

Pay. House. To Pass 4/2 (p. 301)
Appropriation 4/5 To Pass 4/4 (p. 300)
The County Board
To Pass 2/17 per 5075 (p. 435)

Amended pages only. reprinted 2/16

SENATE FILE

130

BY COMMITTEE ON COUNTY GOVERNMENT

Approved 1/27 (p. 235)

FILED JAN 27 1981

Passed Senate, Date 2-13-81 (p. 446) Passed House, Date 4-7-81 (p. 1163)

Vote: Ayes 46 Nays 0 Vote: Ayes 86 Nays 10

Approved May 19, 1981

Re-passed Senate 4-22-81 (p. 1370)

41-0

A BILL FOR

- 1 An Act to implement home rule for counties by supplementing
- 2 and recodifying statutes relating to the organization and
- 3 functions of county government and the powers and duties
- 4 of the board of supervisors and other county officers and
- 5 employees, making corresponding amendments, and providing
- 6 penalties.

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

8

SENATE FILE 130

S-3045

1 Amend Senate File 130 as follows:

2 1. Page 134, by inserting after line 23 the

3 following:

4 "____. A sheriff or deputy sheriff shall not be

5 the purchaser, directly or indirectly, of property

6 being sold by a prisoner who is in the sheriff's

7 custody. A sale made in violation of this subsection

8 is void."

9 2. By numbering the subsection.

S-3045 FILED

BY JOE BROWN

FEBRUARY 3, 1981

LOST (p. 214)

18

SENATE FILE 130

S-3042

1 Amend Senate File 130 as follows:

2 1. Page 14, line 13, by striking the words

3 "record books" and inserting in lieu thereof the word

4 "records".

5 2. Page 14, line 19, by striking the word

6 "book" and inserting in lieu thereof the word

7 "register".

S-3042 FILED

BY LUCAS J. DE KOSTER

FEBRUARY 2, 1981

11/5 2/3 (p. 213)

DIVISION I

1
2 Sec. 100. NEW SECTION. DEFINITIONS. As used in sections
3 100 through 907 of this Act, unless the context otherwise
4 requires:

5 1. "Board" means the board of supervisors of a county.

6 2. "Supervisor" means a member of the board of super-
7 visors.

8 3. "Auditor" means the county auditor or a deputy auditor
9 or employee designated by the county auditor.

10 4. "Treasurer" means the county treasurer or a deputy
11 treasurer or employee designated by the county treasurer.

12 5. "Recorder" means the county recorder or a deputy
13 recorder or employee designated by the county recorder.

14 6. "County attorney" means the county attorney or a deputy
15 county attorney or assistant county attorney designated by
16 the county attorney.

17 7. "Sheriff" means the county sheriff or a deputy sheriff
18 designated by the sheriff.

19 8. "Clerk" means the clerk of the district court or a
20 deputy clerk designated by the clerk of the district court.

21 9. "Measure" means an ordinance, amendment, resolution,
22 or motion.

23 10. "Ordinance" means a county law of a general and perma-
24 nent nature.

25 11. "Amendment" means a revision or repeal of an existing
26 ordinance or code of ordinances.

27 12. "Resolution" or "motion" means a statement of policy
28 or an order for action to be taken.

29 13. "Recorded vote" means a record, roll call vote.

30 14. "State law" includes the Constitution of the State
31 of Iowa, state statutes, and rules adopted in accordance with
32 chapter 17A.

33 DIVISION II

34 BOARD OF SUPERVISORS

35 ORGANIZATION

1 Sec. 200. NEW SECTION. BOARD MEMBERSHIP--QUALIFICATIONS-
2 -TERM.

3 1. The board shall consist of three members unless the
4 membership is increased to five as provided in section 202
5 of this Act.

6 2. A supervisor must be a qualified elector of the county
7 or supervisor district of the county which the supervisor
8 represents.

9 3. The office of supervisor is an elective office except
10 that if a vacancy occurs on the board, a successor shall be
11 appointed to the unexpired term as provided in chapter 69.

12 4. The term of office of a supervisor is four years unless
13 a change in the supervisor district representation plan or
14 in the number of supervisors on the board requires the election
15 of one or two supervisors for an initial term of two years.

16 Sec. 201. CURRENT FIVE-MEMBER BOARDS UNAFFECTED. Section
17 200, subsection 1, of this Act does not affect the membership
18 of a board which has five members on the effective date of
19 this Act. After the effective date of this Act, a five-member
20 board may be reduced to three members in the manner provided
21 in section 203 of this Act.

22 Sec. 202. NEW SECTION. MEMBERSHIP INCREASED--VOTE.

23 1. The board may by resolution, or shall upon petition
24 of the number of qualified electors of the county as specified
25 in section 305 of this Act, submit to the qualified electors
26 of the county at a general election a proposition to increase
27 the number of supervisors to five.

28 2. If a majority of the votes cast on the proposition
29 is in favor of the increase to five members, the board shall
30 be increased to five members effective on the second day in
31 January which is not a Sunday or holiday following the next
32 general election. The five-member board shall be elected
33 according to the supervisor representation plan in effect
34 in the county.

35 a. If plan one as defined in section 205 of this Act is

1 in effect, two additional supervisors shall be elected at
2 the next general election, one for a two-year term and one
3 for a four-year term.

4 b. If plan two or plan three as defined in section 205
5 of this Act is in effect, the board shall divide the county
6 into five equal-population districts by November 1 of the
7 year preceding the year of the next general election and at
8 that general election, five board members shall be elected,
9 two for initial terms of two years and three for four-year
10 terms. The terms of the three incumbent supervisors shall
11 expire on the date that the five-member board becomes
12 effective.

13 c. The length of term for which a person is a candidate
14 and the date when the term begins shall be indicated on the
15 ballot.

16 Sec. 203. NEW SECTION. MEMBERSHIP REDUCED--VOTE--NEW
17 MEMBERS.

18 1. In a county having a five-member board, the board may
19 by resolution, or shall upon petition of the number of
20 qualified electors of the county as specified in section 305
21 of this Act, submit to the qualified electors of the county
22 at a general election a proposition to reduce the number of
23 supervisors to three.

24 2. If a majority of the votes cast on the proposition
25 is in favor of the reduction to three members, the membership
26 of the board shall remain at five until the second day in
27 January which is not a Sunday or holiday following the next
28 general election, at which time the terms of the five members
29 shall expire.

30 3. At the next general election following the one at which
31 the proposition to reduce the membership of the board to three
32 is approved, the membership of the board shall be elected
33 according to the supervisor representation plan in effect
34 in the county. If the supervisor representation plan includes
35 equal-population districts, the districts shall be designated

1 by November 1 of the year preceding the year of the next
2 general election. One member of the board shall be elected
3 to a two-year term and the remaining two members shall be
4 elected to four-year terms. The length of the term for which
5 a person is a candidate and the date when the term begins
6 shall be indicated on the ballot.

7 Sec. 204. NEW SECTION. PETITION AND VOTE IN CERTAIN
8 COUNTIES--EXCEPTION.

9 1. In a county where there is a city operating under the
10 commission form of government with a population of more than
11 seventy-five thousand, the petition to increase or reduce
12 the number of members of the board must contain signatures
13 of at least ten percent of the qualified electors residing
14 within the county and outside of the corporate limits of the
15 city and at least ten percent of the qualified electors
16 residing within the city.

17 2. When the proposition to increase or reduce the member-
18 ship of the board is voted upon, the qualified electors of
19 a city described in subsection 1 and the qualified electors
20 residing outside of the city shall vote on the proposition
21 separately and a majority of the votes cast on the proposition
22 by each of the two classes of qualified electors must approve
23 the proposition before it becomes effective.

24 Sec. 205. NEW SECTION. SUPERVISOR DISTRICTS.

25 1. One of the following supervisor district representation
26 plans shall be used for the election of supervisors:

27 a. Plan one. Election at large without district residence
28 requirements for the members.

29 b. Plan two. Election at large but with equal-population
30 district residence requirements for the members.

31 c. Plan three. Election from single-member equal-
32 population districts, in which the electors of each district
33 shall elect one member who must reside in that district.

34 2. The plan used under subsection 1 shall be selected
35 by the board or by a special election as provided in section

1 206 of this Act. A plan selected by the board shall remain
2 in effect for at least six years unless it is changed by a
3 special election as provided in section 206 of this Act.

4 Sec. 206. NEW SECTION. SPECIAL ELECTION--SUPERVISOR
5 DISTRICTS.

6 1. The board, upon petition of the number of qualified
7 electors of the county as specified in section 305 of this
8 Act, shall call a special election to be held for the purpose
9 of selecting one of the supervisor representation plans speci-
10 fied in section 205 of this Act under which the board of
11 supervisors shall be elected.

12 2. The petition shall be filed with the auditor by January
13 1 of a general election year, subject to subsection 5. The
14 special election shall be held at least one hundred days
15 before the primary election. Notice of the special election
16 shall be published once each week for three successive weeks
17 in an official newspaper of the county, shall state the
18 representation plans to be submitted to the electors, and
19 shall state the date of the special election which shall be
20 held not less than five nor more than twenty days from the
21 date of last publication.

22 3. The supervisor representation plans submitted at the
23 special election shall be stated in substantially the following
24 manner:

25 The individual members of the board of supervisors in
26 county, Iowa, shall be elected:

27 Plan one. At large and without district residence
28 requirements for the members.

29 Plan two. At large but with equal-population district
30 residence requirements for the members.

31 Plan three. From single-member equal-population districts
32 in which the electors of each district shall elect one member
33 who must reside in that district.

34 4. If the plan adopted by a plurality of the ballots cast
35 in the special election is not the supervisor representation

1 plan currently in effect in the county, the terms of the
2 county supervisors serving at the time of the special election
3 shall continue until the second day in January which is not
4 a Sunday or holiday following the next general election, at
5 which time the terms of the members shall expire and the terms
6 of the members elected under the requirements of the new
7 supervisor representation plan at the general election as
8 specified in section 207, 208, or 209 of this Act shall
9 commence.

10 5. A supervisor representation plan adopted at a special
11 election shall remain in effect for at least six years.

12 Sec. 207. NEW SECTION. PLAN "ONE" TERMS OF OFFICE. If
13 plan "one" is selected pursuant to section 205 or 206 of this
14 Act, the board shall be elected as provided in this section.

15 1. In the primary and general elections, the number of
16 supervisors, or candidates for the offices, which constitutes
17 the board in the county, shall be elected by the qualified
18 electors of the county at large without district residence
19 requirements.

20 2. In counties with three county supervisors, one person
21 shall be elected as a member of the board for an initial term
22 of two years and two persons shall be elected as members of
23 the board for four years.

24 3. In counties with five supervisors, two persons shall
25 be elected as members of the board for initial terms of two
26 years and three persons shall be elected as members of the
27 board for four years.

28 4. The determination as to whether a term of office shall
29 be for two or four years shall be decided by lot before the
30 primary election, and the results of the determination
31 indicated on the ballot in the primary and general elections.

32 Sec. 208. NEW SECTION. PLAN "TWO" TERMS OF OFFICE. If
33 plan "two" is selected pursuant to section 205 or 206 of this
34 Act, the board shall be elected as provided in this section.

35 1. Before November 1 of the nonelection year following

1 each federal decennial census the board shall divide the
2 county into a number of supervisor districts corresponding
3 to the number of supervisors in the county. However, if the
4 plan is selected pursuant to section 206 of this Act, the
5 board shall divide the county before March 15 of the election
6 year. The supervisor districts shall be drawn, to the extent
7 applicable, in compliance with the redistricting standards
8 provided for legislative and congressional districts in section
9 42.4.

10 2. Each supervisor must reside in a separate supervisor
11 district but shall be elected by the electors of the county
12 at large. Election ballots shall be prepared to specify the
13 district which each candidate seeks to represent and each
14 elector may cast a vote for one candidate from each district
15 for which a supervisor is to be chosen in the general election.

16 3. The board may redesignate supervisor districts only
17 once in two years. If the board redesignates districts, the
18 redesignation must be completed and available to the public
19 by November 1 of the year before the election to be applicable
20 in that election year. This subsection does not lengthen
21 or diminish the term of office of a member of the board as
22 a result of the redesignation and districts shall not be
23 redesignated except in compliance with this section.

24 4. At the primary and general elections the number of
25 supervisors, or candidates for the offices, which constitute
26 the board in the county shall be elected as provided in this
27 section. Terms of supervisors shall be the same as provided
28 in section 207 of this Act.

29 Sec. 209. NEW SECTION. PLAN "THREE." If plan "three"
30 is selected pursuant to section 205 or 206 of this Act, the
31 supervisor districts shall be drawn and supervisors shall
32 be elected as provided in section 208 of this Act, except
33 the boundaries of supervisor districts shall follow voting
34 precinct lines and each member of the board and each candidate
35 for the office shall be elected or nominated at the primary

1 and general elections by only the electors of the district
2 which that candidate seeks to represent.

3 Sec. 210. NEW SECTION. ORGANIZATION OF THE BOARD.

4 1. The board, at its first meeting in each year, shall:

5 a. Organize by choosing one of its members as chairperson
6 who shall preside at all of its meetings during the year.

7 The board may also select a vice chairperson who shall serve
8 during the absence of the chairperson.

9 b. Choose one of its members to be a member of the board
10 of directors of the judicial district department of
11 correctional services as provided in section 905.3, subsection
12 1, paragraph a.

13 2. The auditor or a deputy auditor shall serve as clerk
14 to the board, but in the absence of the auditor or a deputy
15 auditor, the board may appoint a temporary clerk.

16 Sec. 211. NEW SECTION. QUORUM--MAJORITY VOTE REQUIRED.

17 1. A majority of the members of the board constitutes
18 a quorum to transact the official business of the county.
19 If the board is equally divided on a question when less than
20 the full membership is present, the question shall be continued
21 until all of the members of the board are present.

22 2. The following actions of the board require the affirma-
23 tive vote of a majority of its membership:

24 a. Levying of a tax.

25 b. Entering into a contract for the erection of a public
26 building.

27 c. Making a settlement with a county officer.

28 d. Buying or selling real estate.

29 e. Designating a new site for a county building.

30 f. Changing the boundaries of a township.

31 g. Appropriating money to aid in the construction of a
32 highway or a bridge.

33 h. Appointing or removing an officer from office.

34 Sec. 212. NEW SECTION. MEETINGS OF THE BOARD.

35 1. The board shall hold its first meeting of each year

1 on the second day in January which is not a Saturday, Sunday
2 or holiday and shall hold all subsequent meetings of the year
3 as scheduled by the board. All meetings of the board shall
4 be scheduled and conducted in compliance with chapter 28A.

5 2. If a quorum of the board fails to appear at a meeting,
6 the clerk shall adjourn the meeting from day to day until
7 a quorum is present.

8 Sec. 213. NEW SECTION. VACANCY OF SUPERVISOR'S OFFICE.

9 In addition to the circumstances which constitute a vacancy
10 in office under section 69.2, the absence of a supervisor
11 from the county for sixty consecutive days shall be treated
12 as a resignation of the office. At its next meeting after
13 the sixty-day absence, the board, by resolution adopted and
14 included in its minutes, shall declare the absent supervisor's
15 seat vacant.

16 Sec. 214. NEW SECTION. COMPENSATION AND EXPENSES.

17 1. The supervisors shall receive an annual salary or per
18 diem compensation as determined under section 906 of this
19 Act. The annual salary or per diem shall be full payment
20 for all services rendered to the county except for
21 reimbursement for mileage and other expenses authorized in
22 subsection 2.

23 2. A supervisor is entitled to reimbursement for mileage
24 expenses incurred while engaged in the performance of official
25 duties at the rate specified in section 79.9. The total
26 mileage expense for all supervisors in a county shall not
27 exceed the product of the rate of mileage specified in section
28 79.9 multiplied by the total number of supervisors in the
29 county times ten thousand. The board may also authorize
30 reimbursement for mileage and other actual expenses incurred
31 by its members when attending an educational course, seminar,
32 or school which is related to the performance of their official
33 duties.

34 Sec. 215. NEW SECTION. MEMBERSHIP ON APPOINTIVE BOARDS,
35 COMMITTEES AND COMMISSIONS. Unless otherwise provided by

1 state statute, a supervisor may serve as a member of any
2 appointive board, commission, or committee of this state,
3 a political subdivision of this state, or a nonprofit
4 corporation or agency receiving county funds.

5 Sec. 216. LEGALIZING ACT. An action taken by a board
6 of supervisors between July 1, 1974 and June 30, 1975
7 authorizing the payment of a mileage warrant for a member
8 of the board of supervisors which exceeded an aggregate mileage
9 expense of one thousand dollars per year but not more than
10 one thousand five hundred dollars per year is valid.

11 DIVISION III

12 POWERS AND DUTIES OF A COUNTY

13 PART 1

14 GENERAL POWERS AND DUTIES

15 Sec. 300. NEW SECTION. GENERAL POWERS AND LIMITATIONS.

16 1. A county may, except as expressly limited by the
17 Constitution, and if not inconsistent with the laws of the
18 general assembly, exercise any power and perform any function
19 it deems appropriate to protect and preserve the rights,
20 privileges, and property of the county or of its residents,
21 and to preserve and improve the peace, safety, health, welfare,
22 comfort, and convenience of its residents. This grant of
23 home rule powers does not include the power to enact private
24 or civil law governing civil relationships, except as incident
25 to an exercise of an independent county power.

26 2. A power of a county is vested in the board, and a duty
27 of a county shall be performed by or under the direction of
28 the board except as otherwise provided by law.

29 3. The enumeration of a specific power of a county, the
30 repeal of a grant of power, or the failure to state a specific
31 power does not limit or restrict the general grant of home
32 rule power conferred by the Constitution and this section.
33 A county may exercise its general powers subject only to
34 limitations expressly imposed by a state law.

35 4. An exercise of a county power is not inconsistent with

1 a state law unless it is irreconcilable with the state law.

2 5. A county shall substantially comply with a procedure
3 established by a state law for exercising a county power
4 unless a state law provides otherwise. If a procedure is
5 not established by state law, a county may determine its own
6 procedure for exercising the power.

7 6. A county shall not set standards and requirements which
8 are lower or less stringent than those imposed by state law,
9 but may set standards and requirements which are higher or
10 more stringent than those imposed by state law, unless a state
11 law provides otherwise.

12 7. A county shall not levy a tax unless specifically au-
13 thorized by a state statute.

14 8. A county is a body corporate for civil and political
15 purposes and shall have a seal as provided in section 551,
16 subsection 4 of this Act.

17 9. Supervisors and other county officers may administer
18 oaths and take affirmations as provided in chapter 78.

19 Sec. 301. NEW SECTION. COUNTY LEGISLATION.

20 1. The board shall exercise a power or perform a duty
21 only by the passage of a motion, a resolution, an amendment,
22 or an ordinance.

23 2. A county shall not provide a penalty in excess of a
24 one hundred dollar fine or in excess of thirty days
25 imprisonment for the violation of an ordinance.

26 3. The subject matter of an ordinance or amendment shall
27 be generally described in its title.

28 4. An amendment to an ordinance or to a code of ordinances
29 shall specifically repeal the ordinance or code, or the section
30 or subsection to be amended, and shall set forth in full the
31 ordinance, code, section, or subsection as amended.

32 5. A proposed ordinance or amendment shall be considered
33 and voted on for passage at two meetings of the board prior
34 to the meeting at which it is to be finally passed, unless
35 this requirement is suspended by a recorded vote of not less

1 than a majority of the supervisors.

2 However, if a summary of the proposed ordinance or amendment
3 is published as provided in section 304 of this Act prior
4 to its first consideration and copies are available at the
5 time of publication at the office of the auditor, the ordinance
6 or amendment shall be considered and voted on for passage
7 at one meeting prior to the meeting at which it is to be
8 finally passed, unless this requirement is suspended by a
9 recorded vote of not less than a majority of the supervisors.

10 6. Passage of an ordinance, amendment, or resolution
11 requires an affirmative vote of not less than a majority of
12 the supervisors. Each supervisor's vote on an ordinance,
13 amendment, or resolution shall be recorded.

14 7. A resolution becomes effective upon passage and an
15 ordinance or amendment becomes a law when published, unless
16 a subsequent effective date is provided within the measure.

17 8. The auditor shall promptly record each measure, publish
18 all ordinances and amendments as provided in section 304 of
19 this Act, authenticate all measures except motions with
20 signature and certification as to time and manner of
21 publication, if any, and maintain for public use copies of
22 all effective ordinances and codes. The auditor's
23 certification is presumptive evidence of the facts stated
24 therein.

25 9. At least once every five years, the board shall compile
26 a code of ordinances containing all of the county ordinances
27 in effect.

28 If a proposed code of ordinances contains only existing
29 ordinances edited and compiled without change in substance,
30 the board may adopt the code by ordinance.

