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SENATE FILE 2320

By COMMITTEE ON JUDICIARY

(FORMER SSB 2163)

Approved 3/11 (p 863)

Passed Senate, Date 3/26/80 (p.1079) Passed House, Date _____

Vote: Ayes 48 Nays 0 Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act correcting erroneous, inconsistent or obsolete
2 provisions of the 1979 Code.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 Section 1. Section four point one (4.1), subsection six
2 (6), Code 1979, is amended to read as follows:

3 6. MENTALLY ILL. The words "mentally ill person" include
4 mental retardates, ~~lunatics~~, ~~distracted~~ psychotic persons,
5 severely depressed persons and persons of unsound mind. ~~No~~
6 A person who is hospitalized or detained for treatment of
7 mental illness shall not be deemed or presumed to be
8 incompetent in the absence of a finding of incompetence made
9 pursuant to section 229.27.

10 Sec. 2. Section seventeen A point thirteen (17A.13),
11 subsection one (1), Code 1979, is amended to read as follows:

12 1. Agencies ~~shall~~ have all subpoena powers conferred upon
13 them by their enabling acts or other statutes. In addition,
14 prior to the commencement of a contested case by the notice
15 referred to in section 17A.12, subsection 1, an agency having
16 power to decide such contested cases ~~shall have~~ has authority
17 to subpoena books, papers, records and any other real evidence
18 necessary for the agency to determine whether it should
19 institute ~~such~~ a contested case proceeding. After the
20 commencement of a contested case, each agency having power
21 to decide contested cases ~~shall have~~ has authority to
22 administer oaths and to issue subpoenas in ~~such~~ those cases.
23 Discovery procedures applicable to civil actions ~~shall be~~
24 are available to all parties in contested cases before an
25 agency. Evidence obtained in ~~such~~ discovery may be used in
26 the hearing before the agency if that evidence would otherwise
27 be admissible in the agency hearing. Agency subpoenas shall
28 be issued to a party on request and shall not be subject to
29 the distance limitation of section ~~622-66~~ six hundred twenty-
30 two point sixty-eight (622.68) of the Code. On contest, the
31 court shall sustain the subpoena or similar process or demand
32 to the extent that it is found to be in accordance with the
33 law applicable to the issuance of subpoenas or discovery in
34 civil actions. In proceedings for enforcement, the court
35 shall issue an order requiring the appearance of the witness

1 or the production of the evidence or data within a reasonable
 2 time under penalty of punishment for contempt in cases of
 3 willful failure to comply.

4 Sec. 3. Section twenty-four point thirty-seven (24.37),
 5 subsection eight (8), Code 1979, is amended to read as follows:

6 8. The tax levy for the purpose of maintaining a county
 7 or multicounty juvenile home authorized pursuant to section
 8 232-22 two hundred thirty-two point one hundred forty-two
 9 (232.142) of the Code.

10 Sec. 4. Section sixty-four point eight (64.8), Code 1979,
 11 is amended to read as follows:

12 64.8 BONDS OF COUNTY OFFICERS. The bonds of ~~the following~~
 13 ~~county-officers, viz:--Clerks~~ members of the boards of super-
 14 visors, clerks of the district courts, county attorneys, re-
 15 corders, auditors, sheriffs and assessors shall each be in
 16 a penal sum of not less than ten thousand dollars each per
 17 annum.

18 Sec. 5. Section eighty-five point twenty-seven (85.27),
 19 unnumbered paragraph one (1), Code 1979, as amended by Acts
 20 of the Sixty-eighth General Assembly, 1979 Session, chapter
 21 thirty-one (31), section one (1), and as the section is amended
 22 by Acts of the Sixty-eighth General Assembly, 1979 Session,
 23 chapter thirty-one (31), section two (2), is amended to read
 24 as follows:

25 The employer, for all injuries compensable under this
 26 chapter or chapter 85A, shall furnish reasonable surgical,
 27 medical, dental, osteopathic, chiropractic, ~~pediatric~~
 28 podiatric, physical rehabilitation, nursing, ambulance and
 29 hospital services and supplies therefor and shall allow
 30 reasonably necessary transportation expenses incurred for
 31 such services. The employer shall also furnish reasonable
 32 and necessary crutches, artificial members and appliances
 33 but shall not be required to furnish more than one set of
 34 permanent prosthetic devices.

35 Sec. 6. Section ninety-seven B point seventy (97B.70),

1 unnumbered paragraph one (1), Code 1979, is amended to read
2 as follows:

3 Interest at two percent per annum and interest dividends
4 declared by the department shall be credited to the member's
5 contributions and the employer's ~~matching~~ contributions to
6 become part of the accumulated contributions thereby.

7 Sec. 7. Section ninety-nine point one (99.1), unnumbered
8 paragraph two (2), Code 1979, is amended to read as follows:

9 The provisions of this section ~~shall~~ do not apply to games
10 of skill, games of chance, or raffles conducted pursuant to
11 chapter 99B or to devices lawful under section 99B.10 ~~or to~~
12 ~~games-lawful-under-section-726-12.~~

13 Sec. 8. Section one hundred twenty-seven point six (127.6),
14 Code 1979, is amended to read as follows:

15 127.6 INFORMATION. The officer shall at once file an
16 information against the accused before ~~some-court-of-the~~
17 ~~county-ether-than~~ the district court. In addition to the
18 information, the officer shall also file with the ~~said~~ court
19 a written return or statement setting forth a brief description
20 of the conveyance, liquors, and vessels seized.

21 Sec. 9. Section one hundred eighty-eight point forty-
22 eight (188.48), subsection five (5), Code 1979, is amended
23 to read as follows:

24 5. For posting notices and selling animals, the same fees
25 as are allowed ~~constables~~ peace officers for like services
26 upon execution.

27 Sec. 10. Section one hundred eighty-eight point fifty
28 (188.50), Code 1979, is amended to read as follows:

29 188.50 DISABLED ANIMALS KILLED. ~~The-sheriff,-constable,-~~
30 A peace officer, officer of any society for the prevention
31 of cruelty to animals, or any magistrate, shall destroy any
32 stray animal disabled and unfit for further use.

33 Sec. 11. Section two hundred six point nineteen (206.19),
34 Code 1979, is amended to read as follows:

35 206.19 RULES ADOPTED. The rules promulgated under the

1 ~~provisions~~ of this chapter shall not be effective until
2 approved by the chemical technology commission of the
3 department of environmental quality and submitted to the
4 ~~departmental~~ administrative rules review committee as provided
5 in chapter 17A.

6 Sec. 12. Section two hundred twenty point eighteen
7 (220.18), subsection two (2), unnumbered paragraph one (1),
8 Code 1979, is amended to read as follows:

9 The authority may make or participate in the making of
10 property improvement loans or mortgage loans for rehabilitation
11 or preservation of existing dwellings for the use of low or
12 moderate income families, elderly families or families which
13 include one or more persons who are handicapped or disabled.
14 A rehabilitation or preservation loan may be for the estimated
15 cost of the rehabilitation work to be done, for the purpose
16 of refinancing an existing mortgage loan, for the purpose
17 of doing the rehabilitation work, or for the purpose of
18 acquiring housing in which rehabilitation work is to be done.
19 The rehabilitation or preservation loan shall not exceed,
20 with all other existing indebtedness of the property, the
21 estimated market value of the property as determined by the
22 authority, after the rehabilitation or preservation is
23 completed, and the term of a loan shall not exceed the
24 estimated useful life of the property as determined by the
25 authority, after rehabilitation or preservation. The proposed
26 rehabilitation or preservation shall assure that the property
27 will not contain any substantial violation of applicable
28 housing codes. A rehabilitation or preservation loan under
29 this subsection may be made only when the authority determines
30 that the proposed mortgagor is unable to obtain the necessary
31 financing from other sources upon terms and conditions which
32 the proposed mortgagor reasonably could be expected to fulfill.
33 A rehabilitation or preservation loan under this subsection
34 may be provided only within an area of a city for which an
35 authorized city agency submits a satisfactory affirmative

1 neighborhood preservation program, or in other areas within
2 or outside of cities where the authority determines that
3 rehabilitation or preservation is economically sound and a
4 program of neighborhood preservation is ~~inappropriate~~
5 appropriate. The following criteria, along with others
6 reasonably related to the purposes of this chapter, which
7 may be determined by the authority, shall be considered in
8 determining whether an affirmative neighborhood preservation
9 program is satisfactory:

10 Sec. 13. Section two hundred twenty-nine point twenty-
11 seven (229.27), subsection one (1), Code 1979, is amended
12 to read as follows:

13 1. Hospitalization of any a person under this chapter,
14 either voluntarily or involuntarily, ~~shall~~ does not be deemed
15 ~~to~~ constitute a finding of ~~or-to~~ nor equate with nor raise
16 a presumption of incompetency, ~~or-to~~ nor cause the person
17 so hospitalized to be deemed a-lunatic, a person of unsound
18 mind, ~~or~~ nor a person under legal disability for any purpose
19 including but not limited to any circumstances to which
20 sections 447.7, 472.15, 545.2, subsection 13, 545.11,
21 subsection 7, 545.36, 567.7, 595.3, 597.6, 598.29, 614.8,
22 614.19, 614.22, 614.24, 614.27, 622.6, 633.244, 633.266,
23 subsection 4, and 675.21 are applicable.

24 Sec. 14. Section two hundred twenty-nine point thirty-
25 nine (229.39), subsection two (2), Code 1979, is amended to
26 read as follows:

27 2. Hospitalization of any a person for treatment of mental
28 illness, either voluntary or involuntary, on or before December
29 31, 1975 ~~shall~~ does not be deemed ~~to~~ constitute a finding
30 of ~~or-to~~ nor equate with nor raise a presumption of
31 incompetency, ~~or-to~~ nor cause the person ~~who-was-se~~
32 hospitalized to be deemed a-lunatic, a person of unsound mind,
33 ~~or~~ nor a person under legal disability for any purpose,
34 including but not limited to the circumstances enumerated
35 in section 229.27, subsection 1. ~~Nothing-in-this~~ This

1 subsection ~~shall-be-constructed-to~~ does not invalidate any
2 specific declaration of incompetence of a person ~~who-was-se~~
3 hospitalized if the declaration was made pursuant to a separate
4 procedure authorized by law for that purpose, and did not
5 result automatically from the person's hospitalization.

6 Sec. 15. Section two hundred thirty point twenty (230.20),
7 subsection five (5), Code 1979, as the section is amended
8 by Acts of the Sixty-eighth General Assembly, 1979 Session,
9 chapter fifty-five (55), section one (1), is amended to read
10 as follows:

11 5. An individual statement shall be prepared for any
12 patient on or before the fifteenth day of the month next
13 succeeding the month in which that patient leaves the hospital,
14 and a general statement shall be prepared at least quarterly
15 for each county to which charges are made under this section.
16 Except as otherwise required by sections ~~224A-2-and-224A-3~~
17 one hundred twenty-five point thirty-three (125.33) and one
18 hundred twenty-five point thirty-four (125.34) of the Code,
19 the general statement shall list the name of each patient
20 chargeable to that county who was served by the hospital
21 during the preceding month or calendar quarter and the amount
22 due on account of each patient, and the county shall be billed
23 for one hundred percent of the stated charge for each patient,
24 unless otherwise specified in the current appropriation for
25 support of the state hospitals. The statement prepared for
26 each county shall be certified by the superintendent of the
27 hospital to the state comptroller and a duplicate statement
28 shall be mailed to the auditor of that county.

29 Sec. 16. Section two hundred thirty-two point twenty-
30 two (232.22), subsection one (1), paragraph c, Code 1979,
31 as amended by Acts of the Sixty-eighth General Assembly, 1979
32 Session, chapter fifty-six (56), section four (4), is amended
33 to read as follows:

34 c. There is probable cause to believe that the child has
35 violated conditions of release imposed under section 232.54

1 and or 232.44, subsection 5, paragraph b and there is a sub-
2 stantial probability that the child will run away or otherwise
3 be unavailable for subsequent court appearance; or

4 Sec. 17. Section two hundred thirty-two point fifty-two
5 (232.52), subsection two (2), paragraph e, Code 1979, as the
6 section is amended by Acts of the Sixty-eighth General
7 Assembly, 1979 Session, chapter fifty-six (56), section nine
8 (9), is amended to read as follows:

9 e. An order transferring the guardianship of the child,
10 subject to the continuing jurisdiction of the court for the
11 purposes of section 232.54, to the commissioner of the
12 department of social services for purposes of placement in
13 ~~the Iowa juvenile home at Toledo,~~ the Iowa training school
14 for boys, the Iowa training school for girls, or other facility
15 provided that:

16 Sec. 18. Section two hundred thirty-two point one hundred
17 twenty-seven (232.127), subsection eight (8), Code 1979, is
18 amended to read as follows:

19 8. A child ~~is~~ found in contempt of court because of vio-
20 lation of conditions imposed under this section shall not
21 be considered delinquent. Such a contempt may be punished
22 by imposition of a work assignment or assignments to benefit
23 the state or a governmental subdivision of the state. In
24 addition to or in lieu of such an assignment or assignments,
25 the court may impose one of the dispositions set out in
26 sections 232.100 to 232.102.

27 Sec. 19. Section two hundred forty-four point fifteen
28 (244.15), Code 1979, is amended to read as follows:

29 244.15 JUVENILE DELINQUENTS NOT PLACED. Juveniles
30 adjudicated to have committed a delinquent act shall not be
31 placed at the state juvenile home at Toledo.

32 Sec. 20. Section two hundred forty-six point sixteen
33 (246.16), Code 1979, is amended to read as follows:

34 246.16 TRANSFER OF MENTALLY ILL. When the said state
35 director ~~has cause to believe~~ believes that a prisoner in

1 the penitentiary or reformatory is mentally ill, the department
 2 may cause ~~such~~ that prisoner to be transferred to the Iowa
 3 security medical facility for examination, diagnosis, or
 4 treatment. The prisoner shall be confined at ~~such~~ that
 5 institution or a state hospital for the mentally ill until
 6 the expiration of ~~his~~ the prisoner's sentence or until he
 7 the prisoner is pronounced in good mental health. If the
 8 prisoner is pronounced in good mental health before the
 9 expiration of his or her sentence, ~~he~~ the prisoner shall be
 10 returned to the penitentiary or reformatory until the
 11 expiration of ~~his~~ the prisoner's sentence. The provisions
 12 of the Code applicable to an inmate at the correctional
 13 institution from which transferred shall remain applicable
 14 during the inmate's stay at the Iowa security medical facility.
 15 However, ~~sections~~ section 246.32 ~~and-246-33-shall-apply~~ applies
 16 to the total inmate population, including both convicts and
 17 patients.

18 Sec. 21. Section two hundred forty-six point forty-five
 19 (246.45), Code 1979, is amended to read as follows:

20 246.45 APPLICABILITY TO OTHER INSTITUTIONS. The provisions
 21 of sections ~~246-33~~, 246.38, 246.39, 246.41, 246.42, and 246.43
 22 ~~shall~~ also apply to the inmates at the women's reformatory
 23 and the Iowa security medical facility.

24 Sec. 22. Section two hundred forty-nine B point eight
 25 (249B.8), Code 1979, is amended to read as follows:

26 249B.8 AREA AGENCIES. The commission on aging may
 27 establish area agencies on aging for the planning and service
 28 areas developed by the office for planning and programming
 29 pursuant to the "Older Americans Comprehensive Services
 30 Amendments of 1973", United States Public Law 93--29, section
 31 304. An area agency may be merged with a contiguous planning
 32 and service area but not without the approval of each policy
 33 making body which is a party to the merger. Merged planning
 34 and service areas forming one area agency shall be governed
 35 by only one policy making body. ~~Funds-appropriated-pursuant~~

1 to-this-Act-shall-be-allocated-to-each-planning-and-service
2 area-for-which-an-area-agency-has-been-designated-by-the-end
3 of-the-funding-period,-and-shall-be-available-for-both-program
4 maintenance-of-effort-and-administrative-expenditures.

5 Sec. 23. Section two hundred fifty-eight A point one
6 (258A.1), subsection one (1), paragraph w, Code 1979, is
7 amended to read as follows:

8 w. The board of veterinary ~~medical-examiners~~ medicine,
9 created pursuant to chapter 169.

10 Sec. 24. Section two hundred fifty-eight A point three
11 (258A.3), subsection two (2), paragraph a, Code 1979, is
12 amended to read as follows:

13 a. Revoke a license, or suspend a license either until
14 further order of the board or for a specified period, upon
15 the grounds specified in sections 114.21, 115.8, 116.21,
16 117.29, 118.13, 118A.15, 120.10, 147.55, 153.34, 154A.24,
17 ~~169-36~~ one hundred sixty-nine point thirteen (169.13), 455B.59
18 and chapters 135E and 151 or upon any other grounds
19 specifically provided for in this chapter for revocation of
20 the license of a licensee subject to the jurisdiction of that
21 board, or upon failure of the licensee to comply with a
22 decision of the board imposing licensee discipline;

23 Sec. 25. Section two hundred fifty-eight A point four
24 (258A.4), subsection one (1), paragraph f, Code 1979, is
25 amended to read as follows:

26 f. Define by rule acts or omissions which are grounds
27 for revocation or suspension of a license under the provisions
28 of sections 114.21, 115.8, 116.21, 117.29, 118.13, 118A.15,
29 120.10, 147.55, 153.34, 154A.24, ~~169-36~~ one hundred sixty-
30 nine point thirteen (169.13) and 455B.49 and chapters 135E
31 and 151, and to define by rule acts or omissions which
32 constitute negligence, careless acts or omissions within the
33 meaning of section 258A.3, subsection 2, paragraph "b", which
34 licensees are required to report to the board pursuant to
35 section 258A.9, subsection 2;

1 Sec. 26. Section two hundred sixty point nine (260.9),
2 Code 1979, as amended by Acts of the Sixty-eighth General
3 Assembly, 1979 Session, chapter fifty-eight (58), sections
4 four (4) and five (5), is amended by striking the section
5 and inserting in lieu thereof the following:

6 260.9 AREA EDUCATION AGENCY ADMINISTRATOR'S CERTIFICATE.

7 The board of educational examiners shall establish a cer-
8 tificate for area education agency administrators. The area
9 education agency administrator's certificate shall be issued
10 to an applicant who has met either of the requirements in
11 two of the four following subsections:

12 1. Five years' experience in higher education administra-
13 tion at a two or four-year college or university which is
14 accredited by the north central association of colleges and
15 secondary schools accrediting agency or which has been
16 certified by the north central association of colleges and
17 secondary schools accrediting agency as a candidate for
18 accreditation by that agency or as a school giving satisfactory
19 assurance that it has the potential for accreditation and
20 is making progress which, if continued, will result in its
21 achieving accreditation by that agency within a reasonable
22 time; or an earned doctorate in higher education
23 administration.

24 2. Five years' experience in special education admin-
25 istration; or an earned doctorate in special education or
26 any subspecialty of special education.

27 3. Five years' experience in primary or secondary school
28 education; or an earned doctorate in educational administration
29 for the primary or secondary level; and five years' teaching
30 experience at any educational level.

31 4. Five years' experience in business or other nonacademic
32 career pursuit; or an earned doctorate in public administra-
33 tion or business administration.

34 A person shall not be issued a temporary or emergency cer-
35 tificate for more than one year; and an education agency shall

1 not employ uncertificated administrators, or employ temporary
2 or emergency certificated administrators for more than two
3 consecutive years.

4 The provisions of this section relating to the certification
5 of an area education agency administrator do not apply to
6 persons holding a superintendent's certificate prior to July
7 1, 1975.

8 Sec. 27. Section two hundred seventy-three point three
9 (273.3), subsection ten (10), Code 1979, as the section is
10 amended by Acts of the Sixty-eighth General Assembly, 1979
11 Session, chapter sixty (60), section one (1), is amended to
12 read as follows:

13 10. In any county operating a juvenile home, upon request
14 of the county board of supervisors, provide suitable
15 curriculum, teaching staff, books, supplies, and other
16 necessary materials for the instruction of children of school
17 age who are maintained in the juvenile home of the county,
18 as provided in section ~~232-21~~ two hundred thirty-two point
19 one hundred forty-two (232.142 of the Code. Reimbursement
20 for the cost of instruction provided under this section shall
21 be made pursuant to section 273.11.

22 Sec. 28. Section two hundred eighty A point eighteen
23 (280A.18), subsection three (3), Code 1979, is amended to
24 read as follows:

25 3. Tuition in accordance with section 280A.23, subsection
26 ~~3~~ two (2) of the Code.

27 Sec. 29. Section three hundred twenty-one point nine-
28 teen (321.19), subsection two (2), unnumbered paragraph one
29 (1), Code 1979, is amended to read as follows:

30 "Urban transit company" means any person, firm, corporation,
31 company, or municipality which operates buses or trolley cars
32 or both, primarily upon the streets of cities over well-defined
33 routes between certain termini, for the transportation of
34 passengers for a uniform fare, and which accepts for passengers
35 all who present themselves for transportation without

1 discrimination up to the limit of the capacity of each vehicle.
2 Included are street railways, plants, equipment, property,
3 and rights, used and useful in the transportation of
4 passengers. Motor carriers and interurbans subject to the
5 jurisdiction of the state ~~commerce-commission~~ department of
6 transportation, and taxicabs, are not included.

7 Sec. 30. Section three hundred twenty-one point two hundred
8 eighty-three (321.283), subsection three (3), Code 1979, is
9 amended to read as follows:

10 3. REFERRED ON CONVICTION. After any conviction for
11 operating a motor vehicle while under the influence of an
12 alcoholic beverage under section 321.281, the court may refer
13 the defendant for treatment at a facility as defined in
14 sections 125.1 to 125.43 and designated by the ~~division-on~~
15 alcoholism department of substance abuse. The court may
16 prescribe the length of time for treatment or it may be left
17 to the discretion of the facility to which the defendant was
18 referred. A person referred under this section ~~shall-be~~
19 considered is a state patient, and charges and costs for
20 treatment shall be paid for in the manner provided for payment
21 for treatment of alcoholics who have no legal residence in
22 this state.

23 Sec. 31. Section three hundred twenty-one point five
24 hundred fifty-five (321.555), subsection two (2), Code 1979,
25 is amended to read as follows:

26 2. Six or more convictions of any separate and distinct
27 offenses within a two-year period in the operation of a motor
28 vehicle which are required to be reported to the state
29 department of ~~public-safety~~ transportation by section 321.207,
30 except equipment violations, violations of parking regulations
31 of cities, violations of registration laws, operating a vehicle
32 with an expired license or permit, failure to appear, and
33 weights and measures violations and speeding violations of
34 less than six miles per hour over the legal speed limit, as
35 provided by law prior to enactment of chapter 1189, Acts of

1 the Sixty-fifth General Assembly, 1974 Session.

2 Sec. 32. Section three hundred twenty-four point seventy-
3 six (324.76), unnumbered paragraph three (3), Code 1979, is
4 amended to read as follows:

5 It is ~~hereby-made~~ the duty of ~~all-sheriffs, deputy-sheriffs,~~
6 ~~constables,~~ and all other peace officers to see that the pro-
7 visions of this chapter are not violated, and to respond to
8 the call of the department of revenue and state department
9 of transportation to make investigations in their respective
10 counties and report to the department of revenue and state
11 department of transportation ~~and-said.~~ Peace officers are
12 authorized to stop a conveyance suspected to be illegally
13 transporting motor fuel on the highways, and to investigate
14 the cargo for that purpose and to seize and impound ~~said~~ the
15 cargo and conveyance ~~where~~ when it appears that ~~said~~ the
16 conveyance is being operated in violation of the provisions
17 of this chapter.

