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SENATE FILE 136

BY COMMITTEE ON JUDICIARY  
*Approved 1/26/83*

Passed Senate, Date 2-2-83 (p. 262) Passed House, Date \_\_\_\_\_  
Vote: Ayes 46 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act to make nonsubstantive corrections to the Code.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 136

1 Section 1. Section 7A.4, Code 1983, is amended to read  
2 as follows:

3 7A.4 STATE AGENCIES AND OFFICERS TO CO-OPERATE. All state  
4 agencies and officers shall provide the office ~~of~~ for planning  
5 and programming with any information it requests pertaining  
6 to its duties under this chapter, shall assist the office  
7 in carrying out its duties, and shall provide the office with  
8 a copy of all official grant-in-aid applications, together  
9 with a copy of any program plan developed to meet federal  
10 requirements, prior to submission of ~~such~~ an application to  
11 the federal government.

12 Sec. 2. Section 80D.11, Code 1983, is amended to read  
13 as follows:

14 80D.11 EMPLOYEE--PAY. While performing official duties,  
15 each reserve peace officer shall be considered an employee  
16 of the governing body which ~~he-or-she~~ the officer represents  
17 and shall be paid a minimum of one dollar per year. The  
18 governing body of a city, county, or the state may provide  
19 additional monetary assistance for the purchase and maintenance  
20 of uniforms and equipment used by reserve peace officers ~~but~~  
21 ~~not-to-exceed-the-allowance-provided-in-section-337A-2.~~

22 Sec. 3. Section 85.59, unnumbered paragraph 8, Code 1983,  
23 is amended to read as follows:

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

31 Sec. 4. Section 87.13, Code 1983, is amended to read as  
32 follows:

33 87.13 INTERPRETATIVE CLAUSE. The ~~law-as-the-same-appears~~  
34 ~~in-sections-85-4-and-other~~ sections of chapters 85, 86, and  
35 this chapter, including the words "except as provided in this

1 chapter" as ~~the same~~ those words appear in section 85.3 and  
2 ~~insofar as it relates,~~ which relate to the right to reject  
3 the ~~terms,~~ provisions ~~and conditions~~ of the compensation law,  
4 ~~shall do~~ not apply to any an employer or employee engaged  
5 in the operation of coal mines, or production of coal, under  
6 any system of removing coal for sale, but all provisions of  
7 ~~the law~~ in chapters 85, 86, and this chapter relating to  
8 compensation for injuries sustained arising out of and in  
9 the course of such employment ~~shall be~~ are exclusive,  
10 compulsory and obligatory upon the employer and employee in  
11 such employment.

12 Sec. 5. Section 93A.4, subsection 4, Code 1983, is amended  
13 to read as follows:

14 4. The state department of agriculture, office for planning  
15 and programming, department of soil conservation, state  
16 conservation commission, ~~Iowa natural resources council,~~  
17 department of environmental quality water, air and waste  
18 management, geological survey, state agricultural extension  
19 service, and the Iowa development commission shall, upon  
20 request, provide to each county commission any pertinent land  
21 use information available to assist in the compiling of the  
22 county land use inventories.

23 Sec. 6. Section 93A.11, subsection 2, Code 1983, is amended  
24 to read as follows:

25 2. WATER PRIORITY. In the application for a permit to  
26 divert, store, or withdraw water and in the allocation of  
27 available water resources under a water permit system, the  
28 ~~Iowa natural resources council~~ department of water, air and  
29 waste management shall give priority to the use of water  
30 resources by a farm or farm operations, exclusive of  
31 irrigation, located in an agricultural area over all other  
32 uses except the competing uses of water for ordinary household  
33 purposes.

34 Sec. 7. Section 96.10, unnumbered paragraph 3, Code 1983,  
35 is amended to read as follows:

1 The director of the department may establish, consolidate,  
2 and abolish divisions of the department when necessary for  
3 the efficient performance of the ~~various-functions-and-duties~~  
4 ~~of-the~~ department ~~of-employment-security~~.

5 Sec. 8. Section 96.19, subsection 9, paragraph c, Code  
6 1983, is amended to read as follows:

7 c. An individual shall be deemed temporarily unemployed  
8 if for a period, verified by the ~~commission~~ department, not  
9 to exceed four consecutive weeks, ~~he-or-she~~ the individual  
10 is unemployed due to a plant shutdown, vacation, inventory,  
11 lack of work or emergency from ~~his-or-her~~ the individual's  
12 regular job or trade in which ~~he-or-she~~ the individual worked  
13 full-time and ~~in-which-he-or-she~~ will again work full-time,  
14 if ~~his-or-her~~ the individual's employment, although temporarily  
15 suspended, has not been terminated.

16 Sec. 9. Section 97B.41, subsection 3, paragraph b, sub-  
17 paragraph (1), Code 1983, is amended to read as follows:

18 (1) Elective officials in positions for which the  
19 compensation is on a fee basis, elective officials of school  
20 districts, elective officials of townships, and elective  
21 officials of other political subdivisions who are in part-  
22 time positions, graduate medical students while serving as  
23 interns or resident doctors in training at any hospital, or  
24 county medical examiners and deputy county medical examiners  
25 under chapter ~~339~~ 331, division V, part 7.

26 Sec. 10. Section 97C.20, unnumbered paragraph 2, Code  
27 1983, is amended to read as follows:

28 Upon receiving evidence satisfactory to ~~him~~ the governor  
29 that with respect to any such referendum the conditions  
30 specified in section 218 "d" (3) of the Social Security Act  
31 have been met, the governor shall so certify to the secretary  
32 of health, ~~education,~~ and welfare human services.

33 Sec. 11. Section 111.25, Code 1983, is amended to read  
34 as follows:

35 111.25 LEASES. The commission may recommend that the

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

25 Sec. 12. Section 111.62, Code 1983, is amended to read  
 26 as follows:

27 111.62 COPY TO DEPARTMENT. A copy of the petition and  
 28 the applications, plans, and specifications required under  
 29 chapter ~~455A~~ 455B shall be filed with the department of water,  
 30 air and waste management and any approval or permit required  
 31 under chapter ~~455A~~ 455B shall be obtained prior to the  
 32 establishment of the water recreational area or the granting  
 33 of a permit for the area by the state conservation commission.

34 Sec. 13. Section 117.29, subsection 5, Code 1983, is  
 35 amended to read as follows:

1 5. Conviction of a felony related to the profession or  
2 occupation of the licensee ~~on-the~~ or conviction of any a  
3 felony that would affect ~~his-er-her~~ the licensee's ability  
4 to practice the profession of real estate broker and ~~salesman~~  
5 salesperson. A copy of the record of conviction or plea of  
6 guilty ~~shall-be~~ is conclusive evidence.

7 Sec. 14. Section 125.76, Code 1983, is amended to read  
8 as follows:

9 125.76 APPOINTMENT OF COUNSEL FOR APPLICANT. The  
10 applicant, if not the county attorney, may apply for the  
11 appointment of counsel if financially unable to employ an  
12 attorney to assist the applicant in presenting evidence in  
13 support of the application for commitment. If the applicant  
14 applies for the appointment of counsel, the application shall  
15 include a financial statement as defined in section ~~336B-1~~  
16 331.775, subsection 3.

17 Sec. 15. Section 135B.7, Code 1983, is amended to read  
18 as follows:

19 135B.7 RULES AND ENFORCEMENT. The state department of  
20 health with the advice of the hospital licensing board, shall  
21 ~~adopt,-amend,-promulgate~~ and enforce ~~such~~ rules and standards  
22 ~~with-respect-to~~ for the different types of hospitals to be  
23 licensed ~~hereunder-as-may-be-designed~~ under this chapter,  
24 to further the ~~accomplishment-of-the~~ purposes of the chapter.  
25 ~~Rules-and-standards-may-be-adopted-imposing-requirements-in~~  
26 ~~excess-of-these-provided-in-chapter-413,-but-no-rule-or~~  
27 ~~standard-shall-be-adopted-imposing-requirements-less-than~~  
28 ~~these-provided-by-said-chapter---No-rules~~ Rules or standards  
29 shall not be adopted or enforced which would have the effect  
30 of denying a license to a hospital or other institution  
31 required to be licensed ~~hereunder~~, solely by reason of the  
32 school or system of practice employed or permitted to be  
33 employed by physicians ~~therein,-provided-that-such~~ in the  
34 hospital if the school or system of practice is recognized  
35 by the laws of this state.

1 Sec. 16. Section 135B.17, unnumbered paragraph 1, Code  
2 1983, is amended to read as follows:

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

8 Sec. 17. Section 135C.14, subsection 1, Code 1983, is  
9 amended to read as follows:

10 1. Location and construction of the facility, including  
11 plumbing, heating, lighting, ventilation, and other housing  
12 conditions, which shall ensure the health, safety and comfort  
13 of residents and protection from fire hazards. ~~Such rules~~  
14 ~~and standards regarding location and construction of the home~~  
15 ~~may impose requirements in excess of those provided in chapter~~  
16 ~~413 but shall not impose requirements less than those provided~~  
17 ~~by such chapter.~~ The rules of the department relating to  
18 protection from fire hazards and fire safety shall be  
19 promulgated by the state fire marshal, and shall be in keeping  
20 with the latest generally recognized safety criteria for the  
21 facilities covered of which the applicable criteria recommended  
22 and published from time to time by the national fire protection  
23 association ~~shall be~~ are prima-facie evidence.

24 Sec. 18. Section 135D.15, Code 1983, is amended to read  
25 as follows:

26 135D.15 SEASONAL OPERATION. If ~~any~~ an applicant for a  
27 mobile home park license desires to operate ~~such~~ the mobile  
28 home park only during the months from May 1 to October 1,  
29 ~~they should~~ the applicant shall pay only one-half of the  
30 ~~above-mentioned~~ annual license fee, ~~but should pay the full~~  
31 ~~monthly fees hereinbefore required for each month of operation.~~  
32 If in the opinion of the state department of health the  
33 sanitary and facility requirements ~~herein contained~~ in this  
34 chapter are too rigid for the mobile home park, it may in  
35 writing or by regulation modify ~~such~~ the requirements as

1 circumstances may permit and require.

2 Sec. 19. Section 137.6, subsection 4, Code 1983, is amended  
3 to read as follows:

4 4. Employ ~~such-employees~~ persons as are necessary for  
5 the efficient discharge of its duties. Employment practices  
6 shall meet the requirements of the Iowa merit ~~system-council~~  
7 employment commission or any civil service provision adopted  
8 under chapter 400.

9 Sec. 20. Section 144.1, subsection 8, Code 1983, is amended  
10 to read as follows:

11 8. "Filing" means the presentation of a certificate,  
12 report, or other record, provided for in this chapter, of  
13 a birth, death, fetal death, adoption, marriage, ~~diveree~~  
14 dissolution, or annulment for registration by the division.

15 Sec. 21. Section 144.2, Code 1983, is amended to read  
16 as follows:

17 144.2 DIVISION OF RECORDS AND STATISTICS. There is ~~hereby~~  
18 established in the department a division for records and  
19 statistics which shall install, maintain, and operate the  
20 system of vital statistics throughout the state. No system  
21 for the registration of births, deaths, fetal deaths,  
22 adoptions, marriages, ~~diverees~~ dissolutions, and annulments,  
23 shall be maintained in the state or any of its political  
24 subdivisions other than the one provided for in this chapter.  
25 Suitable quarters shall be provided for the division by the  
26 executive council at the seat of government. The quarters  
27 shall be properly equipped for the permanent and safe  
28 preservation of all official records made and returned under  
29 this chapter.

30 Sec. 22. Section 144.37, unnumbered paragraphs 2 and 3,  
31 Code 1983, are amended to read as follows:

32 The clerk of the district court in each county shall keep  
33 a record book for ~~diverees~~ dissolutions. The form of ~~diveree~~  
34 dissolution record books shall be uniform throughout the state  
35 and shall be prescribed by the state department. ~~Diveree~~

1 Dissolution record books shall be provided at county expense.  
2 A properly indexed record of ~~diverees~~ dissolutions upon  
3 microfilm, electronic computer, or data processing equipment  
4 may be kept instead of ~~diveree~~ record books.

5 On or before the tenth day of each calendar month, the  
6 clerk of court shall forward to the state registrar the record  
7 of each ~~diveree~~ dissolution and annulment granted during the  
8 preceding calendar month and ~~such~~ related reports ~~as-may-be~~  
9 required by regulations issued under this chapter.

10 Sec. 23. Section 144.51, Code 1983, is amended to read  
11 as follows:

12 144.51 INFORMATION BY OTHERS FURNISHED ON DEMAND. Any  
13 person having knowledge of the facts shall furnish information  
14 ~~he-may-possess~~ the person possesses regarding any birth,  
15 death, fetal death, adoption, marriage, ~~diveree~~ dissolution,  
16 or annulment, upon demand of the state registrar or ~~his~~ the  
17 state registrar's representative.

18 Sec. 24. Section 145A.20, Code 1983, is amended to read  
19 as follows:

20 145A.20 REVENUE BONDS. In addition to any other provisions  
21 of this chapter and for the purpose of acquiring, constructing,  
22 equipping, enlarging or improving a hospital building or any  
23 part thereof, merged areas may issue revenue bonds as provided  
24 in ~~section-347A-2~~ chapter 331, division IV, part 4.

25 Sec. 25. Section 147.21, unnumbered paragraph 3, Code  
26 1983, is amended to read as follows:

27 A member of the board who willfully communicates or seeks  
28 to communicate such information, and any person who willfully  
29 requests, obtains, or seeks to obtain such information, is  
30 guilty of a ~~public-offense-which-is-punishable-by-a-fine-not~~  
31 ~~exceeding-one-hundred-dollars-or-by-imprisonment-in-the-county~~  
32 ~~jail-for-not-more-than-thirty-days~~ simple misdemeanor.

33 Sec. 26. Section 148A.4, subsections 1 and 2, Code 1983,  
34 are amended to read as follows:

35 1. Be a graduate of an accredited high school and have

1 completed a course of study in, and hold a diploma or  
2 certificate issued by a school of physical therapy approved  
3 by the board of physical and occupational therapy examiners.

4 2. Have passed an examination administered by the board  
5 of physical and occupational therapy examiners.

6 Sec. 27. Section 153A.3, Code 1983, is amended to read  
7 as follows:

8 153A.3 APPRENTICE OPHTHALMIC DISPENSERS. A person employed  
9 by a physician and surgeon, osteopathic physician, osteopathic  
10 physician and surgeon, optometrist, or certified ophthalmic  
11 dispenser for the purpose of obtaining practical experience  
12 and skill as an ophthalmic dispenser shall be registered with  
13 the state department as an apprentice. Persons desiring to  
14 be registered as an apprentice shall file an application with  
15 the state department of health on a form provided by the state  
16 department. The application shall be signed by the applicant  
17 and the applicant's employer and accompanied by the  
18 registration fee prescribed under section ~~147-80~~ 153A.11.

19 Sec. 28. Section 155.37, subsection 1, paragraph b, Code  
20 1983, is amended to read as follows:

21 b. If the cost of the prescription or any part thereof  
22 ~~shall~~ of it will be paid by expenditure of public funds  
23 authorized under ~~chapters~~ chapter 239, 249, 249A, 252, 253,  
24 ~~254,~~ or 255, the pharmacist shall exercise ~~his-or-her~~  
25 professional judgment by selecting a drug product of the same  
26 generic name and demonstrated bioavailability but of a lesser  
27 cost than the one prescribed for dispensing and sale to the  
28 person unless the physician, dentist, or podiatrist  
29 specifically states that only that designated brand or trade  
30 name drug product is to be dispensed. ~~Under-no-circumstances~~  
31 ~~shall~~ However, a pharmacy to which the prescription is  
32 presented or communicated be is not required to substitute  
33 a drug product of the same generic name and demonstrated  
34 bioavailability but of lesser cost unless the pharmacy has  
35 in stock one or more ~~other~~ such drug products.

1     Sec. 29. Section 170B.3, unnumbered paragraph 2, Code  
2 1983, is amended to read as follows:

3     If a municipal corporation wants its local board of health  
4 to license, inspect, and otherwise enforce the Iowa hotel  
5 sanitation code within its jurisdiction, the municipal  
6 corporation may enter into an agreement to do so with the  
7 secretary. The secretary may enter into ~~such-an~~ the agreement  
8 if the secretary finds that the local board of health has  
9 adequate resources to perform the required functions. A  
10 municipal corporation may only enter into an agreement to  
11 enforce the Iowa hotel sanitation code if it also agrees to  
12 enforce the Iowa food service sanitation code pursuant to  
13 section ~~170B-4~~ 170A.4 and to enforce the food and beverage  
14 vending machine laws pursuant to section 191A.14.

15     Sec. 30. Section 172C.8, subsection 3, Code 1983, is  
16 amended to read as follows:

17     3. Any nonresident alien identified as a beneficiary in  
18 a report filed with the secretary of state pursuant to section  
19 172C.7, subsection 3, shall file with the secretary of state  
20 on or before March 31 of each year on forms supplied by the  
21 secretary of state, a report containing the information set  
22 forth in section ~~567-9~~ 567.8, with respect to land owned by  
23 a fiduciary or trustee on behalf of the nonresident alien.

24     Sec. 31. Section 175.3, subsection 1, Code 1983, is amended  
25 to read as follows:

26     1. The Iowa family farm development authority is  
27 established, and constituted a public instrumentality and  
28 agency of the state exercising public and essential  
29 governmental functions. The authority is established to  
30 undertake programs which assist beginning farmers in purchasing  
31 agricultural land and agricultural improvements and depreciable  
32 agricultural property for the purpose of farming and programs  
33 which provide financing to farmers for permanent soil and  
34 water conservation practices on agricultural land within the  
35 state or for the acquisition of conservation farm equipment.

1 The powers of the authority shall-be are vested in and  
2 exercised by a board of eleven members with nine members  
3 appointed by the governor ~~with-the-approval-of-two-thirds~~  
4 ~~of-the-members-of~~ subject to confirmation by the senate.  
5 The treasurer of state and the secretary of agriculture are  
6 ex officio nonvoting members. No more than five members shall  
7 belong to the same political party. As far as possible the  
8 governor shall include within the membership persons who  
9 represent financial institutions experienced in agricultural  
10 lending, the real estate sales industry, farmers, beginning  
11 farmers, average taxpayers, local government, and any other  
12 person specially interested in family farm development.

13 Sec. 32. Section 189.2, subsection 4, Code 1983, is amended  
14 to read as follows:

15 4. Issue from time to time, bulletins showing the results  
16 of inspections, analyses, and prosecutions under this title.  
17 These bulletins shall be printed in such numbers as may be  
18 approved by the ~~state~~ superintendent of printing board and  
19 shall be distributed to the newspapers of the state and to  
20 all interested persons.

21 Sec. 33. Section 206.2, subsection 26, Code 1983, is  
22 amended to read as follows:

23 26. ~~The-term-"state~~ "State restricted use pesticide" means  
24 any a pesticide which is restricted for sale, use, or  
25 distribution under ~~the-authority-of~~ section ~~455B-131~~ 455B.471.

26 Sec. 34. Section 206.6, subsection 1, unnumbered para-  
27 graph 2, Code 1983, is amended to read as follows:

28 A person who applies pesticides by use of any an aircraft  
29 and who is licensed as an aerial commercial applicator in  
30 another state shall apply pesticides in Iowa only under the  
31 direct supervision of a person holding a valid Iowa aerial  
32 commercial applicator's license. The supervising aerial  
33 commercial applicator ~~shall-be~~ is jointly liable with the  
34 person who is licensed as an aerial commercial applicator  
35 in another state for damages. The supervising applicator

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

10 Sec. 35. Section 206.6, subsection 5, Code 1983, is amended  
11 to read as follows:

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

32 Sec. 36. Section 218.1, subsections 1 and 8, Code 1983,  
33 are amended to read as follows:

- 34 1. ~~Soldiers-Home~~ Iowa veterans home.  
35 8. ~~Iowa~~ State training school.

1     Sec. 37. Section 218.3, subsection 3, Code 1983, is amended  
2 to read as follows:

3     3. The director of the division of corrections of the  
4 department of social services ~~shall have~~ has primary authority  
5 and responsibility relative to the ~~following institutions:~~  
6 ~~Women's reformatory~~ Iowa correctional institution for women,  
7 men's reformatory and state penitentiary.

8     Sec. 38. Section 218.9, unnumbered paragraph 2, Code 1983,  
9 is amended to read as follows:

10    The director of the division of corrections of the  
11 department of social services, subject to the approval of  
12 the commissioner of the department, shall appoint the wardens  
13 of the state penitentiary and the men's reformatory and the  
14 superintendents of the Iowa security and medical facility  
15 and of the ~~women's reformatory~~ Iowa correctional institution  
16 for women.

17    Sec. 39. Section 218.97, Code 1983, is amended to read  
18 as follows:

19    218.97 DIAGNOSTIC CLINIC--INFORMATION FURNISHED. The  
20 commissioner of the department of social services and the  
21 directors of divisions directly involved ~~are authorized to~~  
22 may provide facilities and personnel for a diagnostic clinic.  
23 The work of the clinic shall include a scientific study of  
24 each prisoner, ~~his~~ the prisoner's career and life history,  
25 the causes of ~~his~~ the prisoner's criminal acts and  
26 recommendations for ~~his~~ custody, care, training, employment  
27 and counseling with a view to ~~his~~ the prisoner's rehabilitation  
28 and ~~to~~ the protection of society. To facilitate the work  
29 of the clinic and to aid in the rehabilitation of ~~such~~  
30 prisoners, the trial judge and the prosecuting attorney shall,  
31 when requested by the commissioner or the directors of  
32 divisions directly involved, furnish the commissioner or ~~such~~  
33 ~~director~~ the directors with ~~such information as is provided~~  
34 ~~the state board of parole under section 247-25~~ a full statement  
35 of the facts relating to a prisoner's commission of an offense

1 as known or believed by them.

2 Sec. 40. Section 230A.10, subsection 14, Code 1983, is  
3 amended to read as follows:

4 14. Enter into ~~contracts~~ a contract with ~~affiliates~~ an  
5 affiliate, which may be an individual or a public or private  
6 group, agency, or corporation, organized and operating on  
7 either a profit or a nonprofit basis, for any of the services  
8 described in section 230A.2, ~~subsections 1 to 3~~, to be provided  
9 by the affiliate to residents of the county or counties served  
10 by the community mental health center who are patients or  
11 clients of the center and are referred by the center to the  
12 affiliate for service.

13 Sec. 41. Section 230A.12, subsection 3, Code 1983, is  
14 amended to read as follows:

15 3. Enter into ~~contracts~~ a contract with ~~affiliates~~ an  
16 affiliate, which may be an individual or a public or private  
17 group, agency or corporation, organized and operating on  
18 either a profit or a nonprofit basis, for any of the services  
19 described in section 230A.2, ~~subsections 1 to 3~~, to be provided  
20 by the affiliate to residents of the county or counties served  
21 by the community mental health center who are patients or  
22 clients of the center and are referred by the center to the  
23 affiliate for service.

24 Sec. 42. Section 230A.13, unnumbered paragraph 2, Code  
25 1983, is amended to read as follows:

26 Release of information which would identify an individual  
27 who is receiving or has received treatment at a community  
28 mental health center shall not be made a condition of support  
29 of that center by any county under this section. ~~The~~  
30 ~~provisions of section 331.21~~ Section 331.504, subsection 8  
31 notwithstanding, a community mental health center shall not  
32 be required to file a claim which would in any manner identify  
33 such an individual, if the center's budget has been approved  
34 by the county board under this section and the center is in  
35 compliance with section 230A.16, subsection 3.

1 Sec. 43. Section 235.1, unnumbered paragraph 1, Code 1983,  
2 is amended to read as follows:

3 The terms "state division", "state director", "county  
4 department", "county board" and "child" are used in this  
5 chapter and ~~chapters-237-and~~ chapter 238 as ~~said~~ the terms  
6 are defined in section 234.1.

7 Sec. 44. Section 245.2, Code 1983, is amended to read  
8 as follows:

9 245.2 SUPERINTENDENT--SALARY. The superintendent of the  
10 ~~women's-reformatory~~ Iowa correctional institution for women  
11 shall receive a salary as determined by the state director.

12 Sec. 45. Section 245.3, Code 1983, is amended to read  
13 as follows:

14 245.3 SERVICE REQUIRED. The superintendent may, with  
15 the approval of the state director, require ~~any~~ an inmate  
16 to perform any service suited to her strength and attainments  
17 and which may be needed for the benefit of the ~~reformatory~~  
18 institution or for the welfare of ~~such~~ the inmate.

19 Sec. 46. Section 245.4, Code 1983, is amended to read  
20 as follows:

21 245.4 EMPLOYEES TO RECEIVE A MIDSHIFT MEAL. The employees  
22 of the ~~women's-reformatory~~ Iowa correctional institution for  
23 women shall receive a midshift meal when on duty.

24 Sec. 47. Section 245.7, Code 1983, is amended to read  
25 as follows:

26 245.7 TERM OF COMMITMENTS. A female convicted of a felony  
27 shall not be detained in ~~said-reformatory~~ the Iowa correctional  
28 institution for women under one commitment for a period longer  
29 than the maximum term of imprisonment provided by law for  
30 ~~said~~ the felony. A female convicted of a crime and sentenced  
31 to a term of less than one year shall not be detained ~~therein~~  
32 in that institution.

33 Sec. 48. Section 245.8, Code 1983, is amended to read  
34 as follows:

35 245.8 MANNER OF COMMITTING FEMALES. Females committed

1 to ~~said-reformatory~~ the Iowa correctional institution for  
2 women shall be taken ~~thereto~~ there by ~~some~~ a woman, or by  
3 ~~some~~ a peace officer accompanied by ~~some~~ a woman, appointed  
4 by the court.

5 Sec. 49. Section 245.9, Code 1983, is amended to read  
6 as follows:

7 245.9 COSTS OF COMMITMENT. The costs and expenses allowed  
8 for taking females to the ~~reformatory~~ Iowa correctional  
9 institution for women shall be the same as those allowed by  
10 law for taking girls to the training school, and shall be  
11 audited and paid in like manner by the counties from which  
12 they are sent.

13 Sec. 50. Section 245.12, Code 1983, is amended to read  
14 as follows:

15 245.12 TRANSFER OF MENTALLY ILL. The state director may  
16 cause any woman committed to the ~~reformatory~~ Iowa correctional  
17 institution for women and suspected of being mentally ill  
18 to be examined by one of the superintendents or the  
19 superintendent's qualified designee of a state hospital for  
20 the mentally ill or transferred to the Iowa security and  
21 medical facility for examination. If the woman is found to  
22 be mentally ill, the department may order the woman transferred  
23 to or retained at a state hospital or the Iowa security and  
24 medical facility where she shall thereafter be maintained  
25 and treated at the expense of the state until ~~such-time-as~~  
26 she regains her good mental health when she shall be returned  
27 to the ~~reformatory~~ Iowa correctional institution for women.  
28 The cost of transfer and return shall be paid as provided  
29 for other transfers.

30 Sec. 51. Section 245.15, Code 1983, is amended to read  
31 as follows:

32 245.15 ESCAPE. Any inmate of ~~said-reformatory~~ the Iowa  
33 correctional institution for women who ~~shall-escape-therefrom~~  
34 escapes may be arrested and returned to ~~said-reformatory,~~  
35 the institution by an officer or employee ~~thereof~~ of the

1 institution without any other authority than this chapter,  
2 and by any peace officer or other person on the request in  
3 writing of the superintendent or the state director.