31 If a proposed code of ordinances contains a proposed new
32 ordinance or amendment, the board shall hold a public hearing
33 on the proposed code before adoption. The auditor shall
34 publish notice of the hearing as provided in section 304 of
35 this Act. Copies of the proposed code of ordinances shall

1 be available at the auditor's office and the notice shall
2 so state. Within thirty days after the hearing, the board
3 may adopt the proposed code of ordinances which becomes law
4 upon publication of the ordinance adopting it. If the board
5 substantially amends the proposed code of ordinances after
6 a hearing, notice and hearing shall be repeated.

7 Ordinances and amendments which become effective after
8 adoption of a code of ordinances may be compiled as a
9 supplement to the code, and upon adoption of the supplement
10 by resolution, become part of the code of ordinances.

11 An adopted code of ordinances is presumptive evidence of
12 the passage, publication, and content of the ordinances therein
13 as of the date of the auditor's certification of the ordinance
14 adopting the code or supplement.

15 10. The compensation paid to a newspaper for a publication
16 required by this section shall not exceed three-fourths of
17 the fee provided in section 618.11.

18 11. The board may adopt the provisions of a statewide
19 or nationally recognized standard code or portions of any
20 such code by an ordinance which identifies the code by subject
21 matter, source, and date, and incorporates the provisions
22 either by reference or by setting them forth in full. The
23 code or portion shall be adopted only after notice and hearing
24 in the manner provided in subsection 9.

25 12. Immediately after the effective date of a measure
26 establishing a zoning district, building lines, or fire limits,
27 the auditor shall certify the measure and a plat showing the
28 district, lines, or limits, to the recorder. The recorder
29 shall record the measure and plat in the miscellaneous record
30 or other book provided for special records, and shall index
31 the record.

32 13. A measure voted upon is not invalid because a
33 supervisor has a conflict of interest, unless the vote of
34 the supervisor was decisive to passage of the measure. If
35 a majority or unanimous vote of the board is required by

1 statute, the majority or vote shall be computed on the basis
2 of the number of supervisors not disqualified by reason of
3 conflict of interest. However, a majority of all supervisors
4 is required for a quorum. For the purposes of this subsection,
5 the statement of a supervisor that the supervisor declines
6 to vote by reason of conflict of interest is conclusive and
7 shall be entered of record.

8 14. A valid measure adopted by a county prior to the
9 effective date of this Act remains valid unless the measure
10 is irreconcilable with a state law.

11 Sec. 302. NEW SECTION. GENERAL DUTIES OF THE BOARD.

12 The board shall:

13 1. Keep record books as follows:

14 a. A "minute book" which records all orders and decisions
15 other than those relating to drainage districts. The minute
16 book or a separate index book must contain an alphabetical
17 index by subject matter categories of the proceedings shown
18 by the minutes.

19 b. A "warrant book" which records each warrant drawn in
20 the order of issuance by number, date, amount, and name of
21 drawee, and refers to the order in the minute book authorizing
22 its drawing.

23 c. A "claim register" which records all claims for money
24 filed against the county. Claims shall be numbered
25 consecutively in order of filing and entered alphabetically
26 by the claimant's name. The claim register shall show the
27 date of filing, the number of the claim and its general nature,
28 and the action of the board on the claim including the fund
29 against which it is allowed if it is allowed. The claims
30 allowed at each meeting shall be listed in the minute book
31 by claim number.

32 2. Maintain its records in accordance with chapter 68A.

33 3. Act upon applications for cigarette tax permits in
34 accordance with chapter 98.

35 4. Act upon applications for liquor control licenses and

1 retail beer permits in accordance with section 123.32.

2 5. Proceed upon a petition to establish an official county
3 fair and pay tax funds to it in accordance with section 174.10,
4 subsection 2, and section 174.13, subsection 2.

5 6. Select official newspapers and cause official publica-
6 tions to be made in accordance with chapters 349 and 618.

7 7. Adopt rules relating to the labor of prisoners in the
8 county jail in accordance with sections 356.16 through 356.19,
9 and may establish the cost of board and provide for the
10 transportation of certain prisoners in accordance with section
11 356.30.

12 8. Divide the county into townships, and proceed upon
13 a petition to divide, dissolve or change the name of a township
14 in accordance with chapter 359.

15 9. Cause on-site inspections of pipeline construction
16 projects as required in section 479.29, subsection 2, and
17 the board may petition for rules as provided in that section.

18 10. Perform the functions of a civil service commission
19 for certain municipal court clerks and bailiffs only, as
20 required under section 602.34.

21 11. Defend, save harmless, and indemnify its officers,
22 employees, and agents against tort claims, and may settle
23 the claims, in accordance with sections 613A.8 and 613A.9.

24 12. Perform other duties as required by law.

25 Sec. 303. NEW SECTION. PROCEDURAL LIMITATIONS ON GENERAL
26 COUNTY POWERS. If a county proposes to exercise any of the
27 following powers, it shall do so in accordance with the
28 following limitations:

29 1. The power to act jointly with other political
30 subdivisions or public or private agencies shall be exercised
31 in accordance with chapter 28E or 473A or other applicable
32 state law.

33 2. The power to authorize games of skill or chance at
34 amusement concessions shall be exercised in accordance with
35 section 99B.4.

1 3. The power to adopt, administer, and enforce the state
2 building code shall be exercised in accordance with chapter
3 103A. The power to adopt by ordinance, administer, and enforce
4 a county building code, is subject to the following
5 restrictions:

6 a. A county building code shall not apply within the
7 incorporated area of a city except at the option of the city,
8 and shall not apply within a city's two-mile limit referred
9 to in section 414.23, to the extent that the city has adopted
10 a building code within the two-mile limit.

11 b. A county building code shall not apply to farm houses
12 or other farm buildings which are primarily adapted for use
13 for agricultural purposes, while so used or under construc-
14 tion for that use.

15 4. A county shall not license elevator inspectors or
16 regulate elevator facilities except as provided in section
17 104.15.

18 5. The power to adopt airport zoning regulations applicable
19 to airport hazard areas shall be exercised in accordance with
20 chapter 329.

21 6. The power to adopt county zoning regulations shall
22 be exercised in accordance with chapter 358A.

23 7. The board may file a petition with the city development
24 board as provided in section 368.11.

25 8. The power to take private property for public use shall
26 only be exercised by counties for public purposes which are
27 reasonable and necessary as an incident to the powers and
28 duties conferred upon counties, and in accordance with chapters
29 471 and 472. Sections 306.19 and 306.28 through 306.37 are
30 also applicable to condemnation of right of way for secondary
31 roads.

32 9. The board, upon application, may grant permits for
33 the display of fireworks as provided in section 727.2.

34 Sec. 304. NEW SECTION. PUBLICATION OF NOTICES. Unless
35 otherwise provided by state law, if notice of an election,

1 hearing, or other official action is required by sections
2 200 through 907 of this Act, the board shall publish the
3 notice at least once, not less than four nor more than twenty
4 days before the date of the election, hearing, or other action,
5 in one or more newspapers which meet the requirements of sec-
6 tion 618.14. Notice of an election shall also comply with
7 section 49.53.'

8 Sec. 305. NEW SECTION. PETITIONS OF ELIGIBLE ELECTORS.

9 If a petition of the voters is authorized by sections 200
10 through 907 of this Act, the petition is valid if signed by
11 eligible electors of the county equal in number to at least
12 ten percent of the votes cast in the county for the office
13 of president of the United States or governor at the preceding
14 general election, unless otherwise provided by state law.

15 PART 2

16 DUTIES AND POWERS OF THE BOARD RELATING TO
17 COUNTY AND TOWNSHIP OFFICERS AND EMPLOYEES

18 Sec. 320. NEW SECTION. APPOINTMENTS.

19 1. The board shall appoint:

20 a. A coordinator of disaster services in accordance with
21 section 29C.10.

22 b. A veterans memorial commission in accordance with sec-
23 tions 37.9 through 37.15, when a proposition to erect a
24 memorial building or monument has been approved by the voters.

25 c. A county conservation board in accordance with section
26 111A.2, when a proposition to establish the board has been
27 approved by the voters.

28 d. The members of the county board of health in accordance
29 with section 137.4.

30 e. One member of the convention to elect the state fair
31 board as provided in section 173.2, subsection 3.

32 f. A temporary board of community mental health center
33 trustees in accordance with section 230A.4 when the board
34 decides to establish a community mental health center, and
35 members to fill vacancies in accordance with section 230A.6.

- 1 g. The members of the county board of social welfare in
2 accordance with section 234.9.
- 3 h. A county commission of veteran affairs in accordance
4 with sections 250.3 and 250.4, and a person to provide for
5 the burial of indigent veterans in accordance with section
6 250.13.
- 7 i. A general relief director in accordance with section
8 252.26.
- 9 j. A member of the functional classification board in
10 accordance with section 306.6.
- 11 k. One or more county engineers in accordance with sections
12 309.17 through 309.19.
- 13 l. A weed commissioner in accordance with section 317.3.
- 14 m. A county medical examiner in accordance with section
15 800 of this Act, and the board may provide facilities, deputy
16 examiners, and other employees in accordance with that section.
- 17 n. One member of the county compensation board in
18 accordance with section 904 of this Act.
- 19 o. Members of an airport zoning commission as provided
20 in section 329.9, if the board adopts airport zoning under
21 chapter 329.
- 22 p. Members of an airport commission in accordance with
23 section 330.20 if a proposition to establish the commission
24 has been approved by the voters.
- 25 q. One member of the civil service commission for deputy
26 sheriffs in accordance with section 341A.2 or 341A.3, and
27 the board may remove the member in accordance with those
28 sections.
- 29 r. A temporary board of hospital trustees in accordance
30 with sections 347.9 and 347.10 if a proposition to establish
31 a county hospital has been approved by the voters.
- 32 s. An initial board of hospital trustees in accordance
33 with section 347A.1 if a hospital is established under chapter
34 347A.
- 35 t. A county zoning commission, an administrative officer,

1 and a board of adjustment in accordance with sections 358A.8
2 through 358A.11, if the board adopts county zoning under
3 chapter 358A.

4 u. A board of library trustees in accordance with sections
5 358B.4 and 358B.5, if a proposition to establish a library
6 district has been approved by the voters, or 358B.18 if a
7 proposition to provide library service by contract has been
8 approved by the voters.

9 v. A weather modification board, if requested by petition,
10 in accordance with section 361.2.

11 w. Local representatives to serve with the city development
12 board as provided in section 368.14.

13 x. Members of a city planning and zoning commission and
14 board of adjustment when a city extends its zoning powers
15 outside the city limits, in accordance with section 414.23.

16 y. A list of residents eligible to serve as a compensation
17 commission in accordance with section 472.4, in condemnation
18 proceedings under chapter 472.

19 z. Members of the county judicial magistrate appointing
20 commission in accordance with section 602.43.

21 aa. A member of the judicial district department of correc-
22 tions as provided in section 905.3, subsection 1, paragraph
23 a.

24 bb. Members of a county enterprise commission or joint
25 county enterprise commission if the commission is approved
26 by the voters as provided in section 470 of this Act.

27 cc. Other officers and agencies as required by state law.

28 2. If the board proposes to establish the office of public
29 defender, it shall do so and appoint the public defender in
30 accordance with section 776 of this Act.

31 3. If the board proposes to appoint a county surveyor,
32 it shall appoint a person qualified in accordance with section
33 355.1 and provide the surveyor with a suitable book in which
34 to record field notes and plats.

35 4. Except as otherwise provided by state law, a person

1 appointed to a county office may be removed by the officer
2 or body making the appointment, but the removal shall be by
3 written order. The order shall give the reasons and be filed
4 in the office of the auditor, and a copy shall be sent by
5 certified mail to the person removed who, upon request filed
6 with the auditor within thirty days of the date of mailing
7 the copy, shall be granted a public hearing before the board
8 on all issues connected with the removal. The hearing shall
9 be held within thirty days of the date the request is filed,
10 unless the person removed requests a later date.

11 5. A board or commission appointed by the board of super-
12 visors shall notify the county auditor of the name and address
13 of its clerk or secretary.

14 6. A supervisor serving on another county board or
15 commission shall be paid only as a supervisor for a day which
16 includes official service on both boards.

17 Sec. 321. NEW SECTION. DUTIES RELATING TO COUNTY AND
18 TOWNSHIP OFFICERS. The board shall:

19 1. Require and approve official bonds in accordance with
20 chapter 64 and section 682.6, and pay the cost of certain
21 officers' bonds as provided in section 64.11.

22 2. Make temporary appointments in accordance with section
23 66.19, when an officer is suspended under chapter 66.

24 3. Fill vacancies in county offices in accordance with
25 sections 69.8 through 69.13, and make appointments in
26 accordance with section 69.16.

27 4. Provide suitable offices for the meetings of the county
28 conservation board and the safekeeping of its records.

29 5. Furnish offices at the county seat for the clerk,
30 recorder, treasurer, auditor, county attorney, county surveyor
31 or engineer, county assessor, and city assessor. If the
32 office of public defender is established, the board shall
33 furnish the public defender's office as provided in section
34 776 of this Act. The board shall furnish the officers with
35 fuel, lights, and office supplies. However, the board is

1 not required to furnish the county attorney or public defender
2 with law books. The board shall not furnish an office also
3 occupied by a practicing attorney to any officer other than
4 the county attorney or public defender.

5 6. Review the final compensation schedule of the county
6 compensation board and determine the final compensation
7 schedule in accordance with section 906 of this Act.

8 7. Provide necessary office facilities and the technical
9 and clerical assistance requested by the county compensation
10 board to accomplish the purposes of sections 904 through 906
11 of this Act.

12 8. Provide the sheriff with county-owned automobiles or
13 contract for privately-owned automobiles as needed for the
14 sheriff and deputies to perform their duties, the need to
15 be determined by the board.

16 9. Provide the sheriff and the sheriff's full-time deputies
17 with necessary uniforms and accessories in accordance with
18 section 656 of this Act.

19 10. Pay for the cost of board furnished prisoners in the
20 sheriff's custody, as provided in section 657 of this Act,
21 appoint and pay salaries of assistants at the jails, furnish
22 supplies, and inspect the jails.

23 11. Furnish necessary equipment and materials for the
24 sheriff to carry out the provisions of section 690.2.

25 12. Install radio materials in the office of the sheriff
26 as provided in section 693.4.

27 13. Provide for the examination of the accounts of an
28 officer who neglects or refuses to report fees collected,
29 if a report is required by state law. The expense of the
30 examination shall be charged to the officer and collectible
31 on the officer's bond.

32 14. Establish and pay compensation of township trustees
33 and township clerk, as provided in sections 359.46 and 359.47.

34 15. Furnish quarters for meetings of the board of review
35 of assessments.

1 16. Pay reasonable compensation to assistants for the
2 jury commission established under chapter 608.

3 Sec. 322. NEW SECTION. POWERS RELATING TO COUNTY OFFICERS.

4 1. A county may combine the duties of two or more of the
5 following county officers and employees as provided in this
6 subsection:

- 7 a. Sheriff
- 8 b. Treasurer
- 9 c. Recorder
- 10 d. Auditor
- 11 e. Medical examiner
- 12 f. Clerk
- 13 g. General relief director
- 14 h. County care facility administrator
- 15 i. Commission on veteran affairs
- 16 j. Director of social welfare
- 17 k. County assessor
- 18 l. County weed commissioner.

19 If a petition of electors equal in number to twenty-five
20 percent of the votes cast for the county office receiving
21 the greatest number of votes at the preceding general election
22 is filed with the auditor, the board shall direct the
23 commissioner of elections to call an election for the purpose
24 of voting on the proposal. If the petition contains more
25 than one proposal for combining duties, each proposal shall
26 be listed on the ballot as a separate issue. If the majority
27 of the votes cast is in favor of a proposal, the board shall
28 take all steps necessary to combine the duties as specified
29 in the petition.

30 The petition shall state the offices and positions to be
31 combined and the offices or positions to be abolished. Offices
32 and positions that have been combined may be subsequently
33 separated by a petition and election in the same manner.

34 If an appointive officer or position is abolished, the
35 term of office of the incumbent shall terminate one month

1 from the day the proposal is approved. If an elective office
2 is abolished, the incumbent shall hold office until the
3 completion of the term for which elected, except that if a
4 proposal is approved at a general election which fills the
5 abolished office, the person elected shall not take office.

6 When the duties of an officer or employee are assigned
7 to an elective officer, the board may set the salary for the
8 elective officer in lieu of the salary provided under section
9 906 of this Act. When the duties of officers or employees
10 are combined, the person who fills the combined office shall
11 take the oath and give the bond required for each office and
12 perform all the duties pertaining to each.

13 The salary of a combined office shall be thirty percent
14 greater than the salary otherwise established for the combined
15 office or position with the largest salary. The salary for
16 deputy county officers shall continue to be based on the
17 salary which would be drawn by the principal officer if the
18 offices had not been combined.

19 2. The board may:

20 a. Require additional security on an officer's bond, in
21 accordance with sections 65.2 and 65.3, or hear a petition
22 of the surety for release and require a new bond, in accordance
23 with sections 65.4 through 65.8.

24 b. Apply for the use of a requisitioned vehicle as pro-
25 vided in section 127.19.

26 c. Require any county officer to make a report to it under
27 oath on any subject connected with the duties of the office,
28 and remove from office by majority vote an officer who refuses
29 or neglects to make a report or give a bond required by the
30 board within twenty days after the requirement is made known
31 to the officer.

32 d. Compromise an unsatisfied judgment rendered in favor
33 of the county against a county officer and the sureties on
34 the officer's bond, if the county is satisfied that the full
35 amount cannot be collected. The county may compromise with

1 one or more of the sureties and release those sureties if
2 the officer and each of the sureties on the officer's bond
3 execute a written consent to the compromise and to the release
4 of each of the sureties who agree to the compromise, and in
5 the writing agree that the compromise and release do not
6 release any of the sureties who do not agree to the compromise.
7 The written consent shall be filed with the auditor. If the
8 judgment is based upon a default in county funds, the money
9 received under the compromise shall be paid pro rata to the
10 funds in proportion to the amount each fund was in default
11 at the time the judgment was rendered.

12 e. Authorize a county officer to destroy records in the
13 officer's possession which have been on file for more than
14 ten years, and are not required to be kept as permanent
15 records.

16 f. Enter into an agreement with one or more other counties
17 to share the services of a county attorney, in accordance
18 with section 753 of this Act.

19 g. Provide that the county attorney be a full-time or
20 part-time officer in accordance with section 751 of this Act.

21 h. Establish the number of deputies, assistants, and
22 clerks for the offices of auditor, treasurer, recorder,
23 sheriff, county attorney, and clerk.

24 i. Exercise other powers authorized by state law.

25 Sec. 323. NEW SECTION. DUTIES AND POWERS RELATING TO
26 COUNTY AND TOWNSHIP OFFICERS AND EMPLOYEES.

27 1. The board shall:

28 a. Carry out the duties of a public employer to engage
29 in collective bargaining in accordance with chapter 20.

30 b. Grant claims for mileage and expenses of officers and
31 employees in accordance with sections 79.9 through 79.13 and
32 section 214, subsection 2 of this Act, and grant employees
33 leaves of absence to participate in olympic competition in
34 accordance with section 79.24.

35 c. Provide workers' compensation benefits to officers

- 1 and employees as required by chapter 85.
- 2 d. Provide occupational disease compensation to employees
- 3 as required by chapter 85A.
- 4 e. Cooperate with the industrial commissioner and comply
- 5 with requirements imposed upon counties under chapters 86
- 6 and 87.
- 7 f. Comply with occupational safety and health standards
- 8 as required by chapter 88.
- 9 g. Comply with wage payment requirements imposed upon
- 10 counties under chapter 91A.
- 11 h. Comply with employment security requirements imposed
- 12 upon counties under chapter 96.
- 13 i. Participate in the Iowa public employees' retirement
- 14 system as required by chapter 97B.
- 15 j. Participate in the federal Social Security Act as
- 16 required by chapter 97C.
- 17 k. Provide for support of the civil service commission
- 18 for deputy sheriffs in accordance with section 341A.20.
- 19 l. Establish the compensation of deputies and assistants
- 20 in accordance with section 903 of this Act.
- 21 m. Provide a deferred compensation program for any
- 22 employee, in accordance with section 509A.12.
- 23 n. Employ the blind, the partially blind, and the disabled
- 24 in accordance with section 601D.2.
- 25 o. Fix the compensation for services of county and town-
- 26 ship officers and employees if not otherwise fixed by state
- 27 law.
- 28 p. Perform other duties required by state law.
- 29 2. If the board wishes to participate in a program of
- 30 interchange of employees, it shall do so in accordance with
- 31 chapter 28D.
- 32 3. In exercising its power to resolve disputes with
- 33 officers and employees, the board may arbitrate disputes in
- 34 accordance with chapter 90.
- 35 4. Salaries of employees in the probation office are

1 subject to approval by the board as provided in section 231.8.
2 5. If the liability of a board officer or employee in
3 the performance of official duties is not fully indemnified
4 by insurance, the board shall pay a loss for which the officer
5 or employee is found liable beyond the amount of insurance,
6 and may compromise and settle any such claim.

