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SENATE FILE 491

BY COMMITTEE ON JUDICIARY

(FORMERLY SSB 211)

Approved 2/26/81 (p. 784)

H. F. 804 substituted 4/10/81 (p. 1211)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act correcting erroneous, inconsistent, and obsolete
2 provisions of the Code, including penalty provisions.

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

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1 Section 1. Section 14.6, subsection 4, Code 1981, is
2 amended to read as follows:

3 4. Prepare and cause to be published, at such times as
4 the supreme court shall by order ~~direct~~ directs, the rules
5 of civil procedure, the rules of criminal procedure, the rules
6 of appellate procedure, and supreme court rules.

7 Sec. 2. Section 14.12, subsection 6, paragraphs j and
8 k, Code 1981, are amended to read as follows:

9 j. The rules of the supreme court, rules of civil
10 procedure, rules of criminal procedure, and rules of appellate
11 procedure.

12 k. An index covering the Constitution and statutes of
13 the state of Iowa and the rules of the supreme court, rules
14 of civil procedure, rules of criminal procedure, and rules
15 of appellate procedure.

16 Sec. 3. Section 35.12, Code 1981, is amended to read as
17 follows:

18 35.12 CHILDREN OF PRISONERS OF WAR. In addition to the
19 duties enumerated in sections ~~35-1~~ 35.7 through 35.11, the
20 ~~bonus-board-shall-be~~ commission of the Iowa department of
21 veterans affairs is responsible for administering the program
22 created by this section.

23 The state shall provide funds from moneys appropriated
24 to the ~~bonus-board~~ commission, sufficient when coupled with
25 other state and federal grants and aids, to pay all fees,
26 including fees designated as tuition and fees for books, for
27 attendance at any institution of higher education, or any
28 post-high school, vocational school, technical school, trade
29 school, or professional school located within this state by
30 a child who ~~shall-have~~ has lived in the state for two years
31 preceding application for ~~such~~ benefits and who is the child
32 of a person classified as a prisoner of war or missing in
33 action during the Vietnam Conflict as defined in section 35.9.
34 The benefits provided by this section shall be for a term
35 not exceeding thirty-six months of full-time enrollment,

1 whether continuous or noncontinuous, in the course of study
 2 undertaken, however, if the parent of the person receiving
 3 benefits is released from a prison or is no longer classified
 4 as missing in action, the education benefits provided by this
 5 section shall terminate at the end of the current school year
 6 of the school in which the person receiving benefits is
 7 attending.

8 Sec. 4. Section 68B.2, unnumbered paragraph 2, Code 1981,
 9 is amended to read as follows:

10 ~~Whenever~~ When the terms "legislative employee", "member
 11 of the general assembly", "employee", or "official" are used
 12 in this chapter, ~~the term shall be interpreted to~~ they include
 13 any firm or association of which ~~any of the above~~ such a
 14 person is a member or partner and any corporation of which
 15 ~~any of the above~~ such a person holds ten percent or more of
 16 the stock either directly or indirectly. ~~The use of,~~ and
 17 ~~the above terms shall also include wives~~ spouses and
 18 unemancipated minor children of such persons.

19 Sec. 5. Section 85.59, unnumbered paragraph 8, Code 1981,
 20 is amended to read as follows:

21 If a dispute arises as to the extent of disability when
 22 a memorandum of agreement is on file or when an award
 23 determining liability has been made, an action to determine
 24 the extent of disability must be commenced within one year
 25 of the time of the release of the inmate from the institution.
 26 This ~~shall~~ does not bar the right to reopen the claim as
 27 provided by section ~~86-34~~ 85.26, subsection 2.

28 Sec. 6. Section 87.13, Code 1981, is amended to read as
 29 follows:

30 87.13 INTERPRETATIVE CLAUSE. The ~~law as the same appears~~
 31 ~~in section 85-4 and other~~ sections of chapters 85, 86, and
 32 this chapter, including the words "except as provided in this
 33 chapter" as ~~the same~~ those words appear in section 85.3 ~~all~~
 34 ~~insofar as it relates,~~ which relate to the right to reject
 35 the ~~terms,~~ provisions and ~~conditions~~ of the compensation law,

1 shall do not apply to any employer or employee engaged in
2 the operation of coal mines, or production of coal, under
3 any system of removing coal for sale, but all provisions of
4 the law in chapters 85, 86, and this chapter relating to
5 compensation for injuries sustained arising out of and in
6 the course of such employment shall be are exclusive,
7 compulsory and obligatory upon the employer and employee in
8 such employment.

9 Sec. 7. Section 96.7, subsections 15 and 16, Code 1981,
10 are amended by striking the subsections.

11 Sec. 8. Section 96.10, unnumbered paragraph 3, Code 1981,
12 is amended to read as follows:

13 The director of the department may establish, consolidate,
14 and abolish divisions of the department when necessary for
15 the efficient performance of the ~~various-functions-and-duties~~
16 ~~of-the~~ department ~~of-employment-security~~.

17 Sec. 9. Section 103A.11, subsections 3 and 4, Code 1981,
18 are amended to read as follows:

19 ~~3--Every-rule-adopted-by-the-commissioner-shall-state~~
20 ~~the-date-on-which-it-takes-effect-~~

21 4- 3. Every rule shall, immediately after adoption, be
22 certified by the commissioner and transmitted to the secretary
23 of state administrative rules coordinator for filing ~~in-his~~
24 ~~office-and-shall-then-become-a-part-of-the-state-building~~
25 ~~code~~. Copies shall be sent by the commissioner to all
26 governmental subdivisions which have adopted the state building
27 code.

28 Sec. 10. Section 111.25, Code 1981, is amended to read
29 as follows:

30 111.25 LEASES. The commission may recommend that the
31 executive council lease property under the commission's
32 jurisdiction. All leases shall reserve to the public of the
33 state the right to enter upon the property leased for any
34 lawful purpose. The council may, if it approves the
35 recommendation and the lease to be entered into is for five

1 years or less, execute the lease in behalf of the state and
 2 commission. If the recommendation is for a lease in excess
 3 of five years, with the exception of agricultural lands
 4 specifically dealt with in Article I, section 24 of the
 5 Constitution of Iowa, the council shall advertise for bids
 6 ~~therefor as provided in section 19-20.~~ If a bid is accepted,
 7 the lease shall be let or executed by the council ~~as provided~~
 8 ~~in section 19-21, except that the lease shall be let or~~
 9 ~~executed~~ in accordance with the most desirable bid. The lease
 10 shall not be executed for a term longer than fifty years.
 11 Any such leasehold interest, including any improvements placed
 12 thereon, shall be listed on the tax rolls as provided in
 13 chapters 428 and 443; assessed and valued as provided in
 14 chapter 441; taxes shall be levied thereon as provided in
 15 chapter 444; and collected as provided in chapter 445; and
 16 the leasehold interest is subject to tax sale, redemption,
 17 and apportionment of taxes as provided in chapters 446, 447
 18 and 448. ~~It shall be the duty of the~~ The lessee to shall
 19 discharge and pay all such taxes.

20 Sec. 11. Section 125.43, Code 1981, is amended to read
 21 as follows:

22 125.43 FUNDING AT MENTAL HEALTH INSTITUTES. Chapter 230
 23 ~~shall govern~~ governs the determination of the costs and payment
 24 for treatment provided to substance abusers in a mental health
 25 institute under the department of social services, except
 26 that the charges ~~shall~~ do not constitute a lien on any real
 27 estate owned by persons legally liable for support of the
 28 substance abuser and the daily per diem shall be billed at
 29 twenty-five percent. Beginning July 1, 1977, the
 30 superintendent of a state hospital shall total only those
 31 expenditures which can be attributed to the cost of providing
 32 inpatient treatment to substance abusers for purposes of
 33 determining the daily per diem. ~~The provisions of section~~
 34 ~~125-48 shall govern~~ Sections 125.44 and 125.45 govern the
 35 determination of who is legally liable for the cost of care,

1 maintenance, and treatment of a substance abuser and of the
2 amount for which the person is liable.