18 Sec. 33. Section three hundred twenty-five point eleven
19 (325.11), Code 1979, is amended to read as follows:

20 325.11 RULES OF PROCEDURE. The ~~commission~~ board shall
21 adopt rules governing the procedure to be followed in the
22 filing of applications and in the conduct of hearings.

23 Sec. 34. Section three hundred thirty-six B point two
24 (336B.2), Code 1979, is amended to read as follows:

25 336B.2 FINANCIAL STATEMENT. Before an attorney is
26 appointed under the provisions of sections 68.8, ~~145-17,~~
27 ~~145-19,~~ 222.22, chapter 232, or rule 8, rules of criminal
28 procedure, or to represent any person charged with a crime
29 in this state, the court shall require the client, or his
30 or her parent, guardian, or custodian to complete under oath
31 a detailed financial statement.

32 Sec. 35. Section three hundred thirty-seven point ten
33 (337.10), Code 1979, is amended to read as follows:

34 337.10 SUCCESSOR MAY EXECUTE PROCESS. If the sheriff
35 ~~die~~ dies or ~~go-out-of~~ leaves office before the return of any

1 process then in ~~his hands~~ the sheriff's possession, ~~his~~ the
 2 sheriff's successor, or other officer authorized to discharge
 3 the duties of the office, may proceed to execute and return
 4 the ~~same process~~ in the same manner as the outgoing sheriff
 5 should have done, ~~but nothing in this.~~ This section shall
 6 ~~be construed to~~ does not exempt the outgoing sheriff and ~~his~~
 7 deputies from the duty imposed on them to execute and return
 8 all process in their ~~hands~~ possession at the time the vacancy
 9 in the office of sheriff occurs.

10 Sec. 36. Section three hundred fifty-six A point one
 11 (356A.1), Code 1979, is amended to read as follows:

12 356A.1 COUNTY SUPERVISORS MAY ACT--COUNTY HALF-WAY HOUSES.
 13 A county board of supervisors may, by majority vote, establish
 14 and maintain by lease, purchase, or contract with a public
 15 or private nonprofit agency or corporation ~~to establish and~~
 16 ~~maintain~~, facilities where persons may be detained or confined
 17 pursuant to a court order as provided in section 356.1. ~~Such~~
 18 The facilities may be in lieu of or in addition to the county
 19 ~~jail required in section 356.37.~~ The board shall establish
 20 rules and regulations for the operation of each ~~such~~ facility.
 21 ~~Any~~ A person detained or confined to such a facility shall
 22 be required to do all cleaning, upkeep, maintenance, minor
 23 repairs, and anything else necessary to properly maintain,
 24 operate, and preserve ~~such~~ the facility. The sheriff shall
 25 not have charge or custody of ~~any~~ a person detained or confined
 26 in such facility or transferred thereto. Such facility need
 27 not contain ~~any~~ cells, cell blocks, or bars, if it is not
 28 necessary for the protection of the public, as determined
 29 by the board.

30 Sec. 37. Section three hundred fifty-six A point seven
 31 (356A.7), Code 1979, is amended to read as follows:

32 356A.7 CONTRACT WITH ANOTHER COUNTY. A county board of
 33 supervisors may further contract with another county or a
 34 city maintaining a jail meeting the ~~requirements of sections~~
 35 ~~356-37 to 356-41~~ minimum standards for the regulation of jails

1 established pursuant to Acts of the Sixty-eighth General
2 Assembly, 1979 Session, chapter fifty-three (53), section
3 four (4) for detention and commitment of persons pursuant
4 to section 356.1. ~~Any~~ A person detained or confined ~~therein~~
5 in the jail shall be in the charge ~~of~~ and ~~in-the~~ custody of
6 the governmental unit maintaining the jail. The cost of
7 detention and confinement shall be levied and paid by the
8 city or from the court expense fund of the county to which
9 the cause originally belonged pursuant to section 444.10.

10 Sec. 38. Section four hundred twenty-two point twelve
11 (422.12), unnumbered paragraph two (2), Code 1979, as the
12 section is amended by Acts of the Sixty-eighth General As-
13 sembly, 1979 Session, chapter ninety-three (93), section six
14 (6), is amended by striking the unnumbered paragraph.

15 Sec. 39. Section four hundred twenty-two point twelve
16 (422.12), Code 1979, as the section is amended by Acts of
17 the Sixty-eighth General Assembly, 1979 Session, chapter
18 ninety-three (93), section six (6), is amended by adding the
19 following new subsection:

20 NEW SUBSECTION. For the purpose of this section, the
21 determination of whether an individual is married shall be
22 made as of the close of the individual's tax year unless the
23 individual's spouse dies during the individual's tax year,
24 in which case the determination shall be made as of the date
25 of the spouse's death. An individual legally separated from
26 his or her spouse under a decree of divorce or of separate
27 maintenance shall not be considered married.

28 Sec. 40. Section four hundred twenty-two point five
29 (422.5), unnumbered paragraph six (6), Code 1979, as amended
30 by Acts of the Sixty-eighth General Assembly, 1979 Session,
31 chapter ninety-three (93), section three (3), is amended to
32 read as follows:

33 A person who is disabled or is sixty-two years of age or
34 older and receives an annuity or annuities from the United
35 States civil service retirement and disability trust fund,

1 and whose net income, as defined in section 422.7, is
2 sufficient to require that the tax be imposed upon it under
3 this section, may determine final taxable income for purposes
4 of imposition of the tax by excluding the amount of an annuity
5 or annuities received from the United States civil service
6 retirement and disability trust fund, which are not already
7 excluded in determining net income, as defined in section
8 422.7, up to a maximum each tax year of five thousand five
9 hundred dollars for a person who files a separate state in-
10 come tax return and eight thousand dollars total for a husband
11 and wife who file a joint state income tax return. The amount
12 of the exemption shall be reduced by the amount of any social
13 security benefits received. For the purpose of this section,
14 the amount of an annuity or annuities received from the United
15 States civil service retirement and disability trust fund
16 taxable under the Internal Revenue Code of 1954 shall be
17 included in net income for purposes of determining eligibility
18 under the ~~four~~ five thousand dollar or less exclusion.

19 Sec. 41. Section four hundred twenty-two point thirty-
20 four (422.34), subsection one (1), Code 1979, is amended to
21 read as follows:

22 1. All state banks, as defined in section 524.103, and
23 all national and private banks, credit unions, title insurance
24 and trust companies, building and loan associations, production
25 credit associations, ~~corporations-operating-under-the~~
26 ~~provisions-of-chapter-501~~, insurance companies or insurance
27 associations, reciprocal or inter-insurance exchanges,
28 fraternal beneficiary associations, now or hereafter organized
29 or incorporated by or under the laws of this state or lawfully
30 operating in the state.

31 Sec. 42. Section four hundred twenty-two point seventy-
32 two (422.72), subsection one (1), Code 1979, as amended by
33 Acts of the Sixty-eighth General Assembly, 1979 Session, chap-
34 ter ninety-four (94), section two (2), is amended to read
35 as follows:

1 1. It ~~shall-be~~ is unlawful for the director, or any per-
2 son having an administrative duty under this chapter, or any
3 present or former officer or other employee of the state
4 authorized by the director to examine returns, to divulge
5 ~~or-to-make-known~~ in any manner whatever, the business affairs,
6 operations, or information obtained by an investigation under
7 this chapter of records and equipment of any person ~~or~~
8 ~~enterprise~~ visited or examined in the discharge of official
9 duty, or the amount or source of income, profits, losses,
10 expenditures or any particular thereof, set forth or disclosed
11 in any return, or to permit any return or copy ~~thereof~~ of
12 a return or any book containing any abstract or particulars
13 thereof to be seen or examined by any person except as provided
14 by law. However, the director may authorize examination of
15 ~~such~~ state returns and other state information which is
16 confidential under this section, if a reciprocal arrangement
17 exists, by tax officers of another state or the federal
18 government. The director may, by rules adopted pursuant to
19 chapter 17A, authorize examination of state information and
20 returns by other officers or employees of this state to the
21 extent required by their official duties and responsibilities.
22 Disclosure of state information to tax officers of another
23 state ~~shall-be~~ is limited to ~~these~~ disclosures which have
24 a tax administrative purpose and only to officers of those
25 states which have laws that are as strict as the laws of this
26 state protecting the confidentiality of ~~such~~ returns and
27 information. The director shall place upon the state tax
28 form a notice to the taxpayer that state tax information may
29 be disclosed to tax officials of another state or of the
30 United States for tax administrative purposes. The department
31 shall not authorize the examination of tax information by
32 officers and employees of this state, another state, or of
33 the United States if the officers or employees would otherwise
34 be required to obtain a judicial order to examine the
35 information if it were to be obtained from another source,

1 and if the purpose of the examination is other than for tax
2 administration. ~~Nothing-in-this~~ This subsection shall does
3 not prevent the department from authorizing the examination
4 of state returns and state information ~~when-provided~~ under
5 the provisions of section 252B.9. This subsection shall
6 ~~prevail~~ prevails over ~~the-provisions-of~~ any general law of
7 this state relating to public records.

8 Sec. 43. Section four hundred twenty-three point two
9 (423.2), Code 1979, is amended to read as follows:

10 423.2 IMPOSITION OF TAX. An excise tax is hereby imposed
11 on the use in this state of tangible personal property
12 purchased for use in this state, at the rate of three percent
13 of the purchase price of ~~sueh~~ the property. ~~Said~~ The excise
14 tax is hereby imposed upon every person using ~~sueh~~ the property
15 within this state until ~~sueh~~ the tax has been paid directly
16 to the county treasurer or the state department of ~~publie~~
17 safety transportation, to a retailer, or to the department
18 as hereinafter provided. An excise tax is hereby imposed
19 on the use in this state of services enumerated in section
20 422.43 at the rate of three percent. ~~Said~~ This tax shall
21 ~~be~~ is applicable where services are rendered, furnished, or
22 performed in this state or where the product or result of
23 ~~sueh~~ the service is used in this state. ~~Sueh~~ This tax is
24 imposed on every person using ~~sueh~~ the services or the product
25 of ~~sueh~~ the services in this state until ~~sueh~~ the user has
26 paid ~~sueh~~ the tax either to an Iowa use tax permit holder
27 or has paid ~~sueh~~ the tax to the department of revenue.

28 Sec. 44. Section four hundred twenty-three point six
29 (423.6), subsection one (1), Code 1979, is amended to read
30 as follows:

31 1. The tax upon the use of all vehicles subject to
32 registration shall be collected by the county treasurer who
33 ~~shall-retain-twenty-five-cents-from-each-tax-payment-collected~~
34 ~~for-use-and-benefit-of-the-county-general-fund~~ or the state
35 department of ~~publie-safety~~ safety transportation pursuant to the

1 provisions of section 423.7. The county treasurer shall
2 retain twenty-five cents from each tax payment collected,
3 to be credited to the county general fund.

4 Sec. 45. Section four hundred twenty-three point seven
5 (423.7), Code 1979, is amended to read as follows:

6 423.7 VEHICLES SUBJECT TO REGISTRATION. The tax hereby
7 imposed upon the use of vehicles subject to registration shall
8 be paid by the owner ~~thereof~~ of the vehicle to the county
9 treasurer or the state department of ~~public-safety~~
10 transportation from whom the registration receipt is obtained.
11 ~~No~~ A registration receipt for ~~any~~ a vehicle subject to
12 registration shall not be issued until ~~said~~ the tax has been
13 ~~so~~ paid. The county treasurer or the state department of
14 ~~public-safety~~ transportation shall require every applicant
15 for a registration receipt for ~~any~~ a vehicle subject to
16 registration to supply ~~such~~ information as ~~he~~ the county
17 treasurer or the director ~~may-deem~~ deems necessary as to the
18 time of purchase, the purchase price, and other information
19 relative to the purchase of ~~said~~ the vehicle subject to
20 registration. On or before the tenth day of each month the
21 county treasurer or the state department of ~~public-safety~~
22 transportation shall remit to the department the amount of
23 the taxes ~~so~~ collected during the preceding month, accompanied
24 by a copy of each registration receipt issued in conjunction
25 with the certificate of title issued for each vehicle subject
26 to registration.

27 Sec. 46. Section four hundred twenty-five point seventeen
28 (425.17), subsection four (4), Code 1979, as the section is
29 amended by Acts of the Sixty-eighth General Assembly, 1979
30 Session, chapter forty-three (43), section three (3), is
31 amended to read as follows:

32 4. "Homestead" means the dwelling owned or rented and
33 actually used as a home by the claimant during all or part
34 of the base year, and so much of the land surrounding it,
35 not exceeding one acre, as is reasonably necessary for use

1 of the dwelling as a home, and may consist of a part of a
2 multidwelling or multipurpose building and a part of the land
3 upon which it is built. It does not include personal ~~property~~
4 property except that a mobile home may be a homestead. Any
5 dwelling or a part of a multidwelling or multipurpose building
6 which is exempt from taxation ~~shall~~ does not qualify as a
7 homestead under ~~the provisions of~~ this division. A homestead
8 must be located in this state.

9 Sec. 47. Section four hundred forty-seven point seven
10 (447.7), Code 1979, is amended to read as follows:

11 447.7 MINORS AND LUNATICS PERSONS OF UNSOUND MIND. If
12 real property of ~~any a~~ a ~~minor, lunatic,~~ or person of unsound
13 mind is sold for taxes, it may be redeemed at any time within
14 one year after ~~such~~ the disability is removed, in the manner
15 specified in section 447.8, or redemption may be made by the
16 guardian or legal representative under sections 447.1 to 447.3
17 at any time before the delivery of the deed.

18 Sec. 48. Section four hundred fifty-five C point four
19 (455C.4), subsection one (1), Code 1979, is amended to read
20 as follows:

21 1. Except as provided in section 455C.5, subsection 2
22 three (3), a dealer, a person operating a redemption center,
23 a distributor or a manufacturer may refuse to accept any empty
24 beverage container which does not have stated on it a refund
25 value as provided under section 455C.2.

26 Sec. 49. Section four hundred fifty-five C point six
27 (455C.6), subsection five (5), Code 1979, is amended to read
28 as follows:

29 5. All approved redemption centers shall meet applicable
30 health standards.

31 Sec. 50. Section four hundred ninety-one point one hundred
32 fourteen (491.114), unnumbered paragraph one (1), Code 1979,
33 is amended to read as follows:

34 ~~Anything~~ Notwithstanding anything contained in this chapter
35 and chapters 492~~7~~-501~~7~~ and 502 ~~to the contrary not~~

1 withstanding, any a corporation organized under the laws of
2 the state of Iowa having assets of the value of one million
3 dollars or more, the articles of ~~the corporation of~~ which
4 provide that ~~no~~ an individual may not vote more than one share
5 of the common voting shares of stock of ~~said~~ the corporation,
6 ~~the articles of incorporation of~~ and which give to children
7 of the ~~owner or~~ owners of shares of the common voting stock
8 ~~of such corporations~~ the right to purchase one common voting
9 share of stock ~~therein~~ in the corporation upon attaining
10 majority or within a fixed period thereafter, ~~and the articles~~
11 ~~of incorporation of~~ which ~~whether now in effect or hereafter~~
12 ~~adopted,~~ authorize the issuance, sale and delivery of not
13 to exceed one share of ~~said~~ the common voting stock to any
14 one individual, ~~shall have the power to~~ may issue, sell and
15 deliver its shares of common voting stock, whether held by
16 it as treasury stock or whether issued as an original issue,
17 for the following considerations and upon the following terms
18 and conditions, and with the following limitations:

19 Sec. 51. Section five hundred two point two hundred three
20 (502.203), subsection nine (9), paragraph a, unnumbered
21 paragraph one (1), Code 1979, as amended by Acts of the Sixty-
22 eighth General Assembly, 1979 Session, chapter one hundred
23 twenty (120), section eight (8), and as the section is amended
24 by Acts of the Sixty-eighth General Assembly, 1979 Session,
25 chapter one hundred twenty (120), sections seven (7), nine
26 (9) and ten (10), is amended to read as follows:

27 The sale, as part of a single issue, of securities other
28 than fractional undivided interests in oil, gas or other
29 mineral leases, rights or royalties, and interests in a limited
30 or general partnership organized under the laws of or having
31 its principal place of business in a foreign jurisdiction,
32 except as ~~may be~~ permitted by the ~~administration~~ administrator
33 by rule or by order, by the issuer thereof within any period
34 of twelve consecutive months to not more than thirty-five
35 purchasers in this state, exclusive of purchases by bona fide

1 institutional investors for their own account for investment,
2 provided that the issuer reasonably believes that all the
3 buyers in this state are purchasing for investment, and that
4 both of the following are complied with:

5 Sec. 52. Section five hundred two point two hundred three
6 (502.203), subsection thirteen (13), paragraph a, unnumbered
7 paragraph one (1), Code 1979, as amended by Acts of the Sixty-
8 eighth General Assembly, 1979 Session, chapter one hundred
9 twenty (120), section ten (10), and as the section is amended
10 by Acts of the Sixty-eighth General Assembly, 1979 Session,
11 chapter one hundred twenty (120), sections seven (7), eight
12 (8) and nine (9), is amended to read as follows:

13 a. A party to such transaction files proxy or informa-
14 tional materials pursuant to subsection "a" of section 14,
15 or subsection "c" of section 14 of the Securities Exchange
16 Act of 1934, or pursuant to section 20 of the Investment
17 Company Act of 1940, provided that such materials are, at
18 least ten days prior to the meeting of security holders called
19 for the purpose of approving such ~~transactions~~ transaction:

20 Sec. 53. Section five hundred three point two (503.2),
21 unnumbered paragraph one (1), Code 1979, as amended by Acts
22 of the Sixty-eighth General Assembly, 1979 Session, chapter
23 one hundred twenty-one (121), section one (1), and as the
24 section is amended by Acts of the Sixty-eighth General As-
25 ssembly, 1979 Session, chapter one hundred twenty-one (121),
26 section two (2), is amended to read as follows:

27 The term "association" when used in this chapter shall
28 ~~mean~~ means any person, ~~firm, company, partnership, association,~~
29 ~~or corporation~~ other than building and loan associations,
30 state and national banks, insurance companies and associations,
31 and corporations and co-operative associations subject to
32 the provisions of chapters 497, and 498 ~~and-501~~, which sell
33 or offer for sale to the public generally memberships or
34 certificates of membership entitling the holder ~~thereof~~ to
35 purchase merchandise, materials, equipment or services on

1 a discount or cost-plus basis.

2 Sec. 54. Section five hundred twelve point fifty-nine
3 (512.59), Code 1979, is amended to read as follows:

4 512.59 GENERAL REGULATIONS. A society ~~shall have~~ has
5 full power to provide for means of enforcing payment of
6 contributions, designation and change of beneficiaries, which
7 beneficiary shall be the child ~~itself~~ or a person qualified
8 to make application ~~therefor~~ for the child as provided in
9 section 512.56, and in all other respects for the regulation,
10 government, and control of such certificates and all rights,
11 obligations, and liabilities incident thereto and connected
12 therewith, not at variance with the provisions of this and
13 ~~sections~~ section 512.56 ~~to-512-58~~.

14 Sec. 55. Section five hundred twenty-four point eight
15 hundred five (524.805), subsection two (2), Code 1979, as
16 amended by Acts of the Sixty-eighth General Assembly, 1979
17 Session, chapter one hundred twenty-eight (128), section
18 fourteen (14), is amended to read as follows:

19 2. However, interest paid on a demand account shall not
20 exceed ~~a rate which exceeds~~ the maximum interest rate which
21 Iowa state banks insured by the federal deposit insurance
22 corporation are permitted by federal law to pay on insured
23 passbook savings accounts.

24 Sec. 56. Section five hundred sixty-two A point twelve
25 (562A.12), subsection three (3), paragraph a, Code 1979, is
26 amended to read as follows:

27 a. To remedy a tenant's default in the payment of rent
28 or of other ~~refunds~~ funds due to the landlord pursuant to
29 the rental agreement.

30 Sec. 57. Section six hundred twenty-two point four (622.4),
31 Code 1979, is amended to read as follows:

32 622.4 TRANSACTION WITH PERSON SINCE DECEASED OR MENTALLY
33 ILL. No A party to any an action or proceeding, ~~nor any or~~
34 a person interested in the event thereof, nor any an action
35 or proceeding, or a person from, through, or under whom any

1 such a party or interested person derives any interest or
 2 title by assignment or otherwise, and ~~no~~ a husband or wife
 3 of ~~any-said~~ a party or person, shall not be examined as a
 4 witness in regard to any personal transaction or communication
 5 between ~~such~~ the witness and a person who, at the commencement
 6 of ~~such~~ the examination, is deceased, or mentally ill, ~~or~~
 7 ~~lunatic~~, in a case against the executor, administrator, heir
 8 at law, next of kin, assignee, legatee, devisee, or survivor
 9 of ~~such~~ the deceased person, or the assignee or guardian of
 10 ~~such-insane~~ the mentally ill person ~~or-lunatic~~.

11 Sec. 58. Section six hundred twenty-two point five (622.5),
 12 Code 1979, is amended to read as follows:

13 622.5 EXCEPTIONS. This prohibition ~~shall~~ does not extend
 14 to ~~any a~~ transaction or communication as to which any such
 15 executor, administrator, heir at law, next of kin, assignee,
 16 legatee, devisee, survivor, or guardian ~~shall-be~~ is examined
 17 on his or her own behalf, or as to which the testimony of
 18 ~~such~~ the deceased or mentally ill person ~~or-lunatic-shall~~
 19 be is given in evidence.

20 Sec. 59. Section eight hundred three point three (803.3),
 21 subsection five (5), Code 1979, is amended to read as follows:

22 5. If the offense is a traffic offense, or a scheduled
 23 offense under section ~~753-15~~ eight hundred five point eight
 24 (805.8), section 805.13 shall apply.

25 Sec. 60. Section eight hundred five point eight (805.8),
 26 subsection two (2), paragraphs c, d, g, and h, Code 1979,
 27 as the section is amended by Acts of the Sixty-eighth General
 28 Assembly, 1979 Session, chapter one hundred forty-nine (149),
 29 sections one (1) and two (2), are amended to read as follows:

30 c. For improperly used or nonused, or defective or improper
 31 equipment, other than brakes, driving lights and brakelights,
 32 under sections 321.317, 321.387, 321.388, 321.389, 321.390,
 33 321.391, 321.392, 321.393, ~~321-399~~ 321.422, 321.432, ~~321-435~~,
 34 321.436, 321.437, 321.438, 321.439, 321.440, 321.441, 321.442,
 35 321.444, 321.445 and 321.447, the scheduled fine is ten

1 dollars.

2 d. For improperly used or nonused or defective or improper
3 equipment under sections 321.383, 321.384, 321.385, 321.386,
4 321.398, ~~321-400~~, 321.402, 321.403, 321.404, 321.409, 321.419,
5 321.420, 321.423, 321.430, 321.433, 321.448, 321.449 and
6 321.450, the scheduled fine is twenty dollars.