4 Sec. 52. Section 245.20, Code 1983, is amended to read  
5 as follows:

6 245.20 FEDERAL PRISONERS. Inmates sentenced for any term  
7 by any court of the United States may be received by the  
8 superintendent into the ~~women's-reformatory~~ Iowa correctional  
9 institution for women and there kept in ~~pursuant~~ pursuance  
10 of their sentences. Inmates at the ~~women's-reformatory~~ Iowa  
11 correctional institution for women may also be transferred  
12 to the federal bureau of prisons. If an inmate objects to  
13 her transfer to the federal bureau of prisons, the inmate  
14 shall be afforded a hearing as provided in section 217.22.

15 Sec. 53. Section 246.45, Code 1983, is amended to read  
16 as follows:

17 246.45 APPLICABILITY TO OTHER INSTITUTIONS. Sections  
18 246.38, 246.39, 246.41, 246.42, and 246.43 also apply to the  
19 inmates at the ~~women's-reformatory~~ Iowa correctional  
20 institution for women and the Iowa security and medical  
21 facility.

22 Sec. 54. Section 247A.9, Code 1983, is amended to read  
23 as follows:

24 247A.9 PAROLE NOT AFFECTED. ~~Nothing-in-this~~ This chapter  
25 ~~shall-be-construed-to~~ does not affect eligibility for parole  
26 under chapter ~~247~~ 906 or diminution of confinement of any  
27 inmate released under a work release plan.

28 Sec. 55. Section 249.2, Code 1983, is amended to read  
29 as follows:

30 249.2 AGREEMENT WITH FEDERAL AUTHORITY. The commissioner  
31 may enter into an agreement with the United States secretary  
32 of health, ~~education~~ and ~~welfare~~ human services for federal  
33 administration of a program of state supplementary assistance  
34 to prescribed categories of persons who are, or would be  
35 except for the amount of income they receive from other

1 sources, receiving federal supplemental security income.  
2 The agreement may authorize the secretary to make such rules,  
3 in addition to and not in conflict with state laws and  
4 regulations, respecting eligibility for or the amount of state  
5 supplementary assistance paid under this section as ~~he~~ the  
6 secretary finds necessary to achieve efficient and effective  
7 administration of both the basic federal supplemental security  
8 income program and the state supplementary assistance program  
9 administered by the secretary under the agreement. The  
10 agreement shall provide for the state of Iowa to reimburse  
11 the federal government, from funds appropriated for that  
12 purpose, for state supplementary assistance paid by the federal  
13 government pursuant to the agreement.

14 Sec. 56. Section 249C.3, Code 1983, is amended to read  
15 as follows:

16 249C.3 WORK AND TRAINING PROGRAM. The commissioner shall  
17 establish a work and training program for persons and members  
18 of families receiving public assistance. The ~~employment~~  
19 ~~security-commissioner,~~ the Iowa state-employment department  
20 of job service, all county boards and departments of social  
21 welfare, and all state, county, and public educational agencies  
22 and institutions providing vocational rehabilitation, adult  
23 education, or vocational or technical training shall assist  
24 and co-operate in the program. They shall make agreements  
25 and arrangements for maximum co-operation and use of all  
26 available resources in the program. By mutual agreement the  
27 commissioner may delegate any of ~~his~~ the commissioner's powers  
28 and duties under this chapter to the ~~employment-security~~  
29 ~~commissioner-of-the~~ Iowa state-employment department of job  
30 service.

31 Sec. 57. Section 257.18, subsection 7, Code 1983, is  
32 amended to read as follows:

33 7. Provide the same educational supervision for the schools  
34 maintained by the ~~state-board-of-education~~ commissioner of  
35 social services as is provided for the public schools of the

1 state and make recommendations to the ~~board-of-control~~  
2 commissioner of social services for the improvement of the  
3 educational program in ~~such~~ those institutions.

4 Sec. 58. Section 259.4, subsection 16, Code 1983, is  
5 amended to read as follows:

6 16. Enter into an agreement with the secretary of the  
7 United States department of health~~-education~~ and welfare  
8 human services relating to the matter of making determinations  
9 of disability under Title II and Title XVI of the federal  
10 Social Security Act as amended (42 U.S.C. ch 7).

11 Sec. 59. Section 261.2, subsection 1, Code 1983, is amended  
12 to read as follows:

13 1. Prepare and administer a state plan for higher education  
14 facilities which shall be the state plan submitted to the  
15 ~~commissioner-of-education, federal-department-of-health,~~  
16 ~~education, and-welfare, or-any-agency-successor-thereto~~  
17 secretary of education, in connection with the participation  
18 of this state in programs authorized by the federal "Higher  
19 Education Facilities Act of 1963" (P.L. 88-204), (77 Stat.  
20 L. 363; 20 U.S.C. 701) together with any amendments thereto.

21 Sec. 60. Section 261.36, subsections 3 and 7, Code 1983,  
22 are amended to read as follows:

23 3. Make and execute agreements, contracts and other  
24 instruments with any public or private person or agency  
25 including the United States ~~commissioner~~ secretary of  
26 education.

27 7. Accept appropriations, gifts, grants, loans or other  
28 aid from public or private persons or agencies including the  
29 United States ~~commissioner~~ secretary of education.

30 Sec. 61. Section 261.37, subsection 4, Code 1983, is  
31 amended to read as follows:

32 4. To enter into all necessary agreements with the United  
33 States ~~commissioner~~ secretary of education as ~~may-be~~ required  
34 for the purpose of receiving full benefit of the state program  
35 incentives offered pursuant to the Higher Education Act of

1 1965.

2 Sec. 62. Section 277.1, Code 1983, is amended to read  
3 as follows:

4 277.1 REGULAR ELECTION. The regular election shall be  
5 held annually on the second Tuesday in September in each  
6 school district for the election of officers of the district,  
7 ~~and merged area, and county school system~~ and for the purpose  
8 of submitting to the voters ~~thereof~~ any matter authorized  
9 by law.

10 Sec. 63. Section 281.3, subsection 9, Code 1983, is amended  
11 to read as follows:

12 9. To co-operate with existing agencies such as the state  
13 department of social ~~welfare~~ services, the state department  
14 of public health, the state school for the deaf, the Iowa  
15 braille and sight-saving school, the state tuberculosis  
16 sanatorium, the children's hospitals, or other agencies  
17 concerned with the welfare and health of children requiring  
18 special education in the co-ordination of their educational  
19 activities for such children.

20 Sec. 64. Section 303A.4, subsection 9, Code 1983, 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. 65. Section 306.27, Code 1983, is amended to read  
26 as follows:

27 306.27 CHANGES FOR SAFETY, ECONOMY AND UTILITY. The state  
28 department of transportation as to primary roads and the  
29 boards of supervisors as to secondary roads on their own  
30 motion may change the course of any part of any road or stream,  
31 watercourse or dry run and may pond water in order to avoid  
32 the construction and maintenance of bridges, or to avoid  
33 grades, or railroad crossings, or to straighten ~~any~~ a road,  
34 or to cut off dangerous corners, turns or intersections on  
35 the highway, or to widen ~~any~~ a road above statutory width,

1 or for the purpose of preventing the encroachment of a stream,  
2 watercourse or dry run upon ~~such~~ the highway. The department  
3 shall conduct its proceedings ~~to accomplish the above~~ in the  
4 manner and form prescribed in chapter 472, and the board of  
5 supervisors shall use the form prescribed in sections 306.28  
6 to 306.37. ~~All such changes shall be~~ Changes are subject  
7 to ~~the provisions of~~ chapter 455A 455B.

8 Sec. 66. Section 307.3, unnumbered paragraph 2, Code 1983,  
9 is amended to read as follows:

10 The commission shall meet in ~~July~~ May of each year for  
11 the purpose of electing one of its members as chairperson.

12 Sec. 67. Section 321.194, Code 1983, is amended to read  
13 as follows:

14 321.194 MINORS' SCHOOL LICENSES. Upon certification of  
15 a special need by the school board or the superintendent of  
16 the applicant's school, the department may issue a restricted  
17 license to any a person between the ages of fourteen and  
18 eighteen years ~~which~~. The license shall entitle the holder,  
19 while having the license in ~~his or her~~ immediate possession,  
20 to operate a motor vehicle during the hours of 6 a.m. to 9  
21 p.m. over the most direct and accessible route between the  
22 licensee's residence and school of enrollment for the purpose  
23 of attending duly scheduled courses of instruction and  
24 extracurricular activities at ~~such~~ the school or at any time  
25 when accompanied by a parent or guardian, driver education  
26 instructor, or prospective driver education instructor who  
27 is a holder of a valid operator's or chauffeur's license,  
28 and who is actually occupying a seat beside the driver. The  
29 license shall expire on the licensee's eighteenth birthday  
30 or upon issuance of a probationary operator's license or  
31 operator's license.

32 PARAGRAPH DIVIDED. Each application shall be accompanied  
33 by a statement from the school board or superintendent of  
34 the applicant's school. The statement shall be upon a form  
35 provided by the department. The school board or superintendent

1 shall certify that a need exists for the license and that  
2 ~~they~~ the board and superintendent are not responsible for  
3 ~~any actions of the applicant as-it-pertains~~ which pertain  
4 to the use of the restricted license. The department of  
5 public instruction shall adopt rules pursuant to chapter 17A  
6 establishing criteria for issuing a statement of necessity.  
7 Upon receipt of a statement of necessity, the department shall  
8 issue a restricted license. The fact that the applicant  
9 resides at a distance less than one mile from ~~his-or-her~~ the  
10 applicant's school is prima-facie evidence of the nonexistence  
11 of necessity for the issuance of ~~such~~ a license.

12 PARAGRAPH DIVIDED. A license issued under this section  
13 is subject to suspension or revocation in like manner as any  
14 other license or permit issued under ~~any a~~ a law of this state  
15 ~~and-the.~~ The department may also suspend ~~such~~ a license upon  
16 receiving satisfactory evidence that the licensee has violated  
17 the restrictions of the license or has been involved in one  
18 or more accidents chargeable to the licensee. The department  
19 may suspend ~~any a~~ a license issued under this section upon  
20 receiving a record of the licensee's conviction for one  
21 violation and shall revoke the license upon receiving a record  
22 of conviction for two or more violations of ~~any a~~ a law of this  
23 state or a city ordinance, other than parking regulations,  
24 regulating the operation of motor vehicles on highways ~~and~~  
25 ~~after.~~ After revoking a license under this section the  
26 department shall not grant application for ~~any a~~ a new license  
27 or permit until the expiration of one year or until the  
28 ~~licensee-attains-his-or-her~~ licensee's sixteenth birthday  
29 whichever is the longer period.

30 Sec. 68. Section 321.309, unnumbered paragraph 3, Code  
31 1983, is amended to read as follows:

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

1 Sec. 69. Section 321.382, Code 1983, is amended to read  
2 as follows:

3 321.382 UPGRADE PULLS--MINIMUM SPEED. No A motor vehicle  
4 or combination of vehicles, which cannot proceed up a three  
5 percent grade, on dry concrete pavement, at a minimum speed  
6 of twenty miles per hour, shall not be operated~~7--after-January~~  
7 ~~17-1938~~ upon the highways of this state.

8 Sec. 70. Section 321.465, unnumbered paragraph 3, Code  
9 1983, is amended to read as follows:

10 Any A driver of a vehicle who fails or refuses to stop  
11 and submit the vehicle and load to a weighing, or who fails  
12 or refuses when directed by an officer upon a weighing of  
13 the vehicle to stop the vehicle and otherwise comply with  
14 ~~the-provisions-of~~ this section, ~~shall-be~~ is guilty of a simple  
15 misdemeanor ~~and-punished-as-provided-in-section-321-482~~.

16 Sec. 71. Section 321.486, subsection 2, Code 1983, is  
17 amended to read as follows:

18 2. A valid credit card, as defined in section 537.1301,  
19 subsection 16, may be used and ~~shall-be~~ is sufficient surety  
20 when the defendant is charged with any a scheduled offense  
21 under section ~~753-15~~ 805.8. The defendant may use a credit  
22 card for bail purposes only in accordance with rules of the  
23 department of public safety adopted pursuant to chapter 17A.

24 Sec. 72. Section 321.500, Code 1983, is amended to read  
25 as follows:

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

32 ~~"and-unless-you-appear-thereto-and-defend-in-the-district~~  
33 ~~court-of-Iowa-in-and-for-----county-at-the-courthouse-in~~  
34 ~~-----Iowa-before-noon-of-the-sixtieth-day-following-the~~  
35 ~~filing-of-this-notice-with-the-director-of-transportation~~

1 ~~of this state, default will be entered and judgment rendered~~  
2 ~~against you by the court.~~ R.C.P. 381, form 2, Ia. Ct. Rules,  
3 2nd ed.

4 Sec. 73. Section 321A.1, subsection 2, Code 1983, is  
5 amended to read as follows:

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

22 Sec. 74. Section 330.9, unnumbered paragraphs 1 and 2,  
23 Code 1983, are amended to read as follows:

24 Before an airport is acquired by ~~any~~ a city, or county,  
25 ~~or township~~ the plans and specifications ~~therefor~~ for it shall  
26 be submitted to the state department of transportation which  
27 shall require that they show:

28 ~~The~~ the legal description and plat of the site, distance  
29 from the nearest post office and railroad station, location  
30 and type of highways, location and type of obstructions on  
31 and near the site, kind of soil and subsoil, costs and  
32 details of grading and draining, and location of proposed  
33 runways, hangars, buildings, and other structures.

34 Sec. 75. Section 331.382, subsection 1, paragraph e, Code  
35 1983, is amended to read as follows:

1 e. Provision of preliminary diagnostic evaluation before  
2 admissions to state mental health institutes as provided in  
3 sections ~~225B-4 to 225B-7~~ 225C.14 through 225C.17.

4 Sec. 76. Section 331.502, subsections 19 and 22, Code  
5 1983, are amended to read as follows:

6 19. Carry out duties relating to the hospitalization and  
7 support of mentally ill persons as provided in sections 229.42,  
8 230.3, 230.11, 230.15, and 230.21, ~~to~~ 230.22, 230.25, and  
9 230.26.

10 22. If the legal settlement of a poor person receiving  
11 financial assistance is in another county, notify the auditor  
12 of that county of the financial assistance as provided in  
13 section 252.22.

14 Sec. 77. Section 331.602, subsection 33, Code 1983, is  
15 amended to read as follows:

16 33. Record, and index, and send to the secretary of state  
17 instruments relating to limited partnerships as provided in  
18 ~~section-545-2~~ sections 545.206 and 545.1106.

19 Sec. 78. Section 331.653, subsection 39, Code 1983, is  
20 amended to read as follows:

21 39. Notify the department of ~~environmental-quality water,~~  
22 air and waste management of hazardous conditions of which  
23 the sheriff is notified as provided in section 455B.386.

24 Sec. 79. Section 331.702, subsections 40, 85, and 138,  
25 Code 1983, are amended to read as follows:

26 40. If the board has adopted a resolution implementing  
27 a policy of preliminary diagnostic evaluations as provided  
28 in ~~section-225B-5~~ sections 225C.14 and 225C.15, refer persons  
29 applying for voluntary admission to a community mental health  
30 center for a preliminary diagnostic evaluation as provided  
31 in section ~~225B-6~~ 225C.16.

32 85. Accept applications for and issue marriage licenses  
33 as provided in chapter 595 ~~or~~ 596.

34 138. Carry out duties relating to deferred judgments,  
35 probations, and restitution as provided in sections 907.47

1 and 907.8 ~~and-907-12~~.

2     Sec. 80. Section 364.17, subsection 1, unnumbered para-  
3 graph 2, Code 1983, is amended by striking the unnumbered  
4 paragraph.

5     Sec. 81. Section 384.12, subsection 17, Code 1983, is  
6 amended by striking the subsection.

7     Sec. 82. Section 400.31, Code 1983, is amended to read  
8 as follows:

9     400.31 WATERWORKS EMPLOYEES. In cities where the board  
10 of waterworks trustees has adopted a resolution placing its  
11 employees under ~~the provisions of~~ this chapter as to civil  
12 service, the civil service ~~commissioner appointed and~~  
13 commission acting under ~~said~~ this chapter shall ~~have~~ has  
14 charge ~~and control~~ of the civil service procedure as to such  
15 those employees and ~~the provisions and procedure of~~ this  
16 chapter shall ~~apply in such cases~~ applies.

17     Sec. 83. Section 411.5, subsection 1, paragraph c, Code  
18 1983, is amended to read as follows:

19     c. The ~~two~~ three citizens appointed by the mayor shall  
20 serve on both of ~~said~~ the boards.

21     Sec. 84. Section 420.246, Code 1983, is amended to read  
22 as follows:

23     420.246 TAX AND DEED STATUTES APPLICABLE. Sections ~~445-27~~  
24 445.47 to 445.51, 446.3 to 446.6, 446.16, 446.32, ~~446-337~~  
25 and 448.10 to 448.13 are ~~hereby made~~ applicable to cities  
26 acting under special charters, except that, where the word  
27 "treasurer" is used, there shall be ~~used~~ substituted the words  
28 "city collector or treasurer or deputy treasurer or deputy  
29 or officer authorized to collect city taxes"; and where the  
30 word "auditor" is used, there shall be substituted the words  
31 "city clerk or recorder".

32     Sec. 85. Section 422.5, unnumbered paragraph 7, Code 1983,  
33 is amended to read as follows:

34     Upon determination of the latest cumulative inflation  
35 factor, the director of revenue shall multiply each dollar

1 amount set forth in subsections 1 to 13 of this section, and  
2 each dollar amount specified in this ~~paragraph~~ section as  
3 the maximum amount of annuities received which may be excluded  
4 in determining final taxable income, by this cumulative  
5 inflation factor, shall round off the resulting product to  
6 the nearest one dollar, and shall incorporate the result into  
7 the income tax forms and instructions for each tax year.

8 Sec. 86. Section 427.3, subsection 4, Code 1983, is amended  
9 to read as follows:

10 4. The property, not to exceed one thousand eight hundred  
11 fifty-two dollars in taxable value of ~~any~~ an honorably  
12 separated, retired, furloughed to a reserve, placed on inactive  
13 status, or discharged soldier, sailor, marine, or nurse of  
14 the second World War from December 7, 1941, to December 31,  
15 1946, army of occupation in Germany from November 12, 1918,  
16 to July 11, 1923, American expeditionary forces in Siberia  
17 from November 12, 1918, to April 30, 1920, second Nicaraguan  
18 campaign with the navy or marines in Nicaragua or on combatant  
19 ships 1926-1933, ~~second Haitian suppressions~~ suppression of  
20 insurrections 1919-1920, navy and marine operations in China  
21 1937-1939 and Yangtze service with navy and marines in Shanghai  
22 or in the Yangtze Valley 1926-1927 and 1930-1932 or of the  
23 Korean Conflict at any time between June 25, 1950, and January  
24 31, 1955, both dates inclusive, or those who served on active  
25 duty during the Vietnam Conflict beginning December 22, 1961,  
26 and ending May 7, 1975, both dates inclusive, ~~and as defined~~  
27 ~~in section 356-2.~~ For the purposes of this section, "active  
28 duty" means full-time duty in the armed forces of the United  
29 States, excluding active duty for training purposes only and  
30 excluding any period a person was assigned by the armed forces  
31 to a civilian institution for a course of education or training  
32 which was substantially the same as established courses offered  
33 to civilians, or as a cadet or midshipman, however enrolled,  
34 at one of the service academies.

35 Sec. 87. Section 428.24, Code 1983, is amended to read

1 as follows:

2 428.24 PUBLIC UTILITY PLANTS. The lands, buildings,  
3 machinery, and mains belonging to individuals or corporations  
4 operating waterworks or gasworks or pipelines; the lands,  
5 buildings, machinery, tracks, poles, and wires belonging to  
6 individuals, corporations or electric power agencies furnishing  
7 electric light or power; and the lands, buildings, machinery,  
8 poles, wires, overhead construction, tracks, cables, conduits,  
9 and fixtures belonging to individuals or corporations operating  
10 railways by cable or electricity, or operating elevated street  
11 railways; ~~and-the-lands,-buildings,-tracks,-and-fixtures-of~~  
12 ~~street-railways-operated-by-animal-power,~~ shall be listed  
13 and assessed by the department of revenue. In the making  
14 of ~~any-such-assessment~~ assessments of waterworks plants, the  
15 value of any interest in the property ~~so~~ assessed, of the  
16 municipal corporation ~~wherein-the-same~~ where it is situated,  
17 shall be deducted, whether ~~such~~ the interest be is evidenced  
18 by stock, bonds, contracts, or otherwise.

19 Sec. 88. Section 442.31, unnumbered paragraph 4, Code  
20 1983, is amended to read as follows:

21 The department of public instruction shall ~~promulgate~~ adopt  
22 rules under chapter 17A relating to the administration of  
23 sections 442.31 to 442.35, and 442.40 to 442.42 and 442.41.  
24 The rules shall prescribe the format of program plans submitted  
25 under section 442.32 and shall require that programs fulfill  
26 specified objectives. The department shall encourage and  
27 assist school districts to provide programs for gifted and  
28 talented children whether or not additional allowable growth  
29 is requested under this chapter.

30 Sec. 89. Section 444.2, Code 1983, is amended to read  
31 as follows:

32 444.2 AMOUNTS CERTIFIED IN DOLLARS. When ~~any~~ an authorized  
33 tax rate within ~~any~~ a taxing district, including townships,  
34 school districts, cities and counties, ~~shall-have~~ has been  
35 thus determined as provided by law, the officer or officers

1 charged with the duty of certifying ~~said~~ the authorized rate  
2 to the county auditor or board of supervisors shall, before  
3 certifying the same rate, compute upon the adjusted taxable  
4 valuation of ~~such~~ the taxing district for the preceding fiscal  
5 year ~~(not-including-moneys-and-credits,-and-other-moneyed~~  
6 ~~capital-taxed-at-a-flat-rate-as-provided-in-section-429-2)~~,  
7 the amount of tax ~~said~~ the rate will raise, stated in dollars,  
8 and shall certify ~~said~~ the computed amount in dollars and  
9 not by rate, to the county auditor and board of supervisors.

10 Sec. 90. Section 446.7, unnumbered paragraph 2, Code 1983,  
11 is amended to read as follows:

12 Property of municipal and political subdivisions of the  
13 state of Iowa and property held by a city or county agency  
14 or the Iowa housing finance authority for use in an Iowa  
15 homesteading project, shall not be offered or sold at tax  
16 sale and a tax sale of that property ~~shall-be~~ is void from  
17 its inception. When delinquent taxes are owing against  
18 property owned or claimed by any a municipal or political  
19 subdivision of the state of Iowa, or property held by a city  
20 or county agency or the Iowa housing finance authority for  
21 use in an Iowa homesteading project, the treasurer shall give  
22 notice to the governing body of the agency, subdivision or  
23 authority which shall then pay the amount of the due and  
24 delinquent taxes from its general fund. If the governing  
25 body fails to pay the taxes, the board of supervisors shall  
26 abate the taxes as provided in chapters ~~332,~~ 427 and 445 and  
27 section 569.8.

28 Sec. 91. Section 448.2, unnumbered paragraph 2, Code 1983,  
29 is amended to read as follows:

30 KNOW ALL MEN BY THESE PRESENTS, that the following described  
31 real estate, ~~viz-~~ property: (Here follows the description),  
32 situated in the county of ..... and state of Iowa, was  
33 subject to taxation for the year (or years) A.D. ....,  
34 and the taxes assessed thereon for the year (or years)  
35 ~~aforesaid~~ stated remained due and unpaid at the date of the

1 sale hereinafter-named; and the treasurer of said the county,  
2 having on the ..... day of ....., A.D. ....,  
3 by virtue of the authority ~~in-him~~ vested by law in the  
4 treasurer, at (an adjournment of) the sale begun and publicly  
5 held on the ~~first~~ third Monday of June, A.D. ....,  
6 exposed to public sale at the office of the county treasurer  
7 in the county ~~afesaid~~ named, in substantial conformity with  
8 all the requirements of the statute, the real property ~~above~~  
9 described, for the payment of the taxes, interest and costs  
10 then due and remaining unpaid on said the property, and at  
11 ~~the~~ that time and place ~~afesaid~~ A ..... B .....,  
12 of the county of ..... and state of ....., having  
13 offered to pay the sum of ..... dollars and .....  
14 cents, being the whole amount of taxes, interest and costs  
15 then due and remaining unpaid on said the property, for (here  
16 follows the description of the property sold) which was the  
17 least quantity bid for, and payment of said that sum having  
18 ~~been~~ was made by ~~him~~ that person to said the treasurer, the  
19 property was stricken off to ~~him~~ that person at that price;  
20 and ~~the-said~~ A ..... B ..... did, on the .....  
21 day of ....., A.D. ...., duly assign the certificate  
22 of the sale of the property ~~as-afesaid~~ and all ~~his~~ right,  
23 title and interest to said the property to E ..... F  
24 ..... of the county of ..... and state of .....;  
25 and by the affidavit of ....., filed in said the  
26 treasurer's office on the ..... day of ....., A.D.  
27 ....., it appears that notice has been given more than  
28 ninety days before the execution of ~~these-presents~~ this deed  
29 to ..... and ..... of the expiration of the time  
30 of redemption allowed by law; and three years having have  
31 elapsed since the date of said the sale, and said the property  
32 having has not been redeemed ~~therefrom~~:

33     Sec. 92. Section 455.57, Code 1983, is amended to read  
34 as follows:

35     455.57 LEVY--INTEREST. When the board has finally

1 determined the matter of assessments of benefits and  
2 apportionment, it shall levy ~~such~~ the assessments as fixed  
3 by it upon the lands within ~~such~~ the district, but any an  
4 assessment on any a tract, parcel or lot within the district  
5 which is computed at less than two dollars shall be fixed  
6 at the sum of two dollars. All assessments shall be levied  
7 at that time as a tax and shall bear interest at not to exceed  
8 ~~seven-percent-per-annum~~ the rate permitted by chapter 74A  
9 from that date, payable annually, except as ~~hereinafter~~  
10 provided as to cash payments ~~thereof~~ within a specified time.

11 Sec. 93. Section 455B.387, subsection 2, Code 1983, is  
12 amended to read as follows:

13 2. The executive director may use any resources available  
14 under the hazardous condition contingency plan to provide  
15 for the removal of hazardous substances. If the executive  
16 director finds that public agencies cannot provide the  
17 necessary labor or equipment or if the executive director  
18 determines that emergency conditions exist, the executive  
19 director may contract with any a private person or agency  
20 for removal of the hazardous substance. In those cases where  
21 equipment or services are obtained from any a public or private  
22 person or agency under emergency conditions, section 455B-7  
23 455B.105, subsection 5-~~shall~~ 7 does not apply.

24 Sec. 94. Section 455B.441, Code 1983, is amended to read  
25 as follows:

26 455B.441 PURPOSE AND GUIDELINES. The purpose of this  
27 part is to protect the public health and the environment by  
28 providing a procedure for establishing appropriate sites and  
29 properly designed facilities for the treatment, storage and  
30 disposal of hazardous waste. It is the intent of the general  
31 assembly that in the implementation of this part the department  
32 of ~~environmental-quality~~ water, air and waste management shall  
33 emphasize alternatives to land burial of hazardous waste  
34 whenever possible with emphasis on the following management  
35 methods in the following order: Source reduction, reuse,

1 resource recovery, incineration, and detoxification.

