

JUN 3 1975  
Sifting Committee Calendar  
Sen. Judiciary 6/12, Pass 6/12

HOUSE FILE 894  
BY SIFTING COMMITTEE

Passed House, Date 6-9-75 (2260) Passed Senate, Date 6-14-75 (2126)

Vote: Ayes 91 Nays 0 Vote: Ayes 41 Nays 0

Approved 7-17-75  
*Repassed House as amended by Senate*  
6-18-75 (2648)  
80-0

## A BILL FOR

1 An Act relating to correcting erroneous, inconsistent and  
2 obsolete sections of the Code.

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

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H-4085

- 1 Amend House File 894 as follows:
- 2 1. Page 17, line 19, by striking the word "and".
- 3 2. Page 17, line 20, by inserting after the
- 4 figures "(321G.24)" the following: "; six hundred
- 5 one E point one (601E.1), subparagraph two (2); and
- 6 six hundred one E point three (601E.3)".

H-4085 FILED - Adopted 6/9 (2260)  
JUNE 5, 1975

BY OAKLEY of Clinton

1 Section 1. Section fourteen point twenty-one (14.21),  
2 Code 1975, is amended to read as follows:  
3 14.21 PUBLICATION OF PARTS OF CODE. The printing board  
4 division may cause to be printed from time to time, in the  
5 form of leaflets, folders, or pamphlets and in such numbers  
6 as the board division deems reasonable, parts of the Code  
7 for the use of public officers. Such orders shall be limited  
8 to actual needs as shown by experience or other competent  
9 proof, and the printing shall, as far as practicable, be done  
10 from the plates or slugs from which the Code has been printed.

11 Sec. 2. Section seventeen point three (17.3), subsection  
12 eleven (11), Code 1975, is amended to read as follows:

13 11. ~~Board-of-curators-of-state-historical-society~~ State  
14 historical board.

15 Sec. 3. Section seventeen point three (17.3), Code 1975,  
16 is amended by striking subsection twelve (12).

17 Sec. 4. Section forty-four point four (44.4), unnumbered  
18 paragraph one (1), Code 1975, is amended to read as follows:

19 44.4 NOMINATIONS AND OBJECTIONS--TIME AND PLACE OF FILING.  
20 Nominations made under the provisions of this chapter and  
21 chapter 45 which are required to be filed in the office of  
22 the state commissioner shall be filed in that office not more  
23 than eighty-five ~~(days)~~ days nor later than five o'clock p.m.  
24 on the sixty-seventh day prior to the date of the general  
25 election to be held in November; and those nominations made  
26 for a special election called pursuant to section 69.14 shall  
27 be filed not less than twenty days prior to the date of an  
28 election called upon at least forty days' notice and not less  
29 than seven days prior to the date of an election called upon  
30 at least ten days' notice. Nominations made pursuant to this  
31 chapter and chapter 45 which are required to be filed in the  
32 office of the commissioner shall be filed in that office not  
33 later than five o'clock p.m. on the fifty-fifth day prior  
34 to the date of the general election. Nominations made under  
35 this chapter or chapter 45 for city office shall be filed

1 not more than sixty-five days nor later than five o'clock  
2 p.m. on the fortieth day prior to the city election with the  
3 city clerk, who shall process them as provided by law.

4 Sec. 5. Section sixty-four point six (64.6), subsection  
5 nineteen (19), Code 1975, is amended to read as follows:

6 ~~19. Curator-historical-department~~ Director of the  
7 historical museum and archives, one thousand dollars.

8 Sec. 6. Section eighty-three A point six (83A.6), Code  
9 1975, is amended by striking subsection four (4).

10 Sec. 7. Section ninety-three point seven (93.7), subsection  
11 ten (10), Code 1975, is amended to read as follows:

12 10. Promulgate rules necessary to carry out the provisions  
13 of this chapter, subject to review in accordance with chapter  
14 17A. Before a proposed rule is submitted to the ~~departmental~~  
15 administrative rules review committee, a public hearing shall  
16 be held in regard to the rule, and members of the ~~departmental~~  
17 administrative rules review committee shall be notified of  
18 the hearing as required in section ~~47A-46~~ seventeen A point  
19 four (17A.4), subsection one (1) of the Code. Rules

20 promulgated by the governor pursuant to a proclamation issued  
21 under the provisions of section 93.8 shall not be subject  
22 to review or a public hearing as required in this subsection.

23 Sec. 8. Section one hundred twenty-three point forty-nine  
24 (123.49), subsection two (2), paragraph f, Code 1975, is  
25 amended to read as follows:

26 f. Any person under legal age shall not be employed in  
27 the sale or serving of alcoholic liquor or beer for consumption  
28 on the premises where sold ~~unless-the-person-shall-be-at-least~~  
29 ~~eighteen-years-old-and-the-business-of-selling-food-or-other~~  
30 ~~services-constitutes-more-than-fifty-percent-of-the-gross~~  
31 ~~business-transacted-therein-and-then-only-for-the-purpose~~  
32 ~~of-serving-or-clearing-alcoholic-beverages-or-beer-as-an~~  
33 ~~incident-to-a-meal.--This-paragraph-shall-not-apply-to-class~~  
34 ~~"C"-beer-permit-holders.~~

35 Sec. 9. Section one hundred twenty-seven point twelve

1 (127.12), Code 1975, is amended to read as follows:

2 127.12 DUTY OF COMMISSIONER. The commissioner of public  
3 safety, upon receipt of the notice aforesaid, shall, if the  
4 owner appears of record in ~~his~~ the office of the state  
5 department of transportation, notify such owner of the fact  
6 of seizure, and if not of record, said commissioner shall  
7 mail such description to the county treasurer of each county.

8 Sec. 10. Section one hundred thirty-five D point twenty-  
9 nine (135D.29), Code 1975, is amended to read as follows:

10 135D.29 MANUFACTURER TO FILE LIST OF MODELS. Every  
11 manufacturer of a mobile home sold or offered for sale within  
12 this state, either by the manufacturer, distributor, dealer,  
13 or any other person, shall, not later than September 1 of  
14 each year, file a statement in the office of the state  
15 department of ~~public-safety~~ transportation showing the various  
16 models manufactured by him, and the retail list price. He  
17 shall also make the same report on subsequent new models  
18 manufactured. For the purposes of this chapter, the retail  
19 list price shall be the suggested retail price f.o.b. the  
20 factory including the price of any fixtures permanently  
21 installed in or attached to the mobile homes, less the price  
22 of any household goods or furnishings.

23 Sec. 11. Section one hundred forty-eight point six (148.6),  
24 subsection one (1), Code 1975, is amended to read as follows:

25 1. In addition to the provisions of sections 147.58 to  
26 147.71, the medical examiners after due notice and hearing  
27 may direct the commissioner of health to issue an order to  
28 revoke or suspend a license to practice medicine and surgery,  
29 osteopathic medicine and surgery or osteopathy, or to  
30 discipline a person licensed to practice medicine and surgery,  
31 osteopathic medicine and surgery or osteopathy for any of  
32 the grounds set forth in ~~sections~~ section 147.55 and ~~147.56~~  
33 or if, after a hearing, the medical examiners determine that  
34 a physician licensed to practice medicine and surgery,  
35 osteopathic medicine and surgery or osteopathy is guilty of

1 any of the following acts or offenses:

2 Sec. 12. Section one hundred forty-eight point seven  
3 (148.7), subsection seven (7), Code 1975, is amended to read  
4 as follows:

5 7. If a majority of the members of the board vote in favor  
6 of finding the licensee guilty of an act or offense specified  
7 in ~~sections~~ section 147.557-447.56 or 148.6, the board shall  
8 prepare written findings of fact and its decision imposing  
9 one or more of the following disciplinary measures:

10 Sec. 13. Section one hundred seventy point one (170.1),  
11 subsection six (6), Code 1975, is amended to read as follows:

12 6. "Food establishment" shall include any building, room,  
13 basement, or other place, used as a bakery, confectionery,  
14 cannery, packing house, slaughterhouse, dairy, creamery,  
15 cheese factory, retail grocery, meat market, or other place  
16 in which food is kept, produced, prepared, or distributed  
17 for commercial purposes for off the premise consumption,  
18 except those premises holding a current class "A" ~~license~~  
19 permit issued pursuant to chapter ~~424~~ 123.

20 Sec. 14. Section two hundred three A point fifteen  
21 (203A.15), subsection three (3), Code 1975, is amended to  
22 read as follows:

23 3. Before promulgating any regulations contemplated by  
24 section 203A.10, subsections 2, 4, 5, 6, 7, ~~8-11-and-13~~,  
25 and 11, or section 203A.14, subsection 2, the board shall  
26 give appropriate notice of the proposal and of the time and  
27 place for a hearing.

28 Sec. 15. Section two hundred seventeen point eight (217.8),  
29 Code 1975, is amended to read as follows:

30 217.8 DIVISION OF CHILD AND FAMILY SERVICES. The director  
31 of the division of child and family services shall be qualified  
32 by training, experience and education in the field of welfare  
33 and social problems. He shall be entrusted with the  
34 administration of programs involving neglected, dependent  
35 and delinquent children, child welfare, aid to dependent

1 children, aid to disabled persons and shall administer and  
2 be in control of the Iowa juvenile home, ~~The-Iowa-Annie~~  
3 ~~Wittenmyer-Home,--the-state-juvenile-home,~~ the state training  
4 schools for boys and for girls, the Iowa soldiers home and  
5 such other related programs established for the general welfare  
6 of families, adults and children as directed by the  
7 commissioner.

8 Sec. 16. Section two hundred fifty-seven point twenty-  
9 six (257.26), subsection two (2), Code 1975, is amended to  
10 read as follows:

11 2. The provisions of this section shall not deprive the  
12 respective boards of public school districts of any of their  
13 legal powers statutory or otherwise, and in accepting such  
14 specially enrolled students, each of said boards shall  
15 prescribe the terms of such special enrollment, including  
16 but not limited to scheduling of such courses and the length  
17 of class periods. In addition, the board of the affected  
18 public school district shall be given notice by the state  
19 board of its decision to permit such special enrollment not  
20 later than six months prior to the opening of the affected  
21 public school district's school year, except that the board  
22 of the public school district may, in its discretion, waive  
23 such notice requirement. School districts and ~~county-school~~  
24 ~~systems-or-joint-county-systems,-or-their-successor-agencies~~  
25 area education agency boards, may, when available, make public  
26 school auxiliary services, which may include health services,  
27 special education services, services and materials for remedial  
28 education programs and library and resource centers, audio-  
29 visual services and materials, guidance services, scientific  
30 instruments, school testing services, and other services and  
31 materials, available to children attending nonpublic schools  
32 in the same manner and to the same extent that they are  
33 provided to public school students.

34 Sec. 17. Section two hundred seventy-three point eight  
35 (273.8), subsection two (2), unnumbered paragraph three (3),

1 Code 1975, is amended to read as follows:

2 The director district conventions shall be called and the  
3 locations of the conventions shall be determined by the area  
4 education agency ~~superintendent~~ administrator. Annually the  
5 director district conventions shall be held within two weeks  
6 following the regular school election. Notice of the time,  
7 date and place of the director district conventions shall  
8 be published by the area education agency ~~superintendent~~  
9 administrator at least forty-five days prior to the day of  
10 the district conventions in at least one newspaper of general  
11 circulation in the merged area. The cost of publication shall  
12 be paid by the area education agency.

13 Sec. 18. Section two hundred seventy-five point twelve  
14 (275.12), subsection two (2), paragraph d, Code 1975, is  
15 amended to read as follows:

16 d. Division of the entire school district into designated  
17 geographical subdistricts, to be known as director districts,  
18 each of which director districts shall be represented on the  
19 school board by one director who shall be a resident of such  
20 director district and who shall be elected by the voters of  
21 said director district. Place of voting in such director  
22 districts shall be designated by the ~~county~~ area education  
23 agency board.

24 Sec. 19. Section two hundred seventy-five point twenty-  
25 three (275.23), Code 1975, is amended to read as follows:

26 275.23 CANVASS AND RETURN. The judges of election shall  
27 count the ballots, make return to and deposit the ballots  
28 with the county commissioner of elections, who shall enter  
29 the return of record in his office. The county commissioner  
30 of elections shall certify the results of the election to  
31 the area education agency ~~superintendent~~ administrator. If  
32 the majority of the votes cast by the qualified electors are  
33 in favor of the proposition, as provided in section 275.20,  
34 a new school corporation shall be organized. The area  
35 education agency administrator shall file a written description

1 of the boundaries as provided in section 274.4.

2 Sec. 20. Section two hundred eighty-five point eight  
3 (285.8), subsection two (2), Code 1975, is amended to read  
4 as follows:

5 2. Review and establish the location of bus routes which  
6 are located in more than one county area education agency  
7 when the ~~county-boards-of-education~~ area education agency  
8 boards of the affected ~~counties~~ area education agencies after  
9 formal action do not approve.

10 Sec. 21. Section three hundred three A point eight  
11 (303A.8), Article two (II), Code 1975, is amended to read  
12 as follows:

13 ARTICLE II--PROCEDURE  
14 Referred to in Art. VII

15 The appropriate state library officials and agencies having  
16 comparable powers with those of the Iowa ~~state-traveling~~  
17 library commission of the party states or any of their  
18 political subdivisions may, on behalf of said states or  
19 political subdivisions, enter into agreements for the co-  
20 operative or joint conduct of library services when they shall  
21 find that the executions of agreements to that end as provided  
22 herein will facilitate library services.