7 PART 3

8 DUTIES AND POWERS OF THE BOARD RELATING TO COUNTY CONTRACTS

9 Sec. 340. NEW SECTION. CONTRACTS.

10 1. When the estimated cost of a public improvement, other
11 than improvements which may be paid for from the secondary
12 road fund, exceeds twenty-five thousand dollars, the board
13 shall follow the contract letting procedures provided for
14 cities in sections 384.95 through 384.103. However, in
15 following those sections the board shall substitute the word
16 "county" for the word "city", section 304 of this Act for
17 section 362.3, shall consider "governing body" to mean the
18 board, and shall exclude references to a city utility, utility
19 board of trustees, or public utilities. As used in this sec-
20 tion, "public improvement" means the same as defined in sec-
21 tion 384.95 as modified by this subsection.

22 2. The board shall give preference to Iowa products and
23 labor in accordance with chapter 73 and shall comply with
24 bid and contract requirements in sections 73.2 and 73.7.

25 3. Contracts for improvements which may be paid for from
26 the secondary road fund shall be awarded in accordance with
27 sections 309.40 through 309.43, 310.14, 314.1, 314.2, and
28 other applicable state law.

29 4. If the contract price for a public improvement is five
30 thousand dollars or more, the board shall require a
31 contractor's bond in accordance with chapter 573.

32 5. In exercising its power to contract for public
33 improvements, the board may contract for the application of
34 contract termination procedures in accordance with chapter
35 573A.

1 Sec. 341. NEW SECTION. CONFLICTS OF INTEREST IN PUBLIC
2 CONTRACTS. As used in this section, "contract" means a claim,
3 account, or demand against or agreement with a county, express
4 or implied, other than a contract to serve as an officer or
5 employee of the county. However, contracts subject to section
6 314.2 or section 347.15 are not subject to this section.

7 An officer or employee of a county shall not have an
8 interest, direct or indirect, in a contract with that county.
9 A contract entered into in violation of this section is void.

10 The provisions of this section do not apply to:

11 1. The designation of a bank or trust company as a
12 depository, paying agent, or for investment of funds.

13 2. An employee of a bank or trust company, who serves
14 as treasurer of a county.

15 3. Contracts made by a county of less than ten thousand
16 population, upon competitive bid in writing, publicly invited
17 and opened.

18 4. Contracts in which a county officer or employee has
19 an interest solely by reason of employment, or a stock interest
20 of the kind described in subsection 8, or both, if the
21 contracts are made by competitive bid, publicly invited and
22 opened, and if the remuneration of employment will not be
23 directly affected as a result of the contract and the duties
24 of employment do not directly involve the procurement or
25 preparation of any part of the contract. The competitive
26 bid qualification of this subsection does not apply to a
27 contract for professional services not customarily awarded
28 by competitive bid.

29 5. The designation of official newspapers.

30 6. A contract in which a county officer or employee has
31 an interest if the contract was made before the time the
32 officer or employee was elected or appointed, but the contract
33 shall not be renewed.

34 7. A contract with volunteer firefighters or civil defense
35 volunteers.

1 8. A contract with a corporation in which a county officer
2 or employee has an interest by reason of stockholdings when
3 less than five percent of the outstanding stock of the
4 corporation is owned or controlled directly or indirectly
5 by the officer or employee or the spouse or immediate family
6 of the officer or employee.

7 9. A contract made by competitive bid, publicly invited
8 and opened, in which a member of a county board, commission,
9 or administrative agency has an interest, if the member is
10 not authorized by law to participate in the awarding of the
11 contract. The competitive bid qualification of this subsection
12 does not apply to a contract for professional services not
13 customarily awarded by competitive bid.

14 PART 4

15 DUTIES AND POWERS OF THE BOARD RELATING TO COUNTY PROPERTY

16 Sec. 360. NEW SECTION. COUNTY PROPERTY.

17 1. Counties bounded by a body of water have concurrent
18 jurisdiction over the entire body of water lying between them.

19 2. In disposing of an interest in real property by sale
20 or exchange, by lease for a term of more than three years,
21 or by gift, the following procedures shall be followed, except
22 as otherwise provided by state law:

23 a. The board shall set forth its proposal in a resolution
24 and shall publish notice of the time and place of a public
25 hearing on the proposal, in accordance with section 304 of
26 this Act.

27 b. After the public hearing, the board may make a final
28 determination on the proposal by resolution.

29 3. The board shall not dispose of real property by gift
30 except to a governmental body for a public purpose. However,
31 the board may dispose of real property for use in an Iowa
32 homesteading program under section 220.14 for a nominal
33 consideration.

34 4. On the application of a honorably discharged soldier,
35 sailor, marine, or nurse of the army or navy of the United

1 States who was disabled in the Civil War, Spanish-American
2 War, Philippine insurrection, China relief expedition, World
3 War I, World War II, from December 7, 1941, to December 31,
4 1946, both dates inclusive, Korean Conflict, from June 25,
5 1950, to January 31, 1955, both dates inclusive, or Vietnam
6 Conflict, from August 5, 1964, to June 30, 1973, both dates
7 inclusive, the board shall reserve in the county courthouse
8 a reasonable amount of space in the lobby to be used by the
9 applicant rent-free as a stand for the sale of newspapers,
10 tobaccos, and candies. If there is more than one applicant
11 for reserved space, the board shall award the space at its
12 discretion. The board shall prescribe the regulations by
13 which a stand shall be operated.

14 5. The board shall:

15 a. Proceed upon a petition to establish a memorial hall
16 or monument under chapter 37, as provided in that chapter.

17 b. Comply with section 103A.10, subsection 4, in the
18 construction of new buildings.

19 c. Proceed upon a petition to establish a county public
20 hospital under chapter 347, as provided in that chapter.

21 d. Bid for real property at a tax sale as required under
22 section 446.19, and handle the property in accordance with
23 section 446.31 and chapter 569.

24 e. Require the conduction of a life cycle cost analysis
25 for county facilities in accordance with chapter 470.

26 f. Comply with chapter 601C if food service is provided
27 in public buildings.

28 g. Comply with section 601D.9 if curbs and ramps are
29 constructed.

30 h. Provide facilities for the holding of court at the
31 county seat in accordance with sections 602.6 and 602.61.

32 i. Perform other duties required by state law.

33 6. In exercising its power to manage county real property,
34 the board may lease land for oil and gas exploration as
35 provided in section 84.21.

1 Sec. 361. NEW SECTION. ROADS AND TRAFFIC.

2 1. A county has jurisdiction over secondary roads as
3 provided in section 306.4, subsection 2, subsection 4,
4 paragraph b, and subsection 5, paragraph b.

5 2. The board shall exercise the county's jurisdiction
6 over secondary roads in accordance with chapters 306, 309,
7 310, 314, and other applicable laws.

8 3. The board may establish secondary road assessment
9 districts as provided in chapter 311.

10 4. If a county has land subject to section 312.8, the
11 board shall administer road funds available under that sec-
12 tion as prescribed in that section.

13 5. The board may enter into agreements with the department
14 of transportation as provided in section 313.2.

15 6. The board shall provide for the control of noxious
16 weeds in accordance with chapter 317.

17 7. The board shall cause the removal of obstructions on
18 the secondary roads, in accordance with chapter 319.

19 8. The board shall proceed upon a petition to construct
20 a sidewalk in accordance with sections 320.1 through 320.3.
21 The board may grant permission to lay gas and water mains,
22 construct and maintain cattleways, or construct sidewalks
23 in connection with the secondary roads, in accordance with
24 sections 320.4 through 320.8.

25 9. A county may regulate traffic on and use of the
26 secondary roads, in accordance with sections 321.236 through
27 321.250, 321.254, 321.255, 321.285, subsection 7, 321.352,
28 321.471 through 321.473, and other applicable provisions of
29 chapter 321, and sections 321G.9 and 327G.15.

30

PART 5

31 DUTIES AND POWERS OF THE BOARD RELATING TO COUNTY SERVICES

32 Sec. 380. NEW SECTION. DUTIES RELATING TO SERVICES.

33 The board shall:

34 1. Proceed in response to a petition to establish a unified
35 law enforcement district in accordance with sections 28E.21

- 1 through 28E.28, or the board may proceed under those sections
2 on its own motion.
- 3 2. Provide for disaster services and emergency planning
4 in accordance with sections 29C.9 through 29C.13.
- 5 3. Proceed in response to a petition to establish a county
6 conservation board in accordance with section 111A.2.
- 7 4. Comply with chapter 222, including but not limited
8 to sections 222.13, 222.14, and 222.59 through 222.82, in
9 regard to the care of mentally retarded persons.
- 10 5. Comply with chapters 227, 229, and 230, including but
11 not limited to sections 227.11, 227.14, 229.42, 230.25, 230.27,
12 and 230.35, in regard to the care of mentally ill persons.
- 13 6. Audit and pay the burial expense for indigent veterans,
14 as provided in section 250.15.
- 15 7. Make determinations regarding emergency relief services
16 in accordance with sections 251.5 and 251.6.
- 17 8. Administer general relief for the poor in accordance
18 with chapter 252.
- 19 9. Handle complaints seeking medical care for indigent
20 persons and pay for the care in accordance with chapter 255.
- 21 10. Comply with chapters 269 and 270 in regard to the
22 payment of costs for pupils at the Iowa braille and sight-
23 saving school and the school for the deaf.
- 24 11. Enforce the interstate library compact in accordance
25 with sections 303A.9 through 303A.11.
- 26 12. Proceed in response to a petition to establish or
27 end an airport commission in accordance with sections 330.17
28 through 330.20.
- 29 13. Proceed in response to a petition for a city hospital
30 to become a county hospital in accordance with section 347.23.
- 31 14. Provide for the licensure, seizure, impoundment, and
32 disposition of dogs in accordance with chapter 351.
- 33 15. Proceed in response to a petition to establish a
34 county library district in accordance with sections 358B.2
35 through 358B.5, or a petition to provide library service by

1 contract or to terminate the service under section 358B.18.

2 16. Establish a sanitary disposal project in accordance
3 with sections 455B.76, 455B.79, and 455B.80.

4 17. Furnish a place for the confinement of prisoners as
5 required in section 903.4, and in accordance with chapter
6 356 or 356A.

7 18. Perform other duties required by state law.

8 Sec. 381. NEW SECTION. POWERS AND LIMITATIONS RELATING
9 TO SERVICES.

10 1. The board may exercise the following powers in
11 accordance with the sections designated, and may exercise
12 these or similar powers under its home rule powers or other
13 provisions of law:

14 a. Establishment of parks outside of cities as provided
15 in section 111.34.

16 b. Establishment of a water recreational area as provided
17 in sections 111.59 through 111.78.

18 c. Establishment of a merged area hospital as provided
19 in chapter 145A.

20 d. Acquisition and operation of a limestone quarry for
21 the sale of agricultural lime, in accordance with chapter
22 202.

23 e. Provision of preliminary diagnostic evaluation before
24 admissions to state mental health institutes as provided in
25 sections 225B.4 through 225B.7.

26 f. Establishment of a community mental health center as
27 provided in chapter 230A.

28 g. Establishment of a county care facility as provided
29 in chapter 253, and sections 135C.23 and 135C.24.

30 h. Provision of relocation programs and payments as
31 provided in section 316.10 and 316.11.

32 i. Establishment of an airport commission as provided
33 in sections 330.17 through 330.20.

34 j. Creation of an airport authority as provided in chapter
35 330A.

1 2. The power to establish reserve peace officers is subject
2 to chapter 80D.

3 3. The power to legislate in regard to chemical substance
4 abuse is subject to section 125.40.

5 4. The power to establish a county hospital is subject
6 to the licensing requirements of chapter 135B and the power
7 to establish a county health care facility is subject to the
8 licensing requirements of chapter 135C.

9 5. The board shall not regulate, license, inspect, or
10 collect license fees from food service establishments except
11 as provided in chapter 170A or from hotels except as provided
12 in chapter 170B or for food and beverage vending machines
13 except as provided in section 191A.14.

14 6. The power to operate juvenile detention and shelter
15 care homes is subject to approval of the homes by the
16 commissioner of the department of social services or the
17 commissioner's designee, as provided in section 232.142.

18 7. If a law library is provided in the county courthouse,
19 judges of the district court of the county shall supervise
20 and control the law library.

21 8. The board is subject to chapters 357 through 358, 455,
22 456 through 467, or 467C, as applicable, in acting relative
23 to a special district authorized under any of those chapters.

24 However, the board may assume and exercise the powers and
25 duties of a governing body under chapter 357, 357A, 357B,
26 358, or 462 if a governing body established under one of those
27 chapters has insufficient membership to perform its powers
28 and duties, and the board, upon petition of the number of
29 property owners within a proposed district and filing of a
30 bond as provided in section 357A.2, may establish a service
31 district within the unincorporated area of the county and
32 exercise within the district the powers and duties granted
33 in chapter 357, 357A, 357B, 357C, 358, 359, 384, division
34 IV, or 462.

35 9. The power to establish and administer an air pollution

1 control program in lieu of state administration is subject
2 to sections 455B.23 and 455B.24.

3 Sec. 382. NEW SECTION. DUTIES AND POWERS RELATING TO
4 ELECTIONS. The board shall insure that the county commissioner
5 of elections conducts primary, general, city, school, and
6 special elections in accordance with applicable state law.
7 The board shall canvass elections in accordance with sections
8 43.49 through 43.51, 43.60 through 43.62, 46.24, 50.13, 50.24
9 through 50.29, 50.44 through 50.47, 275.25, 277.20, 280A.39,
10 376.1, 376.7, and 376.9. The board shall prepare and deliver
11 a list of persons nominated in accordance with section 43.55,
12 provide for a recount in accordance with sections 43.56 through
13 43.58, provide for election precincts in accordance with sec-
14 tions 49.3, 49.4, 49.6 through 49.8, and 49.11, pay election
15 costs as provided in section 47.3, participate in election
16 contests as provided in sections 62.1 and 62.9, and perform
17 other election duties required by state law. The board may
18 authorize additional precinct election officials as provided
19 in section 51.1, provide for the use of a voting machine or
20 electronic voting system as provided in sections 52.2, 52.3,
21 52.8, and 52.34, and exercise other election powers as provided
22 by state law.

23 DIVISION IV
24 POWERS AND DUTIES OF THE BOARD RELATING TO COUNTY FINANCES

25 PART 1

26 GENERAL FINANCIAL POWERS AND DUTIES

27 Sec. 400. NEW SECTION. DUTIES RELATING TO FINANCES.

28 1. The board shall:

29 a. Audit expenses charged to the county for the annual
30 examination by the auditor of state and approve or object
31 to the expenses as provided in section 11.21.

32 b. Establish budgets in accordance with chapter 24, and
33 establish budgets for the farm-to-market road fund and the
34 secondary road fund in accordance with sections 309.10 and
35 309.93 through 309.97.

1 c. Provide for payment of a portion of the cost of care,
2 maintenance, and treatment of substance abusers who are
3 residents of the county, as provided in sections 125.45,
4 125.47, and 125.51.

5 d. Pay expenses of administration of juvenile justice,
6 attributable to the county under section 232.141.

7 e. Appropriate county funds in accordance with sections
8 344.1 through 344.11 and this division.

9 f. Provide for the expense of persons committed to the
10 county jail or a regional detention facility in accordance
11 with sections 356.15 and 356.45.

12 g. Adopt resolutions authorizing the county assessor to
13 provide forms for homestead exemption claimants as provided
14 in section 425.2 and military service tax exemptions as
15 provided in section 427.6.

16 h. Examine and allow or disallow claims for homestead
17 exemption in accordance with section 425.3 and claims for
18 military service tax exemption in accordance with chapter
19 426A and sections 427.3 through 427.6. The board, by a single
20 resolution, may allow or disallow the exemptions recommended
21 by the assessor.

22 i. Hear appeals relating to the agricultural land tax
23 credit in accordance with section 426.6.

24 j. Order the suspension of property taxes of certain per-
25 sons in accordance with section 427.9.

26 k. Approve or deny an application for a property tax
27 exemption for impoundment structures, as provided in section
28 427.1, subsection 33.

29 l. Serve on the conference board as provided in section
30 441.2 and carry out duties relating to platting for assessment
31 and taxation as provided in sections 441.67 and 441.70.

32 m. Levy taxes as certified to it by tax-certifying bodies
33 in the county, in accordance with the statutes authorizing
34 the levies and in accordance with chapters 24 and 344 and
35 sections 444.1 through 444.8, and levy taxes as required in

1 chapters 430A, 433, 434, 436, 437, and 438.

2 n. Carry out duties in regard to the collection of taxes
3 as provided in sections 445.16, 445.19, 445.60, and 445.62.

4 o. Apportion taxes upon receipt of a petition, in
5 accordance with sections 449.1 through 449.3.

6 p. Comply with chapters 452 and 453 in the management
7 of public funds.

8 q. Allocate payments from flood control projects as pro-
9 vided in sections 467B.13 and 467B.14.

10 r. Examine and settle all accounts of the receipts and
11 expenditures of the county and all claims against the county,
12 except as otherwise provided by state law.

13 s. Perform other financial duties as required by state
14 law.

15 2. The board shall not pay membership dues for a county
16 officers association in this state other than the Iowa state
17 association of counties or an organization affiliated with
18 it. This subsection does not prohibit expenditures for
19 organizations with which the Iowa state association or its
20 affiliates are affiliated.

21 3. The board shall not pay bounties on crows, rattlesnakes,
22 foxes, or wolves other than coyotes.

23 Sec. 401. NEW SECTION. POWERS RELATING TO FINANCES--
24 LIMITATIONS.

25 1. The payment of county obligations by anticipatory
26 warrants is subject to chapters 74 and 74A and other applicable
27 state law. Anticipatory warrants drawn on the secondary road
28 fund are also subject to sections 309.46 through 309.55.

29 2. The board may:

30 a. Require a person who is not a part of county govern-
31 ment but is receiving county funds to submit to audit by audi-
32 tors chosen by the county. The person shall make available
33 all pertinent records needed for the audit.

34 b. Enter into an agreement with the state department of
35 social services for assistance in accordance with section

1 249A.12.

2 c. Levy within a township at a rate not to exceed the
3 rate permitted under sections 359.30 and 359.33 for the care
4 and maintenance of cemeteries, if the township officials fail
5 to levy the tax as needed.

6 d. Authorize the county auditor to issue warrants for
7 certain purposes as provided in section 505, subsection 3
8 of this Act.

9 e. Impose a hotel and motel tax in accordance with chapter
10 422A.

11 f. Order the suspension of property taxes or cancel and
12 remit the taxes of certain persons as provided in sections
13 427.8 and 427.10.

14 g. Provide for a partial exemption from property taxation
15 in accordance with chapter 427B.

16 PART 2

17 COUNTY LEVIES AND FUNDS

18 Sec. 420. NEW SECTION. MANDATORY TAX LEVIES. The board
19 shall levy for county purposes the following taxes each year
20 on the assessed value of all taxable property in the county,
21 except as otherwise provided by state law:

22 1. For bonds issued as a result of an election under
23 chapter 37, not to exceed one dollar and eighty cents per
24 thousand dollars.

25 2. For the debt service fund established in section 427
26 of this Act, an amount sufficient to retire outstanding debt
27 as provided in section 76.2 subject to specific applicable
28 levy limitations in this part.

29 3. A tax sufficient to meet the county's obligation to
30 the Iowa public employees' retirement system under chapter
31 97B.

32 4. A tax sufficient to meet the county's obligation for
33 federal social security under chapter 97C, in addition to
34 all other taxes, if other funds are not available to meet
35 this obligation.

1 5. a. For the county brucellosis eradication fund except
2 as otherwise provided in this section, a tax sufficient to
3 pay the indemnity and other expenses incurred under chapter
4 164 and, to the extent the moneys in the fund are not required
5 for those expenses, to pay the expenses of the inspection
6 and testing program provided in chapter 163A, not to exceed
7 thirteen and one-half cents per thousand dollars.

8 b. Not later than the first of September of each year,
9 the auditor shall certify to the secretary of agriculture
10 the amount in the fund on July 1. If the secretary of
11 agriculture determines that the amount in the fund is
12 sufficient, with the county's allotment of state and federal
13 funds available, to carry on the program in the county for
14 the following year, that determination shall be certified
15 to the auditor, and the board shall not levy for the fund
16 for that year.