2 Sec. 95. Section 455B.442, subsection 2, Code 1983, is  
3 amended to read as follows:

4 2. "Hazardous waste" means a hazardous waste as defined  
5 in section 455B.411, subsection 2 and listed ~~by the~~  
6 ~~environmental-quality-commission~~ under section 455B.412,  
7 subsection 2.

8 Sec. 96. Section 455B.442, subsections 3 and 4, Code 1983,  
9 are amended by striking the subsections.

10 Sec. 97. Section 460.11, Code 1983, is amended to read  
11 as follows:

12 460.11 LAWS APPLICABLE. All proceedings for the  
13 construction and maintenance of highway drainage districts  
14 except as provided for in this chapter shall be as provided  
15 for in chapters 455 ~~to~~, 457, 458, and 459.

16 Sec. 98. Section 462.20, Code 1983, is amended to read  
17 as follows:

18 462.20 LEVEE AND PUMPING STATION DISTRICTS. ~~The-presently~~  
19 ~~acting-de-facto-members-of-the-boards-of-trustees-of-drainage~~  
20 ~~or-levee-districts-having-pumping-stations-are-hereby-declared~~  
21 ~~to-be-the-legally-constituted-members-of-such-boards, the~~  
22 ~~terms-of-such-present-trustees-shall-expire-on-the-fourth~~  
23 ~~Saturday-of-January, -1958, -1959-and-1960-respectively-and~~  
24 ~~the-length-of-the-term-of-each-present-trustee-shall-be~~  
25 ~~determined-by-lot-at-a-meeting-to-be-held-on-the-third-Saturday~~  
26 ~~of-August, -1957.--Thereafter, in~~ In levee and drainage  
27 districts having pumping stations trustees shall hold office  
28 until the fourth Saturday in January three years after  
29 election. ~~At-an-election-to-be-held-on-the-third-Saturday~~  
30 ~~in-January, -1958-and-on~~ On the third Saturday in January of  
31 each year ~~thereafter~~ a trustee shall be elected for a term  
32 of three years to succeed the member of the board whose term  
33 will expire on the following Saturday. At ~~such~~ the election  
34 there shall also be elected, if necessary, a trustee ~~or~~  
35 ~~trustees~~ to fill any vacancy ~~or-vacancies~~ which may have

1 occurred before ~~such~~ the election.

2 Sec. 99. Section 462.21, Code 1983, is amended to read  
3 as follows:

4 462.21 DIVISION OF DISTRICTS UNDER TRUSTEES. ~~In all~~  
5 ~~districts already under trustee management, the board of~~  
6 ~~trustees shall, prior to the election of trustees in the year~~  
7 ~~1925, divide the district for which they are trustees, into~~  
8 ~~election districts, and at the election for that and each~~  
9 ~~succeeding year, when~~ When a trustee is to be elected, it  
10 shall be for a specified election district within ~~such~~ the  
11 district.

12 Sec. 100. Section 466.8, Code 1983, is amended to read  
13 as follows:

14 466.8 LAWS APPLICABLE. In the establishment and  
15 maintenance of levee and drainage districts in co-operation  
16 with the United States as in this chapter provided, all the  
17 proceedings ~~for said purpose~~ in the filing and the form and  
18 substance of the petition, assessment of damages, appointment  
19 of an engineer, ~~his~~ the engineer's surveys, plats, profiles,  
20 and report, notice of hearings, filing of claims and  
21 objections, hearings ~~thereon~~, appointment of commissioners  
22 to classify lands, assess benefits, and apportion costs and  
23 expenses, report, notice and hearing ~~thereon~~ on the report,  
24 the appointment of a supervising engineer, ~~his~~ the engineer's  
25 duties, the letting of work and making contracts, payment  
26 for work, levy and collection of drainage or levee assessments  
27 and taxes, the issue of improvement certificates and drainage  
28 or levee bonds, the taking of appeals and the manner of trial  
29 ~~thereof~~ of appeals, and all other proceedings relating to  
30 ~~such~~ the district shall be as provided in chapters 455 ~~to~~  
31 and 456 through 465 except as otherwise in this chapter  
32 provided.

33 Sec. 101. Section 467A.4, subsection 4, paragraph n, sub-  
34 paragraph (3), Code 1983, is amended to read as follows:

35 (3) A representative of the department of ~~environmental~~

1 ~~quality~~ water, air and waste management, designated by the  
2 executive director of that department.

3 Sec. 102. Section 467D.6, subsection 1, Code 1983, is  
4 amended to read as follows:

5 1. Exercise supervision over the water resources of the  
6 conservancy district, including water in any basin,  
7 watercourse, or other body of water in the conservancy  
8 district, and ~~have authority to~~ may adopt and repeal, with  
9 approval of the department, and enforce rules, except those  
10 rules relating to water resources under the authority of the  
11 department of ~~environmental-quality~~ water, air and waste  
12 management, as necessary to achieve the objectives of this  
13 chapter as set forth in section 467D.1.

14 Sec. 103. Section 467D.16, unnumbered paragraph 1, Code  
15 1983, is amended to read as follows:

16 The board shall prepare a plan for accomplishment of the  
17 objectives of this chapter within the conservancy district.  
18 For this purpose the board may request and shall obtain from  
19 any state agency or political subdivision information which  
20 the agency or subdivision has already collected which is  
21 pertinent to preparation of the plan, shall consult with soil  
22 conservation district commissioners, and may conduct hearings  
23 it deems necessary. The plan shall establish an order of  
24 priorities for carrying out projects necessary to accomplish  
25 the objectives of this chapter, shall conform as nearly as  
26 practicable to the comprehensive ~~state-wide~~ water ~~resources~~  
27 allocation plan established by the department of water, air  
28 and waste management pursuant to section 455B.263 and shall  
29 reflect the following general policies:

30 Sec. 104. Section 467D.17, Code 1983, is amended to read  
31 as follows:

32 467D.17 PLAN PRESENTED TO COMMITTEE, ~~COUNCIL~~ DEPARTMENT,  
33 AND SOIL CONSERVATION DISTRICTS. The board shall tentatively  
34 adopt the plan by resolution and shall present the plan to  
35 the committee and the ~~council~~ department for review. The

1. ~~conseil~~ department shall within ninety days review the plan  
2 as presented and make recommendations ~~as, in its discretion,~~  
3 it deems necessary to bring the conservancy district's plan  
4 into conformity with the comprehensive statewide water  
5 ~~resources~~ allocation plan established by the ~~conseil~~ department  
6 pursuant to section 455A-17 455B.263. The recommendations  
7 of the ~~conseil~~ department shall be submitted to the board  
8 for incorporation into the plan. The plan shall then be  
9 submitted to the soil conservation districts located entirely  
10 or partially within the conservancy district. The soil  
11 conservation districts shall review, comment and record a  
12 vote within ninety days indicating their support of or  
13 opposition to the plan in the same manner provided in section  
14 467D.5, subsection 1. The committee shall inform the soil  
15 conservation districts of the votes of the districts within  
16 the conservancy district. The committee shall review the  
17 plan as presented, give consideration to the comments and  
18 vote of the soil conservation districts, give final approval  
19 or disapproval of the plan within ninety days, and provide  
20 a written statement detailing the basis of ~~their~~ its decision.

21 A subsequent major change in the plan, as determined by  
22 the conservancy board, is not effective until approved by  
23 the process provided in this section for approval of the  
24 original plan.

25 Sec. 105. Section 491.1, Code 1983, is amended to read  
26 as follows:

27 491.1 WHO MAY INCORPORATE. Any number of persons may  
28 become incorporated under this chapter prior to July 1, 1971  
29 for the transaction of any lawful business, but ~~such~~ the  
30 incorporation confers no power or privilege not possessed  
31 by natural persons, except as hereinafter provided in this  
32 chapter. All domestic corporations shall be organized under  
33 chapter 496A only, except for corporations which are to become  
34 subject to ~~the provisions of~~ one or more of the following  
35 chapters: 174, 176, ~~482,~~ 499, 499A, 504A, 506, 508, 510,

1 512, 514, 515, 515A, 518, 518A, 519, 524, 533, and 534.

2 Sec. 106. Section 511.26, Code 1983, is amended to read  
3 as follows:

4 511.26 FEE STATUTE--APPLICABILITY. The provisions of  
5 the chapter on insurance other than life ~~shall~~ apply as to  
6 fees under this chapter and chapters 508 and 510, except as  
7 modified by ~~sections~~ section 511.24 and 511-25.

8 Sec. 107. Section 516A.1, unnumbered paragraph 2, Code  
9 1983, is amended to read as follows:

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

23 Sec. 108. Section 524.706, subsection 1, paragraph c,  
24 Code 1983, is amended to read as follows:

25 c. For the purposes of this subsection ~~the term~~ "executive  
26 officer" means ~~every~~ an officer of a state bank who  
27 participates or has authority to participate, otherwise than  
28 in the capacity of a director, in major policymaking functions  
29 of the bank, regardless of whether ~~he~~ the officer has an  
30 official title or whether ~~his~~ the officer's title contains  
31 a designation of assistant and regardless of whether ~~he~~ the  
32 officer is serving without salary or other compensation.  
33 The ~~chairman~~ chairperson of the board, the president, every  
34 vice president, the cashier, secretary, and treasurer of a  
35 state bank are assumed to be executive officers, unless, by

1 resolution of the board of directors or by the bank's bylaws,  
2 but subject to contrary notice by the superintendent as  
3 provided for in section ~~524.704~~ 524.701, any such officer  
4 is excluded from participation in major policymaking functions,  
5 otherwise than in the capacity of a director of the bank,  
6 and ~~he~~ the officer does not actually participate ~~therein~~.

7 Sec. 109. Section 534.75, subsection 5, Code 1983, is  
8 amended to read as follows:

9 5. For purposes of this section a "commercial loan" is  
10 a loan to a person borrowing money for a business or  
11 agricultural purpose. As used in this subsection,  
12 "agricultural purpose" means as defined in section 535.13;  
13 and "business purpose" includes but is not limited to a  
14 commercial, service or industrial enterprise carried on for  
15 profit, and any an investment activity. However "commercial  
16 loan" does not include a loan secured by an interest in real  
17 estate for the purpose of financing the acquisition of real  
18 estate or the construction of improvements on real estate.  
19 In determining which loans are "commercial loans" the rules  
20 of construction stated in section ~~535.10~~ 535.2, subsection  
21 ~~1~~ 2, paragraph "f b", ~~subparagraphs-(1)-(2)-(3)-and-(4)~~  
22 ~~shall~~ apply.

23 Sec. 110. Section 534.83, subsection 7, Code 1983, is  
24 amended to read as follows:

25 7. COMPETITION PRESERVED. The subsequent liquidation  
26 of a bank or state association whose shares are ~~required~~  
27 acquired under this section shall not prevent the subsequent  
28 incorporation of another bank in the same community, and the  
29 superintendent of banking shall not find the liquidation to  
30 be grounds for disapproving the incorporation of another bank  
31 in the same community under section ~~524.305,~~ and shall not  
32 prevent the subsequent incorporation of another association  
33 in the same community, and the supervisor shall not find the  
34 liquidation to be grounds for disapproving the incorporation  
35 of another association in the same community under this

1 chapter.

2 Sec. 111. Section 536B.8, subsection 3, Code 1983, is  
3 amended to read as follows:

4 3. If upon liquidation of a member the amount available  
5 in the ~~guaranty~~ guarantee fund is insufficient to pay up to  
6 ten thousand dollars for each thrift certificate obligation  
7 specified in section 536B.7, the auditor may make demand upon  
8 the guaranty corporation for advance payment of annual  
9 assessments to become due in ~~such~~ amounts as required to meet  
10 the deficiency, but not exceeding two times the maximum  
11 assessment that could have been levied on each member on the  
12 prior May 1 as the annual assessment if the net amount in  
13 the fund the preceding December 31 had been less than the  
14 greater of two million dollars or two percent of the total  
15 thrift certificates of all members. ~~Any~~ An amount prepaid  
16 by a member shall be credited against subsequent annual  
17 assessments, and the member shall pay the balance of the  
18 annual assessments thus due, if any, or shall be refunded  
19 any amount overpaid as a result of the advance assessment.  
20 ~~At no time shall a~~ A member shall not be required to be prepaid  
21 in excess of two years.

22 Sec. 112. Section 536B.14, subsection 3, Code 1983, is  
23 amended to read as follows:

24 3. Expenses of administration that exceed income from  
25 investments at the end of the fiscal year of the guarantee  
26 guaranty corporation shall be charged to members' accounts.  
27 Each member's account shall be charged ratably based on member  
28 account balances for the amount of the excess of expenses  
29 over income.

30 Sec. 113. Section 537.1301, unnumbered paragraph 1, Code  
31 1983, is amended to read as follows:

32 As used in this ~~Act~~ chapter, unless otherwise required  
33 by the context:

34 Sec. 114. Section 537.7103, subsection 3, paragraph a,  
35 subparagraph (6), Code 1983, is amended to read as follows:

1 (6) Communicating with the debtor's employer once during  
2 any one-month period, if the purpose of the communication  
3 is to verify with an employer the fact of the debtor's  
4 employment and if the debt collector does not disclose, except  
5 as permitted in subparagraph (5), ~~any~~ information other than  
6 the fact that a debt exists. This subparagraph ~~shall~~ does  
7 not authorize a ~~debtor~~ debt collector to disclose to an  
8 employer the fact that a debt is in default.

9 Sec. 115. Section 566A.4, Code 1983, is amended to read  
10 as follows:

11 566A.4 APPLICATION TO PRIOR CEMETERIES. ~~Any-such An~~  
12 organization subject to ~~the-provisions-of~~ this chapter which  
13 was organized and engaged in business prior to ~~the-effective~~  
14 ~~date-of-this-chapter-shall-be~~ July 4, 1953 is a perpetual  
15 care cemetery if it ~~shall~~ at all times subsequent to ~~the~~  
16 ~~effective~~ that date of this chapter ~~comply~~ complies with the  
17 requirements of a perpetual care cemetery as set forth in  
18 section 566A.3.

19 Sec. 116. Section 566A.6, Code 1983, is amended to read  
20 as follows:

21 566A.6 PERPETUAL CARE CEMETERIES. ~~Any A~~ nonperpetual  
22 care cemetery after ~~the-effective-date-of-this-chapter~~ July  
23 4, 1953, may become a perpetual care cemetery by placing in  
24 the perpetual care trust fund twenty-five thousand dollars  
25 or five thousand dollars per acre of all property sold,  
26 whichever is the greater, and ~~shall-comply~~ by complying with  
27 the ~~requirement~~ requirements for a perpetual care cemetery  
28 as provided in section 566A.3.

29 Sec. 117. Section 598.21, subsection 1, paragraph h, Code  
30 1983, is amended to read as follows:

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

34 Sec. 118. Section 598A.3, subsection 1, unnumbered para-  
35 graph 1, Code 1983, is amended to read as follows:

1 A court of this state which is competent to decide child  
2 custody matters has jurisdiction to make a ~~child-custody~~  
3 custody determination by initial or modification decree if:

4 Sec. 119. Section 598A.3, subsection 2, Code 1983, is  
5 amended to read as follows:

6 2. Except under paragraphs "c" and "d" of subsection 1,  
7 physical presence in this state of the child, or of the child  
8 and one of the contestants, is not alone sufficient to confer  
9 jurisdiction on a court of this state to make a ~~child-custody~~  
10 custody determination.

11 Sec. 120. Section 609.33, Code 1983, is amended to read  
12 as follows:

13 609.33 CONTEMPT. If ~~any~~ a person ~~fail~~ fails to appear  
14 at ~~any~~ a regularly scheduled meeting date or when summoned,  
15 without sending a sufficient excuse, the court may issue an  
16 order requiring ~~him~~ the person to appear and show cause why  
17 ~~he~~ the person should not be punished for contempt, and unless  
18 ~~he-renders~~ the person renders a sufficient excuse for ~~such~~  
19 the failure he the person may be punished for contempt.

20 Sec. 121. Section 610.27, Code 1983, is amended to read  
21 as follows:

22 610.27 ORDER FOR APPEARANCE--NOTICE--SERVICE. If the  
23 court ~~deem~~ deems the accusation sufficient to justify further  
24 action, it shall cause an order to be entered requiring the  
25 accused to appear and answer in the court where the accusation  
26 ~~or-charge-shall-have~~ has been filed on the day ~~therein~~ fixed  
27 in the order, and shall cause a copy of the accusation and  
28 order to be served upon ~~him~~ the accused personally.

29 Sec. 122. Section 617.3, unnumbered paragraphs 5 and 6,  
30 Code 1983, are amended to read as follows:

31 The original notice of suit filed with the secretary of  
32 state shall be in form and substance the same as provided  
33 ~~in suits-against-residents-of-this-state,-except-that-that~~  
34 ~~part-of-said-notice-pertaining-to-the-return-day-shall-be~~  
35 ~~in-substantially-the-following-form,-to-wit-~~

1     ~~and-unless-you-appear-thereto-and-defend-in-the-district~~  
2 ~~court-of-iowa-in-and-for-----county-at-the-courthouse~~  
3 ~~in-----,--iowa-within-sixty-days-following-the-filing~~  
4 ~~of-this-notice-with-the-secretary-of-state-of-the-state-of~~  
5 ~~iowa,-default-will-be-entered-and-judgment-rendered-against~~  
6 ~~you-by-the-court-"~~ R.C.P. 381, form 3, Ia. Ct. Rules, 2nd  
7 ed.

8     Sec. 123. Section 631.2, subsection 2, Code 1983, is  
9 amended to read as follows:

10     2. The clerk of court shall maintain a separate docket  
11 ~~for-small-claims-which-shall-be-known-as-the~~ small claims  
12 docket, ~~and~~ which shall contain all matters relating to these  
13 small claims which are required by section ~~606-7~~ 331.704 to  
14 be contained in a combination docket.

15     Sec. 124. Section 631.6, unnumbered paragraph 2, Code  
16 1983, is amended to read as follows:

17     All fees and costs collected in small claims actions shall  
18 be remitted to the county treasurer as provided in section  
19 ~~606-16~~ 331.705, subsection 4. ~~The~~ However, the fee specified  
20 in subsection 4 of this section shall be remitted to the  
21 secretary of state.

22     Sec. 125. Section 631.15, Code 1983, is amended to read  
23 as follows:

24     631.15 STANDARD FORMS. The supreme court shall prescribe  
25 standard forms of pleadings to be used in small claims actions.  
26 Standard forms promulgated by the supreme court shall be the  
27 exclusive forms used ~~after-December-31,-1975,-but-forms~~  
28 ~~prepared-in-accordance-with-the-law-prior-to-July-1,-1974,~~  
29 ~~may-be-used-until-December-31,-1975.~~

30     Sec. 126. Section 633.376, Code 1983, is amended to read  
31 as follows:

32     633.376 ALLOWANCE TO MINOR CHILDREN WHO DO NOT RESIDE  
33 WITH SURVIVING SPOUSE. The court may also make an allowance  
34 to a child of the decedent who is less than eighteen years  
35 of age or who is between the ages of eighteen and twenty-two

1 years who is regularly attending an approved school in  
2 pursuance of a course of study leading to a high school diploma  
3 or its equivalent, or regularly attending a course of  
4 vocational technical training either as a part of a regular  
5 school program or under special arrangements adapted to the  
6 individual person's needs; or is, in good faith, a full-time  
7 student in a college, university, or area school; or has been  
8 accepted for admission to a college, university, or area  
9 school and the next regular term has not yet begun; or a child  
10 of any age who is dependent ~~on-the-parties-to-the-dissolution~~  
11 ~~proceedings~~ because of physical or mental disability; who  
12 does not reside with the surviving spouse, of such an amount  
13 as it deems reasonable in the light of the assets and condition  
14 of the estate, to provide for ~~their~~ the child's proper support  
15 during such the period of twelve months.

16 Sec. 127. Section 675.29, Code 1983, is amended to read  
17 as follows:

18 675.29 DESERTION STATUTE APPLICABLE. The provisions of  
19 ~~chapter-731,~~ sections 726.3 through 726.5 relating to desertion  
20 and abandonment of children, ~~shall~~ have the same ~~force-and~~  
21 effect in cases of illegitimacy where paternity has been  
22 judicially established, or has been acknowledged by the father  
23 in writing or by the furnishing of support, as in cases of  
24 children born in wedlock.

25 Sec. 128. Sections 135.81, 404.8, and 444.5, Code 1983,  
26 are repealed.

27 EXPLANATION

28 This bill makes nonsubstantive corrections to many Code  
29 sections. Often several corrections are included in one  
30 section.

31 Sections 2 through 4, 9, 11, 12, 14 through 17, 24, 27  
32 through 30, 33, 39 through 43, 54, 64, 65, 71, 73, 75 through  
33 77, 79 through 81, 84, 86, 88, 90, 93, 104 through 106, 108,  
34 109, 117, 123, 124, 127, and the repeal of sections 404.8  
35 and 445.5 in section 128 of the bill correct misreferences

1 to sections which have been repealed or are otherwise not  
2 applicable. In some cases no further reference is needed,  
3 and in others, a correct reference is substituted.

4 Sections 5 through 8, 10, 19 through 23, 26, 32, 34 through  
5 38, 44 through 53, 55 through 61, 63, 68, 73, 78, 82, 94  
6 through 96, 101 through 104, 111, and 112 of the bill correct  
7 the names of state or federal agencies, officers, or other  
8 entities.

9 Sections 18, 25, 31, 62, 66, 69 through 62, 74, 83, 85,  
10 87, 89, 91, 92, 97 through 100, 107, 113, 115, 116, 118, 119,  
11 122, 125, 126, and the repeal of section 135.81 in section  
12 128 of the bill remove obsolete or incorrect language.

13 Sections 110 and 114 substitute correct words for obviously  
14 incorrect words.

15 Sections 1, 13, 40, 41, 67, 76, 104, 120, and 121 of the  
16 bill make grammatical corrections.

17 When a Code section was to be otherwise amended, changes  
18 were also made to neutralize gender references. This is done  
19 in sections 2, 8, 13, 23, 28, 34, 35, 39, 55, 56, 67, 91,  
20 100, 108, 120, and 121 of the bill.

21 Appropriate changes are also made in many sections to con-  
22 form to present drafting style guidelines.

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S-3031

1 Amend Senate File 136 as follows:

2 1. Page 1, by striking lines 22 through 25 and  
3 inserting in lieu thereof the following:

4 "Sec. 3. Section 85.59, unnumbered paragraphs 7  
5 and 8, Code 1983, are amended to read as follows:

6 The time limit for commencing an original proceeding  
7 to determine entitlement to benefits under this section  
8 ~~shall-be~~ is the same as set forth in section 85.26.

9 If an injury occurs to an inmate so as to qualify  
10 the inmate for benefits under this section,  
11 notwithstanding the fact that payments of weekly  
12 benefits are not commenced, ~~a-memorandum-of-agreement~~  
13 an acknowledgment of compensability shall be filed  
14 with the industrial commissioner within thirty days  
15 of the time the responsible authority receives notice  
16 or knowledge of the injury as required by section  
17 85.23.

18 If a dispute arises as to the extent of disability  
19 when ~~a-memorandum-of-agreement~~ an acknowledgment of  
20 compensability is on file or when an award".

S-3031 FILED  
FEBRUARY 1, 1983  
*Adopted 2/3 (p. 362)*

BY COMMITTEE ON JUDICIARY  
DONALD V. DOYLE, CHAIR

SENATE FILE 136

S-3051

Amend Senate File 136 as follows:

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

4 "Sec. \_\_\_\_ . Section 18.2, Code 1983, is amended  
5 to read as follows:

6 18.2 DEPARTMENT ESTABLISHED. There is created  
7 a department of general services which ~~shall-be~~ is  
8 attached to the office of the governor and ~~shall-be~~  
9 is under the governor's general direction, supervision,  
10 and control. The ~~office-shall-be-in-charge-of-a~~  
11 ~~director,-who-shall-be-appointed-by-the~~ governor shall  
12 appoint the director, subject to confirmation by the  
13 senate. ~~The-director-shall-be-employed-on-a-permanent~~  
14 ~~basis-~~ The director shall not hold any other office,  
15 engage in any political activity, accept or solicit,  
16 directly or indirectly, any political contributions,  
17 and shall not use the office to support the candidacy  
18 of anyone for elective or appointive office. The  
19 director shall hold office at the governor's pleasure  
20 and shall receive a salary ~~at-a-rate-fixed-by-the~~  
21 ~~governor-not-to-exceed-twenty-five-thousand-dollars~~  
22 per-annum as fixed by the general assembly. Before  
23 entering upon the discharge of ~~his-or-her~~ the  
24 director's duties, the director may be required to  
25 give a surety bond in an amount as fixed by the  
governor. The premium on the bond shall be paid out  
of funds appropriated to the department.

28 The director ~~shall~~ must be a qualified  
29 administrator."

S-3051 FILED  
FEBRUARY 7, 1983  
*Adopted 2/5 (p. 362)*

BY COMMITTEE ON JUDICIARY  
DONALD V. DOYLE, CHAIR

Judiciary and Law Enforcement: Jay, Chair: Chapman and McKean.

Amended per 2179 & Do Pass 2/1/83 (p. 555)

SENATE FILE

136

BY COMMITTEE ON JUDICIARY

(AS AMENDED AND PASSED BY THE SENATE FEBRUARY 8, 1983)

RePassed Senate, Date 4-18-83 (p. 1283) Passed House, Date 4-11-83 (p. 1173)

Vote: Ayes 46 Nays 0 Vote: Ayes 94 Nays 0

Approved May 9, 1983 (p. 1640)

# A BILL FOR

1 An Act to make nonsubstantive corrections to the Code.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

## SENATE FILE 136

H-3179

1 Amend Senate File 136 as amended and passed by  
2 the Senate, as follows:  
3 1. Page 2, by striking line 31 through page 3,  
4 line 9 and inserting in lieu thereof the following:  
5 "87.13 INTERPRETATIVE CLAUSE. The law as the  
6 same appears in section 85-4 and other sections of  
7 chapters 85, 86, and this chapter, including the words  
8 "except as provided in this chapter" as the same  
9 appear in section 85-3 all insofar as it relates to  
10 the right to reject the terms, provisions and  
11 conditions of the compensation law, shall not apply  
12 to any employer or employee engaged in the operation  
13 of coal mines or production of coal, under any system  
14 of removing coal for sale, but all All provisions  
15 of the law in chapters 85, 85A, 85B, 86, and this  
16 chapter relating to compensation for injuries sustained  
17 arising out of and in the course of such employment  
18 shall be in the operation of coal mines or production  
19 of coal under any system of removing coal for sale  
20 are exclusive, compulsory and obligatory upon the  
21 employer and employee in such employment."

H-3179 FILED MARCH 2, 1983

BY COMMITTEE ON JUDICIARY  
AND LAW ENFORCEMENT

## HOUSE AMENDMENT TO SENATE FILE 136

S-3547

1 Amend Senate File 136 as amended and passed by  
2 the Senate, as follows:  
3 1. Page 2, by striking line 31 through page 3,  
4 line 9 and inserting in lieu thereof the following:  
5 "87.13 INTERPRETATIVE CLAUSE. The law as the  
6 same appears in section 85-4 and other sections of  
7 chapters 85, 86, and this chapter, including the words  
8 "except as provided in this chapter" as the same  
9 appear in section 85-3 all insofar as it relates to  
10 the right to reject the terms, provisions and  
11 conditions of the compensation law, shall not apply  
12 to any employer or employee engaged in the operation  
13 of coal mines or production of coal, under any system  
14 of removing coal for sale, but all All provisions  
15 of the law in chapters 85, 85A, 85B, 86, and this  
16 chapter relating to compensation for injuries sustained  
17 arising out of and in the course of such employment  
18 shall be in the operation of coal mines or production  
19 of coal under any system of removing coal for sale  
20 are exclusive, compulsory and obligatory upon the  
21 employer and employee in such employment."