23 Sec. 22. Section three hundred twenty-one point one hundred  
24 twenty-six (321.126), subsection three (3), Code 1975, is  
25 amended to read as follows:

26 3. If the motor vehicle is stolen, the owner shall give  
27 notice of such theft to the county treasurer ~~or-the-department~~  
28 within five days, who in turn shall notify the department.  
29 If the motor vehicle is not recovered by the owner before  
30 December 1 of the year for which the registration fee was  
31 paid, the owner shall make affidavit of such theft and make  
32 claim for refund.

33 Sec. 23. Section three hundred twenty-one point two hundred  
34 twelve (321.212), unnumbered paragraph two (2), Code 1975,  
35 is amended to read as follows:

1 The department shall not suspend a license under the  
2 provisions of ~~subsections-6-and-7~~ subsection six (6) of section  
3 321.209 for more than thirty days nor less than five days  
4 as recommended by the trial court.

5 Sec. 24. Section three hundred twenty-two point six  
6 (322.6), subsections nine (9) and ten (10), Code 1975, are  
7 amended to read as follows:

8 9. Has violated any of the provisions of section 321.77,  
9 321.78, 321.80, 321.81, 321.92, 321.97, 321.98, 321.99,  
10 321.100, 539.4 and 713.24; or

11 10. ~~(And)-if~~ If it has been judicially determined that  
12 the licensee has intentionally violated any of the provisions  
13 of the Iowa consumer credit code, and the licensee continues  
14 to make consumer credit sales, consumer loans or consumer  
15 leases in violation of the Iowa consumer credit code.

16 Sec. 25. Section three hundred twenty-four point seventy-  
17 four (324.74), unnumbered paragraph two (2), Code 1975, is  
18 amended to read as follows:

19 Any person found guilty of any of the foregoing illegal  
20 acts shall for the first offense be fined three hundred  
21 dollars, and for the second and subsequent offenses shall  
22 be fined five hundred dollars and all of his licenses held  
23 under the "Iowa Motor Vehicle Fuel Tax Law" may, at the  
24 discretion of the court, be suspended for a period of up to  
25 six months.

26 Sec. 26. Section three hundred twenty-seven A point three  
27 (327A.3), Code 1975, is amended to read as follows:

28 327A.3 APPLICABLE SECTIONS OF LAW. The provisions of  
29 sections 325.7 to ~~325.24~~ 325.21 insofar as applicable are  
30 hereby extended to include liquid transport carriers in  
31 relation to hearing on an application for the aforesaid  
32 certificate of convenience and necessity.

33 Sec. 27. Section three hundred twenty-seven A point  
34 seventeen (327A.17), Code 1975, is amended to read as follows:

35 327A.17 RULES. The ~~commission~~ board shall also have power

1 and authority by general order or otherwise to prescribe rules  
2 applicable to liquid transport carriers. The state department  
3 is hereby authorized and empowered to prescribe and enforce  
4 safety ~~regulations~~ rules in the operation of liquid transport  
5 carriers, require a periodic inspection of the equipment of  
6 every liquid transport carrier from the standpoint of  
7 enforcement of safety ~~regulations~~ rules, and such equipment  
8 shall be at all times subject to inspection by properly  
9 authorized representatives of the department.

10 Sec. 28. Section three hundred sixty-four point eight  
11 (364.8), subsections one (1) and six (6), Code 1975, are  
12 amended to read as follows:

13 1. The requirement may not be enforced until the Iowa  
14 state ~~commerce-commission~~ department of transportation approves  
15 the specifications for a construction or reconstruction, after  
16 examination and a determination that the overpass or underpass  
17 is necessary for public safety and convenience.

18 6. A city may enforce a requirement made as provided in  
19 this section by an action in mandamus, to be conducted and  
20 enforced as provided in section 474.25 for actions brought  
21 by the Iowa state ~~commerce-commission~~ department of  
22 transportation. If the city prevails in the mandamus action,  
23 in addition to other remedies it may cause the required  
24 construction, reconstruction, or maintenance work to be done,  
25 and have judgment for the cost of the work against the  
26 companies.

27 Sec. 29. Section three hundred sixty-four point ten  
28 (364.10), Code 1975, is amended to read as follows:

29 364.10 RAILWAY CROSSING. A city may require a railway  
30 company to place flagmen, or to construct, maintain, and  
31 operate suitable mechanical signal devices or gates, at railway  
32 crossings upon public streets. However, the city or the  
33 railway company may submit the matter to the Iowa state  
34 ~~commerce-commission~~ department of transportation for a hearing  
35 as provided in sections 478.22 and 478.23, and the ~~commission's~~

1 department's determination as to the necessity for crossing  
2 protection, and the type of crossing protection required,  
3 may be appealed by either party to the district court. The  
4 court's review on appeal is limited to questions relating  
5 to jurisdiction, regularity of proceedings, and whether the  
6 decision appealed from is arbitrary, unreasonable, or without  
7 substantial supporting evidence.

8 Sec. 30. Section four hundred point seventeen (400.17),  
9 Code 1975, is amended by striking subsection five (5).

10 Sec. 31. Section four hundred twenty-two point eighty-  
11 eight (422.88), Code 1975, is amended to read as follows:

12 422.88 AIRCRAFT FUEL TAX TRANSFER. The department shall  
13 certify quarterly to the treasurer of state the amount of  
14 credit that has been taken against income tax liability since  
15 the time of the last certification, for the Iowa fuel tax  
16 paid on motor fuel, special fuel and motor fuel used for the  
17 purpose of operating aircraft, and the treasurer of state  
18 shall transfer the amount of the total credit from the motor  
19 ~~vehicle~~ fuel tax fund, or in the case of aircraft motor fuel,  
20 from the separate fund established by section 324.82, to the  
21 general fund of the state.

22 Sec. 32. Section four hundred fifty-five B point four  
23 (455B.4), unnumbered paragraph three (3), Code 1975, is amended  
24 to read as follows:

25 Each commission shall meet at least four times a year.  
26 Other meetings shall be called by the chairman or upon written  
27 request of a majority of the members of the commission. The  
28 chairman shall preside at all meetings or in his absence the  
29 vice chairman shall preside. The executive director shall  
30 attend the meetings of the commissions and act as secretary  
31 for them. The members of each commission shall be paid a  
32 forty-dollar per diem while in session, ~~ten-cents-a-mile-for~~  
33 ~~travel~~, and shall be reimbursed for their mileage expense  
34 and their actual and necessary expenses while attending such  
35 meetings. All per diem and expense moneys paid to members

1 shall be paid from funds appropriated to the commission of  
2 which they are members.

3 Sec. 33. Section four hundred ninety-six A point twenty-  
4 five (496A.25), unnumbered paragraph one (1), Code 1975, is  
5 amended to read as follows:

6 Except to the extent limited or denied by this section  
7 or by the articles of incorporation, shareholders shall have  
8 a pre-emptive right to acquire unissued or treasury shares  
9 ~~of~~ or securities convertible into such shares or carrying  
10 a right to subscribe to or acquire shares.

11 Sec. 34. Section five hundred seven B point seven (507B.7),  
12 subsection two (2), Code 1975, is amended to read as follows:

13 2. Until the expiration of the time allowed under section  
14 507B.8~~7~~-~~subsection-4~~~~7~~, for filing a petition for review if  
15 no such petition has been duly filed within such time, or,  
16 if a petition for review has been filed within such time,  
17 then until the transcript of the record in the proceeding  
18 has been filed in the district court, as hereinafter provided,  
19 the commissioner may at any time, upon such notice and in  
20 such manner as he may deem proper, modify or set aside in  
21 whole or in part any order issued by him under this section.

22 Sec. 35. Section five hundred eight point thirteen  
23 (508.13), Code 1975, is amended to read as follows:

24 508.13 ANNUAL CERTIFICATE OF AUTHORITY. On receipt of  
25 the deposit provided in section 511.8, subsection ~~43~~ 16, and  
26 the statement, and the statement and evidence of investment  
27 of foreign companies, all of which shall be renewed annually,  
28 by the first day of March, the commissioner of insurance shall  
29 issue a certificate setting forth the corporate name of the  
30 company, its home office, that it has fully complied with  
31 the laws of the state and is authorized to transact the  
32 business of life insurance for the ensuing year, which  
33 certificate shall expire on the first day of May of the ensuing  
34 year, or sooner upon thirty days' notice given by the  
35 commissioner, of the next annual valuation of its policies.

1 Such certificate shall be renewed annually, upon the renewal  
2 of the deposit and statement by a domestic company, or of  
3 the statement and evidence of investment by a foreign company,  
4 and compliance with the conditions above required, and be  
5 subject to revocation as the original certificate.

6 Sec. 36. Section five hundred eight point fourteen  
7 (508.14), Code 1975, is amended to read as follows:

8 508.14 VIOLATION BY DOMESTIC COMPANY. Upon a failure  
9 of any company organized under the laws of this state to make  
10 the deposit provided in section 511.8, subsection ~~43~~ 16, or  
11 file the statement in the time herein stated, the commissioner  
12 of insurance shall notify the attorney general of the default,  
13 who shall at once apply to the district court of the county  
14 where the home office of such company is located for an order  
15 requiring the company to show cause upon reasonable notice,  
16 to be fixed by the court why its business shall not be  
17 discontinued. If, upon the hearing, no sufficient cause is  
18 shown, the court shall decree its dissolution.

19 Sec. 37. Section five hundred nine A point three (509A.3),  
20 unnumbered paragraph one (1), Code 1975, is amended to read  
21 as follows:

22 All employees participating in any such plan the fund of  
23 which is created under the provisions of section ~~509-2,~~  
24 ~~subsections-1-and-2~~ five hundred nine A point two (509A.2)  
25 of the Code shall be assessed and required to pay an amount  
26 to be fixed by the governing body not to exceed the two percent  
27 which shall be contributed by the public body according to  
28 the plan adopted, and the amount so assessed shall be deducted  
29 and retained out of the wages or salaries of such employees.

30 Sec. 38. Section five hundred fifteen point twenty-five  
31 (515.25), Code 1975, is amended to read as follows:

32 515.25 SUBSCRIPTIONS OF STOCK--APPLICATIONS. After  
33 compliance by the incorporators with sections 515.1 and 515.2,  
34 the secretary of state shall certify the articles of  
35 incorporation to the commissioner of insurance. When the

1 commissioner of insurance is satisfied that all provisions  
2 of law in relation to the promotion and organization of said  
3 corporation, including sections ~~506-3-to-506-5,--inclusive~~  
4 five hundred six point four (506.4) to five hundred six point  
5 six (506.6) of the Code, have been complied with, he shall  
6 issue a certificate to that effect, and thereupon such  
7 corporation may open books for subscriptions to the stock  
8 of stock companies or if a mutual company take applications  
9 and receive premiums for insurance at such times and places  
10 as it may find convenient, and may keep such books open until  
11 the full amount required is subscribed or taken, or the time  
12 granted therefor has expired, or until an order is issued  
13 by the commissioner of insurance to desist for failure to  
14 comply with the provisions of law in reference thereto.

15 Sec. 39. Section five hundred fifteen point seventy-seven  
16 (515.77), Code 1975, is amended to read as follows:

17 515.77 CERTIFICATE TO FOREIGN COMPANY. When any foreign  
18 company has fully complied with the requirements of law and  
19 become entitled to do business, the commissioner of insurance  
20 shall issue to such company a certificate of that fact, which  
21 certificate shall be renewed annually on the first day of  
22 ~~April~~ May, if the commissioner is satisfied that the capital,  
23 securities, and investments of such company remain unimpaired,  
24 and the company has complied with the provisions of law  
25 applicable thereto. Provided, however, the commissioner shall  
26 not grant or continue authority to transact insurance in this  
27 state as to any insurer the management of which is found by  
28 him, after a hearing held thereon, in which he shall establish  
29 and consider any prior criminal records or any other matters  
30 to be untrustworthy, or so lacking in insurance experience  
31 as to make the proposed operation hazardous to the insurance-  
32 buying public; or which, after a hearing held thereon, he  
33 has good reason to believe is affiliated directly or indirectly  
34 through ownership, control, reinsurance transactions or other  
35 insurance or business relations, with any person or persons

1 whose business operations are or have been marked, to the  
2 detriment of policyholders or stockholders or investors or  
3 creditors or of the public, by manipulation or dissipation  
4 of assets, or manipulation of accounts, or of reinsurance,  
5 or by similar injurious actions.

6 Sec. 40. Section five hundred fifteen point one hundred  
7 two (515.102), subsection four (4), Code 1975, is amended  
8 to read as follows:

9 4. To lien, or encumbrances thereon created by voluntary  
10 act of the insured and within his control, ~~except-a-lien~~  
11 ~~accruing-to-the-benefit-of-the-old-age-pension-fund-as-provided~~  
12 ~~for-in-sections-249-19-and-249-20,~~ or

13 Sec. 41. Section six hundred seven point five (607.5),  
14 Code 1975, is amended to read as follows:

15 607.5 FEES OF JURORS. Grand jurors and petit jurors in  
16 all courts shall receive for each day's service or attendance,  
17 including attendance required for the purpose of being  
18 considered for service, ten dollars, mileage expense for each  
19 mile traveled each day to and from their residences to the  
20 place of attendance, ~~ten-cents,~~ and for actual expenses of  
21 parking, as determined by the clerk of court. No juror shall  
22 receive mileage for travel or actual expenses of parking  
23 when he travels in a vehicle for which another juror is  
24 receiving mileage.

25 Sec. 42. Section six hundred thirteen point eleven  
26 (613.11), Code 1975, is amended to read as follows:

27 613.11 ACTIONS AGAINST ~~HIGHWAY-COMMISSION~~ DEPARTMENT OF  
28 TRANSPORTATION. The state of Iowa hereby waives immunity  
29 from suit and consents to the jurisdiction of any court in  
30 which an action is brought against the ~~Iowa state highway~~  
31 ~~commission~~ department of transportation respecting any claim,  
32 right, or controversy arising out of the work performed, or  
33 by virtue of the provisions of any construction contract  
34 entered into by the ~~Iowa-state-highway-commission~~ depart-  
35 ment. Such action shall be heard and determined pursuant

1 to rules otherwise applicable to civil actions brought in  
2 that particular court having jurisdiction of the suit and  
3 the parties to the suit shall have the right of appeal from  
4 any judgment, decree, or decision of the trial court to the  
5 appropriate appellate court under applicable rules of appeal.