17 c. If the balance in the fund becomes less than twenty-
18 five hundred dollars, the auditor shall notify the Iowa de-
19 partment of agriculture in writing, and the department shall
20 not incur expense against the fund in excess of the amount
21 available.

22 6. For the county tuberculosis eradication fund, a tax
23 sufficient to pay the indemnity and other expenses incurred
24 for the bovine tuberculosis eradication program in chapter
25 165 and, to the extent the moneys in the fund are not required
26 for those expenses, to pay the expenses of the swine
27 tuberculosis eradication program in section 159.5, subsection
28 13, not to exceed twenty and one-fourth cents per thousand
29 dollars. However, this levy and fund are subject to paragraphs
30 b and c of subsection 5.

31 7. For the county indemnification fund provided in section
32 426 of this Act, one-half cent per thousand dollars, if
33 directed by the treasurer of state.

34 8. An amount sufficient to pay the annual rent due under
35 a lease with the authority which manages a joint city-county

1 building established under section 346.27, which may be levied
2 in addition to any statutory tax limit for the county.

3 9. For the library maintenance fund, not to exceed fifty-
4 four cents per thousand dollars on property in the
5 unincorporated area of the county, in accordance with the
6 estimates transmitted by the board of library trustees.

7 10. To fulfill the county's obligation under a contract
8 for the use of a city library, not to exceed twenty-seven
9 cents per thousand dollars on the taxable property of the
10 county outside of cities.

11 11. For the weather modification fund, when approved by
12 the voters as provided in section 361.5, to be levied only
13 on agricultural land and not to exceed two cents per acre
14 on the agricultural land.

15 12. For the election expense fund, an amount sufficient
16 to pay the costs of elections and voter registration pursuant
17 to chapter 48.

18 13. For the county mental health and institutions fund,
19 an amount necessary to raise the amount needed under section
20 424, subsection 13, of this Act.

21 14. For the purpose of establishing an institution of
22 benevolence, not to exceed twenty and one-fourth cents per
23 thousand dollars, if the county receives property by gift
24 or devise for that purpose and a sufficient fund is not
25 provided for the maintenance of the institution. However
26 this tax shall not be levied until the board has submitted
27 the question of levying the tax to the qualified electors
28 at a regular or special election and a majority of the votes
29 cast have been in favor of the levy. After five years of
30 levying the tax the board may, and upon receipt of a petition
31 signed by twenty-five percent of the qualified electors of
32 the county as shown by the pollbooks of the last preceding
33 general election, shall resubmit the question of levying the
34 tax to the qualified electors at a regular or special election.
35 If sixty-five percent of the votes cast are in favor of

1 discontinuing the levy, it shall be discontinued. The tax
2 collected under this subsection shall be paid to the treasurer
3 of the institution and be expended on the order of the trustees
4 of the institution.

5 15. For payment of an annuity, if the annuity is agreed
6 to by the county as a condition of acceptance of a gift or
7 bequest and the annuity does not exceed five percent of the
8 amount of the gift or bequest, not to exceed twenty and one-
9 fourth cents per thousand dollars.

10 16. For ordinary county revenue, the amount needed subject
11 to the following limitations:

12 a. Not to exceed one dollar and twenty-one and one-half
13 cents per thousand dollars in counties with an assessed value
14 of less than fifty-nine million, two hundred sixty thousand
15 dollars.

16 b. Not to exceed one dollar and eight cents per thousand
17 dollars in counties with an assessed value of fifty-nine
18 million, two hundred sixty thousand dollars or more and less
19 than ninety-six million, three hundred thousand dollars.

20 c. Not to exceed ninety-four and one-half cents per
21 thousand dollars in counties with an assessed value of ninety-
22 six million, three hundred thousand dollars or more and less
23 than one hundred eighteen million, five hundred twenty thousand
24 dollars.

25 d. Not to exceed eighty-one cents per thousand dollars
26 of assessed value in counties with an assessed value of one
27 hundred eighteen million, five hundred twenty thousand dollars
28 or more.

29 17. For other purposes as provided by state law.

30 Sec. 421. NEW SECTION. PERMISSIVE TAX LEVIES. The board
31 may levy the following taxes each year on the assessed value
32 of all taxable property in the county, except as otherwise
33 provided by state law:

34 1. For the emergency fund, not to exceed twenty-seven
35 cents per thousand dollars, as provided in section 24.6.

- 1 2. For the public safety fund, if a unified law enforcement
2 district is established, not to exceed one dollar and fifty
3 cents per thousand dollars, as provided in section 28E.22.
- 4 3. For development, operation, and maintenance of a
5 memorial building or monument established under chapter 37,
6 not to exceed thirty-three and three-fourths cents per thousand
7 dollars.
- 8 4. For voting machines or an electronic voting system,
9 not to exceed thirteen and one-half cents per thousand dollars.
- 10 5. The amount needed for unemployment benefits under chap-
11 ter 96, which may be levied outside of the general fund.
- 12 6. For the county conservation fund, for expenses of the
13 county conservation board, not to exceed twenty-seven cents
14 per thousand dollars, in addition to all other taxes.
- 15 7. For the fairground fund, not to exceed six and three-
16 fourths cents per thousand dollars to be used for fitting
17 up or purchasing fairgrounds for a society formed under chapter
18 174 or for aiding boys and girls 4-H club work and payment
19 of agricultural and livestock premiums in connection with
20 the fair, to be levied only if the society owns or leases
21 at least ten acres of land for the fairground and owns or
22 leases buildings and improvements on the land of at least
23 eight thousand dollars in value. However, if an official
24 fair is designated under section 174.10, subsection 2, the
25 funds received from this levy shall be paid to the society
26 conducting the official county fair.
- 27 8. For the fairground fund, not to exceed six and three-
28 fourths cents per thousand dollars, in a county which has
29 acquired real property for county or district fair purposes
30 and which has a society using the real property.
- 31 9. For maintaining a county or multi-county juvenile de-
32 tention or shelter care home in a county of over one hundred
33 fifty thousand population, not to exceed twenty and one-fourth
34 cents per thousand dollars, or in any other county not to
35 exceed thirteen and one-half cents per thousand dollars.

1 10. For the veteran affairs fund, to be controlled jointly
2 by the board and the county commission of veteran affairs
3 as provided in chapter 250, for the benefit of, and to pay
4 the funeral expenses of honorably discharged, indigent men
5 and women of the United States in any war including the Korean
6 Conflict at any time between June 25, 1950, and January 31,
7 1955, both dates inclusive, and the Vietnam Conflict at any
8 time between August 5, 1964, and May 7, 1975, both dates in-
9 clusive, and their indigent wives, widows, and minor children
10 having a legal residence in the county, not to exceed twenty-
11 seven cents per thousand dollars.

12 11. For the county poor fund, if the ordinary revenue
13 proves insufficient, not exceeding forty and one-half cents
14 per thousand dollars or, with the written approval of the
15 state comptroller after a showing of necessity, not to ex-
16 ceed an additional eighty-one cents per thousand dollars,
17 and in any case not to exceed two-thirds of the maximum poor
18 fund levy for the extended fiscal year beginning January 1,
19 1974, and ending June 30, 1975, unless the state appeal board
20 permits a higher levy for a year to prevent severe hardship
21 due to unusual circumstances beyond the control of the county.
22 Taxes levied and collected for the county poor fund shall
23 be expended only for the purposes for which they were levied.

24 12. For the secondary road fund, not to exceed three dol-
25 lars and three-eighths cents per thousand dollars on property
26 not within a city.

27 13. For the secondary road fund, not to exceed sixteen
28 and seven-eighths cents per thousand dollars.

29 14. For building and maintaining a bridge over a state
30 boundary line stream, not to exceed, in conjunction with
31 levies for bonds issued for this purpose, six and three-fourths
32 cents per thousand dollars.

33 15. For the road clearing fund, to be used only to destroy
34 weeds and second or undergrowth brush between the fence rows
35 of secondary roads in time to prevent reseeding and to purchase

1 or hire necessary equipment, not to exceed twenty and one-
2 fourth cents per thousand dollars.

3 16. For the weed eradication and equipment fund to be
4 used for purchasing weed eradicating equipment and materials
5 and for expenses and compensation needed to carry out the
6 duties of the weed commissioner, not to exceed six and three-
7 fourths cents per thousand dollars.

8 17. For an aviation authority under chapter 330A, not
9 to exceed twenty-seven cents per thousand dollars on property
10 in the unincorporated area of the county, in excess of any
11 other tax limitation, as provided in section 330A.15.

12 18. For a local, nonprofit historical society organized
13 under chapter 504 or 504A, not to exceed three cents per thou-
14 sand dollars to be used for collecting and preserving
15 historical materials, artifacts, places, and structures of
16 the area, maintaining a historical library and collections,
17 conducting historical studies and researches, issuing
18 publications, providing public lectures of historical interest,
19 and otherwise disseminating a knowledge of the history of
20 the area to the general public. The tax collected under this
21 subsection shall not exceed five thousand dollars in a county
22 with a population of less than thirty-five thousand, fifteen
23 thousand dollars in a county with a population of thirty-five
24 thousand or more but less than one hundred thousand, or twenty-
25 five thousand dollars in a county with a population of one
26 hundred thousand or more. If there are two or more nonprofit
27 historical societies in the county, the board shall apportion
28 the funds available under this subsection as it determines.
29 The board shall require the historical society to submit to
30 it a proposed budget including the amount of available funds
31 and estimated expenditures, as a prerequisite to receiving
32 funds under this subsection. A local historical society
33 receiving funds under this subsection shall present to the
34 board an annual report describing in detail its use of the
35 funds received.

1 19. For an expenditure required to be approved by the
2 voters under section 345.1, not to exceed seven-hundredths
3 of one percent of the taxable valuation of property in the
4 county.

5 20. For a joint city-county building, an amount sufficient
6 to pay the county's portion of the cost of operation,
7 maintenance, and insurance.

8 21. For operation, maintenance, and management of a health
9 center in a county of over seventy thousand population, not
10 to exceed fifty-four cents per thousand dollars, in addition
11 to all other levies authorized by law for similar purposes.

12 22. For paying bounties on wild animals, the amount
13 necessary.

14 23. For additional ordinary county revenue in a county
15 with a population of thirty-five thousand or more but not
16 more than fifty-five thousand, not to exceed fifty-four cents
17 per thousand dollars and subject to the approval of the state
18 comptroller.

19 24. For the court expense fund, if the amount levied for
20 ordinary county revenue is insufficient to pay all expenses
21 incident to the maintenance and operation of the courts, an
22 amount sufficient to pay the expenses.

23 25. a. For ambulance service, not to exceed twenty-seven
24 cents per thousand dollars, if the county general fund levy
25 authorized by section 420, subsection 16, of this Act, is
26 at the maximum amount permitted by that subsection, the board
27 has exhausted its right of appeal under section 24.48, and
28 the board finds by resolution that it is not feasible to
29 support ambulance service from the general fund. However:

30 (1) If the board has budgeted an amount from the general
31 fund to support ambulance service which is less than the
32 amount that would be raised in the county by a levy of twenty-
33 seven cents per thousand dollars of assessed value, and the
34 board finds by resolution that it is not feasible to provide
35 additional support for ambulance service from the general

1 fund, the board may levy under this subsection an amount not
2 more than the difference between the proceeds of a levy of
3 twenty-seven cents per thousand dollars of assessed value
4 in the county and the amount budgeted from the general fund
5 to support ambulance service.

6 (2) If the county has established a county general hospital
7 under chapter 347 and the board of trustees of that hospital
8 has budgeted for support of ambulance service some part of
9 the proceeds of a levy for operation and maintenance of the
10 hospital, made under section 347.7, and the board of trustees
11 finds by resolution that it is not feasible to provide
12 additional support for ambulance service from the proceeds
13 of that levy, the board of supervisors may levy under this
14 subsection an amount not more than the difference between
15 the proceeds of a levy of twenty-seven cents per thousand
16 dollars of assessed value in the county and the amount budgeted
17 to support ambulance service from the county general hospital
18 operation and maintenance levy. A tax levied under this
19 subparagraph is not applicable to a township in which ambulance
20 service is being provided by the township trustees pursuant
21 to section 359.42.

22 b. The board shall not make a levy under this subsection
23 unless authorized to do so by a referendum held in the county
24 concurrently with a general election. When so directed by
25 the board, at least fifty-five days before the next general
26 election, the county commissioner of elections shall submit
27 to the voters of the county at that general election a question
28 in substantially the following form:

29 "Shall be board of supervisors of _____ county
30 be authorized to levy a tax of not more than twenty-seven
31 cents per thousand dollars of assessed value to support
32 ambulance service, in the manner and subject to the
33 restrictions provided in paragraph a of this subsection, each
34 year for four years beginning next July 1?"

35 If the question receives the affirmative vote of a majority

1 of all electors voting for and against it, the board may levy
2 a tax as provided in paragraph a of this subsection in the
3 county budget year beginning July 1 following the general
4 election at which the referendum is held, and in each of the
5 four succeeding county budget years.

6 c. The support of the ambulance service authorized under
7 this subsection shall be assessed on a proportionate basis
8 by which each taxing unit shall bear its share in the
9 proportion that its population is to the total population
10 of all taxing units receiving the ambulance service within
11 the county. The board shall estimate annually the amount
12 necessary for the support of the ambulance service and shall
13 transmit the estimate in dollars to the city councils within
14 the county in which the ambulance service is provided. A
15 city may be excluded from the ambulance service by resolution
16 of the city council. The unincorporated area of the county,
17 excluding any township which provides ambulance service as
18 provided under section 359.42, is a separate taxing unit.
19 Each city which receives ambulance service under this sub-
20 section is a separate taxing unit. The board and the council
21 of each city receiving ambulance service under this subsection
22 shall certify or make the necessary levies as provided in
23 this paragraph for the support of the ambulance services,
24 subject to the tax levy limitation and requirements of
25 paragraph a or b of this subsection.

26 d. As used in this subsection, ambulance service includes
27 services provided by a rescue unit of a fire or public safety
28 department.

29 26. For planning a sanitary disposal project as defined
30 in section 455B.75, or for acquiring, constructing, operating,
31 and maintaining sanitary land fills, not to exceed, in
32 conjunction with levies for the debt service fund for the
33 same purpose, six and three-fourths cents per thousand dollars
34 on property outside of cities only.

35 27. For flood and erosion control, including acquisition

1 of land or interests in land, repair, alteration, maintenance,
2 and operation of works of improvement for flood and erosion
3 control, not to exceed six and three-fourths cents per thou-
4 sand dollars on agricultural land only.

5 28. For insurance to cover the liability of the county
6 or its officers as provided in sections 613A.2 and 613A.8,
7 the amount of premium costs, which may be levied in excess
8 of any tax limitation imposed by statute.

9 29. For an improvement account established under section
10 423, subsection 4, of this Act, an amount in accordance with
11 that subsection.

12 30. For other purposes as provided by state law.

13 Sec. 422. NEW SECTION. EXCESS LEVY ELECTION. A county
14 may exceed a tax levy limit contained in section 420,
15 subsection 13, or section 421, subsections 23, 24, or 25,
16 if the proposition to authorize an enumerated levy limit rate
17 to be exceeded has been submitted at a special levy election
18 and received a majority of the votes cast on the proposition.
19 A special levy election is subject to the following:

20 1. The election may be held only if the board gives notice
21 to the county commissioner of elections, not later than
22 February 15, that the election is to be held.

23 2. The election shall be held on the second Tuesday in
24 March and be conducted by the county commissioner of elections
25 in accordance with the law.

26 3. The proposition to be submitted shall be substantially
27 in the following form:

28 Vote for only one of the following:

29 Shall the county of _____ levy a tax for the
30 (name of county)
31 purpose of _____ at a rate of _____
32 (state purpose of levy election) (rate)
33 which will provide \$_____.
34 (amount)

35 The county of _____ shall continue under

1 the maximum rate of _____ providing \$ _____.
2 (amount)

3 4. The canvass shall be held beginning at one o'clock
4 on the second day which is not a holiday following the special
5 levy election.

6 5. Notice of the special levy election shall be published
7 at least twice in a newspaper as specified in section 304
8 of this Act prior to the date of the special levy election.
9 The first notice shall appear as early as practicable after
10 the county has decided to seek a special levy.

11 Sec. 423. NEW SECTION. GENERAL FUND.

12 1. A county shall establish a general fund. Except as
13 otherwise provided by state law, moneys received for county
14 government purposes from taxes and other sources shall be
15 credited to the general fund including but not limited to
16 the following amounts if received:

17 a. Revenues from the leasing of public lands for oil and
18 gas exploration and production, as provided in section 84.21.

19 b. Permit fees for cigarette permits issued under chapter
20 98.

21 c. Unclaimed fees and trusts for which checks or warrants
22 have been outstanding for more than two years shall be credited
23 to the general fund, but may be claimed within five years
24 after being credited to the general fund.

25 d. A portion of snowmobile registration fees as provided
26 in section 321G.7, if there is no county conservation fund.

27 e. License fees for licensing business establishments.

28 f. Funds not expended for support of the civil service
29 commission, as provided in section 341A.20.

30 g. Allocations from the moneys and credits tax replacement
31 fund, which shall be distributed as provided in section
32 422.100.

33 h. Moneys received from the local transient guest tax
34 fund, pursuant to the levy of a hotel and motel tax under
35 chapter 422A.

1 i. The levy for ordinary county revenue established in
2 sections 420, subsection 16, and 421, subsection 23, of this
3 Act.

4 j. The levy for an improvement account, if the account
5 is established under subsection 4.

6 k. Allocations from the tax upon capital employed in the
7 business of making loans or investments, as provided in sec-
8 tion 430A.3.

9 l. Allocations from the moneys and credits tax on credit
10 unions, as provided in section 533.24.

11 m. Interest earnings on money held by the clerk for pay-
12 ment to a private person, as provided in section 702, subsec-
13 tion 6, of this Act.

14 n. Other amounts in accordance with state law.

15 2. A county may deposit to the general fund the following
16 amounts if received:

17 a. If a levy has been made to pay a claim, bond, or other
18 indebtedness and the money has remained in the treasury, un-
19 called for, for three years, the board may authorize the un-
20 claimed fund to be transferred to the general fund.

21 b. From the domestic animal fund in accordance with sec-
22 tion 424, subsection 9, of this Act.

23 c. Excess moneys in the debt service fund, as provided
24 in section 427 of this Act.

25 3. Except as otherwise provided by state law, amounts
26 expended for county government purposes shall be paid from
27 the general fund, including but not limited to amounts for
28 the following purposes if paid:

29 a. To the auditor of state for the costs of the annual
30 audit as provided in section 11.21.

31 b. For copies of the Code and session laws.

32 c. To a joint county-municipal disaster services fund
33 established under section 29C.9, for the purpose of paying
34 expenses relating to disaster services and emergency planning.

35 d. To the county conservation fund, for the maintenance

1 of lands under the jurisdiction of the state conservation
2 commission, by agreement under section 111.27, and for the
3 payment of expenses incurred by the county conservation board
4 in carrying out its powers and duties. The board, without
5 approval of the state appeal board, may temporarily transfer
6 unobligated moneys to the county conservation fund in
7 anticipation of or to match committed receipts of federal
8 funds from the heritage conservation and recreation service,
9 the moneys to be returned to the general fund within five
10 years or upon receipt of federal funds, if that occurs first.

11 e. To the local health fund to provide local health ser-
12 vices.

13 f. For public health nursing service obtained by con-
14 tract with a nonprofit nurses' association, as provided in
15 section 143.1.

16 g. For purchase of real property for county or district
17 fair purposes.

18 h. For expenses and compensation of the county board of
19 social welfare.

20 i. For the maintenance of graves of veterans as provided
21 in section 250.17 and 250.18.

22 j. For compensation of the general relief director as
23 provided in section 252.26.

24 k. To pay interest due the state on permanent school funds
25 as provided in sections 302.40 and 302.41.

26 l. For labor and equipment necessary for the performance
27 of the weed commissioner's duties.

28 m. To the railroad assistance fund established under sec-
29 tion 327H.18:

30 (1) With approval of the state department of transporta-
31 tion, an amount not to exceed the amount of property taxes
32 levied against railroad property within the county, to be
33 used for conservation, restoration, or improvement of rail-
34 road branch lines within the county and in accordance with
35 chapter 327H. The county may receive reimbursement under

1 section 327H.20.

2 (2) Subject to the limitation in subparagraph (1), to
3 provide financial assistance to railroads pursuant to an
4 agreement with the state department of transportation,
5 shippers, a railroad corporation, a city, or another county,
6 or to establish an escrow fund as collateral for a loan for
7 railroad improvement.

8 n. Expenses incurred in licensing and regulating business
9 establishments.

10 o. For matching a grant to the county under a state or
11 federal program, including but not limited to programs for
12 crime control, public health, disaster services, highway
13 safety, juvenile delinquency, narcotics control, and pollution.