7 g. For operating, passing, turning and standing violations
8 under sections 321.225, 321.236, subsections 3, 4, 9 and 12,
9 321.275, 321.295, 321.297, 321.299, 321.303, 321.304,
10 subsections 1 and 2, 321.305, 321.306, 321.311, 321.312,
11 321.314, 321.315, 321.316, 321.318, 321.323, ~~321-335~~, ~~321-336~~,
12 ~~321-337~~, ~~321-338~~, 321.340, 321.344, 321.353, 321.354, 321.363,
13 321.364, 321.365, 321.366, 321.368, 321.382 and 321.395, the
14 scheduled fine is fifteen dollars.

15 h. For violations involving failures to yield or to observe
16 pedestrians and other vehicles under sections 321.257,
17 subsections 1 and 4, 321.288, 321.298, 321.300, 321.307,
18 321.308, 321.313, 321.319, 321.320, 321.321, 321.329, 321.333,
19 ~~321-339~~ and 321.367, the scheduled fine is twenty dollars.

20 Sec. 61. Section eight hundred eleven point six (811.6),
21 subsection one (1), Code 1979, is amended to read as follows:

22 1. A defendant released pursuant to this ~~division~~ chapter
23 shall appear at arraignment, trial, judgment, or ~~such~~ other
24 proceedings where the defendant's appearance is required.
25 If the defendant fails to appear at the time and place when
26 his or her personal appearance is lawfully required, or to
27 surrender himself or herself in execution of the judgment,
28 the court must direct an entry of ~~such~~ the failure to be made
29 of record, and the undertaking of the defendant's bail, or
30 the money deposited, is thereupon forfeited. As a part of
31 ~~such~~ the entry, except as provided in R.Cr.P. 53, the court
32 shall direct the sheriff of the county to give ten days'
33 notice in writing to the defendant and his or her sureties
34 to appear and show cause, if any, why judgment should not
35 be entered for the amount of ~~such~~ bail. If ~~such~~ appearance

1 is not made, judgment shall be entered by the court. If such
 2 appearance is made, the court shall set the case down for
 3 immediate hearing as an ordinary action.

4 Sec. 62. Section nine hundred six point five (906.5),
 5 unnumbered paragraph two (2), Code 1979, is amended to read
 6 as follows:

7 If the person who is under consideration for parole is
 8 serving a sentence for conviction of a felony and has a
 9 criminal record of one or more prior convictions for a forcible
 10 felony or a crime of a similar gravity in this or any other
 11 state, parole shall be denied unless the defendant has served
 12 at ~~last~~ least one-half of the maximum term of his or her
 13 sentence.

14 Sec. 63. Acts of the Sixty-eighth General Assembly, 1979
 15 Session, chapter twenty-nine (29), section nineteen (19),
 16 unnumbered paragraph two (2), is amended to read as follows:

17 In order to protect the stability of the land, the de-
 18 partment shall suspend underground coal mining under urbanized
 19 areas, cities, ~~towns~~, and communities and adjacent to indus-
 20 trial or commercial buildings, major impoundments, or permanent
 21 streams if the director finds imminent danger to inhabitants
 22 of the urbanized areas, cities, ~~towns~~, and communities.

23 Sec. 64. Sections sixty-four point nine (64.9), three
 24 hundred thirty-one point twenty-three (331.23), three hundred
 25 thirty-eight point eleven (338.11), and six hundred one J
 26 point five (601J.5), Code 1979, are repealed.

27 EXPLANATION

28 This bill corrects erroneous, inconsistent or obsolete
 29 provisions of the 1979 Code. Section 4 combines sections
 30 64.8 and 64.9 of the Code since both relate to bonds of county
 31 officers and are somewhat duplicative. Section 22 deletes
 32 a temporary provision which need not remain in the Code.

33 Sections 2, 3, 15, 24, 25, 27, 28, 37, 48 and 59 correct
 34 internal references to other statutes. Sections 35, 46 and
 35 55 correct spelling or grammatical errors. Sections 7, 20,

1 21, 34, 36, 41, 50, 53, 54 and 60 delete references to repealed
2 statutes. Sections 5, 12, 16, 18, 51, 52, 56, 61 and 62
3 correct inaccurate words occurring through typographical or
4 drafting error. Sections 26, 38, 39, 42 and 49 correct errors
5 in the form of a statute resulting from earlier amendments
6 or errors in codifying enacted legislation. Sections 6, 8,
7 9, 10, 11, 17, 19, 23, 29, 30, 31, 32, 33, 40, 43, 44, 45
8 and 63 contain corrections necessitated by other changes in
9 the law. Sections 1, 13, 14, 47, 57 and 58 delete obsolete
10 terms relating to the mentally ill and incorporate accepted
11 terms.

12 Of the repealed sections in section 64, the provisions
13 of section 64.9 were combined with section 64.8. Section
14 338.11 should have been repealed at the same time section
15 338.10 was repealed. Sections 331.23 and 601J.5 were temporary
16 provisions which did not need to be codified.

17 In making the above corrections, changes were also made
18 to simply the language style.

19 The bill takes effect July first following its enactment.

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SENATE FILE 2320

S-5455

1 Amend Senate File 2320 as follows:

2 1. Page 2, by inserting after line 34 the following
3 new section:

4 "Sec. ____ Section ninety-three point seven (93.7),
5 subsection ten (10), Code 1979, is amended to read
6 as follows:

7 10. Promulgate rules necessary to carry out the
8 provisions of this chapter, subject to review in
9 accordance with chapter 17A. ~~Before a proposed rule
10 is submitted to the administrative rules review
11 committee, a public hearing shall be held in regard
12 to the rule, and members of the administrative rules
13 review committee shall be notified of the hearing
14 as required in section 17A-4, subsection 1.~~ Rules
15 promulgated by the governor pursuant to a proclamation
16 issued under the provisions of section 93.8 shall
17 not be subject to review or a public hearing as
18 required in ~~this subsection~~ chapter seventeen A (17A)
19 of the Code."

20 2. By correcting section numbers and internal
21 references as required by this amendment.

S-5455 FILED & ADOPTED (p. 962) BY LUCAS J. DeKOSTER
MARCH 19, 1980

*Reconsidered, amended by 5486
o Adopted 3/26 (p. 1079)*

SENATE FILE 2320

S-5486

1 Amend the DeKoster amendment, S-5455 to Senate
2 File 2320 as follows:

3 1. Page 1, line 19, by inserting after the word
4 "Code" the words "however, agency rules for
5 implementation of the governor's proclamation are
6 subject to the requirements of chapter seventeen A
7 (17A) of the Code".

S-5486 FILED
MARCH 20, 1980

BY BOB RUSH

Adopted 3/26 (p. 1079)

SENATE 14
MARCH 20, 1980

S-5452
Page 2

FILED:
MARCH 19, 1980

BY RICHARD COMITO
C. W. HUTCHINS

SENATE FILE 2320

S-5453

1 Amend Senate File 2320 as follows:

2 1. Page 1, by inserting prior to line 1 the
3 following new section:

4 "Section 1. Section one A point one (1A.1), Code
5 1979, is amended to read as follows:

6 1A.1 SEAL--DEVICE--MOTTO. The secretary of state
7 ~~be, and he is, hereby~~ authorized to procure a seal
8 which shall be the great seal of the state of Iowa.

9 The seal shall be two inches in diameter, upon which.

10 Upon the seal shall be engraved the following device,

11 surrounded by the words, "The Great Seal of the State

12 of Iowa"; a sheaf and field of standing wheat,

13 with a sickle and other farming utensils, on the left

14 side near the bottom; a lead furnace and pile of pig

15 lead on the right side; in the center near the bottom

16 the citizen soldier, with a plow in his rear,

17 supporting the American flag and liberty cap with

18 his right hand, and his gun with his left, in the

19 center and near the bottom; behind the citizen soldier,

5454 20 a plow. In the background, the Mississippi river

21 in the rear of the whole, with the steamer Iowa under

22 way, an. An eagle near the upper edge, holding in

23 his its beak a scroll, with the following inscription

24 upon it: "Our liberties we prize, and our rights we

25 will maintain." Surrounding the device shall be the

26 words "The Great Seal of the State of Iowa"."

27 2. By renumbering sections as made necessary by

28 this amendment.

S-5453 FILED
MARCH 19, 1980

BY W. R. BILL HANSEN

RULED OUT OF ORDER (p. 962)

SENATE FILE 2320

S-5454

1 Amend the Hansen amendment S-5453 to Senate File
2 2320 as follows:

3 1. Page 1, line 20, by inserting after the word

4 "a" the word "chisel".

S-5454 FILED & WITHDRAWN (p. 962) BY FORREST SCHWENGELS
MARCH 19, 1980

SENATE FILE 2320

S-5447

1 Amend Senate File 2320 as follows:

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

4 "Sec. ____ . Section one hundred thirty-five C point
5 twenty-five (135C.25), Code 1979, is amended to read
6 as follows:

7 135C.25 CARE REVIEW COMMITTEE--APPOINTMENT--DUTIES.

8 1. Each health care facility shall have a care
9 review committee whose members shall be appointed
10 as follows:

11 a. By the ~~areawide-health-planning-council~~
12 ~~recognized-as-such-by-this-state-acting-through-the~~
13 ~~office-for-comprehensive-health-planning-in-the-office~~
14 ~~for-planning-and-programming~~ Commission on aging;
15 or

16 b. If the appropriate ~~areawide-health-planning~~
17 ~~council~~ commission on aging has failed to make any
18 appointment necessary under this subsection within
19 thirty days after being notified of a vacancy by the
20 administrator of the facility involved, by the
21 commissioner; or

22 c. If the commissioner has failed to act within
23 thirty days after being notified by the administrator
24 of the facility involved of a vacancy which has not
25 been filled by the ~~appropriate-areawide-health-planning~~
26 ~~council~~ commission on aging within the time prescribed
27 by this subsection, the appointment may be made by
28 the administrator.

29 2. The care review committee shall periodically
30 review the needs of each individual resident of the
31 facility, and shall perform the functions delegated
32 to it by section 135C.38. The responsibilities of
33 the care review committee shall be in accordance with
34 rules of the department, which shall in formulating
35 such rules give consideration to the needs of residents
36 of each license category of health care facility and
37 the services facilities of each category are authorized
38 to render."

39 2. Renumber as required.

S-5447 FILED
MARCH 19, 1980
ADOPTED (p. 962)

BY BOB RUSH

SENATE FILE 2320

S-5434

1 Amend Senate File 2320 as follows:

2 1. Page 9, by inserting after line 4 the following:

3 "Sec. Chapter two hundred fifty-two A (252A),
4 Code 1979, is amended by adding the following new
5 section:

6 "NEW SECTION. STATUTE OF LIMITATIONS. An action to
7 both establish paternity and to enforce the father's
8 obligations shall not be brought after the lapse of two
9 years from the birth of the child unless paternity has
10 been acknowledged by the father in writing or by the
11 furnishing of support."

S-5434 FILED

BY DICK RAMSEY

MARCH 19, 1980

RULED OUT OF ORDER (p. 962)

SENATE FILE 2320

S-5446

1 Amend Senate File 2320 as follows:

2 1. Page 26, by inserting after line 26, the fol-
3 lowing new section:

4 "Sec. ____ . Acts of the Sixty-eighth General Assembly,
5 1979 Session, chapter thirty-five (35), section four (4),
6 paragraph one (1), is amended to read as follows:

7 1. A member who is an employee of the state and
8 not an active member of any other retirement system
9 in the state which is maintained in whole or in part
10 by public contributions may remain in service beyond
11 the date the member attains the age of sixty-five.
12 The employee shall retire on the first day of the
13 month after the last day of service. The employer
14 shall not consider age as a factor in determining
15 the continuation of the member's service."

S-5446 FILED

BY LUCAS J. DE KOSTER

MARCH 19, 1980

ADOPTED (p. 962)

SENATE FILE 2320

S-5416

1 Amend Senate File 2320 as follows:

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

4 "Sec. _____. Section fourteen point ten (14.10),
5 subsection four (4), Code 1979, is amended by striking
6 the subsection and inserting in lieu thereof the
7 following:

8 4. A list of elective state officers and deputies,
9 supreme court justices and appellate court judges
10 and members of the general assembly shall be published
11 annually with the session laws.

12 Sec. _____. Chapter fourteen (14), Code 1979, is
13 amended by adding the following new section:

14 NEW SECTION. STATE ROSTER PAMPHLET. The Code
15 editor shall publish annually in pamphlet form a
16 correct list of state officers and deputies, members
17 of boards and commissions, judges of the supreme,
18 appellate and district courts including district
19 associate judges, judicial magistrates and members
20 of the general assembly. The offices of the governor
21 and secretary of state shall cooperate in the prepara-
22 tion of the list. This pamphlet shall be published
23 as soon after July first as it becomes apparent that
24 it will be reasonably current."

25 2. Page 2, by inserting after line 3 the following
26 new section:

27 "Sec. _____. Section eighteen point ninety-seven
28 (18.97), unnumbered paragraph one (1), Code 1979,
29 is amended to read as follows:

30 The superintendent of printing shall make free
31 distribution of the Code, supplements to the Code,
32 rules of civil procedure, rules of appellate procedure,
33 supreme court rules, the Acts of each general assembly,
34 and, upon request, the Iowa administrative code, its
35 supplements, and the Iowa administrative bulletin
36 and the state roster pamphlet as follows:"

37 3. Page 26, by inserting after line 13 the
38 following new section:

39 "Sec. _____. Acts of the Sixty-eighth General
40 Assembly, 1979 Session, chapter three (3), section
41 ten (10), subsection one (1), paragraph e, is amended
42 to read as follows:

43 e. PRINTING DIVISION.

44 For salaries and support
45 of not more than six
46 full-time equivalent
47 positions, and maintenance,
48 and miscellaneous purposes.

49 ~~It is the intent of the~~
50 ~~general assembly and a~~

S-5416
Page 2

1 condition-of-this
2 appropriation-that-a
3 complete-listing-of
4 state-boards,-commissions,
5 and-agencies, in-addition
6 to-those-required-by
7 subsection-four-(4)-of-section
8 fourteen-point-ten-(14.10)
9 of-the-Code, be-inserted
in-the-session-laws.....\$122,038 \$184,001"

S-5416 FILED BY LUCAS J. DE KOSTER
MARCH 18, 1980
Adopted 3/19 (p. 961)

SENATE FILE 2320

S-5423

1 Amend Senate File 2320 as follows:
2 1. Page 13, by inserting after line 31 the
3 following new section:
4 "Sec. ____ Section three hundred twenty-seven
5 G point one (327G.1), Code 1979, is amended to read
6 as follows:
7 327G.1 DEFINITION. As used in this division,
8 unless the context otherwise requires, the term
9 "department" means the state department of
10 transportation and "board" means the transportation
11 regulation board."
12 2. Renumber sections and correct internal
13 references as are necessary in accordance with this
14 amendment.

S-5423 FILED BY RICHARD F. DRAKE
MARCH 18, 1980
Adopted 3/19 (p. 961)

SENATE FILE 2320

S-5385

1 Amend Senate File 2320 as follows:
2 1. Page 2, line 13, by striking the word "viz:"
3 and inserting in lieu thereof the word "viz-:".
4 2. Page 17, line 15, by inserting after the word
5 "is" the words "confidential-under-this-section".

S-5385 FILED BY LUCAS J. DE KOSTER
MARCH 14, 1980
Adopted 3/19 (p. 961)

SENATE FILE 2320

H-5766

1 Amend Senate File 2320, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 29, by inserting after line 34 the
4 following:

5 "Sec. ____ . Acts of the Sixty-eighth General
6 Assembly, 1979 Session, chapter eighty-three (83),
7 section three (3), is amended by striking the section
8 and inserting in lieu thereof the following:

9 SEC. 3. Chapter three hundred thirty-one (331),
10 Code 1979, is amended by adding the following new
11 section:

12 NEW SECTION. MEMBERSHIP ON APPOINTIVE BOARDS,
13 COMMITTEES AND COMMISSIONS. Unless otherwise provided
14 by law, a county supervisor may serve concurrently
15 as a member of the board of supervisors and as a
16 member of any appointive board, commission or committee
17 of this state or a political subdivision of this
18 state."

19 2. By numbering and renumbering sections to conform
20 to this amendment.

H-5766 FILED
MARCH 28, 1980

*Filed new german 4/11
(p 15 250)*

BY DANKER of Pottawattamie
ANDERSON of Audubon
SHIMANEK of Jones

SENATE FILE 2320

S-5506

1 Amend Senate File 2320 as follows:

2 1. Page 11, by inserting after line 26 the
3 following new section:

4 "Sec. ____ . Section three hundred four point
5 seventeen (304.17), Code 1979, is amended to read
6 as follows:

7 304.17 EXEMPTION--DUTY OF BOARD OF REGENTS. The
8 ~~highway-division-of-the~~ state department of
9 transportation and the agencies and institutions under
10 the control of the state board of regents ~~shall-be~~
11 are exempt from the records management manual and
12 the provisions of this chapter. However, the state
13 ~~highway-division~~ department of transportation and
14 the state board of regents shall adopt rules for their
15 employees, agencies, and institutions which ~~shall~~
16 be are consistent with the objectives of this chapter.
17 The rules shall be approved by the state records
18 commission and be subject to the provisions of chapter
19 17A."

20 2. By correcting section numbers and internal
21 references as made necessary by this amendment.

S-5506 FILED

BY LUCAS J. DeKOSTER

MARCH 24, 1980

Adopted 3/26 (p. 1079)

SENATE FILE 2320

S-5528

1 Amend Senate File 2320 as follows:

2 1. Page 26, by inserting after line 22 the
3 following new section:

4 "Sec. ____ . Section forty-eight (48) of House File
5 687, Acts of the Sixty-eighth General Assembly, 1980
6 Session, is amended by striking the section."

7 2. By correcting section numbers and internal
8 references as made necessary by this amendment.

S-5528 FILED

BY LUCAS J. DeKOSTER

MARCH 26, 1980

ADOPTED *(p. 1079)*

SENATE FILE 2320

H-5946

1 Amend Senate File 2320 as amended, passed and reprinted
2 by the Senate as follows:

3 1. Page 9, line 16, by striking the word "Iowa" and in-
4 serting in lieu thereof the words "~~Iowa~~ Eldora".

5 2. Page 9, line 17, by striking the words "for boys,
6 the Iowa training school for girls" and inserting in lieu
7 thereof the words "~~for boys, the Iowa~~ Mitchellville training
8 school ~~for girls~~".

9 3. Page 15, by striking lines 4 through 17.

-5946 FILED

BY SHIMANEK of Jones

APRIL 9, 1980

Adopted 4/11 (p. 1529)

SENATE FILE 2320

BY COMMITTEE ON JUDICIARY

Substituted for H.F. 2560

(AS AMENDED AND PASSED BY THE SENATE MARCH 26, 1980)

Passed Senate, Date 4/16/80 (S. 1496) Passed House, Date 4/11/80 (H. 1535)

Vote: Ayes 44 Nays 6 Vote: Ayes 38 Nays 3

Approved May 24, 1980

A BILL FOR

1 An Act correcting erroneous, inconsistent or obsolete
2 provisions of the 1979 Code.

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

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~~_____~~ = New Language
by the Senate

1 Section 1. Section four point one (4.1), subsection six
2 (6), Code 1979, is amended to read as follows:

3 6. MENTALLY ILL. The words "mentally ill person" include
4 mental retardates, ~~lunatics~~, ~~and~~ distracted psychotic persons,
5 severely depressed persons and persons of unsound mind. No
6 A person who is hospitalized or detained for treatment of
7 mental illness shall not be deemed or presumed to be
8 incompetent in the absence of a finding of incompetence made
9 pursuant to section 229.27.

10 Sec. 2. Section fourteen point ten (14.10), subsection
11 four (4), Code 1979, is amended by striking the subsection
12 ~~and inserting in lieu thereof the following:~~

13 4. A list of elective state officers and deputies, supreme
14 court justices and appellate court judges and members of the
15 general assembly shall be published annually with the session
16 laws.

17 Sec. 3. Chapter fourteen (14), Code 1979, is amended by
18 adding the following new section:

19 NEW SECTION. STATE ROSTER PAMPHLET. The Code editor shall
20 publish annually in pamphlet form a correct list of state
21 officers and deputies, members of boards and commissions,
22 judges of the supreme, appellate and district courts including
23 district associate judges, judicial magistrates and members
24 of the general assembly. The offices of the governor and
25 secretary of state shall cooperate in the preparation of the
26 list. This pamphlet shall be published as soon after July
27 first as it becomes apparent that it will be reasonably
28 current.

29 Sec. 4. Section seventeen A point thirteen (17A.13),
30 subsection one (1), Code 1979, is amended to read as follows:

31 1. Agencies shall have all subpoena powers conferred upon
32 them by their enabling acts or other statutes. In addition,
33 prior to the commencement of a contested case by the notice
34 referred to in section 17A.12, subsection 1, an agency having
35 power to decide ~~such~~ contested cases shall ~~have~~ has authority

1 to subpoena books, papers, records and any other real evidence
 2 necessary for the agency to determine whether it should
 3 institute ~~such~~ a contested case proceeding. After the
 4 commencement of a contested case, each agency having power
 5 to decide contested cases ~~shall-have~~ has authority to
 6 administer oaths and to issue subpoenas in ~~such~~ those cases.
 7 Discovery procedures applicable to civil actions ~~shall-be~~
 8 are available to all parties in contested cases before an
 9 agency. Evidence obtained in ~~such~~ discovery may be used in
 10 the hearing before the agency if that evidence would otherwise
 11 be admissible in the agency hearing. Agency subpoenas shall
 12 be issued to a party on request and shall not be subject to
 13 the distance limitation of section 622-66 six hundred twenty-
 14 two point sixty-eight (622.68) of the Code. On contest, the
 15 court shall sustain the subpoena or similar process or demand
 16 to the extent that it is found to be in accordance with the
 17 law applicable to the issuance of subpoenas or discovery in
 18 civil actions. In proceedings for enforcement, the court
 19 shall issue an order requiring the appearance of the witness
 20 or the production of the evidence or data within a reasonable
 21 time under penalty of punishment for contempt in cases of
 22 willful failure to comply.

23 Sec. 5. Section eighteen point ninety-seven (18.97),
 24 unnumbered paragraph one (1), Code 1979, is amended to read
 25 as follows:

26 The superintendent of printing shall make free distribution
 27 of the Code, supplements to the Code, rules of civil procedure,
 28 rules of appellate procedure, supreme court rules, the Acts
 29 of each general assembly, and, upon request, the Iowa
 30 administrative code, its supplements, and the Iowa
 31 administrative bulletin and the state roster pamphlet as
 32 follows:

33 Sec. 6. Section twenty-four point thirty-seven (24.37),
 34 subsection eight (8), Code 1979, is amended to read as follows:

35 8. The tax levy for the purpose of maintaining a county

1 or multicounty juvenile home authorized pursuant to section
2 ~~232-22~~ two hundred thirty-two point one hundred forty-two
3 (232.142) of the Code.

4 Sec. 7. Section sixty-four point eight (64.8), Code 1979,
5 is amended to read as follows:

6 64.8 BONDS OF COUNTY OFFICERS. The bonds of ~~the following~~
7 ~~county officers, viz: Clerks~~ members of the boards of super-
8 visors, clerks of the district courts, county attorneys, re-
9 corders, auditors, sheriffs and assessors shall each be in
10 a penal sum of not less than ten thousand dollars each per
11 annum.