6 Sec. 43. Section six hundred thirty-three point sixty-  
7 three (633.63), Code 1975, is amended by striking subsection  
8 two (2) and inserting in lieu thereof the following:

9 2. Banks and trust companies organized under the laws of  
10 the United States or state banks, when approved by the  
11 superintendent of banking under section five hundred twenty-  
12 four point one thousand one (524.1001) of the Code, are  
13 authorized to act in a fiduciary capacity in Iowa.

14 Sec. 44. Section seven hundred fifty-three point fifteen  
15 (753.15), subsection twelve (12), Code 1975, is amended to  
16 read as follows:

17 12. Violation of display of identification required by  
18 section 326.22 and violation of trip permits as prescribed  
19 by sections ~~326.22~~ three hundred twenty-six point twenty-three  
20 (326.23) of the Code and 326.24, ten dollars.

21 Sec. 45. Section seven hundred sixty-two point twenty-  
22 two (762.22), Code 1975, is repealed.

23 Sec. 46. Acts of the Sixty-fifth General Assembly, 1974  
24 Session, chapter one thousand ninety (1090), section one  
25 hundred ninety-four (194), is amended to read as follows:

26 Sec. 194. Section five hundred thirty-six A point eleven  
27 (536A.11), unnumbered paragraph three (3), Code 1973, is  
28 amended by striking the section paragraph and inserting in  
29 lieu thereof the following:

30 Judicial review of actions of the auditor may be sought  
31 in accordance with the terms of the Iowa Administrative  
32 Procedure Act.

33 Sec. 47. Acts of the Sixty-fifth General Assembly, 1974  
34 Session, chapter one thousand one hundred eighty (1180),  
35 section one hundred ten (110), is amended by striking from

1 lines nineteen (19) and twenty (20) the words and figures  
2 "three hundred twenty-one point two hundred fifteen (321.215)".

3 Sec. 48. Acts of the Sixty-fifth General Assembly, 1974  
4 Session, chapter one thousand one hundred eighty (1180),  
5 sections one hundred thirty-three (133), one hundred forty  
6 (140), one hundred forty-seven (147), and one hundred fifty-  
7 six (156), are amended to read as follows:

8 Sec. 133. Section three hundred twenty-two A point one  
9 (322A.1), subsection ~~eight-(8)~~ seven (7), Code 1973, is amended  
10 by striking the subsection and inserting in lieu thereof the  
11 following:

12 ~~8-~~ 7. "Board" means the transportation regulation board  
13 of the state department of transportation.

14 Sec. 140. Section three hundred twenty-six point ~~one~~  
15 ~~{326-4}~~ two (326.2), subsections one (1) and two (2), Code  
16 1973, are amended by striking such subsections and inserting  
17 in lieu thereof the following:

18 1. "Department" means the state department of  
19 transportation.

20 2. "Director" means the director of transportation or  
21 his designee.

22 Sec. 147. Sections three hundred twenty-six point thirteen  
23 (326.13), three hundred twenty-six point nineteen (326.19),  
24 three hundred twenty-six point twenty-eight (326.28), three  
25 hundred twenty-six point thirty-six (326.36), and three hundred  
26 twenty-six point thirty-seven (326.37), ~~and-three-hundred~~  
27 ~~twenty-six-point-thirty-eight-(326-38)}~~, Code 1973, are amended  
28 by striking from such sections the words "executive secretary"  
29 and inserting in lieu thereof the word "director".

30 Sec. 156. Sections three hundred twenty-seven B point  
31 one (327B.1), and three hundred twenty-seven B point two  
32 (327B.2), ~~three-hundred-twenty-seven-B-point-three-(327B-3)}~~  
33 ~~and-three-hundred-twenty-seven-B-point-four-(327B-4)}~~, Code  
34 1973, are amended by striking from such sections the words  
35 "commission" and "Iowa state commerce commission" and inserting

1 in lieu thereof the words "state department of transportation".

2 Sec. 49. Acts of the Sixty-fifth General Assembly, 1974  
3 Session, chapter one thousand one hundred eighty (1180),  
4 section one hundred fifty-nine (159), is amended by striking  
5 from lines fourteen (14) and fifteen (15) the words and figures  
6 "three hundred twenty-eight point forty-one (328.41),".

7 Sec. 50. Sections three hundred twenty-one point one  
8 (321.1), subsection twenty-six (26); three hundred twenty-  
9 one point nineteen (321.19), subsection one (1); three hundred  
10 twenty-one point thirty-four (321.34); three hundred twenty-  
11 one point two hundred thirty-six (321.236); three hundred  
12 twenty-one point two hundred thirty-eight (321.238), subsection  
13 twenty (20); three hundred twenty-one point four hundred  
14 forty-seven (321.447); three hundred twenty-one point five  
15 hundred fifty-six (321.556); three hundred twenty-one point  
16 five hundred fifty-seven (321.557); three hundred twenty-one  
17 E point ten (321E.10); three hundred twenty-one G point twelve  
18 (321G.12); three hundred twenty-one G point nineteen (321G.19);  
19 three hundred twenty-one G point twenty-three (321G.23); and  
20 three hundred twenty-one G point twenty-four (321G.24), Code  
21 1975, are amended by striking from such sections the words  
22 "commissioner", "commissioner of public safety", "safety  
23 commissioner" and "department of public safety" and inserting  
24 in lieu thereof the words "director" or "director of  
25 transportation".

26 Sec. 51. Sections three hundred twenty-one point thirty-  
27 four (321.34); three hundred twenty-one point ninety (321.90),  
28 subsection three (3); three hundred twenty-one point five  
29 hundred fifty-six (321.556) and three hundred twenty-one point  
30 five hundred fifty-nine (321.559) are amended by striking  
31 from such sections the words "state department of public  
32 safety" and "department of public safety" and inserting in  
33 lieu thereof the word "department".

34 Sec. 52. The code editor is authorized to strike all  
35 references in the Code 1975 to "mills" in relation to taxes

1 and to insert in lieu thereof a rate for each mill equivalent  
2 to twenty-seven cents per thousand dollars of assessed  
3 valuation.

4 Sec. 53. The code editor is authorized to strike all  
5 references in the Code 1975 to "judges of elections" or "clerks  
6 of elections" and to insert in lieu thereof the term "precinct  
7 election officials".

8 Sec. 54. The code editor is authorized to strike all  
9 references in the Code 1975 to "highway commission" and to  
10 insert in lieu thereof the words "state department of  
11 transportation".

12 Sec. 55. The code editor is authorized to strike all  
13 references in the Code 1975 to "departmental rules review  
14 committee" and to insert in lieu thereof the words  
15 "administrative rules review committee".

16 Sec. 56. The code editor is authorized to strike all  
17 references in the Code 1975 to "county homes" and to insert  
18 in lieu thereof the words "county care facilities".

19 EXPLANATION

20 Section 1 of this bill changes a reference to the "printing  
21 board" to the "printing division". The board was abolished  
22 and its duties transferred to the division in chapter 121,  
23 Acts of the Sixty-fifth General Assembly, 1973 Session.

24 Section 2 changes a reference to the "board of curators  
25 of the historical society" to the "state historical board".  
26 Similarly, section 3 eliminates a reference to the curator  
27 of the state department of history and archives. These changes  
28 arise from the restructuring of the historical department  
29 in 1974.

30 Section 4 supplies the word "days" where it was erroneously  
31 omitted in section 44.4 of the Code.

32 Section 5 replaces a reference to the "curator of the  
33 historical department" with the "director of the historical  
34 museum and archives".

35 Section 6 strikes a subsection requiring the land rehabili-

1 tation advisory board to submit a report to the General  
2 Assembly concerning the extent of successful revegetation  
3 of Iowa land before January 1, 1973.

4 A reference to the departmental rules review committee  
5 which was replaced by the administrative rules review committee  
6 in the Administrative Procedure Act passed in 1974 is corrected  
7 accordingly in section 7. This section also corrects an  
8 erroneous internal reference.

9 Section 8 strikes language relating to qualifications for  
10 employment in establishments that engage in the sale or serving  
11 of alcoholic beverages or beer for on the premises consumption.  
12 Since the legal age was lowered to eighteen, the distinction  
13 based on the percentage of food sales is obsolete. Persons  
14 must be eighteen to work in any establishment that sells or  
15 serves liquor or beer for consumption on the premises.

16 Section 9 changes a reference to records pertaining to  
17 the seizure of conveyances that are maintained in the office  
18 of the commissioner of public safety. These records will  
19 be kept in the office of the department of transportation.  
20 The change in section 10 reflects this transfer of material.

21 Sections 11 and 12 strike internal references to a section  
22 of the Code defining "unprofessional conduct" in relation  
23 to professional licensing that has been repealed.

24 Section 13 changes the word "license" to "permit". The  
25 latter is issued in connection with beer and malt liquors,  
26 whereas "license" refers to alcoholic beverage privileges.  
27 Chapter 124 was repealed by the Sixty-fourth General Assembly.  
28 Similar provisions are now a part of chapter 123. Section  
29 13 corrects this internal reference.

30 Section 14 strikes a reference to a repealed section.  
31 Section 15 corrects a duplicate reference to the state juvenile  
32 home and also eliminates a reference to the Iowa Annie  
33 Wittenmyer Home which was closed by action of the General  
34 Assembly.

35 Sections 16 through 20 correct obsolete references to "area

1 education agency superintendent" and "county boards of educa-  
2 tion". These terms were changed to "area education agency  
3 administrators" and "area education agency boards" by chapter  
4 1172, Acts of the Sixty-fifth General Assembly, 1974 Session.

5 Section 21 corrects a reference to the state traveling  
6 library which was abolished in 1973 following a reorganization  
7 of the state's libraries. This section of the Code relates  
8 to interstate library agreements. The state library commission  
9 is authorized by section 303.24 of the Code to conclude such  
10 compacts. Section 21 of this bill brings section 303A.8,  
11 Article II in conformity with section 303.24 of the Code.

12 Section 22 remedies a situation where the language suggested  
13 that the state department of transportation was required to  
14 report to itself.

15 Section 23 corrects an internal reference rendered erroneous  
16 because of a repealed subsection.

17 Section 24 corrects a grammatical error.

18 Section 25 changes an improper designation of the "Iowa  
19 Motor Fuel Tax Fund".

20 Section 26 corrects an internal reference that was in error  
21 because of a repealed section and the resulting rearrangement  
22 of the chapter.

23 Section 27 changes a reference to the "commerce commission"  
24 to the "transportation regulation board", which assumes the  
25 commission's responsibilities in the area of liquid transport  
26 carriers on July 1, 1975. This section also changes the word  
27 "regulation" to "rule". Sections 28 and 29 make similar  
28 changes from the "commerce commission" to the "state department  
29 of transportation".

30 Section 30 repeals subsection 5 of section 400.17 of the  
31 Code, declared unconstitutional by the United States District  
32 Court in 1974 (Butts v. Nichols, September 4, 1974, U.S.D.C.S.  
33 Iowa). This subsection provided that a person shall not be  
34 appointed or employed in a position under civil service if  
35 the person has been convicted of a felony.

1 Section 31 changes an erroneous designation of the "motor  
2 fuel tax fund".

3 Section 32 changes a reference concerning mileage expenses  
4 to conform with the general language adopted in chapter 1091,  
5 Acts of the Sixty-fifth General Assembly, 1974 Session. This  
6 chapter states that mileage expenses shall be reimbursed as  
7 prescribed in section 21.4 of the Code. Therefore, this  
8 section eliminates a reference to exact reimbursement rates  
9 and substitutes general language providing for reimbursement  
10 for "mileage expense".

11 Section 33 corrects a printing error.

12 Sections 34 through 38 correct erroneous internal  
13 references.

14 Section 39 changes the renewal date for insurance certifi-  
15 cates for foreign companies. The date for issuing certifi-  
16 cates of authority was changed by chapter 1243, Acts of the  
17 Sixty-fifth General Assembly, 1974 Session.

18 Section 40 strikes a reference to liens accruing to the  
19 old-age pension fund. This fund has been abolished.

20 Section 41 changes a reference concerning mileage expenses  
21 in conformity with chapter 1091, Acts of the Sixty-fifth  
22 General Assembly, 1974 Session.

23 Section 42 corrects a reference to actions brought against  
24 the highway commission which has been replaced by the  
25 department of transportation.

26 Section 43 rewrites section 633.63, subsection 2, to make  
27 the subsection a complete sentence and to provide conformity  
28 with the banking law.

29 Section 44 repeals a duplicate section.

30 Section 45 corrects an erroneous internal reference.

31 Section 46 corrects an instruction in the 1974 session  
32 laws that erroneously refers to striking a section instead  
33 of a paragraph.

34 Sections 47 through 49 correct internal references and  
35 strike repealed sections in chapter 1180, Acts of the Sixty-

1 fifth General Assembly, 1974 Session which creates the state  
2 department of transportation.

3 Sections 50 and 51 correct references to the "commissioner  
4 of public safety" and the "department of public safety" which  
5 should read "director of transportation" or "state department  
6 of transportation".

7 Section 52 authorizes the code editor to change all  
8 references in the Code 1975 to mills to dollar equivalents  
9 pursuant to chapter 1231, Acts of the Sixty-fifth General  
10 Assembly, 1974 Session.

