to be cut, or minerals or the like (including oil and gas),
14 or accounts subject to ~~subsection 5 and~~ section 554.9103,
15 subsection five (5), or any or all of these, of goods described
16 therein if this chapter as amended had been in effect on the
17 date of recording the mortgage, the mortgage shall be deemed
18 effective as a fixture filing as to such goods under section
19 554.9402, subsection 6, on January 1, 1975, and the mortgage
20 shall be deemed effective as a filing covering timber to be
21 cut or minerals or the like (including oil and gas), or
22 accounts subject to section 554.9103, subsection 5, or any
23 or all of these, on July 1, 1976.

24 Sec. 42. Section six hundred point twenty (600.20), Code
25 1977, is amended to read as follows:

26 600.20 AVAILABILITY OF ASSISTANCE. Financial assistance
27 shall be available only if the child to be adopted was under
28 the guardianship of the state, county, or a licensed child-
29 placing agency immediately prior to his adoption. The ~~twelve~~
30 months¹ one hundred eighty day period of residence in the
31 proposed home required in section ~~600.2~~ six hundred point
32 ten (600.10) of the Code shall not apply to this section.

33 Sec. 43. Section six hundred five A point four (605A.4),
34 Code 1977, is amended to read as follows:

35 605A.4 DEPOSIT BY JUDGE--DEDUCTIONS--CONTRIBUTIONS BY

1 GOVERNING BODY.

2 1. Each judge coming within the purview of this chapter
3 shall, on or before retirement, pay to the court administrator
4 for deposit with the treasurer of state to the credit of a
5 fund to be known as the "judicial retirement fund", hereinafter
6 called the "fund", a sum equal to four percent of his the
7 judge's basic salary for services as such judge for the total
8 period of service as a judge of a municipal, superior, district
9 or supreme court, or the court of appeals, including dis-
10 trict associate judges, before the date of said notice, and
11 after the date of the notice there shall be deducted and
12 withheld from the basic salary of each judge coming within
13 the purview of this chapter a sum equal to four percent of
14 such basic salary. Provided that the maximum amount which
15 any judge shall be required to contribute for past service
16 shall not exceed for municipal or superior or district
17 associate judges thirty-five hundred dollars, for district
18 judges four thousand dollars, for court of appeals judges
19 four thousand five hundred dollars, and for supreme court
20 judges five thousand dollars.

21 2. The amounts so deducted and withheld from the basic
22 salary of each said judge shall be paid to the court
23 administrator for deposit with the treasurer of state to the
24 credit of the judicial retirement fund, and said fund is
25 hereby appropriated for the payment of annuities, refunds,
26 and allowances herein provided, except that the amount of
27 such appropriations affecting payment of annuities, refunds,
28 and allowances to judges of the municipal and superior court
29 shall be limited to that part of said fund accumulated for
30 their benefit as hereinafter provided.

31 3. The judges of the municipal, superior, district and
32 supreme court, and the court of appeals, including district
33 associate judges, coming within the provisions of this chapter
34 shall be deemed to consent and agree to the deductions from
35 basic salary as provided herein and payment less such

1 deductions shall be a full and complete discharge and
2 acquittance of all claims and demands whatsoever for all
3 regular services rendered by such judges during the period
4 covered by such payment, except the right to the benefits
5 to which they shall be entitled under the provisions of this
6 chapter.

7 4. The state shall contribute a sum not exceeding three
8 percent of the basic salary of all judges of the district
9 and supreme court for the years 1949 and 1950 and thereafter
10 such sums as may be necessary over the amount contributed
11 by the district and supreme court judges to finance the system,
12 but only to the extent that the system applies to them. After
13 June 30, 1973, the state shall contribute such sums as may
14 be necessary over the amount contributed by district associate
15 judges to finance the system as to them for the portion of
16 their tenure after July 1, 1973, and thereafter such sums
17 as may be necessary over the amount contributed by the district
18 associate judges to finance the system, but only to the extent
19 the system applies to them, ~~and the respective cities and~~
20 ~~counties within each municipal and superior court district~~
21 ~~shall contribute the additional amount necessary pursuant~~
22 ~~to the next paragraph of this section, for the portion of~~
23 ~~the tenure of such district associate judges prior to July~~
24 ~~1, 1973.~~ After July 1, 1976, the state shall contribute such
25 sums as may be necessary over the amount contributed by judges
26 of the court of appeals to finance the system, but only to
27 the extent the system applies to them.

28 Sec. 44. Section six hundred seventeen point four (617.4),
29 Code 1977, is amended to read as follows:

30 617.4 CONSOLIDATED RAILWAYS. If the action is against
31 any railway corporation ~~which has merged and consolidated~~
32 ~~its stock, property, franchises, and liabilities with that~~
33 ~~of any other railway corporation, as authorized by section~~
34 ~~476.47 or~~ which has sold or leased its property and franchises
35 to any other railway corporation as authorized by section

1 327E.2, service of the original notice may be made upon any
2 station, ticket, or other agent of the merged, vendee, or
3 lessee corporation in the county where the action is brought;
4 if there is no such agent in said county, then service may
5 be made upon such agent or person in any other county.