12 Sec. 8. Section eighty-five point twenty-seven (85.27),
13 unnumbered paragraph one (1), Code 1979, as amended by Acts
14 of the Sixty-eighth General Assembly, 1979 Session, chapter
15 thirty-one (31), section one (1), and as the section is amended
16 by Acts of the Sixty-eighth General Assembly, 1979 Session,
17 chapter thirty-one (31), section two (2), is amended to read
18 as follows:

19 The employer, for all injuries compensable under this
20 chapter or chapter 85A, shall furnish reasonable surgical,
21 medical, dental, osteopathic, chiropractic, ~~pediatric~~
22 podiatric, physical rehabilitation, nursing, ambulance and
23 hospital services and supplies therefor and shall allow
24 reasonably necessary transportation expenses incurred for
25 such services. The employer shall also furnish reasonable
26 and necessary crutches, artificial members and appliances
27 but shall not be required to furnish more than one set of
28 permanent prosthetic devices.

29 ~~Sec. 9. Section ninety-three point seven (93.7), subsection~~
30 ~~ten (10), Code 1979, is amended to read as follows:~~

31 ~~10. Promulgate rules necessary to carry out the provisions~~
32 ~~of this chapter, subject to review in accordance with chapter~~
33 ~~17A. Before a proposed rule is submitted to the administrative~~
34 ~~rules review committee, a public hearing shall be held in~~
35 ~~regard to the rule, and members of the administrative rules~~

1 ~~review-committee-shall-be-notified-of-the-hearing-as-required~~
 2 ~~in-section-17A-47-subsection-1-~~ Rules promulgated by the
 3 governor pursuant to a proclamation issued under the provisions
 4 of section 93.8 shall not be subject to review or a public
 5 hearing as required in ~~this-subsection~~ chapter seventeen A
 6 ~~(17A) of the Code, however, agency rules for implementation~~
 7 ~~of the governor's proclamation are subject to the requirements~~
 8 ~~of chapter seventeen A (17A) of the Code.~~

9 Sec. 10. Section ninety-seven B point seventy (97B.70),
 10 unnumbered paragraph one (1), Code 1979, is amended to read
 11 as follows:

12 Interest at two percent per annum and interest dividends
 13 declared by the department shall be credited to the member's
 14 contributions and the employer's ~~matching~~ contributions to
 15 become part of the accumulated contributions thereby.

16 Sec. 11. Section ninety-nine point one (99.1), unnumbered
 17 paragraph two (2), Code 1979, is amended to read as follows:

18 The provisions of this section shall do not apply to games
 19 of skill, games of chance, or raffles conducted pursuant to
 20 chapter 99B or to devices lawful under section 99B.10 ~~or to~~
 21 ~~games-lawful-under-section-726-12.~~

22 Sec. 12. Section one hundred twenty-seven point six
 23 (127.6), Code 1979, is amended to read as follows:

24 127.6 INFORMATION. The officer shall at once file an
 25 information against the accused before ~~some-court-of-the~~
 26 ~~county-other-than~~ the district court. In addition to the
 27 information, the officer shall also file with the said court
 28 a written return or statement setting forth a brief description
 29 of the conveyance, liquors, and vessels seized.

30 Sec. 13. Section one hundred thirty-five C point twenty-
 31 five (135C.25), Code 1979, is amended to read as follows:

32 ~~135C.25 CARE REVIEW COMMITTEE--APPOINTMENT--DUTIES.~~

33 1. Each health care facility shall have a care review
 34 committee whose members shall be appointed as follows:

35 a. By the ~~areawide-health-planning-council-recognized~~

1 ~~as such by this state acting through the office for~~
2 ~~comprehensive health planning in the office for planning and~~
3 ~~programming commission on aging; or~~

4 ~~b. If the appropriate areawide health planning council~~
5 ~~commission on aging has failed to make any appointment~~
6 ~~necessary under this subsection within thirty days after being~~
7 ~~notified of a vacancy by the administrator of the facility~~
8 ~~involved, by the commissioner; or~~

9 ~~c. If the commissioner has failed to act within thirty~~
10 ~~days after being notified by the administrator of the facility~~
11 ~~involved of a vacancy which has not been filled by the~~
12 ~~appropriate areawide health planning council commission on~~
13 ~~aging within the time prescribed by this subsection, the~~
14 ~~appointment may be made by the administrator.~~

15 2. The care review committee shall periodically review
16 the needs of each individual resident of the facility, and
17 shall perform the functions delegated to it by section 135C.38.
18 The responsibilities of the care review committee shall be
19 in accordance with rules of the department, which shall in
20 formulating such rules give consideration to the needs of
21 residents of each license category of health care facility
22 and the services facilities of each category are authorized
23 to render.

24 Sec. 14. Section one hundred eighty-eight point forty-
25 eight (188.48), subsection five (5), Code 1979, is amended
26 to read as follows:

27 5. For posting notices and selling animals, the same fees
28 as are allowed ~~constables~~ peace officers for like services
29 upon execution.

30 Sec. 15. Section one hundred eighty-eight point fifty
31 (188.50), Code 1979, is amended to read as follows:

32 188.50 DISABLED ANIMALS KILLED. ~~The sheriff, constable,~~
33 A peace officer, officer of any society for the prevention
34 of cruelty to animals, or any magistrate, shall destroy any
35 stray animal disabled and unfit for further use.

1 Sec. 16. Section two hundred six point nineteen (206.19),
2 Code 1979, is amended to read as follows:

3 206.19 RULES ADOPTED. The rules promulgated under the
4 ~~provisions-of~~ this chapter shall not be effective until
5 approved by the chemical technology commission of the
6 department of environmental quality and submitted to the
7 ~~departmental~~ administrative rules review committee as provided
8 in chapter 17A.

9 Sec. 17. Section two hundred twenty point eighteen
10 (220.18), subsection two (2), unnumbered paragraph one (1),
11 Code 1979, is amended to read as follows:

12 The authority may make or participate in the making of
13 property improvement loans or mortgage loans for rehabilitation
14 or preservation of existing dwellings for the use of low or
15 moderate income families, elderly families or families which
16 include one or more persons who are handicapped or disabled.
17 A rehabilitation or preservation loan may be for the estimated
18 cost of the rehabilitation work to be done, for the purpose
19 of refinancing an existing mortgage loan, for the purpose
20 of doing the rehabilitation work, or for the purpose of
21 acquiring housing in which rehabilitation work is to be done.
22 The rehabilitation or preservation loan shall not exceed,
23 with all other existing indebtedness of the property, the
24 estimated market value of the property as determined by the
25 authority, after the rehabilitation or preservation is
26 completed, and the term of a loan shall not exceed the
27 estimated useful life of the property as determined by the
28 authority, after rehabilitation or preservation. The proposed
29 rehabilitation or preservation shall assure that the property
30 will not contain any substantial violation of applicable
31 housing codes. A rehabilitation or preservation loan under
32 this subsection may be made only when the authority determines
33 that the proposed mortgagor is unable to obtain the necessary
34 financing from other sources upon terms and conditions which
35 the proposed mortgagor reasonably could be expected to fulfill.

1 A rehabilitation or preservation loan under this subsection
2 may be provided only within an area of a city for which an
3 authorized city agency submits a satisfactory affirmative
4 neighborhood preservation program, or in other areas within
5 or outside of cities where the authority determines that
6 rehabilitation or preservation is economically sound and a
7 program of neighborhood preservation is ~~inappropriate~~
8 appropriate. The following criteria, along with others
9 reasonably related to the purposes of this chapter, which
10 may be determined by the authority, shall be considered in
11 determining whether an affirmative neighborhood preservation
12 program is satisfactory:

13 Sec. 18. Section two hundred twenty-nine point twenty-
14 seven (229.27), subsection one (1), Code 1979, is amended
15 to read as follows:

16 1. Hospitalization of any a person under this chapter,
17 either voluntarily or involuntarily, ~~shall~~ does not be deemed
18 ~~to~~ constitute a finding of ~~ex-to~~ nor equate with nor raise
19 a presumption of incompetency, ~~ex-to~~ nor cause the person
20 so hospitalized to be deemed a ~~lunatic~~, a person of unsound
21 mind, ~~ex-nor~~ nor a person under legal disability for any purpose
22 including but not limited to any circumstances to which
23 sections 447.7, 472.15, 545.2, subsection 13, 545.11,
24 subsection 7, 545.36, 567.7, 595.3, 597.6, 598.29, 614.8,
25 614.19, 614.22, 614.24, 614.27, 622.6, 633.244, 633.266,
26 subsection 4, and 675.21 are applicable.

27 Sec. 19. Section two hundred twenty-nine point thirty-
28 nine (229.39), subsection two (2), Code 1979, is amended to
29 read as follows:

30 2. Hospitalization of any a person for treatment of mental
31 illness, either voluntary or involuntary, on or before December
32 31, 1975 ~~shall~~ does not be deemed ~~to~~ constitute a finding
33 of ~~ex-to~~ nor equate with nor raise a presumption of
34 incompetency, ~~ex-to~~ nor cause the person ~~who was~~ se
35 hospitalized to be deemed a ~~lunatic~~, a person of unsound mind,

1 ~~or~~ nor a person under legal disability for any purpose,
2 including but not limited to the circumstances enumerated
3 in section 229.27, subsection 1. ~~Nothing-in-this~~ This
4 subsection ~~shall-be-ensured-to~~ does not invalidate any
5 specific declaration of incompetence of a person ~~who-was-se~~
6 hospitalized if the declaration was made pursuant to a separate
7 procedure authorized by law for that purpose, and did not
8 result automatically from the person's hospitalization.

9 Sec. 20. Section two hundred thirty point twenty (230.20),
10 subsection five (5), Code 1979, as the section is amended
11 by Acts of the Sixty-eighth General Assembly, 1979 Session,
12 chapter fifty-five (55), section one (1), is amended to read
13 as follows:

14 5. An individual statement shall be prepared for any
15 patient on or before the fifteenth day of the month next
16 succeeding the month in which that patient leaves the hospital,
17 and a general statement shall be prepared at least quarterly
18 for each county to which charges are made under this section.
19 Except as otherwise required by sections ~~224A-2-and-224A-3~~
20 one hundred twenty-five point thirty-three (125.33) and one
21 hundred twenty-five point thirty-four (125.34) of the Code,
22 the general statement shall list the name of each patient
23 chargeable to that county who was served by the hospital
24 during the preceding month or calendar quarter and the amount
25 due on account of each patient, and the county shall be billed
26 for one hundred percent of the stated charge for each patient,
27 unless otherwise specified in the current appropriation for
28 support of the state hospitals. The statement prepared for
29 each county shall be certified by the superintendent of the
30 hospital to the state comptroller and a duplicate statement
31 shall be mailed to the auditor of that county.

32 Sec. 21. Section two hundred thirty-two point twenty-
33 two (232.22), subsection one (1), paragraph c, Code 1979,
34 as amended by Acts of the Sixty-eighth General Assembly, 1979
35 Session, chapter fifty-six (56), section four (4), is amended

1 to read as follows:

2 c. There is probable cause to believe that the child has
3 violated conditions of release imposed under section 232.54
4 and or 232.44, subsection 5, paragraph b and there is a sub-
5 stantial probability that the child will run away or otherwise
6 be unavailable for subsequent court appearance; or

7 Sec. 22. Section two hundred thirty-two point fifty-two
8 (232.52), subsection two (2), paragraph e, Code 1979, as the
9 section is amended by Acts of the Sixty-eighth General
10 Assembly, 1979 Session, chapter fifty-six (56), section nine
11 (9), is amended to read as follows:

12 e. An order transferring the guardianship of the child,
13 subject to the continuing jurisdiction of the court for the
14 purposes of section 232.54, to the commissioner of the
15 department of social services for purposes of placement in
16 ~~the-Iowa-juvenile-home-at-Toledo~~, the Iowa training school
17 for boys, the Iowa training school for girls, or other facility
18 provided that:

19 Sec. 23. Section two hundred thirty-two point one hundred
20 twenty-seven (232.127), subsection eight (8), Code 1979, is
21 amended to read as follows:

22 8. A child ~~is~~ found in contempt of court because of vio-
23 lation of conditions imposed under this section shall not
24 be considered delinquent. Such a contempt may be punished
25 by imposition of a work assignment or assignments to benefit
26 the state or a governmental subdivision of the state. In
27 addition to or in lieu of such an assignment or assignments,
28 the court may impose one of the dispositions set out in
29 sections 232.100 to 232.102.

30 Sec. 24. Section two hundred forty-four point fifteen
31 (244.15), Code 1979, is amended to read as follows:

32 244.15 JUVENILE DELINQUENTS NOT PLACED. Juveniles
33 adjudicated to have committed a delinquent act shall not be
34 placed at the state juvenile home at Toledo.

35 Sec. 25. Section two hundred forty-six point sixteen

1 (246.16), Code 1979, is amended to read as follows:
2 246.16 TRANSFER OF MENTALLY ILL. When the said state
3 director ~~has-cause-to-believe~~ believes that a prisoner in
4 the penitentiary or reformatory is mentally ill, the department
5 may cause ~~such~~ that prisoner to be transferred to the Iowa
6 security medical facility for examination, diagnosis, or
7 treatment. The prisoner shall be confined at ~~such~~ that
8 institution or a state hospital for the mentally ill until
9 the expiration of ~~his~~ the prisoner's sentence or until ~~he~~
10 the prisoner is pronounced in good mental health. If the
11 prisoner is pronounced in good mental health before the
12 expiration of his or her sentence, ~~he~~ the prisoner shall be
13 returned to the penitentiary or reformatory until the
14 expiration of ~~his~~ the prisoner's sentence. The provisions
15 of the Code applicable to an inmate at the correctional
16 institution from which transferred shall remain applicable
17 during the inmate's stay at the Iowa security medical facility.
18 However, ~~sections~~ section 246.32 ~~and-246-33-shall-apply~~ applies
19 to the total inmate population, including both convicts and
20 patients.

21 Sec. 25. Section two hundred forty-six point forty-five
22 (246.45), Code 1979, is amended to read as follows:

23 246.45 APPLICABILITY TO OTHER INSTITUTIONS. The provisions
24 of sections ~~246-33~~, 246.38, 246.39, 246.41, 246.42, and 246.43
25 ~~shall~~ also apply to the inmates at the women's reformatory
26 and the Iowa security medical facility.

27 Sec. 27. Section two hundred forty-nine B point eight
28 (249B.8), Code 1979, is amended to read as follows:

29 249B.8 AREA AGENCIES. The commission on aging may
30 establish area agencies on aging for the planning and service
31 areas developed by the office for planning and programming
32 pursuant to the "Older Americans Comprehensive Services
33 Amendments of 1973", United States Public Law 93--29, section
34 304. An area agency may be merged with a contiguous planning
35 and service area but not without the approval of each policy

1 making body which is a party to the merger. Merged planning
2 and service areas forming one area agency shall be governed
3 by only one policy making body. ~~Funds-appropriated-pursuant~~
4 ~~to-this-Act-shall-be-allocated-to-each-planning-and-service~~
5 ~~area-for-which-an-area-agency-has-been-designated-by-the-end~~
6 ~~of-the-funding-period,-and-shall-be-available-for-both-program~~
7 ~~maintenance-of-effort-and-administrative-expenditures-~~

8 Sec. 28. Section two hundred fifty-eight A point one
9 (258A.1), subsection one (1), paragraph w, Code 1979, is
10 amended to read as follows:

11 w. The board of veterinary ~~medical-examiners~~ medicine,
12 created pursuant to chapter 169.

13 Sec. 29. Section two hundred fifty-eight A point three
14 (258A.3), subsection two (2), paragraph a, Code 1979, is
15 amended to read as follows:

16 a. Revoke a license, or suspend a license either until
17 further order of the board or for a specified period, upon
18 the grounds specified in sections 114.21, 115.8, 116.21,
19 117.29, 118.13, 118A.15, 120.10, 147.55, 153.34, 154A.24,
20 ~~169-36~~ one hundred sixty-nine point thirteen (169.13), 455B.59
21 and chapters 135E and 151 or upon any other grounds
22 specifically provided for in this chapter for revocation of
23 the license of a licensee subject to the jurisdiction of that
24 board, or upon failure of the licensee to comply with a
25 decision of the board imposing licensee discipline;

26 Sec. 30. Section two hundred fifty-eight A point four
27 (258A.4), subsection one (1), paragraph f, Code 1979, is
28 amended to read as follows:

29 f. Define by rule acts or omissions which are grounds
30 for revocation or suspension of a license under the provisions
31 of sections 114.21, 115.8, 116.21, 117.29, 118.13, 118A.15,
32 120.10, 147.55, 153.34, 154A.24, ~~169-36~~ one hundred sixty-
33 nine point thirteen (169.13) and 455B.49 and chapters 135E
34 and 151, and to define by rule acts or omissions which
35 constitute negligence, careless acts or omissions within the

1 meaning of section 258A.3, subsection 2, paragraph "b", which
2 licensees are required to report to the board pursuant to
3 section 258A.9, subsection 2;

4 Sec. 31. Section two hundred sixty point nine (260.9),
5 Code 1979, as amended by Acts of the Sixty-eighth General
6 Assembly, 1979 Session, chapter fifty-eight (58), sections
7 four (4) and five (5), is amended by striking the section
8 and inserting in lieu thereof the following:

9 260.9 AREA EDUCATION AGENCY ADMINISTRATOR'S CERTIFICATE.

10 The board of educational examiners shall establish a cer-
11 tificate for area education agency administrators. The area
12 education agency administrator's certificate shall be issued
13 to an applicant who has met either of the requirements in
14 two of the four following subsections:

15 1. Five years' experience in higher education administra-
16 tion at a two or four-year college or university which is
17 accredited by the north central association of colleges and
18 secondary schools accrediting agency or which has been
19 certified by the north central association of colleges and
20 secondary schools accrediting agency as a candidate for
21 accreditation by that agency or as a school giving satisfactory
22 assurance that it has the potential for accreditation and
23 is making progress which, if continued, will result in its
24 achieving accreditation by that agency within a reasonable
25 time; or an earned doctorate in higher education
26 administration.

27 2. Five years' experience in special education admin-
28 istration; or an earned doctorate in special education or
29 any subspecialty of special education.

30 3. Five years' experience in primary or secondary school
31 education; or an earned doctorate in educational administration
32 for the primary or secondary level; and five years' teaching
33 experience at any educational level.

34 4. Five years' experience in business or other nonacademic
35 career pursuit; or an earned doctorate in public administra-

1 tion or business administration.

2 A person shall not be issued a temporary or emergency cer-
3 tificate for more than one year; and an education agency shall
4 not employ uncertificated administrators, or employ temporary
5 or emergency certificated administrators for more than two
6 consecutive years.

7 The provisions of this section relating to the certification
8 of an area education agency administrator do not apply to
9 persons holding a superintendent's certificate prior to July
10 1, 1975.

11 Sec. 32. Section two hundred seventy-three point three
12 (273.3), subsection ten (10), Code 1979, as the section is
13 amended by Acts of the Sixty-eighth General Assembly, 1979
14 Session, chapter sixty (60), section one (1), is amended to
15 read as follows:

16 10. In any county operating a juvenile home, upon request
17 of the county board of supervisors, provide suitable
18 curriculum, teaching staff, books, supplies, and other
19 necessary materials for the instruction of children of school
20 age who are maintained in the juvenile home of the county,
21 as provided in section ~~232-21~~ two hundred thirty-two point
22 one hundred forty-two (232.142 of the Code. Reimbursement
23 for the cost of instruction provided under this section shall
24 be made pursuant to section 273.11.

25 Sec. 33. Section two hundred eighty A point eighteen
26 (280A.18), subsection three (3), Code 1979, is amended to
27 read as follows:

28 3. Tuition in accordance with section 280A.23, subsection
29 3 two (2) of the Code.

30 Sec. 34. Section three hundred four point seventeen
31 (304.17), Code 1979, is amended to read as follows:

32 304.17 EXEMPTION--DUTY OF BOARD OF REGENTS. The highway
33 division-of-the state department of transportation and the
34 agencies and institutions under the control of the state board
35 of regents shall-be are exempt from the records management

1 manual and the provisions of this chapter. However, the state
 2 ~~highway-division~~ department of transportation and the state
 3 ~~board of regents shall adopt rules for their employees,~~
 4 ~~agencies, and institutions which shall-be~~ are consistent with
 5 the objectives of this chapter. The rules shall be approved
 6 by the state records commission and be subject to the
 7 ~~provisions of chapter 17A.~~

8 Sec. 35. Section three hundred twenty-one point nine-
 9 teen (321.19), subsection two (2), unnumbered paragraph one
 10 (1), Code 1979, is amended to read as follows:

11 "Urban transit company" means any person, firm, corporation,
 12 company, or municipality which operates buses or trolley cars
 13 or both, primarily upon the streets of cities over well-defined
 14 routes between certain termini, for the transportation of
 15 passengers for a uniform fare, and which accepts for passengers
 16 all who present themselves for transportation without
 17 discrimination up to the limit of the capacity of each vehicle.
 18 Included are street railways, plants, equipment, property,
 19 and rights, used and useful in the transportation of
 20 passengers. Motor carriers and interurbans subject to the
 21 jurisdiction of the state ~~commerce-commission~~ department of
 22 transportation, and taxicabs, are not included.

23 Sec. 36. Section three hundred twenty-one point two hundred
 24 eighty-three (321.283), subsection three (3), Code 1979, is
 25 amended to read as follows:

26 3. REFERRED ON CONVICTION. After any conviction for
 27 operating a motor vehicle while under the influence of an
 28 alcoholic beverage under section 321.281, the court may refer
 29 the defendant for treatment at a facility as defined in
 30 sections 125.1 to 125.43 and designated by the ~~division-on~~
 31 ~~alcoholism~~ department of substance abuse. The court may
 32 prescribe the length of time for treatment or it may be left
 33 to the discretion of the facility to which the defendant was
 34 referred. A person referred under this section shall-be
 35 ~~considered~~ is a state patient, and charges and costs for

1 treatment shall be paid for in the manner provided for payment
2 for treatment of alcoholics who have no legal residence in
3 this state.

4 Sec. 37. Section three hundred twenty-one point five
5 hundred fifty-five (321.555), subsection two (2), Code 1979,
6 is amended to read as follows:

7 2. Six or more convictions of any separate and distinct
8 offenses within a two-year period in the operation of a motor
9 vehicle which are required to be reported to the state
10 department of ~~public-safety~~ transportation by section 321.207,
11 except equipment violations, violations of parking regulations
12 of cities, violations of registration laws, operating a vehicle
13 with an expired license or permit, failure to appear, and
14 weights and measures violations and speeding violations of
15 less than six miles per hour over the legal speed limit, as
16 provided by law prior to enactment of chapter 1189, Acts of
17 the Sixty-fifth General Assembly, 1974 Session.

18 Sec. 38. Section three hundred twenty-four point seventy-
19 six (324.76), unnumbered paragraph three (3), Code 1979, is
20 amended to read as follows:

21 It is ~~hereby made~~ the duty of ~~all-sheriffs, deputy-sheriffs,~~
22 ~~constables, and~~ all other peace officers to see that the pro-
23 visions of this chapter are not violated, and to respond to
24 the call of the department of revenue and state department
25 of transportation to make investigations in their respective
26 counties and report to the department of revenue and state
27 department of transportation ~~and said~~. Peace officers are
28 authorized to stop a conveyance suspected to be illegally
29 transporting motor fuel on the highways, ~~and~~ to investigate
30 the cargo for that purpose and to seize and impound ~~said~~ the
31 cargo and conveyance ~~where~~ when it appears that ~~said~~ the
32 conveyance is being operated in violation of the provisions
33 of this chapter.