11 Section 53 similarly authorizes the code editor to change  
12 all references to "judges" or "clerks of election" to "precinct  
13 election officials". This change arises from changes in  
14 terminology instituted by chapter 1101, Acts of the Sixty-  
15 fifth General Assembly, 1974 Session.

16 Section 54 gives the code editor the authority to change  
17 references in the Code 1975 to the "highway commission" to  
18 the "state department of transportation".

19 Section 55 authorizes the code editor to change references  
20 in the Code 1975 to the "departmental rules review committee"  
21 to "administrative rules review committee" pursuant to the  
22 Administrative Procedure Act.

23 Section 56 gives the code editor the authority to change  
24 references in the Code 1975 to "county homes" to "county care  
25 facilities". This change results from changes in terminology  
26 made in chapter 1166, Acts of the Sixty-fifth General Assembly,  
27 1974 Session.

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LSB 1532  
dd/rh/31

HOUSE FILE 894

S-4241

1 Amend House File 894 as amended and passed by the  
2 House as follows:  
3 1. Page 7, by inserting after line 3 the following:  
4 "Sec. \_\_\_\_ . Section two hundred thirty-two point  
5 thirty-three (232.33), subsection five (5), Code 1975,  
6 is amended to read as follows:  
7 5. Commit to or place the child in any private  
8 institution or hospital for the care and training  
9 of children or any public institution or hospital  
10 for the care and training of children other than an  
11 institution ~~named in subsection 4 of this section~~  
12 ~~and section 232.34, subsection 4~~ under the jurisdic-  
13 tion of the commissioner of social services.  
14 Sec. \_\_\_\_ . Section two hundred thirty-two point  
15 thirty-four (232.34), subsection five (5), Code 1975,  
16 is amended to read as follows:  
17 5. Commit to or place the child in any private  
18 institution or hospital for care and training or any  
19 public institution or hospital for care and training  
20 other than an institution ~~named in subsection 4 of~~  
21 ~~this section and section 232.33, subsection 4~~ under  
22 the jurisdiction of the commissioner of social  
23 services."  
24 2. By renumbering the remaining sections to accord  
25 with this amendment.

S-4241 FILED & ADOPTED (2/26)  
JUNE 14, 1975

BY E. KEVIN KELLY

S-4190

1 Amend House File 894 as amended and passed by the  
2 House, page 9, line 19, by striking the words "area  
3 education agency board" and inserting in lieu thereof  
4 the words "board commissioner of elections".

S-4190 FILED - *Adopted 6/14 (2/23)* BY JOAN ORR  
JUNE 12, 1975

S-4165

1 Amend House File 894 as amended and passed by the  
2 House, page 23, by inserting after line 6 the following  
3 new section:  
4 "Sec. \_\_\_\_ . Senate File two hundred ninety-six (296)  
5 of the Sixty-sixth General Assembly, 1975 Session, is  
6 amended by striking sections thirteen (13) and thirty (30)."

S-4165 FILED - *Adopted 6/14 (2/23)* BY C. JOSEPH COLEMAN  
JUNE 12, 1975

1 officers may take the ballot to the elector if he  
2 or she is currently residing in the county. The  
3 special precinct election officers shall both notarize  
4 each absentee-ballot-delivered-by-them absent voters  
5 affidavit as required by this-chapter section fifty-  
6 three point sixteen (53.16) of the Code; any such  
7 officer who is not a notary public shall be provided  
8 with a stamp containing that person's name and the  
9 words "special precinct election officer" and may  
10 notarize the absentee ballots affidavits so delivered  
11 by signing them and applying the stamp. The special  
12 precinct election officers shall travel together in  
13 the same vehicle and both shall be present when an  
14 applicant casts his or her absentee ballot. If either  
15 or both of the special election officers fails to  
16 appear at the time the duties set forth in this  
17 section are to be performed, the commissioner  
18 shall at once appoint some other person, giving  
19 preference to persons designated by the respective  
20 county chairpersons of the political parties  
21 described in section forty-nine point thirteen  
22 (49.13) of the Code, to carry out the requirements  
23 of this section. The persons authorized by this  
24 subsection to deliver an absentee ballot to an  
25 applicant may assist the applicant in filling out  
26 the ballot as permitted by section forty-nine point  
27 ninety (49.90) of the Code. The voted absentee  
28 ballots shall be deposited in a sealed container  
29 which shall be returned to the commissioner on  
the same day."

30 6. By renumbering the remaining sections to accord  
31 with this amendment.  
32

H-4318 FILED, RECEIVED FROM SENATE  
JUNE 17, 1975

*How concurred 6/18/75 (26 48)*



shall be placed in an affidavit envelope of the type prescribed by section fifty-three point thirteen (53.13) of the Code. The voter shall not be required to execute the oath contained in the affidavit. Space shall be left on the affidavit envelope for the precinct election official to indicate the name of the challenged elector and the reason for the challenge. The sealed affidavit envelope shall be deposited as required by section forty-nine point eighty-five (49.85) of the Code in a special container marked "challenged ballots" and shall be considered as having been cast in the special precinct established by section one hundred eighteen (118) of this Act for purposes of the post-election canvass."

5. Page 23, by inserting after line 6, the following new section:

"Sec. \_\_\_\_ . Section fifty-three point twenty-two (53.22), subsection one (1), Code 1975, as amended by section one hundred nineteen (119) of House File seven hundred (700) of the Sixty-sixth General Assembly, 1975 Session, is amended to read as follows:

"1. A qualified elector who has applied for an absentee ballot, in a manner other than that prescribed by section fifty-three point eleven (53.11) of the Code, and who is a resident or patient in a health care facility or hospital located in the county to which the application has been submitted shall be delivered the appropriate absentee ballot by two special precinct election officers, one of whom shall be a member of each of the political parties referred to in section forty-nine point thirteen (49.13) of the Code, who shall be appointed by the commissioner from the election board panel for the special precinct established by section one hundred three (103) of this Act. The special precinct election officers shall be sworn in the manner provided by section forty-nine point seventy-five (49.75) of the Code for election board members, shall receive compensation as provided in section forty-nine point twenty (49.20) of the Code, and shall perform their duties during the ten calendar days preceding the election and on election day if all ballots requested under section fifty-three point eight (53.8), subsection three (3), of the Code have not previously been delivered and returned. If a person who so requested an absentee ballot has been dismissed from the health care facility or hospital, the special precinct election

1 Amend House File 894 as amended and passed by the  
2 House as follows:

3 1. Page 7, by inserting after line 3 the following:

4 "Sec. \_\_\_\_\_. Section two hundred thirty-two point  
5 thirty-three (232.33), subsection five (5), Code 1975,  
6 is amended to read as follows:

7 5. Commit to or place the child in any private  
8 institution or hospital for the care and training  
9 of children or any public institution or hospital  
10 for the care and training of children other than an  
11 institution named ~~in subsection 4 of this section~~  
12 ~~and section 232.34, subsection 4~~ under the jurisdic-  
13 tion of the commissioner of social services.

14 Sec. \_\_\_\_\_. Section two hundred thirty-two point  
15 thirty-four (232.34), subsection five (5), Code 1975,  
16 is amended to read as follows:

17 5. Commit to or place the child in any private  
18 institution or hospital for care and training or any  
19 public institution or hospital for care and training  
20 other than an institution named ~~in subsection 4 of~~  
21 ~~this section and section 232.33, subsection 4~~ under  
22 the jurisdiction of the commissioner of social  
23 services."

24 2. Page 9, line 19, by striking the words "area  
25 education agency board" and inserting in lieu thereof  
26 the words "board commissioner of elections".

27 3. Page 23, by inserting after line 6 the following  
28 new section:

29 "Sec. \_\_\_\_\_. Senate File two hundred ninety-six (296)  
30 of the Sixty-sixth General Assembly, 1975 Session, is  
31 amended by striking sections thirteen (13) and thirty (30)."

32 4. Page 23, by adding after line 6 the following  
33 new section:

34 "Sec. \_\_\_\_\_. Section forty-nine point eighty-one  
35 (49.81), subsection one (1), Code 1975, as amended  
36 by the Sixty-sixth General Assembly, 1975 Session,  
37 House File seven hundred (700), section eighty (80),  
38 is amended to read as follows:

39 1. A prospective voter who is prohibited under  
40 section forty-nine point eighty (49.80) of the Code from  
41 voting except under this section shall be permitted  
42 to cast a paper ballot, ~~in~~ . If a booth meeting  
43 the requirement of section forty-nine point twenty-  
44 five (49.25) of the Code is not available at that  
45 polling place, the precinct election officials shall  
46 make alternative arrangements to insure the chal-  
47 lenged voter the opportunity to vote in secret. The  
48 marked ballot, folded as required by section forty-  
49 nine point eighty-four (49.84) of the Code, shall be  
50 delivered to a precinct election official who shall  
51 immediately seal it in an unmarked envelope which

H-4111

1 Amend H-4091 to House File 894 as follows:

2 1. Page 1, by inserting after line 24 the  
3 following:

4 " 218.58. Page 5, by inserting after line 7 the  
5 following section:

6 Sec. 218.58. Section two hundred eighteen point fifty-  
7 eight (218.58), Code 1975, is amended to read as  
8 follows: A

9 218.58 STATE ARCHITECT. The commissioner of the  
10 department of social services may employ a competent  
11 architect, and such draftsmen as may be authorized  
12 by law. Said architect shall, in addition to salary,  
13 be reimbursed for his actual and necessary expenses  
14 within the state while engaged in official business.  
15 In cases of sufficient magnitude the commissioner  
16 may secure the advice of a consulting architect, or  
17 may secure plans and specifications from other  
18 architects, at a cost not exceeding one thousand five  
19 hundred dollars in any year, unless a larger amount  
20 is approved by the ~~budget and financial control~~  
21 committee executive council."

22 2. Page 2, by inserting after line 34 the  
23 following:

24 " 455A.4. Page 10, by inserting after line 21 the  
25 following section: B

26 Sec. 455A.4. Section four hundred fifty-five A point  
27 four (455A.4), Code 1975, is amended to read as  
28 follows:

29 455A.4 APPOINTMENT. The council shall consist  
30 of ten members, nine of whom shall be electors of  
31 the state of Iowa and shall be selected from the state  
32 at large solely with regard to their qualifications  
33 and fitness to discharge the duties of office without  
34 regard to their political affiliation. The tenth  
35 member shall be the executive director of the  
36 department of environmental quality or his designee,  
37 who shall be a nonvoting member. The appointive  
38 members of the council shall be appointed by the  
39 governor with the approval of two-thirds of the members  
40 of the senate and shall be appointed for overlapping  
41 terms of six years. The terms of three members of  
42 the council shall expire on July 1 of each odd-numbered  
43 year. Within sixty days following the organization  
44 of each ~~biennial~~ regular session of the general  
45 assembly held during an odd-numbered year, appointments  
46 shall be made of successors to members of the council  
47 whose terms of office shall expire on the first of  
48 July next thereafter and of members to fill the  
49 unexpired portion of vacant terms."

H-4111 FILED - *Adopted 6/9 (2259)*  
JUNE 6, 1975

BY JESSE of Polk


S-4215

1 Amend House File 894 as amended and passed by the  
2 House, page 23, by adding after line 6 the following  
3 new section:

4 "Sec. \_\_\_\_\_. Section forty-nine point eighty-one  
5 (49.81), subsection one (1), Code 1975, as amended  
6 by the Sixty-sixth General Assembly, 1975 Session,  
7 House File seven hundred (700), section eighty (80),  
8 is amended to read as follows:

9 1. A prospective voter who is prohibited under  
10 section forty-nine point eighty (49.80) of the Code from  
11 voting except under this section shall be permitted  
12 to cast a paper ballot, ~~in~~ . If a booth meeting  
13 the requirement of section forty-nine point twenty-  
14 five (49.25) of the Code is not available at that  
15 polling place, the precinct election officials shall  
16 make alternative arrangements to insure the chal-  
17 lenged voter the opportunity to vote in secret. The  
18 marked ballot, folded as required by section forty-  
19 nine point eight-four (49.84) of the Code, shall be  
20 delivered to a precinct election official who shall  
21 immediately seal it in an unmarked envelope which  
22 shall be placed in an affidavit envelope of the  
23 type prescribed by section fifty-three point thirteen  
24 (53.13) of the Code. The voter shall not be required  
25 to execute the oath contained in the affidavit.  
26 Space shall be left on the affidavit envelope for  
27 the precinct election official to indicate the name  
28 of the challenged elector and the reason for the  
29 challenge. The sealed affidavit envelope shall be  
30 deposited as required by section forty-nine point  
31 eighty-five (49.85) of the Code in a special con-  
32 tainer marked "challenged ballots" and shall be  
33 considered as having been cast in the special  
34 precinct established by section one hundred eighteen  
35 (118) of this Act for purposes of the post-election  
36 canvass."