3 Sec. 12. Section 135B.7, Code 1981, is amended to read
4 as follows:

5 135B.7 RULES AND ENFORCEMENT. The state department of
6 health with the advice of the hospital licensing board, shall
7 adopt, ~~amend, promulgate~~ and enforce such rules and standards
8 ~~with respect to~~ for the different types of hospitals to be
9 licensed ~~hereunder as may be designed~~ under this chapter,
10 to further the ~~accomplishment of the~~ purposes of the chapter.
11 ~~Rules and standards may be adopted imposing requirements in~~
12 ~~excess of those provided in chapter 413, but no rule or~~
13 ~~standard shall be adopted imposing requirements less than~~
14 ~~those provided by said chapter. No rules~~ Rules or standards
15 shall not be adopted or enforced which would have the effect
16 of denying a license to a hospital or other institution
17 required to be licensed ~~hereunder~~, solely by reason of the
18 school or system of practice employed or permitted to be
19 employed by physicians ~~therein, provided that such~~ in the
20 hospital if the school or system of practice is recognized
21 by the laws of this state.

22 Sec. 13. Section 135B.17, unnumbered paragraph 1, Code
23 1981, is amended to read as follows:

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

29 Sec. 14. Section 135C.14, subsection 1, Code 1981, is
30 amended to read as follows:

31 1. Location and construction of the facility, including
32 plumbing, heating, lighting, ventilation, and other housing
33 conditions, which shall ensure the health, safety and comfort
34 of residents and protection from fire hazards. ~~Such rules~~
35 ~~and standards regarding location and construction of the home~~

1 ~~may impose requirements in excess of those provided in chapter~~
2 ~~413 but shall not impose requirements less than those provided~~
3 ~~by such chapter.~~ The rules of the department relating to
4 protection from fire hazards and fire safety shall be
5 promulgated by the state fire marshal, and shall be in keeping
6 with the latest generally recognized safety criteria for the
7 facilities covered of which the applicable criteria recommended
8 and published from time to time by the national fire protection
9 association ~~shall be~~ are prima-facie evidence.

10 Sec. 15. Section 135D.15, Code 1981, is amended to read
11 as follows:

12 135D.15 SEASONAL OPERATION. If any applicant for a mobile
13 home park license desires to operate ~~such~~ the mobile home
14 park only during the months from May 1 to October 1, they
15 ~~should~~ the applicant shall pay only one-half of the above-
16 ~~mentioned~~ annual license fee, ~~but should pay the full monthly~~
17 ~~fees hereinbefore required for each month of operation.~~ If
18 in the opinion of the state department of health the sanitary
19 and facility requirements ~~herein contained~~ in this chapter
20 are too rigid for the mobile home park, it may in writing
21 or by regulation modify ~~such~~ the requirements as circumstances
22 may permit and require.

23 Sec. 16. Section 135D.22, subsection 7, unnumbered para-
24 graph 3, Code 1981, is amended to read as follows:

25 The director of revenue shall certify to the state
26 comptroller the amount due to each county, which ~~amount shall~~
27 ~~be~~ is the dollar amount which will not be collected due to
28 the granting of the reduced tax rate under ~~this~~ subsection
29 2.

30 Sec. 17. Section 137.6, subsection 4, is amended to read
31 as follows:

32 4. Employ ~~such employees~~ persons as are necessary for
33 the efficient discharge of its duties. Employment practices
34 shall meet the requirements of the Iowa merit ~~system council~~
35 employment commission or any civil service provision adopted

1 under chapter 400.

2 Sec. 18. Section 147.21, unnumbered paragraph 3, Code
3 1981, is amended to read as follows:

4 A member of the board who willfully communicates or seeks
5 to communicate such information, and any person who willfully
6 requests, obtains, or seeks to obtain such information, is
7 guilty of a ~~public offense which is punishable by a fine not~~
8 ~~exceeding one hundred dollars or by imprisonment in the county~~
9 ~~jail for not more than thirty days~~ simple misdemeanor.

10 Sec. 19. Section 148A.4, subsections 1 and 2, Code 1981,
11 is amended to read as follows:

12 1. Be a graduate of an accredited high school and have
13 completed a course of study in, and hold a diploma or
14 certificate issued by a school of physical therapy approved
15 by the board of physical and occupational therapy examiners.
16 2. Have passed an examination administered by the board
17 of physical and occupational therapy examiners.

18 Sec. 20. Section 153A.3, Code 1981, is amended to read
19 as follows:

20 153A.3 APPRENTICE OPHTHALMIC DISPENSERS. A person employed
21 by a physician and surgeon, osteopathic physician, osteopathic
22 physician and surgeon, optometrist, or certified ophthalmic
23 dispenser for the purpose of obtaining practical experience
24 and skill as an ophthalmic dispenser shall be registered with
25 the state department as an apprentice. Persons desiring to
26 be registered as an apprentice shall file an application with
27 the state department of health on a form provided by the state
28 department. The application shall be signed by the applicant
29 and the applicant's employer and accompanied by the
30 registration fee prescribed under section ~~147-80~~ 153A.11.

31 Sec. 21. Section 155.37, subsection 1, paragraph b, Code
32 1981, is amended to read as follows:

33 b. If the cost of the prescription or any part thereof
34 ~~shall~~ of it will be paid by expenditure of public funds
35 authorized under ~~chapters~~ chapter 239, 249, 249A, 252, 253,

1 254, or 255, the pharmacist shall exercise ~~his-er-her~~
2 professional judgment by selecting a drug product of the same
3 generic name and demonstrated bioavailability but of a lesser
4 cost than the one prescribed for dispensing and sale to the
5 person unless the physician, dentist, or podiatrist
6 specifically states that only that designated brand or trade
7 name drug product is to be dispensed. ~~Under-no-circumstances~~
8 ~~shall~~ However, a pharmacy to which the prescription is
9 presented or communicated ~~be~~ is not required to substitute
10 a drug product of the same generic name and demonstrated
11 bioavailability but of lesser cost unless the pharmacy has
12 in stock one or more ~~ether~~ such drug products.

13 Sec. 22. Section 172C.1, subsection 8, paragraph a, Code
14 1981, is amended to read as follows:

15 a. Founded for the purpose of farming and the ownership
16 of agricultural land in which the majority of the voting stock
17 is held by and the majority of the stockholders are persons
18 related to each other as spouse, parent, grandparent, lineal
19 ~~ascendants~~ descendants of grandparents or their spouses and
20 ~~ether-lineal-descendants-of-the-grandparents-or-their-spouses~~,
21 or persons acting in a fiduciary capacity for persons so
22 related;

23 Sec. 23. Section 172C.1, subsection 11, paragraph a, Code
24 1981, is amended to read as follows:

25 a. In which a majority interest in the trust is held by
26 and the majority of the beneficiaries are persons related
27 to each other as spouse, parent, grandparent, lineal
28 descendants of grandparents or their spouses ~~and-ether-lineal~~
29 ~~descendants-of-the-grandparents-or-their-spouses~~, or persons
30 acting in a fiduciary capacity for persons so related; and

31 Sec. 24. Section 172C.8, subsection 3, Code 1981, is
32 amended to read as follows:

33 3. Any nonresident alien identified as a beneficiary in
34 a report filed with the secretary of state pursuant to section
35 172C.7, subsection 3, shall file with the secretary of state

1 on or before March 31 of each year on forms supplied by the
2 secretary of state, a report containing the information set
3 forth in section ~~567-9~~ 567.8, with respect to land owned by
4 a fiduciary or trustee on behalf of the nonresident alien.

5 Sec. 25. Section 175.3, subsection 1, Code 1981, is amended
6 to read as follows:

7 1. The Iowa family farm development authority is
8 established, and constituted a public instrumentality and
9 agency of the state exercising public and essential
10 governmental functions. The authority is established to
11 undertake programs which assist beginning farmers in purchasing
12 agricultural land and agricultural improvements and depreciable
13 agricultural property for the purpose of farming. The powers
14 of the authority ~~shall-be~~ are vested in and exercised by a
15 board of eleven members with nine members appointed by the
16 governor ~~with-the-approval-of-two-thirds-of-the-members-of~~
17 subject to confirmation by the senate. The treasurer of the
18 state and the state secretary of agriculture are ex officio
19 nonvoting members. No more than five members shall belong
20 to the same political party. As far as possible the governor
21 shall include within the membership persons who represent
22 financial institutions experienced in agricultural lending,
23 the real estate sales industry, farmers, beginning farmers,
24 average taxpayers, local government, and any other person
25 specially interested in family farm development.