34 Sec. 39. Section three hundred twenty-five point eleven
35 (325.11), Code 1979, is amended to read as follows:

1 325.11 RULES OF PROCEDURE. The ~~commission~~ board shall
2 adopt rules governing the procedure to be followed in the
3 filing of applications and in the conduct of hearings.

4 Sec. 40. Section three hundred thirty-six B point two
5 (336B.2), Code 1979, is amended to read as follows:

6 336B.2 FINANCIAL STATEMENT. Before an attorney is
7 appointed under the provisions of sections 68.8, ~~145-17,~~
8 ~~145-19,~~ 222.22, chapter 232, or rule 8, rules of criminal
9 procedure, or to represent any person charged with a crime
10 in this state, the court shall require the client, or his
11 or her parent, guardian, or custodian to complete under oath
12 a detailed financial statement.

13 Sec. 41. Section three hundred twenty-seven G point one
14 ~~(327G.1)~~, Code 1979, is amended to read as follows:

15 327G.1 DEFINITION. As used in this division, unless the
16 context otherwise requires, ~~the term~~ "department" means the
17 state department of transportation and "board" means the
18 ~~transportation regulation board.~~

19 Sec. 42. Section three hundred thirty-seven point ten
20 (337.10), Code 1979, is amended to read as follows:

21 337.10 SUCCESSOR MAY EXECUTE PROCESS. If the sheriff
22 ~~die dies~~ or ~~go-out-of~~ leaves office before the return of any
23 process then in ~~his hands~~ the sheriff's possession, ~~his the~~
24 sheriff's successor, or other officer authorized to discharge
25 the duties of the office, may proceed to execute and return
26 the same process in the same manner as the outgoing sheriff
27 should have done, ~~but nothing in this.~~ This section shall
28 ~~be construed to~~ does not exempt the outgoing sheriff and his
29 deputies from the duty imposed on them to execute and return
30 all process in their hands possession at the time the vacancy
31 in the office of sheriff occurs.

32 Sec. 43. Section three hundred fifty-six A point one
33 (356A.1), Code 1979, is amended to read as follows:

34 356A.1 COUNTY SUPERVISORS MAY ACT--COUNTY HALF-WAY HOUSES.
35 A county board of supervisors may, by majority vote, establish

1 and maintain by lease, purchase, or contract with a public
2 or private nonprofit agency or corporation ~~to establish and~~
3 ~~maintain~~, facilities where persons may be detained or confined
4 pursuant to a court order as provided in section 356.1. ~~Such~~
5 The facilities may be in lieu of or in addition to the county
6 ~~jail required in section 356.37~~. The board shall establish
7 rules and regulations for the operation of each ~~such~~ facility.
8 Any A person detained or confined to such a facility shall
9 be required to do all cleaning, upkeep, maintenance, minor
10 repairs, and anything else necessary to properly maintain,
11 operate, and preserve ~~such~~ the facility. The sheriff shall
12 not have charge or custody of any a person detained or confined
13 in such facility or transferred thereto. Such facility need
14 not contain any cells, cell blocks, or bars, if it is not
15 necessary for the protection of the public, as determined
16 by the board.

17 Sec. 44. Section three hundred fifty-six A point seven
18 (356A.7), Code 1979, is amended to read as follows:

19 356A.7 CONTRACT WITH ANOTHER COUNTY. A county board of
20 supervisors may further contract with another county or a
21 city maintaining a jail meeting the ~~requirements of sections~~
22 ~~356-37 to 356-41~~ minimum standards for the regulation of jails
23 established pursuant to Acts of the Sixty-eighth General
24 Assembly, 1979 Session, chapter fifty-three (53), section
25 four (4) for detention and commitment of persons pursuant
26 to section 356.1. Any A person detained or confined ~~therein~~
27 in the jail shall be in the charge of and ~~in the~~ custody of
28 the governmental unit maintaining the jail. The cost of
29 detention and confinement shall be levied and paid by the
30 city or from the court expense fund of the county to which
31 the cause originally belonged pursuant to section 444.10.

32 Sec. 45. Section four hundred twenty-two point twelve
33 (422.12), unnumbered paragraph two (2), Code 1979, as the
34 section is amended by Acts of the Sixty-eighth General As-
35 ssembly, 1979 Session, chapter ninety-three (93), section six

1 (6), is amended by striking the unnumbered paragraph.

2 Sec. 46. Section four hundred twenty-two point twelve
3 (422.12), Code 1979, as the section is amended by Acts of
4 the Sixty-eighth General Assembly, 1979 Session, chapter
5 ninety-three (93), section six (6), is amended by adding the
6 following new subsection:

7 NEW SUBSECTION. For the purpose of this section, the
8 determination of whether an individual is married shall be
9 made as of the close of the individual's tax year unless the
10 individual's spouse dies during the individual's tax year,
11 in which case the determination shall be made as of the date
12 of the spouse's death. An individual legally separated from
13 his or her spouse under a decree of divorce or of separate
14 maintenance shall not be considered married.

15 Sec. 47. Section four hundred twenty-two point five
16 (422.5), unnumbered paragraph six (6), Code 1979, as amended
17 by Acts of the Sixty-eighth General Assembly, 1979 Session,
18 chapter ninety-three (93), section three (3), is amended to
19 read as follows:

20 A person who is disabled or is sixty-two years of age or
21 older and receives an annuity or annuities from the United
22 States civil service retirement and disability trust fund,
23 and whose net income, as defined in section 422.7, is
24 sufficient to require that the tax be imposed upon it under
25 this section, may determine final taxable income for purposes
26 of imposition of the tax by excluding the amount of an annuity
27 or annuities received from the United States civil service
28 retirement and disability trust fund, which are not already
29 excluded in determining net income, as defined in section
30 422.7, up to a maximum each tax year of five thousand five
31 hundred dollars for a person who files a separate state in-
32 come tax return and eight thousand dollars total for a husband
33 and wife who file a joint state income tax return. The amount
34 of the exemption shall be reduced by the amount of any social
35 security benefits received. For the purpose of this section,

1 the amount of an annuity or annuities received from the United
2 States civil service retirement and disability trust fund
3 taxable under the Internal Revenue Code of 1954 shall be
4 included in net income for purposes of determining eligibility
5 under the ~~four~~ five thousand dollar or less exclusion.

6 Sec. 48. Section four hundred twenty-two point thirty-
7 four (422.34), subsection one (1), Code 1979, is amended to
8 read as follows:

9 1. All state banks, as defined in section 524.103, and
10 all national and private banks, credit unions, title insurance
11 and trust companies, building and loan associations, production
12 credit associations, ~~corporations-operating-under-the~~
13 ~~provisions-of-chapter-501~~, insurance companies or insurance
14 associations, reciprocal or inter-insurance exchanges,
15 fraternal beneficiary associations, now or hereafter organized
16 or incorporated by or under the laws of this state or lawfully
17 operating in the state.

18 Sec. 49. Section four hundred twenty-two point seventy-
19 two (422.72), subsection one (1), Code 1979, as amended by
20 Acts of the Sixty-eighth General Assembly, 1979 Session, chap-
21 ter ninety-four (94), section two (2), is amended to read
22 as follows:

23 1. It ~~shall-be~~ is unlawful for the director, or any per-
24 son having an administrative duty under this chapter, or any
25 present or former officer or other employee of the state
26 authorized by the director to examine returns, to divulge
27 ~~or-to-make-known~~ in any manner whatever, the business affairs,
28 operations, or information obtained by an investigation under
29 this chapter of records and equipment of any person ~~or~~
30 ~~corporation~~ visited or examined in the discharge of official
31 duty, or the amount or source of income, profits, losses,
32 expenditures or any particular thereof, set forth or disclosed
33 in any return, or to permit any return or copy ~~thereof~~ of
34 a return or any book containing any abstract or particulars
35 thereof to be seen or examined by any person except as provided

1 by law. However, the director may authorize examination of
2 such state returns and other state information which is
3 ~~confidential-under-this-section~~ confidential under this
4 section, if a reciprocal arrangement exists, by tax officers
5 of another state or the federal government. The director
6 may, by rules adopted pursuant to chapter 17A, authorize
7 examination of state information and returns by other officers
8 or employees of this state to the extent required by their
9 official duties and responsibilities. Disclosure of state
10 information to tax officers of another state ~~shall-be~~ is
11 limited to ~~these~~ disclosures which have a tax administrative
12 purpose and only to officers of those states which have laws
13 that are as strict as the laws of this state protecting the
14 confidentiality of such returns and information. The director
15 shall place upon the state tax form a notice to the taxpayer
16 that state tax information may be disclosed to tax officials
17 of another state or of the United States for tax administrative
18 purposes. The department shall not authorize the examination
19 of tax information by officers and employees of this state,
20 another state, or of the United States if the officers or
21 employees would otherwise be required to obtain a judicial
22 order to examine the information if it were to be obtained
23 from another source, and if the purpose of the examination
24 is other than for tax administration. ~~Nothing-in-this~~ This
25 subsection shall does not prevent the department from
26 authorizing the examination of state returns and state
27 information ~~when-provided~~ under the provisions of section
28 252B.9. This subsection ~~shall-prevail~~ prevails over the
29 ~~provisions-of~~ any general law of this state relating to public
30 records.

31 Sec. 50. Section four hundred twenty-three point two
32 (423.2), Code 1979, is amended to read as follows:

33 423.2 IMPOSITION OF TAX. An excise tax is hereby imposed
34 on the use in this state of tangible personal property
35 purchased for use in this state, at the rate of three percent

1 of the purchase price of ~~such~~ the property. ~~Said~~ The excise
2 tax is ~~hereby~~ imposed upon every person using ~~such~~ the property
3 within this state until ~~such~~ the tax has been paid directly
4 to the county treasurer or the state department of ~~public~~
5 safety transportation, to a retailer, or to the department
6 as hereinafter provided. An excise tax is ~~hereby~~ imposed
7 on the use in this state of services enumerated in section
8 422.43 at the rate of three percent. ~~Said~~ This tax shall
9 ~~be~~ is applicable where services are rendered, furnished, or
10 performed in this state or where the product or result of
11 ~~such~~ the service is used in this state. ~~Such~~ This tax is
12 imposed on every person using ~~such~~ the services or the product
13 of ~~such~~ the services in this state until ~~such~~ the user has
14 paid ~~such~~ the tax either to an Iowa use tax permit holder
15 or has paid ~~such~~ the tax to the department of revenue.

16 Sec. 51. Section four hundred twenty-three point six
17 (423.6), subsection one (1), Code 1979, is amended to read
18 as follows:

19 1. The tax upon the use of all vehicles subject to
20 registration shall be collected by the county treasurer who
21 ~~shall-retain-twenty-five-cents-from-each-tax-payment-collected~~
22 ~~for-use-and-benefit-of-the-county-general-fund~~ or the state
23 department of ~~public-safety~~ transportation pursuant to the
24 provisions of section 423.7. The county treasurer shall
25 retain twenty-five cents from each tax payment collected,
26 to be credited to the county general fund.

27 Sec. 52. Section four hundred twenty-three point seven
28 (423.7), Code 1979, is amended to read as follows:

29 423.7 VEHICLES SUBJECT TO REGISTRATION. The tax ~~hereby~~
30 imposed upon the use of vehicles subject to registration shall
31 be paid by the owner ~~thereof~~ of the vehicle to the county
32 treasurer or the state department of ~~public-safety~~
33 transportation from whom the registration receipt is obtained.
34 No A registration receipt for any a vehicle subject to
35 registration shall not be issued until ~~said~~ the tax has been

1 so paid. The county treasurer or the state department of
2 public-safety transportation shall require every applicant
3 for a registration receipt for any a vehicle subject to
4 registration to supply ~~such~~ information as he the county
5 treasurer or the director ~~may-deem~~ deems necessary as to the
6 time of purchase, the purchase price, and other information
7 relative to the purchase of ~~said~~ the vehicle subject to
8 registration. On or before the tenth day of each month the
9 county treasurer or the state department of public-safety
10 transportation shall remit to the department the amount of
11 the taxes ~~so~~ collected during the preceding month, accompanied
12 by a copy of each registration receipt issued in conjunction
13 with the certificate of title issued for each vehicle subject
14 to registration.

15 Sec. 53. Section four hundred twenty-five point seventeen
16 (425.17), subsection four (4), Code 1979, as the section is
17 amended by Acts of the Sixty-eighth General Assembly, 1979
18 Session, chapter forty-three (43), section three (3), is
19 amended to read as follows:

20 4. "Homestead" means the dwelling owned or rented and
21 actually used as a home by the claimant during all or part
22 of the base year, and so much of the land surrounding it,
23 not exceeding one acre, as is reasonably necessary for use
24 of the dwelling as a home, and may consist of a part of a
25 multidwelling or multipurpose building and a part of the land
26 upon which it is built. It does not include personal ~~property~~
27 property except that a mobile home may be a homestead. Any
28 dwelling or a part of a multidwelling or multipurpose building
29 which is exempt from taxation ~~shall~~ does not qualify as a
30 homestead under ~~the-provisions-of~~ this division. A homestead
31 must be located in this state.

32 Sec. 54. Section four hundred forty-seven point seven
33 (447.7), Code 1979, is amended to read as follows:

34 447.7 MINORS AND LUNATIC PERSONS OF UNSOUND MIND. If
35 real property of any a minor, ~~lunatic,~~ or person of unsound

1 mind is sold for taxes, it may be redeemed at any time within
2 one year after ~~such~~ the disability is removed, in the manner
3 specified in section 447.8, or redemption may be made by the
4 guardian or legal representative under sections 447.1 to 447.3
5 at any time before the delivery of the deed.

6 Sec. 55. Section four hundred fifty-five C point four
7 (455C.4), subsection one (1), Code 1979, is amended to read
8 as follows:

9 1. Except as provided in section 455C.5, subsection 2
10 three (3), a dealer, a person operating a redemption center,
11 a distributor or a manufacturer may refuse to accept any empty
12 beverage container which does not have stated on it a refund
13 value as provided under section 455C.2.

14 Sec. 56. Section four hundred fifty-five C point six
15 (455C.6), subsection five (5), Code 1979, is amended to read
16 as follows:

17 5. All approved redemption centers shall meet applicable
18 health standards.

19 Sec. 57. Section four hundred ninety-one point one hundred
20 fourteen (491.114), unnumbered paragraph one (1), Code 1979,
21 is amended to read as follows:

22 ~~Anything~~ Notwithstanding anything contained in this chapter
23 and chapters 492~~7~~-501~~7~~, and 502 ~~to the contrary not~~
24 ~~withstanding~~, any a corporation organized under the laws of
25 the state of Iowa having assets of the value of one million
26 dollars or more, the articles of ~~the corporation of~~ which
27 provide that ~~as~~ an individual may not vote more than one share
28 of the common voting shares of stock of ~~said~~ the corporation,
29 ~~the articles of incorporation of~~ and which give to children
30 of the ~~owner or~~ owners of shares of the common voting stock
31 ~~of such corporations~~ the right to purchase one common voting
32 share of stock ~~therein~~ in the corporation upon attaining
33 majority or within a fixed period thereafter, ~~and the articles~~
34 ~~of incorporation of~~ which ~~whether now in effect or hereafter~~
35 ~~adopted~~, authorize the issuance, sale and delivery of not

1 to exceed one share of ~~said~~ the common voting stock to any
2 one individual, ~~shall-have-the-power-to~~ may issue, sell and
3 deliver its shares of common voting stock, whether held by
4 it as treasury stock or whether issued as an original issue,
5 for the following considerations and upon the following terms
6 and conditions, and with the following limitations:

7 Sec. 58. Section five hundred two point two hundred three
8 (502.203), subsection nine (9), paragraph a, unnumbered
9 paragraph one (1), Code 1979, as amended by Acts of the Sixty-
10 eighth General Assembly, 1979 Session, chapter one hundred
11 twenty (120), section eight (8), and as the section is amended
12 by Acts of the Sixty-eighth General Assembly, 1979 Session,
13 chapter one hundred twenty (120), sections seven (7), nine
14 (9) and ten (10), is amended to read as follows:

15 The sale, as part of a single issue, of securities other
16 than fractional undivided interests in oil, gas or other
17 mineral leases, rights or royalties, and interests in a limited
18 or general partnership organized under the laws of or having
19 its principal place of business in a foreign jurisdiction,
20 except as ~~may-be~~ permitted by the ~~administration~~ administrator
21 by rule or by order, by the issuer thereof within any period
22 of twelve consecutive months to not more than thirty-five
23 purchasers in this state, exclusive of purchases by bona fide
24 institutional investors for their own account for investment,
25 provided that the issuer reasonably believes that all the
26 buyers in this state are purchasing for investment, and that
27 both of the following are complied with:

28 Sec. 59. Section five hundred two point two hundred three
29 (502.203), subsection thirteen (13), paragraph a, unnumbered
30 paragraph one (1), Code 1979, as amended by Acts of the Sixty-
31 eighth General Assembly, 1979 Session, chapter one hundred
32 twenty (120), section ten (10), and as the section is amended
33 by Acts of the Sixty-eighth General Assembly, 1979 Session,
34 chapter one hundred twenty (120), sections seven (7), eight
35 (8) and nine (9), is amended to read as follows:

1 a. A party to such transaction files proxy or informa-
2 tional materials pursuant to subsection "a" of section 14,
3 or subsection "c" of section 14 of the Securities Exchange
4 Act of 1934, or pursuant to section 20 of the Investment
5 Company Act of 1940, provided that such materials are, at
6 least ten days prior to the meeting of security holders called
7 for the purpose of approving such ~~transactions~~ transaction:

8 Sec. 60. Section five hundred three point two (503.2),
9 unnumbered paragraph one (1), Code 1979, as amended by Acts
10 of the Sixty-eighth General Assembly, 1979 Session, chapter
11 one hundred twenty-one (121), section one (1), and as the
12 section is amended by Acts of the Sixty-eighth General As-
13 sembly, 1979 Session, chapter one hundred twenty-one (121),
14 section two (2), is amended to read as follows:

15 The term "association" when used in this chapter ~~shall~~
16 ~~mean~~ means any person, ~~firm, company, partnership, association,~~
17 ~~or corporation~~ other than building and loan associations,
18 state and national banks, insurance companies and associations,
19 and corporations and co-operative associations subject to
20 the provisions of chapters 497, and 498 and 501, which sell
21 or offer for sale to the public generally memberships or
22 certificates of membership entitling the holder ~~thereof~~ to
23 purchase merchandise, materials, equipment or services on
24 a discount or cost-plus basis.

25 Sec. 61. Section five hundred twelve point fifty-nine
26 (512.59), Code 1979, is amended to read as follows:

27 512.59 GENERAL REGULATIONS. A society ~~shall have~~ has
28 full power to provide for means of enforcing payment of
29 contributions, designation and change of beneficiaries, which
30 beneficiary shall be the child ~~itself~~ or a person qualified
31 to make application ~~therefor~~ for the child as provided in
32 section 512.56, and in all other respects for the regulation,
33 government, and control of such certificates and all rights,
34 obligations, and liabilities incident thereto and connected
35 therewith, not at variance with the provisions of this and

1 ~~sections~~ section 512.56 ~~to-512-58.~~

2 Sec. 62. Section five hundred twenty-four point eight
3 hundred five (524.805), subsection two (2), Code 1979, as
4 amended by Acts of the Sixty-eighth General Assembly, 1979
5 Session, chapter one hundred twenty-eight (128), section
6 fourteen (14), is amended to read as follows:

7 2. However, interest paid on a demand account shall not
8 exceed ~~a-rate-which-exceeds~~ the maximum interest rate which
9 Iowa state banks insured by the federal deposit insurance
10 corporation are permitted by federal law to pay on insured
11 passbook savings accounts.

12 Sec. 63. Section five hundred sixty-two A point twelve
13 (562A.12), subsection three (3), paragraph a, Code 1979, is
14 amended to read as follows:

15 a. To remedy a tenant's default in the payment of rent
16 or of other ~~refunds~~ funds due to the landlord pursuant to
17 the rental agreement.

18 Sec. 64. Section six hundred twenty-two point four (622.4),
19 Code 1979, is amended to read as follows:

20 622.4 TRANSACTION WITH PERSON SINCE DECEASED OR MENTALLY
21 ILL. No A party to any an action or proceeding, ~~nor-any~~ or
22 a person interested in ~~the-event-thereof,-nor-any~~ an action
23 or proceeding, or a person from, through, or under whom any
24 such a party or interested person derives any interest or
25 title by assignment or otherwise, and ~~no~~ a husband or wife
26 of ~~any-said~~ a party or person, shall not be examined as a
27 witness in regard to any personal transaction or communication
28 between ~~such~~ the witness and a person who, at the commencement
29 of ~~such~~ the examination, is deceased, or mentally ill, ~~or~~
30 ~~lunatic,~~ in a case against the executor, administrator, heir
31 at law, next of kin, assignee, legatee, devisee, or survivor
32 of ~~such~~ the deceased person, or the assignee or guardian of
33 ~~such-insane~~ the mentally ill person ~~or-lunatic~~.

34 Sec. 65. Section six hundred twenty-two point five (622.5),
35 Code 1979, is amended to read as follows:

1 622.5 EXCEPTIONS. This prohibition ~~shall~~ does not extend
2 to ~~any a~~ transaction or communication as to which any such
3 executor, administrator, heir at law, next of kin, assignee,
4 legatee, devisee, survivor, or guardian ~~shall-be~~ is examined
5 on his or her own behalf, or as to which the testimony of
6 ~~such the~~ deceased or mentally ill person ~~or-lunatic-shall~~
7 be is given in evidence.

8 Sec. 66. Section eight hundred three point three (803.3),
9 subsection five (5), Code 1979, is amended to read as follows:

10 5. If the offense is a traffic offense, or a scheduled
11 offense under section ~~753+15~~ eight hundred five point eight
12 (805.8), section 805.13 shall apply.

13 Sec. 67. Section eight hundred five point eight (805.8),
14 subsection two (2), paragraphs c, d, g, and h, Code 1979,
15 as the section is amended by Acts of the Sixty-eighth General
16 Assembly, 1979 Session, chapter one hundred forty-nine (149),
17 sections one (1) and two (2), are amended to read as follows:

18 c. For improperly used or nonused, or defective or improper
19 equipment, other than brakes, driving lights and brakelights,
20 under sections 321.317, 321.387, 321.388, 321.389, 321.390,
21 321.391, 321.392, 321.393, ~~321+399,~~ 321.422, 321.432, ~~321+435,~~
22 321.436, 321.437, 321.438, 321.439, 321.440, 321.441, 321.442,
23 321.444, 321.445 and 321.447, the scheduled fine is ten
24 dollars.

25 d. For improperly used or nonused or defective or improper
26 equipment under sections 321.383, 321.384, 321.385, 321.386,
27 321.398, ~~321+400,~~ 321.402, 321.403, 321.404, 321.409, 321.419,
28 321.420, 321.423, 321.430, 321.433, 321.448, 321.449 and
29 321.450, the scheduled fine is twenty dollars.