S-4215 FILED - *Adopted 6/14 (2125)* BY JAMES M. REDMOND  
JUNE 13, 1975 JOHN N. NYSTROM



S-42:7

1 Amend House File 894, as amended and passed by  
 2 the House, page 23, by inserting after line 6, the  
 3 following new section:

4 "Sec. \_\_\_\_ . Section fifty-three point twenty-two  
 5 (53.22), subsection one (1), Code 1975, as amended  
 6 by section one hundred nineteen (119) of House File  
 7 seven hundred (700) of the Sixty-sixth General  
 8 Assembly, 1975 Session, is amended to read as  
 9 follows:

10 "1. A qualified elector who has applied for an  
 11 absentee ballot, in a manner other than that pre-  
 12 scribed by section fifty-three point eleven (53.11)  
 13 of the Code, and who is a resident or patient in a  
 14 health care facility or hospital located in the  
 15 county to which the application has been submitted  
 16 shall be delivered the appropriate absentee ballot  
 17 by two special precinct election officers, one of  
 18 whom shall be a member of each of the political  
 19 parties referred to in section forty-nine point  
 20 thirteen (49.13) of the Code, who shall be  
 21 appointed by the commissioner from the election  
 22 board panel for the special precinct established by  
 23 section one hundred three (103) of this Act. The  
 24 special precinct election officers shall be sworn in  
 25 the manner provided by section forty-nine point  
 26 seventy-five (49.75) of the Code for election board  
 27 members, shall receive compensation as provided in  
 28 section forty-nine point twenty (49.20) of the Code,  
 29 and shall perform their duties during the ten  
 30 calendar days preceding the election and on election  
 31 day if all ballots requested under section fifty-  
 32 three point eight (53.8), subsection three (3), of  
 33 the Code have not previously been delivered and  
 34 returned. If a person who so requested an absentee  
 35 ballot has been dismissed from the health care  
 36 facility or hospital, the special precinct election  
 37 officers may take the ballot to the elector if he  
 38 or she is currently residing in the county. The  
 39 special precinct election officers shall both notarize  
 40 each ~~absentee-ballot-delivered-by-them~~ absent voters  
 41 affidavit as required by ~~this chapter~~ section fifty-  
 42 three point sixteen (53.16) of the Code; any such  
 43 officer who is not a notary public shall be provided  
 44 with a stamp containing that person's name and the  
 45 words "special precinct election officer" and may  
 46 notarize the absentee ~~ballots~~ affidavits so delivered  
 47 by signing them and applying the stamp. The special  
 48 precinct election officers shall travel together in  
 49 the same vehicle and both shall be present when an  
 50 applicant casts his or her absentee ballot. If either

1 or both of the special election officers fails to  
2 appear at the time the duties set forth in this  
3 section are to be performed, the commissioner  
4 shall at once appoint some other person, giving  
5 preference to persons designated by the respective  
6 county chairpersons of the political parties  
7 described in section forty-nine point thirteen  
8 (49.13) of the Code, to carry out the requirements  
9 of this section. The persons authorized by this  
10 subsection to deliver an absentee ballot to an  
11 applicant may assist the applicant in filling out  
12 the ballot as permitted by section forty-nine point  
13 ninety (49.90) of the Code. The voted absentee  
14 ballots shall be deposited in a sealed container  
15 which shall be returned to the commissioner on  
16 the same day."

S-4217 FILED - *Adopted 6/14 (2125)* BY JAMES M. REDMOND  
JUNE 13, 1975 JOHN N. NYSTROM

H-4102

1 Amend the Oakley amendment (H-4091) to House File  
 2 894, page 1, by inserting after line 24 the following  
 3 and by renumbering the amendment sections accordingly:

4 "3. Page 2, by inserting after line 22 the  
 5 following:

6 "Sec. \_\_\_\_ . Section ninety-six point four (96.4),  
 7 subsections one (1) and three (3), Code 1975, as  
 8 amended by Senate File four hundred eighty-five (485)  
 9 enacted by the Sixty-sixth General Assembly, 1975  
 10 Session, is amended to read as follows:

11 1. He has registered for work at and thereafter  
 12 has continued to report at an employment office in  
 13 accordance with such regulations as the commission  
 14 may prescribe. The provisions of this subsection  
 15 shall be waived if the individual is deemed temporarily  
 16 unemployed as defined in section ~~thirty-two-(32)~~  
 17 thirty-three (33) of this Act.

18 3. He is able to work, is available for work,  
 19 and is earnestly and actively seeking work. The  
 20 provision of this subsection shall be waived if he  
 21 is deemed temporarily unemployed as defined in section  
 22 ~~thirty-two-(32)~~ thirty-three (33) of this Act.

23 Sec. \_\_\_\_ . Section ninety-six point seven (96.7),  
 24 subsection four (4), paragraph a, Code 1975, as amended  
 25 by Senate File four hundred eighty-five (485) enacted  
 26 by the Sixty-sixth General Assembly, 1975 Session,  
 27 is amended to read as follows:

28 a. As soon as practicable and in any event within  
 29 two years after an employer has filed reports, as  
 30 required by the commission pursuant to section 96.11,  
 31 subsection 7, the commission shall examine such reports  
 32 and determine the correct amount of contributions  
 33 due, and the amount so determined by the commission  
 34 shall be the contributions payable. If the  
 35 contributions found due shall be greater than the  
 36 amount theretofore paid the notice with respect to  
 37 the additional contributions, together with any  
 38 interest and penalty, shall be sent by certified mail.  
 39 A lien shall attach as provided in section ~~twenty-~~  
 40 ~~four-(24)~~ twenty-three (23) of this Act if the  
 41 assessment is not paid or appealed within thirty days  
 42 of the date of the notice of assessment."

H-4102 FILED - Adopted 6/9 (2255)  
 JUNE 5, 1975

BY SCHROEDER of Pottawattamie

H-4133

1 Amend House File 894 as follows:

2 Page 6, by striking all of lines 13 through 23  
3 and inserting in lieu thereof the following:

4 "Sec. 18. Section two hundred seventy-five point  
5 twelve (275.12), subsection two (2), paragraphs c  
6 and d, Code 1975, as amended by Acts of the Sixty-  
7 sixth General Assembly, 1975 Session, House File  
8 seven hundred (700), section one hundred twenty-six  
9 (126), are amended to read as follows:

10 c. Election of not more than one-half of the  
11 total number of school directors at large from the  
12 entire district and the remaining directors from  
13 and as residents of designated single-member director  
14 districts into which the entire school district shall  
15 be divided on the basis of population. In such case,  
16 all directors shall be elected by the electors of the  
17 entire school district. Changes in the boundaries  
18 of director districts shall not be made during a  
19 period commencing sixty days prior to the date of the  
20 annual school election.

21 d. Division of the entire school district into  
22 designated geographical subdistricts on the basis of  
23 population, to be known as director districts, each  
24 of which director districts shall be represented on  
25 the school board by one director who shall be a  
26 resident of such director district and who shall be  
27 elected by the voters of said director district.  
28 Place of voting in such director districts shall be  
29 designated by the county area education agency board.  
30 Changes in the boundaries of director districts shall  
31 not be made during a period commencing sixty days  
32 prior to the date of the annual school election."

H-4133 FILED, ADOPTED (2260)  
JUNE 9, 1975

BY PATCHETT of Johnson

H-4091

1 Amend House File 894 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:  
4 "Sec. \_\_\_\_\_. Section three point four (3.4), Code  
5 1975, is amended to read as follows:  
6 3.4 ~~BILLS--APPROVAL--PASSAGE OVER VETO.~~ If the  
7 governor approves a bill, he shall sign and date it;  
8 if he returns it with his objections and it afterwards  
9 passes as provided in the Constitution, a certificate,  
10 signed by the presiding officer of each house in the  
11 following form, shall be endorsed thereon or attached  
12 thereto: "This bill or this item of an appropriation  
13 bill, as the case may be, having been returned by  
14 the governor, with his objections, to the house in  
15 which it originated, and, after reconsideration,  
16 having again passed both houses by yeas and nays by  
17 a vote of two-thirds of the members of each house,  
18 has become a law this ..... day of ....."

19 2. Page 2, by inserting after line 7 the following:  
20 "Sec. \_\_\_\_\_. Section seventy-eight point two (78.2),  
21 subsection six (6), Code 1975, is amended to read  
22 as follows:

23 6. All investigators for ~~old-age~~ supplemental  
24 assistance as provided for under chapter 249."

25 3. Page 6, by inserting after line 12 the  
26 following:

27 "Sec. \_\_\_\_\_. Section two hundred seventy-five point  
28 three (275.3), Code 1975, is amended to read as  
29 follows:

30 275.3 MINIMUM STANDARDS. No new school district  
31 shall be planned by ~~a county board of education an~~  
32 area education agency board nor shall any proposal  
33 for creation or enlargement of any school district  
34 be approved by a county board of education an area  
35 education agency board or submitted to electors unless  
36 there reside within the proposed limits of such  
37 district at least three hundred persons of school  
38 age who were enrolled in public schools in the  
39 preceding school year. Provided, however, that the  
40 state superintendent of public instruction shall have  
41 authority to grant permission to a county an area  
42 education agency board to approve the formation or  
43 enlargement of a school district containing a lower  
44 school population than above provided on the written  
45 request of such county board of education area  
46 education agency board if such request is accompanied  
47 by evidence tending to show that sparsity of  
48 population, natural barriers or other good reason  
49 makes it impracticable to meet said school popula-  
50 tion requirement."

1 4. Page 8, line 1, by striking the word "suspend"  
2 and inserting in lieu thereof the words "suspend  
3 revoke".

4 5. Page 7, by inserting after line 9 the following:  
5 "Sec. \_\_\_\_\_. Section two hundred ninety point four  
6 (290.4), Code 1975, is amended to read as follows:

7 290.4 WITNESSES--FEES--COLLECTION. The state  
8 board of public instruction in all matters triable  
9 before it shall have power to issue subpoenas for  
10 witnesses, which may be served by any peace officer,  
11 compel the attendance of those thus served, and the  
12 giving of evidence by them, in the same manner and  
13 to the same extent as the district court may do, and  
14 such witnesses and officers may be allowed the same  
15 compensation as is paid for like attendance or service  
16 in such court, which shall be paid out of the general  
17 fund of the proper school corporation, upon the  
18 certificate of the state board to and warrant of the  
19 secretary upon the treasurer; but if the ~~superintendent~~  
20 board is of the opinion that the proceedings were  
21 instituted without reasonable cause therefor, or if,  
22 in case of an appeal, it shall not be sustained, it  
23 shall enter such findings in the record, and tax all  
24 costs to the party responsible therefor. A transcript  
25 thereof shall be filed in the office of the clerk  
26 of the district court and a judgment entered thereon  
27 by him, which shall be collected as other judgments."

28 6. Page 9, by inserting after line 9 the following:

29 "Sec. \_\_\_\_\_. Section three hundred thirty-two point  
30 seventeen (332.17), subsections eight (8) and nine  
31 (9), Code 1975, are amended to read as follows:

32 8. County home care facility steward

33 9. ~~Soldiers-relief-commission~~ Commission on veteran  
34 affairs"

35 7. Page 11, by inserting after line 2 the  
36 following:

37 "Sec. \_\_\_\_\_. Section four hundred ninety A point  
38 twenty-three (490A.23), Code 1975, is amended to read  
39 as follows:

40 490A.23 CITIES--CONFLICT OF SERVICE. All rights  
41 of municipal corporations to franchise and regulate  
42 use of streets, alleys and other public property,  
43 and all rights acquired by franchise or agreement  
44 shall be preserved in such municipalities, excepting  
45 only the duties and jurisdiction conferred upon the  
46 commission in this chapter. ~~{Except-as-otherwise}~~  
47 Except as otherwise provided by section 437.14 whenever  
48 the corporate boundaries of any city are extended  
49 utility service, as defined in section 490A.1, shall  
50 be provided in such extended area by the public utility

1 or the municipally owned utility serving such city  
2 immediately prior to the extension of such boundaries.  
3 In the event service is provided, in such extended  
4 area, at the time of the extension of the corporate  
5 boundaries, by a public utility which does not have  
6 a municipal franchise for such city, the facilities  
7 located within such extended area shall be purchased  
8 at the end of six years from the date the corporate  
9 boundaries shall have been extended by the franchised  
10 public utility of such city or by the municipal utility  
11 serving such city and the municipal franchised public  
12 utility or municipally owned utility shall furnish  
13 such service without interruption upon the acquisition  
14 thereof ~~(except as otherwise provided by section~~  
15 ~~437.14)~~ , except as otherwise provided by section  
16 four hundred thirty-seven point fourteen (437.14)  
17 of the Code. The franchised or municipally owned  
18 utility shall pay to the utility serving in the annexed  
19 area the fair and reasonable value of its properties  
20 within such annexed area by exchange of other electric  
21 utility property outside such city on a fair and  
22 reasonable basis giving due consideration to revenue  
23 from and value of the respective properties. In the  
24 event the public utilities involved are unable to  
25 agree as to the terms of such exchange, either utility  
26 may file an application with the commission request-  
27 ing that the commission determine such fair and  
28 reasonable terms for such exchange. After notice  
29 and hearing the commission shall determine fair and  
30 reasonable terms for such exchange, or in the event  
31 no appropriate properties can be exchanged the  
32 commission shall fix and determine the fair and  
33 reasonable value of the property within the annexed  
34 area, and such transfer shall be made as directed  
35 by the commission. Until such determination by the  
36 commission, the facilities shall remain in place and  
37 service to the public shall be maintained by the  
38 owner. However, the utility not having a municipal  
39 franchise and serving such annexed area shall not  
40 extend service to any additional points of delivery  
41 within such annexed area if the commission, after  
42 notice and hearing, with due consideration of any  
43 unnecessary duplication of facilities, shall determine  
44 that such extension is not in the public interest.  
45 Provided, however, that production, generation, high-  
46 voltage transmission facilities and high-voltage  
47 transformers owned by a utility in territory annexed  
48 to a city shall be exempt from the operation of this  
49 section, and provided further that if a public utility  
50 not having a municipal franchise at the time of the

1 extension of the corporate boundaries subsequently  
2 acquires a municipal franchise within six years of  
3 the extension of the corporate boundaries such utility  
4 shall be exempt from the operation of this section."

5 8. Page 17, line 7, by inserting after the word  
6 "Sections" the words "one hundred twenty-seven point  
7 twelve (127.12); one hundred thirty-five D point  
8 twenty-nine (135D.29);".

9 9. Page 17, lines 8 and 9, by striking the words  
10 "three hundred twenty-one point nineteen (321.19),  
11 subsection one (1);".

12 10. Page 18, lines 13 and 14, by striking the  
13 words "review committee".