S-3547 FILED  
APRIL 13, 1983

RECEIVED FROM THE HOUSE

Senate concurred 4/18/83 (p. 1283)

1 Section 1. Section 7A.4, Code 1983, is amended to read  
2 as follows:

3 7A.4 STATE AGENCIES AND OFFICERS TO CO-OPERATE. All state  
4 agencies and officers shall provide the office ~~of~~ for planning  
5 and programming with any information it requests pertaining  
6 to its duties under this chapter, shall assist the office  
7 in carrying out its duties, and shall provide the office with  
8 a copy of all official grant-in-aid applications, together  
9 with a copy of any program plan developed to meet federal  
10 requirements, prior to submission of ~~such~~ an application to  
11 the federal government.

12 Sec. 2. Section 18.2, Code 1983, is amended to read as  
13 follows:

14 18.2 DEPARTMENT ESTABLISHED. There is created a department  
15 of general services which shall-be is attached to the office  
16 of the governor and shall-be is under the governor's general  
17 direction, supervision, and control. The office-shall-be  
18 in-charge-of-a-director, who shall-be-appointed-by-the governor  
19 shall appoint the director, subject to confirmation by the  
20 senate. The-director-shall-be-employed-on-a-permanent-basis-  
21 The director shall not hold any other office, engage in any  
22 political activity, accept or solicit, directly or indirectly,  
23 any political contributions, and shall not use the office  
24 to support the candidacy of anyone for elective or appointive  
25 office. The director shall hold office at the governor's  
26 pleasure and shall receive a salary at-a-rate-fixed-by-the  
27 governor-not-to-exceed-twenty-five-thousand-dollars-per-annum  
28 as fixed by the general assembly. Before entering upon the  
29 discharge of his-or-her the director's duties, the director  
30 may be required to give a surety bond in an amount as fixed  
31 by the governor. The premium on the bond shall be paid out  
32 of funds appropriated to the department.

33 The director shall ~~shall~~ must be a qualified administrator.

34 Sec. 3. Section 80D.11, Code 1983, is amended to read  
35 as follows:

1 80D.11 EMPLOYEE--PAY. While performing official duties,  
 2 each reserve peace officer shall be considered an employee  
 3 of the governing body which ~~he-or-she~~ the officer represents  
 4 and shall be paid a minimum of one dollar per year. The  
 5 governing body of a city, county, or the state may provide  
 6 additional monetary assistance for the purchase and maintenance  
 7 of uniforms and equipment used by reserve peace officers ~~but~~  
 8 ~~not-to-exceed-the-allowance-provided-in-section-337A-2.~~

9 Sec. 4. Section 85.59, unnumbered paragraphs 7 and 8,  
 10 Code 1983, are amended to read as follows:

11 The time limit for commencing an original proceeding to  
 12 determine entitlement to benefits under this section shall  
 13 be is the same as set forth in section 85.26. If an injury  
 14 occurs to an inmate so as to qualify the inmate for benefits  
 15 under this section, notwithstanding the fact that payments  
 16 of weekly benefits are not commenced, a-memorandum-of-agreement  
 17 an acknowledgment of compensability shall be filed with the  
 18 industrial commissioner within thirty days of the time the  
 19 responsible authority receives notice or knowledge of the  
 20 injury as required by section 85.23.

21 If a dispute arises as to the extent of disability when  
 22 a-memorandum-of-agreement an acknowledgment of compensability  
 23 is on file or when an award determining liability has been  
 24 made, an action to determine the extent of disability must  
 25 be commenced within one year of the time of the release of  
 26 the inmate from the institution. This shall does not bar  
 27 the right to reopen the claim as provided by section 86-34  
 28 85.26, subsection 2.

29 Sec. 5. Section 87.13, Code 1983, is amended to read as  
 30 follows:

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

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

10 Sec. 6. Section 93A.4, subsection 4, Code 1983, is amended  
11 to read as follows:

12 4. The state department of agriculture, office for planning  
13 and programming, department of soil conservation, state  
14 conservation commission, ~~Iowa-natural-resources-council,~~  
15 department of environmental-quality water, air and waste  
16 management, geological survey, state agricultural extension  
17 service, and the Iowa development commission shall, upon  
18 request, provide to each county commission any pertinent land  
19 use information available to assist in the compiling of the  
20 county land use inventories.

21 Sec. 7. Section 93A.11, subsection 2, Code 1983, is amended  
22 to read as follows:

23 2. WATER PRIORITY. In the application for a permit to  
24 divert, store, or withdraw water and in the allocation of  
25 available water resources under a water permit system, the  
26 ~~Iowa-natural-resources-council~~ department of water, air and  
27 waste management shall give priority to the use of water  
28 resources by a farm or farm operations, exclusive of  
29 irrigation, located in an agricultural area over all other  
30 uses except the competing uses of water for ordinary household  
31 purposes.

32 Sec. 8. Section 96.10, unnumbered paragraph 3, Code 1983,  
33 is amended to read as follows:

34 The director of the department may establish, consolidate,  
35 and abolish divisions of the department when necessary for

1 the efficient performance of the ~~various-functions-and-duties~~  
 2 ~~of-the~~ department ~~of-employment-security~~.

3 Sec. 9. Section 96.19, subsection 9, paragraph c, Code  
 4 1983, is amended to read as follows:

5 c. An individual shall be deemed temporarily unemployed  
 6 if for a period, verified by the ~~commission~~ department, not  
 7 to exceed four consecutive weeks, ~~he-or-she~~ the individual  
 8 is unemployed due to a plant shutdown, vacation, inventory,  
 9 lack of work or emergency from ~~his-or-her~~ the individual's  
 10 regular job or trade in which ~~he-or-she~~ the individual worked  
 11 full-time and ~~in-which-he-or-she~~ will again work full-time,  
 12 if ~~his-or-her~~ the individual's employment, although temporarily  
 13 suspended, has not been terminated.

14 Sec. 10. Section 97B.41, subsection 3, paragraph b, sub-  
 15 paragraph (1), Code 1983, is amended to read as follows:

16 (1) Elective officials in positions for which the  
 17 compensation is on a fee basis, elective officials of school  
 18 districts, elective officials of townships, and elective  
 19 officials of other political subdivisions who are in part-  
 20 time positions, graduate medical students while serving as  
 21 interns or resident doctors in training at any hospital, or  
 22 county medical examiners and deputy county medical examiners  
 23 under chapter ~~339~~ 331, division V, part 7.

24 Sec. 11. Section 97C.20, unnumbered paragraph 2, Code  
 25 1983, is amended to read as follows:

26 Upon receiving evidence satisfactory to ~~him~~ the governor  
 27 that with respect to any such referendum the conditions  
 28 specified in section 218 "d" (3) of the Social Security Act  
 29 have been met, the governor shall so certify to the secretary  
 30 of ~~health-education, and welfare~~ human services.

31 Sec. 12. Section 111.25, Code 1983, is amended to read  
 32 as follows:

33 111.25 LEASES. The commission may recommend that the  
 34 executive council lease property under the commission's  
 35 jurisdiction. All leases shall reserve to the public of the

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

23 Sec. 13. Section 111.62, Code 1983, is amended to read  
24 as follows:

25 111.62 COPY TO DEPARTMENT. A copy of the petition and  
26 the applications, plans, and specifications required under  
27 chapter ~~455A~~ 455B shall be filed with the department of water,  
28 air and waste management and any approval or permit required  
29 under chapter ~~455A~~ 455B shall be obtained prior to the  
30 establishment of the water recreational area or the granting  
31 of a permit for the area by the state conservation commission.

32 Sec. 14. Section 117.29, subsection 5, Code 1983, is  
33 amended to read as follows:

34 5. Conviction of a felony related to the profession or  
35 occupation of the licensee ~~on the~~ or conviction of any a

1 felony that would affect ~~his-or-her~~ the licensee's ability  
2 to practice the profession of real estate broker and salesman  
3 salesperson. A copy of the record of conviction or plea of  
4 guilty ~~shall-be~~ is conclusive evidence.

5 Sec. 15. Section 125.76, Code 1983, is amended to read  
6 as follows:

7 125.76 APPOINTMENT OF COUNSEL FOR APPLICANT. The  
8 applicant, if not the county attorney, may apply for the  
9 appointment of counsel if financially unable to employ an  
10 attorney to assist the applicant in presenting evidence in  
11 support of the application for commitment. If the applicant  
12 applies for the appointment of counsel, the application shall  
13 include a financial statement as defined in section ~~336B-1~~  
14 331.775, subsection 3.

15 Sec. 16. Section 135B.7, Code 1983, is amended to read  
16 as follows:

17 135B.7 RULES AND ENFORCEMENT. The state department of  
18 health with the advice of the hospital licensing board, shall  
19 ~~adopt,-amend,-promulgate~~ and enforce ~~such~~ rules and standards  
20 ~~with-respect-to~~ for the different types of hospitals to be  
21 licensed ~~hereunder-as-may-be-designed~~ under this chapter,  
22 to further the ~~accomplishment-of-the~~ purposes of the chapter.  
23 ~~Rules-and-standards-may-be-adopted-imposing-requirements-in~~  
24 ~~excess-of-these-provided-in-chapter-413,-but-no-rule-or~~  
25 ~~standard-shall-be-adopted-imposing-requirements-less-than~~  
26 ~~these-provided-by-said-chapter,-,-No-rules~~ Rules or standards  
27 shall not be adopted or enforced which would have the effect  
28 of denying a license to a hospital or other institution  
29 required to be licensed ~~hereunder~~, solely by reason of the  
30 school or system of practice employed or permitted to be  
31 employed by physicians ~~therein,-provided-that-such~~ in the  
32 hospital if the school or system of practice is recognized  
33 by the laws of this state.

34 Sec. 17. Section 135B.17, unnumbered paragraph 1, Code  
35 1983, is amended to read as follows:

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

6 Sec. 18. Section 135C.14, subsection 1, Code 1983, is  
7 amended to read as follows:

8 1. Location and construction of the facility, including  
9 plumbing, heating, lighting, ventilation, and other housing  
10 conditions, which shall ensure the health, safety and comfort  
11 of residents and protection from fire hazards. ~~Such rules~~  
12 ~~and standards regarding location and construction of the home~~  
13 ~~may impose requirements in excess of those provided in chapter~~  
14 ~~413 but shall not impose requirements less than those provided~~  
15 ~~by such chapter.~~ The rules of the department relating to  
16 protection from fire hazards and fire safety shall be  
17 promulgated by the state fire marshal, and shall be in keeping  
18 with the latest generally recognized safety criteria for the  
19 facilities covered of which the applicable criteria recommended  
20 and published from time to time by the national fire protection  
21 association shall ~~be~~ are prima-facie evidence.

22 Sec. 19. Section 135D.15, Code 1983, is amended to read  
23 as follows:

24 135D.15 SEASONAL OPERATION. If ~~any~~ an applicant for a  
25 mobile home park license desires to operate ~~such~~ the mobile  
26 home park only during the months from May 1 to October 1,  
27 ~~they should~~ the applicant shall pay only one-half of the  
28 ~~above-mentioned~~ annual license fee, ~~but should pay the full~~  
29 ~~monthly fees hereinbefore required for each month of operation.~~  
30 If in the opinion of the state department of health the  
31 sanitary and facility requirements ~~herein contained~~ in this  
32 chapter are too rigid for the mobile home park, it may in  
33 writing or by regulation modify ~~such~~ the requirements as  
34 circumstances may permit and require.

35 Sec. 20. Section 137.6, subsection 4, Code 1983, is amended

1 to read as follows:

2 4. Employ ~~such-employees~~ persons as are necessary for  
3 the efficient discharge of its duties. Employment practices  
4 shall meet the requirements of the Iowa merit ~~system-council~~  
5 employment commission or any civil service provision adopted  
6 under chapter 400.

7 Sec. 21. Section 144.1, subsection 8, Code 1983, is amended  
8 to read as follows:

9 8. "Filing" means the presentation of a certificate,  
10 report, or other record, provided for in this chapter, of  
11 a birth, death, fetal death, adoption, marriage, ~~diveree~~  
12 dissolution, or annulment for registration by the division.

13 Sec. 22. Section 144.2, Code 1983, is amended to read  
14 as follows:

15 144.2 DIVISION OF RECORDS AND STATISTICS. There is hereby  
16 established in the department a division for records and  
17 statistics which shall install, maintain, and operate the  
18 system of vital statistics throughout the state. No system  
19 for the registration of births, deaths, fetal deaths,  
20 adoptions, marriages, ~~diverees~~ dissolutions, and annulments,  
21 shall be maintained in the state or any of its political  
22 subdivisions other than the one provided for in this chapter.  
23 Suitable quarters shall be provided for the division by the  
24 executive council at the seat of government. The quarters  
25 shall be properly equipped for the permanent and safe  
26 preservation of all official records made and returned under  
27 this chapter.

28 Sec. 23. Section 144.37, unnumbered paragraphs 2 and 3,  
29 Code 1983, are amended to read as follows:

30 The clerk of the district court in each county shall keep  
31 a record book for ~~diverees~~ dissolutions. The form of ~~diveree~~  
32 dissolution record books shall be uniform throughout the state  
33 and shall be prescribed by the state department. ~~Diveree~~  
34 Dissolution record books shall be provided at county expense.  
35 A properly indexed record of ~~diverees~~ dissolutions upon

1 microfilm, electronic computer, or data processing equipment  
2 may be kept instead of ~~divorce~~ record books.

3 On or before the tenth day of each calendar month, the  
4 clerk of court shall forward to the state registrar the record  
5 of each ~~divorce~~ dissolution and annulment granted during the  
6 preceding calendar month and ~~such~~ related reports ~~as-may-be~~  
7 required by regulations issued under this chapter.

8 Sec. 24. Section 144.51, Code 1983, is amended to read  
9 as follows:

10 144.51 INFORMATION BY OTHERS FURNISHED ON DEMAND. Any  
11 person having knowledge of the facts shall furnish information  
12 ~~he-may-possess~~ the person possesses regarding any birth,  
13 death, fetal death, adoption, marriage, ~~divorce~~ dissolution,  
14 or annulment, upon demand of the state registrar or ~~his~~ the  
15 state registrar's representative.

16 Sec. 25. Section 145A.20, Code 1983, is amended to read  
17 as follows:

18 145A.20 REVENUE BONDS. In addition to any other provisions  
19 of this chapter and for the purpose of acquiring, constructing,  
20 equipping, enlarging or improving a hospital building or any  
21 part thereof, merged areas may issue revenue bonds as provided  
22 in ~~section-347A-2~~ chapter 331, division IV, part 4.

23 Sec. 26. Section 147.21, unnumbered paragraph 3, Code  
24 1983, is amended to read as follows:

25 A member of the board who willfully communicates or seeks  
26 to communicate such information, and any person who willfully  
27 requests, obtains, or seeks to obtain such information, is  
28 guilty of a ~~public-offense-which-is-punishable-by-a-fine-not~~  
29 ~~exceeding-one-hundred-dollars-or-by-imprisonment-in-the-county~~  
30 ~~jail-for-not-more-than-thirty-days~~ simple misdemeanor.

31 Sec. 27. Section 148A.4, subsections 1 and 2, Code 1983,  
32 are amended to read as follows:

33 1. Be a graduate of an accredited high school and have  
34 completed a course of study in, and hold a diploma or  
35 certificate issued by a school of physical therapy approved

1 by the board of physical and occupational therapy examiners.

2 2. Have passed an examination administered by the board  
3 of physical and occupational therapy examiners.

4 Sec. 28. Section 153A.3, Code 1983, is amended to read  
5 as follows:

6 153A.3 APPRENTICE OPHTHALMIC DISPENSERS. A person employed  
7 by a physician and surgeon, osteopathic physician, osteopathic  
8 physician and surgeon, optometrist, or certified ophthalmic  
9 dispenser for the purpose of obtaining practical experience  
10 and skill as an ophthalmic dispenser shall be registered with  
11 the state department as an apprentice. Persons desiring to  
12 be registered as an apprentice shall file an application with  
13 the state department of health on a form provided by the state  
14 department. The application shall be signed by the applicant  
15 and the applicant's employer and accompanied by the  
16 registration fee prescribed under section ~~147.00~~ 153A.11.

17 Sec. 29. Section 155.37, subsection 1, paragraph b, Code  
18 1983, is amended to read as follows:

19 b. If the cost of the prescription or any part thereof  
20 ~~shall~~ of it will be paid by expenditure of public funds  
21 authorized under ~~chapters~~ chapter 239, 249, 249A, 252, 253,  
22 ~~254,~~ or 255, the pharmacist shall exercise ~~his-or-her~~  
23 professional judgment by selecting a drug product of the same  
24 generic name and demonstrated bioavailability but of a lesser  
25 cost than the one prescribed for dispensing and sale to the  
26 person unless the physician, dentist, or podiatrist  
27 specifically states that only that designated brand or trade  
28 name drug product is to be dispensed. ~~Under-no-circumstances~~  
29 ~~shall~~ However, a pharmacy to which the prescription is  
30 presented or communicated ~~be~~ is not required to substitute  
31 a drug product of the same generic name and demonstrated  
32 bioavailability but of lesser cost unless the pharmacy has  
33 in stock one or more ~~other~~ such drug products.

34 Sec. 30. Section 170B.3, unnumbered paragraph 2, Code  
35 1983, is amended to read as follows:

1 If a municipal corporation wants its local board of health  
2 to license, inspect, and otherwise enforce the Iowa hotel  
3 sanitation code within its jurisdiction, the municipal  
4 corporation may enter into an agreement to do so with the  
5 secretary. The secretary may enter into ~~such-an~~ the agreement  
6 if the secretary finds that the local board of health has  
7 adequate resources to perform the required functions. A  
8 municipal corporation may only enter into an agreement to  
9 enforce the Iowa hotel sanitation code if it also agrees to  
10 enforce the Iowa food service sanitation code pursuant to  
11 section ~~170B-4~~ 170A.4 and to enforce the food and beverage  
12 vending machine laws pursuant to section 191A.14.

13 Sec. 31. Section 172C.8, subsection 3, Code 1983, is  
14 amended to read as follows:

15 3. Any nonresident alien identified as a beneficiary in  
16 a report filed with the secretary of state pursuant to section  
17 172C.7, subsection 3, shall file with the secretary of state  
18 on or before March 31 of each year on forms supplied by the  
19 secretary of state, a report containing the information set  
20 forth in section ~~567-9~~ 567.8, with respect to land owned by  
21 a fiduciary or trustee on behalf of the nonresident alien.

22 Sec. 32. Section 175.3, subsection 1, Code 1983, is amended  
23 to read as follows:

24 1. The Iowa family farm development authority is  
25 established, and constituted a public instrumentality and  
26 agency of the state exercising public and essential  
27 governmental functions. The authority is established to  
28 undertake programs which assist beginning farmers in purchasing  
29 agricultural land and agricultural improvements and depreciable  
30 agricultural property for the purpose of farming and programs  
31 which provide financing to farmers for permanent soil and  
32 water conservation practices on agricultural land within the  
33 state or for the acquisition of conservation farm equipment.  
34 The powers of the authority ~~shall-be~~ are vested in and  
35 exercised by a board of eleven members with nine members

1 appointed by the governor ~~with-the-approval-of-two-thirds~~  
2 ~~of-the-members-of~~ subject to confirmation by the senate.  
3 The treasurer of state and the secretary of agriculture are  
4 ex officio nonvoting members. No more than five members shall  
5 belong to the same political party. As far as possible the  
6 governor shall include within the membership persons who  
7 represent financial institutions experienced in agricultural  
8 lending, the real estate sales industry, farmers, beginning  
9 farmers, average taxpayers, local government, and any other  
10 person specially interested in family farm development.

11 Sec. 33. Section 189.2, subsection 4, Code 1983, is amended  
12 to read as follows:

13 4. Issue from time to time, bulletins showing the results  
14 of inspections, analyses, and prosecutions under this title.  
15 These bulletins shall be printed in such numbers as may be  
16 approved by the ~~state~~ superintendent of printing board and  
17 shall be distributed to the newspapers of the state and to  
18 all interested persons.

19 Sec. 34. Section 206.2, subsection 26, Code 1983, is  
20 amended to read as follows:

21 26. ~~The term-"state~~ "State restricted use pesticide" means  
22 any a pesticide which is restricted for sale, use, or  
23 distribution under ~~the-authority-of~~ section ~~455B.471~~ 455B.471.

24 Sec. 35. Section 206.6, subsection 1, unnumbered para-  
25 graph 2, Code 1983, is amended to read as follows:

26 A person who applies pesticides by use of any an aircraft  
27 and who is licensed as an aerial commercial applicator in  
28 another state shall apply pesticides in Iowa only under the  
29 direct supervision of a person holding a valid Iowa aerial  
30 commercial applicator's license. The supervising aerial  
31 commercial applicator ~~shall-be~~ is jointly liable with the  
32 person who is licensed as an aerial commercial applicator  
33 in another state for damages. The supervising applicator  
34 shall immediately notify the secretary of the commencement  
35 and of the termination of service provided by the supervised

1 applicator. A However, a person licensed in another state  
2 as an aerial commercial applicator may operate independently  
3 if he the person acquires an aerial commercial applicator  
4 license from the secretary and, posts bond in an amount to  
5 be determined by the secretary, and registers with the ~~Iowa~~  
6 ~~aeronautics-commission~~ department of transportation. Such  
7 The person shall-be is liable for damages.

8 Sec. 36. Section 206.6, subsection 5, Code 1983, is amended  
9 to read as follows:

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

30 Sec. 37. Section 218.1, subsections 1 and 8, Code 1983,  
31 are amended to read as follows:

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

33 8. ~~Eldera State~~ training school.

34 Sec. 38. Section 218.3, subsection 3, Code 1983, is amended  
35 to read as follows:

1 3. The director of the division of corrections of the  
2 department of social services ~~shall have~~ has primary authority  
3 and responsibility relative to the ~~following institutions:~~  
4 Women's reformatory Iowa correctional institution for women,  
5 men's reformatory and state penitentiary.

6 Sec. 39. Section 218.9, unnumbered paragraph 2, Code 1983,  
7 is amended to read as follows:

8 The director of the division of corrections of the  
9 department of social services, subject to the approval of  
10 the commissioner of the department, shall appoint the wardens  
11 of the state penitentiary and the men's reformatory and the  
12 superintendents of the Iowa security and medical facility  
13 and of the ~~women's reformatory~~ Iowa correctional institution  
14 for women.

15 Sec. 40. Section 218.97, Code 1983, is amended to read  
16 as follows:

17 218.97 DIAGNOSTIC CLINIC--INFORMATION FURNISHED. The  
18 commissioner of the department of social services and the  
19 directors of divisions directly involved ~~are authorized to~~  
20 may provide facilities and personnel for a diagnostic clinic.  
21 The work of the clinic shall include a scientific study of  
22 each prisoner, ~~his~~ the prisoner's career and life history,  
23 the causes of ~~his~~ the prisoner's criminal acts and  
24 recommendations for ~~his~~ custody, care, training, employment  
25 and counseling with a view to ~~his~~ the prisoner's rehabilitation  
26 and ~~to~~ the protection of society. To facilitate the work  
27 of the clinic and to aid in the rehabilitation of ~~such~~  
28 prisoners, the trial judge and the prosecuting attorney shall,  
29 when requested by the commissioner or the directors of  
30 divisions directly involved, furnish the commissioner or ~~such~~  
31 director the directors with ~~such information as is provided~~  
32 the state board of parole under section 247-15 a full statement  
33 of the facts relating to a prisoner's commission of an offense  
34 as known or believed by them.

35 Sec. 41. Section 230A.10, subsection 14, Code 1983, is

1 amended to read as follows:

2 14. Enter into ~~contracts~~ a contract with ~~affiliates~~ an  
3 affiliate, which may be an individual or a public or private  
4 group, agency, or corporation, organized and operating on  
5 either a profit or a nonprofit basis, for any of the services  
6 described in section 230A.2, ~~subsections 1 to 3~~, to be provided  
7 by the affiliate to residents of the county or counties served  
8 by the community mental health center who are patients or  
9 clients of the center and are referred by the center to the  
10 affiliate for service.

11 Sec. 42. Section 230A.12, subsection 3, Code 1983, is  
12 amended to read as follows:

13 3. Enter into ~~contracts~~ a contract with ~~affiliates~~ an  
14 affiliate, which may be an individual or a public or private  
15 group, agency or corporation, organized and operating on  
16 either a profit or a nonprofit basis, for any of the services  
17 described in section 230A.2, ~~subsections 1 to 3~~, to be provided  
18 by the affiliate to residents of the county or counties served  
19 by the community mental health center who are patients or  
20 clients of the center and are referred by the center to the  
21 affiliate for service.

22 Sec. 43. Section 230A.13, unnumbered paragraph 2, Code  
23 1983, is amended to read as follows:

24 Release of information which would identify an individual  
25 who is receiving or has received treatment at a community  
26 mental health center shall not be made a condition of support  
27 of that center by any county under this section. ~~The~~  
28 ~~provisions of section 331.21~~ Section 331.504, subsection 8  
29 notwithstanding, a community mental health center shall not  
30 be required to file a claim which would in any manner identify  
31 such an individual, if the center's budget has been approved  
32 by the county board under this section and the center is in  
33 compliance with section 230A.16, subsection 3.

34 Sec. 44. Section 235.1, unnumbered paragraph 1, Code 1983,  
35 is amended to read as follows:

1 The terms "state division", "state director", "county  
2 department", "county board" and "child" are used in this  
3 chapter and ~~chapters-237-and~~ chapter 238 as ~~said~~ the terms  
4 are defined in section 234.1.

5 Sec. 45. Section 245.2, Code 1983, is amended to read  
6 as follows:

7 245.2 SUPERINTENDENT--SALARY. The superintendent of the  
8 ~~women's-reformatory~~ Iowa correctional institution for women  
9 shall receive a salary as determined by the state director.

10 Sec. 46. Section 245.3, Code 1983, is amended to read  
11 as follows:

12 245.3 SERVICE REQUIRED. The superintendent may, with  
13 the approval of the state director, require any an inmate  
14 to perform any service suited to her strength and attainments  
15 and which may be needed for the benefit of the ~~reformatory~~  
16 institution or for the welfare of ~~such~~ the inmate.

17 Sec. 47. Section 245.4, Code 1983, is amended to read  
18 as follows:

19 245.4 EMPLOYEES TO RECEIVE A MIDSHIFT MEAL. The employees  
20 of the ~~women's-reformatory~~ Iowa correctional institution for  
21 women shall receive a midshift meal when on duty.

22 Sec. 48. Section 245.7, Code 1983, is amended to read  
23 as follows:

24 245.7 TERM OF COMMITMENTS. A female convicted of a felony  
25 shall not be detained in ~~said-reformatory~~ the Iowa correctional  
26 institution for women under one commitment for a period longer  
27 than the maximum term of imprisonment provided by law for  
28 ~~said~~ the felony. A female convicted of a crime and sentenced  
29 to a term of less than one year shall not be detained ~~therein~~  
30 in that institution.