26 Sec. 26. Section 206.2, subsection 26, Code 1981, is
27 amended to read as follows:

28 26. ~~The-term-"state~~ State restricted use pesticide" means
29 any pesticide which is restricted for sale, use, or
30 distribution under ~~the-authority-of~~ section ~~455B-131~~ 455B.150.

31 Sec. 27. Section 206.6, subsection 1, unnumbered para-
32 graph 2, Code 1981, is amended to read as follows:

33 A person who applies pesticides by use of any aircraft
34 and who is licensed as an aerial commercial applicator in
35 another state shall apply pesticides in Iowa only under the

1 direct supervision of a person holding a valid Iowa aerial
2 commercial applicator's license. The supervising aerial
3 commercial applicator ~~shall be~~ is jointly liable with the
4 person who is licensed as an aerial commercial applicator
5 in another state for damages. The supervising applicator
6 shall immediately notify the secretary of the commencement
7 and of the termination of service provided by the supervised
8 applicator. However, a person licensed in another state
9 as an aerial commercial applicator may operate independently
10 if ~~he~~ the person acquires an aerial commercial applicator
11 license from the secretary ~~and~~, posts bond in amount to be
12 determined by the secretary, and registers with the ~~Iowa~~
13 ~~aeronautics-commission~~ department of transportation. ~~Such~~
14 The person shall be is liable for damages.

15 Sec. 28. Section 206.6, subsection 5, Code 1981, is amended
16 to read as follows:

17 5. ISSUE COMMERCIAL APPLICATOR LICENSE. If the secretary
18 finds the applicant qualified to apply pesticides in the
19 classifications for which ~~he~~ the applicant has applied and
20 if the applicant files the bonds or insurance required under
21 section 206.13, and if the applicant applying for a license
22 to engage in aerial application of pesticides has met all
23 of the requirements of the federal aviation administration,
24 ~~the Iowa-aeronautics-commission~~ department of transportation,
25 and any other applicable federal or state laws or regulations
26 to operate the equipment described in the application, the
27 secretary shall issue a commercial applicator license limited
28 to the classifications for which ~~he~~ the applicant is qualified,
29 which shall expire at the end of the calendar year of issue
30 unless it has been revoked or suspended prior thereto by the
31 secretary for cause. The secretary may limit the license
32 of the applicant to the use of certain pesticides, or to
33 certain areas, or to certain types of equipment if the
34 applicant is only so qualified. If a license is not issued
35 as applied for, the secretary shall inform the applicant in

1 writing of the reasons therefor.

2 Sec. 29. Section 217.8, Code 1981, is amended to read
3 as follows:

4 217.8 DIVISION OF CHILD AND FAMILY SERVICES. The director
5 of the division of child and family services shall be qualified
6 by training, experience and education in the field of welfare
7 and social problems. ~~He~~ The director shall be entrusted with
8 the administration of programs involving neglected, dependent
9 and delinquent children, child welfare, aid to dependent
10 children, and aid to disabled persons and shall administer
11 and be in control of the Iowa juvenile home, the state
12 Mitchellville training schools-for-boys-and-for-girls school,
13 the Eldora training school, the Iowa ~~soldiers~~ veterans home
14 and ~~such~~ other related programs established for the general
15 welfare of families, adults and children as directed by the
16 commissioner.

17 Sec. 30. Section 218.1, subsections 1 and 10, Code 1981,
18 are amended to read as follows:

19 1. ~~Soldiers-Home~~ Iowa veterans home.

20 10. ~~Juvenile-Home~~ Iowa juvenile home.

21 Sec. 31. Section 218.97, Code 1981, is amended to read
22 as follows:

23 218.97 DIAGNOSTIC CLINIC--INFORMATION FURNISHED. The
24 commissioner of the department of social services and the
25 directors of divisions directly involved ~~are-authorized-to~~
26 may provide facilities and personnel for a diagnostic clinic.
27 The work of the clinic shall include a scientific study of
28 each prisoner, ~~his~~ the prisoner's career and life history,
29 the causes of ~~his~~ the prisoner's criminal acts and
30 recommendations for ~~his~~ custody, care, training, employment
31 and counseling with a view to ~~his~~ the prisoner's rehabilitation
32 and ~~to~~ the protection of society. To facilitate the work
33 of the clinic and to aid in the rehabilitation of ~~such~~
34 prisoners, the trial judge and the prosecuting attorney shall,
35 when requested by the commissioner or the directors of

1 divisions directly involved, furnish the commissioner or such
2 director with ~~such information as is provided the state board~~
3 ~~of parole under section 247-15~~ a full statement of the facts
4 relating to a prisoner's commission of an offense as known
5 or believed by them.

6 Sec. 32. Section 220.38, subsection 2, Code 1981, is
7 amended to read as follows:

8 2. Only individuals who meet the principal requirements
9 for an original mortgagor shall ~~be~~ are eligible to assume
10 a ~~tax-exempt~~ mortgage loan issued under this chapter.

11 Sec. 33. Section 229.27, subsection 1, Code 1981, is
12 amended to read as follows:

13 1. Hospitalization of a person under this chapter, either
14 voluntarily or involuntarily, does not constitute a finding
15 of nor equate with nor raise a presumption of incompetency,
16 nor cause the person so hospitalized to be deemed a person
17 of unsound mind nor a person under legal disability for any
18 purpose including but not limited to any circumstances to
19 which sections 447.7, 472.15, 545.2, subsection 13, 545.11,
20 subsection 7, 545.36, ~~567-77~~ 595.3, 597.6, 598.29, 614.8,
21 614.19, 614.22, 614.24, 614.27, 622.6, 633.244, and 675.21
22 are applicable.

23 Sec. 34. Section 232.127, subsection 7, Code 1981, is
24 amended to read as follows:

25 7. The court ~~may~~ shall not order the child placed on
26 probation, in a foster home or in a nonsecure facility unless
27 the child requests and agrees to such supervision or placement.
28 ~~in no event~~ The court shall ~~the court~~ not order the child
29 placed in the ~~fewa~~ Eldora training school ~~for boys~~ or the
30 ~~fewa~~ Mitchellville training school ~~for girls~~ or other secure
31 facility.

32 Sec. 35. Section 235.1, unnumbered paragraph 1, Code 1981,
33 is amended to read as follows:

34 The terms "state division", "state director", "county
35 department", "county board" and "child" are used in this

1 chapter and ~~chapters-237-and~~ chapter 238 as said the terms
2 are defined in section 234.1.

3 Sec. 36. Section 247A.9, Code 1981, is amended to read
4 as follows:

5 247A.9 PAROLE NOT AFFECTED. ~~Nothing-in-this~~ This chapter
6 ~~shall-be-construed-to~~ does not affect eligibility for parole
7 under chapter 247 906 or diminution of confinement of any
8 inmate released under a work release plan.

9 Sec. 37. Section 249.2, Code 1981, is amended to read
10 as follows:

11 249.2 AGREEMENT WITH FEDERAL AUTHORITY. The commissioner
12 may enter into an agreement with the United States secretary
13 of health, ~~education and welfare~~ human services for federal
14 administration of a program of state supplementary assistance
15 to prescribed categories of persons who are, or would be
16 except for the amount of income they receive from other
17 sources, receiving federal supplemental security income.
18 The agreement may authorize the secretary to make such rules,
19 in addition to and not in conflict with state laws and
20 regulations, respecting eligibility for or the amount of state
21 supplementary assistance paid under this section as ~~he~~ the
22 secretary finds necessary to achieve efficient and effective
23 administration of both the basic federal supplemental security
24 income program and the state supplementary assistance program
25 administered by the secretary under the agreement. The
26 agreement shall provide for the state of Iowa to reimburse
27 the federal government, from funds appropriated for that
28 purpose, for state supplementary assistance paid by the federal
29 government pursuant to the agreement.