14 11. Page 18, line 15, by striking the words "review  
15 committee".

H-4091 FILED - *Adopted as amended by* BY OAKLEY of Clinton  
JUNE 5, 1975 *4/11 6/9 (2259)* JESSE of Polk

HOUSE FILE 894

AN ACT

RELATING TO CORRECTING ERRONEOUS, INCONSISTENT AND OBSOLETE SECTIONS OF THE CODE.

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

Section 1. Section three point four (3.4), Code 1975, is amended to read as follows:

3.4 BILLS--APPROVAL--PASSAGE OVER VETO. If the governor approves a bill, he shall sign and date it; if he returns it with his objections and it afterwards passes as provided in the Constitution, a certificate, signed by the presiding officer of each house in the following form, shall be endorsed thereon or attached thereto: "This bill or this item of an appropriation bill, as the case may be, having been returned by the governor, with his objections, to the house in which it originated, and, after reconsideration, having again passed both houses by yeas and nays by a vote of two-thirds of the members of each house, has become a law this ..... day of .....

Sec. 2. Section fourteen point twenty-one (14.21), Code 1975, is amended to read as follows:

14.21 PUBLICATION OF PARTS OF CODE. The printing board division may cause to be printed from time to time, in the form of leaflets, folders, or pamphlets and in such numbers as the board division deems reasonable, parts of the Code for the use of public officers. Such orders shall be limited to actual needs as shown by experience or other competent proof, and the printing shall, as far as practicable, be done from the plates or slugs from which the Code has been printed.

Sec. 3. Section seventeen point three (17.3), subsection eleven (11), Code 1975, is amended to read as follows:

11. Board-of-curators-of-state-historical-society State historical board.

Sec. 4. Section seventeen point three (17.3), Code 1975,

is amended by striking subsection twelve (12).

Sec. 5. Section forty-four point four (44.4), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

44.4 NOMINATIONS AND OBJECTIONS--TIME AND PLACE OF FILING. Nominations made under the provisions of this chapter and chapter 45 which are required to be filed in the office of the state commissioner shall be filed in that office not more than eighty-five ~~(days)~~ days nor later than five o'clock p.m. on the sixty-seventh day prior to the date of the general election to be held in November; and those nominations made for a special election called pursuant to section 69.14 shall be filed not less than twenty days prior to the date of an election called upon at least forty days' notice and not less than seven days prior to the date of an election called upon at least ten days' notice. Nominations made pursuant to this chapter and chapter 45 which are required to be filed in the office of the commissioner shall be filed in that office not later than five o'clock p.m. on the fifty-fifth day prior to the date of the general election. Nominations made under this chapter or chapter 45 for city office shall be filed not more than sixty-five days nor later than five o'clock p.m. on the fortieth day prior to the city election with the city clerk, who shall process them as provided by law.

Sec. 6. Section sixty-four point six (64.6), subsection nineteen (19), Code 1975, is amended to read as follows:

19. Curator-historical-department Director of the historical museum and archives, one thousand dollars.

Sec. 7. Section seventy-eight point two (78.2), subsection six (6), Code 1975, is amended to read as follows:

6. All investigators for old-age supplemental assistance as provided for under chapter 249.

Sec. 8. Section eighty-three A point six (83A.6), Code 1975, is amended by striking subsection four (4).

Sec. 9. Section ninety-three point seven (93.7), subsection ten (10), Code 1975, is amended to read as follows:

10. Promulgate rules necessary to carry out the provisions of this chapter, subject to review in accordance with chapter

17A. Before a proposed rule is submitted to the ~~departmental~~ administrative rules review committee, a public hearing shall be held in regard to the rule, and members of the ~~departmental~~ administrative rules review committee shall be notified of the hearing as required in section ~~47A.46~~ seventeen A point four (17A.4), subsection one (1) of the Code. Rules promulgated by the governor pursuant to a proclamation issued under the provisions of section 93.8 shall not be subject to review or a public hearing as required in this subsection.

Sec. 10. Section ninety-six point four (96.4), subsections one (1) and three (3), Code 1975, as amended by Senate File four hundred eighty-five (485) enacted by the Sixty-sixth General Assembly, 1975 Session, is amended to read as follows:

1. He has registered for work at and thereafter has continued to report at an employment office in accordance with such regulations as the commission may prescribe. The provisions of this subsection shall be waived if the individual is deemed temporarily unemployed as defined in section ~~thirty-two-432~~ thirty-three (33) of this Act.

3. He is able to work, is available for work, and is earnestly and actively seeking work. The provision of this subsection shall be waived if he is deemed temporarily unemployed as defined in section ~~thirty-two-432~~ thirty-three (33) of this Act.

Sec. 11. Section ninety-six point seven (96.7), subsection four (4), paragraph a, Code 1975, as amended by Senate File four hundred eighty-five (485) enacted by the Sixty-sixth General Assembly, 1975 Session, is amended to read as follows:

a. As soon as practicable and in any event within two years after an employer has filed reports, as required by the commission pursuant to section 96.11, subsection 7, the commission shall examine such reports and determine the correct amount of contributions due, and the amount so determined by the commission shall be the contributions payable. If the contributions found due shall be greater than the amount theretofore paid the notice with respect to the additional contributions, together with any interest and penalty, shall

be sent by certified mail. A lien shall attach as provided in section ~~twenty-four-424~~ twenty-three (23) of this Act if the assessment is not paid or appealed within thirty days of the date of the notice of assessment.

Sec. 12. Section one hundred twenty-three point forty-nine (123.49), subsection two (2), paragraph f, Code 1975, is amended to read as follows:

f. Any person under legal age shall not be employed in the sale or serving of alcoholic liquor or beer for consumption on the premises where sold ~~unless the person shall be at least eighteen years old and the business of selling food or other services constitutes more than fifty percent of the gross business transacted therein and then only for the purpose of serving or clearing alcoholic beverages or beer as an incident to a meal. This paragraph shall not apply to class "A" beer permit holders.~~

Sec. 13. Section one hundred twenty-seven point twelve (127.12), Code 1975, is amended to read as follows:

127.12 DUTY OF COMMISSIONER. The commissioner of public safety, upon receipt of the notice aforesaid, shall, if the owner appears of record in ~~his~~ the office of the state department of transportation, notify such owner of the fact of seizure, and if not of record, said commissioner shall mail such description to the county treasurer of each county.

Sec. 14. Section one hundred thirty-five D point twenty-nine (135D.29), Code 1975, is amended to read as follows:

135D.29 MANUFACTURER TO FILE LIST OF MODELS. Every manufacturer of a mobile home sold or offered for sale within this state, either by the manufacturer, distributor, dealer, or any other person, shall, not later than September 1 of each year, file a statement in the office of the state department of public safety transportation showing the various models manufactured by him, and the retail list price. He shall also make the same report on subsequent new models manufactured. For the purposes of this chapter, the retail list price shall be the suggested retail price f.o.b. the factory including the price of any fixtures permanently

installed in or attached to the mobile homes, less the price of any household goods or furnishings.

Sec. 15. Section one hundred forty-eight point six (148.6), subsection one (1), Code 1975, is amended to read as follows:

1. In addition to the provisions of sections 147.58 to 147.71, the medical examiners after due notice and hearing may direct the commissioner of health to issue an order to revoke or suspend a license to practice medicine and surgery, osteopathic medicine and surgery or osteopathy, or to discipline a person licensed to practice medicine and surgery, osteopathic medicine and surgery or osteopathy for any of the grounds set forth in ~~sections~~ section 147.55 and ~~447-56~~ or if, after a hearing, the medical examiners determine that a physician licensed to practice medicine and surgery, osteopathic medicine and surgery or osteopathy is guilty of any of the following acts or offenses:

Sec. 16. Section one hundred forty-eight point seven (148.7), subsection seven (7), Code 1975, is amended to read as follows:

7. If a majority of the members of the board vote in favor of finding the licensee guilty of an act or offense specified in ~~sections~~ section 147.55, ~~447-56~~ or 148.6, the board shall prepare written findings of fact and its decision imposing one or more of the following disciplinary measures:

Sec. 17. Section one hundred seventy point one (170.1), subsection six (6), Code 1975, is amended to read as follows:

6. "Food establishment" shall include any building, room, basement, or other place, used as a bakery, confectionery, cannery, packing house, slaughterhouse, dairy, creamery, cheese factory, retail grocery, meat market, or other place in which food is kept, produced, prepared, or distributed for commercial purposes for off the premise consumption, except those premises holding a current class "A" ~~license~~ permit issued pursuant to chapter ~~424~~ 123.

Sec. 18. Section two hundred three A point fifteen (203A.15), subsection three (3), Code 1975, is amended to read as follows:

3. Before promulgating any regulations contemplated by section 203A.10, subsections 2, 4, 5, 6, 7, ~~8, 9, 10, 11, and 12~~, and 11, or section 203A.14, subsection 2, the board shall give appropriate notice of the proposal and of the time and place for a hearing.

Sec. 19. Section two hundred seventeen point eight (217.8), Code 1975, is amended to read as follows:

217.8 DIVISION OF CHILD AND FAMILY SERVICES. The director of the division of child and family services shall be qualified by training, experience and education in the field of welfare and social problems. He shall be entrusted with the administration of programs involving neglected, dependent and delinquent children, child welfare, aid to dependant children, aid to disabled persons and shall administer and be in control of the Iowa juvenile home, ~~The Iowa Annie Wittenmyer Home, the state juvenile home,~~ the state training schools for boys and for girls, the Iowa soldiers home and such other related programs established for the general welfare of families, adults and children as directed by the commissioner.

Sec. 20. Section two hundred eighteen point fifty-eight (218.58), Code 1975, is amended to read as follows:

218.58 STATE ARCHITECT. The commissioner of the department of social services may employ a competent architect, and such draftsmen as may be authorized by law. Said architect shall, in addition to salary, be reimbursed for his actual and necessary expenses within the state while engaged in official business. In cases of sufficient magnitude the commissioner may secure the advice of a consulting architect, or may secure plans and specifications from other architects, at a cost not exceeding one thousand five hundred dollars in any year, unless a larger amount is approved by the ~~budget and financial control committee~~ executive council.

Sec. 21. Section two hundred thirty-two point thirty-three (232.33), subsection five (5), Code 1975, is amended to read as follows:

5. Commit to or place the child in any private institution

or hospital for the care and training of children or any public institution or hospital for the care and training of children other than an institution ~~named in subsection 4 of this section and section 232.34, subsection 4~~ under the jurisdiction of the commissioner of social services.

Sec. 22. Section two hundred thirty-two point thirty-four (232.34), subsection five (5), Code 1975, is amended to read as follows:

5. Commit to or place the child in any private institution or hospital for care and training or any public institution or hospital for care and training other than an institution ~~named in subsection 4 of this section and section 232.34, subsection 4~~ under the jurisdiction of the commissioner of social services.

Sec. 23. Section two hundred fifty-seven point twenty-six (257.26), subsection two (2), Code 1975, is amended to read as follows:

2. The provisions of this section shall not deprive the respective boards of public school districts of any of their legal powers statutory or otherwise, and in accepting such specially enrolled students, each of said boards shall prescribe the terms of such special enrollment, including but not limited to scheduling of such courses and the length of class periods. In addition, the board of the affected public school district shall be given notice by the state board of its decision to permit such special enrollment not later than six months prior to the opening of the affected public school district's school year, except that the board of the public school district may, in its discretion, waive such notice requirement. School districts and ~~county school systems or joint county systems, or their successor agencies~~ area education agency boards, may, when available, make public school auxiliary services, which may include health services, special education services, services and materials for remedial education programs and library and resource centers, audio-visual services and materials, guidance services, scientific instruments, school testing services, and other services and

materials, available to children attending nonpublic schools in the same manner and to the same extent that they are provided to public school students.

Sec. 24. Section two hundred seventy-three point eight (273.8), subsection two (2), unnumbered paragraph three (3), Code 1975, is amended to read as follows:

The director district conventions shall be called and the locations of the conventions shall be determined by the area education agency ~~superintendent~~ administrator. Annually the director district conventions shall be held within two weeks following the regular school election. Notice of the time, date and place of the director district conventions shall be published by the area education agency ~~superintendent~~ administrator at least forty-five days prior to the day of the district conventions in at least one newspaper of general circulation in the merged area. The cost of publication shall be paid by the area education agency.

Sec. 25. Section two hundred seventy-five point three (275.3), Code 1975, is amended to read as follows:

275.3 MINIMUM STANDARDS. No new school district shall be planned by ~~a county board of education~~ an area education agency board nor shall any proposal for creation or enlargement of any school district be approved by ~~a county board of education~~ an area education agency board or submitted to electors unless there reside within the proposed limits of such district at least three hundred persons of school age who were enrolled in public schools in the preceding school year. Provided, however, that the state superintendent of public instruction shall have authority to grant permission to ~~a county~~ an area education agency board to approve the formation or enlargement of a school district containing a lower school population than above provided on the written request of such ~~county board of education~~ area education agency board if such request is accompanied by evidence tending to show that sparsity of population, natural barriers or other good reason makes it impracticable to meet said school population requirement.

Sec. 26. Section two hundred seventy-five point twelve (275.12), subsection two (2), paragraphs c and d, Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, House File seven hundred (700), section one hundred twenty-six (125), are amended to read as follows:

c. Election of not more than one-half of the total number of school directors at large from the entire district and the remaining directors from and as residents of designated single-member director districts into which the entire school district shall be divided on the basis of population. In such case, all directors shall be elected by the electors of the entire school district. Changes in the boundaries of director districts shall not be made during a period commencing sixty days prior to the date of the annual school election.

d. Division of the entire school district into designated geographical subdistricts on the basis of population, to be known as director districts, each of which director districts shall be represented on the school board by one director who shall be a resident of such director district and who shall be elected by the voters of said director district. Place of voting in such director districts shall be designated by the county-board commissioner of elections. Changes in the boundaries of director districts shall not be made during a period commencing sixty days prior to the date of the annual school election.