31 Sec. 49. Section 245.8, Code 1983, is amended to read  
32 as follows:

33 245.8 MANNER OF COMMITTING FEMALES. Females committed  
34 to ~~said-reformatory~~ the Iowa correctional institution for  
35 women shall be taken ~~thereto~~ there by ~~some~~ a woman, or by

1 ~~some~~ a peace officer accompanied by ~~some~~ a woman, appointed  
2 by the court.

3 Sec. 50. Section 245.9, Code 1983, is amended to read  
4 as follows:

5 245.9 COSTS OF COMMITMENT. The costs and expenses allowed  
6 for taking females to the ~~reformatory~~ Iowa correctional  
7 institution for women shall be the same as those allowed by  
8 law for taking girls to the training school, and shall be  
9 audited and paid in like manner by the counties from which  
10 they are sent.

11 Sec. 51. Section 245.12, Code 1983, is amended to read  
12 as follows:

13 245.12 TRANSFER OF MENTALLY ILL. The state director may  
14 cause any woman committed to the ~~reformatory~~ Iowa correctional  
15 institution for women and suspected of being mentally ill  
16 to be examined by one of the superintendents or the  
17 superintendent's qualified designee of a state hospital for  
18 the mentally ill or transferred to the Iowa security and  
19 medical facility for examination. If the woman is found to  
20 be mentally ill, the department may order the woman transferred  
21 to or retained at a state hospital or the Iowa security and  
22 medical facility where she shall thereafter be maintained  
23 and treated at the expense of the state until ~~such-time-as~~  
24 she regains her good mental health when she shall be returned  
25 to the ~~reformatory~~ Iowa correctional institution for women.  
26 The cost of transfer and return shall be paid as provided  
27 for other transfers.

28 Sec. 52. Section 245.15, Code 1983, is amended to read  
29 as follows:

30 245.15 ESCAPE. Any inmate of ~~said-reformatory~~ the Iowa  
31 correctional institution for women who ~~shall-escape-therefrom~~  
32 escapes may be arrested and returned to ~~said-reformatory,~~  
33 the institution by an officer or employee ~~thereof~~ of the  
34 institution without any other authority than this chapter,  
35 and by any peace officer or other person on the request in

1 writing of the superintendent or the state director.

2 Sec. 53. Section 245.20, Code 1983, is amended to read  
3 as follows:

4 245.20 FEDERAL PRISONERS. Inmates sentenced for any term  
5 by any court of the United States may be received by the  
6 superintendent into the ~~women's-reformatory~~ Iowa correctional  
7 institution for women and there kept in ~~pursuant~~ pursuance  
8 of their sentences. Inmates at the ~~women's-reformatory~~ Iowa  
9 correctional institution for women may also be transferred  
10 to the federal bureau of prisons. If an inmate objects to  
11 her transfer to the federal bureau of prisons, the inmate  
12 shall be afforded a hearing as provided in section 217.22.

13 Sec. 54. Section 246.45, Code 1983, is amended to read  
14 as follows:

15 246.45 APPLICABILITY TO OTHER INSTITUTIONS. Sections  
16 246.38, 246.39, 246.41, 246.42, and 246.43 also apply to the  
17 inmates at the ~~women's-reformatory~~ Iowa correctional  
18 institution for women and the Iowa security and medical  
19 facility.

20 Sec. 55. Section 247A.9, Code 1983, is amended to read  
21 as follows:

22 247A.9 PAROLE NOT AFFECTED. ~~Nothing-in-this~~ This chapter  
23 ~~shall-be-constructed-to~~ does not affect eligibility for parole  
24 under chapter ~~247~~ 906 or diminution of confinement of any  
25 inmate released under a work release plan.

26 Sec. 56. Section 249.2, Code 1983, is amended to read  
27 as follows:

28 249.2 AGREEMENT WITH FEDERAL AUTHORITY. The commissioner  
29 may enter into an agreement with the United States secretary  
30 of ~~health, education and welfare~~ human services for federal  
31 administration of a program of state supplementary assistance  
32 to prescribed categories of persons who are, or would be  
33 except for the amount of income they receive from other  
34 sources, receiving federal supplemental security income.  
35 The agreement may authorize the secretary to make ~~such~~ rules,

1 in addition to and not in conflict with state laws and  
2 regulations, respecting eligibility for or the amount of state  
3 supplementary assistance paid under this section as he the  
4 secretary finds necessary to achieve efficient and effective  
5 administration of both the basic federal supplemental security  
6 income program and the state supplementary assistance program  
7 administered by the secretary under the agreement. The  
8 agreement shall provide for the state of Iowa to reimburse  
9 the federal government, from funds appropriated for that  
10 purpose, for state supplementary assistance paid by the federal  
11 government pursuant to the agreement.

12 Sec. 57. Section 249C.3, Code 1983, is amended to read  
13 as follows:

14 249C.3 WORK AND TRAINING PROGRAM. The commissioner shall  
15 establish a work and training program for persons and members  
16 of families receiving public assistance. The ~~employment~~  
17 ~~security-commissioner,~~ the Iowa state-employment department  
18 of job service, all county boards and departments of social  
19 welfare, and all state, county, and public educational agencies  
20 and institutions providing vocational rehabilitation, adult  
21 education, or vocational or technical training shall assist  
22 and co-operate in the program. They shall make agreements  
23 and arrangements for maximum co-operation and use of all  
24 available resources in the program. By mutual agreement the  
25 commissioner may delegate any of ~~his~~ the commissioner's powers  
26 and duties under this chapter to the ~~employment-security~~  
27 ~~commissioner-of-the~~ Iowa state-employment department of job  
28 service.

29 Sec. 58. Section 257.18, subsection 7, Code 1983, is  
30 amended to read as follows:

31 7. Provide the same educational supervision for the schools  
32 maintained by the ~~state-board-of-education~~ commissioner of  
33 social services as is provided for the public schools of the  
34 state and make recommendations to the ~~board-of-education~~  
35 commissioner of social services for the improvement of the

1 educational program in ~~such~~ those institutions.

2 Sec. 59. Section 259.4, subsection 16, Code 1983, is  
3 amended to read as follows:

4 16. Enter into an agreement with the secretary of the  
5 United States department of health, ~~education~~ and welfare  
6 human services relating to the matter of making determinations  
7 of disability under Title II and Title XVI of the federal  
8 Social Security Act as amended (42 U.S.C. ch 7).

9 Sec. 60. Section 261.2, subsection 1, Code 1983, is amended  
10 to read as follows:

11 1. Prepare and administer a state plan for higher education  
12 facilities which shall be the state plan submitted to the  
13 ~~commissioner of education, federal department of health,~~  
14 ~~education, and welfare, or any agency successor thereto~~  
15 secretary of education, in connection with the participation  
16 of this state in programs authorized by the federal "Higher  
17 Education Facilities Act of 1963" (P.L. 88-204), (77 Stat.  
18 L. 363; 20 U.S.C. 701) together with any amendments thereto.

19 Sec. 61. Section 261.36, subsections 3 and 7, Code 1983,  
20 are amended to read as follows:

21 3. Make and execute agreements, contracts and other  
22 instruments with any public or private person or agency  
23 including the United States ~~commissioner~~ secretary of  
24 education.

25 7. Accept appropriations, gifts, grants, loans or other  
26 aid from public or private persons or agencies including the  
27 United States ~~commissioner~~ secretary of education.

28 Sec. 62. Section 261.37, subsection 4, Code 1983, is  
29 amended to read as follows:

30 4. To enter into all necessary agreements with the United  
31 States ~~commissioner~~ secretary of education as ~~may be~~ required  
32 for the purpose of receiving full benefit of the state program  
33 incentives offered pursuant to the Higher Education Act of  
34 1965.

35 Sec. 63. Section 277.1, Code 1983, is amended to read

1 as follows:

2 277.1 REGULAR ELECTION. The regular election shall be  
3 held annually on the second Tuesday in September in each  
4 school district for the election of officers of the district,  
5 ~~and merged area,--and-county-school-system~~ and for the purpose  
6 of submitting to the voters ~~thereof~~ any matter authorized  
7 by law.

8 Sec. 64. Section 281.3, subsection 9, Code 1983, is amended  
9 to read as follows:

10 9. To co-operate with existing agencies such as the state  
11 department of social welfare services, the state department  
12 of public health, the state school for the deaf, the Iowa  
13 braille and sight-saving school, the state tuberculosis  
14 sanatorium, the children's hospitals, or other agencies  
15 concerned with the welfare and health of children requiring  
16 special education in the co-ordination of their educational  
17 activities for such children.

18 Sec. 65. Section 303A.4, subsection 9, Code 1983, is  
19 amended to read as follows:

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

23 Sec. 66. Section 306.27, Code 1983, is amended to read  
24 as follows:

25 306.27 CHANGES FOR SAFETY, ECONOMY AND UTILITY. The state  
26 department of transportation as to primary roads and the  
27 boards of supervisors as to secondary roads on their own  
28 motion may change the course of any part of any road or stream,  
29 watercourse or dry run and may pond water in order to avoid  
30 the construction and maintenance of bridges, or to avoid  
31 grades, or railroad crossings, or to straighten any a road,  
32 or to cut off dangerous corners, turns or intersections on  
33 the highway, or to widen any a road above statutory width,  
34 or for the purpose of preventing the encroachment of a stream,  
35 watercourse or dry run upon ~~each~~ the highway. The department

1 shall conduct its proceedings ~~to accomplish the above~~ in the  
2 manner and form prescribed in chapter 472, and the board of  
3 supervisors shall use the form prescribed in sections 306.28  
4 to 306.37. ~~All such changes shall be~~ Changes are subject  
5 to ~~the provisions of~~ chapter 455A 455B.

6 Sec. 67. Section 307.3, unnumbered paragraph 2, Code 1983,  
7 is amended to read as follows:

8 The commission shall meet in ~~July~~ May of each year for  
9 the purpose of electing one of its members as chairperson.

10 Sec. 68. Section 321.194, Code 1983, is amended to read  
11 as follows:

12 321.194 MINORS' SCHOOL LICENSES. Upon certification of  
13 a special need by the school board or the superintendent of  
14 the applicant's school, the department may issue a restricted  
15 license to ~~any~~ a person between the ages of fourteen and  
16 eighteen years ~~which~~. The license shall entitle the holder,  
17 while having the license in ~~his or her~~ immediate possession,  
18 to operate a motor vehicle during the hours of 6 a.m. to 9  
19 p.m. over the most direct and accessible route between the  
20 licensee's residence and school of enrollment for the purpose  
21 of attending duly scheduled courses of instruction and  
22 extracurricular activities at ~~such~~ the school or at any time  
23 when accompanied by a parent or guardian, driver education  
24 instructor, or prospective driver education instructor who  
25 is a holder of a valid operator's or chauffeur's license,  
26 and who is actually occupying a seat beside the driver. The  
27 license shall expire on ~~the~~ licensee's eighteenth birthday  
28 or upon issuance of a probationary operator's license or  
29 operator's license.

30 PARAGRAPH DIVIDED. Each application shall be accompanied  
31 by a statement from the school board or superintendent of  
32 the applicant's school. The statement shall be upon a form  
33 provided by the department. The school board or superintendent  
34 shall certify that a need exists for the license and that  
35 ~~they~~ the board and superintendent are not responsible for

1 any actions of the applicant ~~as-it-pertains~~ which pertain  
2 to the use of the restricted license. The department of  
3 public instruction shall adopt rules pursuant to chapter 17A  
4 establishing criteria for issuing a statement of necessity.  
5 Upon receipt of a statement of necessity, the department shall  
6 issue a restricted license. The fact that the applicant  
7 resides at a distance less than one mile from ~~his-or-her~~ the  
8 applicant's school is prima-facie evidence of the nonexistence  
9 of necessity for the issuance of ~~such~~ a license.

10 PARAGRAPH DIVIDED. A license issued under this section  
11 is subject to suspension or revocation in like manner as any  
12 other license or permit issued under any a law of this state  
13 ~~and-the.~~ The department may also suspend ~~such a~~ a license upon  
14 receiving satisfactory evidence that the licensee has violated  
15 the restrictions of the license or has been involved in one  
16 or more accidents chargeable to the licensee. The department  
17 may suspend any a license issued under this section upon  
18 receiving a record of the licensee's conviction for one  
19 violation and shall revoke the license upon receiving a record  
20 of conviction for two or more violations of any a law of this  
21 state or a city ordinance, other than parking regulations,  
22 regulating the operation of motor vehicles on highways and  
23 ~~after.~~ After revoking a license under this section the  
24 department shall not grant application for any a new license  
25 or permit until the expiration of one year or until the  
26 ~~licensee-attains-his-or-her~~ licensee's sixteenth birthday  
27 whichever is the longer period.

28 Sec. 69. Section 321.309, unnumbered paragraph 3, Code  
29 1983, is amended to read as follows:

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

34 Sec. 70. Section 321.382, Code 1983, is amended to read  
35 as follows:

1 321.382 UPGRADE PULLS--MINIMUM SPEED. No A motor vehicle  
2 or combination of vehicles, which cannot proceed up a three  
3 percent grade, on dry concrete pavement, at a minimum speed  
4 of twenty miles per hour, shall not be operated, ~~after January~~  
5 ~~17-1938~~, upon the highways of this state.

6 Sec. 71. Section 321.465, unnumbered paragraph 3, Code  
7 1983, is amended to read as follows:

8 Any A driver of a vehicle who fails or refuses to stop  
9 and submit the vehicle and load to a weighing, or who fails  
10 or refuses when directed by an officer upon a weighing of  
11 the vehicle to stop the vehicle and otherwise comply with  
12 ~~the provisions of~~ this section, ~~shall be~~ is guilty of a simple  
13 misdemeanor ~~and punished as provided in section 321-482.~~

14 Sec. 72. Section 321.486, subsection 2, Code 1983, is  
15 amended to read as follows:

16 2. A valid credit card, as defined in section 537.1301,  
17 subsection 16, may be used and ~~shall be~~ is sufficient surety  
18 when the defendant is charged with any a scheduled offense  
19 under section ~~753-15~~ 805.8. The defendant may use a credit  
20 card for bail purposes only in accordance with rules of the  
21 department of public safety adopted pursuant to chapter 17A.

22 Sec. 73. Section 321.500, Code 1983, is amended to read  
23 as follows:

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

30 "and unless you appear thereto and defend in the district  
31 court of Iowa in and for ----- county at the courthouse in  
32 ----- Iowa before noon of the sixtieth day following the  
33 filing of this notice with the director of transportation  
34 of this state, default will be entered and judgment rendered  
35 against you by the court." R.C.P. 381, form 2, Ia. Ct. Rules,

1 2nd ed.

2 Sec. 74. Section 321A.1, subsection 2, Code 1983, is  
3 amended to read as follows:

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

20 Sec. 75. Section 330.9, unnumbered paragraphs 1 and 2,  
21 Code 1983, are amended to read as follows:

22 Before an airport is acquired by any a city, or county,  
23 ~~or township~~ the plans and specifications ~~therefor~~ for it shall  
24 be submitted to the state department of transportation which  
25 shall require that they show:

26 ~~The~~ the legal description and plat of the site, distance  
27 from the nearest post office and railroad station, location  
28 and type of highways, location and type of obstructions on  
29 and near the site, kind of soil and subsoil, costs and  
30 details of grading and draining, and location of proposed  
31 runways, hangars, buildings, and other structures.

32 Sec. 76. Section 331.382, subsection 1, paragraph e, Code  
33 1983, is amended to read as follows:

34 e. Provision of preliminary diagnostic evaluation before  
35 admissions to state mental health institutes as provided in

1 sections ~~225B-4 to 225B-7~~ 225C.14 through 225C.17.

2 Sec. 77. Section 331.502, subsections 19 and 22, Code  
3 1983, are amended to read as follows:

4 19. Carry out duties relating to the hospitalization and  
5 support of mentally ill persons as provided in sections 229.42,  
6 230.3, 230.11, 230.15, and 230.21, ~~to 230.22, 230.25, and~~  
7 230.26.

8 22. If the legal settlement of a poor person receiving  
9 financial assistance is in another county, notify the auditor  
10 of that county of the financial assistance as provided in  
11 section 252.22.

12 Sec. 78. Section 331.602, subsection 33, Code 1983, is  
13 amended to read as follows:

14 33. Record, and index, and send to the secretary of state  
15 instruments relating to limited partnerships as provided in  
16 ~~section-545-2~~ sections 545.206 and 545.1106.

17 Sec. 79. Section 331.653, subsection 39, Code 1983, is  
18 amended to read as follows:

19 39. Notify the department of ~~environmental-quality water,~~  
20 air and waste management of hazardous conditions of which  
21 the sheriff is notified as provided in section 455B.386.

22 Sec. 80. Section 331.702, subsections 40, 85, and 138,  
23 Code 1983, are amended to read as follows:

24 40. If the board has adopted a resolution implementing  
25 a policy of preliminary diagnostic evaluations as provided  
26 in ~~section-225B-5~~ sections 225C.14 and 225C.15, refer persons  
27 applying for voluntary admission to a community mental health  
28 center for a preliminary diagnostic evaluation as provided  
29 in section ~~225B-6~~ 225C.16.

30 85. Accept applications for and issue marriage licenses  
31 as provided in chapter 595 ~~or-596.~~

32 138. Carry out duties relating to deferred judgments,  
33 probations, and restitution as provided in sections 907.4-  
34 and 907.8 ~~and-907-12.~~

35 Sec. 81. Section 364.17, subsection 1, unnumbered para-

1 graph 2, Code 1983, is amended by striking the unnumbered  
2 paragraph.

3 Sec. 82. Section 384.12, subsection 17, Code 1983, is  
4 amended by striking the subsection.

5 Sec. 83. Section 400.31, Code 1983, is amended to read  
6 as follows:

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

15 Sec. 84. Section 411.5, subsection 1, paragraph c, Code  
16 1983, is amended to read as follows:

17 c. The ~~two~~ three citizens appointed by the mayor shall  
18 serve on both of ~~said~~ the boards.

19 Sec. 85. Section 420.246, Code 1983, is amended to read  
20 as follows:

21 420.246 TAX AND DEED STATUTES APPLICABLE. Sections ~~445-27~~  
22 445.47 to 445.51, 446.3 to 446.6, 446.16, 446.32, ~~446-33,~~  
23 and 448.10 to 448.13 are ~~hereby-made~~ applicable to cities  
24 acting under special charters, except that, where the word  
25 "treasurer" is used, there shall be ~~used~~ substituted the words  
26 "city collector or treasurer or deputy treasurer or deputy  
27 or officer authorized to collect city taxes"; and where the  
28 word "auditor" is used, there shall be substituted the words  
29 "city clerk or recorder".

30 Sec. 86. Section 422.5, unnumbered paragraph 7, Code 1983,  
31 is amended to read as follows:

32 Upon determination of the latest cumulative inflation  
33 factor, the director of revenue shall multiply each dollar  
34 amount set forth in subsections 1 to 13 of this section, and  
35 each dollar amount specified in this ~~paragraph~~ section as

1 the maximum amount of annuities received which may be excluded  
2 in determining final taxable income, by this cumulative  
3 inflation factor, shall round off the resulting product to  
4 the nearest one dollar, and shall incorporate the result into  
5 the income tax forms and instructions for each tax year.

6 Sec. 87. Section 427.3, subsection 4, Code 1983, is amended  
7 to read as follows:

8 4. The property, not to exceed one thousand eight hundred  
9 fifty-two dollars in taxable value of any an honorably  
10 separated, retired, furloughed to a reserve, placed on inactive  
11 status, or discharged soldier, sailor, marine, or nurse of  
12 the second World War from December 7, 1941, to December 31,  
13 1946, army of occupation in Germany from November 12, 1918,  
14 to July 11, 1923, American expeditionary forces in Siberia  
15 from November 12, 1918, to April 30, 1920, second Nicaraguan  
16 campaign with the navy or marines in Nicaragua or on combatant  
17 ships 1926-1933, second Haitian ~~suppressions~~ suppression of  
18 insurrections 1919-1920, navy and marine operations in China  
19 1937-1939 and Yangtze service with navy and marines in Shanghai  
20 or in the Yangtze Valley 1926-1927 and 1930-1932 or of the  
21 Korean Conflict at any time between June 25, 1950, and January  
22 31, 1955, both dates inclusive, or those who served on active  
23 duty during the Vietnam Conflict beginning December 22, 1961,  
24 and ending May 7, 1975, both dates inclusive, ~~and as defined~~  
25 ~~in section 356-2~~. For the purposes of this section, "active  
26 duty" means full-time duty in the armed forces of the United  
27 States, excluding active duty for training purposes only and  
28 excluding any period a person was assigned by the armed forces  
29 to a civilian institution for a course of education or training  
30 which was substantially the same as established courses offered  
31 to civilians, or as a cadet or midshipman, however enrolled,  
32 at one of the service academies.

33 Sec. 88. Section 428.24, Code 1983, is amended to read  
34 as follows:

35 428.24 PUBLIC UTILITY PLANTS. The lands, buildings,

1 machinery, and mains belonging to individuals or corporations  
 2 operating waterworks or gasworks or pipelines; the lands,  
 3 buildings, machinery, tracks, poles, and wires belonging to  
 4 individuals, corporations or electric power agencies furnishing  
 5 electric light or power; and the lands, buildings, machinery,  
 6 poles, wires, overhead construction, tracks, cables, conduits,  
 7 and fixtures belonging to individuals or corporations operating  
 8 railways by cable or electricity, or operating elevated street  
 9 railways; ~~and-the-lands,-buildings,-tracks,-and-fixtures-of~~  
 10 ~~street-railways-operated-by-animal-power,~~ shall be listed  
 11 and assessed by the department of revenue. In the making  
 12 of ~~any-such-assessment~~ assessments of waterworks plants, the  
 13 value of any interest in the property so assessed, of the  
 14 municipal corporation ~~wherein-the-same~~ where it is situated,  
 15 shall be deducted, whether ~~such~~ the interest ~~be is~~ evidenced  
 16 by stock, bonds, contracts, or otherwise.

17 Sec. 89. Section 442.31, unnumbered paragraph 4, Code  
 18 1983, is amended to read as follows:

19 The department of public instruction shall ~~promulgate~~ adopt  
 20 rules under chapter 17A relating to the administration of  
 21 sections 442.31 to 442.35, ~~and 442.40 to-442-42~~ and 442.41.  
 22 The rules shall prescribe the format of program plans submitted  
 23 under section 442.32 and shall require that programs fulfill  
 24 specified objectives. The department shall encourage and  
 25 assist school districts to provide programs for gifted and  
 26 talented children whether or not additional allowable growth  
 27 is requested under this chapter.

28 Sec. 90. Section 444.2, Code 1983, is amended to read  
 29 as follows:

30 444.2 AMOUNTS CERTIFIED IN DOLLARS. When any an authorized  
 31 tax rate within any a taxing district, including townships,  
 32 school districts, cities and counties, ~~shall-have~~ has been  
 33 thus determined as provided by law, the officer or officers  
 34 charged with the duty of certifying ~~said~~ the authorized rate  
 35 to the county auditor or board of supervisors shall, before

1 certifying the same rate, compute upon the adjusted taxable  
2 valuation of such the taxing district for the preceding fiscal  
3 year ~~(not-including-moneys-and-credits,-and-ether-moneyed~~  
4 ~~capital-taxed-at-a-flat-rate-as-provided-in-section-429-2)~~,  
5 the amount of tax said the rate will raise, stated in dollars,  
6 and shall certify said the computed amount in dollars and  
7 not by rate, to the county auditor and board of supervisors.

8 Sec. 91. Section 446.7, unnumbered paragraph 2, Code 1983,  
9 is amended to read as follows:

10 Property of municipal and political subdivisions of the  
11 state of Iowa and property held by a city or county agency  
12 or the Iowa housing finance authority for use in an Iowa  
13 homesteading project, shall not be offered or sold at tax  
14 sale and a tax sale of that property ~~shall-be~~ is void from  
15 its inception. When delinquent taxes are owing against  
16 property owned or claimed by any a municipal or political  
17 subdivision of the state of Iowa, or property held by a city  
18 or county agency or the Iowa housing finance authority for  
19 use in an Iowa homesteading project, the treasurer shall give  
20 notice to the governing body of the agency, subdivision or  
21 authority which shall then pay the amount of the due and  
22 delinquent taxes from its general fund. If the governing  
23 body fails to pay the taxes, the board of supervisors shall  
24 abate the taxes as provided in chapters ~~332~~, 427 and 445 and  
25 section 569.8.

26 Sec. 92. Section 448.2, unnumbered paragraph 2, Code 1983,  
27 is amended to read as follows:

28 KNOW ALL MEN BY THESE PRESENTS, that the following described  
29 real estate, ~~viz~~ property: (Here follows the description),  
30 situated in the county of ..... and state of Iowa, was  
31 subject to taxation for the year (or years) A.D. ....,  
32 and the taxes assessed thereon for the year (or years)  
33 ~~afesaid~~ stated remained due and unpaid at the date of the  
34 sale ~~hereinafter-named~~; and the treasurer of said the county,  
35 having on the ..... day of ....., A.D. ....,

1 by virtue of the authority ~~in-him~~ vested by law in the  
2 treasurer, at (an adjournment of) the sale begun and publicly  
3 held on the ~~first~~ third Monday of June, A.D. ....,  
4 exposed to public sale at the office of the county treasurer  
5 in the county ~~aforesaid~~ named, in substantial conformity with  
6 all the requirements of the statute, the real property above  
7 described, for the payment of the taxes, interest and costs  
8 then due and remaining unpaid on said the property, and at  
9 ~~the~~ that time and place ~~aforesaid~~ A ..... B .....,  
10 of the county of ..... and state of ....., having  
11 offered to pay the sum of ..... dollars and .....  
12 cents, being the whole amount of taxes, interest and costs  
13 then due and remaining unpaid on said the property, for (here  
14 follows the description of the property sold) which was the  
15 least quantity bid for, and payment of said that sum having  
16 been was made by him that person to said the treasurer, the  
17 property was stricken off to ~~him~~ that person at that price;  
18 and ~~the-said~~ A ..... B ..... did, on the .....  
19 day of ....., A.D. ....., duly assign the certificate  
20 of the sale of the property ~~as-aforesaid~~ and all ~~his~~ right,  
21 title and interest to said the property to E ..... F  
22 ..... of the county of ..... and state of .....;  
23 and by the affidavit of ....., filed in said the  
24 treasurer's office on the ..... day of ....., A.D.  
25 ....., it appears that notice has been given more than  
26 ninety days before the execution of ~~these-presents~~ this deed  
27 to ..... and ..... of the expiration of the time  
28 of redemption allowed by law; and three years having have  
29 elapsed since the date of said the sale, and said the property  
30 having has not been redeemed ~~therefrom~~:

31 Sec. 93. Section 455.57, Code 1983, is amended to read  
32 as follows:

33 455.57 LEVY--INTEREST. When the board has finally  
34 determined the matter of assessments of benefits and  
35 apportionment, it shall levy such the assessments as fixed

1 by it upon the lands within ~~such~~ the district, but ~~any~~ an  
2 assessment on ~~any~~ a tract, parcel or lot within the district  
3 which is computed at less than two dollars shall be fixed  
4 at the sum of two dollars. All assessments shall be levied  
5 at that time as a tax and shall bear interest at not to exceed  
6 ~~seven-percent-per-annum~~ the rate permitted by chapter 74A  
7 from that date, payable annually, except as ~~hereinafter~~  
8 provided as to cash payments ~~thereof~~ within a specified time.