30 Sec. 38. Section 249C.3, Code 1981, is amended to read
31 as follows:

32 249C.3 WORK AND TRAINING PROGRAM. The commissioner shall
33 establish a work and training program for persons and members
34 of families receiving public assistance. The employment
35 ~~security-commissioner,~~ the Iowa state-employment department

1 of job service, all county boards and departments of social
2 welfare, and all state, county, and public educational agencies
3 and institutions providing vocational rehabilitation, adult
4 education, or vocational or technical training shall assist
5 and co-operate in the program. They shall make agreements
6 and arrangements for maximum co-operation and use of all
7 available resources in the program. By mutual agreement the
8 commissioner may delegate any of his the commissioner's powers
9 and duties under this chapter to the employment-security
10 ~~commissioner-of-the~~ Iowa state-employment department of job
11 service.

12 Sec. 39. Section 257.18, subsection 7, Code 1981, is
13 amended to read as follows:

14 7. Provide the same educational supervision for the schools
15 maintained by the ~~state-board-of-education~~ commissioner of
16 social services as is provided for the public schools of the
17 state and make recommendations to the ~~board-of-education~~
18 commissioner of social services for the improvement of the
19 educational program in ~~such~~ those institutions.

20 Sec. 40. Section 303A.4, subsection 9, Code 1981, is
21 amended to read as follows:

22 9. Encourage the implementation of the county library
23 law, and of countywide library service through contracts with
24 the boards of supervisors ~~pursuant-to-chapter-378~~.

25 Sec. 41. Section 321.30, subsection 6, Code 1981, is
26 amended to read as follows:

27 6. That the required sales use tax has not been paid.

28 Sec. 42. Section 321.43, Code 1981, is amended to read
29 as follows:

30 321.43 NEW IDENTIFYING NUMBERS. The department ~~is~~
31 ~~authorized-to~~ may assign a distinguishing number to a vehicle
32 ~~or-auxiliary-axle-whenever~~ when the serial number ~~thereon~~
33 on the vehicle is destroyed or obliterated and ~~to~~ issue to
34 the owner a special plate bearing ~~such~~ the distinguishing
35 number which shall be affixed to the vehicle ~~or-auxiliary~~

1 axle in a position to be determined by the director. Such
2 The vehicle ~~ex-auxiliary-axle~~ shall be registered and titled
3 under ~~such~~ the distinguishing number in lieu of the former
4 serial number.

5 Sec. 43. Section 321.72, Code 1981, is amended to read
6 as follows:

7 321.72 REPORT OF STOLEN AND RECOVERED MOTOR VEHICLES.

8 Every ~~sheriff, chief-of-police, or~~ peace officer upon receiving
9 reliable information that any vehicle registered ~~hereunder~~
10 under this chapter has been stolen shall immediately report
11 ~~such~~ the theft to the department unless prior thereto
12 information has been received of the recovery of ~~such~~ the
13 vehicle. ~~Any-said~~ The officer upon receiving information
14 that any vehicle, which he has previously been reported as
15 stolen, has been recovered, shall immediately report the fact
16 of ~~such~~ recovery to the local sheriff's office or police
17 department and to the department.

18 Sec. 44. Section 321.94, Code 1981, is amended to read
19 as follows:

20 321.94 TEST TO DETERMINE TRUE NUMBER. ~~Where~~ If it appears
21 that a vehicle identification number or component part number
22 has been altered, defaced or tampered with, any ~~sheriff, state~~
23 ~~agent or~~ peace officer, or inspector employed by the
24 department, or any other person acting under ~~their~~ a peace
25 officer's or inspector's direction, may apply any recognized
26 process or test to the part containing ~~such~~ the number for
27 the purpose of determining the true number.

28 Sec. 45. Section 321.121, Code 1981, is amended to read
29 as follows:

30 321.121 SPECIAL TRUCKS FOR FARM USE. The registration
31 fee for a special truck ~~shall-be~~ is one hundred twenty dollars
32 for a gross weight of eight tons, and in addition, fifteen
33 dollars for each ton over eight tons. Any person convicted
34 of using a truck registered as a special truck for any purpose
35 other than permitted by section 321.1, subsection ~~72~~ 71,

1 shall, in addition to any other penalty imposed by law, be
 2 required to pay regular motor truck registration fees upon
 3 ~~such~~ the truck.

4 Sec. 46. Section 321.186, Code 1981, is amended to read
 5 as follows:

6 321.186 EXAMINATION OF NEW OR INCOMPETENT OPERATORS.

7 The department may examine every new applicant for an
 8 ~~operator's, motorized-bicycle-or-chauffeur's~~ a motor vehicle
 9 license or any person holding a valid ~~operator's, motorized~~
 10 ~~bicycle-or-chauffeur's~~ motor vehicle license when the
 11 department has reason to believe that ~~such~~ the person may
 12 be physically or mentally incompetent to operate a motor
 13 vehicle, or whose driving record appears to the department
 14 to justify ~~such~~ an examination. ~~Such~~ The examinations shall
 15 be held in every county within periods not to exceed fifteen
 16 days. ~~It~~ An examination shall include a test of the
 17 applicant's eyesight, ~~his~~ ability to read and understand
 18 highway signs regulating, warning, and directing traffic,
 19 ~~his~~ and knowledge of the traffic laws of this state, and shall
 20 include an actual demonstration of ability to exercise ordinary
 21 and reasonable control in the operation of a motor vehicle
 22 and ~~such-further~~ physical and mental examinations as the
 23 department finds necessary to determine the applicant's fitness
 24 to operate a motor vehicle safely upon the highways.

25 Sec. 47. Section 321.195, Code 1981, is amended to read
 26 as follows:

27 321.195 DUPLICATE CERTIFICATES. ~~In-the-event-that-an~~
 28 ~~instruction-permit, operator's, chauffeur's~~ If a motor vehicle
 29 ~~license, motorized-bicycle-license~~ or extension certificate
 30 issued under ~~the-provisions-of~~ this chapter is lost or
 31 destroyed, the person to whom the same license or certificate
 32 was issued may upon payment of a fee of two dollars for an
 33 ~~operator's-or-chauffeur's~~ a motor vehicle license, or one
 34 dollar for an extension certificate, or motorized bicycle
 35 license, obtain a duplicate, or substitute ~~thereof~~ license,

1 upon furnishing proof satisfactory to the department that
2 ~~such permit,~~ the license, or extension certificate has been
3 lost or destroyed. A fee of one dollar shall be charged for
4 the voluntary replacement of ~~an instruction permit or an~~
5 ~~operator's or chauffeur's~~ a motor vehicle license.

6 Sec. 48. Section 321.309, unnumbered paragraph 3, Code
7 1981, is amended to read as follows:

8 The drawbar or towing arm between a motor vehicle pulling
9 or towing another motor vehicle shall be of a type approved
10 by the ~~commissioner~~ director, except in case of the temporary
11 movement of a disabled vehicle in an emergency situation.

12 Sec. 49. Section 321.465, unnumbered paragraph 3, Code
13 1981, is amended to read as follows:

14 Any driver of a vehicle who fails or refuses to stop and
15 submit the vehicle and load to a weighing, or who fails or
16 refuses when directed by an officer upon a weighing of the
17 vehicle to stop the vehicle and otherwise comply with the
18 ~~provisions of~~ this section, ~~shall be~~ is guilty of a simple
19 misdemeanor ~~and punished as provided in section 321.482.~~

20 Sec. 50. Section 321.500, Code 1981, is amended to read
21 as follows:

22 321.500 ORIGINAL NOTICE--FORM. The original notice of
23 suit filed with the director of transportation against a
24 nonresident shall be in form and substance the same as now
25 provided in ~~suits against residents of this state, except~~
26 ~~that that part of said notice pertaining to the return day~~
27 ~~shall be in substantially the following form, to-wit:~~

28 ~~"and unless you appear thereto and defend in the district~~
29 ~~court of Iowa in and for ----- county at the courthouse in~~
30 ~~-----, Iowa before noon of the sixtieth day following the~~
31 ~~filing of this notice with the director of transportation~~
32 ~~of this state, default will be entered and judgment rendered~~
33 ~~against you by the court."~~ rules of civil procedure, form
34 2.