Sec. 27. Section two hundred seventy-five point twenty-three (275.23), Code 1975, is amended to read as follows:

275.23 CANVASS AND RETURN. The judges of election shall count the ballots, make return to and deposit the ballots with the county commissioner of elections, who shall enter the return of record in his office. The county commissioner of elections shall certify the results of the election to the area education agency superintendent administrator. If the majority of the votes cast by the qualified electors are in favor of the proposition, as provided in section 275.20, a new school corporation shall be organized. The area

education agency administrator shall file a written description of the boundaries as provided in section 274.4.

Sec. 28. Section two hundred eighty-five point eight (285.8), subsection two (2), Code 1975, is amended to read as follows:

2. Review and establish the location of bus routes which are located in more than one county area education agency when the county-boards-of-education area education agency boards of the affected counties area education agencies after formal action do not approve.

Sec. 29. Section two hundred ninety point four (290.4), Code 1975, is amended to read as follows:

290.4 WITNESSES--FEES--COLLECTION. The state board of public instruction in all matters triable before it shall have power to issue subpoenas for witnesses, which may be served by any peace officer, compel the attendance of those thus served, and the giving of evidence by them, in the same manner and to the same extent as the district court may do, and such witnesses and officers may be allowed the same compensation as is paid for like attendance or service in such court, which shall be paid out of the general fund of the proper school corporation, upon the certificate of the state board to and warrant of the secretary upon the treasurer; but if the superintendent board is of the opinion that the proceedings were instituted without reasonable cause therefor, or if, in case of an appeal, it shall not be sustained, it shall enter such findings in the record, and tax all costs to the party responsible therefor. A transcript thereof shall be filed in the office of the clerk of the district court and a judgment entered thereon by him, which shall be collected as other judgments.

Sec. 30. Section three hundred three A point eight (303A.8), Article two (II), Code 1975, is amended to read as follows:

ARTICLE II--PROCEDURE

Referred to in Art. VII

The appropriate state library officials and agencies having

comparable powers with those of the Iowa ~~state-traveling~~ library commission of the party states or any of their political subdivisions may, on behalf of said states or political subdivisions, enter into agreements for the co-operative or joint conduct of library services when they shall find that the executions of agreements to that end as provided herein will facilitate library services.

Sec. 31. Section three hundred twenty-one point one hundred twenty-six (321.126), subsection three (3), Code 1975, is amended to read as follows:

3. If the motor vehicle is stolen, the owner shall give notice of such theft to the county treasurer ~~or the department~~ within five days, who in turn shall notify the department. If the motor vehicle is not recovered by the owner before December 1 of the year for which the registration fee was paid, the owner shall make affidavit of such theft and make claim for refund.

Sec. 32. Section three hundred twenty-one point two hundred twelve (321.212), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

The department shall not ~~suspend~~ revoke a license under the provisions of ~~subsections 6 and 7~~ subsection six (6) of section 321.209 for more than thirty days nor less than five days as recommended by the trial court.

Sec. 33. Section three hundred twenty-two point six (322.6), subsections nine (9) and ten (10), Code 1975, are amended to read as follows:

9. Has violated any of the provisions of sections 321.77, 321.78, 321.80, 321.81, 321.92, 321.97, 321.98, 321.99, 321.100, 539.4 and 713.24-; or

10. ~~(And)-if~~ If it has been judicially determined that the licensee has intentionally violated any of the provisions of the Iowa consumer credit code, and the licensee continues to make consumer credit sales, consumer loans or consumer leases in violation of the Iowa consumer credit code.

Sec. 34. Section three hundred twenty-four point seventy-four (324.74), unnumbered paragraph two (2), Code 1975, is

amended to read as follows:

Any person found guilty of any of the foregoing illegal acts shall for the first offense be fined three hundred dollars, and for the second and subsequent offenses shall be fined five hundred dollars and all of his licenses held under the "Iowa Motor Vehicle Fuel Tax Law" may, at the discretion of the court, be suspended for a period of up to six months.

Sec. 35. Section three hundred twenty-seven A point three (327A.3), Code 1975, is amended to read as follows:

327A.3 APPLICABLE SECTIONS OF LAW. The provisions of sections 325.7 to ~~325.24~~ 325.21 insofar as applicable are hereby extended to include liquid transport carriers in relation to hearing on an application for the aforesaid certificate of convenience and necessity.

Sec. 36. Section three hundred twenty-seven A point seventeen (327A.17), Code 1975, is amended to read as follows:

327A.17 RULES. The ~~commission board~~ shall also have power and authority by general order or otherwise to prescribe rules applicable to liquid transport carriers. The state department is hereby authorized and empowered to prescribe and enforce safety ~~regulations~~ rules in the operation of liquid transport carriers, require a periodic inspection of the equipment of every liquid transport carrier from the standpoint of enforcement of safety ~~regulations~~ rules, and such equipment shall be at all times subject to inspection by properly authorized representatives of the department.

Sec. 37. Section three hundred thirty-two point seventeen (332.17), subsections eight (8) and nine (9), Code 1975, are amended to read as follows:

8. County home care facility steward.

9. ~~Soldiers-relief-commission~~ Commission on veteran affairs.

Sec. 38. Section three hundred sixty-four point eight (364.8), subsections one (1) and six (6), Code 1975, are amended to read as follows:

1. The requirement may not be enforced until the ~~Iowa~~

state ~~commerce-commission~~ department of transportation approves the specifications for a construction or reconstruction, after examination and a determination that the overpass or underpass is necessary for public safety and convenience.

6. A city may enforce a requirement made as provided in this section by an action in mandamus, to be conducted and enforced as provided in section 474.25 for actions brought by the Iowa state ~~commerce-commission~~ department of transportation. If the city prevails in the mandamus action, in addition to other remedies it may cause the required construction, reconstruction, or maintenance work to be done, and have judgment for the cost of the work against the companies.

Sec. 39. Section three hundred sixty-four point ten (364.10), Code 1975, is amended to read as follows:

364.10 RAILWAY CROSSING. A city may require a railway company to place flagmen, or to construct, maintain, and operate suitable mechanical signal devices or gates, at railway crossings upon public streets. However, the city or the railway company may submit the matter to the Iowa state ~~commerce-commission~~ department of transportation for a hearing as provided in sections 478.22 and 478.23, and the ~~commission's~~ department's determination as to the necessity for crossing protection, and the type of crossing protection required, may be appealed by either party to the district court. The court's review on appeal is limited to questions relating to jurisdiction, regularity of proceedings, and whether the decision appealed from is arbitrary, unreasonable, or without substantial supporting evidence.

Sec. 40. Section four hundred point seventeen (400.17), Code 1975, is amended by striking subsection five (5).

Sec. 41. Section four hundred twenty-two point eighty-eight (422.88), Code 1975, is amended to read as follows:

422.88 AIRCRAFT FUEL TAX TRANSFER. The department shall certify quarterly to the treasurer of state the amount of credit that has been taken against income tax liability since the time of the last certification, for the Iowa fuel tax

paid on motor fuel, special fuel and motor fuel used for the purpose of operating aircraft, and the treasurer of state shall transfer the amount of the total credit from the motor ~~vehicle~~ fuel tax fund, or in the case of aircraft motor fuel, from the separate fund established by section 324.32, to the general fund of the state.

Sec. 42. Section four hundred fifty-five A point four (455A.4), Code 1975, is amended to read as follows:

455A.4 APPOINTMENT. The council shall consist of ten members, nine of whom shall be electors of the state of Iowa and shall be selected from the state at large solely with regard to their qualifications and fitness to discharge the duties of office without regard to their political affiliation. The tenth member shall be the executive director of the department of environmental quality or his designee, who shall be a nonvoting member. The appointive members of the council shall be appointed by the governor with the approval of two-thirds of the members of the senate and shall be appointed for overlapping terms of six years. The terms of three members of the council shall expire on July 1 of each odd-numbered year. Within sixty days following the organization of each ~~biennial~~ regular session of the general assembly held during an odd-numbered year, appointments shall be made of successors to members of the council whose terms of office shall expire on the first of July next thereafter and of members to fill the unexpired portion of vacant terms.

Sec. 43. Section four hundred fifty-five B point four (455B.4), unnumbered paragraph three (3), Code 1975, is amended to read as follows:

Each commission shall meet at least four times a year. Other meetings shall be called by the chairman or upon written request of a majority of the members of the commission. The chairman shall preside at all meetings or in his absence the vice chairman shall preside. The executive director shall attend the meetings of the commissions and act as secretary for them. The members of each commission shall be paid a forty-dollar per diem while in session, ~~ten-cents-a-mile-for~~

travel, and shall be reimbursed for their mileage expense and their actual and necessary expenses while attending such meetings. All per diem and expense moneys paid to members shall be paid from funds appropriated to the commission of which they are members.

Sec. 44. Section four hundred ninety A point twenty-three (490A.23), Code 1975, is amended to read as follows:

490A.23 CITIES--CONFLICT OF SERVICE. All rights of municipal corporations to franchise and regulate use of streets, alleys and other public property, and all rights acquired by franchise or agreement shall be preserved in such municipalities, excepting only the duties and jurisdiction conferred upon the commission in this chapter. ~~(Except-as otherwise)~~ Except as otherwise provided by section 437.14 whenever the corporate boundaries of any city are extended utility service, as defined in section 490A.1, shall be provided in such extended area by the public utility or the municipally owned utility serving such city immediately prior to the extension of such boundaries. In the event service is provided, in such extended area, at the time of the extension of the corporate boundaries, by a public utility which does not have a municipal franchise for such city, the facilities located within such extended area shall be purchased at the end of six years from the date the corporate boundaries shall have been extended by the franchised public utility of such city or by the municipal utility serving such city and the municipal franchised public utility or municipally owned utility shall furnish such service without interruption upon the acquisition thereof ~~(except-as-otherwise-provided by-section-437.14)~~, except as otherwise provided by section four hundred thirty-seven point fourteen (437.14) of the Code. The franchised or municipally owned utility shall pay to the utility serving in the annexed area the fair and reasonable value of its properties within such annexed area by exchange of other electric utility property outside such city on a fair and reasonable basis giving due consideration to revenue from and value of the respective properties. In the event

the public utilities involved are unable to agree as to the terms of such exchange, either utility may file an application with the commission requesting that the commission determine such fair and reasonable terms for such exchange. After notice and hearing the commission shall determine fair and reasonable terms for such exchange, or in the event no appropriate properties can be exchanged the commission shall fix and determine the fair and reasonable value of the property within the annexed area, and such transfer shall be made as directed by the commission. Until such determination by the commission, the facilities shall remain in place and service to the public shall be maintained by the owner. However, the utility not having a municipal franchise and serving such annexed area shall not extend service to any additional points of delivery within such annexed area if the commission, after notice and hearing, with due consideration of any unnecessary duplication of facilities, shall determine that such extension is not in the public interest. Provided, however, that production, generation, high-voltage transmission facilities and high-voltage transformers owned by a utility in territory annexed to a city shall be exempt from the operation of this section, and provided further that if a public utility not having a municipal franchise at the time of the extension of the corporate boundaries subsequently acquires a municipal franchise within six years of the extension of the corporate boundaries such utility shall be exempt from the operation of this section.

Sec. 45. Section four hundred ninety-six A point twenty-five (496A.25), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

Except to the extent limited or denied by this section or by the articles of incorporation, shareholders shall have a pre-emptive right to acquire unissued or treasury shares ~~of~~ or securities convertible into such shares or carrying a right to subscribe to or acquire shares.

Sec. 46. Section five hundred seven B point seven (507B.7), subsection two (2), Code 1975, is amended to read as follows:

2. Until the expiration of the time allowed under section 507B.87-subsection-17 for filing a petition for review if no such petition has been duly filed within such time, or, if a petition for review has been filed within such time, then until the transcript of the record in the proceeding has been filed in the district court, as hereinafter provided, the commissioner may at any time, upon such notice and in such manner as he may deem proper, modify or set aside in whole or in part any order issued by him under this section.

Sec. 47. Section five hundred eight point thirteen (508.13), Code 1975, is amended to read as follows:

508.13 ANNUAL CERTIFICATE OF AUTHORITY. On receipt of the deposit provided in section 511.8, subsection 43 16, and the statement, and the statement and evidence of investment of foreign companies, all of which shall be renewed annually, by the first day of March, the commissioner of insurance shall issue a certificate setting forth the corporate name of the company, its home office, that it has fully complied with the laws of the state and is authorized to transact the business of life insurance for the ensuing year, which certificate shall expire on the first day of May of the ensuing year, or sooner upon thirty days' notice given by the commissioner, of the next annual valuation of its policies. Such certificate shall be renewed annually, upon the renewal of the deposit and statement by a domestic company, or of the statement and evidence of investment by a foreign company, and compliance with the conditions above required, and be subject to revocation as the original certificate.

Sec. 48. Section five hundred eight point fourteen (508.14), Code 1975, is amended to read as follows:

508.14 VIOLATION BY DOMESTIC COMPANY. Upon a failure of any company organized under the laws of this state to make the deposit provided in section 511.8, subsection 43 16, or file the statement in the time herein stated, the commissioner of insurance shall notify the attorney general of the default, who shall at once apply to the district court of the county where the home office of such company is located for an order

requiring the company to show cause upon reasonable notice, to be fixed by the court why its business shall not be discontinued. If, upon the hearing, no sufficient cause is shown, the court shall decree its dissolution.