9 Sec. 94. Section 455B.387, subsection 2, Code 1983, is  
10 amended to read as follows:

11 2. The executive director may use any resources available  
12 under the hazardous condition contingency plan to provide  
13 for the removal of hazardous substances. If the executive  
14 director finds that public agencies cannot provide the  
15 necessary labor or equipment or if the executive director  
16 determines that emergency conditions exist, the executive  
17 director may contract with ~~any~~ a private person or agency  
18 for removal of the hazardous substance. In those cases where  
19 equipment or services are obtained from ~~any~~ a public or private  
20 person or agency under emergency conditions, section 455B-7  
21 455B.105, subsection ~~5-shall~~ 7 does not apply.

22 Sec. 95. Section 455B.441, Code 1983, is amended to read  
23 as follows:

24 455B.441 PURPOSE AND GUIDELINES. The purpose of this  
25 part is to protect the public health and the environment by  
26 providing a procedure for establishing appropriate sites and  
27 properly designed facilities for the treatment, storage and  
28 disposal of hazardous waste. It is the intent of the general  
29 assembly that in the implementation of this part the department  
30 of ~~environmental-quality~~ water, air and waste management shall  
31 emphasize alternatives to land burial of hazardous waste  
32 whenever possible with emphasis on the following management  
33 methods in the following order: Source reduction, reuse,  
34 resource recovery, incineration, and detoxification.

35 Sec. 96. Section 455B.442, subsection 2, Code 1983, is

1 amended to read as follows:

2 2. "Hazardous waste" means a hazardous waste as defined  
3 in section 455B.411, subsection 2 and listed by the  
4 ~~environmental-quality-commission~~ under section 455B.412,  
5 subsection 2.

6 Sec. 97. Section 455B.442, subsections 3 and 4, Code 1983,  
7 are amended by striking the subsections.

8 Sec. 98. Section 460.11, Code 1983, is amended to read  
9 as follows:

10 460.11 LAWS APPLICABLE. All proceedings for the  
11 construction and maintenance of highway drainage districts  
12 except as provided for in this chapter shall be as provided  
13 for in chapters 455 ~~to~~, 457, 458, and 459.

14 Sec. 99. Section 462.20, Code 1983, is amended to read  
15 as follows:

16 462.20 LEVEE AND PUMPING STATION DISTRICTS. ~~The-presently~~  
17 ~~acting-de-facto-members-of-the-boards-of-trustees-of-drainage~~  
18 ~~or-levee-districts-having-pumping-stations-are-hereby-declared~~  
19 ~~to-be-the-legally-constituted-members-of-such-boards,-the~~  
20 ~~terms-of-such-present-trustees-shall-expire-on-the-fourth~~  
21 ~~Saturday-of-January,-1958,-1959-and-1960-respectively-and~~  
22 ~~the-length-of-the-term-of-each-present-trustee-shall-be~~  
23 ~~determined-by-lot-at-a-meeting-to-be-held-on-the-third-Saturday~~  
24 ~~of-August,-1957.--Thereafter,-in~~ In levee and drainage  
25 districts having pumping stations trustees shall hold office  
26 until the fourth Saturday in January three years after  
27 election. ~~At-an-election-to-be-held-on-the-third-Saturday~~  
28 ~~in-January,-1958-and-on~~ On the third Saturday in January of  
29 each year ~~thereafter~~ a trustee shall be elected for a term  
30 of three years to succeed the member of the board whose term  
31 will expire on the following Saturday. At ~~such~~ the election  
32 there shall also be elected, if necessary, a trustee ~~or~~  
33 ~~trustees~~ to fill any vacancy ~~or-vacancies~~ which may have  
34 occurred before ~~such~~ the election.

35 Sec. 100. Section 462.21, Code 1983, is amended to read

1 as follows:

2 462.21 DIVISION OF DISTRICTS UNDER TRUSTEES. ~~In all~~  
3 ~~districts already under trustee management, the board of~~  
4 ~~trustees shall, prior to the election of trustees in the year~~  
5 ~~1925, divide the district for which they are trustees, into~~  
6 ~~election districts, and at the election for that and each~~  
7 ~~succeeding year, when~~ When a trustee is to be elected, it  
8 shall be for a specified election district within such the  
9 district.

10 Sec. 101. Section 466.8, Code 1983, is amended to read  
11 as follows:

12 466.8 LAWS APPLICABLE. In the establishment and  
13 maintenance of levee and drainage districts in co-operation  
14 with the United States as in this chapter provided, all the  
15 proceedings ~~for said purpose~~ in the filing and the form and  
16 substance of the petition, assessment of damages, appointment  
17 of an engineer, ~~his~~ the engineer's surveys, plats, profiles,  
18 and report, notice of hearings, filing of claims and  
19 objections, hearings ~~thereon~~, appointment of commissioners  
20 to classify lands, assess benefits, and apportion costs and  
21 expenses, report, notice and hearing ~~thereon~~ on the report,  
22 the appointment of a supervising engineer, ~~his~~ the engineer's  
23 duties, the letting of work and making contracts, payment  
24 for work, levy and collection of drainage or levee assessments  
25 and taxes, the issue of improvement certificates and drainage  
26 or levee bonds, the taking of appeals and the manner of trial  
27 ~~thereof~~ of appeals, and all other proceedings relating to  
28 ~~such the~~ district shall be as provided in chapters 455 ~~to~~  
29 and 456 through 465 except as otherwise in this chapter  
30 provided.

31 Sec. 102. Section 467A.4, subsection 4, paragraph n, sub-  
32 paragraph (3), Code 1983, is amended to read as follows:

33 (3) A representative of the department of ~~environmental~~  
34 quality water, air and waste management, designated by the  
35 executive director of that department.

1 Sec. 103. Section 467D.6, subsection 1, Code 1983, is  
2 amended to read as follows:

3 1. Exercise supervision over the water resources of the  
4 conservancy district, including water in any basin,  
5 watercourse, or other body of water in the conservancy  
6 district, and ~~have authority to~~ may adopt and repeal, with  
7 approval of the department, and enforce rules, except those  
8 rules relating to water resources under the authority of the  
9 department of ~~environmental-quality~~ water, air and waste  
10 management, as necessary to achieve the objectives of this  
11 chapter as set forth in section 467D.1.

12 Sec. 104. Section 467D.16, unnumbered paragraph 1, Code  
13 1983, is amended to read as follows:

14 The board shall prepare a plan for accomplishment of the  
15 objectives of this chapter within the conservancy district.  
16 For this purpose the board may request and shall obtain from  
17 any state agency or political subdivision information which  
18 the agency or subdivision has already collected which is  
19 pertinent to preparation of the plan, shall consult with soil  
20 conservation district commissioners, and may conduct hearings  
21 it deems necessary. The plan shall establish an order of  
22 priorities for carrying out projects necessary to accomplish  
23 the objectives of this chapter, shall conform as nearly as  
24 practicable to the comprehensive ~~state-wide~~ water resources  
25 allocation plan established by the department of water, air  
26 and waste management pursuant to section 455B.263 and shall  
27 reflect the following general policies:

28 Sec. 105. Section 467D.17, Code 1983, is amended to read  
29 as follows:

30 467D.17 PLAN PRESENTED TO COMMITTEE, COUNCIL DEPARTMENT,  
31 AND SOIL CONSERVATION DISTRICTS. The board shall tentatively  
32 adopt the plan by resolution and shall present the plan to  
33 the committee and the ~~council~~ department for review. The  
34 ~~council~~ department shall within ninety days review the plan  
35 as presented and make recommendations ~~as in its discretion~~

1 it deems necessary to bring the conservancy district's plan  
 2 into conformity with the comprehensive statewide water  
 3 ~~resources~~ allocation plan established by the ~~counsil~~ department  
 4 pursuant to section ~~455A-17~~ 455B.263. The recommendations  
 5 of the ~~counsil~~ department shall be submitted to the board  
 6 for incorporation into the plan. The plan shall then be  
 7 submitted to the soil conservation districts located entirely  
 8 or partially within the conservancy district. The soil  
 9 conservation districts shall review, comment and record a  
 10 vote within ninety days indicating their support of or  
 11 opposition to the plan in the same manner provided in section  
 12 467D.5, subsection 1. The committee shall inform the soil  
 13 conservation districts of the votes of the districts within  
 14 the conservancy district. The committee shall review the  
 15 plan as presented, give consideration to the comments and  
 16 vote of the soil conservation districts, give final approval  
 17 or disapproval of the plan within ninety days, and provide  
 18 a written statement detailing the basis of ~~their~~ its decision.

19 A subsequent major change in the plan, as determined by  
 20 the conservancy board, is not effective until approved by  
 21 the process provided in this section for approval of the  
 22 original plan.

23 Sec. 106. Section 491.1, Code 1983, is amended to read  
 24 as follows:

25 491.1 WHO MAY INCORPORATE. Any number of persons may  
 26 become incorporated under this chapter prior to July 1, 1971  
 27 for the transaction of any lawful business, but ~~such~~ the  
 28 incorporation confers no power or privilege not possessed  
 29 by natural persons, except as ~~hereinafter~~ provided in this  
 30 chapter. All domestic corporations shall be organized under  
 31 chapter 496A only, except for corporations which are to become  
 32 subject to ~~the provisions of~~ one or more of the following  
 33 chapters: 174, 176, ~~482~~, 499, 499A, 504A, 506, 508, 510,  
 34 512, 514, 515, 515A, 518, 518A, 519, 524, 533, and 534.

35 Sec. 107. Section 511.26, Code 1983, is amended to read

1 as follows:

2 511.26 FEE STATUTE--APPLICABILITY. The provisions of  
3 the chapter on insurance other than life shall apply as to  
4 fees under this chapter and chapters 508 and 510, except as  
5 modified by ~~sections~~ section 511.24 and 511-25.

6 Sec. 108. Section 516A.1, unnumbered paragraph 2, Code  
7 1983, is amended to read as follows:

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

21 Sec. 109. Section 524.706, subsection 1, paragraph c,  
22 Code 1983, is amended to read as follows:

23 c. For the purposes of this subsection ~~the term~~ "executive  
24 officer" means every an officer of a state bank who  
25 participates or has authority to participate, otherwise than  
26 in the capacity of a director, in major policymaking functions  
27 of the bank, regardless of whether ~~he~~ the officer has an  
28 official title or whether ~~his~~ the officer's title contains  
29 a designation of assistant and regardless of whether ~~he~~ the  
30 officer is serving without salary or other compensation.  
31 The ~~chairman~~ chairperson of the board, the president, every  
32 vice president, the cashier, secretary, and treasurer of a  
33 state bank are assumed to be executive officers, unless, by  
34 resolution of the board of directors or by the bank's bylaws,  
35 but subject to contrary notice by the superintendent as

1 provided for in section 524-704 524.701, any such officer  
 2 is excluded from participation in major policymaking functions,  
 3 otherwise than in the capacity of a director of the bank,  
 4 and ~~he~~ the officer does not actually participate therein.

5 Sec. 110. Section 534.75, subsection 5, Code 1983, is  
 6 amended to read as follows:

7 5. For purposes of this section a "commercial loan" is  
 8 a loan to a person borrowing money for a business or  
 9 agricultural purpose. As used in this subsection,  
 10 "agricultural purpose" means as defined in section 535.13;  
 11 and "business purpose" includes but is not limited to a  
 12 commercial, service or industrial enterprise carried on for  
 13 profit, and ~~any~~ an investment activity. However "commercial  
 14 loan" does not include a loan secured by an interest in real  
 15 estate for the purpose of financing the acquisition of real  
 16 estate or the construction of improvements on real estate.  
 17 In determining which loans are "commercial loans" the rules  
 18 of construction stated in section 535-~~10~~ 535.2, subsection  
 19 ~~2~~ 2, paragraph "f b", subparagraphs-~~(1)~~-~~(2)~~-~~(3)~~-and-~~(4)~~  
 20 ~~shall~~ apply.

21 Sec. 111. Section 534.83, subsection 7, Code 1983, is  
 22 amended to read as follows:

23 7. COMPETITION PRESERVED. The subsequent liquidation  
 24 of a bank or state association whose shares are ~~required~~  
 25 acquired under this section shall not prevent the subsequent  
 26 incorporation of another bank in the same community, and the  
 27 superintendent of banking shall not find the liquidation to  
 28 be grounds for disapproving the incorporation of another bank  
 29 in the same community under section 524.305~~7~~, and shall not  
 30 prevent the subsequent incorporation of another association  
 31 in the same community, and the supervisor shall not find the  
 32 liquidation to be grounds for disapproving the incorporation  
 33 of another association in the same community under this  
 34 chapter.

35 Sec. 112. Section 536B.8, subsection 3, Code 1983, is

1 amended to read as follows:

2 3. If upon liquidation of a member the amount available  
3 in the guaranty guarantee fund is insufficient to pay up to  
4 ten thousand dollars for each thrift certificate obligation  
5 specified in section 536B.7, the auditor may make demand upon  
6 the guaranty corporation for advance payment of annual  
7 assessments to become due in ~~such~~ amounts ~~as~~ required to meet  
8 the deficiency, but not exceeding two times the maximum  
9 assessment that could have been levied on each member on the  
10 prior May 1 as the annual assessment if the net amount in  
11 the fund the preceding December 31 had been less than the  
12 greater of two million dollars or two percent of the total  
13 thrift certificates of all members. ~~Any~~ An amount prepaid  
14 by a member shall be credited against subsequent annual  
15 assessments, and the member shall pay the balance of the  
16 annual assessments thus due, if any, or shall be refunded  
17 any amount overpaid as a result of the advance assessment.  
18 ~~At no time shall a~~ A member shall not be required to be prepaid  
19 in excess of two years.

20 Sec. 113. Section 536B.14, subsection 3, Code 1983, is  
21 amended to read as follows:

22 3. Expenses of administration that exceed income from  
23 investments at the end of the fiscal year of the guarantee  
24 guaranty corporation shall be charged to members' accounts.  
25 Each member's account shall be charged ratably based on member  
26 account balances for the amount of the excess of expenses  
27 over income.

28 Sec. 114. Section 537.1301, unnumbered paragraph 1, Code  
29 1983, is amended to read as follows:

30 As used in this ~~Act~~ chapter, unless otherwise required  
31 by the context:

32 Sec. 115. Section 537.7103, subsection 3, paragraph a,  
33 subparagraph (6), Code 1983, is amended to read as follows:

34 (6) Communicating with the debtor's employer once during  
35 any one-month period, if the purpose of the communication

1 is to verify with an employer the fact of the debtor's  
2 employment and if the debt collector does not disclose, except  
3 as permitted in subparagraph (5), ~~any~~ information other than  
4 the fact that a debt exists. This subparagraph ~~shall~~ does  
5 not authorize a ~~debtor~~ debt collector to disclose to an  
6 employer the fact that a debt is in default.

7 Sec. 116. Section 566A.4, Code 1983, is amended to read  
8 as follows:

9 566A.4 APPLICATION TO PRIOR CEMETERIES. ~~Any-such~~ An  
10 organization subject to ~~the-provisions-of~~ this chapter which  
11 was organized and engaged in business prior to ~~the-effective~~  
12 ~~date-of-this-chapter-shall-be~~ July 4, 1953 is a perpetual  
13 care cemetery if it ~~shall~~ at all times subsequent to ~~the~~  
14 ~~effective~~ that ~~date-of-this-chapter-comply~~ complies with the  
15 requirements of a perpetual care cemetery as set forth in  
16 section 566A.3.

17 Sec. 117. Section 566A.6, Code 1983, is amended to read  
18 as follows:

19 566A.6 PERPETUAL CARE CEMETERIES. ~~Any~~ A nonperpetual  
20 care cemetery after ~~the-effective-date-of-this-chapter~~ July  
21 4, 1953, may become a perpetual care cemetery by placing in  
22 the perpetual care trust fund twenty-five thousand dollars  
23 or five thousand dollars per acre of all property sold,  
24 whichever is the greater, and ~~shall-comply~~ by complying with  
25 the ~~requirement~~ requirements for a perpetual care cemetery  
26 as provided in section 566A.3.

27 Sec. 118. Section 598.21, subsection 1, paragraph h, Code  
28 1983, is amended to read as follows:

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

32 Sec. 119. Section 598A.3, subsection 1, unnumbered para-  
33 graph 1, Code 1983, is amended to read as follows:

34 A court of this state which is competent to decide child  
35 custody matters has jurisdiction to make a ~~child-custody~~

1 custody determination by initial or modification decree if:

2 Sec. 120. Section 598A.3, subsection 2, Code 1983, is  
3 amended to read as follows:

4 2. Except under paragraphs "c" and "d" of subsection 1,  
5 physical presence in this state of the child, or of the child  
6 and one of the contestants, is not alone sufficient to confer  
7 jurisdiction on a court of this state to make a ~~child-custody~~  
8 custody determination.

9 Sec. 121. Section 609.33, Code 1983, is amended to read  
10 as follows:

11 609.33 CONTEMPT. If ~~any~~ a person ~~fail~~ fails to appear  
12 at ~~any~~ a regularly scheduled meeting date or when summoned,  
13 without sending a sufficient excuse, the court may issue an  
14 order requiring ~~him~~ the person to appear and show cause why  
15 ~~he~~ the person should not be punished for contempt, and unless  
16 ~~he-renders~~ the person renders a sufficient excuse for ~~such~~  
17 the failure ~~he~~ the person may be punished for contempt.

18 Sec. 122. Section 610.27, Code 1983, is amended to read  
19 as follows:

20 610.27 ORDER FOR APPEARANCE--NOTICE--SERVICE. If the  
21 court ~~deem~~ deems the accusation sufficient to justify further  
22 action, it shall cause an order to be entered requiring the  
23 accused to appear and answer in the court where the accusation  
24 ~~ex-charge-shall-have~~ has been filed on the day ~~therein~~ fixed  
25 in the order, and shall cause a copy of the accusation and  
26 order to be served upon ~~him~~ the accused personally.

27 Sec. 123. Section 617.3, unnumbered paragraphs 5 and 6,  
28 Code 1983, are amended to read as follows:

29 The original notice of suit filed with the secretary of  
30 state shall be in form and substance the same as provided  
31 ~~in suits-against-residents-of-this-state,-except-that-that~~  
32 ~~part-of-said-notice-pertaining-to-the-return-day-shall-be~~  
33 ~~in-substantially-the-following-form,-to-wit:~~

34 ~~"and-unless-you-appear-thereto-and-defend-in-the-district~~  
35 ~~court-of-iowa-in-and-for-----county-at-the-courthouse~~

1 in-----Iowa-within-sixty-days-following-the-filing  
2 of-this-notice-with-the-secretary-of-state-of-the-state-of  
3 Iowa,-default-will-be-entered-and-judgment-rendered-against  
4 you-by-the-court," R.C.P. 381, form 3, Ia. Ct. Rules, 2nd  
5 ed.

6 Sec. 124. Section 631.2, subsection 2, Code 1983, is  
7 amended to read as follows:

8 2. The clerk of court shall maintain a separate docket  
9 ~~for-small-claims-which-shall-be-known-as-the~~ small claims  
10 docket,-and which shall contain all matters relating to these  
11 small claims which are required by section ~~606-7~~ 331.704 to  
12 be contained in a combination docket.

13 Sec. 125. Section 631.6, unnumbered paragraph 2, Code  
14 1983, is amended to read as follows:

15 All fees and costs collected in small claims actions shall  
16 be remitted to the county treasurer as provided in section  
17 ~~606-16~~ 331.705, subsection 4. ~~The~~ However, the fee specified  
18 in subsection 4 of this section shall be remitted to the  
19 secretary of state.

20 Sec. 126. Section 631.15, Code 1983, is amended to read  
21 as follows:

22 631.15 STANDARD FORMS. The supreme court shall prescribe  
23 standard forms of pleadings to be used in small claims actions.  
24 Standard forms promulgated by the supreme court shall be the  
25 exclusive forms used ~~after-December-31,-1975,-but-forms~~  
26 ~~prepared-in-accordance-with-the-law-prior-to-July-1,-1974,~~  
27 ~~may-be-used-until-December-31,-1975.~~

28 Sec. 127. Section 633.376, Code 1983, is amended to read  
29 as follows:

30 633.376 ALLOWANCE TO MINOR CHILDREN WHO DO NOT RESIDE  
31 WITH SURVIVING SPOUSE. The court may also make an allowance  
32 to a child of the decedent who is less than eighteen years  
33 of age or who is between the ages of eighteen and twenty-two  
34 years who is regularly attending an approved school in  
35 pursuance of a course of study leading to a high school diploma

1 or its equivalent, or regularly attending a course of  
2 vocational technical training either as a part of a regular  
3 school program or under special arrangements adapted to the  
4 individual person's needs; or is, in good faith, a full-time  
5 student in a college, university, or area school; or has been  
6 accepted for admission to a college, university, or area  
7 school and the next regular term has not yet begun; or a child  
8 of any age who is dependent ~~on-the-parties-to-the-dissolution~~  
9 ~~proceedings~~ because of physical or mental disability; who  
10 does not reside with the surviving spouse, of such an amount  
11 as it deems reasonable in the light of the assets and condition  
12 of the estate, to provide for ~~their~~ the child's proper support  
13 during ~~such~~ the period of twelve months.

14 Sec. 128. Section 675.29, Code 1983, is amended to read  
15 as follows:

16 675.29 DESERTION STATUTE APPLICABLE. The provisions of  
17 ~~chapter-731~~, sections 726.3 through 726.5 relating to desertion  
18 and abandonment of children, ~~shall~~ have the same ~~force-and~~  
19 effect in cases of illegitimacy where paternity has been  
20 judicially established, or has been acknowledged by the father  
21 in writing or by the furnishing of support, as in cases of  
22 children born in wedlock.

23 Sec. 129. Sections 135.81, 404.8, and 444.5, Code 1983,  
24 are repealed.

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SENATE FILE 136

AN ACT

TO MAKE NONSUBSTANTIVE CORRECTIONS TO THE CODE.

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

Section 1. Section 7A.4, Code 1983, is amended to read as follows:

7A.4 STATE AGENCIES AND OFFICERS TO CO-OPERATE. All state agencies and officers shall provide the office ~~of~~ for planning and programming with any information it requests pertaining to its duties under this chapter, shall assist the office in carrying out its duties, and shall provide the office with a copy of all official grant-in-aid applications, together with a copy of any program plan developed to meet federal requirements, prior to submission of ~~such an~~ application to the federal government.

Sec. 2. Section 18.2, Code 1983, is amended to read as follows:

18.2 DEPARTMENT ESTABLISHED. There is created a department of general services which ~~shall-be is~~ is attached to the office of the governor and ~~shall-be is~~ is under the governor's general direction, supervision, and control. ~~The office-shall-be in-charge-of-a-director,-who-shall-be-appointed-by-the~~ governor shall appoint the director, subject to confirmation by the senate. ~~The-director-shall-be-employed-on-a-permanent-basis-~~ The director shall not hold any other office, engage in any political activity, accept or solicit, directly or indirectly, any political contributions, and shall not use the office

to support the candidacy of anyone for elective or appointive office. The director shall hold office at the governor's pleasure and shall receive a salary ~~at-a-rate-fixed-by-the governor-not-to-exceed-twenty-five-thousand-dollars-per-annum~~ as fixed by the general assembly. Before entering upon the discharge of ~~his-or-her~~ the director's duties, the director may be required to give a surety bond in an amount ~~as fixed~~ by the governor. The premium on the bond shall be paid out of funds appropriated to the department.

The director ~~shall~~ must be a qualified administrator.

Sec. 3. Section 80D.11, Code 1983, is amended to read as follows:

80D.11 EMPLOYEE--PAY. While performing official duties, each reserve peace officer shall be considered an employee of the governing body which ~~he-or-she~~ the officer represents and shall be paid a minimum of one dollar per year. The governing body of a city, county, or the state may provide additional monetary assistance for the purchase and maintenance of uniforms and equipment used by reserve peace officers ~~but not-to-exceed-the-allowance-provided-in-section-337A.2.~~

Sec. 4. Section 85.59, unnumbered paragraphs 7 and 8, Code 1983, are amended to read as follows:

The time limit for commencing an original proceeding to determine entitlement to benefits under this section ~~shall be is~~ is the same as set forth in section 85.26. If an injury occurs to an inmate so as to qualify the inmate for benefits under this section, notwithstanding the fact that payments of weekly benefits are not commenced, ~~a-memorandum-of-agreement~~ an acknowledgment of compensability shall be filed with the industrial commissioner within thirty days of the time the responsible authority receives notice or knowledge of the injury as required by section 85.23.

If a dispute arises as to the extent of disability when ~~a-memorandum-of-agreement~~ an acknowledgment of compensability is on file or when an award determining liability has been

made, an action to determine the extent of disability must be commenced within one year of the time of the release of the inmate from the institution. This shall does not bar the right to reopen the claim as provided by section ~~86-34~~ 85.26, subsection 2.

Sec. 5. Section 87.13, Code 1983, is amended to read as follows:

87.13 INTERPRETATIVE CLAUSE. ~~The law as the same appears in section 85.4 and other sections of chapters 85, 86, and this chapter, including the words "except as provided in this chapter" as the same appear in section 85.3 all insofar as it relates to the right to reject the terms, provisions and conditions of the compensation law, shall not apply to any employer or employee engaged in the operation of coal mines, or production of coal, under any system of removing coal for sale but all~~ All provisions of the law in chapters 85, 85A, 85B, 86, and this chapter relating to compensation for injuries sustained arising out of and in the course of such employment shall be in the operation of coal mines or production of coal under any system of removing coal for sale are exclusive, compulsory and obligatory upon the employer and employee in such employment.

Sec. 6. Section 93A.4, subsection 4, Code 1983, is amended to read as follows:

4. The state department of agriculture, office for planning and programming, department of soil conservation, state conservation commission, ~~Iowa natural resources council,~~ department of environmental quality water, air and waste management, geological survey, state agricultural extension service, and the Iowa development commission shall, upon request, provide to each county commission any pertinent land use information available to assist in the compiling of the county land use inventories.

Sec. 7. Section 93A.11, subsection 2, Code 1983, is amended to read as follows:

2. WATER PRIORITY. In the application for a permit to divert, store, or withdraw water and in the allocation of available water resources under a water permit system, the ~~Iowa natural resources council~~ department of water, air and waste management shall give priority to the use of water resources by a farm or farm operations, exclusive of irrigation, located in an agricultural area over all other uses except the competing uses of water for ordinary household purposes.

Sec. 8. Section 96.10, unnumbered paragraph 3, Code 1983, is amended to read as follows:

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

Sec. 9. Section 96.19, subsection 9, paragraph c, Code 1983, is amended to read as follows:

c. An individual shall be deemed temporarily unemployed if for a period, verified by the ~~commission~~ department, not to exceed four consecutive weeks, ~~he or she~~ the individual is unemployed due to a plant shutdown, vacation, inventory, lack of work or emergency from ~~his or her~~ the individual's regular job or trade in which ~~he or she~~ the individual worked full-time and ~~in which he or she~~ will again work full-time, if ~~his or her~~ the individual's employment, although temporarily suspended, has not been terminated.

Sec. 10. Section 97B.41, subsection 3, paragraph b, subparagraph (1), Code 1983, is amended to read as follows:

(1) Elective officials in positions for which the compensation is on a fee basis, elective officials of school districts, elective officials of townships, and elective officials of other political subdivisions who are in part-time positions, graduate medical students while serving as interns or resident doctors in training at any hospital, or county medical examiners and deputy county medical examiners under chapter ~~399~~ 331, division V, part 7.