6 Sec. 45. Chapters one hundred two (102), one hundred
7 eighty-two (182), and one hundred eighty-six A (186A), Code
8 1977, are repealed.

9 Sec. 46. The Code editor shall indicate in the Acts of
10 the Sixty-seventh General Assembly, 1977 Session, those
11 sections of the 1977 Code which are amended in the 1977 Session
12 which were also amended by the criminal code revision found
13 at chapter twelve hundred forty-five (1245), Acts of the
14 Sixty-sixth General Assembly, 1976 Session.

15 EXPLANATION

16 This bill corrects erroneous, inconsistent, or obsolete
17 provisions of the 1977 Code.

18 With the creation of the department of transportation,
19 the rule-making authority of the department of public safety
20 was erroneously repealed. The rule-making authority for the
21 department of transportation is found in section 307.10 (5)
22 of the Code. Thus, under current law, the department of
23 transportation is provided rule-making authority in at least
24 two different sections of the Code, while the department of
25 public safety is provided no rule-making authority. This
26 amendment restores to the department of public safety the
27 power to make administrative rules as found in section 321.4
28 of the Code.

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S-3593

1 Amend Senate File 329 as follows:

2 1. Page 11, by striking all of lines 16 through
3 35.

4 2. Page 12, by striking all of lines 1 through
5 3.

6 3. Page 14, by inserting after line 30 the
7 following section:

8 "Sec. _____. Section four hundred eleven point six
9 (411.6), subsection seven (7), Code 1977, is amended
10 by striking paragraph c."

11 4. Page 15, by inserting after line 32 the follow
12 ing sections:

13 "Sec. _____. Section four hundred fifty-five B point
14 seven (455B.7), subsection three (3), Code 1977, is
15 amended to read as follows:

16 3. Issue orders and directives necessary to insure
17 integration and co-ordination of the programs
18 administered by the department. Notwithstanding any
19 other provision of this chapter to the contrary, each
20 commission within the department shall submit all
21 of its proposed rules to the executive committee for
22 review to insure that no conflict exists between such
23 proposed rules and the existing rules of another
24 commission within the department. If a conflict does
25 exist, the executive committee shall direct the
26 commissions involved to resolve the conflict before
27 the proposed rules are submitted to the legislative
28 ~~departmental~~ administrative rules review committee
29 as provided in chapter 17A.

30 Sec. _____. Section five hundred fifteen B point
31 five (515B.5), subsection one (1), Code 1977, is
32 amended by striking paragraph g and inserting in lieu
33 thereof the following:

34 g. Reimburse each servicing facility for obli-
35 gations of the association paid by the facility and
36 for expenses incurred by the facility while handling
37 claims on behalf of the association, and pay the other
38 expenses of the association authorized by this chapter.

39 Sec. _____. Section five hundred fifteen B point
40 five (515B.5), subsection two (2), Code 1977, is
41 amended by striking paragraph g and inserting in lieu
42 thereof the following:

43 g. If at any time the board of directors finds
44 that the amount assessed for any insolvency exceeds
45 the actual and projected liabilities of that insol-
46 vency, it may refund such excess to member insurers
47 in the same proportion that each contributed to the
48 original assessment or assessments. Any assessments
49 or refunds of any member insurer in amounts not to
50 exceed twenty-five dollars may, at the discretion

S-3593
PAGE 2

- 1 of the board of directors, he waived."
- 2 5. Page 19, by striking lines 6 through 8.
- 3 6. Renumbering sections and correcting internal
- 4 references as necessary.

S-3593 FILED
MAY 13, 1977

RECEIVED FROM THE HOUSE

Senate concurred 5/16 (p. 1632)

SENATE FILE 329

H-4111

- 1 Amend Senate File 329 as reprinted and passed
- 2 by the Senate as follows:
- 3 1. Page 11, by striking all of lines 16 through
- 4 35.
- 5 2. Page 12, by striking all of lines 1 through 3.

House

H-4111 FILED *adopted 5/11* BY SCHROEDER of Pottawattamie
MAY 11, 1977 *(p. 2073)*

1 Amend Senate File 329, as amended and passed by
2 the Senate, as follows:

3 1. Page 14, by inserting after line 30 the
4 following section:

5 "Sec. _____. Section four hundred eleven point six
6 (411.6), subsection seven (7), Code 1977, is amended
7 by striking paragraph c." A

8 2. Page 14, by inserting after line 35 the
9 following section:

10 "Sec. _____. Section four hundred forty-one point
11 two (441.2), Code 1977, is amended to read as follows:

12 441.2 CONFERENCE BOARD. In each county and each
13 city having an assessor there shall be established
14 a conference board. In counties the conference board
15 shall consist of the mayors of all incorporated cities
16 in the county whose property is assessed by the county
17 assessor, one representative from the board of
18 directors of each high school district of the county,
19 who is a resident of the county, said board of
20 directors appointing said representative for a one-
21 year term and notifying the clerk of the conference
22 board as to their representative, and members of the
23 board of supervisors. In cities having an assessor
24 the conference board shall consist of the members
25 of the city council, school board and county board
26 of supervisors. In the counties the chairman of the
27 board of supervisors shall act as chairman of the
28 conference board, in cities having an assessor the
29 mayor of the city council shall act as chairman of
30 the conference board. In any action taken by the
31 conference board, the mayors of all incorporated
32 cities in the county whose property is assessed by
33 the county assessor shall constitute one voting unit,
34 the members of the city board of education or one
35 representative from the board of directors of each
36 high school district of the county shall constitute
37 one voting unit, the members of the city council shall
38 constitute one voting unit, and the county board of
39 supervisors shall constitute one voting unit, each
40 unit having a single vote and no action shall be valid
41 except by the vote of not less than ~~two~~ three out
42 of the ~~three~~ four units. The majority vote of the
43 members present of each unit shall determine the vote
44 of the unit. The assessor shall be clerk of the
45 conference board." B
Withdrawn

46 3. Page 15, by inserting after line 32 the follow-
47 ing sections: A

48 "Sec. _____. Section four hundred fifty-five B point
49 seven (455B.7), subsection three (3), Code 1977, is
50 amended to read as follows:

A

1 3. Issue orders and directives necessary to insure
2 integration and co-ordination of the programs
3 administered by the department. Notwithstanding any
4 other provision of this chapter to the contrary, each
5 commission within the department shall submit all
6 of its proposed rules to the executive committee for
7 review to insure that no conflict exists between such
8 proposed rules and the existing rules of another
9 commission within the department. If a conflict does
10 exist, the executive committee shall direct the
11 commissions involved to resolve the conflict before
12 the proposed rules are submitted to the legislative
13 ~~departmental~~ administrative rules review committee
14 as provided in chapter 17A.

15 Sec. . Section five hundred fifteen B point
16 five (515B.5), subsection one (1), Code 1977, is
17 amended by striking paragraph g and inserting in lieu
18 thereof the following:

19 g. Reimburse each servicing facility for obli-
20 gations of the association paid by the facility and
21 for expenses incurred by the facility while handling
22 claims on behalf of the association, and pay the other
23 expenses of the association authorized by this chapter.

24 Sec. . Section five hundred fifteen B point
25 five (515B.5), subsection two (2), Code 1977, is
26 amended by striking paragraph g and inserting in
27 lieu thereof the following:

28 g. If at any time the board of directors finds
29 that the amount assessed for any insolvency exceeds
30 the actual and projected liabilities of that insol-
31 vency, it may refund such excess to member insurers
32 in the same proportion that each contributed to the
33 original assessment or assessments. Any assessments
34 or refunds of any member insurer in amounts not to
35 exceed twenty-five dollars may, at the discretion
36 of the board of directors, be waived."

C 37 4. Page 19, by striking lines 6 through 8.

A 38 5. By renumbering sections and correcting internal
39 references as necessary.

H-3965 FILED *Adopted A.C.* BY COMMITTEE ON JUDICIARY
MAY 4, 1977 *B withdrawn* AND LAW ENFORCEMENT
5/11 (p. 2073) JESSE of Polk, Chair

SENATE FILE 329

H-3646

1 Amend Senate File 329, as passed by the Senate
2 and reprinted, as follows:

3 1. Page 19, line 6, by inserting after the
4 comma the word "and".

5 2. Page 19, line 7, by striking the following:
6 ", and one hundred eighty-six A (186A)".

H-3646 FILED *Withdrawn* BY MIDDLESWART of Warren
APRIL 19, 1977 *5/11 (2073)*

SENATE FILE 329

AN ACT
CORRECTING ERRONEOUS, INCONSISTENT, OR OBSOLETE PROVISIONS
OF THE 1977 CODE.

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

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

4. "Regulatory agency" means department of agriculture, industrial commissioner, bureau of labor, occupational safety and health review commission, department of job service, department of banking, insurance department of Iowa, state department of health, department of public safety, department of public instruction, state board of regents, department of social services, department of revenue, Iowa state commerce commission, Iowa beer and liquor control department, board of pharmacy examiners, state conservation commission, state department of transportation, Iowa state civil rights commission, department of soil conservation, department of public defense, and Iowa natural resources council.

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

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

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

carried by such operator at all times.

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

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

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

Compensation for an injury causing permanent total disability shall be upon the basis of eighty percent per week of the employee's average weekly spendable earnings, but not more than a weekly benefit amount, rounded to the nearest dollar, equal to sixty-six and two-thirds percent of the state average weekly wage paid employees as determined by the ~~Iowa employment-security-commission~~ director of the Iowa department of job service under the provisions of section 96.3 and in effect at the time of the injury provided that as of July 1, 1975; July 1, 1977; July 1, 1979; and July 1, 1981, the maximum weekly benefit amount rounded to the nearest dollar shall be increased so that it shall equal one hundred percent, one hundred thirty-three and one-third percent, one hundred sixty-six and two-thirds percent and two hundred percent, respectively, of the state average weekly wage as determined

above. No employee shall receive as compensation less than thirty-six dollars per week, except if at the time of ~~his~~ the injury his the employee's earnings are less than thirty-six dollars per week, then the weekly compensation shall be a sum equal to the full amount of ~~his~~ the employee's weekly earnings; said weekly compensation shall be payable during the period of ~~his~~ the employee's disability.