14 p. To provide programs benefiting senior citizens, in-
15 cluding but not limited to senior citizen centers, mobile
16 meals, and counseling programs.

17 q. To pay court costs if the prosecution fails or if the
18 costs cannot be collected from the person liable, in lieu
19 of payment from the court fund.

20 r. For the county compensation board, to pay expenses
21 of the members, salaries and expenses of technical and clerical
22 assistance, and the cost of providing facilities.

23 s. To the domestic animal fund in accordance with section
24 352.6.

25 t. To pay the compensation of township trustees and town-
26 ship clerk.

27 u. For refund of an overpayment from the moneys and credits
28 tax replacement fund.

29 v. For the purposes specified in section 422A.2, subsec-
30 tion 4, if moneys are received from the local transient guest
31 tax fund pursuant to the levy of a hotel and motel tax under
32 chapter 422A.

33 w. To the county mental health and institutions fund,
34 if the levy for that fund is insufficient to pay expenses
35 required to be paid from the fund.

1 x. For premiums on insurance against liability incurred
2 under chapter 613A, and to pay a loss due to personal liability
3 of county officers and employees if the loss is not covered
4 by insurance. The premiums may also be paid from any
5 appropriate funds.

6 y. For the cost of radio equipment installed under sec-
7 tion 693.4.

8 z. For salaries and expenses of elected county officers,
9 deputy officers, assistants, clerks, and other employees,
10 unless otherwise provided by law.

11 aa. For other purposes authorized by state law.

12 4. The board may direct the county commissioner of elec-
13 tions to place on the ballot at the next general election
14 the question of whether an improvement account shall be
15 established within the general fund. The question shall state
16 the maximum annual amount to be credited to the account.
17 If a majority of those voting approves the establishment of
18 an improvement account, the board may levy the tax necessary
19 to raise an amount not to exceed the approved amount for four
20 years. An unexpended balance in the account at the end of
21 four years shall remain until all moneys have been appropriated
22 from the account, at which time the account shall be closed
23 unless reapproved by the voters. The question of reapproval
24 of an improvement account or an increase in the maximum amount
25 to be deposited in the account shall be submitted to the voters,
26 and may be submitted at any general election.

27 Sec. 424. NEW SECTION. MANDATORY COUNTY FUNDS. A county
28 shall establish the following funds:

29 1. A public safety fund, if a unified law enforcement
30 district is established under sections 28E.21 through 28E.28.

31 2. A joint county-municipal disaster services fund in
32 accordance with section 29C.9.

33 3. A local health fund. However, upon establishment of
34 a district health department under sections 137.10 through
35 137.13, moneys in the local health fund of the county shall

1 be transferred to the local health fund of the district.
2 Deposits to and withdrawals from the local health fund shall
3 be made in accordance with section 137.18.

4 4. A county brucellosis eradication fund, to be used as
5 provided in section 420, subsection 5 of this Act. However,
6 the board may transfer unexpended moneys in this fund to meet
7 unpaid obligations in the county tuberculosis eradication
8 fund. The board shall pay claims against the fund as provided
9 in sections 163A.12 and 164.28.

10 5. A county tuberculosis eradication fund, to be used
11 as provided in section 420, subsection 6 of this Act. However,
12 the board may transfer unexpended moneys in this fund to meet
13 unpaid obligations in the county brucellosis eradication fund.
14 The board shall pay claims against the fund as provided in
15 sections 165.23 and 165.25.

16 6. A county agricultural extension education fund. Before
17 the fifteenth day of each month, the treasurer shall notify
18 the chairperson of the county extension council of the amount
19 collected for this fund to the first day of that month, and
20 the chairperson shall draw a draft for that amount,
21 countersigned by the secretary, upon the treasurer who shall
22 pay that amount to the treasurer of the extension council
23 upon receipt of the draft.

24 7. a. A secondary road fund which shall consist of all
25 of the following:

26 (1) Funds derived from the secondary road tax levies.

27 (2) Funds allotted to the county from the state road use
28 tax fund.

29 (3) Funds provided in individual contributions for the
30 improvement of a secondary road.

31 (4) Other funds as provided by law.

32 b. A county may appropriate from the secondary road fund
33 for all of the following:

34 (1) Construction and reconstruction of secondary roads
35 and costs incident to the construction and reconstruction.

1 (2) Maintenance and repair of secondary roads and costs
2 incident to the maintenance and repair.

3 (3) Payment of all or part of the cost of construction
4 and maintenance of bridges in cities having a population of
5 eight thousand or less and all or part of the cost of
6 construction of roads located within a city of less than four
7 hundred population, which lead to state parks.

8 (4) Special drainage assessments levied on account of
9 benefits to secondary roads.

10 (5) Payment of interest on and principal of any bonds
11 of the county issued on account of secondary roads, bridges,
12 or culverts constructed by the county.

13 (6) Any legal obligation or contract in connection with
14 secondary roads and bridges which is required by law to be
15 taken over and assumed by the county.

16 (7) Secondary road equipment, materials, supplies, and
17 garages or sheds for their storage, repair, and servicing.

18 (8) For the assignment or designation of names or numbers
19 to roads in the county and to erect, construct, or maintain
20 guideposts or signs at intersections of roads in the county.

21 (9) As provided in sections 306.15, 313A.23, and other
22 state law.

23 8. A county public hospital fund, if a hospital is es-
24 tablished under chapter 347.

25 9. A domestic animal fund. Fees received for licenses
26 issued under chapter 351 and other domestic animal fees shall
27 be deposited in the fund. On July 1 of each year, the auditor
28 shall notify the treasurer of all claims allowed under chapter
29 352 during the prior year. If the fund is sufficient the
30 treasurer shall pay the claims in full. If the fund is not
31 sufficient, the treasurer shall pay the claims pro rata.
32 If the balance in the fund exceeds five hundred dollars, the
33 board may transfer the excess over five hundred dollars to
34 the general fund or may use any part of it in payment of a
35 claim for the care of abandoned or injured domestic animals

1 or fowls within the county by a society for the prevention
2 of cruelty to animals. However, if within five years of a
3 transfer to the general fund the amount in the domestic animal
4 fund is insufficient to pay allowed claims for a year, the
5 board shall transfer from the general fund to the domestic
6 animal fund the amount needed up to the amount originally
7 transferred from the domestic animal fund.

8 10. A library maintenance fund, if a county library is
9 established under chapter 358B. Any unexpended balance in
10 the library maintenance fund at the end of the fiscal year
11 shall remain in the fund and be available for library purposes
12 without reappropriation.

13 11. A weather modification fund, if the county has a
14 weather modification board, to be used exclusively for the
15 purpose of artificial weather modification under chapter 361.

16 12. An election expense fund to pay election and voter
17 registration costs. Moneys in this fund shall not be appro-
18 priated for another purpose or transferred to another fund.

19 13. A county mental health and institutions fund. Amounts
20 received from the state mental aid fund shall be credited
21 to the county mental health and institutions fund. The board
22 shall make appropriations from the county mental health and
23 institutions fund for all of the following and for no other
24 purposes:

25 a. Charges which the county is obligated by statute to
26 pay for:

27 (1) Care and treatment of patients by a state mental
28 health institute.

29 (2) Care and treatment of patients by either of the state
30 hospital-schools or by any other facility established under
31 chapter 222.

32 (3) Care and treatment of patients by the psychiatric
33 hospital at Iowa City.

34 (4) Care and treatment of persons at the alcoholic
35 treatment center at Oakdale or facilities as provided in

1 chapter 125. However, an admission to a center or other
2 facility shall be reported to the board within five days by
3 the center or facility offering treatment.

4 (5) Care of children admitted or committed to the Iowa
5 juvenile home at Toledo.

6 (6) Clothing, transportation, and medical or other services
7 provided persons attending the Iowa braille and sight-saving
8 school, the Iowa school for the deaf, or the state hospital-
9 school for severely handicapped children at Iowa City, for
10 which the county becomes obligated to pay pursuant to sections
11 263.12, 269.2, and 270.5 through 270.7.

12 b. Any portion which the board deems advisable of the
13 cost of psychiatric examination and treatment of persons in
14 need thereof or of professional evaluation, treatment,
15 training, habilitation, and care of persons who are mentally
16 retarded, autistic children, or persons who are afflicted
17 by any other developmental disability, at a suitable public
18 or private facility providing inpatient or outpatient care
19 in the county. However, the board shall not pay for the
20 treatment other than in a state institution an amount exceeding
21 eight dollars per capita in a county with a population of
22 less than forty thousand. As used in this subsection:

23 (1) "Developmental disability" has the meaning assigned
24 that term by 42 U.S.C. sec. 6001(7) (1976).

25 (2) "Autistic children" means persons, regardless of age,
26 with severe communication and behavior disorders that became
27 manifest during the early stages of childhood development
28 and that are characterized by a severely disabling inability
29 to understand, communicate, learn, and participate in social
30 relationships. "Autistic children" includes but is not limited
31 to those persons afflicted by infantile autism, profound
32 aphasia, and childhood psychosis.

33 The board may require a public or private facility as a
34 condition of payment from county funds to furnish the board
35 with a statement of the income and assets, and the township

1 or city and county of legal residence of each person receiving
2 services under this section. However, the facility shall
3 not disclose to anyone the name or address of a person
4 receiving services for which commitment is not required,
5 without the permission of that person.

6 c. The cost of care and treatment of persons placed in
7 the county hospital, county care facility, a health care
8 facility as defined in section 135C.1, subsection 4, or any
9 other public or private facility:

10 (1) In lieu of admission or commitment to a state mental
11 health institute, hospital-school, or other facility
12 established pursuant to chapter 222.

13 (2) Upon discharge, removal, or transfer from a state
14 mental health institute or state hospital-school or other
15 institution established pursuant to chapter 222.

16 d. A contribution which the board makes to the
17 establishment and initial operation of a community mental
18 health center in the manner and subject to the limitations
19 provided by state law.

20 e. Foster care and related services provided under court
21 order to a child who is under the jurisdiction of the juvenile
22 court.

23 f. Expenses required to be paid by the county for the
24 care, admission, commitment, and transportation of mentally
25 ill patients in state hospitals.

26 Parents or other persons may voluntarily reimburse the
27 county or state for the reasonable cost of caring for an
28 individual patient in a county or state facility.

29 14. Other funds as required by state law.

30 Sec. 425. NEW SECTION. PERMISSIVE COUNTY FUNDS. A county
31 may establish the following funds:

32 1. An emergency fund in accordance with section 24.6.

33 2. A county conservation fund to be administered by the
34 county conservation board in accordance with section 111A.6.

35 A portion of snowmobile registration fees shall be deposited

1 in the fund as provided in section 321G.7.

2 3. A fairground fund. In addition to tax levies authorized
3 for this fund, the net proceeds from the sale of fairground
4 sites and structures on the sites shall be placed in this
5 fund to be used for the erection of permanent buildings on
6 a new fairground site or the cost of moving structures from
7 the old to the new site.

8 4. A veteran affairs fund.

9 5. A county poor fund. Payments for quarantine and isola-
10 tion of persons with communicable disease shall be made from
11 this fund as provided by sections 139.28 through 139.30.
12 Reimbursement under section 249A.12, compensation for the
13 general relief director, and expenses for general relief may
14 be paid from this fund.

15 6. A county school fund, to be managed as provided in
16 chapter 302.

17 7. A road clearing fund and a weed eradication and equip-
18 ment fund.

19 8. A cemetery fund, to which shall be deposited money
20 received under sections 566.14 through 566.18 to be managed
21 as authorized by those sections, and levies as authorized
22 by state law.

23 9. A court expense fund, which shall not be used for a
24 purpose other than expenses incident to the maintenance and
25 operation of the courts, including but not limited to salary
26 and expenses of the clerk, deputy clerks, and other employees
27 of the clerk's office, establishment and operation of a public
28 defender's office, costs otherwise payable from the general
29 fund under section 423, subsection 3, paragraph g, of this
30 Act, the county's expense for confinement of prisoners under
31 chapter 356A, temporary assistance to the county attorney,
32 and claims filed under section 622.93.

33 10. Other funds authorized by state law.

34 Sec. 426. NEW SECTION. COUNTY INDEMNIFICATION FUND.

35 1. A county indemnification fund is created in the office

1 of the treasurer of state, to be used to indemnify and pay
2 on behalf of any county officer, township trustee, deputy,
3 assistant, or employee of the county or the township, all
4 sums that the person is legally obligated to pay because of
5 an error or omission in the performance of official duties,
6 except that the first five hundred dollars of each claim shall
7 not be paid from this fund.

8 2. The fund does not relieve an insurer issuing insurance
9 under section 613A.7 from paying a loss incurred. An insurer
10 shall not be subrogated to the assets of the fund regardless
11 of provisions in a policy of insurance.

12 3. If the balance in the fund on September 30 is less
13 than six hundred thousand dollars, the treasurer of state
14 shall notify the board of each county to levy the amount
15 authorized in section 420, subsection 7, of this Act.

16 4. Not later than December 15 or June 15 of a year in
17 which the tax is collected, the county auditor shall transmit
18 the amount of the tax levied and collected, by warrant, to
19 the treasurer of state who shall credit it to the county
20 indemnification fund. The treasurer of state shall invest
21 moneys in the fund in the same manner as other public funds
22 and shall credit interest received from that investment to
23 the county indemnification fund.

24 5. A claim for an act or omission of a county officer,
25 township trustee, deputy, assistant, or employee of the county
26 or the township, which occurred after July 1, 1978, shall
27 be processed in accordance with chapter 613A and paid from
28 the fund, except that payment of a claim, except a final
29 judgment, in excess of fifteen hundred dollars must have the
30 unanimous approval of all members of the state appeal board,
31 the attorney general, and the district court of Polk county.

32 6. If a final judgment is obtained against a county
33 officer, township trustee, deputy, assistant, or employee
34 of the county or the township, for an act or omission which
35 occurred subsequent to July 1, 1978, which is payable from

1 the county indemnification fund, the county attorney shall
2 ascertain if an insurance policy exists indemnifying the
3 person against the judgment or any part of it. If no insurance
4 exists, or if the judgment exceeds the limits of insurance,
5 the county attorney shall submit a claim to the state
6 comptroller against the county indemnification fund on behalf
7 of the plaintiff for the amount of the judgment exceeding
8 the amount recoverable by reason of the insurance. The state
9 comptroller shall promptly issue a warrant payable to the
10 plaintiff for that amount, and the treasurer of state shall
11 pay the warrant. Payment discharges the person from liability
12 for that act or omission.

13 Sec. 427. NEW SECTION. DEBT SERVICE FUND.

14 1. A county shall establish a debt service fund and shall
15 certify taxes to be levied for the debt service fund in the
16 amount necessary, subject to specific levy limitations in
17 this part, to pay:

18 a. Judgments against the county, except those authorized
19 by state law to be paid from other funds.

20 b. Interest as it becomes due and the amount necessary
21 to pay, or to create a sinking fund to pay, the principal
22 at maturity of all general obligation bonds issued by the
23 county.

24 2. Moneys pledged or available to service general obliga-
25 tion bonds, and received from sources other than property
26 taxes, shall be deposited in the debt service fund.

27 3. A tax levied for the debt service fund is not invalid
28 if it raises moneys in excess of those needed for a specific
29 purpose. Only excess moneys remaining after retirement of
30 all indebtedness payable from the fund may be transferred
31 from the debt service fund to the fund most closely related
32 to the project for which the indebtedness arose, or to the
33 general fund, subject to the terms of the original bond issue.

34 4. When the amount in the hands of the treasurer belonging
35 to the debt service fund, after setting aside the sum required

1 to pay interest maturing before the next levy, is sufficient
2 to redeem one or more bonds which by their terms are subject
3 to redemption, the treasurer shall notify the owner of the
4 bonds. If the bonds are not presented for payment or
5 redemption within thirty days after the date of notice, the
6 interest on the bonds shall cease, and the amount due shall
7 be set aside for payment when presented. Redemptions shall
8 be made in the order of the bond numbers.

9

DIVISION IV

10

COUNTY FINANCES

11

PART 3

12

GENERAL OBLIGATION BONDS

13

Sec. 440. NEW SECTION. DEFINITIONS.

14

1. As used in this part, the use of the conjunctive "and"
15 includes the disjunctive "or" and the use of the disjunctive
16 "or" includes the conjunctive "and," unless the context clearly
17 indicates otherwise.

18

2. As used in this part, unless the context otherwise
19 requires:

20

a. "General obligation bond" means a negotiable bond is-
21 sued by a county and payable from the levy of ad valorem taxes
22 on all taxable property within the county through its debt
23 service fund which is required to be established by section
24 427 of this Act.

25

b. "Essential county purpose" means any of the following:

26

(1) Voting machines or an electronic voting system.

27

(2) Bridges on highways or parts of highways which are
28 located along the corporate limits of cities and are partly
29 within and partly without the limits and are in whole or in
30 part secondary roads.

31

(3) The building and maintenance of a bridge over state
32 boundary line streams, subject to the levy limit in section
33 421, subsection 14, of this Act.

34

(4) Sanitary disposal projects as defined in section
35 455B.75, subject to the levy limit in section 421, subsection

1 26, of this Act.

2 (5) Works and facilities useful for the collection, treat-
3 ment, and disposal of sewage and industrial waste in a sani-
4 tary manner, for the collection and disposal of solid waste,
5 and for the collection and disposal of surface waters and
6 streams, including the planning, acquisition, leasing,
7 construction, reconstruction, extension, remodeling,
8 improvement, repair, equipping, maintenance, and operation
9 of the works and facilities.

10 (6) Public buildings, including the site or grounds of,
11 and the erection, equipment, remodeling, or reconstruction
12 of, and additions or extensions to the buildings, and including
13 the provision and maintenance of juvenile detention or shelter
14 care facilities, when the cost does not exceed the limits
15 stated in section 345.1.

16 (7) Funding or refunding outstanding indebtedness if the
17 outstanding indebtedness exceeds five thousand dollars on
18 the first day of January, April, June, or September in any
19 year. However, a county shall not levy taxes to repay
20 refunding bonds for bridges on property within cities.

21 (8) Enlargement and improvement of a county hospital
22 acquired and operated under chapter 347A, subject to a maximum
23 of two percent of the assessed value of the taxable property
24 in the county. However, notice of the proposed bond issue
25 shall be published once each week for two consecutive weeks
26 and if, within twenty days following the date of the first
27 publication, a petition requesting an election on the proposal
28 and signed by qualified voters of the county equal to at least
29 twenty percent of the votes cast at the preceding election
30 for governor is filed with the county auditor, the proposal
31 is subject to the election requirements in section 441,
32 subsections 2, 3, and 4 of this Act for general county purpose
33 bonds.

34 c. "General county purpose" means any of the following:

35 (1) A memorial building or monument to commemorate the

1 service rendered by soldiers, sailors, and marines of the
2 United States, including the acquisition of ground and the
3 purchase, erection, construction, reconstruction, and equipment
4 of the building or monument, subject to the levy limit in
5 section 421, subsection 3, of this Act, and to be managed
6 by a commission as provided in chapter 37.

7 (2) Acquisition and development of land for a public
8 museum, park, parkway, preserve, playground, or other recrea-
9 tion or conservation purpose to be managed by the county con-
10 servation board, subject to the levy limit in section 421,
11 subsection 6, of this Act. The board may only submit a
12 proposition under this subparagraph upon receipt of a petition
13 from the county conservation board asking that bonds be issued
14 for a specified amount.

15 (3) Contributions of money to the state department of
16 transportation to help finance the construction of toll bridges
17 across navigable rivers constituting boundaries between the
18 county and an adjoining state.

19 (4) An airport, including establishment, acquisition,
20 equipment, improvement, or enlargement of the airport.

21 (5) A joint city-county building, established by contract
22 between the county and its county seat city, including pur-
23 chase, acquisition, ownership, and equipment of the county
24 portion of the building.

25 (6) A county health center as defined in section 346A.1,
26 including additions and facilities for the center and including
27 the acquisition, reconstruction, completion, equipment, im-
28 provement, repair, and remodeling of the center, additions,
29 or facilities. Bonds for the purpose specified in this
30 subparagraph are exempt from taxation by the state and the
31 interest on the bonds is exempt from state income taxes.

32 (7) A county public hospital, including procuring a site
33 and the erection, equipment, and maintenance of the hospital,
34 and additions to the hospital, subject to the levy limits
35 in section 347.7.

1 (8) Public buildings, including the site or grounds of,
2 the erection, equipment, remodeling, or reconstruction of,
3 and additions or extensions to the buildings, and including
4 the provision and maintenance of juvenile detention or shelter
5 care facilities, when the cost exceeds the limits stated in
6 section 345.1.