30 g. For operating, passing, turning and standing violations
31 under sections 321.225, 321.236, subsections 3, 4, 9 and 12,
32 321.275, 321.295, 321.297, 321.299, 321.303, 321.304,
33 subsections 1 and 2, 321.305, 321.306, 321.311, 321.312,
34 321.314, 321.315, 321.316, 321.318, 321.323, ~~321+325-~~~~321+336-~~
35 ~~321+337-~~~~321+338-~~ 321.340, 321.344, 321.353, 321.354, 321.363,

1 321.364, 321.365, 321.366, 321.368, 321.382 and 321.395, the
2 scheduled fine is fifteen dollars.

3 h. For violations involving failures to yield or to observe
4 pedestrians and other vehicles under sections 321.257,
5 subsections 1 and 4, 321.288, 321.298, 321.300, 321.307,
6 321.308, 321.313, 321.319, 321.320, 321.321, 321.329, 321.333,
7 ~~321.339~~ and 321.367, the scheduled fine is twenty dollars.

8 Sec. 68. Section eight hundred eleven point six (811.6),
9 subsection one (1), Code 1979, is amended to read as follows:

10 1. A defendant released pursuant to this ~~division~~ chapter
11 shall appear at arraignment, trial, judgment, or ~~such~~ other
12 proceedings where the defendant's appearance is required.
13 If the defendant fails to appear at the time and place when
14 his or her personal appearance is lawfully required, or to
15 surrender himself or herself in execution of the judgment,
16 the court must direct an entry of ~~such~~ the failure to be made
17 of record, and the undertaking of the defendant's bail, or
18 the money deposited, is thereupon forfeited. As a part of
19 ~~such~~ the entry, except as provided in R.Cr.P. 53, the court
20 shall direct the sheriff of the county to give ten days'
21 notice in writing to the defendant and his or her sureties
22 to appear and show cause, if any, why judgment should not
23 be entered for the amount of ~~such~~ bail. If ~~such~~ appearance
24 is not made, judgment shall be entered by the court. If ~~such~~
25 appearance is made, the court shall set the case down for
26 immediate hearing as an ordinary action.

27 Sec. 69. Section nine hundred six point five (906.5),
28 unnumbered paragraph two (2), Code 1979, is amended to read
29 as follows:

30 If the person who is under consideration for parole is
31 serving a sentence for conviction of a felony and has a
32 criminal record of one or more prior convictions for a forcible
33 felony or a crime of a similar gravity in this or any other
34 state, parole shall be denied unless the defendant has served
35 at ~~last~~ least one-half of the maximum term of his or her

1 sentence.

2 Sec. 70. Acts of the Sixty-eighth General Assembly, 1979
3 Session, chapter three (3), section ten (10), subsection one
4 (1), paragraph e, is amended to read as follows:

5 e. PRINTING DIVISION.

6 For salaries and support
7 of not more than six
8 full-time equivalent
9 positions, and maintenance,
10 and miscellaneous purposes.

11 ~~It is the intent of the~~
12 ~~general assembly and a~~
13 ~~condition of this~~
14 ~~appropriation that a~~
15 ~~complete listing of~~
16 ~~state boards, commissions,~~
17 ~~and agencies, in addition~~
18 ~~to those required by~~
19 ~~subsection four (4) of section~~
20 ~~fourteen point ten (14-10)~~
21 ~~of the Code, be inserted~~

22 ~~in the session laws~~.....\$122,038 \$184,001

23 Sec. 71. Acts of the Sixty-eighth General Assembly, 1979
24 Session, chapter twenty-nine (29), section nineteen (19),
25 unnumbered paragraph two (2), is amended to read as follows:

26 In order to protect the stability of the land, the de-
27 partment shall suspend underground coal mining under urbanized
28 areas, cities, ~~towns~~, and communities and adjacent to indus-
29 trial or commercial buildings, major impoundments, or permanent
30 streams if the director finds imminent danger to inhabitants
31 of the urbanized areas, cities, ~~towns~~, and communities.

32 Sec. 72. Section forty-eight (48) of House File
33 687, Acts of the Sixty-eighth General Assembly, 1980
34 Session, is amended by striking the section.

35 Sec. 73. Sections sixty-four point nine (64.9), three

1 hundred thirty-one point twenty-three (331.23), three hundred
2 thirty-eight point eleven (338.11), and six hundred one J
3 point five (601J.5), Code 1979, are repealed.

4 Sec. 74. Acts of the Sixty-eighth General Assembly,
5 1979 Session, chapter thirty-five (35), section four (4),
6 paragraph one (1), is amended to read as follows:

7 1. A member who is an employee of the state and
8 not an active member of any other retirement system
9 in the state which is maintained in whole or in part
10 by public contributions may remain in service beyond
11 the date the member attains the age of sixty-five.
12 The employee shall retire on the first day of the
13 month after the last day of service. The employer
14 shall not consider age as a factor in determining
15 the continuation of the member's service.

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SENATE FILE 2320

H-6012

- 1 Amend amendment H-5998 to Senate File 2320 as
2 amended, passed and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting after line 2 the following:
5 "1. Page 4, by inserting after line 21 the
6 following:
7 "Sec. 12. Section one hundred seven point twenty-
8 four (107.24), Code 1979, is amended by adding the
9 following new subsection:
10 NEW SUBSECTION. Establish a program governing
11 the harvesting and sale of American ginseng subject
12 to the convention on international trade in endangered
13 species of wild fauna and flora and adopt rules
14 providing for the time and conditions for the
15 harvesting of the ginseng, the registration of dealers
16 and exporters, the records kept by dealers and
17 exporters, and the certification of legal taking."
18 2. By renumbering the sections to conform with
19 this amendment.

H-6012 FILED
APRIL 11, 1980
OUT OF ORDER (p. 1524)

BY SCHROEDER of Pottawattamie
TOFTE of Winneshiek
HANSON of Delaware

SENATE FILE 2320

H-6019

- 1 Amend amendment H-5998 to Senate File 2320 as
2 amended, passed and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking line 32 through page 2,
5 line 49.
6 2. Page 2, line 50, by striking the word "Sec."
7 and inserting in lieu thereof the word "'Sec."
8 3. Page 3, by striking lines 7 and 8 and inserting
9 in lieu thereof the words "of labor performed and
10 material delivered."
11 4. Page 3, line 20, by inserting a quotation mark
12 after the word "engineer."

H-6019 FILED
APRIL 11, 1980
OUT OF ORDER (p. 1524)

BY PELTON of Clinton

SENATE FILE 2320

H-98

1 Amend Senate File 2320 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 17, by inserting following line 31, the
4 following:

5 "Sec. _____. Section three hundred eighty-four
6 point fifty-seven (384.57), Code 1979, is amended
7 to read as follows:

8 384.57 MONTHLY PAYMENTS. The city may contract
9 to pay not to exceed ninety ninety-five percent of
10 the engineer's estimated value of the acceptable work
11 completed during the month to the contractor at the
12 end of each month. Payment may be made in warrants
13 drawn on any ~~fund-~~or~~~~ funds from which payment for
14 the work may be made. The warrants, unless paid upon
15 presentation, draw interest at a rate not to exceed
16 seven percent per annum from and after the date of
17 presentation for payment. If such funds are depleted,
18 anticipatory warrants may be issued, which do not
19 constitute a violation of section 384.10, even if
20 the collection of taxes or special assessments or
21 income from the sale of bonds applicable to the public
22 improvement is after the end of the fiscal year in
23 which the warrants are issued. If the city arranges
24 for the private sale of anticipatory warrants, they
25 may be sold and the proceeds used to pay the
26 contractor. ~~Such warrants~~ Anticipatory warrants may
27 also be used to pay other persons furnishing services
28 constituting a part of the cost of the public
29 improvement."

30 2. Page 26, by inserting following line 17, the
31 following:

32 "Sec. _____. Chapter five hundred seventy-three (573),
33 Code 1979, is amended by adding the following new
34 section:

35 NEW SECTION.

36 1. Under any contract awarded by the state
37 department of transportation or by a city or county
38 for the construction of a street or highway as defined
39 in section three hundred twenty-one point one (321.1),
40 subsection forty-eight (48) of the Code, or for the
41 construction, reconstruction, extension or improvement
42 of works and facilities for the collection, treatment
43 or disposal of sewage, industrial waste, surface
44 waters and streams, or for the construction,
45 reconstruction, extension or improvement of works
46 or facilities used in the production, maintenance
47 or distribution of a public water supply, the
48 contractor may withdraw the amount retained from
49 payments due the contractor by entering into an escrow
50 arrangement with a bank and depositing with the bank

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1 government securities issued by the United States
2 or this state or a political subdivision of this
3 state, which have a market value of not less than
4 one hundred ten percent of the amounts withdrawn.
5 The securities so deposited shall constitute the fund
6 described in section five hundred seventy-three point
7 thirteen (573.13) of the Code. If requested by the
8 contractor, the public corporation shall deposit with
9 the bank the amount retained from the payments due
10 the contractor.

11 2. The escrow agreement shall provide for the
12 deposit of securities by the contractor for the use
13 and benefit of the public corporation. It shall be
14 in the form and contain the provisions required by
15 rule issued by the auditor of state. An escrow
16 agreement shall be submitted for approval to the
17 public corporation for whose use and benefit the
18 agreement is to be established. The securities
19 deposited with the bank shall be bonds or other
20 evidences of indebtedness issued by the United States,
21 this state, or a political subdivision of this state,
22 and of a type approved for use by rule issued by the
23 auditor of state.

24 3. The bank shall give written notice to the
25 proper officials of the public corporation for the
26 use and benefit of which the deposits are made, stating
27 the total current market value of the deposit, and
28 delivering a copy of the escrow agreement. The bank
29 shall collect all interest income from the securities.
30 The escrow deposits provided in this section shall
31 be in a bank which has been approved as a depository
32 for public funds as provided in chapter four hundred
33 fifty-three (453) of the Code.

34 4. Interest or income which is earned on amounts
35 held in escrow and collected by the bank under this
36 section shall accrue to the benefit of the contractor,
37 provided that if the contractor has withheld any
38 portion of the amount payable by the contractor to
39 a subcontractor under the agreement between the
40 contractor and the subcontractor, then the
41 subcontractor is entitled to and has a lien upon the
42 interest or income in the proportion that the amount
43 withheld from the subcontractor bears to the amount
44 held in escrow.

45 5. This section does not apply where the
46 establishment of an escrow account in lieu of retainage
47 is prohibited by or is inconsistent with the
48 requirements of any applicable federal law or federal
administrative rule.

50 Sec. ____ . Section five hundred seventy-three point

1 twelve (573.12), Code 1979, is amended to read as
2 follows:
3 573.12 RETENTION FROM PAYMENTS ON CONTRACTS.
4 Payments made under contracts for the construction
5 of public improvements, unless provided otherwise
6 by law, shall be made on the basis of monthly estimates
7 of labor performed and material delivered, as
8 determined by the project architect or engineer.
9 ~~In-making-said-payments, there shall be retained ten~~
10 ~~percent of each said monthly estimate by the public~~
11 ~~corporation, provided, however, that if the contract~~
12 ~~is for more than fifty thousand dollars, and if the~~
13 ~~public corporation at any time after fifty percent~~
14 ~~of the improvement has been completed finds that~~
15 ~~satisfactory progress is being made, the public~~
16 ~~corporation may authorize any of such remaining~~
17 ~~payments to be made in full.~~ The public corporation
18 shall retain from each monthly payment five percent
19 of that amount which is determined to be due according
20 to the estimate of the architect or engineer.

BY SCHROEDER of Pottawattamie	BENNETT of Ida
TOFTE of Winneshiek	HULLINGER of Decatur
WELDEN of Hardin	CONNORS of Polk
POPE of Polk	RENKEN of Grundy
STROMER of Hancock	DAGGETT of Taylor
TYRRELL of Iowa	MENKE of O'Brien
HANSEN of O'Brien	HOLT of Clay
JOHNSON of Howard	COREY of Louisa
BRANSTAD of Winnebago	PELLETT of Cass
VAN MAANEN of Mahaska	SCHNEKLOTH of Scott
CRABB of Crawford	CHIODO of Polk
CLARK of Lee	WALTER of Pottawattamie
MILLEN of Van Buren	CRAWFORD of Story
JOHNSON of Woodbury	HUMMEL of Benton
DANKER of Pottawattamie	LARSEN of Wapello
BIEMER of Black Hawk	CLARK of Cerro Gordo
THOMPSON of Polk	MULLINS of Kossuth
HOFFMANN of Muscatine	LURA of Marshall
	DIELEMAN of Marion

H-5998 FILED
APRIL 10, 1980

Revised and approved 4/10/80 (p. 1532)

SENATE FILE 2320

H-5990

Amend Senate File 2320 as follows:

1. Page 13, by inserting after line 24, the following:

"Sec. ____ . Section two hundred seventy-seven point two (277.2), Code 1979, is amended to read as follows:

277.2 SPECIAL ELECTION. The board of directors in any school corporation may call a special election at which election the voters shall have the powers exercised at the regular election with reference to the sale of school property and the application to be made of the proceeds, the authorization of seven members on the board of directors, the authorization to establish or change the boundaries of director districts, and the authorization of a schoolhouse tax or indebtedness, as provided by law, ~~for the purchase of a site and the construction of a necessary schoolhouse, and for obtaining roads thereto.~~

H-5990 FILED
APRIL 10, 1980

BY CRAWFORD of Story
SHIMANEK of Jones
ANDERSON of Audubon

4/10/80 (p. 1533)

SENATE FILE 2320

H-988

1 Amend Senate File 2320 as follows:

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

4 "Sec. ____ . Section seventy-nine point fourteen
5 (79.14), Code 1979, is amended by adding the following
6 new subsection:

7 NEW SUBSECTION. "Authorized insurer" means a
8 corporation, partnership, association or individual
9 authorized to engage in the business of insurance
10 in this state and designated at the request of five
11 hundred or more state officers or employees or the
12 number of employees required by subsection three (3)
13 of this section, by a responsible official of the
14 payroll system under which the officers or employees
15 are compensated to receive payments as provided in
16 section seventy-nine point fifteen (79.15) of the
17 Code.

18 Sec. ____ . Section seventy-nine point fifteen
19 (79.15), Code 1979, is amended to read as follows:

20 79.15 PAYROLL DEDUCTION. The responsible official
21 in charge of the payroll system may deduct from the
22 salary or wages of a state officer or employee an
23 amount specified by the officer or employee for payment
24 to a charitable organization or an authorized insurer
25 if:

26 1. The request for the payroll deduction is made
27 in writing during the enrollment period for the
28 charitable organization or a least thirty days before
29 the commencement of the deduction for an authorized
30 insurer.

31 2. The deduction for a charitable organization
32 shall not continue in effect for a period of time
33 exceeding one year unless a new written request is
34 filed according to the requirements of this section.

35 3. The pay period during which the deduction is
36 made, the frequency, and the amount of the deduction
37 are compatible with the payroll system.

38 Moneys deducted pursuant to this section shall
39 be paid over promptly to the appropriate charitable
40 organization or authorized insurer. The deduction
41 may be made notwithstanding that the compensation
42 actually paid to the officer or employee is reduced
43 to an amount below the minimum prescribed by law.
44 Payment to an officer or employee of compensation
45 less the deduction shall constitute a full and complete
46 discharge of claims and demands for services rendered
47 by the employee during the period covered by the
48 payment. The request for the deduction may be
49 withdrawn at any time by filing a written notification
50 of withdrawal with the responsible official in charge

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1 of the payroll system."

2 4. If the payroll deduction is to be made for the
3 purpose of being paid over to an appropriate authorized
4 insurer, that authorized insurer shall reimburse to the
5 state an amount equal to the reasonable administrative
6 costs incurred by the state in providing the payroll
7 deduction.

8 2. By numbering sections to conform to this
9 amendment.

H-5988 FILED
APRIL 10, 1980

BY CHIODO of Polk

*Revised and approved
4-11-80 (p. 15-24)*

SENATE FILE 2320

H-5985

1 Amend Senate File 2320 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 10, by striking line 3 and inserting
4 in lieu thereof the words "director has cause to
5 believe that a prisoner in".

H-5985 FILED
APRIL 10, 1980

BY SHIMANEK of Jones

Adopted 4/10/80 (p. 15-24)

SENATE FILE 2320

H-5898

1 Amend Senate File 2320, as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 4, by inserting after line 29 the follow-
4 ing new section:

5 "Sec. _____. Section one hundred thirty-five point
6 two (135.2), Code 1979, as amended by Acts of the
7 Sixty-eighth General Assembly, 1980 Session, Senate
8 File two thousand three hundred one (2301), section
9 thirty-six (36), is amended to read as follows:

10 135.2 APPOINTMENT. The governor shall appoint
11 to a term of four years commencing and ending as
12 ~~providing~~ provided in section three (3) of this Act,
13 subject to confirmation by the senate, a commissioner
14 of public health who shall be qualified in the general
15 field of health administration. Vacancies shall be
16 filled for the unexpired term in the same manner as
17 regular appointments are made."

18 2. Page 12, by inserting after line 3 the following
19 new section:

20 "Sec. _____. Section two hundred fifty-eight A point
21 six (258A.6), subsection one (1), Code 1979, is amended
22 to read as follows:

23 1. Disciplinary hearings held pursuant to this
24 chapter shall be heard by the board sitting as the
25 hearing panel, or by a panel of not less than three
26 board members who are licensed in the profession,
27 or by a panel of not less than three members appointed
28 pursuant to subsection 2. Notwithstanding ~~chapter~~
29 chapters seventeen A (17A) and 28A a disciplinary
30 hearing shall be open to the public at the discre-
31 tion of the licensee."

32 3. Page 19, by inserting after line 17 the
33 following new section:

34 "Sec. _____. Section four hundred twenty-two point
35 sixty-one (422.61), subsection four (4), Code 1979,
36 as amended by Acts of the Sixty-eighth General
37 Assembly, 1979 Session, chapter ninety-two (92),
38 section three (3), and House File two thousand four
39 hundred seventy (2470), section nine (9), and Senate
40 File five hundred (500), section two (2), enacted
41 by the Sixty-eighth General Assembly, 1980 Session,
42 is amended by striking the subsection and inserting
43 in lieu thereof the following:

44 4. "Net income" means the net income of the
45 financial institution computed in accordance with
46 section 422.35, with the exception that interest and
47 dividends from federal securities shall not be
48 subtracted, no federal income taxes paid or accrued
49 shall be subtracted, and notwithstanding the provisions
50 of sections two hundred sixty-two point forty-one

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1 (262.41) and two hundred sixty-two point fifty-one
2 (262.51) or any other provisions of the law, income
3 from obligations of the state and its political
4 subdivisions and any amount of franchise taxes paid
5 or accrued under this division during the taxable
6 year shall be added."
7 4. Amend the title, line 2, by inserting after
8 the word "Code" the words "and Acts of the Sixty-
9 eighth General Assembly, 1979 and 1980 Sessions".

H-5898 FILED
APRIL 3, 1980

BY SHIMANEK of Jones
ANDERSON of Audubon

Adopted 4/11 (p. 1523)

SENATE FILE 2320

H-5783

1 Amend Senate File 2320 as follows:
2 1. Page 14, by striking line 35 through page 15
3 line 3 and inserting in lieu thereof the words
4 "~~considered-a-state-patient, and charges and costs~~
5 ~~for treatment shall be paid for in the manner provided~~
6 ~~for payment for treatment of alcoholics who have no~~
7 legal residence in this state is responsible for
8 reimbursing the facility the actual costs of his or
9 her treatment".

BY TYRRELL of Iowa RENKEN of Grundy
JOHNSON of Howard DeGROOT of Lyon
BRANSTAD of Winnebago MAULSBY of Calhoun
CRABB of Crawford

H-5783 FILED
MARCH 31, 1980

Revised and approved 4/11 (p. 1524)

SENATE FILE 2320

H-5782

1 Amend Senate File 2320 as follows:
2 1. Page 28, by striking line 34 through page 29
3 line 1 and inserting in lieu thereof the words "state,
4 parole shall be denied ~~unless the defendant has served~~
5 ~~at least one-half of the maximum term of his or her sentence~~".

BY TYRRELL of Iowa
RENKEN of Grundy
De GROOT of Lyon
MAULSBY of Calhoun

H-5782 FILED
MARCH 31, 1980

Revised and approved 4/11 (p. 1525)

SENATE CLIP SHEET

APRIL 16, 1980

HOUSE AMENDMENT TO SENATE FILE 2320

S-5731

1 Amend Senate File 2320, as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 4, by inserting after line 29 the follow-
4 ing new section:

5 "Sec. _____. Section one hundred thirty-five point
6 two (135.2), Code 1979, as amended by Acts of the
7 Sixty-eighth General Assembly, 1980 Session, Senate
8 File two thousand three hundred one (2301), section
9 thirty-six (36), is amended to read as follows:

10 135.2 APPOINTMENT. The governor shall appoint
11 to a term of four years commencing and ending as
12 ~~previing~~ provided in section three (3) of this Act,
13 subject to confirmation by the senate, a commissioner
14 of public health who shall be qualified in the general
15 field of health administration. Vacancies shall be
16 filled for the unexpired term in the same manner as
17 regular appointments are made."

18 2. Page 9, line 16, by striking the word "Iowa"
19 and inserting in lieu thereof the words "~~Iowa~~ Eldora".

20 3. Page 9, line 17, by striking the words "for
21 boys, the Iowa training school for girls" and inserting
22 in lieu thereof the words "~~for-boys, the Iowa~~
23 Mitchellville training school for-girls".

24 4. Page 10, by striking line 3 and inserting in
25 lieu thereof the words "director has cause to believe
26 that a prisoner in".

27 5. Page 12, by inserting after line 3 the following
28 new section:

29 "Sec. _____. Section two hundred fifty-eight A point
30 six (258A.6), subsection one (1), Code 1979, is amended
31 to read as follows:

32 1. Disciplinary hearings held pursuant to this
33 chapter shall be heard by the board sitting as the
34 hearing panel, or by a panel of not less than three
35 board members who are licensed in the profession,
36 or by a panel of not less than three members appointed
37 pursuant to subsection 2. Notwithstanding ~~chapter~~
38 chapters seventeen A (17A) and 28A a disciplinary
39 hearing shall be open to the public at the discre-
40 tion of the licensee."

41 6. Page 15, by striking lines 4 through 17.

42 7. Page 19, by inserting after line 17 the
43 following new section:

44 "Sec. _____. Section four hundred twenty-two point
45 sixty-one (422.61), subsection four (4), Code 1979,
46 as amended by Acts of the Sixty-eighth General
47 Assembly, 1979 Session, chapter ninety-two (92),
48 section three (3), and House File two thousand four
49 hundred seventy (2470), section nine (9), and Senate
50 File five hundred (500), section two (2), enacted

S-5731
Page 2

1 by the Sixty-eighth General Assembly, 1980 Session,
2 is amended by striking the subsection and inserting
3 in lieu thereof the following:
4 4. "Net income" means the net income of the
5 financial institution computed in accordance with
6 section 422.35, with the exception that interest and
7 dividends from federal securities shall not be
8 subtracted, no federal income taxes paid or accrued
9 shall be subtracted, and notwithstanding the provisions
10 of sections two hundred sixty-two point forty-one
11 (262.41) and two hundred sixty-two point fifty-one
12 (262.51) or any other provisions of the law, income
13 from obligations of the state and its political
14 subdivisions and any amount of franchise taxes paid
15 or accrued under this division during the taxable
16 year shall be added."
17 8. Amend the title, line 2, by inserting after
18 the word "Code" the words "and Acts of the Sixty-
19 eighth General Assembly, 1979 and 1980 Sessions".