Sec. 49. Section five hundred nine A point three (509A.3), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

All employees participating in any such plan the fund of which is created under the provisions of section ~~509.27~~ subsections-4-and-2 five hundred nine A point two (509A.2) of the Code shall be assessed and required to pay an amount to be fixed by the governing body not to exceed the two percent which shall be contributed by the public body according to the plan adopted, and the amount so assessed shall be deducted and retained out of the wages or salaries of such employees.

Sec. 50. Section five hundred fifteen point twenty-five (515.25), Code 1975, is amended to read as follows:

515.25 SUBSCRIPTIONS OF STOCK--APPLICATIONS. After compliance by the incorporators with sections 515.1 and 515.2, the secretary of state shall certify the articles of incorporation to the commissioner of insurance. When the commissioner of insurance is satisfied that all provisions of law in relation to the promotion and organization of said corporation, including sections ~~506-3-to-506-57-inclusive~~ five hundred six point four (506.4) to five hundred six point six (506.6) of the Code, have been complied with, he shall issue a certificate to that effect, and thereupon such corporation may open books for subscriptions to the stock of stock companies or if a mutual company take applications and receive premiums for insurance at such times and places as it may find convenient, and may keep such books open until the full amount required is subscribed or taken, or the time granted therefor has expired, or until an order is issued by the commissioner of insurance to desist for failure to comply with the provisions of law in reference thereto.

Sec. 51. Section five hundred fifteen point seventy-seven (515.77), Code 1975, is amended to read as follows:

515.77 CERTIFICATE TO FOREIGN COMPANY. When any foreign company has fully complied with the requirements of law and become entitled to do business, the commissioner of insurance shall issue to such company a certificate of that fact, which certificate shall be renewed annually on the first day of ~~April~~ May, if the commissioner is satisfied that the capital, securities, and investments of such company remain unimpaired, and the company has complied with the provisions of law applicable thereto. Provided, however, the commissioner shall not grant or continue authority to transact insurance in this state as to any insurer the management of which is found by him, after a hearing held thereon, in which he shall establish and consider any prior criminal records or any other matters to be untrustworthy, or so lacking in insurance experience as to make the proposed operation hazardous to the insurance-buying public; or which, after a hearing held thereon, he has good reason to believe is affiliated directly or indirectly through ownership, control, reinsurance transactions or other insurance or business relations, with any person or persons whose business operations are or have been marked, to the detriment of policyholders or stockholders or investors or creditors or of the public, by manipulation or dissipation of assets, or manipulation of accounts, or of reinsurance, or by similar injurious actions.

Sec. 52. Section five hundred fifteen point one hundred two (515.102), subsection four (4), Code 1975, is amended to read as follows:

4. To lien, or encumbrances thereon created by voluntary act of the insured and within his control, ~~except a lien accruing to the benefit of the old-age pension fund as provided for in sections 249.49 and 249.20,~~ or

Sec. 53. Section six hundred seven point five (607.5), Code 1975, is amended to read as follows:

607.5 FEES OF JURORS. Grand jurors and petit jurors in all courts shall receive for each day's service or attendance, including attendance required for the purpose of being considered for service, ten dollars, mileage expense for each

mile traveled each day to and from their residences to the place of attendance, ~~ten cents,~~ and for actual expenses of parking, as determined by the clerk of court. No juror shall receive mileage for travel or actual expenses of parking when he travels in a vehicle for which another juror is receiving mileage.

Sec. 54. Section six hundred thirteen point eleven (613.11), Code 1975, is amended to read as follows:

613.11 ACTIONS AGAINST ~~HIGHWAY-COMMISSION~~ DEPARTMENT OF TRANSPORTATION. The state of Iowa hereby waives immunity from suit and consents to the jurisdiction of any court in which an action is brought against the ~~Iowa state highway commission department of transportation~~ respecting any claim, right, or controversy arising out of the work performed, or by virtue of the provisions of any construction contract entered into by the ~~Iowa-state-highway-commission~~ department. Such action shall be heard and determined pursuant to rules otherwise applicable to civil actions brought in that particular court having jurisdiction of the suit and the parties to the suit shall have the right of appeal from any judgment, decree, or decision of the trial court to the appropriate appellate court under applicable rules of appeal.

Sec. 55. Section six hundred thirty-three point sixty-three (633.63), Code 1975, is amended by striking subsection two (2) and inserting in lieu thereof the following:

2. Banks and trust companies organized under the laws of the United States or state banks, when approved by the superintendent of banking under section five hundred twenty-four point one thousand one (524.1001) of the Code, are authorized to act in a fiduciary capacity in Iowa.

Sec. 56. Section seven hundred fifty-three point fifteen (753.15), subsection twelve (12), Code 1975, is amended to read as follows:

12. Violation of display of identification required by section 326.22 and violation of trip permits as prescribed by sections ~~326.22~~ three hundred twenty-six point twenty-three (326.23) of the Code and 326.24, ten dollars.

Sec. 57. Section seven hundred sixty-two point twenty-two (762.22), Code 1975, is repealed.

Sec. 58. Acts of the Sixty-fifth General Assembly, 1974 Session, chapter one thousand ninety (1090), section one hundred ninety-four (194), is amended to read as follows:

Sec. 194. Section five hundred thirty-six A point eleven (536A.11), unnumbered paragraph three (3), Code 1973, is amended by striking the ~~section~~ paragraph and inserting in lieu thereof the following:

Judicial review of actions of the auditor may be sought in accordance with the terms of the Iowa Administrative Procedure Act.

Sec. 59. Acts of the Sixty-fifth General Assembly, 1974 Session, chapter one thousand one hundred eighty (1180), section one hundred ten (110), is amended by striking from lines nineteen (19) and twenty (20) the words and figures "three hundred twenty-one point two hundred fifteen (321.215)".

Sec. 60. Acts of the Sixty-fifth General Assembly, 1974 Session, chapter one thousand one hundred eighty (1180), sections one hundred thirty-three (133), one hundred forty (140), one hundred forty-seven (147), and one hundred fifty-six (156), are amended to read as follows:

Sec. 133. Section three hundred twenty-two A point one (322A.1), subsection ~~eight-(8)~~ seven (7), Code 1973, is amended by striking the subsection and inserting in lieu thereof the following:

~~8-~~ 7. "Board" means the transportation regulation board of the state department of transportation.

Sec. 140. Section three hundred twenty-six point ~~one (326.1)~~ two (326.2), subsections one (1) and two (2), Code 1973, are amended by striking such subsections and inserting in lieu thereof the following:

1. "Department" means the state department of transportation.

2. "Director" means the director of transportation or his designee.

Sec. 147. Sections three hundred twenty-six point thirteen

(326.13), three hundred twenty-six point nineteen (326.19), three hundred twenty-six point twenty-eight (326.28), three hundred twenty-six point thirty-six (326.36), and three hundred twenty-six point thirty-seven (326.37), ~~and three hundred twenty-six point thirty-eight (326.38)~~, Code 1973, are amended by striking from such sections the words "executive secretary" and inserting in lieu thereof the word "director".

Sec. 156. Sections three hundred twenty-seven B point one (327B.1), and three hundred twenty-seven B point two (327B.2), ~~three hundred twenty-seven B point three (327B.3)~~, ~~and three hundred twenty-seven B point four (327B.4)~~, Code 1973, are amended by striking from such sections the words "commission" and "Iowa state commerce commission" and inserting in lieu thereof the words "state department of transportation".

Sec. 61. Acts of the Sixty-fifth General Assembly, 1974 Session, chapter one thousand one hundred eighty (1180), section one hundred fifty-nine (159), is amended by striking from lines fourteen (14) and fifteen (15) the words and figures "three hundred twenty-eight point forty-one (328.41)".

Sec. 62. Senate File two hundred ninety-six (296) of the Sixty-sixth General Assembly, 1975 Session, is amended by striking sections thirteen (13) and thirty (30).

Sec. 63. Section forty-nine point eighty-one (49.81), subsection one (1), Code 1975, as amended by the Sixty-sixth General Assembly, 1975 Session, House File seven hundred (700), section eighty (80), is amended to read as follows:

1. A prospective voter who is prohibited under section forty-nine point eighty (49.80) of the Code from voting except under this section shall be permitted to cast a paper ballot ~~in.~~ If a booth meeting the requirement of section forty-nine point twenty-five (49.25) of the Code is not available at that polling place, the precinct election officials shall make alternative arrangements to insure the challenged voter the opportunity to vote in secret. The marked ballot, folded as required by section forty-nine point eighty-four (49.84) of the Code, shall be delivered to a precinct election official who shall immediately seal it in an unmarked envelope which

shall be placed in an affidavit envelope of the type prescribed by section fifty-three point thirteen (53.13) of the Code. The voter shall not be required to execute the oath contained in the affidavit. Space shall be left on the affidavit envelope for the precinct election official to indicate the name of the challenged elector and the reason for the challenge. The sealed affidavit envelope shall be deposited as required by section forty-nine point eighty-five (49.85) of the Code in a special container marked "challenged ballots" and shall be considered as having been cast in the special precinct established by section one hundred eighteen (118) of this Act for purposes of the post-election canvass.

Sec. 64. Section fifty-three point twenty-two (53.22), subsection one (1), Code 1975, as amended by section one hundred nineteen (119) of House File seven hundred (700) of the Sixty-sixth General Assembly, 1975 Session, is amended to read as follows:

1. A qualified elector who has applied for an absentee ballot, in a manner other than that prescribed by section fifty-three point eleven (53.11) of the Code, and who is a resident or patient in a health care facility or hospital located in the county to which the application has been submitted shall be delivered the appropriate absentee ballot by two special precinct election officers, one of whom shall be a member of each of the political parties referred to in section forty-nine point thirteen (49.13) of the Code, who shall be appointed by the commissioner from the election board panel for the special precinct established by section one hundred three (103) of this Act. The special precinct election officers shall be sworn in the manner provided by section forty-nine point seventy-five (49.75) of the Code for election board members, shall receive compensation as provided in section forty-nine point twenty (49.20) of the Code, and shall perform their duties during the ten calendar days preceding the election and on election day if all ballots requested under section fifty-three point eight (53.8), subsection three (3), of the Code have not previously been delivered and

returned. If a person who so requested an absentee ballot has been dismissed from the health care facility or hospital, the special precinct election officers may take the ballot to the elector if he or she is currently residing in the county. The special precinct election officers shall both notarize each absentee-ballot-delivered-by-them absent voters affidavit as required by this-chapter section fifty-three point sixteen (53.16) of the Code; any such officer who is not a notary public shall be provided with a stamp containing that person's name and the words "special precinct election officer" and may notarize the absentee ballots affidavits so delivered by signing them and applying the stamp. The special precinct election officers shall travel together in the same vehicle and both shall be present when an applicant casts his or her absentee ballot. If either or both of the special election officers fails to appear at the time the duties set forth in this section are to be performed, the commissioner shall at once appoint some other person, giving preference to persons designated by the respective county chairpersons of the political parties described in section forty-nine point thirteen (49.13) of the Code, to carry out the requirements of this section. The persons authorized by this subsection to deliver an absentee ballot to an applicant may assist the applicant in filling out the ballot as permitted by section forty-nine point ninety (49.90) of the Code. The voted absentee ballots shall be deposited in a sealed container which shall be returned to the commissioner on the same day.

Sec. 65. Sections one hundred twenty-seven point twelve (127.12); one hundred thirty-five D point twenty-nine (135D.29); three hundred twenty-one point one (321.1), subsection twenty-six (26); three hundred twenty-one point thirty-four (321.34); three hundred twenty-one point two hundred thirty-six (321.236); three hundred twenty-one point two hundred thirty-eight (321.238), subsection twenty (20); three hundred twenty-one point four hundred forty-seven (321.447); three hundred twenty-one point five hundred fifty-

six (321.556); three hundred twenty-one point five hundred fifty-seven (321.557); three hundred twenty-one E point ten (321E.10); three hundred twenty-one G point twelve (321G.12); three hundred twenty-one G point nineteen (321G.19); three hundred twenty-one G point twenty-three (321G.23); three hundred twenty-one G point twenty-four (321G.24); six hundred one E point one (601E.1), subparagraph two (2); and six hundred one E point three (601E.3), Code 1975, are amended by striking from such sections the words "commissioner", "commissioner of public safety", "safety commissioner" and "department of public safety" and inserting in lieu thereof the words "director" or "director of transportation".

Sec. 66. Sections three hundred twenty-one point thirty-four (321.34); three hundred twenty-one point ninety (321.90), subsection three (3); three hundred twenty-one point five hundred fifty-six (321.556) and three hundred twenty-one point five hundred fifty-nine (321.559) are amended by striking from such sections the words "state department of public safety" and "department of public safety" and inserting in lieu thereof the word "department".

Sec. 67. The code editor is authorized to strike all references in the Code 1975 to "mills" in relation to taxes and to insert in lieu thereof a rate for each mill equivalent to twenty-seven cents per thousand dollars of assessed valuation.

Sec. 68. The code editor is authorized to strike all references in the Code 1975 to "judges of elections" or "clerks of elections" and to insert in lieu thereof the term "precinct election officials".

Sec. 69. The code editor is authorized to strike all references in the Code 1975 to "highway commission" and to insert in lieu thereof the words "state department of transportation".

Sec. 70. The code editor is authorized to strike all references in the Code 1975 to "departmental rules" and to insert in lieu thereof the words "administrative rules".

Sec. 71. The code editor is authorized to strike all

references in the Code 1975 to "county homes" and to insert in lieu thereof the words "county care facilities".

\_\_\_\_\_  
DALE M. COCHRAN  
Speaker of the House

\_\_\_\_\_  
ARTHUR A. NEU  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 894, Sixty-sixth General Assembly.

\_\_\_\_\_  
DAVID L. WRAY  
Chief Clerk of the House

Approved \_\_\_\_\_, 1975

\_\_\_\_\_  
ROBERT D. RAY  
Governor