7 (9) The undertaking of any project jointly or in coopera-
8 tion with any other governmental body which, if undertaken
9 by the county alone, would be for a general county purpose,
10 including the joint purchase, acquisition, construction,
11 ownership, or control of any real or personal property.

12 (10) Any other facilities or improvements which are neces-
13 sary for the operation of the county or the health and welfare
14 of its citizens.

15 3. The "cost" of any project for an essential county
16 purpose or general county purpose includes construction
17 contracts and the cost of engineering, architectural,
18 technical, and legal services, preliminary reports, property
19 valuations, estimates, plans, specifications, notices,
20 acquisition of real and personal property, consequential
21 damages or costs, easements, rights of way, supervision,
22 inspection, testing, publications, printing and sale of bonds,
23 and provisions for contingencies.

24 Sec. 441. NEW SECTION. GENERAL COUNTY PURPOSE BONDS.

25 1. A county which proposes to carry out any general county
26 purpose within or without its boundaries, and to contract
27 indebtedness and issue general obligation bonds to provide
28 funds to pay all or any part of the costs of a project, shall
29 do so in accordance with this part.

30 2. Before the board may institute proceedings for the
31 issuance of bonds for a general county purpose, it shall call
32 a county special election to vote upon the question of issuing
33 the bonds. At the election the proposition shall be submitted
34 in the following form:

35 "Shall the county of, state

1 (insert the name of the county)
2 of Iowa, issue its general obligation bonds in an amount not
3 exceeding the amount of \$..... for the purpose of
4?"

5 3. Notice of the election shall be given by publication
6 as specified in section 304 of this Act. At the election
7 the ballot used for the submission of the proposition shall
8 be in substantially the form for submitting special questions
9 at general elections.

10 4. The proposition of issuing bonds for a general county
11 purpose is not carried or adopted unless the vote in favor
12 of the proposition is equal to at least sixty percent of the
13 total vote cast for and against the proposition at the
14 election. If the proposition of issuing the general county
15 purpose bonds is approved by the voters, the board may proceed
16 with the issuance of the bonds.

17 5. a. Notwithstanding subsection 2, a board, in lieu of
18 calling an election, may institute proceedings for the issuance
19 of bonds for a general county purpose by causing a notice
20 of the proposal to issue the bonds, including a statement
21 of the amount and purpose of the bonds, and the right to
22 petition for an election, to be published as provided in
23 section 304 of this Act at least ten days prior to the meeting
24 at which it is proposed to take action for the issuance of
25 the bonds subject to the following limitations:

26 (1) In counties having a population of twenty thousand
27 or less, in an amount of not more than fifty thousand dollars.

28 (2) In counties having a population of over twenty thousand
29 and not over fifty thousand, in an amount of not more than
30 one hundred thousand dollars.

31 (3) In counties having a population of over fifty thousand,
32 in an amount of not more than one hundred fifty thousand
33 dollars.

34 b. If at any time before the date fixed for taking action
35 for the issuance of the bonds, a petition is filed with the

1 auditor in the manner provided by section 305 of this Act
2 asking that the question of issuing the bonds be submitted
3 to the qualified electors of the county, the board shall
4 either by resolution declare the proposal to issue the bonds
5 to have been abandoned or shall direct the county commissioner
6 of elections to call a special election upon the question
7 of issuing the bonds. Notice of the election and its conduct
8 shall be in the manner provided in subsections 2, 3, and 4.

9 c. If no petition is filed, or if a petition is filed
10 and the proposition of issuing the bonds is approved at an
11 election, the board may proceed with the authorization and
12 issuance of the bonds.

13 Sec. 442. NEW SECTION. ESSENTIAL COUNTY PURPOSE BONDS.

14 1. A county which proposes to carry out an essential
15 county purpose within or without its boundaries, and to
16 contract indebtedness and issue general obligation bonds to
17 provide funds to pay all or any part of the cost of a project
18 shall do so in accordance with this part.

19 2. Before the board may institute proceedings for the
20 issuance of bonds for an essential county purpose, a notice
21 of the proposed action, including a statement of the amount
22 and purposes of the bonds, and the time and place of the
23 meeting at which the board proposes to take action for the
24 issuance of the bonds, shall be published as provided in
25 section 304 of this Act. At the meeting, the board shall
26 receive oral or written objections from any resident or
27 property owner of the county. After all objections have been
28 received and considered, the board, at that meeting or a date
29 to which it is adjourned, may take additional action for the
30 issuance of the bonds or abandon the proposal to issue the
31 bonds. Any resident or property owner of the county may
32 appeal the decision of the board to take additional action
33 to the district court of the county, within fifteen days after
34 the additional action is taken, but the additional action
35 of the board is final and conclusive unless the court finds

1 that the board exceeded its authority. The provisions of
2 this subsection with respect to notice, hearing, and appeal,
3 are in lieu of any other law.

4 Sec. 443. NEW SECTION. SALE OF BONDS.

5 1. The board may sell general obligation bonds at public
6 or private sale in the manner prescribed by chapter 75.

7 2. General obligation funding or refunding bonds issued
8 for the purposes specified in section 440, subsection 2,
9 paragraph b, subparagraph (7) of this Act may be exchanged
10 for the evidences of the legal indebtedness being funded or
11 refunded, or the funding or refunding bonds may be sold in
12 the manner prescribed by chapter 75 and the proceeds applied
13 to the payment of the indebtedness. Funding or refunding
14 bonds may bear interest at the same rate as, or at a higher
15 or lower rate or rates of interest than the indebtedness being
16 funded or refunded.

17 Sec. 444. NEW SECTION. CATEGORIES FOR GENERAL OBLIGATION
18 BONDS. The board may issue general obligation bonds pursuant
19 to a resolution adopted at a regular or special meeting by
20 a majority of the total number of supervisors. Each
21 subparagraph of section 440, subsection 2, paragraphs b and
22 c, of this Act, describes a separate category. Separate
23 categories of essential county purposes and of general county
24 purposes may be incorporated in a single notice of intention
25 to institute proceedings for the issuance of bonds, or separate
26 categories may be incorporated in separate notices, and after
27 an opportunity has been provided for filing objections, or
28 after a favorable election has been held, if required, the
29 board may include in a single resolution and sell as a single
30 issue of bonds, any number or combination of essential county
31 purposes or general county purposes. If an essential county
32 purpose is combined with a general county purpose in a single
33 notice of intention to institute proceedings to issue bonds,
34 then the entire issue is subject to the election requirement
35 in section 441 of this Act.

1 Sec. 445. NEW SECTION. FORM AND EXECUTION--NEGOTIABLE-
2 TY.

3 1. As provided by resolution of the board, general
4 obligation bonds may:

5 a. Bear dates.

6 b. Bear interest at rates not exceeding any limitations
7 imposed by chapter 74A.

8 c. Mature in one or more installments.

9 d. Be in either coupon or registered form.

10 e. Carry registration and conversion privileges.

11 f. Be payable as to principal and interest at times and
12 places.

13 g. Be subject to terms of redemption prior to maturity
14 with or without premium.

15 h. Be in one or more denominations.

16 i. Be designated with a brief reference to purpose, or
17 if issued for a combination of purposes, be designated "county
18 purpose bond".

19 j. Contain other provisions not in conflict with state
20 law.

21 2. General obligation bonds shall be executed by the
22 chairperson of the board and the auditor. If coupons are
23 attached to the bonds, they shall be executed with the original
24 or facsimile signature of the auditor. A general obligation
25 bond is valid and binding if it bears the signatures of the
26 officers in office on the date of the execution of the bonds,
27 notwithstanding that any or all persons whose signatures
28 appear have ceased to be such officers prior to the delivery
29 of the bonds.

30 3. General obligation bonds issued pursuant to this part
31 are negotiable instruments.

32 Sec. 446. NEW SECTION. TAXES TO PAY BONDS.

33 1. Taxes for the payment of general obligation bonds shall
34 be levied in accordance with chapter 76, and the bonds are
35 payable from the levy of unlimited ad valorem taxes on all

1 the taxable property within the county through its debt service
2 fund required by section 427 of this Act except that:

3 a. The amount estimated and certified to apply on princi-
4 pal and interest for any one year shall not exceed the maximum
5 rate of tax, if any, provided by this division for the purpose
6 for which the bonds were issued. If general obligation bonds
7 are issued for different categories, as provided in section
8 444 of this Act, the maximum rate of levies, if any, for each
9 purpose shall apply separately to that portion of the bond
10 issue for that category and the resolution authorizing the
11 bond issue shall clearly set forth the annual debt service
12 requirements with respect to each purpose in sufficient detail
13 to indicate compliance with the rate of tax levy, if any.

14 b. The amount estimated and certified to apply on princi-
15 pal and interest for any one year may only exceed the statutory
16 rate of levy limit, if any, by the amount that the qualified
17 electors of the county have approved at a special election,
18 which may be held at the same time as the general election
19 and may be included in the proposition authorizing the issuance
20 of bonds, if an election on the proposition is necessary,
21 or may be submitted as a separate proposition at the same
22 election or at a different election. Notice of the election
23 shall be given as specified in section 304 of this Act. The
24 proposition submitted to the voters shall be in substantially
25 the following form:

26 "Shall the county of _____, state of Iowa, be
27 authorized to levy annually a tax exceeding (here set out the
28 maximum rate limit) but not exceeding _____
29 _____ dollars and _____
30 cents per thousand dollars of the assessed value of the tax-
31 able property within the county to pay the principal of and in-
32 terest on bonded indebtedness of the county for the purpose of
33 _____,
34 it being understood that the approval of this proposition
35 does not limit the source of payment of the bonds and interest

1 but only operates to restrict the amount of bonds which may be
2 issued?"

3 2. A statutory or voted tax levy limitation does not limit
4 the source of payment of bonds and interest, but only restricts
5 the amount of bonds which may be issued.

6 3. For the sole purpose of computing the amount of bonds
7 which may be issued as the result of the application of a
8 statutory or voted tax levy limitation, all interest on the
9 bonds in excess of that accruing in the first twelve months
10 may be excluded from the first annual levy of taxes, so that
11 the need for including more than one year's interest on the
12 first annual levy of taxes to pay the bonds and interest does
13 not operate to further restrict the amount of bonds which
14 may be issued, and in certifying the annual levies, the first
15 annual levy of taxes shall be sufficient to pay all principal
16 of and interest on the bonds becoming due prior to the next
17 succeeding annual levy and the full amount of the annual levy
18 shall be entered for collection as provided in chapter 76.

19 Sec. 447. NEW SECTION. STATUTE OF LIMITATION--POWERS-
20 -CONFLICTS.

21 1. An action shall not be brought which questions the
22 legality of general obligation bonds or the power of the
23 county to issue the bonds or the effectiveness of any
24 proceedings relating to the authorization and issuance of
25 the bonds from and after sixty days from the time the bonds
26 are ordered issued by the county.

27 2. The enumeration in this part of specified powers and
28 functions is not a limitation of the powers of counties, but
29 this part and the procedures prescribed for exercising the
30 powers and functions enumerated in this part control in the
31 event of a conflict with any other law.

32 Sec. 448. NEW SECTION. PRIOR PROJECTS PRESERVED. Projects
33 and proceedings for the issuance of general obligation bonds
34 commenced before the effective date of this part may be
35 consummated and completed as required or permitted by any

1 statute amended or repealed by this Act as though the repeal
2 or amendment had not occurred, and the rights, duties, and
3 interests flowing from such projects and proceedings remain
4 valid and enforceable. Projects commenced prior to the
5 effective date of this part may be financed by the issuance
6 of general obligation bonds under any such amended or repealed
7 law or by the issuance of general obligation bonds under this
8 part. For the purposes of this section, commencement of a
9 project includes but is not limited to action taken by the
10 board or an authorized officer to fix a date for a hearing
11 in connection with any part of the project, and commencement
12 of proceedings for the issuance of general obligation bonds
13 includes but is not limited to action taken by the board to
14 fix a date for either a hearing or a sale in connection with
15 any part of the general obligation bonds, or to order any
16 part thereof to be issued.

17 DIVISION IV

18 COUNTY FINANCES

19 PART 4

20 REVENUE BONDS

21 Sec. 460. NEW SECTION. DEFINITIONS. As used in this
22 section, unless the context otherwise requires:

23 1. "County enterprise" means any of the following:

24 a. Airports and airport systems.

25 b. Works and facilities useful and necessary for the col-
26 lection, treatment, purification, and disposal in a sanitary
27 manner of the liquid and solid waste, sewage, and industrial
28 waste of the county, including sanitary disposal projects
29 as defined in section 455B.75 and sanitary sewage systems,
30 and including the acquisition, establishment, construction,
31 purchase, equipment, improvement, extension, operation,
32 maintenance, reconstruction, and repair of the works and
33 facilities within or without the limits of the county, and
34 including works and facilities to be jointly used by the
35 county and other political subdivisions.

1 c. Swimming pools and golf courses, including their ac-
2 quisition, establishment, construction, purchase, equipment,
3 improvement, extension, operation, maintenance, reconstruction,
4 and repair.

5 d. The equipment, enlargement, and improvement of a county
6 public hospital previously established and operating under
7 chapter 347, including acquisition of the necessary lands,
8 rights of way, and other property, subject to approval by
9 the board of hospital trustees. However, notice of the pro-
10 posed bond issue shall be published at least once each week
11 for two consecutive weeks and if, within thirty days following
12 the date of the first publication, a petition requesting an
13 election on the proposal and signed by qualified voters of
14 the county equal to at least twenty percent of the votes cast
15 at the preceding election for governor is filed with the
16 county auditor, the proposal is subject to the election re-
17 quirements in section 441, subsections 2, 3, and 4, of this
18 Act, for general county purpose bonds. Bonds issued under
19 this paragraph shall mature in not more than thirty years
20 from date of issuance.

21 e. In a county with a population of less than one hun-
22 dred fifty thousand, a county hospital established under
23 chapter 347A, including its acquisition, construction, equip-
24 ment, enlargement, and improvement, and including necessary
25 lands, rights of way, and other property. However, bonds
26 issued under this paragraph shall mature in not more than
27 thirty years from date of issuance, and are subject to the
28 notice and election requirements of bonds issued under
29 paragraph d.

30 f. A waterworks, including land, easements, rights of
31 way, fixtures, equipment, accessories, improvements,
32 appurtenances, and other property necessary or useful for
33 the operation of the waterworks.

34 2. "Combined county enterprise" means two or more county
35 enterprises combined and operated as a single enterprise.

1 3. "Project" means the acquisition, construction,
2 reconstruction, extending, remodeling, improving, repairing,
3 and equipping of all or part of a county enterprise or combined
4 county enterprise within or without the boundaries of the
5 county.

6 4. "Rates" means rates, fees, tolls, rentals, and charges
7 for the use of or service provided by a county enterprise
8 or combined county enterprise.

9 5. "Gross revenue" means all income and receipts derived
10 from the operation of a county enterprise or combined county
11 enterprise.

12 6. "Operating expense" means salaries, wages, cost of
13 maintenance and operation, materials, supplies, insurance,
14 and all other items normally included under recognized
15 accounting practices, but does not include allowances for
16 depreciation in the value of physical property.

17 7. "Net revenues" means gross revenues less operating
18 expenses.

19 8. "Revenue bond" means a negotiable bond issued by a
20 county and payable from the net revenues of a county enterprise
21 or combined county enterprise.

22 9. "Pledge order" means a promise to pay out of the net
23 revenues of a county enterprise or combined county enterprise,
24 which is delivered to the contractors or other persons in
25 payment of all or part of the cost of the project.

26 Sec. 461. NEW SECTION. COUNTY ENTERPRISES--COMBINED
27 COUNTY ENTERPRISES.

28 1. A county which proposes to establish, own, acquire
29 by purchase, condemnation, or otherwise, lease, sell,
30 construct, reconstruct, extend, remodel, improve, repair,
31 equip, maintain, and operate within or without its corporate
32 limits a county enterprise or combined county enterprise
33 financed by revenue bonds shall do so in accordance with this
34 part.

35 2. If a combined county enterprise is dissolved, each

1 county enterprise which was a part of the combined county
2 enterprise shall continue in existence as a separate county
3 enterprise until it is abandoned by the board.

4 3. A combined county enterprise may be established, but
5 if there are obligations outstanding which by their terms
6 are payable from the revenues of any county enterprise
7 involved, the obligations shall be assumed by the board subject
8 to all terms established at the time of the original issue,
9 or refunded through the issuance of revenue bonds of the
10 combined county enterprise as a part of the procedure for
11 the establishment of the combined county enterprise, or funds
12 sufficient to pay the principal of and all interest and
13 premium, if any, on the outstanding obligations at and prior
14 to maturity shall be set aside and pledged for that purpose.
15 Revenues earmarked for payment of the obligations shall be
16 handled by the board in the same manner as they were handled
17 for the county enterprise involved. A county enterprise shall
18 not be abandoned and a combined county enterprise shall not
19 be dissolved so long as there are obligations outstanding
20 which by their terms are payable from the revenues of the
21 county enterprise or combined county enterprise unless funds
22 sufficient to pay the principal of and all interest and
23 premium, if any, on the outstanding obligations at and prior
24 to maturity have been set aside and pledged for that purpose.

25 Sec. 462. NEW SECTION. PROCEDURE FOR FINANCING.

26 1. The board may carry out projects, borrow money, and
27 issue revenue bonds and pledge orders to pay all or part of
28 the cost of projects, the revenue bonds and pledge orders
29 to be payable solely out of the net revenues of the county
30 enterprise or combined county enterprise involved in the
31 project. The cost of a project includes the construction
32 contracts, interest upon the revenue bonds and pledge orders
33 during the period or estimated period of construction and
34 for twelve months thereafter, or for twelve months after the
35 acquisition date, reserve funds as the board deems advisable

1 in connection with the project and the issuance of revenue
2 bonds and pledge orders, and the costs of engineering,
3 architectural, technical, and legal services, preliminary
4 reports, surveys, property valuations, estimates, plans,
5 specifications, notices, acquisition of real and personal
6 property, consequential damages or costs, easements, rights
7 of way, supervision, inspection, testing, publications,
8 printing and sale of bonds, and provisions for contingencies.

9 The board may sell revenue bonds or pledge orders at public
10 or private sale in the manner prescribed by chapter 75 and
11 may deliver revenue bonds and pledge orders to the contractors,
12 sellers, and other persons furnishing materials and services
13 constituting a part of the cost of the project in payment
14 therefor.

15 The board may deliver its revenue bonds to the federal
16 government or any agency thereof which has loaned the county
17 money for sanitary or solid waste projects, water projects,
18 or other projects, for which the government has a loan program.

19 2. The board may issue revenue bonds to refund revenue
20 bonds, pledge orders, and other obligations which are by their
21 terms payable from the net revenues of the same county
22 enterprise or combined county enterprise, or from a county
23 enterprise comprising a part of the combined county enterprise,
24 at lower, the same, or higher rates of interest. A county
25 may sell refunding revenue bonds at public or private sale
26 in the manner prescribed by chapter 75 and apply the proceeds
27 to the payment of the obligations being refunded, and may
28 exchange refunding revenue bonds in payment and discharge
29 of the obligations being refunded. The principal amount of
30 refunding revenue bonds may exceed the principal amount of
31 the obligations being refunded to the extent necessary to
32 pay any premium due on the call of the obligations being
33 refunded and to fund interest accrued and to accrue on the
34 obligations being refunded.

35 3. The board may contract to pay not to exceed ninety

1 percent of the engineer's estimated value of the acceptable
2 work completed during the month to the contractor at the end
3 of each month for work, material, or services. Payment may
4 be made in warrants drawn on any fund from which payment for
5 the work may be made. If such funds are depleted, anticipatory
6 warrants may be issued bearing a rate of interest not exceeding
7 that permitted by chapter 74A even if a collection of taxes
8 or special assessments or income from the sale of bonds which
9 have been authorized and are applicable to the public
10 improvement takes place after the fiscal year in which the
11 warrants are issued. If the board arranges for the private
12 sale of anticipatory warrants, they may be sold and the
13 proceeds used to pay the contractor. The warrants may also
14 be used to pay other persons furnishing services constituting
15 a part of the cost of the public improvement.

16 Sec. 463. NEW SECTION. REVENUE BONDS.

17 1. The board may issue revenue bonds pursuant to a
18 resolution adopted at a regular or special meeting by a
19 majority of the total number of members of the board.