Sec. 5. Section eighty-five point thirty-six (85.36), subsection ten (10), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

In the case of an employee who earns either no wages or less than the usual weekly earnings of the regular full-time adult laborer in the line of industry in which ~~he~~ the employee is injured in that locality, the weekly earnings shall be one-fiftieth of the total earnings which the employee has earned from all employment during the twelve calendar months immediately preceding the injury but shall be not less than an amount equal to thirty-five percent of the state average weekly wage paid employees as determined by the Iowa employment security-commission department of job service under the provisions of section 96.3, and in effect at the time of the injury.

Sec. 6. Section ninety-six point seven (96.7), subsection four (4), paragraph a, Code 1977, is amended to read as follows:

a. As soon as practicable and in any event within two years after an employer has filed reports, as required by the department pursuant to section 96.11, subsection 7, the department shall examine such reports and determine the correct amount of contributions due, and the amount so determined by the department shall be the contributions payable. If the contributions found due shall be greater than the amount theretofore paid, the notice with respect to the additional contributions, together with any interest and penalty, shall be sent by certified mail. A lien shall attach as provided in section 96.14, subsection 46 three (3), if the assessment

is not paid or appealed within thirty days of the date of the notice of assessment.

Sec. 7. Section ninety-six point fourteen (96.14), subsection sixteen (16), Code 1977, is amended to read as follows:

16. INJUNCTION UPON NONPAYMENT. Any employer or employing unit refusing or failing to make and file required reports or to pay any contributions, interest or penalty under the provisions of this chapter, after ~~ten-day~~ ten days' written notice sent by the department to the employer's or employing unit's last known address by certified mail, may be enjoined from operating any business in the state while in violation of this chapter upon the complaint of the Iowa employment security-commission department of job service in the district court of a county in which the employer or employing unit has or had a place of business within the state, and any temporary injunction enjoining the continuance of such business may be granted without notice and without a bond being required from the Iowa employment-security-commission department of job service. Such injunction may enjoin any employer or employing unit from operating ~~his-or-her-or-its~~ a business unit until the delinquent contributions, interest or penalties shall have been made and filed or paid; or the employer shall have furnished a good and sufficient bond conditioned upon the payment of such delinquencies in such an amount and containing such terms as may be determined by the court; or the employer has entered into a plan for the liquidation of such delinquencies as the court may approve, provided that such injunction may be reinstated upon the employer's failure to comply with the terms of said plan.

Sec. 8. Section ninety-six point nineteen (96.19), Code 1977, is amended by striking subsection three (3).

Sec. 9. Section ninety-six point twenty-four (96.24), Code 1977, is amended to read as follows:

96.24 EMPLOYER TO BE NOTIFIED. Whenever an employee is separated from ~~his-or-her~~ employment for the purpose of joining the armed forces of the United States, the employee shall

notify the employer in writing of ~~his or her~~ the employee's acceptance and date of reporting for service and the employer shall, within fifteen days after said notice from the employee, notify the Iowa ~~employment-security-commission~~ department of job service of such separation and date of termination of wages on a form furnished by the department.

Sec. 10. Section ninety-seven B point twelve (97B.12), Code 1977, is amended to read as follows:

97B.12 STATEMENT TO EMPLOYEE. The employer shall furnish to all employees a written statement in a form prescribed by the ~~commission~~ department suitable for retention by the employee, showing the wages paid to the employee for each year after July 1, 1953. Each statement shall cover a calendar year, or one, two or three quarters, whether or not within the same calendar year, and shall show the name of the employee, the period covered by the statement, the total amount of wages paid within such period, and the amount of contribution required by this chapter with respect to such wages. Each statement shall be furnished to the employee not later than thirty days following the period covered by the statement, except that if the employee leaves the employ of the employer, this final statement shall be furnished within thirty days after the last payment of wages is made to the employee. The employer may, at its option, furnish such a statement to any employee at the time of each payment of wages to the employee during any calendar quarter, in lieu of a statement covering each quarter, and, in such case, the statement may show the date of payment of wages in lieu of the period covered by the statement.

Sec. 11. Section ninety-seven B point sixteen (97B.16), Code 1977, is amended to read as follows:

97B.16 HEARINGS. The department is directed to make findings of fact, and decisions as to the rights of any individual applying for a payment under this chapter. Whenever requested by any such individual or by any other person who makes a showing in writing that his or her rights may be prejudiced

by any decision the ~~commission~~ department has rendered, it shall give such applicant and such other individual reasonable notice and opportunity for a hearing with respect to such decision, and, if a hearing is held, shall, on the basis of evidence adduced at the hearing, affirm, modify, or reverse its findings of fact and such decision. The department is further authorized, on its own motion, to hold such hearings and to conduct such investigations and other proceedings as it may deem necessary or proper for the administration of this chapter. In the course of any hearing, investigation, or other proceedings, it may administer oaths and affirmations, examine witnesses, and receive evidence. Evidence may be received at any hearing before the department even though inadmissible under rules of evidence applicable to court procedure.