S-5731 FILED
APRIL 15, 1980

RECEIVED FROM THE HOUSE

Senate concurred 4/16 (p. 1496)

SENATE FILE 2320

AN ACT

CORRECTING ERRONEOUS, INCONSISTENT OR OBSOLETE PROVISIONS OF THE 1979 CODE AND ACTS OF THE SIXTY-EIGHTH GENERAL ASSEMBLY, 1979 AND 1980 SESSIONS.

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

Section 1. Section four point one (4.1), subsection six (6), Code 1979, is amended to read as follows:

6. MENTALLY ILL. The words "mentally ill person" include mental retardates, ~~lunatics~~, ~~distracted~~ psychotic persons, severely depressed persons and persons of unsound mind. No A person who is hospitalized or detained for treatment of mental illness shall not be deemed or presumed to be incompetent in the absence of a finding of incompetence made pursuant to section 229.27.

Sec. 2. Section fourteen point ten (14.10), subsection four (4), Code 1979, is amended by striking the subsection and inserting in lieu thereof the following:

4. A list of elective state officers and deputies, supreme court justices and appellate court judges and members of the general assembly shall be published annually with the session laws.

Sec. 3. Chapter fourteen (14), Code 1979, is amended by adding the following new section:

NEW SECTION. STATE ROSTER PAMPHLET. The Code editor shall publish annually in pamphlet form a correct list of state officers and deputies, members of boards and commissions, judges of the supreme, appellate and district courts including district associate judges, judicial magistrates and members of the general assembly. The offices of the governor and secretary of state shall cooperate in the preparation of the list. This pamphlet shall be published as soon after July first as it becomes apparent that it will be reasonably current.

Sec. 4. Section seventeen A point thirteen (17A.13), subsection one (1), Code 1979, is amended to read as follows:

1. Agencies ~~shall~~ have all subpoena powers conferred upon them by their enabling acts or other statutes. In addition, prior to the commencement of a contested case by the notice referred to in section 17A.12, subsection 1, an agency having power to decide ~~such contested~~ cases ~~shall have~~ has authority to subpoena books, papers, records and any other real evidence necessary for the agency to determine whether it should institute ~~such~~ a contested case proceeding. After the commencement of a contested case, each agency having power to decide contested cases ~~shall have~~ has authority to administer oaths and to issue subpoenas in ~~such those~~ cases. Discovery procedures applicable to civil actions ~~shall be~~ are available to all parties in contested cases before an agency. Evidence obtained in ~~such~~ discovery may be used in the hearing before the agency if that evidence would otherwise be admissible in the agency hearing. Agency subpoenas shall be issued to a party on request and shall not be subject to the distance limitation of section ~~622-66~~ six hundred twenty-

two point sixty-eight (622.68) of the Code. On contest, the court shall sustain the subpoena or similar process or demand to the extent that it is found to be in accordance with the law applicable to the issuance of subpoenas or discovery in civil actions. In proceedings for enforcement, the court shall issue an order requiring the appearance of the witness or the production of the evidence or data within a reasonable time under penalty of punishment for contempt in cases of willful failure to comply.

Sec. 5. Section eighteen point ninety-seven (18.97), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The superintendent of printing shall make free distribution of the Code, supplements to the Code, rules of civil procedure, rules of appellate procedure, supreme court rules, the Acts of each general assembly, and, upon request, the Iowa administrative code, its supplements, ~~and the Iowa administrative bulletin and the state roster pamphlet~~ as follows:

Sec. 6. Section twenty-four point thirty-seven (24.37), subsection eight (8), Code 1979, is amended to read as follows:

8. The tax levy for the purpose of maintaining a county or multicounty juvenile home authorized pursuant to section ~~232.22~~ two hundred thirty-two point one hundred forty-two (232.142) of the Code.

Sec. 7. Section sixty-four point eight (64.8), Code 1979, is amended to read as follows:

64.8 BONDS OF COUNTY OFFICERS. The bonds of ~~the following county officers, viz., clerks~~ members of the boards of supervisors, clerks of the district courts, county attorneys, recorders, auditors, sheriffs and assessors shall each be in a penal sum of not less than ten thousand dollars each per annum.

Sec. 8. Section eighty-five point twenty-seven (85.27), unnumbered paragraph one (1), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter

thirty-one (31), section one (1), and as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-one (31), section two (2), is amended to read as follows:

The employer, for all injuries compensable under this chapter or chapter 85A, shall furnish reasonable surgical, medical, dental, osteopathic, chiropractic, ~~pediatric~~ podiatric, physical rehabilitation, nursing, ambulance and hospital services and supplies therefor and shall allow reasonably necessary transportation expenses incurred for such services. The employer shall also furnish reasonable and necessary crutches, artificial members and appliances but shall not be required to furnish more than one set of permanent prosthetic devices.

Sec. 9. Section ninety-three point seven (93.7), subsection ten (10), Code 1979, 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 administrative rules review committee, a public hearing shall be held in regard to the rule, and members of the administrative rules review committee shall be notified of the hearing as required in section 17A.4, subsection 1.~~ 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~~ chapter seventeen A (17A) of the Code, however, agency rules for implementation of the governor's proclamation are subject to the requirements of chapter seventeen A (17A) of the Code.

Sec. 10. Section ninety-seven B point seventy (97B.70), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

Interest at two percent per annum and interest dividends declared by the department shall be credited to the member's contributions and the employer's ~~matching~~ contributions to become part of the accumulated contributions thereby.

Sec. 11. Section ninety-nine point one (99.1), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

The provisions of this section ~~shall do~~ not apply to games of skill, games of chance, or raffles conducted pursuant to chapter 99B or to devices lawful under section 99B.10 ~~or to games-lawful-under-section-726-12.~~

Sec. 12. Section one hundred twenty-seven point six (127.6), Code 1979, is amended to read as follows:

127.6 INFORMATION. The officer shall at once file an information against the accused before ~~some-court-of-the-county-other-than~~ the district court. In addition to the information, the officer shall also file with the ~~said~~ court a written return or statement setting forth a brief description of the conveyance, liquors, and vessels seized.

Sec. 13. Section one hundred thirty-five point two (135.2), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1980 Session, Senate File two thousand three hundred one (2301), section thirty-six (36), is amended to read as follows:

135.2 APPOINTMENT. The governor shall appoint to a term of four years commencing and ending as provided provided in section three (3) of this Act, subject to confirmation by the senate, a commissioner of public health who shall be qualified in the general field of health administration. Vacancies shall be filled for the unexpired term in the same manner as regular appointments are made.

Sec. 14. Section one hundred thirty-five C point twenty-five (135C.25), Code 1979, is amended to read as follows:

135C.25 CARE REVIEW COMMITTEE--APPOINTMENT--DUTIES.

1. Each health care facility shall have a care review committee whose members shall be appointed as follows:

a. By the ~~areawide-health-planning-council-recognized-as-such-by-this-state-acting-through-the-office-for-comprehensive-health-planning-in-the-office-for-planning-and-programming~~ commission on aging; or

b. If the ~~appropriate-areawide-health-planning-council~~ commission on aging has failed to make any appointment necessary under this subsection within thirty days after being notified of a vacancy by the administrator of the facility involved, by the commissioner; or

c. If the commissioner has failed to act within thirty days after being notified by the administrator of the facility involved of a vacancy which has not been filled by the ~~appropriate-areawide-health-planning-council~~ commission on aging within the time prescribed by this subsection, the appointment may be made by the administrator.

2. The care review committee shall periodically review the needs of each individual resident of the facility, and shall perform the functions delegated to it by section 135C.38. The responsibilities of the care review committee shall be in accordance with rules of the department, which shall in formulating such rules give consideration to the needs of residents of each license category of health care facility and the services facilities of each category are authorized to render.

Sec. 15. Section one hundred eighty-eight point forty-eight (188.48), subsection five (5), Code 1979, is amended to read as follows:

5. For posting notices and selling animals, the same fees as are allowed ~~constables~~ peace officers for like services upon execution.

Sec. 16. Section one hundred eighty-eight point fifty (188.50), Code 1979, is amended to read as follows:

188.50 DISABLED ANIMALS KILLED. ~~The-sheriff-constable~~ A peace officer, officer of any society for the prevention of cruelty to animals, or any magistrate, shall destroy any stray animal disabled and unfit for further use.

Sec. 17. Section two hundred six point nineteen (206.19), Code 1979, is amended to read as follows:

206.19 RULES ADOPTED. The rules promulgated under the ~~provisions-of~~ this chapter shall not be effective until

approved by the chemical technology commission of the department of environmental quality and submitted to the ~~departmental~~ administrative rules review committee as provided in chapter 17A.

Sec. 18. Section two hundred twenty point eighteen (220.18), subsection two (2), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The authority may make or participate in the making of property improvement loans or mortgage loans for rehabilitation or preservation of existing dwellings for the use of low or moderate income families, elderly families or families which include one or more persons who are handicapped or disabled. A rehabilitation or preservation loan may be for the estimated cost of the rehabilitation work to be done, for the purpose of refinancing an existing mortgage loan, for the purpose of doing the rehabilitation work, or for the purpose of acquiring housing in which rehabilitation work is to be done. The rehabilitation or preservation loan shall not exceed, with all other existing indebtedness of the property, the estimated market value of the property as determined by the authority, after the rehabilitation or preservation is completed, and the term of a loan shall not exceed the estimated useful life of the property as determined by the authority, after rehabilitation or preservation. The proposed rehabilitation or preservation shall assure that the property will not contain any substantial violation of applicable housing codes. A rehabilitation or preservation loan under this subsection may be made only when the authority determines that the proposed mortgagor is unable to obtain the necessary financing from other sources upon terms and conditions which the proposed mortgagor reasonably could be expected to fulfill. A rehabilitation or preservation loan under this subsection may be provided only within an area of a city for which an authorized city agency submits a satisfactory affirmative neighborhood preservation program, or in other areas within or outside of cities where the authority determines that

rehabilitation or preservation is economically sound and a program of neighborhood preservation is ~~inappropriate~~ appropriate. The following criteria, along with others reasonably related to the purposes of this chapter, which may be determined by the authority, shall be considered in determining whether an affirmative neighborhood preservation program is satisfactory:

Sec. 19. Section two hundred twenty-nine point twenty-seven (229.27), subsection one (1), Code 1979, is amended to read as follows:

1. Hospitalization of any a person under this chapter, either voluntarily or involuntarily, ~~shall~~ does not be deemed ~~to~~ constitute a finding of ~~ex-te~~ nor equate with nor raise a presumption of incompetency, ~~ex-te~~ nor cause the person so hospitalized to be deemed ~~a-tunatic~~, a person of unsound mind, ~~or~~ nor a person under legal disability for any purpose including but not limited to any circumstances to which sections 447.7, 472.15, 545.2, subsection 13, 545.11, subsection 7, 545.36, 567.7, 595.3, 597.6, 598.29, 614.8, 614.19, 614.22, 614.24, 614.27, 622.6, 633.244, 633.266, subsection 4, and 675.21 are applicable.

Sec. 20. Section two hundred twenty-nine point thirty-nine (229.39), subsection two (2), Code 1979, is amended to read as follows:

2. Hospitalization of any a person for treatment of mental illness, either voluntary or involuntary, on or before December 31, 1975 ~~shall~~ does not be deemed-to constitute a finding of ~~ex-te~~ nor equate with nor raise a presumption of incompetency, ~~ex-te~~ nor cause the person ~~who-was-so~~ hospitalized to be deemed ~~a-tunatic~~, a person of unsound mind, ~~or~~ nor a person under legal disability for any purpose, including but not limited to the circumstances enumerated in section 229.27, subsection 1. ~~Nothing-in-this~~ This subsection ~~shall-be-constructed-to~~ does not invalidate any specific declaration of incompetence of a person ~~who-was-so~~ hospitalized if the declaration was made pursuant to a separate

procedure authorized by law for that purpose, and did not result automatically from the person's hospitalization.

Sec. 21. Section two hundred thirty point twenty (230.20), subsection five (5), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fifty-five (55), section one (1), is amended to read as follows:

5. An individual statement shall be prepared for any patient on or before the fifteenth day of the month next succeeding the month in which that patient leaves the hospital, and a general statement shall be prepared at least quarterly for each county to which charges are made under this section. Except as otherwise required by sections ~~224A-2 and 224A-3~~ one hundred twenty-five point thirty-three (125.33) and one hundred twenty-five point thirty-four (125.34) of the Code, the general statement shall list the name of each patient chargeable to that county who was served by the hospital during the preceding month or calendar quarter and the amount due on account of each patient, and the county shall be billed for one hundred percent of the stated charge for each patient, unless otherwise specified in the current appropriation for support of the state hospitals. The statement prepared for each county shall be certified by the superintendent of the hospital to the state comptroller and a duplicate statement shall be mailed to the auditor of that county.

Sec. 22. Section two hundred thirty-two point twenty- (232.22), subsection one (1), paragraph c, Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fifty-six (56), section four (4), is amended to read as follows:

c. There is probable cause to believe that the child has violated conditions of release imposed under section 232.54 and or 232.44, subsection 5, paragraph b and there is a substantial probability that the child will run away or otherwise be unavailable for subsequent court appearance; or

Sec. 23. Section two hundred thirty-two point fifty-two (232.52), subsection two (2), paragraph e, Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fifty-six (56), section nine (9), is amended to read as follows:

e. An order transferring the guardianship of the child, subject to the continuing jurisdiction of the court for the purposes of section 232.54, to the commissioner of the department of social services for purposes of placement in ~~the Iowa juvenile home at Toledo, the Iowa Eldora training school for boys, the Iowa Mitchellville training school for girls, or other facility provided that:~~

Sec. 24. Section two hundred thirty-two point one hundred twenty-seven (232.127), subsection eight (8), Code 1979, is amended to read as follows:

8. A child ~~is~~ found in contempt of court because of violation of conditions imposed under this section shall not be considered delinquent. Such a contempt may be punished by imposition of a work assignment or assignments to benefit the state or a governmental subdivision of the state. In addition to or in lieu of such an assignment or assignments, the court may impose one of the dispositions set out in sections 232.100 to 232.102.

Sec. 25. Section two hundred forty-four point fifteen (244.15), Code 1979, is amended to read as follows:

244.15 JUVENILE DELINQUENTS NOT PLACED. Juveniles adjudicated to have committed a delinquent act shall not be placed at the state juvenile home at Toledo.

Sec. 26. Section two hundred forty-six point sixteen (246.16), Code 1979, is amended to read as follows:

246.16 TRANSFER OF MENTALLY ILL. When the ~~said~~ state director has cause to believe that a prisoner in the penitentiary or reformatory is mentally ill, the department may cause ~~such~~ that prisoner to be transferred to the Iowa security medical facility for examination, diagnosis, or treatment. The prisoner shall be confined at ~~such~~ that

institution or a state hospital for the mentally ill until the expiration of ~~his~~ the prisoner's sentence or until ~~he~~ the prisoner is pronounced in good mental health. If the prisoner is pronounced in good mental health before the expiration of his or her sentence, ~~he~~ the prisoner shall be returned to the penitentiary or reformatory until the expiration of ~~his~~ the prisoner's sentence. The provisions of the Code applicable to an inmate at the correctional institution from which transferred shall remain applicable during the inmate's stay at the Iowa security medical facility. However, ~~sections 246.32 and 246.33 shall apply~~ applies to the total inmate population, including both convicts and patients.

Sec. 27. Section two hundred forty-six point forty-five (246.45), Code 1979, is amended to read as follows:

246.45 APPLICABILITY TO OTHER INSTITUTIONS. The provisions of sections 246.33, 246.38, 246.39, 246.41, 246.42, and 246.43 ~~shall~~ also apply to the inmates at the women's reformatory and the Iowa security medical facility.

Sec. 28. Section two hundred forty-nine B point eight (249B.8), Code 1979, is amended to read as follows:

249B.8 AREA AGENCIES. The commission on aging may establish area agencies on aging for the planning and service areas developed by the office for planning and programming pursuant to the "Older Americans Comprehensive Services Amendments of 1973", United States Public Law 93--29, section 304. An area agency may be merged with a contiguous planning and service area but not without the approval of each policy making body which is a party to the merger. Merged planning and service areas forming one area agency shall be governed by only one policy making body. ~~Funds appropriated pursuant to this Act shall be allocated to each planning and service area for which an area agency has been designated by the end of the funding period, and shall be available for both program maintenance of effort and administrative expenditures.~~

Sec. 29. Section two hundred fifty-eight A point one (258A.1), subsection one (1), paragraph w, Code 1979, is amended to read as follows:

w. The board of veterinary ~~medical-examiners~~ medicine, created pursuant to chapter 169.

Sec. 30. Section two hundred fifty-eight A point three (258A.3), subsection two (2), paragraph a, Code 1979, is amended to read as follows:

a. Revoke a license, or suspend a license either until further order of the board or for a specified period, upon the grounds specified in sections 114.21, 115.8, 116.21, 117.29, 118.13, 118A.15, 120.10, 147.55, 153.34, 154A.24, ~~169.36~~ one hundred sixty-nine point thirteen (169.13), 455B.59 and chapters 135E and 151 or upon any other grounds specifically provided for in this chapter for revocation of the license of a licensee subject to the jurisdiction of that board, or upon failure of the licensee to comply with a decision of the board imposing licensee discipline;

Sec. 31. Section two hundred fifty-eight A point four (258A.4), subsection one (1), paragraph f, Code 1979, is amended to read as follows:

f. Define by rule acts or omissions which are grounds for revocation or suspension of a license under the provisions of sections 114.21, 115.8, 116.21, 117.29, 118.13, 118A.15, 120.10, 147.55, 153.34, 154A.24, ~~169.36~~ one hundred sixty-nine point thirteen (169.13) and 455B.49 and chapters 135E and 151, and to define by rule acts or omissions which constitute negligence, careless acts or omissions within the meaning of section 258A.3, subsection 2, paragraph "b", which licensees are required to report to the board pursuant to section 258A.9, subsection 2;

Sec. 32. Section two hundred fifty-eight A point six (258A.6), subsection one (1), Code 1979, is amended to read as follows:

1. Disciplinary hearings held pursuant to this chapter shall be heard by the board sitting as the hearing panel,

or by a panel of not less than three board members who are licensed in the profession, or by a panel of not less than three members appointed pursuant to subsection 2. Notwithstanding ~~chapter~~ chapters seventeen A (17A) and 28A a disciplinary hearing shall be open to the public at the discretion of the licensee.

Sec. 33. Section two hundred sixty point nine (260.9), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fifty-eight (58), sections four (4) and five (5), is amended by striking the section and inserting in lieu thereof the following:

260.9 AREA EDUCATION AGENCY ADMINISTRATOR'S CERTIFICATE. The board of educational examiners shall establish a certificate for area education agency administrators. The area education agency administrator's certificate shall be issued to an applicant who has met either of the requirements in two of the four following subsections:

1. Five years' experience in higher education administration at a two or four-year college or university which is accredited by the north central association of colleges and secondary schools accrediting agency or which has been certified by the north central association of colleges and secondary schools accrediting agency as a candidate for accreditation by that agency or as a school giving satisfactory assurance that it has the potential for accreditation and is making progress which, if continued, will result in its achieving accreditation by that agency within a reasonable time; or an earned doctorate in higher education administration.

2. Five years' experience in special education administration; or an earned doctorate in special education or any subspecialty of special education.

3. Five years' experience in primary or secondary school education; or an earned doctorate in educational administration for the primary or secondary level; and five years' teaching experience at any educational level.

4. Five years' experience in business or other nonacademic career pursuit; or an earned doctorate in public administration or business administration.

A person shall not be issued a temporary or emergency certificate for more than one year; and an education agency shall not employ uncertificated administrators, or employ temporary or emergency certificated administrators for more than two consecutive years.

The provisions of this section relating to the certification of an area education agency administrator do not apply to persons holding a superintendent's certificate prior to July 1, 1975.

Sec. 34. Section two hundred seventy-three point three (273.3), subsection ten (10), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter sixty (60), section one (1), is amended to read as follows:

10. In any county operating a juvenile home, upon request of the county board of supervisors, provide suitable curriculum, teaching staff, books, supplies, and other necessary materials for the instruction of children of school age who are maintained in the juvenile home of the county, as provided in section ~~232.21~~ two hundred thirty-two point one hundred forty-two (232.142) of the Code. Reimbursement for the cost of instruction provided under this section shall be made pursuant to section 273.11.

Sec. 35. Section two hundred eighty A point eighteen (280A.18), subsection three (3), Code 1979, is amended to read as follows:

3. Tuition in accordance with section 280A.23, subsection ~~2~~ two (2) of the Code.

Sec. 36. Section three hundred four point seventeen (304.17), Code 1979, is amended to read as follows:

304.17 EXEMPTION--DUTY OF BOARD OF REGENTS. The ~~highway~~ division-of-the state department of transportation and the agencies and institutions under the control of the state board

of regents ~~shall be~~ are exempt from the records management manual and the provisions of this chapter. However, the state ~~highway division~~ department of transportation and the state board of regents shall adopt rules for their employees, agencies, and institutions which ~~shall be~~ are consistent with the objectives of this chapter. The rules shall be approved by the state records commission and be subject to the provisions of chapter 17A.

Sec. 37. Section three hundred twenty-one point nine-teen (321.19), subsection two (2), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

"Urban transit company" means any person, firm, corporation, company, or municipality which operates buses or trolley cars or both, primarily upon the streets of cities over well-defined routes between certain termini, for the transportation of passengers for a uniform fare, and which accepts for passengers all who present themselves for transportation without discrimination up to the limit of the capacity of each vehicle. Included are street railways, plants, equipment, property, and rights, used and useful in the transportation of passengers. Motor carriers and interurbans subject to the jurisdiction of the state ~~commerce-commission~~ department of transportation, and taxicabs, are not included.

Sec. 38. Section three hundred twenty-one point two hundred eighty-three (321.283), subsection three (3), Code 1979, is amended to read as follows:

3. REFERRED ON CONVICTION. After any conviction for operating a motor vehicle while under the influence of an alcoholic beverage under section 321.281, the court may refer the defendant for treatment at a facility as defined in sections 125.1 to 125.43 and designated by the ~~division-on-alcoholism~~ department of substance abuse. The court may prescribe the length of time for treatment or it may be left to the discretion of the facility to which the defendant was referred. A person referred under this section ~~shall be~~ considered is a state patient, and charges and costs for

treatment shall be paid for in the manner provided for payment for treatment of alcoholics who have no legal residence in this state.

Sec. 39. Section three hundred twenty-four point seventy-six (324.76), unnumbered paragraph three (3), Code 1979, is amended to read as follows:

It is hereby made the duty of ~~all sheriffs, deputy sheriffs, constables, and all other~~ peace officers to see that the provisions of this chapter are not violated, and to respond to the call of the department of revenue and state department of transportation to make investigations in their respective counties and report to the department of revenue and state department of transportation ~~and said~~ Peace officers are authorized to stop a conveyance suspected to be illegally transporting motor fuel on the highways, and to investigate the cargo for that purpose and to seize and impound ~~said the~~ cargo and conveyance ~~where~~ when it appears that ~~said the~~ conveyance is being operated in violation of the provisions of this chapter.