35 Sec. 51. Section 321A.1, subsection 2, Code 1981, is

1 amended to read as follows:

2 2. JUDGMENT. Any judgment which ~~shall-have~~ has become
3 final by expiration without appeal during the time within
4 which an appeal might have been perfected, or any judgment
5 if an appeal from ~~such~~ the judgment has been perfected, which
6 has not been stayed by the execution, filing and approval
7 of a bond as provided in rule ~~337~~ 7 (a) of the rules of ~~civil~~
8 appellate procedure, or any judgment which ~~shall-have~~ has
9 become final by affirmation on appeal, rendered by a court
10 of competent jurisdiction of any state or of the United States,
11 upon a cause of action arising out of the ownership,
12 maintenance, or use of any motor vehicle, for damages,
13 including damages for care and loss of services, because of
14 bodily injury to or death of any person, or for damages because
15 of injury to or destruction of property, including the loss
16 of use ~~thereof~~ of property, or upon a cause of action on an
17 agreement of settlement for such damages.

18 Sec. 52. Section 321B.15, Code 1981, is amended to read
19 as follows:

20 321B.15 DRIVING WHILE LICENSE DENIED OR REVOKED. Any
21 person whose license, or driving privilege, has been denied
22 or revoked as provided in this chapter, and who drives any
23 motor vehicle upon the highways of this state while ~~such~~ the
24 license or privilege is denied or revoked, is guilty of a
25 simple misdemeanor ~~and-upon-conviction-shall-be-punished-as~~
26 ~~provided-for-simple-misdemeanors-in-section-321-462~~. The
27 department, upon receiving the record of the conviction of
28 any person under this section upon a charge of driving a motor
29 vehicle while the license of ~~such~~ the person was revoked,
30 shall extend the period of revocation for an additional like
31 period, and the department shall not issue a new license
32 during ~~such~~ the additional period.

33 Sec. 53. Section 384.12, subsection 17, Code 1981, is
34 amended by striking the subsection.

35 Sec. 54. Section 400.31, Code 1981, is amended to read

1 as follows:

2 400.31 WATERWORKS EMPLOYEES. In cities where the board
3 of waterworks trustees has adopted a resolution placing its
4 employees under ~~the provisions of~~ this chapter as to civil
5 service, the civil service ~~commissioner appointed and~~
6 commission acting under said this chapter shall ~~have~~ has
7 charge ~~and control~~ of the civil service procedure as to such
8 those employees and ~~the provisions and procedure of~~ this
9 chapter ~~shall apply in such cases~~ applies.

10 Sec. 55. Section 420.246, Code 1981, is amended to read
11 as follows:

12 420.246 TAX AND DEED STATUTES APPLICABLE. Sections 445-2,
13 445.47 to 445.51, 446.3 to 446.6, 446.16, 446.32, 446.33,
14 448.10 to 448.13 are ~~hereby made~~ applicable to cities acting
15 under special charters, except that, where the word "treasurer"
16 is used, there shall be used substituted the words "city
17 collector or treasurer or deputy treasurer or deputy or officer
18 authorized to collect city taxes"; and where the word "auditor"
19 is used, there shall be substituted the words "city clerk
20 or recorder".

21 Sec. 56. Section 422.5, unnumbered paragraph 7, Code 1981,
22 is amended to read as follows:

23 Upon determination of the latest cumulative inflation
24 factor, the director of revenue shall multiply each dollar
25 amount set forth in subsections 1 to 13 of this section and
26 each dollar amount specified in this ~~paragraph~~ section as
27 the maximum amount of annuities received which may be excluded
28 in determining final taxable income by this cumulative
29 inflation factor, shall round off the resulting product to
30 the nearest one dollar and incorporate the result into the
31 income tax forms and instructions for each tax year.

32 Sec. 57. Section 427.3, subsection 4, Code 1981, is amended
33 to read as follows:

34 4. The property, not to exceed one thousand eight hundred
35 fifty-two dollars in taxable value of any honorably separated,

1 retired, furloughed to a reserve, placed on inactive status,
 2 or discharged soldier, sailor, marine, or nurse of the second
 3 World War from December 7, 1941 to December 31, 1946, army
 4 of occupation in Germany November 12, 1918, to July 11, 1923,
 5 American expeditionary forces in Siberia November 12, 1918,
 6 to April 30, 1920, second Nicaraguan campaign with the navy
 7 or marines in Nicaragua or on combatant ships 1926-1933,
 8 second Haitian ~~suppressions~~ suppression of insurrections 1919-
 9 1920, navy and marine operations in China 1937-1939 and Yangtze
 10 service with navy and marines in Shanghai or in the Yangtze
 11 Valley 1926-1927 and 1930-1932 or of the Korean Conflict at
 12 any time between June 25, 1950, and January 31, 1955, both
 13 dates inclusive, or those who served on active duty during
 14 the Vietnam Conflict beginning August 5, 1964, and ending
 15 June 30, 1973, both dates inclusive, ~~and as defined in section~~
 16 356-2.

17 Sec. 58. Section 448.2, unnumbered paragraph 2, Code 1981,
 18 is amended to read as follows:

19 KNOW ALL MEN BY THESE PRESENTS, that the following described
 20 real estate, ~~via~~ property.: (Here follows the description),
 21 situated in the county of and state of Iowa, was
 22 subject to taxation for the year (or years) A.D.,
 23 and the taxes assessed thereon for the year (or years)
 24 ~~aforesaid~~ stated remained due and unpaid at the date of the
 25 sale ~~hereinafter~~ named; and the treasurer of ~~said~~ the county,
 26 ~~having~~ on the day of, A.D.,
 27 by virtue of the authority ~~in him~~ vested by law in the
 28 treasurer, at (an adjournment of) the sale begun and publicly
 29 held on the ~~first~~ third Monday of June, A.D.,
 30 exposed to public sale at the office of the county treasurer
 31 in the county ~~aforesaid~~ named, in substantial conformity with
 32 all the requirements of the statute, the real property above
 33 described, for the payment of the taxes, interest and costs
 34 then due and remaining unpaid on ~~said~~ the property, and at
 35 ~~the~~ that time and place ~~aforesaid~~ A B

1 of the county of and state of, having
 2 offered to pay the sum of dollars and
 3 cents, being the whole amount of taxes, interest and costs
 4 then due and remaining unpaid on said the property, for (here
 5 follows the description of the property sold) which was the
 6 least quantity bid for, and payment of said that sum having
 7 been was made by him that person to said the treasurer, the
 8 property was stricken off to him that person at that price;
 9 and the-said A B did, on the
 10 day of, A.D., duly assign the certificate
 11 of the sale of the property as-aforesaid and all his right,
 12 title and interest to said the property to E F
 13 of the county of and state of;
 14 and by the affidavit of, filed in said the
 15 treasurer's office on the day of, A.D.
 16, it appears that notice has been given more than
 17 ninety days before the execution of ~~these-presents~~ this deed
 18 to and of the expiration of the time
 19 of redemption allowed by law; and three years having have
 20 elapsed since the date of said the sale, and said the property
 21 having has not been redeemed ~~therefrom~~:

22 Sec. 59. Section 455.57, Code 1981, is amended to read
 23 as follows:

24 455.57 LEVY--INTEREST. When the board has finally
 25 determined the matter of assessments of benefits and
 26 apportionment, it shall levy such the assessments as fixed
 27 by it upon the lands within such the district, but any
 28 assessment on any tract, parcel or lot within the district
 29 which is computed at less than two dollars shall be fixed
 30 at the sum of two dollars. All assessments shall be levied
 31 at that time as a tax and shall bear interest at not to exceed
 32 ~~seven-percent-per-annum~~ the rate permitted by chapter 74A
 33 from that date, payable annually, except as hereinafter
 34 provided as to cash payments ~~thereof~~ within a specified time.

35 Sec. 60. Section 455B.116, subsection 2, Code 1981, is

1 amended to read as follows:

2 2. The executive director may use any resources available
3 under the hazardous condition contingency plan to provide
4 for the removal of hazardous substances. If the executive
5 director finds that public agencies cannot provide the
6 necessary labor or equipment or if the executive director
7 determines that emergency conditions exist, the executive
8 director may contract with any private person or agency for
9 removal of the hazardous substance. In those cases where
10 equipment or services are obtained from any public or private
11 person or agency under emergency conditions, section 455B-7
12 455B.5, subsection 5-~~shall~~ 7 does not apply.