Sec. 12. Section ninety-seven B point forty-four (97B.44), Code 1977, is amended to read as follows:

97B.44 BENEFICIARY. Each member shall designate on a form to be furnished by the ~~commission~~ department a beneficiary for any death benefits payable hereunder on the death of such member. Such designation may be changed from time to time by the member by filing a new designation with the ~~commission~~ department.

Sec. 13. Section ninety-seven B point sixty-seven (97B.67), subsection one (1), unnumbered paragraph two (2), Code 1977, is amended to read as follows:

It is also the intent of the general assembly that the monthly benefit specified in section 97B.49, subsection 5 be reviewed annually by the general assembly and that the general assembly will consult with the Iowa public employees' retirement system division of the ~~employment-security-commission~~ Iowa department of job service and the consulting actuaries relating to the actuarial soundness of the system in order that the percent of the final five-year average covered wage used in determining monthly benefits will be increased by action of the general assembly as the contribution

rates increase until the percent of the final five-year average covered wage used in determining monthly benefits equals fifty.

Sec. 14. Section ninety-seven C point nineteen (97C.19), Code 1977, is amended to read as follows:

97C.19 APPORTIONMENT OF EXPENSE. The Iowa ~~employment security-commission~~ department of job service is authorized to enter into arrangements with the federal bureau of employment security whereby services performed by the ~~commission~~ job service department and its employees both under this chapter and under the Iowa employment security chapter shall be equitably apportioned between the funds provided for the administration of said chapters. The money spent for rentals, supplies, and equipment used by the ~~commission~~ job service department in administering both chapters shall be equitably apportioned and charged against said funds.

Sec. 15. Section one hundred thirty-five B point seventeen (135B.17), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

This chapter shall not be construed as affecting, modifying or repealing any provision of chapter 413, except as provided in section 135B.7, and provided further that this chapter shall be construed as being in addition to and not in conflict with ~~chapters~~ chapter 235 and 236.

Sec. 16. Section one hundred fifty-nine point six (159.6), subsection ten (10), Code 1977, is amended to read as follows:

10. State aid received by certain associations as provided in chapters ~~475~~ one hundred seventy-six (176) of the Code to 184, ~~inclusive~~, and 186.

Sec. 17. Section one hundred seventy-two B point five (172B.5), subsection one (1), Code 1977, is amended to read as follows:

1. INVESTIGATION. A law enforcement officer may stop and detain a person, whether on or off a highway, who is transporting livestock for the purpose of obtaining compliance with section 172B.2, and the officer may request the

presentation or execution of a transportation certificate. The officer may examine the livestock for identification, the vehicle for the purpose of obtaining the vehicle registration number, and the registration of the vehicle and the operator's license of the driver or person detained. However, nothing in this chapter shall be construed to authorize any law enforcement officer to open or require the opening of the cargo compartment of any vehicle manufactured for use in carrying refrigerated cargo when both the cargo is actually under refrigeration at the time the vehicle is detained by the law enforcement officer, and the person operating the vehicle has in possession when stopped a valid transportation certificate or approved shipping document which was executed by the shipper and ~~when~~ which identifies the cargo as processed livestock and otherwise complies with section 172B.3, subsection 2.

Sec. 18. Section one hundred seventy-three point two (173.2), Code 1977, is amended by striking subsection four (4).

Sec. 19. Section one hundred seventy-three point three (173.3), Code 1977, is amended to read as follows:

173.3 CERTIFICATION OF STATE AID ASSOCIATIONS. On or before November ~~45~~ fifteenth of each year, the secretary of agriculture shall certify to the secretary of the state fair board the names of the various associations and societies which have qualified for state aid under the provisions of chapters ~~475~~ one hundred seventy-six (176) of the Code to 178, 180 to 184, ~~inclusive~~, and 186, and which are entitled to representation in the convention as provided in section 173.2.

Sec. 20. Section two hundred nineteen point one (219.1), Code 1977, is amended to read as follows:

219.1 FOR WHOM MAINTAINED. The Iowa veterans home, located in Marshalltown, shall be maintained for honorably discharged veterans and for the dependent spouses and surviving spouses of such veterans. Eligibility requirements for admission

to the Iowa ~~soldiers~~ veterans home shall coincide with the eligibility requirements for hospitalization in a United States veterans administration facility pursuant to title ~~thirty-eight-(38)~~ 38, United States Code, sections 210 and 610, and regulations promulgated under such provisions as amended to January 1, 1975.

Sec. 21. Section two hundred twenty-nine point one (229.1), subsection three (3), Code 1977, is amended to read as follows:

3. "Serious emotional injury" is an injury which does not necessarily exhibit any physical characteristics, but which can be recognized and diagnosed by a licensed physician or other qualified mental health professional and which can be ~~essually~~ causally connected with the act or omission of a person who is, or is alleged to be, mentally ill.

Sec. 22. Section two hundred thirty-nine A point one (239A.1), Code 1977, is amended to read as follows:

239A.1 WHO MAY BE PLACED. Any person who is receiving or has obtained approval of an application to receive assistance under chapter 239, and who is an eligible person as defined by section 249C.1, subsection 5, may be referred to the ~~employment-security-commission~~ Iowa department of job service for placement in public works positions available pursuant to this chapter or to such other authority as may be applicable.