Sec. 40. Section three hundred twenty-five point eleven (325.11), Code 1979, is amended to read as follows:

325.11 RULES OF PROCEDURE. The ~~commission board~~ shall adopt rules governing the procedure to be followed in the filing of applications and in the conduct of hearings.

Sec. 41. Section three hundred thirty-six B point two (336B.2), Code 1979, is amended to read as follows:

336B.2 FINANCIAL STATEMENT. Before an attorney is appointed under the provisions of sections 68.8, ~~145+17,~~ ~~145+19,~~ 222.22, chapter 232, or rule 8, rules of criminal procedure, or to represent any person charged with a crime in this state, the court shall require the client, or his or her parent, guardian, or custodian to complete under oath a detailed financial statement.

Sec. 42. Section three hundred twenty-seven G point one (327G.1), Code 1979, is amended to read as follows:

327G.1 DEFINITION. As used in this division, unless the context otherwise requires, ~~the term~~ "department" means the state department of transportation and "board" means the transportation regulation board.

Sec. 43. Section three hundred thirty-seven point ten (337.10), Code 1979, is amended to read as follows:

337.10 SUCCESSOR MAY EXECUTE PROCESS. If the sheriff ~~dies or goes out of~~ leaves office before the return of any process then in ~~his hands~~ the sheriff's possession, ~~his~~ the sheriff's successor, or other officer authorized to discharge the duties of the office, may proceed to execute and return the ~~same process~~ in the same manner as the outgoing sheriff should have done, ~~but nothing in this~~. This section shall be construed to does not exempt the outgoing sheriff and his deputies from the duty imposed on them to execute and return all process in their ~~hands~~ possession at the time the vacancy in the office of sheriff occurs.

Sec. 44. Section three hundred fifty-six A point one (356A.1), Code 1979, is amended to read as follows:

356A.1 COUNTY SUPERVISORS MAY ACT--COUNTY HALF-WAY HOUSES. A county board of supervisors may, by majority vote, establish and maintain by lease, purchase, or contract with a public or private nonprofit agency or corporation ~~to establish and maintain~~, facilities where persons may be detained or confined pursuant to a court order as provided in section 356.1. ~~Such~~ The facilities may be in lieu of or in addition to the county jail ~~required in section 356.37~~. The board shall establish rules and regulations for the operation of each ~~such~~ facility. Any a person detained or confined to such a facility shall be required to do all cleaning, upkeep, maintenance, minor repairs, and anything else necessary to properly maintain, operate, and preserve ~~such~~ the facility. The sheriff shall not have charge or custody of any a person detained or confined in such facility or transferred thereto. Such facility need not contain any cells, cell blocks, or bars, if it is not necessary for the protection of the public, as determined by the board.

Sec. 45. Section three hundred fifty-six A point seven (356A.7), Code 1979, is amended to read as follows:

356A.7 CONTRACT WITH ANOTHER COUNTY. A county board of supervisors may further contract with another county or a city maintaining a jail meeting the ~~requirements of sections 356.37 to 356.47~~ minimum standards for the regulation of jails established pursuant to Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fifty-three (53), section four (4) for detention and commitment of persons pursuant to section 356.1. Any a person detained or confined ~~therein~~ in the jail shall be in the charge of and ~~in the~~ custody of the governmental unit maintaining the jail. The cost of detention and confinement shall be levied and paid by the city or from the court expense fund of the county to which the cause originally belonged pursuant to section 444.10.

Sec. 46. Section four hundred twenty-two point twelve (422.12), unnumbered paragraph two (2), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter ninety-three (93), section six (6), is amended by striking the unnumbered paragraph.

Sec. 47. Section four hundred twenty-two point twelve (422.12), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter ninety-three (93), section six (6), is amended by adding the following new subsection:

NEW SUBSECTION. For the purpose of this section, the determination of whether an individual is married shall be made as of the close of the individual's tax year unless the individual's spouse dies during the individual's tax year, in which case the determination shall be made as of the date of the spouse's death. An individual legally separated from his or her spouse under a decree of divorce or of separate maintenance shall not be considered married.

Sec. 48. Section four hundred twenty-two point five (422.5), unnumbered paragraph six (6), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session,

chapter ninety-three (93), section three (3), is amended to read as follows:

A person who is disabled or is sixty-two years of age or older and receives an annuity or annuities from the United States civil service retirement and disability trust fund, and whose net income, as defined in section 422.7, is sufficient to require that the tax be imposed upon it under this section, may determine final taxable income for purposes of imposition of the tax by excluding the amount of an annuity or annuities received from the United States civil service retirement and disability trust fund, which are not already excluded in determining net income, as defined in section 422.7, up to a maximum each tax year of five thousand five hundred dollars for a person who files a separate state income tax return and eight thousand dollars total for a husband and wife who file a joint state income tax return. The amount of the exemption shall be reduced by the amount of any social security benefits received. For the purpose of this section, the amount of an annuity or annuities received from the United States civil service retirement and disability trust fund taxable under the Internal Revenue Code of 1954 shall be included in net income for purposes of determining eligibility under the ~~four~~ five thousand dollar or less exclusion.

Sec. 49. Section four hundred twenty-two point thirty-four (422.34), subsection one (1), Code 1979, is amended to read as follows:

1. All state banks, as defined in section 524.103, and all national and private banks, credit unions, title insurance and trust companies, building and loan associations, production credit associations, ~~corporations-operating-under-the provisions-of-chapter-501~~, insurance companies or insurance associations, reciprocal or inter-insurance exchanges, fraternal beneficiary associations, now or hereafter organized or incorporated by or under the laws of this state or lawfully operating in the state.

Sec. 50. Section four hundred twenty-two point sixty-one (422.61), subsection four (4), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter ninety-two (92), section three (3), and House File two thousand four hundred seventy (2470), section nine (9), and Senate File five hundred (500), section two (2), enacted by the Sixty-eighth General Assembly, 1980 Session, is amended by striking the subsection and inserting in lieu thereof the following:

4. "Net income" means the net income of the financial institution computed in accordance with section 422.35, with the exception that interest and dividends from federal securities shall not be subtracted, no federal income taxes paid or accrued shall be subtracted, and notwithstanding the provisions of sections two hundred sixty-two point forty-one (262.41) and two hundred sixty-two point fifty-one (262.51) or any other provisions of the law, income from obligations of the state and its political subdivisions and any amount of franchise taxes paid or accrued under this division during the taxable year shall be added.

Sec. 51. Section four hundred twenty-two point seventy-two (422.72), subsection one (1), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter ninety-four (94), section two (2), is amended to read as follows:

1. It ~~shall-be~~ is unlawful for the director, or any person having an administrative duty under this chapter, or any present or former officer or other employee of the state authorized by the director to examine returns, to divulge ~~or-to-make-known~~ in any manner whatever, the business affairs, operations, or information obtained by an investigation under this chapter of records and equipment of any person ~~or corporation~~ visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular thereof, set forth or disclosed in any return, or to permit any return or copy ~~thereof~~ of

a return or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law. However, the director may authorize examination of ~~such~~ state returns and other state information which is ~~confidential-under-this-section~~ confidential under this section, if a reciprocal arrangement exists, by tax officers of another state or the federal government. The director may, by rules adopted pursuant to chapter 17A, authorize examination of state information and returns by other officers or employees of this state to the extent required by their official duties and responsibilities. Disclosure of state information to tax officers of another state ~~shall be~~ is limited to ~~these~~ disclosures which have a tax administrative purpose and only to officers of those states which have laws that are as strict as the laws of this state protecting the confidentiality of ~~such~~ returns and information. The director shall place upon the state tax form a notice to the taxpayer that state tax information may be disclosed to tax officials of another state or of the United States for tax administrative purposes. The department shall not authorize the examination of tax information by officers and employees of this state, another state, or of the United States if the officers or employees would otherwise be required to obtain a judicial order to examine the information if it were to be obtained from another source, and if the purpose of the examination is other than for tax administration. ~~Nothing-in-this~~ This subsection ~~shall~~ does not prevent the department from authorizing the examination of state returns and state information ~~when-provided~~ under the provisions of section 252B.9. This subsection ~~shall-prevail~~ prevails over the ~~provisions-of~~ any general law of this state relating to public records.

Sec. 52. Section four hundred twenty-three point two (423.2), Code 1979, is amended to read as follows:

423.2 IMPOSITION OF TAX. An excise tax is hereby imposed on the use in this state of tangible personal property

purchased for use in this state, at the rate of three percent of the purchase price of ~~such~~ the property. Said ~~The~~ excise tax is hereby imposed upon every person using ~~such~~ the property within this state until ~~such~~ the tax has been paid directly to the county treasurer or ~~the~~ state department of ~~public~~ safety ~~transportation~~, to a retailer, or to the department as hereinafter provided. An excise tax is hereby imposed on the use in this state of services enumerated in section 422.43 at the rate of three percent. ~~Said~~ This tax ~~shall~~ be ~~is~~ applicable where services are rendered, furnished, or performed in this state or where the product or result of ~~such~~ the service is used in this state. ~~Such~~ This tax is imposed on every person using ~~such~~ the services or the product of ~~such~~ the services in this state until ~~such~~ the user has paid ~~such~~ the tax either to an Iowa use tax permit holder or has paid ~~such~~ the tax to the department of revenue.

Sec. 53. Section four hundred twenty-three point six (423.6), subsection one (1), Code 1979, is amended to read as follows:

1. The tax upon the use of all vehicles subject to registration shall be collected by the county treasurer ~~who~~ shall retain twenty-five cents from each tax payment collected for use and benefit of the county general fund or the state department of ~~public~~ safety ~~transportation~~ pursuant to the provisions of section 423.7. The county treasurer shall retain twenty-five cents from each tax payment collected, to be credited to the county general fund.

Sec. 54. Section four hundred twenty-three point seven (423.7), Code 1979, is amended to read as follows:

423.7 VEHICLES SUBJECT TO REGISTRATION. The tax hereby imposed upon the use of vehicles subject to registration shall be paid by the owner ~~thereof~~ of the vehicle to the county treasurer or ~~the~~ state department of ~~public~~ safety ~~transportation~~ from whom the registration receipt is obtained. ~~He~~ A registration receipt for ~~any~~ a vehicle subject to registration shall ~~not~~ be issued until ~~each~~ the tax has been

so paid. The county treasurer or the state department of public-safety transportation shall require every applicant for a registration receipt for any a vehicle subject to registration to supply such information as he the county treasurer or the director may-deem deems necessary as to the time of purchase, the purchase price, and other information relative to the purchase of said the vehicle subject to registration. On or before the tenth day of each month the county treasurer or the state department of public-safety transportation shall remit to the department the amount of the taxes so collected during the preceding month, accompanied by a copy of each registration receipt issued in conjunction with the certificate of title issued for each vehicle subject to registration.

Sec. 55. Section four hundred twenty-five point seventeen (425.17), subsection four (4), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter forty-three (43), section three (3), is amended to read as follows:

4. "Homestead" means the dwelling owned or rented and actually used as a home by the claimant during all or part of the base year, and so much of the land surrounding it, not exceeding one acre, as is reasonably necessary for use of the dwelling as a home, and may consist of a part of a multidwelling or multipurpose building and a part of the land upon which it is built. It does not include personal property except that a mobile home may be a homestead. Any dwelling or a part of a multidwelling or multipurpose building which is exempt from taxation shall does not qualify as a homestead under the-provisions-of this division. A homestead must be located in this state.

Sec. 56. Section four hundred forty-seven point seven (447.7), Code 1979, is amended to read as follows:

447.7 MINORS AND LUNATICS PERSONS OF UNSOUND MIND. If real property of any a minor, ~~lunatic~~, or person of unsound mind is sold for taxes, it may be redeemed at any time within

one year after ~~such~~ the disability is removed, in the manner specified in section 447.8, or redemption may be made by the guardian or legal representative under sections 447.1 to 447.3 at any time before the delivery of the deed.

Sec. 57. Section four hundred fifty-five C point four (455C.4), subsection one (1), Code 1979, is amended to read as follows:

1. Except as provided in section 455C.5, subsection 2 three (3), a dealer, a person operating a redemption center, a distributor or a manufacturer may refuse to accept any empty beverage container which does not have stated on it a refund value as provided under section 455C.2.

Sec. 58. Section four hundred fifty-five C point six (455C.6), subsection five (5), Code 1979, is amended to read as follows:

5. All approved redemption centers shall meet applicable health standards.

Sec. 59. Section four hundred ninety-one point one hundred fourteen (491.114), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

~~Anything Notwithstanding anything~~ contained in this chapter and chapters 492, 501, and 502 ~~to the contrary not~~ ~~withstanding~~, any a corporation organized under the laws of the state of Iowa having assets of the value of one million dollars or more, the articles of ~~the corporation of~~ which provide that no an individual may not vote more than one share of the common voting shares of stock of ~~said the~~ corporation, ~~the articles of incorporation of and~~ which give to children of the ~~owner or~~ owners of shares of the common voting stock of ~~such corporations~~ the right to purchase one common voting share of stock ~~therein in the corporation~~ upon attaining majority or within a fixed period thereafter, ~~and the articles of incorporation of~~ which ~~whether now in effect or hereafter adopted~~ authorize the issuance, sale and delivery of not to exceed one share of ~~said the~~ common voting stock to any one individual, ~~shall have the power to~~ may issue, sell and

deliver its shares of common voting stock, whether held by it as treasury stock or whether issued as an original issue, for the following considerations and upon the following terms and conditions, and with the following limitations:

Sec. 60. Section five hundred two point two hundred three (502.203), subsection nine (9), paragraph a, unnumbered paragraph one (1), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred twenty (120), section eight (8), and as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred twenty (120), sections seven (7), nine (9) and ten (10), is amended to read as follows:

The sale, as part of a single issue, of securities other than fractional undivided interests in oil, gas or other mineral leases, rights or royalties, and interests in a limited or general partnership organized under the laws of or having its principal place of business in a foreign jurisdiction, except as ~~may be~~ permitted by the ~~administration~~ administrator by rule or by order, by the issuer thereof within any period of twelve consecutive months to not more than thirty-five purchasers in this state, exclusive of purchases by bona fide institutional investors for their own account for investment, provided that the issuer reasonably believes that all the buyers in this state are purchasing for investment, and that both of the following are complied with:

Sec. 61. Section five hundred two point two hundred three (502.203), subsection thirteen (13), paragraph a, unnumbered paragraph one (1), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred twenty (120), section ten (10), and as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred twenty (120), sections seven (7), eight (8) and nine (9), is amended to read as follows:

a. A party to such transaction files proxy or informational materials pursuant to subsection "a" of section 14, or subsection "c" of section 14 of the Securities Exchange

Act of 1934, or pursuant to section 20 of the Investment Company Act of 1940, provided that such materials are, at least ten days prior to the meeting of security holders called for the purpose of approving such ~~transactions~~ transaction:

Sec. 62. Section five hundred three point two (503.2), unnumbered paragraph one (1), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred twenty-one (121), section one (1), and as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred twenty-one (121), section two (2), is amended to read as follows:

The term "association" when used in this chapter ~~shall mean~~ means any person, ~~firm, company, partnership, association, or corporation~~ other than building and loan associations, state and national banks, insurance companies and associations, and corporations and co-operative associations subject to the provisions of chapters 497, and 498 ~~and~~ 501, which sell or offer for sale to the public generally memberships or certificates of membership entitling the holder ~~thereof~~ to purchase merchandise, materials, equipment or services on a discount or cost-plus basis.

Sec. 63. Section five hundred twelve point fifty-nine (512.59), Code 1979, is amended to read as follows:

512.59 GENERAL REGULATIONS. A society ~~shall have~~ has full power to provide for means of enforcing payment of contributions, designation and change of beneficiaries, which beneficiary shall be the child ~~itself~~ or a person qualified to make application ~~therefor~~ for the child as provided in section 512.56, and in all other respects for the regulation, government, and control of such certificates and all rights, obligations, and liabilities incident thereto and connected therewith, not at variance with the provisions of this and ~~sections~~ section 512.56 ~~to~~ 512.59.

Sec. 64. Section five hundred twenty-four point eight hundred five (524.805), subsection two (2), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979

Session, chapter one hundred twenty-eight (128), section fourteen (14), is amended to read as follows:

2. However, interest paid on a demand account shall not exceed ~~a rate which exceeds~~ the maximum interest rate which Iowa state banks insured by the federal deposit insurance corporation are permitted by federal law to pay on insured passbook savings accounts.

Sec. 65. Section five hundred sixty-two A point twelve (562A.12), subsection three (3), paragraph a, Code 1979, is amended to read as follows:

a. To remedy a tenant's default in the payment of rent or of other ~~refunds~~ funds due to the landlord pursuant to the rental agreement.

Sec. 66. Section six hundred twenty-two point four (622.4), Code 1979, is amended to read as follows:

622.4 TRANSACTION WITH PERSON SINCE DECEASED OR MENTALLY ILL. No A party to any an action or proceeding, ~~nor any of~~ a person interested in ~~the event thereof, nor any an action or proceeding,~~ or a person from, through, or under whom any ~~such~~ a party or interested person derives any interest or title by assignment or otherwise, and ~~no a~~ husband or wife of ~~any said a~~ party or person, shall not be examined as a witness in regard to any personal transaction or communication between ~~such the~~ witness and a person who, at the commencement of ~~such the~~ examination, is deceased, or mentally ill, ~~or lunatic in a case~~ against the executor, administrator, heir at law, next of kin, assignee, legatee, devisee, or survivor of ~~such the~~ deceased person, or the assignee or guardian of ~~such insane the~~ mentally ill person ~~or lunatic~~.

Sec. 67. Section six hundred twenty-two point five (622.5), Code 1979, is amended to read as follows:

622.5 EXCEPTIONS. This prohibition ~~shall~~ does not extend to any a transaction or communication as to which any such executor, administrator, heir at law, next of kin, assignee, legatee, devisee, survivor, or guardian ~~shall be~~ is examined on his or her own behalf, or as to which the testimony of

~~such the~~ deceased or mentally ill person ~~or lunatic shall~~ be is given in evidence.

Sec. 68. Section eight hundred three point three (803.3), subsection five (5), Code 1979, is amended to read as follows:

5. If the offense is a traffic offense, or a scheduled offense under section ~~753-15~~ eight hundred five point eight [~~805.8~~], section 805.13 shall apply.

Sec. 69. Section eight hundred five point eight (805.8), subsection two (2), paragraphs c, d, g, and h, Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred forty-nine (149), sections one (1) and two (2), are amended to read as follows:

c. For improperly used or nonused, or defective or improper equipment, other than brakes, driving lights and brakelights, under sections 321.317, 321.387, 321.388, 321.389, 321.390, 321.391, 321.392, 321.393, ~~321-399,~~ 321.422, 321.432, ~~321-435,~~ 321.436, 321.437, 321.438, 321.439, 321.440, 321.441, 321.442, 321.444, 321.445 and 321.447, the scheduled fine is ten dollars.

d. For improperly used or nonused or defective or improper equipment under sections 321.383, 321.384, 321.385, 321.386, 321.398, ~~321-400,~~ 321.402, 321.403, 321.404, 321.409, 321.419, 321.420, 321.423, 321.430, 321.433, 321.448, 321.449 and 321.450, the scheduled fine is twenty dollars.

g. For operating, passing, turning and standing violations under sections 321.225, 321.236, subsections 3, 4, 9 and 12, 321.275, 321.295, 321.297, 321.299, 321.303, 321.304, subsections 1 and 2, 321.305, 321.306, 321.311, 321.312, 321.314, 321.315, 321.316, 321.318, 321.323, ~~321-335,~~ ~~321-336,~~ ~~321-337,~~ ~~321-338,~~ 321.340, 321.344, 321.353, 321.354, 321.363, 321.364, 321.365, 321.366, 321.368, 321.382 and 321.395, the scheduled fine is fifteen dollars.

h. For violations involving failures to yield or to observe pedestrians and other vehicles under sections 321.257, subsections 1 and 4, 321.289, 321.298, 321.300, 321.307, 321.308, 321.313, 321.319, 321.320, 321.321, 321.329, 321.333, ~~321-339~~ and 321.367, the scheduled fine is twenty dollars.

Sec. 70. Section eight hundred eleven point six (811.6), subsection one (1), Code 1979, is amended to read as follows:

1. A defendant released pursuant to this ~~division~~ chapter shall appear at arraignment, trial, judgment, or ~~such~~ other proceedings where the defendant's appearance is required. If the defendant fails to appear at the time and place when his or her personal appearance is lawfully required, or to surrender himself or herself in execution of the judgment, the court must direct an entry of ~~such~~ the failure to be made of record, and the undertaking of the defendant's bail, or the money deposited, is thereupon forfeited. As a part of ~~such~~ the entry, except as provided in R.Cr.P. 53, the court shall direct the sheriff of the county to give ten days' notice in writing to the defendant and his or her sureties to appear and show cause, if any, why judgment should not be entered for the amount of ~~such~~ bail. If ~~such~~ appearance is not made, judgment shall be entered by the court. If ~~such~~ appearance is made, the court shall set the case down for immediate hearing as an ordinary action.

Sec. 71. Section nine hundred six point five (906.5), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

If the person who is under consideration for parole is serving a sentence for conviction of a felony and has a criminal record of one or more prior convictions for a forcible felony or a crime of a similar gravity in this or any other state, parole shall be denied unless the defendant has served at ~~least~~ least one-half of the maximum term of his or her sentence.

Sec. 72. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter three (3), section ten (10), subsection one (1), paragraph e, is amended to read as follows:

e. PRINTING DIVISION.

For salaries and support of not more than six full-time equivalent

positions, and maintenance, and miscellaneous purposes.

~~It is the intent of the general assembly and a condition of this appropriation that a complete listing of state boards, commissions, and agencies, in addition to those required by subsection four (4) of section fourteen point ten (14.10) of the Code, be inserted~~

~~in the session laws~~.....\$122,038 \$184,001

Sec. 73. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twenty-nine (29), section nineteen (19), unnumbered paragraph two (2), is amended to read as follows:

In order to protect the stability of the land, the department shall suspend underground coal mining under urbanized areas, cities, ~~towns,~~ and communities and adjacent to industrial or commercial buildings, major impoundments, or permanent streams if the director finds imminent danger to inhabitants of the urbanized areas, cities, ~~towns,~~ and communities.

Sec. 74. Section forty-eight (48) of House File 687, Acts of the Sixty-eighth General Assembly, 1980 Session, is amended by striking the section.

Sec. 75. Sections sixty-four point nine (64.9), three hundred thirty-one point twenty-three (331.23), three hundred thirty-eight point eleven (338.11), and six hundred one J point five (601J.5), Code 1979, are repealed.

Sec. 76. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-five (35), section four (4), paragraph one (1), is amended to read as follows:

1. A member who is an employee of the state and not an active member of any other retirement system in the state which is maintained in whole or in part by public contributions

may remain in service beyond the date the member attains the age of sixty-five. The employee shall retire on the first day of the month after the last day of service. The employer shall not consider age as a factor in determining the continuation of the member's service.

TERRY E. BRANSTAD
President of the Senate

WILLIAM H. HARBOR
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2320, Sixty-eighth General Assembly.

FRANK J. STORK
Secretary of the Senate

Approved 5/24, 1980

ROBERT D. RAY
Governor