13 Sec. 61. Section 460.11, Code 1981, is amended to read
14 as follows:

15 460.11 LAWS APPLICABLE. All proceedings for the
16 construction and maintenance of highway drainage districts
17 except as provided for in this chapter shall be as provided
18 for in chapters 455 ~~to~~, 457, 458, and 459.

19 Sec. 62. Section 462.20, Code 1981, is amended to read
20 as follows:

21 462.20 LEVEE AND PUMPING STATION DISTRICTS. ~~The-presently~~
22 ~~acting-de-facto-members-of-the-boards-of-trustees-of-drainage~~
23 ~~or-levee-districts-having-pumping-stations-are-hereby-declared~~
24 ~~to-be-the-legally-constituted-members-of-such-boards,-the~~
25 ~~terms-of-such-present-trustees-shall-expire-on-the-fourth~~
26 ~~Saturday-of-January,-1958,-1959-and-1960-respectively-and~~
27 ~~the-length-of-the-term-of-each-present*-trustee-shall-be~~
28 ~~determined-by-lot-at-a-meeting-to-be-held-on-the-third-Saturday~~
29 ~~of-August,-1957.--Thereafter,-in~~ In levee and drainage
30 districts having pumping stations trustees shall hold office
31 until the fourth Saturday in January three years after
32 election. ~~At-an-election-to-be-held-on-the-third-Saturday~~
33 ~~in-January,-1958-and-on~~ On the third Saturday in January of
34 each year ~~thereafter~~ a trustee shall be elected for a term
35 of three years to succeed the member of the board whose term

1 will expire on the following Saturday. At such the election
2 there shall also be elected, if necessary, a trustee ~~or~~
3 ~~trustees~~ to fill any vacancy ~~or vacancies~~ which may have
4 occurred before such the election.

5 Sec. 63. Section 462.21, Code 1981, is amended to read
6 as follows:

7 462.21 DIVISION OF DISTRICTS UNDER TRUSTEES. ~~In all~~
8 ~~districts already under trustee management, the board of~~
9 ~~trustees shall, prior to the election of trustees in the year~~
10 ~~1925, divide the district for which they are trustees, into~~
11 ~~election districts, and at the election for that and each~~
12 ~~succeeding year, when~~ When a trustee is to be elected, it
13 shall be for a specified election district within such the
14 district.

15 Sec. 64. Section 466.8, Code 1981, is amended to read
16 as follows:

17 466.8 LAWS APPLICABLE. In the establishment and
18 maintenance of levee and drainage districts in co-operation
19 with the United States as in this chapter provided, all the
20 proceedings ~~for said purpose~~ in the filing and the form and
21 substance of the petition, assessment of damages, appointment
22 of an engineer, ~~his~~ the engineer's surveys, plats, profiles,
23 and report, notice of hearings, filing of claims and
24 objections, hearings ~~thereon~~, appointment of commissioners
25 to classify lands, assess benefits, and apportion costs and
26 expenses, report, notice and hearing ~~thereon~~ on the report,
27 the appointment of a supervising engineer, ~~his~~ the engineer's
28 duties, the letting of work and making contracts, payment
29 for work, levy and collection of drainage or levee assessments
30 and taxes, the issue of improvement certificates and drainage
31 or levee bonds, the taking of appeals and the manner of trial
32 ~~thereof~~ of appeals, and all other proceedings relating to
33 such the district shall be as provided in chapters 455 ~~to~~
34 and 456 through 465 except as otherwise in this chapter
35 provided.

1 Sec. 65. Section 491.1, Code 1981, is amended to read
2 as follows:

3 491.1 WHO MAY INCORPORATE. Any number of persons may
4 become incorporated under this chapter prior to July 1, 1971
5 for the transaction of any lawful business, but ~~such~~
6 incorporation confers no power or privilege not possessed
7 by natural persons, except as ~~hereinafter~~ provided in this
8 chapter. All domestic corporations shall be organized under
9 chapter 496A only, except for corporations which are to become
10 subject to ~~the provisions of~~ one or more of the following
11 chapters: 174, 176, ~~482,~~ 499, 499A, 504A, 506, 508, 510,
12 512, 514, 515, 515A, 518, 518A, 519, 524, 533, and 534.

13 Sec. 66. Section 516A.1, unnumbered paragraph 2, Code
14 1981, is amended to read as follows:

15 However, the named insured ~~shall have the right to~~ may
16 reject all of such coverage, or ~~to~~ reject the uninsured motor
17 vehicle or hit-and-run motor vehicle coverage, or ~~to~~ reject
18 the underinsured motor vehicle coverage, ~~(such coverage)~~ by
19 written rejections signed by the named insured. If ~~such~~
20 rejection is made on a form or document furnished by an
21 insurance company or insurance agent, it shall be on a separate
22 sheet of paper which contains only ~~such~~ the rejection and
23 information directly related thereto. Such coverage need
24 not be provided in or supplemental to a renewal policy ~~where~~
25 if the named insured has rejected ~~such~~ the coverage in
26 connection with a policy previously issued to ~~him~~ the named
27 insured by the same insurer.

28 Sec. 67. Section 536B.8, subsection 3, Code 1981, is
29 amended to read as follows:

30 3. If upon liquidation of a member the amount available
31 in the guaranty guarantee fund is insufficient to pay up to
32 ten thousand dollars for each thrift certificate obligation
33 specified in section 536B.7, the auditor may make demand upon
34 the guaranty corporation for advance payment of annual
35 assessments to become due in ~~such~~ amounts as required to meet

1 the deficiency, but not exceeding two times the maximum
2 assessment that could have been levied on each member on the
3 prior May 1 as the annual assessment if the net amount in
4 the fund the preceding December 31 had been less than the
5 greater of two million dollars or two percent of the total
6 thrift certificates of all members. Any amount prepaid by
7 a member shall be credited against subsequent annual
8 assessments, and the member shall pay the balance of the
9 annual assessments thus due, if any, or shall be refunded
10 any amount overpaid as a result of the advance assessment.
11 ~~At no time shall a~~ A member shall not be required to be prepaid
12 in excess of two years.

13 Sec. 68. Section 536B.14, subsection 3, Code 1981, is
14 amended to read as follows:

15 3. Expenses of administration that exceed income from
16 investments at the end of the fiscal year of the ~~guarantee~~
17 guaranty corporation shall be charged to members' accounts.
18 Each member's account shall be charged ratably based on member
19 account balances for the amount of the excess of expenses
20 over income.

21 Sec. 69. Section 537.1301, unnumbered paragraph 1, Code
22 1981, is amended to read as follows:

23 As used in this ~~Act~~ chapter, unless otherwise required
24 by the context:

25 Sec. 70. Section 537.7103, subsection 3, paragraph a,
26 subparagraph (6), Code 1981, is amended to read as follows:

27 (6) Communicating with the debtor's employer once during
28 any one-month period, if the purpose of the communication
29 is to verify with an employer the fact of the debtor's
30 employment and if the debt collector does not disclose, except
31 as permitted in subparagraph (5), any information other than
32 the fact that a debt exists. This subparagraph ~~shall~~ does.
33 not authorize a ~~debtor~~ debt collector to disclose to an
34 employer the fact that a debt is in default.

35 Sec. 71. Section 565A.11, Code 1981, is amended to read

1 as follows:

2 565A.11 LAWS NOT APPLICABLE. ~~Section-668-3-and-all-other~~
3 ~~laws~~ Laws of this state contrary to ~~the-provisions-of~~ this
4 chapter, ~~shall~~ do not apply to the custodial property of a
5 minor held by the custodian under this chapter.

6 Sec. 72. Section 598.21, subsection 1, paragraph h, Code
7 1981, is amended to read as follows:

8 h. The amount and duration of an order granting support
9 payments to either party pursuant to subsection 2 3 and whether
10 the property division should be in lieu of such payments.