Sec. 23. Section two hundred thirty-nine A point two (239A.2), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

The ~~employment-security-commission~~ Iowa department of job service, in consultation with the commissioner of social services, shall establish a procedure for assignment of persons referred under section 239A.1 to positions available in public works projects. The ~~employment-security-commission~~ Iowa department of job service shall arrange with units of local government for establishment of such projects, which may include any type of work or endeavor that is within the scope of authority of the unit of local government involved so long

as the project meets the following requirements:

Sec. 24. Section two hundred thirty-nine A point three (239A.3), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

The ~~employment-security-commission~~ Iowa department of job service shall select not to exceed two target counties for implementation of sections 239A.1 and 239A.2. In selecting the target county or counties in which this chapter is to be implemented, the ~~employment-security-commission~~ Iowa department of job service shall be guided by the following criteria:

Sec. 25. Section two hundred seventy-nine point fifteen (279.15), subsection two (2), unnumbered paragraph one (1), is amended to read as follows:

~~Such-notification~~ Notification of recommendation of termination of a teacher's contract shall be in writing and shall be personally delivered to the teacher, or mailed by certified mail. The notification shall be complete when received by the teacher. The notification and the recommendation to terminate shall contain a short and plain statement of the reasons, which shall be for just cause, why the recommendation is being made. The notification shall be given at or before the time the recommendation is given to the board.

Sec. 26. Section two hundred seventy-nine point sixteen (279.16), unnumbered paragraph four (4), Code 1977, is amended to read as follows:

The board shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure, but it shall hold the hearing in such manner as is best suited to ascertain and conserve the substantial rights of the parties. Process and procedure under ~~this-section~~ sections two hundred seventy-nine point thirteen (279.13) to two hundred seventy-nine point nineteen (279.19) of the Code shall be as summary as reasonably may be.

Sec. 27. Section two hundred seventy-nine point twenty-one (279.21), unnumbered paragraph one (1), Code 1977, is

amended to read as follows:

The board of directors of a school district may employ principals, under the provisions of section ~~279.43~~ two hundred seventy-nine point twenty-three (279.23) of the Code. A principal shall hold a current valid principal's certificate. Notwithstanding the provisions of section ~~279.43~~ two hundred seventy-nine point twenty-three (279.23) of the Code, after serving at least nine months, a principal may be employed for a term of not to exceed two years.

Sec. 28. Section three hundred four point three (304.3), subsection two (2), Code 1977, is amended to read as follows:

2. The ~~curator-of-history~~ director of the historical museum and archives.

Sec. 29. Section three hundred twenty-one point four (321.4), Code 1977, is amended to read as follows:

321.4 The ~~commission~~ commissioner of public safety is authorized to adopt and promulgate administrative rules governing procedures as may be necessary to carry out the provisions of this chapter; and to carry out any other laws the enforcement of which is vested in the department of public safety.

Sec. 30. Section three hundred twenty-one point one (321.1), subsection thirty-three (33), Code 1977, is amended to read as follows:

33. "Department" means the state department of transportation. "Commission" means the state transportation commission.

Sec. 31. Section three hundred twenty-one point eighty-nine (321.89), subsection four (4), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

If an abandoned vehicle has not been reclaimed as provided for in subsection 3, the police authority shall make a determination as to whether or not the vehicle shall be sold for use upon the highways. If it is to be sold as a ~~meter~~ vehicle for use upon the highways, it shall first be inspected as required by section 321.238 and have a valid certificate

of inspection affixed. If the vehicle is not sold for use upon the highways, it shall be sold for junk, or demolished and sold as scrap or sold as provided in section 321.88 with a restricted certificate of title and not for use upon the highways. The police authority shall sell the vehicle at public auction. Notwithstanding any other provision of this section, any police authority, which has taken into possession any abandoned vehicle which lacks an engine or two or more wheels or other part which renders the vehicle totally inoperable may dispose of such vehicle to a demolisher for junk after complying with the notification procedures enumerated in subsection 3 and without public auction. The purchaser of the vehicle shall take title free and clear of all liens and claims of ownership, shall receive a sales receipt from the police authority, and shall be entitled to register the vehicle and receive a certificate of title if sold for use upon the highways or a restricted certificate of title as the case may be, ~~however~~ However, if the vehicle is sold or disposed of to a demolisher for junk, the sales receipt by itself shall be sufficient title only for purposes of transferring the vehicle to such demolisher for demolition, wrecking, or dismantling and, when so transferred, no further titling of the vehicle shall be permitted. From the proceeds of the sale of an abandoned vehicle the police authority shall reimburse itself for the expenses of the auction, the costs of towing, preserving, and storing which resulted from placing the abandoned vehicle in custody, all notice and publication costs incurred pursuant to subsection 3, the cost of inspection, and any other costs incurred except costs of bookkeeping and other administrative costs. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lienholder for ninety days, and shall then be deposited in the reimbursement fund received by the department pursuant to section 321.145, subsection 2. The costs to police authorities of auction, towing, preserving, storage, and all notice and publication costs, inspection

costs and all other costs which result from placing abandoned vehicles in custody, whenever the proceeds from a sale of such abandoned vehicles are insufficient to meet these expenses and costs, shall be paid from the reimbursement fund of the department under section 321.145, subsection 2. In the event the reimbursement fund is temporarily exhausted, payment shall be deferred until the reimbursement fund contains sufficient funds to meet the claims.