20 2. Before the board institutes proceedings for the issuance
21 of revenue bonds, it shall fix a time and place of meeting
22 at which it proposes to take action, and give notice by
23 publication in the manner directed in section 304 of this
24 Act. The notice must include a statement of the time and
25 place of the meeting, the maximum amount of the proposed
26 revenue bonds, the purpose for which the revenue bonds will
27 be issued, and the county enterprise or combined county
28 enterprise whose net revenues will be used to pay the revenue
29 bonds and interest thereon. At the meeting the board shall
30 receive oral or written objections from any resident or
31 property owner of the county. After all objections have been
32 received and considered, the board, at the meeting or a date
33 to which it is adjourned, may take additional action for the
34 issuance of the bonds or abandon the proposal to issue bonds.
35 Any resident or property owner of the county may appeal a

1 decision of the board to take additional action to the district
2 court of the county within fifteen days after the additional
3 action is taken, but the additional action of the board is
4 final and conclusive unless the court finds that the board
5 exceeded its authority. The provisions of this subsection
6 with respect to notice, hearing, and appeal are in lieu of
7 those contained in any other law.

8 3. Revenue bonds may bear dates, bear interest at rates
9 not exceeding those permitted by chapter 74A, mature in one
10 or more installments, be in either coupon or registered form,
11 carry registration and conversion privileges, be payable as
12 to principal and interest at times and places, be subject
13 to terms of redemption prior to maturity with or without
14 premium, and be in one or more denominations, all as provided
15 by the resolution of the board authorizing their issuance.
16 The resolution may also prescribe additional provisions,
17 terms, conditions, and covenants which the board deems
18 advisable, consistent with this part, including provisions
19 for creating and maintaining reserve funds, the issuance of
20 additional revenue bonds ranking on a parity with such revenue
21 bonds and additional revenue bonds junior and subordinate
22 to such revenue bonds, and that such revenue bonds shall rank
23 on a parity with or be junior and subordinate to any revenue
24 bonds which may be then outstanding. Revenue bonds are a
25 contract between the county and holders and the resolution
26 is a part of the contract.

27 4. Revenue bonds shall be executed by the chairperson
28 of the board and the auditor. If coupons are attached to
29 the revenue bonds, they shall be executed with the original
30 or facsimile signature of the auditor. A revenue bond is
31 valid and binding for all purposes if it bears the signatures
32 of the officers in office on the date of the execution of
33 the bonds notwithstanding that any or all persons whose
34 signatures appear have ceased to be such officers prior to
35 the delivery of the bonds. The issuance of revenue bonds

1 shall be recorded in the office of the treasurer, and a
2 certificate of the recording by the treasurer shall be printed
3 on the back of each revenue bond.

4 5. Revenue bonds, pledge orders, and warrants issued under
5 this part are negotiable instruments.

6 6. The board may issue pledge orders pursuant to a
7 resolution adopted by a majority of the total number of
8 supervisors, at a regular or special meeting, ordering their
9 issuance and delivery in payment for all or part of the cost
10 of a project. Pledge orders may bear interest at rates not
11 exceeding those permitted by chapter 74A.

12 7. The physical properties of a county enterprise or
13 combined county enterprise shall not be pledged or mortgaged
14 to secure the payment of revenue bonds or pledge orders or
15 the interest thereon.

16 Sec. 464. NEW SECTION. RATES FOR PROPRIETARY FUNCTIONS.

17 1. The board may establish, impose, adjust, and provide
18 for the collection of rates to produce gross revenues at least
19 sufficient to pay the expenses of operation and maintenance
20 of the county enterprise or combined county enterprise and,
21 if revenue bonds or pledge orders are issued and outstanding
22 under this part, shall establish, impose, adjust, and provide
23 for the collection of rates to produce gross revenues at least
24 sufficient to pay the expenses of operation and maintenance
25 of the county enterprise or combined county enterprise, and
26 to leave a balance of net revenues sufficient at all times
27 to pay the principal of and interest on the revenue bonds
28 and pledge orders as they become due and to maintain a
29 reasonable reserve for the payment of the principal and
30 interest, and a sufficient portion of net revenues shall be
31 pledged for that purpose. Rates shall be established by
32 ordinance. Rates or charges for the services of a county
33 enterprise defined in section 460, subsection 1, paragraph
34 b, of this Act, if not paid as provided by ordinance,
35 constitute a lien upon the premises served and may be certified

1 to the auditor and collected in the same manner as taxes.

2 2. The board may:

3 a. By ordinance establish, impose, adjust, and provide
4 for the collection of charges for connection to a county
5 enterprise or combined county enterprise.

6 b. Contract for the use of or services provided by a
7 county enterprise or combined county enterprise with persons
8 whose type or quantity of use or service is unusual.

9 c. Lease for a period not to exceed fifteen years all
10 or part of a county enterprise or combined county enterprise,
11 if the lease will not reduce the net revenues to be produced
12 by the county enterprise or combined county enterprise.

13 d. Contract for a period not to exceed forty years with
14 other governmental bodies for the use of or the services
15 provided by the county enterprise or combined county enterprise
16 on a wholesale basis.

17 e. Contract for a period not to exceed forty years with
18 persons including but not limited to other governmental bodies
19 for the purchase or sale of water, gas, or electric power
20 and energy on a wholesale basis.

21 Sec. 465. NEW SECTION. RECORDS--ACCOUNTS--FUNDS.

22 1. The governing body of each county enterprise or combined
23 county enterprise operated on a revenue producing basis shall
24 maintain a proper system of books, records, and accounts.

25 2. The gross revenues of each county enterprise or combined
26 county enterprise shall be deposited with the treasurer and
27 kept by the treasurer in a separate account apart from the
28 other funds of the county and from each other. The treasurer
29 shall apply the gross revenues of each county enterprise or
30 combined county enterprise only as ordered by the board and
31 in strict compliance with the orders, including the provisions,
32 terms, conditions, and covenants of any and all resolutions
33 of the board pursuant to which revenue bonds or pledge orders
34 are issued and outstanding.

35 Sec. 466. NEW SECTION. PLEDGE--PAYMENT--REMEDY.

1 1. The pledge of any net revenues of a county enterprise
2 or combined county enterprise is valid and effective as to
3 all persons including but not limited to other governmental
4 bodies when it becomes valid and effective between the county
5 and the holders of the revenue bonds or pledge orders.

6 2. Revenue bonds and pledge orders are payable both as
7 to principal and interest solely out of the portion of the
8 net revenues of the county enterprise or combined county
9 enterprise pledged to their payment and are not a debt of
10 or charge against the county within the meaning of any
11 constitutional or statutory debt limitation provision.

12 3. The sole remedy for a breach or default of a term of
13 a revenue bond or pledge order is a proceeding in law or in
14 equity by suit, action, or mandamus to enforce and compel
15 performance of the duties required by this part and of the
16 terms of the resolution authorizing the issuance of the revenue
17 bonds or pledge orders, or to obtain the appointment of a
18 receiver to take possession of and operate the county
19 enterprise or combined county enterprise, and to perform the
20 duties required by this part and the terms of the resolution
21 authorizing the issuance of the revenue bonds or pledge orders.

22 Sec. 467. NEW SECTION. FUNDS--PAYMENTS.

23 1. If a county enterprise or combined county enterprise
24 has on hand surplus funds, after making all deposits into
25 all funds required by the terms, covenants, conditions, and
26 provisions of outstanding revenue bonds, pledge orders, and
27 other obligations which are payable from the revenues of the
28 county enterprise or combined county enterprise and after
29 complying with all of the requirements, terms, covenants,
30 conditions, and provisions of the proceedings and resolutions
31 pursuant to which revenue bonds, pledge orders, and other
32 obligations are issued, the board may transfer the surplus
33 funds to any other fund of the county in accordance with
34 applicable law, provided that a transfer shall not be made
35 if it conflicts with any of the requirements, terms, covenants,

1 conditions, or provisions of any resolution authorizing the
2 issuance of revenue bonds, pledge orders, or other obligations
3 which are payable from the revenues of the county enterprise
4 or combined county enterprise which are then outstanding.

5 2. This part does not prohibit or prevent the board from
6 using funds derived from the issuance of general obligation
7 bonds, the levy of special assessments and the issuance of
8 special assessment bonds, and any other source which may be
9 properly used for such purpose, to pay a part of the cost
10 of a project.

11 3. The county shall pay for the use of or the services
12 provided by the county enterprise or combined county enterprise
13 as any other customer, except that the county may pay for
14 use or service at a reduced rate or receive free use or service
15 so long as the county complies with the provisions, terms,
16 conditions, and covenants of all resolutions pursuant to which
17 revenue bonds or pledge orders are issued and outstanding.

18 Sec. 468. NEW SECTION. STATUTE OF LIMITATION--POWERS-
19 -CONFLICTS.

20 1. An action shall not be brought which questions the
21 legality of revenue bonds, the power of the board to issue
22 revenue bonds, or the effectiveness of any proceedings relating
23 to the authorization and issuance of revenue bonds, from and
24 after sixty days from the time the bonds are ordered issued
25 by the board.

26 2. The enumeration in this part of specified powers and
27 functions is not a limitation of the powers of counties, but
28 this part and the procedures prescribed for exercising the
29 powers and functions enumerated in this part control in the
30 event of a conflict with any other law.

31 Sec. 469. NEW SECTION. PRIOR PROJECTS PRESERVED. Projects
32 and proceedings for the issuance of revenue bonds, pledge
33 orders, and other temporary obligations, commenced before
34 the effective date of this part may be completed as required
35 or permitted by any statute amended or repealed by this Act,

1 as though the amendment or repeal had not occurred, and the
2 rights, duties, and interests resulting from the projects
3 and proceedings remain valid and enforceable. Projects
4 commenced prior to the effective date of this part may be
5 financed by the issuance of revenue bonds, pledge orders,
6 and other temporary obligations under any such amended or
7 repealed law or by the issuance of revenue bonds and pledge
8 orders under this part. For purposes of this section,
9 commencement of a project includes but is not limited to
10 action taken by the board or an authorized officer to fix
11 a date for either a hearing or an election in connection with
12 any part of the project, and commencement of proceedings for
13 the issuance of revenue bonds, pledge orders, and other
14 temporary obligations includes, but is not limited to, action
15 taken by the board to fix a date for either a hearing or a
16 sale in connection with any part of such revenue bonds, pledge
17 orders, or other temporary obligations or to order any part
18 thereof to be issued.

19 Sec. 470. NEW SECTION. COUNTY ENTERPRISE COMMISSIONS.

20 1. As used in this section, "commission" means a commis-
21 sion established under this section to manage a county
22 enterprise or combined county enterprise. Upon receipt of
23 a valid petition as defined in section 305 of this Act
24 requesting that a proposal for establishment or discontinuance
25 of a commission be submitted to the voters, or upon its own
26 motion, the board shall submit the proposal at the next general
27 election or at an election which includes a proposal to
28 establish, acquire, lease, or dispose of the county enterprise
29 or combined county enterprise.

30 2. A proposal for the establishment of a county enterprise
31 commission shall specify a commission of either three or five
32 members. If a majority of those voting approves the proposal,
33 the board shall proceed as proposed. If a majority of those
34 voting does not approve the proposal, the same or a similar
35 proposal shall not be submitted to the voters of the county

1 and the board shall not establish a commission for the same
2 purpose for at least four years from the date of the election
3 at which the proposal was defeated.

4 3. If a proposal to discontinue a commission receives
5 a favorable majority vote, the commission is dissolved at
6 the time provided in the proposal and shall turn over to the
7 board the management of the county enterprise or combined
8 county enterprise and all property relating to it.

9 4. If a proposal to establish a commission receives a
10 favorable majority vote, the commission is established at
11 the time provided in the proposal. The board shall appoint
12 the commission members, as provided in the proposal and this
13 section. The board shall provide by resolution for staggered
14 six-year terms for and shall set the compensation of commission
15 members.

16 5. A commission member appointed to fill a vacancy
17 occurring by reason other than the expiration of a term is
18 appointed for the balance of the unexpired term.

19 6. A public officer or a salaried employee of the county
20 shall not serve on a commission.

21 7. The title of a commission shall be appropriate to the
22 county enterprise or combined county enterprise administered
23 by the commission. A commission may be a party to legal
24 action. A commission may exercise all powers of the board
25 in relation to the county enterprise or combined county
26 enterprise it administers, with the following exceptions:

27 a. A commission shall not certify taxes to be levied,
28 pass ordinances or amendments, or issue general obligation
29 bonds.

30 b. The title to all property of a county enterprise or
31 combined county enterprise shall be held in the name of the
32 county, but the commission has all the powers and authorities
33 of the board with respect to the acquisition by purchase,
34 condemnation, or otherwise, lease, sale, or other disposition
35 of the property, and the management, control, and operation

1 of the property, subject to the requirements, terms, covenants,
2 conditions, and provisions of any resolutions authorizing
3 the issuance of revenue bonds, pledge orders, or other
4 obligations which are payable from the revenues of the county
5 enterprise or combined county enterprise, and which are then
6 outstanding.

7 c. A commission shall make to the board a detailed annual
8 report, including a complete financial statement.

9 d. Immediately following a regular or special meeting
10 of a commission, the secretary of the commission shall prepare
11 a condensed statement of the proceedings of the commission
12 and cause the statement to be published as provided in section
13 304 of this Act. The statement shall include a list of all
14 claims allowed, showing the name of the person or firm making
15 the claim, the reason for the claim, and the amount of the
16 claim. Salary claims must show the gross amount of the claim
17 except that salaries paid to persons regularly employed by
18 the commission, for services regularly performed by the persons
19 shall be published once annually showing the gross amount
20 of the salary. In counties having more than one hundred fifty
21 thousand population the commission shall each month prepare
22 in pamphlet form the statement required in this paragraph
23 for the preceding month, and furnish copies to the public
24 library, the daily and official newspapers of the county,
25 the auditor, and to persons who apply at the office of the
26 secretary, and the pamphlet shall constitute publication as
27 required. Failure by the secretary to make publication is
28 a simple misdemeanor.

29 8. A commission shall control tax revenues allocated to
30 the county enterprise or combined county enterprise it
31 administers and all moneys derived from the operation of the
32 county enterprise or combined county enterprise, the sale
33 of its property, interest on investments, or from any other
34 source related to the county enterprise or combined county
35 enterprise.

1 9. All moneys received by the commission shall be held
2 by the county treasurer in a separate fund, with a separate
3 account or accounts for each county enterprise or combined
4 county enterprise. Moneys may be paid out of each account
5 only at the direction of the appropriate commission.

6 10. A commission is subject to section 340, subsections
7 1, 2, 4, and 5, and section 341, of this Act, in contracting
8 for public improvements.

9 DIVISION V
10 COUNTY OFFICERS
11 PART 1
12 COUNTY AUDITOR

13 Sec. 500. NEW SECTION. OFFICE OF COUNTY AUDITOR.

14 1. The office of auditor is an elective office except
15 that if a vacancy occurs in the office, a successor shall
16 be appointed to the unexpired term as provided in chapter
17 69.

18 2. A person elected or appointed to the office of auditor
19 shall qualify by taking the oath of office as provided in
20 section 63.10 and giving bond as provided in section 64.8.

21 3. The term of office of the auditor is four years.

22 Sec. 501. NEW SECTION. GENERAL DUTIES. The auditor
23 shall:

24 1. Have general custody and control of the courthouse,
25 subject to the direction of the board.

26 2. Provide, upon request and payment of the legal fee,
27 a certified copy of any record or account kept in the auditor's
28 office.

29 3. Pay costs and expenses of legal counsel appointed to
30 represent a member of the Sac and Fox Indian settlement as
31 provided in section 1.15.

32 4. Keep the complete journals of the general assembly
33 and the official register available for public inspection
34 as provided in section 18.90.

35 5. Carry out duties relating to the administration of

1 local governmental budgets as provided in chapter 24 and
2 section 384.19.

3 6. Report the approval of the bond of a public officer
4 approved by the auditor on behalf of the board as provided
5 in section 64.21.

6 7. Have custody of the official bonds of county and town-
7 ship officers as provided in section 64.23.

8 8. Take temporary possession of the office and all offi-
9 cial books and papers in the office of treasurer or clerk
10 when a vacancy occurs in either office and hold the office,
11 books, and records until a successor qualifies as provided
12 in section 69.3. The auditor shall also serve temporarily
13 as the recorder if a vacancy occurs in that office and, if
14 there is no chief deputy assessor, act temporarily as the
15 assessor as provided in section 441.8.

16 9. Serve as a member of an appointment board to fill a
17 vacancy in the membership of the board as provided in section
18 69.8, subsection 5.

19 10. Issue a warrant to pay the cost of the bond required
20 of the clerk of the district court who acts as a trustee for
21 a minor or a mentally incompetent person entitled to benefits
22 under workers' compensation as provided in section 85.49.

23 11. Certify to the commission on substance abuse a state-
24 ment of the amount of county resources committed to the sub-
25 stance abuse program as provided in section 125.25.

26 12. Submit annually to the state department of health
27 the names and addresses of the clerk, or if there is no clerk,
28 the secretary of the local boards of health in the county
29 as provided in section 135.32.

30 13. Pay to the local registrars of vital statistics the
31 fees due them as certified by the state registrar of vital
32 statistics as provided in section 144.11.

33 14. Notify the chairperson of the county agricultural
34 extension education council when the bond of the council trea-
35 surer has been approved and filed as provided in section

1 176A.14.

2 15. Carry out duties relating to estray animals as provided
3 in sections 188.30 through 188.32 and 188.41 through 188.44.

4 16. Attest to anticipatory warrants issued by the board
5 for the operation of a county limestone quarry as provided
6 in section 202.7.

7 17. Carry out duties relating to the determination of
8 legal settlement, collection of funds due the county, and
9 support of mentally retarded persons as provided in sections
10 222.13, 222.50, 222.61 through 222.66, 222.69, and 222.74.

11 18. Collect the costs relating to the treatment and care
12 of private patients at the state psychiatric hospital as pro-
13 vided in sections 225.23, 225.24, and 225.35.

14 19. Carry out duties relating to the hospitalization and
15 support of mentally ill persons as provided in sections 229.42,
16 230.3, 230.11, 230.15, and 230.21 through 230.25.

17 20. With acceptable sureties, approve the bonds of the
18 members of a county commission of veteran affairs as provided
19 in section 250.6.

20 21. Issue warrants and maintain a book containing a record
21 of persons receiving veteran assistance as provided in section
22 250.10.

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

27 23. Notify the treasurer of funds due the state for the
28 treatment of indigent persons at the university hospital as
29 provided in section 255.26.

30 24. Make available to schools, voting machines or sample
31 ballots for instructional purposes as provided in section
32 257.25, subsection 6.

33 25. Carry out duties relating to the collection and payment
34 of funds for educating and supporting deaf students as pro-
35 vided in sections 270.6 and 270.7.

- 1 26. Order the treasurer to transfer tuition payments from
2 the account of the debtor school corporation to the creditor
3 school corporation as provided in section 282.21.
- 4 27. Order the treasurer to transfer transportation ser-
5 vice fees from the account of the debtor school corporation
6 to the creditor school corporation as provided in section
7 285.1, subsection 13.
- 8 28. Apportion school taxes, rents, and other money
9 dedicated for public school purposes as provided in section
10 298.11.
- 11 29. Carry out duties relating to school lands and funds
12 as provided in chapter 302.
- 13 30. Carry out duties relating to the establishment, altera-
14 tion, and vacation of public highways as provided in sections
15 306.21, 306.25, 306.29 through 306.31, 306.37, and 306.40.
- 16 31. Carry out duties relating to the establishment and
17 maintenance of secondary roads as provided in chapter 309.
- 18 32. Collect costs incurred by the county weed commissioner
19 as provided in section 317.21.
- 20 33. Convene the conventions of the mayors and council
21 members, and the directors of the school districts of the
22 county for the purpose of selecting members of the county
23 compensation board as provided in section 905 of this Act.
- 24 34. Maintain a file of certificates of appointment issued
25 by county officers as provided in section 902 of this Act.
- 26 35. Furnish information and statistics requested by the
27 governor or the general assembly as provided in section 900,
28 subsection 1 of this Act.
- 29 36. Carry out duties relating to the organization,
30 expansion, reduction, or dissolution of a rural water district
31 as provided in chapter 357A.
- 32 37. Acknowledge the receipt of funds refunded by the state
33 as provided in section 452.18.
- 34 38. Be responsible for all public money collected or re-
35 ceived by the auditor's office. The money shall be deposited

- 1 in a bank approved by the board as provided in chapter 453.
- 2 39 Carry out duties relating to the establishment and
- 3 management of levee and drainage districts as provided in
- 4 chapters 455, 457, 459, 462, 465, and 466.
- 5 40. Issue auctioneer licenses as provided in section
- 6 546.1.
- 7 41. Serve as a trustee for funds of a cemetery association
- 8 as provided in sections 566.12 and 566.13.
- 9 42. Notify the state department of transportation of
- 10 claims filed for improvements on public roads payable from
- 11 the primary road fund as provided in section 573.15.
- 12 43. Certify to the clerk the names, addresses, and expira-
- 13 tion date of the term of office of persons appointed to the
- 14 county judicial magistrate appointing commission as provided
- 15 in section 602.43, subsection 3.
- 16 44. Pay the expenses of shorthand court reporters as pro-
- 17 vided in section 605.10.
- 18 45. Pay claims for court-related fees claimed within five
- 19 years as provided in section 606.18.
- 20 46. Serve as an ex officio member of the jury commission
- 21 as provided in section 608.1.
- 22 47. Destroy outdated records as ordered by the board.
- 23 48. Carry out duties relating to the selection of jurors
- 24 as provided in chapter 609.
- 25 49. Designate newspapers in which official notices of
- 26 the auditor's office shall be published as provided in section
- 27 618.7.
- 28 50. Carry out duties relating to lost property as provided
- 29 in sections 644.2, 644.4, 644.7, 644.10, and 644.16.
- 30 51. In the case of payment of a school fund mortgage,
- 31 acknowledge satisfaction of the mortgage by execution of a
- 32 written instrument referring to the mortgage as provided in
- 33 section 655.1.
- 34 52. Receive and record in a book kept for that purpose,
- 35 moneys recovered from a person willfully committing waste

1 or trespass on real estate as provided in section 658.10.