11 Sec. 73. Section 617.3, unnumbered paragraphs 5 and 6,
12 Code 1981, are amended to read as follows:

13 The original notice of suit filed with the secretary of
14 state shall be in form and substance the same as provided
15 ~~in suits-against-residents-of-this-state,-except-that-that~~
16 ~~part-of-said-notice-pertaining-to-the-return-day-shall-be~~
17 ~~in-substantially-the-following-form,-to-wit-~~

18 ~~"and-unless-you-appear-thereto-and-defend-in-the-district~~
19 ~~court-of-Iowa-in-and-for------county-at-the-courthouse~~
20 ~~in------Iowa-within-sixty-days-following-the-filing~~
21 ~~of-this-notice-with-the-seecretary-of-state-of-the-state-of~~
22 ~~Iowa,-default-will-be-entered-and-judgment-rendered-against~~
23 ~~you-by-the-court-"~~ rules of civil procedure, form 3.

24 Sec. 74. Section 633.376, Code 1981, is amended to read
25 as follows:

26 633.376 ALLOWANCE TO MINOR CHILDREN WHO DO NOT RESIDE
27 WITH SURVIVING SPOUSE. The court may also make an allowance
28 to a child of the decedent who is less than eighteen years
29 of age or who is between the ages of eighteen and twenty-two
30 years who is regularly attending an approved school in
31 pursuance of a course of study leading to a high school diploma
32 or its equivalent, or regularly attending a course of
33 vocational technical training either as a part of a regular
34 school program or under special arrangements adapted to the
35 individual person's needs; or is, in good faith, a full-time

1 student in a college, university, or area school; or has been
2 accepted for admission to a college, university, or area
3 school and the next regular term has not yet begun; or a child
4 of any age who is dependent ~~on-the-parties-to-the-dissolution~~
5 ~~proceedings~~ because of physical or mental disability; who
6 does not reside with the surviving spouse, of such an amount
7 as it deems reasonable in the light of the assets and condition
8 of the estate, to provide for their proper support during
9 such the period of twelve months.

10 Sec. 75. Section 675.29, Code 1981, is amended to read
11 as follows:

12 675.29 DESERTION STATUTE APPLICABLE. The provisions of
13 chapter ~~731~~ 726, relating to desertion and abandonment of
14 children, ~~shall~~ have the same force and effect in cases of
15 illegitimacy where paternity has been judicially established,
16 or has been acknowledged by the father in writing or by the
17 furnishing of support, as in cases of children born in wedlock.

18 Sec. 76. Section 805.6, subsection 1, paragraph c, sub-
19 paragraphs (1) and (2), Code 1981, are amended to read as
20 follows:

21 (1) If the offense is one to which a scheduled fine is
22 applicable, an amount equal to one and one-half times the
23 scheduled fine plus ~~five~~ six dollars costs ~~+-ex.~~

24 (2) If the violation charged involved or resulted in an
25 accident or injury to property and the total damages are less
26 than two hundred fifty dollars, the amount of fifty dollars
27 and ~~five~~ six dollars costs. If the violation is for any
28 offense for which a court appearance is mandatory, the amount
29 of one hundred dollars plus ~~five~~ six dollars costs.

30 Sec. 77. Section 805.9, subsections 1 and 2, Code 1981,
31 are amended to read as follows:

32 1. In cases of scheduled violations, the defendant, before
33 the time specified in the citation and complaint for appearance
34 before the court, may sign the admission of violation on the
35 citation and complaint and deliver or mail the citation and

1 complaint, together with the minimum fine for the violation,
2 plus ~~five~~ six dollars costs, to a scheduled violations office
3 in the county. The office shall, if the offense is a moving
4 violation under chapter 321, forward a copy of the citation
5 and complaint and admission to the department of transportation
6 as required by section 321.207. Thereupon the defendant shall
7 not be required to appear before the court. The admission
8 ~~shall-constitute~~ constitutes a conviction.

9 2. A defendant charged with a scheduled violation by
10 information may obtain two copies of the information from
11 the court and, before the time ~~he-er-she~~ the defendant is
12 required to appear before the court, deliver or mail ~~such~~
13 the copies, together with ~~his-er-her~~ the defendant's admission,
14 fine, and ~~five~~ six dollars costs, to the scheduled violations
15 office in the county. The procedure, fine, and costs shall
16 be the same as when the charge is by citation and complaint,
17 with the admission and the number of the defendant's operator's
18 or chauffeur's license placed upon the information, when the
19 violation involves the use of a motor vehicle.

20 Sec. 78. Section 805.9, subsection 3, paragraphs a and
21 b, and subsections 5 and 6, Code 1981, are amended to read
22 as follows:

23 a. If the defendant wishes to admit the violation, the
24 officer may release the defendant upon observing the ~~person~~
25 defendant mail the citation and complaint, admission, and
26 minimum fine, together with ~~five~~ six dollars costs, to a
27 traffic violations office in the county, in an envelope
28 furnished by the officer. The admission shall constitute
29 a conviction and judgment in the amount of the scheduled fine
30 plus ~~five~~ six dollars costs. The officer may allow the
31 defendant to use a credit card pursuant to rules adopted
32 pursuant to section 805.14 by the department of public safety
33 or to mail a check in the proper amount in lieu of cash.
34 If the check is not paid by the drawee for any reason, the
35 defendant may be held in contempt of court. The officer shall

1 advise the defendant of the penalty for nonpayment of the
2 check.

3 b. If the defendant does not comply with paragraph "a"
4 of this subsection, the officer may release the defendant
5 upon observing ~~him~~ the defendant mail to a court in the county
6 the citation and complaint and one and one-half times the
7 minimum fine together with ~~five~~ six dollars costs, or in lieu
8 of one and one-half times the fine and the costs, a guaranteed
9 arrest bond certificate as provided in section 321.1,
10 subsection 71, as bail together with the following statement
11 signed by the defendant:

12 "I agree that either (1) I will appear pursuant to this
13 citation or (2) if I do not appear in person or by counsel
14 to defend against the offense charged in this citation the
15 court is authorized to enter a conviction and render judgment
16 against me for the amount of one and one-half times the
17 scheduled fine plus ~~five~~ six dollars costs."

18 5. A defendant charged with a scheduled violation who
19 does not fully comply with subsection 1, 2, 3, or 4 of this
20 section before the time required to appear before the court
21 ~~must~~ shall, at that time, appear before the court. If ~~such~~
22 the defendant admits the violation, the procedure and fine,
23 without suspension, after the hearing shall be the same before
24 the court as before the traffic violations office with ~~five~~
25 six dollars court costs, without prejudice, when applicable,
26 to proceedings under section 321.487.

27 6. The ~~five~~ six dollars in costs imposed by this section
28 shall be the total costs collectible from any defendant upon
29 either an admission of a violation without hearing, or upon
30 a hearing pursuant to subsection 4. Fees shall not be imposed
31 upon or collected from any defendant for the purposes specified
32 in section 606.15, subsection 9, 10 or 20.

33 Sec. 79. Rule of civil procedure 56.1, subdivision (h),
34 Code 1981, is amended to read as follows:

35 (h) Upon any city ~~or town~~ by serving its mayor or clerk.

1 Sec. 80. Chapter 93A and sections 148A.5 and 404.8, Code
2 1981, are repealed.

3 EXPLANATION

4 Sections 1 and 2 provide for publication of the rules of
5 criminal procedure, as well as the other court rules.

6 Sections 3, 8, 17, 19, 27, 28, 29, 30, 34, 37, 38, 39,
7 48, and 54 change incorrect names of officers, agencies, or
8 institutions.

9 Section 4 substitutes the term "spouses" for "wives" in
10 the conflicts of interest law.

11 Sections 5, 6, 10, 11, 16, 20, 21, 24, 26, 33, 35, 36,
12 40, 45, 51, 53, 55, 56, 57, 60, 65, 69, 71, 72, and 75 change
13 references which are incorrect or are to sections which have
14 been renumbered or repealed.

15 Sections 7, 62, and 63 strike temporary provisions which
16 have expired.

17 Section 9 provides for transmission of building code rules
18 to the administrative rules coordinator instead of the
19 secretary of state.

20 Sections 12, 13, and 14 delete references to chapter 413,
21 the state housing code, which has been repealed. Since cities
22 now adopt one of several different housing codes, the
23 requirement that departmental rules relating to hospitals
24 and health care facilities shall at least meet housing code
25 standards was deleted, as it would be difficult for the
26 department to adjust its rules to varying standards in
27 different cities.