Sec. 32. Section three hundred twenty-five point seven (325.7), unnumbered paragraph three (3), Code 1977, is amended to read as follows:

If a certificate is to be issued without a public hearing, the board shall publish notice of its action, at its own expense, in the same manner as provided in section 325.13. Written objections to the issuance of a certificate without holding a hearing may be filed within ten days of last publication of notice ~~notwithstanding the provisions of section 325.46~~. If no objections are filed within ten days of last publication of the notice, the board may proceed to issue the certificate in the manner provided in section 325.18.

Sec. 33. Section three hundred twenty-seven G point fifteen (327G.15), unnumbered paragraph three (3), Code 1977, is amended to read as follows:

Payments from the grade crossing safety fund shall be made ~~to~~ by the treasurer of state upon certification by the department that the terms of the agreement have been followed.

Sec. 34. Section three hundred fifty-seven B point four (357B.4), Code 1977, is amended to read as follows:

357B.4 ANTICIPATION OF TAX. The board of trustees of a benefited fire district may anticipate the collection of taxes authorized under section 357B.3 and, for the purpose of providing fire protection, may issue bonds payable in not more than ten equal installments at an interest rate not exceeding seven percent per annum. The bonds shall be in such form and payable at such place as specified by resolution of the board of trustees. The provisions of sections 23.12

to 23.16 and chapter ~~400~~ three hundred eighty-four (384) of the Code shall apply to such bonds to the extent applicable.

Sec. 35. Section four hundred eleven point six (411.6), subsection seven (7), Code 1977, is amended by striking paragraph c.

Sec. 36. Section four hundred twenty-one point twenty-two (421.22), Code 1977, is amended to read as follows:

421.22 SERVICE OF ORDERS. Any sheriff, ~~constable,~~ or other person may serve any subpoena or order issued under the provisions of this chapter.

Sec. 37. Section four hundred forty-six point four (446.4), Code 1977, is amended to read as follows:

446.4 NOTICE OF TIME AND PLACE OF SALE. The treasurer shall give notice of the time and place of their sale within five days after the taking, in the manner ~~constables~~ officers are required to give notice of the sale of personal property under execution.

Sec. 38. Section four hundred fifty point eighteen (450.18), Code 1977, is amended to read as follows:

450.18 ACCEPTANCE OF FINAL REPORT. No final settlement of the account of any executor, administrator, or trustee shall be accepted or allowed unless a strict compliance has been had by such person with the provision relative to the making and filing of said report, ~~and with section 450.46~~.

Sec. 39. Section four hundred fifty-five point twenty-two (455.22), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

If any person, corporation, or company owning or having interest in any land or other property affected by any proposed improvement under chapters 455 to ~~460~~ four hundred sixty-seven D (467D) of the Code shall file with the auditor an instrument in writing designating the name and post-office address of ~~his or its~~ the agent of the person, corporation, or company upon whom service of notice of said proceeding shall be made, the auditor shall, not less than twenty days prior to the date set for hearing upon said petition, send a copy of said

notice by certified mail addressed to the agent so designated. Proof of such service shall be made by affidavit of the auditor filed ~~by him~~ in said proceeding at or before the date of the hearing upon the petition, and such service shall be in lieu of all other service of notice to such persons, corporations, or companies.

Sec. 40. Section four hundred fifty-five B point seven (455B.7), subsection three (3), Code 1977, is amended to read as follows:

3. Issue orders and directives necessary to insure integration and co-ordination of the programs administered by the department. Notwithstanding any other provision of this chapter to the contrary, each commission within the department shall submit all of its proposed rules to the executive committee for review to insure that no conflict exists between such proposed rules and the existing rules of another commission within the department. If a conflict does exist, the executive committee shall direct the commissions involved to resolve the conflict before the proposed rules are submitted to the legislative ~~departmental~~ administrative rules review committee as provided in chapter 17A.

Sec. 41. Section five hundred fifteen B point five (515B.5), subsection one (1), Code 1977, is amended by striking paragraph g and inserting in lieu thereof the following:

g. Reimburse each servicing facility for obligations of the association paid by the facility and for expenses incurred by the facility while handling claims on behalf of the association, and pay the other expenses of the association authorized by this chapter.

Sec. 42. Section five hundred fifteen B point five (515B.5), subsection two (2), Code 1977, is amended by striking paragraph g and inserting in lieu thereof the following:

g. If at any time the board of directors finds that the amount assessed for any insolvency exceeds the actual and projected liabilities of that insolvency, it may refund such

excess to member insurers in the same proportion that each contributed to the original assessment or assessments. Any assessments or refunds of any member insurer in amounts not to exceed twenty-five dollars may, at the discretion of the board of directors, be waived.

Sec. 43. Section five hundred forty-three point twenty-eight (543.28), subsection three (3), unnumbered paragraph four (4), Code 1977, is amended to read as follows:

Rates for storage, conditioning of stored products, and delivery receiving or loadout charges shall be just, reasonable, and nondiscriminatory, and every unjust, unreasonable, and discriminatory charge for such services or any part thereof and not in accordance with tariffs as herein provided, is prohibited and is hereby declared to be unlawful.