Sec. 11. Section 97C.20, unnumbered paragraph 2, Code 1983, is amended to read as follows:

Upon receiving evidence satisfactory to ~~him~~ the governor that with respect to any such referendum the conditions specified in section 218 "d" (3) of the Social Security Act have been met, the governor shall so certify to the secretary of health, ~~education,~~ and welfare human services.

Sec. 12. Section 111.25, Code 1983, is amended to read as follows:

111.25 LEASES. The commission may recommend that the executive council lease property under the commission's jurisdiction. All leases shall reserve to the public of the state the right to enter upon the property leased for any lawful purpose. The council may, if it approves the recommendation and the lease to be entered into is for five years or less, execute the lease in behalf of the state and commission. If the recommendation is for a lease in excess of five years, with the exception of agricultural lands specifically dealt with in Article I, section 24 of the Constitution of the State of Iowa, the council shall advertise for bids ~~therefor as provided in section 19-20.~~ If a bid is accepted, the lease shall be let or executed by the council ~~as provided in section 19-21, except that the lease shall be let or executed~~ in accordance with the most desirable bid. The lease shall not be executed for a term longer than fifty years. Any such leasehold interest, including any improvements placed ~~thereon on it~~, shall be listed on the tax rolls as provided in chapters 428 and 443; assessed and valued as provided in chapter 441; taxes shall be levied thereon on it as provided in chapter 444; and collected as provided in chapter 445; and the leasehold interest is subject to tax sale, redemption, and apportionment of taxes as provided in chapters 446, 447 and 448. ~~It shall be the duty of the~~ The lessee to ~~shall~~ discharge and pay all such taxes.

Sec. 13. Section 111.62, Code 1983, is amended to read as follows:

111.62 COPY TO DEPARTMENT. A copy of the petition and the applications, plans, and specifications required under chapter ~~455A~~ 455B shall be filed with the department of water, air and waste management and any approval or permit required under chapter ~~455A~~ 455B shall be obtained prior to the establishment of the water recreational area or the granting of a permit for the area by the state conservation commission.

Sec. 14. Section 117.29, subsection 5, Code 1983, is amended to read as follows:

5. Conviction of a felony related to the profession or occupation of the licensee ~~on the~~ or conviction of any a felony that would affect ~~his or her~~ the licensee's ability to practice the profession of real estate broker and ~~salesman~~ salesperson. A copy of the record of conviction or plea of guilty ~~shall be~~ is conclusive evidence.

Sec. 15. Section 125.76, Code 1983, is amended to read as follows:

125.76 APPOINTMENT OF COUNSEL FOR APPLICANT. The applicant, if not the county attorney, may apply for the appointment of counsel if financially unable to employ an attorney to assist the applicant in presenting evidence in support of the application for commitment. If the applicant applies for the appointment of counsel, the application shall include a financial statement as defined in section ~~336A-1~~ 331.775, subsection 3.

Sec. 16. Section 135B.7, Code 1983, is amended to read as follows:

135B.7 RULES AND ENFORCEMENT. The state department of health with the advice of the hospital licensing board, shall ~~adopt, amend, promulgate~~ and enforce ~~such~~ rules and standards ~~with respect to~~ for the different types of hospitals to be licensed ~~hereunder as may be designed~~ under this chapter, to further the ~~accomplishment of the~~ purposes of the chapter.

~~Rules and standards may be adopted imposing requirements in excess of those provided in chapter 413, but no rule or standard shall be adopted imposing requirements less than those provided by said chapter. No rule or standards shall not be adopted or enforced which would have the effect of denying a license to a hospital or other institution required to be licensed hereunder, solely by reason of the school or system of practice employed or permitted to be employed by physicians therein, provided that such in the hospital if the school or system of practice is recognized by the laws of this state.~~

Sec. 17. Section 135B.17, unnumbered paragraph 1, Code 1983, 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 chapter 235.~~

Sec. 18. Section 135C.14, subsection 1, Code 1983, is amended to read as follows:

1. Location and construction of the facility, including plumbing, heating, lighting, ventilation, and other housing conditions, which shall ensure the health, safety and comfort of residents and protection from fire hazards. ~~Such rules and standards regarding location and construction of the home may impose requirements in excess of those provided in chapter 413 but shall not impose requirements less than those provided by such chapter.~~ The rules of the department relating to protection from fire hazards and fire safety shall be promulgated by the state fire marshal, and shall be in keeping with the latest generally recognized safety criteria for the facilities covered of which the applicable criteria recommended and published from time to time by the national fire protection association shall be are prima-facie evidence.

Sec. 19. Section 135D.15, Code 1983, is amended to read as follows:

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

Sec. 20. Section 137.6, subsection 4, Code 1983, is amended to read as follows:

4. Employ ~~such~~ employees ~~persons~~ as are necessary for the efficient discharge of its duties. Employment practices shall meet the requirements of the Iowa merit ~~system~~ system ~~employment commission~~ or any civil service provision adopted under chapter 400.

Sec. 21. Section 144.1, subsection 8, Code 1983, is amended to read as follows:

8. "Filing" means the presentation of a certificate, report, or other record, provided for in this chapter, of a birth, death, fetal death, adoption, marriage, ~~divorce~~ dissolution, or annulment for registration by the division.

Sec. 22. Section 144.2, Code 1983, is amended to read as follows:

144.2 DIVISION OF RECORDS AND STATISTICS. There is ~~hereby~~ established in the department a division for records and statistics which shall install, maintain, and operate the system of vital statistics throughout the state. No system for the registration of births, deaths, fetal deaths, adoptions, marriages, ~~divorces~~ dissolutions, and annulments, shall be maintained in the state or any of its political

subdivisions other than the one provided for in this chapter. Suitable quarters shall be provided for the division by the executive council at the seat of government. The quarters shall be properly equipped for the permanent and safe preservation of all official records made and returned under this chapter.

Sec. 23. Section 144.37, unnumbered paragraphs 2 and 3, Code 1983, are amended to read as follows:

The clerk of the district court in each county shall keep a record book for ~~divorces~~ dissolutions. The form of ~~divorce~~ dissolution record books shall be uniform throughout the state and shall be prescribed by the state department. ~~Divorce~~ Dissolution record books shall be provided at county expense. A properly indexed record of ~~divorces~~ dissolutions upon microfilm, electronic computer, or data processing equipment may be kept instead of ~~divorce~~ record books.

On or before the tenth day of each calendar month, the clerk of court shall forward to the state registrar the record of each divorce dissolution and annulment granted during the preceding calendar month and ~~such~~ related reports ~~as may be~~ required by regulations issued under this chapter.

Sec. 24. Section 144.51, Code 1983, is amended to read as follows:

144.51 INFORMATION BY OTHERS FURNISHED ON DEMAND. Any person having knowledge of the facts shall furnish information ~~he may possess~~ the person possesses regarding any birth, death, fetal death, adoption, marriage, divorce dissolution, or annulment, upon demand of the state registrar or ~~his~~ the state registrar's representative.

Sec. 25. Section 145A.20, Code 1983, is amended to read as follows:

145A.20 REVENUE BONDS. In addition to any other provisions of this chapter and for the purpose of acquiring, constructing, equipping, enlarging or improving a hospital building or any part thereof, merged areas may issue revenue bonds as provided in ~~section-347A-2~~ chapter 331, division IV, part 4.

Sec. 26. Section 147.21, unnumbered paragraph 3, Code 1983, is amended to read as follows:

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

Sec. 27. Section 148A.4, subsections 1 and 2, Code 1983, are amended to read as follows:

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

Sec. 28. Section 153A.3, Code 1983, is amended to read as follows:

153A.3 APPRENTICE OPHTHALMIC DISPENSERS. A person employed by a physician and surgeon, osteopathic physician, osteopathic physician and surgeon, optometrist, or certified ophthalmic dispenser for the purpose of obtaining practical experience and skill as an ophthalmic dispenser shall be registered with the state department as an apprentice. Persons desiring to be registered as an apprentice shall file an application with the state department of health on a form provided by the state department. The application shall be signed by the applicant and the applicant's employer and accompanied by the registration fee prescribed under section ~~142-80~~ 153A.11.

Sec. 29. Section 155.37, subsection 1, paragraph b, Code 1983, is amended to read as follows:

- b. If the cost of the prescription or any part thereof ~~shall~~ of it will be paid by expenditure of public funds authorized under ~~chapters~~ chapter 239, 249, 249A, 252, 253, 254, or 255, the pharmacist shall exercise ~~his or her~~

professional judgment by selecting a drug product of the same generic name and demonstrated bioavailability but of a lesser cost than the one prescribed for dispensing and sale to the person unless the physician, dentist, or podiatrist specifically states that only that designated brand or trade name drug product is to be dispensed. ~~Under no circumstances shall~~ However, a pharmacy to which the prescription is presented or communicated ~~be is not~~ required to substitute a drug product of the same generic name and demonstrated bioavailability but of lesser cost unless the pharmacy has in stock one or more ~~other~~ such drug products.

Sec. 30. Section 170B.3, unnumbered paragraph 2, Code 1983, is amended to read as follows:

If a municipal corporation wants its local board of health to license, inspect, and otherwise enforce the Iowa hotel sanitation code within its jurisdiction, the municipal corporation may enter into an agreement to do so with the secretary. The secretary may enter into ~~such an~~ the agreement if the secretary finds that the local board of health has adequate resources to perform the required functions. A municipal corporation may only enter into an agreement to enforce the Iowa hotel sanitation code if it also agrees to enforce the Iowa food service sanitation code pursuant to section ~~170B-4~~ 170A.4 and to enforce the food and beverage vending machine laws pursuant to section 191A.14.

Sec. 31. Section 172C.8, subsection 3, Code 1983, is amended to read as follows:

3. Any nonresident alien identified as a beneficiary in a report filed with the secretary of state pursuant to section 172C.7, subsection 3, shall file with the secretary of state on or before March 31 of each year on forms supplied by the secretary of state, a report containing the information set forth in section ~~567-9~~ 567.8, with respect to land owned by a fiduciary or trustee on behalf of the nonresident alien.

Sec. 32. Section 175.3, subsection 1, Code 1983, is amended to read as follows:

1. The Iowa family farm development authority is established, and constituted a public instrumentality and agency of the state exercising public and essential governmental functions. The authority is established to undertake programs which assist beginning farmers in purchasing agricultural land and agricultural improvements and depreciable agricultural property for the purpose of farming and programs which provide financing to farmers for permanent soil and water conservation practices on agricultural land within the state or for the acquisition of conservation farm equipment. The powers of the authority ~~shall be~~ are vested in and exercised by a board of eleven members with nine members appointed by the governor ~~with the approval of two-thirds of the members of~~ subject to confirmation by the senate. The treasurer of state and the secretary of agriculture are ex officio nonvoting members. No more than five members shall belong to the same political party. As far as possible the governor shall include within the membership persons who represent financial institutions experienced in agricultural lending, the real estate sales industry, farmers, beginning farmers, average taxpayers, local government, and any other person specially interested in family farm development.

Sec. 33. Section 189.2, subsection 4, Code 1983, is amended to read as follows:

4. Issue from time to time, bulletins showing the results of inspections, analyses, and prosecutions under this title. These bulletins shall be printed in such numbers as may be approved by the ~~state~~ superintendent of printing heard and shall be distributed to the newspapers of the state and to all interested persons.

Sec. 34. Section 206.2, subsection 26, Code 1983, is amended to read as follows:

26. ~~The term "state~~ "State restricted use pesticide" means any a pesticide which is restricted for sale, use, or distribution under ~~the authority of~~ section ~~455B-121~~ 455B.471.

Sec. 35. Section 206.6, subsection 1, unnumbered paragraph 2, Code 1983, is amended to read as follows:

A person who applies pesticides by use of any an aircraft and who is licensed as an aerial commercial applicator in another state shall apply pesticides in Iowa only under the direct supervision of a person holding a valid Iowa aerial commercial applicator's license. The supervising aerial commercial applicator ~~shall be~~ is jointly liable with the person who is licensed as an aerial commercial applicator in another state for damages. The supervising applicator shall immediately notify the secretary of the commencement and of the termination of service provided by the supervised applicator. A However, a person licensed in another state as an aerial commercial applicator may operate independently if he the person acquires an aerial commercial applicator license from the secretary and, posts bond in an amount to be determined by the secretary, and registers with the ~~Iowa aeronautics-commission~~ department of transportation. Such The person shall be is liable for damages.

Sec. 36. Section 206.6, subsection 5, Code 1983, is amended to read as follows:

5. ISSUE COMMERCIAL APPLICATOR LICENSE. If the secretary finds the applicant qualified to apply pesticides in the classifications for which he the applicant has applied and if the applicant files the bonds or insurance required under section 206.13, and if the applicant applying for a license to engage in aerial application of pesticides has met all of the requirements of the federal aviation administration, the ~~Iowa-aeronautics-commission~~ department of transportation, and any other applicable federal or state laws or regulations to operate the equipment described in the application, the secretary shall issue a commercial applicator license limited to the classifications for which he the applicant is qualified, which shall expire at the end of the calendar year of issue unless it has been revoked or suspended prior thereto by the

secretary for cause. The secretary may limit the license of the applicant to the use of certain pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the secretary shall inform the applicant in writing of the reasons ~~therefor~~.

Sec. 37. Section 218.1, subsections 1 and 8, Code 1983, are amended to read as follows:

1. ~~Soldiers-Home~~ Iowa veterans home.
8. ~~Bidara State~~ training school.

Sec. 38. Section 218.3, subsection 3, Code 1983, is amended to read as follows:

3. The director of the division of corrections of the department of social services ~~shall have~~ has primary authority and responsibility relative to the ~~following institutions--~~ Women's reformatory Iowa correctional institution for women, men's reformatory and state penitentiary.

Sec. 39. Section 218.9, unnumbered paragraph 2, Code 1983, is amended to read as follows:

The director of the division of corrections of the department of social services, subject to the approval of the commissioner of the department, shall appoint the wardens of the state penitentiary and the men's reformatory and the superintendents of the Iowa security and medical facility and of the ~~women's reformatory Iowa correctional institution for women~~.

Sec. 40. Section 218.97, Code 1983, is amended to read as follows:

218.97 DIAGNOSTIC CLINIC--INFORMATION FURNISHED. The commissioner of the department of social services and the directors of divisions directly involved ~~are authorized to~~ may provide facilities and personnel for a diagnostic clinic. The work of the clinic shall include a scientific study of each prisoner, ~~his~~ the prisoner's career and life history, the causes of ~~his~~ the prisoner's criminal acts and

recommendations for his custody, care, training, employment and counseling with a view to his the prisoner's rehabilitation and to the protection of society. To facilitate the work of the clinic and to aid in the rehabilitation of such prisoners, the trial judge and the prosecuting attorney shall, when requested by the commissioner or the directors of divisions directly involved, furnish the commissioner or ~~such director~~ the directors with ~~such information as is provided the state board of parole under section 247.15~~ a full statement of the facts relating to a prisoner's commission of an offense as known or believed by them.

Sec. 41. Section 230A.10, subsection 14, Code 1983, is amended to read as follows:

14. Enter into ~~contracts~~ a contract with ~~affiliates~~ an affiliate, which may be an individual or a public or private group, agency, or corporation, organized and operating on either a profit or a nonprofit basis, for any of the services described in section 230A.2, ~~subsections 1 to 3,~~ to be provided by the affiliate to residents of the county or counties served by the community mental health center who are patients or clients of the center and are referred by the center to the affiliate for service.

Sec. 42. Section 230A.12, subsection 3, Code 1983, is amended to read as follows:

3. Enter into ~~contracts~~ a contract with ~~affiliates~~ an affiliate, which may be an individual or a public or private group, agency or corporation, organized and operating on either a profit or a nonprofit basis, for any of the services described in section 230A.2, ~~subsections 1 to 3,~~ to be provided by the affiliate to residents of the county or counties served by the community mental health center who are patients or clients of the center and are referred by the center to the affiliate for service.

Sec. 43. Section 230A.13, unnumbered paragraph 2, Code 1983, is amended to read as follows:

Release of information which would identify an individual who is receiving or has received treatment at a community mental health center shall not be made a condition of support of that center by any county under this section. ~~The provisions of section 231.21~~ Section 331.504, subsection 8 notwithstanding, a community mental health center shall not be required to file a claim which would in any manner identify such an individual, if the center's budget has been approved by the county board under this section and the center is in compliance with section 230A.16, subsection 3.

Sec. 44. Section 235.1, unnumbered paragraph 1, Code 1983, is amended to read as follows:

The terms "state division", "state director", "county department", "county board" and "child" are used in this chapter and ~~chapters 237 and chapter 238~~ as ~~said~~ the terms are defined in section 234.1.

Sec. 45. Section 245.2, Code 1983, is amended to read as follows:

245.2 SUPERINTENDENT--SALARY. The superintendent of the ~~women's reformatory~~ Iowa correctional institution for women shall receive a salary as determined by the state director.

Sec. 46. Section 245.3, Code 1983, is amended to read as follows:

245.3 SERVICE REQUIRED. The superintendent may, with the approval of the state director, require ~~any~~ an inmate to perform any service suited to her strength and attainments and which may be needed for the benefit of the ~~reformatory institution~~ or for the welfare of such the inmate.

Sec. 47. Section 245.4, Code 1983, is amended to read as follows:

245.4 EMPLOYEES TO RECEIVE A MIDSHIFT MEAL. The employees of the ~~women's reformatory~~ Iowa correctional institution for women shall receive a midshift meal when on duty.

Sec. 48. Section 245.7, Code 1983, is amended to read as follows:

245.7 TERM OF COMMITMENTS. A female convicted of a felony shall not be detained in ~~said-reformatory~~ the Iowa correctional institution for women under one commitment for a period longer than the maximum term of imprisonment provided by law for ~~said the~~ the felony. A female convicted of a crime and sentenced to a term of less than one year shall not be detained ~~therein~~ in that institution.

Sec. 49. Section 245.8, Code 1983, is amended to read as follows:

245.8 MANNER OF COMMITTING FEMALES. Females committed to ~~said-reformatory~~ the Iowa correctional institution for women shall be taken ~~thereto there~~ there by ~~some a~~ a woman, or by ~~some a~~ a peace officer accompanied by ~~some a~~ a woman, appointed by the court.

Sec. 50. Section 245.9, Code 1983, is amended to read as follows:

245.9 COSTS OF COMMITMENT. The costs and expenses allowed for taking females to the ~~reformatory~~ Iowa correctional institution for women shall be the same as those allowed by law for taking girls to the training school, and shall be audited and paid in like manner by the counties from which they are sent.

Sec. 51. Section 245.12, Code 1983, is amended to read as follows:

245.12 TRANSFER OF MENTALLY ILL. The state director may cause any woman committed to the ~~reformatory~~ Iowa correctional institution for women and suspected of being mentally ill to be examined by one of the superintendents or the superintendent's qualified designee of a state hospital for the mentally ill or transferred to the Iowa security and medical facility for examination. If the woman is found to be mentally ill, the department may order the woman transferred to or retained at a state hospital or the Iowa security and medical facility where she shall thereafter be maintained and treated at the expense of the state until ~~such-time-as~~

she regains her good mental health when she shall be returned to the ~~reformatory~~ Iowa correctional institution for women. The cost of transfer and return shall be paid as provided for other transfers.

Sec. 52. Section 245.15, Code 1983, is amended to read as follows:

245.15 ESCAPE. Any inmate of ~~said-reformatory~~ the Iowa correctional institution for women who ~~shall-escape-therefrom~~ escapes may be arrested and returned to ~~said-reformatory~~ the institution by an officer or employee thereof of the institution without any other authority than this chapter, and by any peace officer or other person on the request in writing of the superintendent or the state director.

Sec. 53. Section 245.20, Code 1983, is amended to read as follows:

245.20 FEDERAL PRISONERS. Inmates sentenced for any term by any court of the United States may be received by the superintendent into the ~~women's-reformatory~~ Iowa correctional institution for women and there kept in ~~pursuant~~ pursuance of their sentences. Inmates at the ~~women's-reformatory~~ Iowa correctional institution for women may also be transferred to the federal bureau of prisons. If an inmate objects to her transfer to the federal bureau of prisons, the inmate shall be afforded a hearing as provided in section 217.22.

Sec. 54. Section 246.45, Code 1983, is amended to read as follows:

246.45 APPLICABILITY TO OTHER INSTITUTIONS. Sections 246.38, 246.39, 246.41, 246.42, and 246.43 also apply to the inmates at the ~~women's-reformatory~~ Iowa correctional institution for women and the Iowa security and medical facility.

Sec. 55. Section 247A.9, Code 1983, is amended to read as follows:

247A.9 PAROLE NOT AFFECTED. ~~Nothing-in-this~~ This chapter ~~shall-be-constructed-to~~ does not affect eligibility for parole

under chapter 249 906 or diminution of confinement of any inmate released under a work release plan.

Sec. 56. Section 249.2, Code 1983, is amended to read as follows:

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

Sec. 57. Section 249C.3, Code 1983, is amended to read as follows:

249C.3 WORK AND TRAINING PROGRAM. The commissioner shall establish a work and training program for persons and members of families receiving public assistance. The ~~employment security-commissioner, the Iowa state-employment department of job~~ service, all county boards and departments of social welfare, and all state, county, and public educational agencies and institutions providing vocational rehabilitation, adult education, or vocational or technical training shall assist and co-operate in the program. They shall make agreements and arrangements for maximum co-operation and use of all

available resources in the program. By mutual agreement the commissioner may delegate any of ~~his~~ the commissioner's powers and duties under this chapter to the ~~employment-security commission-or-the Iowa state-employment department of job~~ service.

Sec. 58. Section 257.18, subsection 7, Code 1983, is amended to read as follows:

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

Sec. 59. Section 259.4, subsection 16, Code 1983, is amended to read as follows:

16. Enter into an agreement with the secretary of the United States department of health-education and welfare human services relating to the matter of making determinations of disability under Title II and Title XVI of the federal Social Security Act as amended (42 U.S.C. ch 7).

Sec. 60. Section 261.2, subsection 1, Code 1983, is amended to read as follows:

1. Prepare and administer a state plan for higher education facilities which shall be the state plan submitted to the ~~commissioner-of-education, federal-department-of-health, education, and welfare, or any-agency-successor-thereto~~ secretary of education, in connection with the participation of this state in programs authorized by the federal "Higher Education Facilities Act of 1963" (P.L. 88-204), (77 Stat. G. 363; 20 U.S.C. 701) together with any amendments thereto.

Sec. 61. Section 261.36, subsections 3 and 7, Code 1983, are amended to read as follows:

3. Make and execute agreements, contracts and other instruments with any public or private person or agency including the United States ~~commissioner~~ secretary of education.

7. Accept appropriations, gifts, grants, loans or other aid from public or private persons or agencies including the United States ~~commissioner~~ secretary of education.

Sec. 62. Section 261.37, subsection 4, Code 1983, is amended to read as follows:

4. To enter into all necessary agreements with the United States ~~commissioner~~ secretary of education as ~~may be~~ required for the purpose of receiving full benefit of the state program incentives offered pursuant to the Higher Education Act of 1965.

Sec. 63. Section 277.1, Code 1983, is amended to read as follows:

277.1 REGULAR ELECTION. The regular election shall be held annually on the second Tuesday in September in each school district for the election of officers of the district, ~~and merged area, and county school system~~ and for the purpose of submitting to the voters ~~thereof~~ any matter authorized by law.

Sec. 64. Section 281.3, subsection 9, Code 1983, is amended to read as follows:

9. To co-operate with existing agencies such as the state department of social welfare services, the state department of public health, the state school for the deaf, the Iowa braille and sight-saving school, the state tuberculosis sanatorium, the children's hospitals, or other agencies concerned with the welfare and health of children requiring special education in the co-ordination of their educational activities for such children.

Sec. 65. Section 303A.4, subsection 9, Code 1983, is amended to read as follows:

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

Sec. 66. Section 306.27, Code 1983, is amended to read as follows:

306.27 CHANGES FOR SAFETY, ECONOMY AND UTILITY. The state department of transportation as to primary roads and the boards of supervisors as to secondary roads on their own motion may change the course of any part of any road or stream, watercourse or dry run and may pond water in order to avoid the construction and maintenance of bridges, or to avoid grades, or railroad crossings, or to straighten any a road, or to cut off dangerous corners, turns or intersections on the highway, or to widen any a road above statutory width, or for the purpose of preventing the encroachment of a stream, watercourse or dry run upon ~~such~~ the highway. The department shall conduct its proceedings ~~to accomplish the above~~ in the manner and form prescribed in chapter 472, and the board of supervisors shall use the form prescribed in sections 306.28 to 306.37. ~~All such changes shall be~~ Changes are subject to ~~the provisions of~~ chapter 456A 455B.

Sec. 67. Section 307.3, unnumbered paragraph 2, Code 1983, is amended to read as follows:

The commission shall meet in July May of each year for the purpose of electing one of its members as chairperson.

Sec. 68. Section 321.194, Code 1983, is amended to read as follows:

321.194 MINORS' SCHOOL LICENSES. Upon certification of a special need by the school board or the superintendent of the applicant's school, the department may issue a restricted license to any a person between the ages of fourteen and eighteen years ~~which~~. The license shall entitle the holder, while having the license in ~~his or her~~ immediate possession, to operate a motor vehicle during the hours of 6 a.m. to 9 p.m. over the most direct and accessible route between the licensee's residence and school of enrollment for the purpose of attending duly scheduled courses of instruction and extracurricular activities at ~~such~~ the school or at any time when accompanied by a parent or guardian, driver education instructor, or prospective driver education instructor who

is a holder of a valid operator's or chauffeur's license, and who is actually occupying a seat beside the driver. The license shall expire on the licensee's eighteenth birthday or upon issuance of a probationary operator's license or operator's license.

PARAGRAPH DIVIDED. Each application shall be accompanied by a statement from the school board or superintendent of the applicant's school. The statement shall be upon a form provided by the department. The school board or superintendent shall certify that a need exists for the license and that they the board and superintendent are not responsible for any actions of the applicant as-it-pertains which pertain to the use of the restricted license. The department of public instruction shall adopt rules pursuant to chapter 17A establishing criteria for issuing a statement of necessity. Upon receipt of a statement of necessity, the department shall issue a restricted license. The fact that the applicant resides at a distance less than one mile from his-or-her the applicant's school is prima-facie evidence of the nonexistence of necessity for the issuance of such a license.

PARAGRAPH DIVIDED. A license issued under this section is subject to suspension or revocation in like manner as any other license or permit issued under any a law of this state and-the. The department may also suspend such a license upon receiving satisfactory evidence that the licensee has violated the restrictions of the license or has been involved in one or more accidents chargeable to the licensee. The department may suspend any a license issued under this section upon receiving a record of the licensee's conviction for one violation and shall revoke the license upon receiving a record of conviction for two or more violations of any a law of this state or a city ordinance, other than parking regulations, regulating the operation of motor vehicles on highways and after. After revoking a license under this section the department shall not grant application for any a new license

or permit until the expiration of one year or until the ~~licensee-attains-his-or-her~~ licensee's sixteenth birthday whichever is the longer period.

Sec. 69. Section 321.309, unnumbered paragraph 3, Code 1983, is amended to read as follows:

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

Sec. 70. Section 321.382, Code 1983, is amended to read as follows:

321.382 UPGRADE PULLS--MINIMUM SPEED. No A motor vehicle or combination of vehicles, which cannot proceed up a three percent grade, on dry concrete pavement, at a minimum speed of twenty miles per hour, shall not be operated, ~~after-January 17-1987~~, upon the highways of this state.