28 Section 15 deletes a reference to monthly fees for mobile
29 homes, which are no longer in the chapter.

30 Sections 18 and 49 substitute a reference to "simple
31 misdemeanor" for language which described the penalty. Section
32 52 deletes an unnecessary reference relating to the simple
33 misdemeanor penalty.

34 Sections 22 and 23 strike repetitious language and
35 substitute the word "descendants" for the apparently incorrect

1 "ascendants" in the corporate farming chapter.

2 (Note: although it appears the two subsections of 173C.1
3 should have the same terminology, it is not clear which word
4 was intended, nor whose spouses are included.)

5 Section 25 makes a reference to senate confirmation
6 compatible with the 1980 legislation on that subject.

7 Section 31 deletes a reference to a repealed section and
8 substitutes similar language to that which was in the repealed
9 section.

10 Section 32 deletes the phrase "tax exempt" which is
11 inapplicable to a mortgage loan under chapter 220. Bonds
12 issued to provide the mortgage loans may be tax exempt.

13 Section 41 changes a reference to "sales tax" to "use tax"
14 in relation to motor vehicles.

15 Section 42 deletes the phrase "auxiliary axle" which is
16 no longer used in the chapter.

17 Sections 43 and 44 delete references to persons who are
18 covered by the phrase "peace officer".

19 Sections 46 and 47 delete references to different types
20 of licenses which are now covered by the term "motor vehicle
21 license".

22 Sections 50 and 73 delete requirements for certain court
23 forms and substitute reference to the R.C.P. form which is
24 applicable.

25 Section 58 changes the reference from the first Monday
26 to the third Monday of June for the tax sale, and updates
27 language in the deed form.

28 Section 59 changes a reference to 7 percent interest for
29 drainage district special assessments to the "rate permitted
30 by chapter 74A", compatible with 1980 legislation.

31 Sections 61 and 64 list applicable chapter numbers rather
32 than a reference which includes chapters which are no longer
33 applicable to the content of the section.

34 Section 66 deletes words which seem to have no meaning
35 in the sentence.

1 Sections 67 and 68 correct the spelling of the words
2 "guaranty" in the term "guaranty corporation" and "guarantee"
3 in the term "guarantee fund", and section 70 substitutes the
4 word "debt" for "debtor" in the term "debt collector".

5 Section 74 deletes words which seem to have no application
6 to a section in the probate code. The same words are in the
7 dissolution of marriage chapter, and apparently were placed
8 in the probate code inadvertently.

9 Sections 76, 77, and 78 change references to costs for
10 scheduled violations from \$5.00 to \$6.00. This is compatible
11 with 1980 legislation, which changed some of the references
12 but missed others. An opinion of the attorney general has
13 stated that the legislative intent was to increase these costs
14 to \$6.00.

15 Section 79 deletes a reference to "town" in a rule of civil
16 procedure.

17 Section 80 repeals chapter 93A and section 148A.5, which
18 are temporary provisions, and section 404.2 which is tied
19 to a section formerly repealed.

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SENATE FILE 491

S-3448

1 Amend Senate File 491 as follows:

2 1. Page 29, by inserting after line 35 the
3 following:

4 "Sec. _____. If legislation prescribing the title,
5 administrative structure, and specific powers and
6 duties of the unified state mental health agency has
7 not been approved prior to July 1, 1981 and
8 notwithstanding sections 225B.2, 225B.8, Acts of the
9 Sixty-eighth General Assembly, 1980 Session, chapter
10 1001, section 15, Acts of the Sixty-eighth General
11 Assembly, 1979 Session, chapter 54, section 3, and
12 Acts of the Sixty-seventh General Assembly, 1978
13 Session, chapter 1087, section 21, the division of
14 mental health resources of the department of social
15 services and the Iowa mental health authority shall
16 continue to be governed respectively by sections
17 217.10 through 217.12, Code 1981 and chapter 225B,
18 Code 1977, until July 1, 1982. The Iowa mental health
19 authority shall continue to be the designated state
20 agency for the purpose of directing the benefits of
21 United States Pub. L. No. 79-487, 60 Stat. L. 538(1946)
22 and amendments thereto."

23 2. By renumbering sections as necessary.

S-3448 FILED
APRIL 9, 1981

BY SUE YENGER
TOM SLATER
RICHARD DRAKE

S-3326

1 Amend Senate File 491 as follows:

2 1. Page 24, by inserting after line 27 the
3 following:4 "Sec. 67. Section 524.706, subsection 1, paragraph
5 c, Code 1981, is amended to read as follows:6 c. For the purposes of this subsection the term
7 "executive officer" means every officer of a state
8 bank who participates or has authority to participate,
9 otherwise than in the capacity of a director, in major
10 policymaking functions of the bank, regardless of
11 whether he the officer has an official title or whether
12 ~~his~~ the officer's title contains a designation of
13 assistant and regardless of whether he the officer
14 is serving without salary or other compensation.
15 The ~~chairman~~ chairperson of the board, the president,
16 every vice president, the cashier, secretary, and
17 treasurer of a state bank are assumed to be executive
18 officers, unless, by resolution of the board of
19 directors or by the bank's bylaws, but subject to
20 contrary notice by the superintendent as provided
21 for in section ~~524-704~~ 524.701, any such officer is
22 excluded from participation in major policymaking
23 functions, otherwise than in the capacity of a director
24 of the bank, and he the officer does not actually
25 participate therein."

26 2. By renumbering sections as necessary.

S-3326 FILED

BY LUCAS J. DeKOSTER

APRIL 1, 1981

Placed out of order 4/10 (p. 1211)

SENATE FILE 491

S-3428

1 Amend Senate File 491 as follows:

2 1. Page 2, by inserting after line 27 the
3 following:4 "Sec. ____ . Section 86.9, Code 1981, is amended
5 to read as follows:6 86.9 BIENNIAL REPORTS. The commissioner shall,
7 at the time provided by law, make a biennial report
8 to the governor setting forth in appropriate form
9 the business and expense of the office for the two
10 preceding years, ~~the number of arbitrations and the~~
11 ~~results thereof,~~ and such other matters pertaining
12 to ~~his~~ the office as may be of public interest,
13 together with any recommendations for change or
14 amendment of the laws as found in this chapter and
15 chapters 85 and 87, and ~~such~~ the recommendations,
16 if any, shall be transmitted by the governor to the
17 first general assembly in session thereafter."

18 2. By renumbering sections as necessary.

S-3428 FILED

BY BOB RUSH

APRIL 8, 1981

S-3449

1 Amend Senate File 491 as follows:

2 1. Page 17, by inserting after line 11 the
3 following:

4 "Sec. ____ Section 321.382, Code 1981, is amended
5 to read as follows:

6 321.382 UPGRADE PULLS--MINIMUM SPEED. No A motor
7 vehicle or combination of vehicles, which cannot
8 proceed up a three percent grade, on dry concrete
9 pavement, at a minimum speed of twenty miles per hour,
10 shall not be operated, ~~after January 1, 1938,~~ upon
11 the highways of this state."

12 2. Page 24, by inserting after line 27 the
13 following:

14 "Sec. 67. Section 524.706, subsection 1, paragraph
15 c, Code 1981, is amended to read as follows:

16 c. For the purposes of this subsection the term
17 "executive officer" means every officer of a state
18 bank who participates or has authority to participate,
19 otherwise than in the capacity of a director, in major
20 policymaking functions of the bank, regardless of
21 whether he the officer has an official title or whether
22 his the officer's title contains a designation of
23 assistant and regardless of whether he the officer
24 is serving without salary or other compensation.

25 The ~~chairman~~ chairperson of the board, the president,
26 every vice president, the cashier, secretary, and
27 treasurer of a state bank are assumed to be executive
28 officers, unless, by resolution of the board of
29 directors or by the bank's bylaws, but subject to
30 contrary notice by the superintendent as provided
31 for in section ~~524-704~~ 524.701, any such officer is
32 excluded from participation in major policymaking
33 functions, otherwise than in the capacity of a director
34 of the bank, and he the officer does not actually
35 participate therein."

36 3. By renumbering sections as necessary.

S-3449 FILED
APRIL 9, 1981

BY BOB CARR
LUCAS J. DeKOSTER

Adopted 4/10/81 (p. 1211)