Sec. 44. Section five hundred fifty-four point eleven thousand one hundred five (554.11105), subsection four (4), Code 1977, is amended to read as follows:

4. If the record of a mortgage of real estate would have been effective as a fixture filing or a filing covering timber to be cut, or minerals or the like (including oil and gas), or accounts subject to ~~subsection 5 and~~ section 554.9103, subsection five (5), or any or all of these, of goods described therein if this chapter as amended had been in effect on the date of recording the mortgage, the mortgage shall be deemed effective as a fixture filing as to such goods under section 554.9402, subsection 6, on January 1, 1975, and the mortgage shall be deemed effective as a filing covering timber to be cut or minerals or the like (including oil and gas), or accounts subject to section 554.9103, subsection 5, or any or all of these, on July 1, 1976.

Sec. 45. Section six hundred point twenty (600.20), Code 1977, is amended to read as follows:

600.20 AVAILABILITY OF ASSISTANCE. Financial assistance shall be available only if the child to be adopted was under the guardianship of the state, county, or a licensed child-

placing agency immediately prior to his adoption. The twelve months¹ one hundred eighty day period of residence in the proposed home required in section ~~600-2~~ six hundred point ten (600.10) of the Code shall not apply to this section.

Sec. 46. Section six hundred five A point four (605A.4), Code 1977, is amended to read as follows:

605A.4 DEPOSIT BY JUDGE--DEDUCTIONS--CONTRIBUTIONS BY GOVERNING BODY.

1. Each judge coming within the purview of this chapter shall, on or before retirement, pay to the court administrator for deposit with the treasurer of state to the credit of a fund to be known as the "judicial retirement fund", hereinafter called the "fund", a sum equal to four percent of his the judge's basic salary for services as such judge for the total period of service as a judge of a municipal, superior, district or supreme court, or the court of appeals, including district associate judges, before the date of said notice, and after the date of the notice there shall be deducted and withheld from the basic salary of each judge coming within the purview of this chapter a sum equal to four percent of such basic salary. Provided that the maximum amount which any judge shall be required to contribute for past service shall not exceed for municipal or superior or district associate judges thirty-five hundred dollars, for district judges four thousand dollars, for court of appeals judges four thousand five hundred dollars, and for supreme court judges five thousand dollars.

2. The amounts so deducted and withheld from the basic salary of each said judge shall be paid to the court administrator for deposit with the treasurer of state to the credit of the judicial retirement fund, and said fund is hereby appropriated for the payment of annuities, refunds, and allowances herein provided, except that the amount of such appropriations affecting payment of annuities, refunds, and allowances to judges of the municipal and superior court shall be limited to that part of said fund accumulated for

their benefit as hereinafter provided.

3. The judges of the municipal, superior, district and supreme court, and the court of appeals, including district associate judges, coming within the provisions of this chapter shall be deemed to consent and agree to the deductions from basic salary as provided herein and payment less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all regular services rendered by such judges during the period covered by such payment, except the right to the benefits to which they shall be entitled under the provisions of this chapter.

4. The state shall contribute a sum not exceeding three percent of the basic salary of all judges of the district and supreme court for the years 1949 and 1950 and thereafter such sums as may be necessary over the amount contributed by the district and supreme court judges to finance the system, but only to the extent that the system applies to them. After June 30, 1973, the state shall contribute such sums as may be necessary over the amount contributed by district associate judges to finance the system as to them for the portion of their tenure after July 1, 1973, and thereafter such sums as may be necessary over the amount contributed by the district associate judges to finance the system, but only to the extent the system applies to them, ~~and the respective cities and counties within each municipal and superior court district shall contribute the additional amount necessary pursuant to the next paragraph of this section, for the portion of the tenure of such district associate judges prior to July 1, 1973.~~ After July 1, 1976, the state shall contribute such sums as may be necessary over the amount contributed by judges of the court of appeals to finance the system, but only to the extent the system applies to them.

Sec. 47. Section six hundred seventeen point four (617.4), Code 1977, is amended to read as follows:

617.4 CONSOLIDATED RAILWAYS. If the action is against

any railway corporation ~~which has merged and consolidated its stock, property, franchises, and liabilities with that of any other railway corporation, as authorized by section 476.4, or~~ which has sold or leased its property and franchises to any other railway corporation as authorized by section 327E.2, service of the original notice may be made upon any station, ticket, or other agent of the merged, vendee, or lessee corporation in the county where the action is brought; if there is no such agent in said county, then service may be made upon such agent or person in any other county.

Sec. 48. The Code editor shall indicate in the Acts of the Sixty-seventh General Assembly, 1977 Session, those sections of the 1977 Code which are amended in the 1977 Session which were also amended by the criminal code revision found at chapter twelve hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session.

ARTHUR A. NEU
President of the Senate

DALE M. COCHRAN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 329, Sixty-seventh General Assembly.

STEVEN C. CROSS
Secretary of the Senate

Approved _____, 1977

ROBERT D. RAY
Governor