Sec. 71. Section 321.465, unnumbered paragraph 3, Code 1983, is amended to read as follows:

Any A driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing, or who fails or refuses when directed by an officer upon a weighing of the vehicle to stop the vehicle and otherwise comply with ~~the-provisions-of~~ this section, ~~shall-be~~ is guilty of a simple misdemeanor ~~and-punished-as-provided-in-section-321-482.~~

Sec. 72. Section 321.486, subsection 2, Code 1983, is amended to read as follows:

2. A valid credit card, as defined in section 537.1301, subsection 16, may be used and ~~shall-be~~ is sufficient surety when the defendant is charged with any a scheduled offense under section ~~753-15~~ 805.8. The defendant may use a credit card for bail purposes only in accordance with rules of the department of public safety adopted pursuant to chapter 17A.

Sec. 73. Section 321.500, Code 1983, is amended to read as follows:

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

~~"and unless you appear thereto and defend in the district court of Iowa in and for \_\_\_\_\_ county at the courthouse in \_\_\_\_\_ Iowa before noon of the sixtieth day following the filing of this notice with the director of transportation of this state, default will be entered and judgment rendered against you by the court."~~ R.C.P. 381, form 2, Ia. Ct. Rules, 2nd ed.

Sec. 74. Section 321A.1, subsection 2, Code 1983, is amended to read as follows:

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

Sec. 75. Section 330.9, unnumbered paragraphs 1 and 2, Code 1983, are amended to read as follows:

Before an airport is acquired by any a city, or county, ~~or township~~ the plans and specifications ~~therefor~~ for it shall

be submitted to the state department of transportation which shall require that they show:

~~The~~ the legal description and plat of the site, 2 distance from the nearest post office and railroad station, 2 location and type of highways, 2 location and type of obstructions on and near the site, 2 kind of soil and subsoil, 2 costs and details of grading and draining, 2 and location of proposed runways, hangars, buildings, and other structures.

Sec. 76. Section 331.382, subsection 1, paragraph e, Code 1983, is amended to read as follows:

e. Provision of preliminary diagnostic evaluation before admissions to state mental health institutes as provided in sections ~~225B+4 to 225B+7~~ 225C.14 through 225C.17.

Sec. 77. Section 331.502, subsections 19 and 22, Code 1983, are amended to read as follows:

19. Carry out duties relating to the hospitalization and support of mentally ill persons as provided in sections 229.42, 230.3, 230.11, 230.15, and 230.21, ~~to~~ 230.22, 230.25, and 230.26.

22. If the legal settlement of a poor person receiving financial assistance is in another county, notify the auditor of that county of the financial assistance as provided in section 252.22.

Sec. 78. Section 331.602, subsection 33, Code 1983, is amended to read as follows:

33. Record, and index, and send to the secretary of state instruments relating to limited partnerships as provided in ~~section 545+2~~ sections 545.206 and 545.1106.

Sec. 79. Section 331.653, subsection 39, Code 1983, is amended to read as follows:

39. Notify the department of environmental-quality water, air and waste management of hazardous conditions of which the sheriff is notified as provided in section 455B.386.

Sec. 80. Section 331.702, subsections 40, 85, and 138, Code 1983, are amended to read as follows:

40. If the board has adopted a resolution implementing a policy of preliminary diagnostic evaluations as provided in ~~section 225B-5~~ sections 225C.14 and 225C.15, refer persons applying for voluntary admission to a community mental health center for a preliminary diagnostic evaluation as provided in section 225B-6 225C.16.

85. Accept applications for and issue marriage licenses as provided in chapter 595 ~~or~~-596.

138. Carry out duties relating to deferred judgments, probations, and restitution as provided in sections 907.4- and 907.8 ~~and~~-907.12.

Sec. 81. Section 364.17, subsection 1, unnumbered paragraph 2, Code 1983, is amended by striking the unnumbered paragraph.

Sec. 82. Section 384.12, subsection 17, Code 1983, is amended by striking the subsection.

Sec. 83. Section 400.31, Code 1983, is amended to read as follows:

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

Sec. 84. Section 411.5, subsection 1, paragraph c, Code 1983, is amended to read as follows:

c. The ~~two~~ three citizens appointed by the mayor shall serve on both of ~~said the~~ boards.

Sec. 85. Section 420.246, Code 1983, is amended to read as follows:

420.246 TAX AND DEED STATUTES APPLICABLE. Sections 445.2, 445.47 to 445.51, 446.3 to 446.6, 446.16, 446.32, ~~446.33~~ and 448.10 to 448.13 are ~~hereby-made~~ applicable to cities

acting under special charters, except that, where the word "treasurer" is used, there shall be ~~used~~ substituted the words "city collector or treasurer or deputy treasurer or deputy or officer authorized to collect city taxes"; and where the word "auditor" is used, there shall be substituted the words "city clerk or recorder".

Sec. 86. Section 422.5, unnumbered paragraph 7, Code 1983, is amended to read as follows:

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

Sec. 87. Section 427.3, subsection 4, Code 1983, is amended to read as follows:

4. The property, not to exceed one thousand eight hundred fifty-two dollars in taxable value of any an honorably separated, retired, furloughed to a reserve, placed on inactive status, or discharged soldier, sailor, marine, or nurse of the second World War from December 7, 1941, to December 31, 1946, army of occupation in Germany from November 12, 1918, to July 11, 1923, American expeditionary forces in Siberia from November 12, 1918, to April 30, 1920, second Nicaraguan campaign with the navy or marines in Nicaragua or on combatant ships 1926-1933, second Haitian ~~suppressions~~ suppression of insurrections 1919-1920, navy and marine operations in China 1937-1939 and Yangtze service with navy and marines in Shanghai or in the Yangtze Valley 1926-1927 and 1930-1932 or of the Korean Conflict at any time between June 25, 1950, and January 31, 1955, both dates inclusive, or those who served on active duty during the Vietnam Conflict beginning December 22, 1961,

and ending May 7, 1975, both dates inclusive, ~~and as defined in section 366.2.~~ For the purposes of this section, "active duty" means full-time duty in the armed forces of the United States, excluding active duty for training purposes only and excluding any period a person was assigned by the armed forces to a civilian institution for a course of education or training which was substantially the same as established courses offered to civilians, or as a cadet or midshipman, however enrolled, at one of the service academies.

Sec. 88. Section 428.24, Code 1983, is amended to read as follows:

428.24 PUBLIC UTILITY PLANTS. The lands, buildings, machinery, and mains belonging to individuals or corporations operating waterworks or gasworks or pipelines; the lands, buildings, machinery, tracks, poles, and wires belonging to individuals, corporations or electric power agencies furnishing electric light or power; and the lands, buildings, machinery, poles, wires, overhead construction, tracks, cables, conduits, and fixtures belonging to individuals or corporations operating railways by cable or electricity, or operating elevated street railways; ~~and the lands, buildings, tracks, and fixtures of street railways operated by animal power,~~ shall be listed and assessed by the department of revenue. In the making of ~~any such assessment~~ assessments of waterworks plants, the value of any interest in the property ~~so~~ assessed, of the municipal corporation ~~wherein the same~~ where it is situated, shall be deducted, whether ~~such~~ the interest ~~be~~ is evidenced by stock, bonds, contracts, or otherwise.

Sec. 89. Section 442.31, unnumbered paragraph 4, Code 1983, is amended to read as follows:

The department of public instruction shall ~~promulgate~~ adopt rules under chapter 17A relating to the administration of sections 442.31 to 442.35, and 442.40 to 442.42 and 442.41. The rules shall prescribe the format of program plans submitted under section 442.32 and shall require that programs fulfill

specified objectives. The department shall encourage and assist school districts to provide programs for gifted and talented children whether or not additional allowable growth is requested under this chapter.

Sec. 90. Section 444.2, Code 1983, is amended to read as follows:

444.2 AMOUNTS CERTIFIED IN DOLLARS. When ~~any an~~ an authorized tax rate within any a taxing district, including townships, school districts, cities and counties, ~~shall have~~ has been thus determined as provided by law, the officer or officers charged with the duty of certifying ~~said the~~ the authorized rate to the county auditor or board of supervisors shall, before certifying the ~~same rate,~~ compute upon the adjusted taxable valuation of ~~such the~~ the taxing district for the preceding fiscal year ~~(not including moneys and credits, and other moneys capital taxed at a flat rate as provided in section 429.2),~~ the amount of tax ~~said the~~ the rate will raise, stated in dollars, and shall certify ~~said the~~ the computed amount in dollars and not by rate, to the county auditor and board of supervisors.

Sec. 91. Section 446.7, unnumbered paragraph 2, Code 1983, is amended to read as follows:

Property of municipal and political subdivisions of the state of Iowa and property held by a city or county agency or the Iowa housing finance authority for use in an Iowa homesteading project, shall not be offered or sold at tax sale and a tax sale of that property ~~shall be~~ is void from its inception. When delinquent taxes are owing against property owned or claimed by any a municipal or political subdivision of the state of Iowa, or property held by a city or county agency or the Iowa housing finance authority for use in an Iowa homesteading project, the treasurer shall give notice to the governing body of the agency, subdivision or authority which shall then pay the amount of the due and delinquent taxes from its general fund. If the governing body fails to pay the taxes, the board of supervisors shall

abate the taxes as provided in chapters 322, 427 and 445 and section 569.8.

Sec. 92. Section 448.2, unnumbered paragraph 2, Code 1983, is amended to read as follows:

KNOW ALL MEN BY THESE PRESENTS, that the following described real ~~estate-viz-~~ property: (Here follows the description), situated in the county of ..... and state of Iowa, was subject to taxation for the year (or years) A.D. .... and the taxes assessed thereon for the year (or years) ~~aforesaid~~ stated remained due and unpaid at the date of the sale ~~hereinafter-named~~; and the treasurer of ~~said~~ the county, ~~having~~ on the ..... day of ..... A.D. ...., by virtue of the authority ~~in-him~~ vested by law in the treasurer, at (an adjournment of) the sale begun and publicly held on the ~~first~~ third Monday of June, A.D. ...., exposed to public sale at the office of the county treasurer in the county ~~aforesaid~~ named, in substantial conformity with all the requirements of the statute, the real property ~~above~~ described, for the payment of the taxes, interest and costs then due and remaining unpaid on ~~said~~ the property, and at ~~the~~ that time and place ~~aforesaid~~ A ..... B ..... of the county of ..... and state of ....., ~~having~~ offered to pay the sum of ..... dollars and ..... cents, being the whole amount of taxes, interest and costs then due and remaining unpaid on ~~said~~ the property, for (here follows the description of the property sold) which was the least quantity bid for, and payment of ~~said~~ that sum ~~having been was~~ made by ~~him~~ that person to ~~said~~ the treasurer, the property was stricken off to ~~him~~ that person at that price; and ~~the-said~~ A ..... B ..... did, on the ..... day of ....., A.D. ...., ~~duly~~ assign the certificate of the sale of the property ~~as-aforesaid~~ and all ~~his~~ right, title and interest to ~~said~~ the property to E ..... F ..... of the county of ..... and state of ..... and by the affidavit of ....., filed in ~~said~~ the

treasurer's office on the ..... day of ....., A.D. ...., it appears that notice has been given more than ninety days before the execution of ~~these-presents~~ this deed to ..... and ..... of the expiration of the time of redemption allowed by law; and three years ~~having have~~ elapsed since the date of ~~said~~ the sale, and ~~said~~ the property ~~having has~~ not been redeemed ~~therefrom~~:

Sec. 93. Section 455.57, Code 1983, is amended to read as follows:

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

Sec. 94. Section 455B.387, subsection 2, Code 1983, is amended to read as follows:

2. The executive director may use any resources available under the hazardous condition contingency plan to provide for the removal of hazardous substances. If the executive director finds that public agencies cannot provide the necessary labor or equipment or if the executive director determines that emergency conditions exist, the executive director may contract with ~~any~~ a private person or agency for removal of the hazardous substance. In those cases where equipment or services are obtained from ~~any~~ a public or private person or agency under emergency conditions, section 455B+7 455B.105, subsection 6-~~shall~~ 7 does not apply.

Sec. 95. Section 455B.441, Code 1983, is amended to read as follows:

455B.441 PURPOSE AND GUIDELINES. The purpose of this part is to protect the public health and the environment by providing a procedure for establishing appropriate sites and properly designed facilities for the treatment, storage and disposal of hazardous waste. It is the intent of the general assembly that in the implementation of this part the department of environmental-quality water, air and waste management shall emphasize alternatives to land burial of hazardous waste whenever possible with emphasis on the following management methods in the following order: Source reduction, reuse, resource recovery, incineration, and detoxification.

Sec. 96. Section 455B.442, subsection 2, Code 1983, is amended to read as follows:

2. "Hazardous waste" means a hazardous waste as defined in section 455B.411, subsection 2 and listed by the environmental-quality-commission under section 455B.412, subsection 2.

Sec. 97. Section 455B.442, subsections 3 and 4, Code 1983, are amended by striking the subsections.

Sec. 98. Section 460.11, Code 1983, is amended to read as follows:

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

Sec. 99. Section 462.20, Code 1983, is amended to read as follows:

462.20 LEVEE AND PUMPING STATION DISTRICTS. ~~The-presently acting-de-facto-members-of-the-boards-of-trustees-of-drainage or-levee-districts-having-pumping-stations-are-hereby-declared to-be-the-legally-constituted-members-of-such-boards,-the term-of-such-present-trustees-shall-expire-on-the-fourth Saturday-of-January,-1958,-1959-and-1960-respectively-and the-length-of-the-term-of-each-present-trustee-shall-be determined-by-let-at-a-meeting-to-be-held-on-the-third-Saturday~~

~~of-August,-1957--Thereafter,-in~~ In levee and drainage districts having pumping stations trustees shall hold office until the fourth Saturday in January three years after election. ~~At-an-election-to-be-held-on-the-third-Saturday in-January,-1958-and-on~~ On the third Saturday in January of each year thereafter a trustee shall be elected for a term of three years to succeed the member of the board whose term will expire on the following Saturday. ~~At such the election there shall also be elected, if necessary, a trustee or trustees to fill any vacancy or vacancies which may have occurred before such the election.~~

Sec. 100. Section 462.21, Code 1983, is amended to read as follows:

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

Sec. 101. Section 466.8, Code 1983, is amended to read as follows:

466.8 LAWS APPLICABLE. In the establishment and maintenance of levee and drainage districts in co-operation with the United States as in this chapter provided, all the proceedings ~~for-said-purpose~~ in the filing and the form and substance of the petition, assessment of damages, appointment of an engineer, ~~his~~ the engineer's surveys, plats, profiles, and report, notice of hearings, filing of claims and objections, hearings ~~thereon~~, appointment of commissioners to classify lands, assess benefits, and apportion costs and expenses, report, notice and hearing ~~thereon~~ on the report, the appointment of a supervising engineer, ~~his~~ the engineer's duties, the letting of work and making contracts, payment

for work, levy and collection of drainage or levee assessments and taxes, the issue of improvement certificates and drainage or levee bonds, the taking of appeals and the manner of trial thereof of appeals, and all other proceedings relating to such the district shall be as provided in chapters 455 ~~to~~ and 456 through 465 except as otherwise in this chapter provided.

Sec. 102. Section 467A.4, subsection 4, paragraph n, subparagraph (3), Code 1983, is amended to read as follows:

(3) A representative of the department of environmental quality water, air and waste management, designated by the executive director of that department.

Sec. 103. Section 467D.6, subsection 1, Code 1983, is amended to read as follows:

1. Exercise supervision over the water resources of the conservancy district, including water in any basin, watercourse, or other body of water in the conservancy district, and ~~have authority to~~ may adopt and repeal, with approval of the department, and enforce rules, except those rules relating to water resources under the authority of the department of environmental-quality water, air and waste management, as necessary to achieve the objectives of this chapter as set forth in section 467D.1.

Sec. 104. Section 467D.16, unnumbered paragraph 1, Code 1983, is amended to read as follows:

The board shall prepare a plan for accomplishment of the objectives of this chapter within the conservancy district. For this purpose the board may request and shall obtain from any state agency or political subdivision information which the agency or subdivision has already collected which is pertinent to preparation of the plan, shall consult with soil conservation district commissioners, and may conduct hearings it deems necessary. The plan shall establish an order of priorities for carrying out projects necessary to accomplish the objectives of this chapter, shall conform as nearly as

practicable to the comprehensive ~~state-wide~~ water resources allocation plan established by the department of water, air and waste management pursuant to section 455B.263 and shall reflect the following general policies:

Sec. 105. Section 467D.17, Code 1983, is amended to read as follows:

467D.17 PLAN PRESENTED TO COMMITTEE, ~~COUNCIL~~ DEPARTMENT, AND SOIL CONSERVATION DISTRICTS. The board shall tentatively adopt the plan by resolution and shall present the plan to the committee and the ~~council~~ department for review. The ~~council~~ department shall within ninety days review the plan as presented and make recommendations ~~as-in-its-discretion~~; it deems necessary to bring the conservancy district's plan into conformity with the comprehensive ~~statewide~~ water resources allocation plan established by the ~~council~~ department pursuant to section ~~455A-17~~ 455B.263. The recommendations of the ~~council~~ department shall be submitted to the board for incorporation into the plan. The plan shall then be submitted to the soil conservation districts located entirely or partially within the conservancy district. The soil conservation districts shall review, comment and record a vote within ninety days indicating their support of or opposition to the plan in the same manner provided in section 467D.5, subsection 1. The committee shall inform the soil conservation districts of the votes of the districts within the conservancy district. The committee shall review the plan as presented, give consideration to the comments and vote of the soil conservation districts, give final approval or disapproval of the plan within ninety days, and provide a written statement detailing the basis of ~~their~~ its decision.

A subsequent major change in the plan, as determined by the conservancy board, is not effective until approved by the process provided in this section for approval of the original plan.

Sec. 106. Section 491.1, Code 1983, is amended to read as follows:

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

Sec. 107. Section 511.26, Code 1983, is amended to read as follows:

511.26 FEE STATUTE--APPLICABILITY. The provisions of the chapter on insurance other than life ~~shall~~ apply as to fees under this chapter and chapters 508 and 510, except as modified by ~~sections~~ section 511.24 and 511.25.

Sec. 108. Section 516A.1, unnumbered paragraph 2, Code 1983, is amended to read as follows:

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

Sec. 109. Section 524.706, subsection 1, paragraph c, Code 1983, is amended to read as follows:

c. For the purposes of this subsection ~~the term~~ "executive officer" means every an officer of a state bank who participates or has authority to participate, otherwise than in the capacity of a director, in major policymaking functions of the bank, regardless of whether ~~he the officer~~ has an official title or whether ~~his the officer's~~ title contains a designation of assistant and regardless of whether ~~he the officer~~ is serving without salary or other compensation. The ~~chairman~~ chairperson of the board, the president, every vice president, the cashier, secretary, and treasurer of a state bank are assumed to be executive officers, unless, by resolution of the board of directors or by the bank's bylaws, but subject to contrary notice by the superintendent as provided for in section ~~524.704~~ 524.701, any such officer is excluded from participation in major policymaking functions, otherwise than in the capacity of a director of the bank, and ~~he the officer~~ does not actually participate ~~therein~~.

Sec. 110. Section 534.75, subsection 5, Code 1983, is amended to read as follows:

5. For purposes of this section a "commercial loan" is a loan to a person borrowing money for a business or agricultural purpose. As used in this subsection, "agricultural purpose" means as defined in section 535.13; and "business purpose" includes but is not limited to a commercial, service or industrial enterprise carried on for profit, and any an investment activity. However "commercial loan" does not include a loan secured by an interest in real estate for the purpose of financing the acquisition of real estate or the construction of improvements on real estate. In determining which loans are "commercial loans" the rules of construction stated in section ~~535.10~~ 535.2, subsection 1 2, paragraph "f b", ~~subparagraphs (1) (2) (3) and (4)~~ ~~shall~~ apply.

Sec. 111. Section 534.83, subsection 7, Code 1983, is amended to read as follows:

7. COMPETITION PRESERVED. The subsequent liquidation of a bank or state association whose shares are ~~required~~ acquired under this section shall not prevent the subsequent incorporation of another bank in the same community, and the superintendent of banking shall not find the liquidation to be grounds for disapproving the incorporation of another bank in the same community under section 524.305, and shall not prevent the subsequent incorporation of another association in the same community, and the supervisor shall not find the liquidation to be grounds for disapproving the incorporation of another association in the same community under this chapter.

Sec. 112. Section 536B.8, subsection 3, Code 1983, is amended to read as follows:

3. If upon liquidation of a member the amount available in the ~~guaranty~~ guarantee fund is insufficient to pay up to ten thousand dollars for each thrift certificate obligation specified in section 536B.7, the auditor may make demand upon the guaranty corporation for advance payment of annual assessments to become due in ~~such~~ amounts as required to meet the deficiency, but not exceeding two times the maximum assessment that could have been levied on each member on the prior May 1 as the annual assessment if the net amount in the fund the preceding December 31 had been less than the greater of two million dollars or two percent of the total thrift certificates of all members. ~~Any~~ An amount prepaid by a member shall be credited against subsequent annual assessments, and the member shall pay the balance of the annual assessments thus due, if any, or shall be refunded any amount overpaid as a result of the advance assessment. ~~At no time shall a~~ A member shall not be required to be prepaid in excess of two years.

Sec. 113. Section 536B.14, subsection 3, Code 1983, is amended to read as follows:

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

Sec. 114. Section 537.1301, unnumbered paragraph 1, Code 1983, is amended to read as follows:

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

Sec. 115. Section 537.7103, subsection 3, paragraph a, subparagraph (6), Code 1983, is amended to read as follows:

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

Sec. 116. Section 566A.4, Code 1983, is amended to read as follows:

566A.4 APPLICATION TO PRIOR CEMETERIES. ~~Any-such~~ An organization subject to ~~the-provisions-of~~ this chapter which was organized and engaged in business prior to ~~the-effective-date-of-this-chapter-which~~ be July 4, 1953 is a perpetual care cemetery if it ~~shall~~ at all times subsequent to the ~~effective~~ that date of this chapter-comply complies with the requirements of a perpetual care cemetery as set forth in section 566A.3.

Sec. 117. Section 566A.6, Code 1983, is amended to read as follows:

566A.6 PERPETUAL CARE CEMETERIES. ~~Any~~ A nonperpetual care cemetery after ~~the-effective-date-of-this-chapter~~ July 4, 1953, may become a perpetual care cemetery by placing in

the perpetual care trust fund twenty-five thousand dollars or five thousand dollars per acre of all property sold, whichever is the greater, and ~~shall comply by complying~~ with the requirement requirements for a perpetual care cemetery as provided in section 566A.3.

Sec. 118. Section 598.21, subsection 1, paragraph h, Code 1983, is amended to read as follows:

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

Sec. 119. Section 598A.3, subsection 1, unnumbered paragraph 1, Code 1983, is amended to read as follows:

A court of this state which is competent to decide child custody matters has jurisdiction to make a child-custody custody determination by initial or modification decree if:

Sec. 120. Section 598A.3, subsection 2, Code 1983, is amended to read as follows:

2. Except under paragraphs "c" and "d" of subsection 1, physical presence in this state of the child, or of the child and one of the contestants, is not alone sufficient to confer jurisdiction on a court of this state to make a child-custody custody determination.

Sec. 121. Section 609.33, Code 1983, is amended to read as follows:

609.33 CONTEMPT. If any a person ~~fail~~ fails to appear at any a regularly scheduled meeting date or when summoned, without sending a sufficient excuse, the court may issue an order requiring him the person to appear and show cause why he the person should not be punished for contempt, and unless he-render the person renders a sufficient excuse for such the failure he the person may be punished for contempt.

Sec. 122. Section 610.27, Code 1983, is amended to read as follows:

610.27 ORDER FOR APPEARANCE--NOTICE--SERVICE. If the court deem deems the accusation sufficient to justify further

action, it shall cause an order to be entered requiring the accused to appear and answer in the court where the accusation ~~or-charge-shall-have~~ has been filed on the day ~~therein~~ fixed in the order, and shall cause a copy of the accusation and order to be served upon him the accused personally.

Sec. 123. Section 617.3, unnumbered paragraphs 5 and 6, Code 1983, are amended to read as follows:

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

~~"and-unless-you-appear-thereto-and-defend-in-the-district court-of-iowa-in-and-for-----county-at-the-courthouse in-----iowa-within-sixty-days-following-the-filing of-this-notice-with-the-secretary-of-state-of-the-state-of iowa, default-will-be-entered-and-judgment-rendered-against you-by-the-court." R.C.P. 381, form 3, Ia. Ct. Rules, 2nd ed.~~

Sec. 124. Section 631.2, subsection 2, Code 1983, is amended to read as follows:

2. The clerk of court shall maintain a separate docket for-small-claims-which-shall-be-known-as-the small claims docket, and which shall contain all matters relating to these small claims which are required by section ~~606+7~~ 331.704 to be contained in a combination docket.

Sec. 125. Section 631.6, unnumbered paragraph 2, Code 1983, is amended to read as follows:

All fees and costs collected in small claims actions shall be remitted to the county treasurer as provided in section ~~606+6~~ 331.705, subsection 4. The However, the fee specified in subsection 4 of this section shall be remitted to the secretary of state.

Sec. 126. Section 631.15, Code 1983, is amended to read as follows:

631.15 STANDARD FORMS. The supreme court shall prescribe standard forms of pleadings to be used in small claims actions. Standard forms promulgated by the supreme court shall be the exclusive forms used ~~after December 31, 1975, but forms prepared in accordance with the law prior to July 1, 1974, may be used until December 31, 1976.~~

Sec. 127. Section 633.376, Code 1983, is amended to read as follows:

633.376 ALLOWANCE TO MINOR CHILDREN WHO DO NOT RESIDE WITH SURVIVING SPOUSE. The court may also make an allowance to a child of the decedent who is less than eighteen years of age or who is between the ages of eighteen and twenty-two years who is regularly attending an approved school in pursuance of a course of study leading to a high school diploma or its equivalent, or regularly attending a course of vocational technical training either as a part of a regular school program or under special arrangements adapted to the individual person's needs; or is, in good faith, a full-time student in a college, university, or area school; or has been accepted for admission to a college, university, or area school and the next regular term has not yet begun; or a child of any age who is dependent ~~on the parties to the dissolution proceedings~~ because of physical or mental disability; who does not reside with the surviving spouse, of ~~such~~ an amount as it deems reasonable in the light of the assets and condition of the estate, to provide for ~~their~~ the child's proper support during ~~such~~ the period of twelve months.

Sec. 128. Section 675.29, Code 1983, is amended to read as follows:

675.29 DESERTION STATUTE APPLICABLE. The provisions of ~~chapter 721, sections 726.3 through 726.5~~ relating to desertion and abandonment of children, ~~shall~~ have the same ~~force and~~ effect in cases of illegitimacy where paternity has been judicially established, or has been acknowledged by the father in writing or by the furnishing of support, as in cases of children born in wedlock.

Sec. 129. Sections 135.91, 404.8, and 444.5, Code 1983, are repealed.

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ROBERT T. ANDERSON  
President of the Senate

\_\_\_\_\_  
DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 136, Seventieth General Assembly.

\_\_\_\_\_  
K. MARIE THAYER  
Secretary of the Senate

Approved May 9 1983

\_\_\_\_\_  
TERRY E. BRANSTAD  
Governor