2 53. Carry out other duties required by law.

3 Sec. 502. NEW SECTION. GENERAL POWERS. The auditor may:

4 1. Administer oaths and take affirmations on matters re-
5 lating to the business of the office of auditor.

6 2. Subject to requirements of section 902 of this Act,
7 appoint and remove deputies, clerks, and assistants. If a
8 deputy auditor is not appointed and the requirements of office
9 require the temporary employment of assistants, the auditor
10 shall file a bill for the services with the board at its next
11 meeting. The board shall allow reasonable compensation for
12 the temporary appointees.

13 Sec. 503. NEW SECTION. DUTIES AS CLERK TO THE BOARD.

14 The auditor shall:

15 1. Record the proceedings of the board. The minutes of
16 the board shall include a record of all actions taken and
17 the complete text of the motions, resolutions, amendments,
18 and ordinances adopted by the board. Upon the request of
19 a supervisor present at a meeting, the minutes shall include
20 a record of the vote of each supervisor on any question before
21 the board.

22 2. Maintain the books and records required to be kept
23 by the board under section 302 of this Act.

24 3. Sign all orders issued by the board for the payment
25 of money.

26 4. Record the reports of the treasurer of the receipts
27 and disbursements of the county.

28 5. Maintain a file of all accounts acted upon by the board
29 with the board's action on each account. If the board allows
30 an expenditure from an account, the auditor shall indicate
31 the amount of expenditure and the bill or claim for which
32 the expenditure is allowed.

33 6. Furnish a copy of the proceedings of the board required
34 to be published as provided in section 349.18.

35 7. Number each claim consecutively in the order of filing

1 and enter the claim in the claim register alphabetically by
2 the name of the claimant and including the date of filing,
3 the number of the claim and its general nature, the action
4 of the board, and if allowed, the fund from which the claim
5 is paid. A record of the claims allowed at each session of
6 the board shall be included in the minute book by reference
7 to the numbers of the claims as entered in the claim register.

8 8. File for presentation to the board all unliquidated
9 claims against the county and all claims for fees or
10 compensation, except salaries fixed by state law. The claims,
11 before being audited or paid, shall be itemized to clearly
12 show the basis of the claim and whether for property sold
13 or furnished for services rendered or for another purpose,
14 and shall be signed by the claimant. An action shall not
15 be brought against the county relating to a claim until the
16 claim is filed as provided in this subsection and the payment
17 refused or neglected.

18 Sec. 504. NEW SECTION. DUTIES RELATING TO ELECTIONS.

19 The auditor shall:

20 1. Serve as county commissioner of elections as provided
21 in chapter 47.

22 2. Conduct all elections held within the county.

23 3. Serve as a member of a board to hear and decide objec-
24 tions made to a certification of nomination as provided in
25 section 44.7.

26 4. Serve as county commissioner of registration as provided
27 in chapter 48.

28 5. Serve as clerk of the election contest court as provided
29 in chapter 62.

30 6. Record the orders of suspension and temporary appoint-
31 ment of county and township officers as provided in section
32 66.19.

33 Sec. 505. NEW SECTION. ISSUANCE OF WARRANTS.

34 1. Except as provided in subsections 2 and 3, the auditor
35 shall sign or issue a county warrant only after approval of

1 the board by recorded vote. Each warrant shall be numbered
2 and the date, amount, number, and the name of the person to
3 whom issued shall be recorded and filed in the auditor's
4 office. Each warrant shall be made payable to the person
5 performing the service or furnishing the supplies for which
6 the warrant makes payment and the purpose for which the warrant
7 is issued shall be stated on it.

8 2. The auditor may issue warrants to pay the following
9 claims against the county without prior approval of the board:

10 a. For jury fees and mileage as certified by the clerk.
11 The clerk shall not certify payment of the fees or mileage
12 until a juror has been discharged or excused by the district
13 court.

14 b. For witness fees and mileage for attendance before
15 a grand jury as certified by the county attorney and the
16 foreman of the jury.

17 c. For witness fees in jury trials of criminal cases be-
18 fore the district court as certified by the clerk.

19 d. For the per diem of a shorthand reporter of the district
20 court as certified by the judge or magistrate holding the
21 court.

22 e. For an expense of the grand jury upon order of the
23 judge of the district court.

24 3. The board, by resolution, may authorize the auditor
25 to issue warrants to make the following payments without prior
26 approval of the board:

27 a. For fixed charges including, but not limited to,
28 freight, express, postage, water, light, telephone service,
29 or contractual services, after a verified bill is filed with
30 the auditor.

31 b. For salaries and payrolls if the compensation has been
32 fixed or approved by the board. The salary or payroll shall
33 be certified by the officer or supervisor under whose direction
34 or supervision the compensation is earned.

35 4. The bills paid under subsections 2 and 3 shall be

1 submitted to the board for review and approval at its next
2 meeting following the payment. The action of the board shall
3 be recorded in the minutes of the board.

4 5. An officer certifying an erroneous bill or claim against
5 the county is liable on the officer's official bond for a
6 loss to the county resulting from the error.

7 Sec. 506. NEW SECTION. COLLECTION OF MONEY AND FEES.

8 1. The auditor may collect or receive money due the county
9 except when otherwise provided by law.

10 2. The auditor is entitled to collect the following fees:

11 a. For a transfer of property made in the transfer records,
12 five dollars for each separate parcel of real estate described
13 in a deed or transfer of title certified by the clerk.

14 However, if more than ten parcels of real estate are described
15 in one instrument and the parcels are contiguous or separated
16 only by a public street or highway, the fee shall not exceed
17 fifty dollars. A parcel of real estate located outside of
18 the corporate limits of a city includes all unplatted land
19 described in a deed or transfer of title lying within one
20 numbered section of land.

21 b. For issuing a certificate of redemption of land sold
22 for taxes, three dollars.

23 c. For each certificate issued by the treasurer for land
24 sold for nonpayment of taxes, three dollars.

25 d. For indexing a change of name for each parcel of real
26 estate owned in the county, three dollars.

27 3. The auditor shall collect or receive the following
28 fees:

29 a. The bee entry fee collected from nonresidents importing
30 bees by the state apiarist as provided under section 160.16.

31 b. Fee for services relating to estray animals as provided
32 in section 188.48.

33 c. Dog license fees and transfer fees as provided in
34 chapter 351.

35 4. Fees collected or received by the auditor shall be

1 accounted for and paid into the county treasury quarterly
2 as provided in section 901 of this Act.

3 Sec. 507. NEW SECTION. BOOKS AND RECORDS. The auditor
4 shall keep the following books and records:

- 5 1. Election book for contested proceedings as provided
6 in section 62.3.
- 7 2. Record of official bonds as provided in section 64.24.
- 8 3. Account book and name index of substance abusers
9 receiving benefits at county expense as provided under section
10 125.50.
- 11 4. Estray book as provided in section 188.30.
- 12 5. Account book and index of persons receiving mental
13 health treatment as provided in section 230.26.
- 14 6. A record book of the names and addresses of persons
15 receiving veteran assistance as provided in section 250.10.
- 16 7. Fee book as provided in section 901 of this Act.
- 17 8. Record of dog licenses as provided in section 351.22.
- 18 9. Benefited water district record book as provided in
19 section 357.32.
- 20 10. Completed assessment rolls, schedules, and book as
21 provided in section 441.26.
- 22 11. Tax rate book as provided in section 444.6.
- 23 12. Real estate transfer book, index book, and plat book
24 as provided in sections 558.60 through 558.67.

25 Sec. 508. NEW SECTION. FINANCIAL REPORT.

26 1. During the month of July of each year, the auditor
27 shall prepare a financial report containing the following
28 information:

- 29 a. The amount of the various classes of warrants drawn
30 on the county general fund, except for court expenses, during
31 the preceding year, including, but not limited to, the total
32 amount paid each county officer, their deputies and extra
33 help, and other employees of the county, the amount paid for
34 rent, printing and stationery, furniture and fixtures,
35 publishing proceedings of the board of supervisors, and postage

1 allowed each county official, and the amount paid for election
2 expenses, and expenses of registration.

3 b. The amount of the warrants drawn on the county general
4 fund for various court expenses including the salary paid
5 the county attorney, the amounts received by the county
6 attorney as commission on fines and from other sources, and
7 the amount paid to an assistant county attorney or counsel.

8 c. The amount paid jurors, witnesses, and bailiffs,
9 respectively, in district court, the amount paid for shorthand
10 reporting, printing and stationery, attorney fees for defending
11 criminals, meals for jurors, and related expenditures.

12 d. The expenses of the grand jury, stating amounts paid
13 grand jurors, bailiffs, witnesses, and for other expenses
14 of the grand jury.

15 e. The expenses of the county medical examiner.

16 f. The amount paid to each supervisor from the several
17 funds of the county for services during the preceding year.

18 g. A recapitulation of the total amount of warrants drawn
19 on the county general fund, with a comparison with the amount
20 of the warrants drawn on the county general fund each year
21 for the last five years.

22 h. The amount of the various classes of warrants drawn
23 on the poor fund for the preceding year, with a comparison
24 with the total amount of the warrants drawn on the county
25 poor fund each year for the last five years.

26 i. The amount of the warrants drawn on the county mental
27 health and institutions fund for the preceding year, including
28 the amount received by each commissioner as fees and expenses,
29 witness' fees, sheriff's fees and expenses, the cost of
30 transportation, and related expense.

31 j. The total cost of maintenance of mentally ill at a
32 county hospital with the number of patients, and the total
33 paid the various state hospitals for the mentally ill with
34 the number of patients from the county confined in the
35 hospitals.

- 1 k. The amount paid the various state institutions during
2 the preceding year.
- 3 l. The amounts paid the sheriff for boarding prisoners
4 during the preceding year including the amount paid the sheriff
5 as jail expenses, with a comparison of the amounts paid for
6 boarding prisoners and for jail expenses each year during
7 the last five years.
- 8 m. The amount of the warrants drawn on each of the various
9 funds of the county.
- 10 n. The report of the auditor relating to school funds
11 and property made to the superintendent of public instruction
12 as required by law.
- 13 o. The reports of magistrates and other officers, including
14 forfeited recognizances in their offices, fines, penalties,
15 forfeitures imposed in their respective courts, and forfeited
16 appearance bonds in criminal cases, all of which are payable
17 to the county treasury for the benefit of the school fund.
- 18 p. The reports made during the preceding year by the
19 treasurer, auditor, recorder, sheriff, clerk, and the
20 commission of the Iowa department of veterans affairs as re-
21 quired by law.
- 22 q. The reports of any committees that are appointed by
23 the board to examine the affairs and accounts of county
24 officials and employees.
- 25 r. Other information as the board directs or the auditor
26 deems advisable.
- 27 2. The financial report shall be printed in pamphlet form
28 for distribution to the taxpayers of the county at the direc-
29 tion of and in the numbers determined by the board.
- 30 3. Not later than January 1 of each year, the auditor
31 shall furnish to the auditor of state the information included
32 in the financial report and other information relating to
33 the financial affairs of the county requested by the auditor
34 of state. The information shall be submitted on forms
35 furnished by the auditor of state.

1 Sec. 509. NEW SECTION. REPORTS BY THE AUDITOR. The
2 auditor shall make:

3 1. A report to the governor of a vacancy, except by
4 resignation, in the office of state representative or senator
5 as provided in section 69.5.

6 2. An annual report to the secretary of agriculture of
7 the amount of money in the brucellosis eradication fund as
8 of July 1 as provided in section 420, subsection 5 of this
9 Act.

10 3. An annual report to the secretary of agriculture of
11 the amount of money in the bovine tuberculosis fund as of
12 July 1 as provided in section 420, subsections 5 and 6 of
13 this Act.

14 4. An annual report to the clerk of the expenses incurred
15 by the county for criminal prosecutions during the preceding
16 fiscal year as provided in section 247.31.

17 5. A report to the secretary of state of the name, office,
18 and term of office of each appointed or elected county officer
19 within ten days of the officer's election or appointment and
20 qualification.

21 6. An annual report not later than January 1 to the state
22 comptroller of the valuation by class of property for each
23 taxing district in the county on forms provided by the state
24 comptroller. The valuations reported shall be those valuations
25 used for determining the levy rates necessary to fund the
26 budgets of the taxing districts for the following fiscal year.

27 7. An annual report not later than January 1 to the
28 governing body of each taxing district in the county of the
29 assessed valuations of taxable property in the taxing district
30 as reported to the state comptroller.

31 Sec. 510. NEW SECTION. DUTIES RELATING TO PLATTING.
32 The county auditor shall:

33 1. Record each plat as provided in sections 409.12 through
34 409.16.

35 2. Record changes in names of platted streets as provided

1 in section 409.17.

2 3. Record notations of errors or omissions on recorded
3 plats as provided in section 409.32.

4 4. Record resurveyed plats as provided in section 409.43.

5 5. Provide for the platting of real estate which cannot
6 otherwise be accurately assessed for taxation as provided
7 in sections 441.65 through 441.71.

8 6. Carry out other duties as provided by law.

9 Sec. 511. NEW SECTION. DUTIES RELATING TO TAXATION.

10 The auditor shall:

11 1. Include on the tax list:

12 a. The levy of county taxes authorized by the board as
13 provided by law.

14 b. The levy of taxes to pay the principal and interest
15 on bonds as provided in sections 76.2 and 76.3.

16 c. The levy of a mulct tax against the property of a
17 person maintaining a nuisance as certified by the clerk of
18 the district court as provided in section 99.28.

19 d. The levy of a tax to pay the expenses incurred and
20 penalties assessed by the state fire marshal relating to the
21 repair or destruction of fire hazards as provided in sections
22 100.27 through 100.29.

23 e. The costs of erecting, rebuilding, or repairing a fence
24 under order of the fence viewers as provided in section 113.6.

25 f. A levy against the property of a bee owner sufficient
26 to pay the costs of disinfecting or destroying diseased bees
27 as provided in section 160.8.

28 g. The levy for taxes for the county brucellosis
29 eradication fund and the bovine tuberculosis eradication fund
30 as provided in sections 420, subsections 5 and 6 of this Act.

31 h. The levy of a tax for the operation of an area voca-
32 tional school or an area community college as provided in
33 section 280A.17.

34 i. The levy of a tax to pay the principal and interest
35 under a loan agreement entered into by merged area school

- 1 authorities as provided in section 280A.22.
- 2 j. The levy of community school taxes as provided by law.
- 3 k. The levy of a tax as certified by the board of trustees
- 4 of a sanitary district as provided in section 358.18.
- 5 l. The levy of taxes certified by the board of trustees
- 6 of a township as provided in chapters 359 and 360.
- 7 m. The levy of city taxes and assessments as certified
- 8 by the city council as provided by law.
- 9 n. Other tax levies as provided by law.
- 10 2. Carry out duties relating to tax sales of property
- 11 within special charter cities as provided in sections 420.220
- 12 through 420.229.
- 13 3. Carry out duties relating to the homestead tax credit
- 14 and agricultural land tax credit as provided in chapters 425
- 15 and 426.
- 16 4. Prepare and certify to the county treasurer the total
- 17 amount of dollars for military service tax credits claimed
- 18 and allowed as provided under sections 426A.3 and 427.3 through
- 19 427.6.
- 20 5. Carry out duties relating to the preparation of the
- 21 tax list as provided in sections 427A.3, 427A.6, 428.4, 441.17,
- 22 441.21, 443.2 through 443.9, and 443.21.
- 23 6. Carry out duties relating to the valuation and taxation
- 24 of telegraph and telephone companies as provided in sections
- 25 433.8 through 433.10 including mapping requirements as provided
- 26 in sections 433.14 and 433.15.
- 27 7. Transmit to other local government officials the order
- 28 stating the length of the main track and the assessed value
- 29 of each railway located within the county as provided in sec-
- 30 tion 434.22.
- 31 8. Carry out duties relating to the valuation and taxation
- 32 of express companies as provided in sections 436.9 through
- 33 436.11.
- 34 9. Transmit to other local government officials the order
- 35 stating the length of the electric transmission lines and

1 the assessed value of the property of the electric transmission
2 line companies located within the county as provided in sec-
3 tion 437.10.

4 10. Carry out duties relating to the valuation and taxation
5 of pipeline companies as provided in sections 438.14 through
6 438.16.

7 11. Furnish the assessor a plat book which is platted
8 with the lands and lots within the assessment district as
9 provided in section 441.29. The auditor, with the approval
10 of the board of supervisors, may establish a permanent real
11 estate index number system as provided in section 441.29.

12 12. Carry out duties relating to levy of school taxes
13 as provided in chapter 442.

14 13. Carry out duties relating to the computation of tax
15 rates as provided under chapter 444.

16 14. Provide for the enforcement of a lien against the
17 taxable personal property of nonresidents as provided in
18 sections 445.44 and 445.45.

19 15. Keep a complete account of each separate fund or tax
20 in the county treasury as provided in section 445.59.

21 16. When an order of apportionment is made, correct the
22 tax books or records in the auditor's possession as provided
23 in section 449.4.

24 17. Carry out other duties as provided by law.

25 PART 2

26 COUNTY TREASURER

27 Sec. 550. NEW SECTION. OFFICE OF COUNTY TREASURER.

28 1. The office of treasurer is an elective office except
29 that if a vacancy occurs in the office, a successor shall
30 be appointed to the unexpired term as provided in chapter
31 69.

32 2. A person elected or appointed to the office of treasurer
33 shall qualify by taking the oath of office as provided in
34 section 63.10 and give bond as provided in section 64.10.

35 3. The term of office of the treasurer is four years.

1 Sec. 551. NEW SECTION. GENERAL DUTIES. The treasurer
2 shall:
3 1. Receive all money payable to the county unless otherwise
4 provided by law.
5 2. Disburse money owed or payable by the county on warrants
6 drawn and signed by the auditor and sealed with the official
7 county seal.
8 3. Keep a true account of all receipts and disbursements
9 of the county, which account shall be available for inspection
10 by the board at any reasonable time.
11 4. Keep the official county seal provided by the county.
12 The official seal shall be an impression seal on the face
13 of which shall appear the name of the county, the word "county"
14 which may be abbreviated, the word "treasurer" which may be
15 abbreviated, and the word "Iowa". The impression of the seal
16 shall be placed on each motor vehicle registration certificate
17 signed by the treasurer.
18 5. Account for, report, and pay into the state treasury
19 any money, property, or securities received on behalf of the
20 state as provided in sections 8.7 through 8.9.
21 6. Account for and report to the board the amount of
22 swampland indemnity funds received from the treasurer of state
23 under section 12.16.
24 7. Register and call tax anticipatory warrants issued
25 for a memorial hospital as provided under section 37.30.
26 8. Serve on a nomination appeals commission to hear nomina-
27 tion objections filed with the county commissioner of elections
28 as provided in section 44.7.
29 9. Keep on file the bond and oath of the auditor as
30 provided in section 64.23.
31 10. File the notice of authority from the auditor to
32 transfer funds from the mental health and institutions fund
33 to a substance abuse treatment facility as provided in sec-
34 tion 125.49.
35 11. Credit funds from the sale of seized conveyances to

- 1 the school fund and issue duplicate receipts to the sheriff
2 as provided in sections 127.21 and 127.22.
- 3 12. Establish a local health fund as provided in sec-
4 tion 424, subsection 3 of this Act.
- 5 13. Serve as treasurer of an area hospital located outside
6 the corporate limits of a city as provided in section 145A.15.
- 7 14. Register and call anticipatory warrants related to
8 the sale of limestone as provided in section 202.8.
- 9 15. Make transfer payments to the state for school expenses
10 for blind and deaf children, support of the mentally ill,
11 and hospital care for the indigent as provided in sections
12 230.21, 255.26, 269.2 and 270.7.
- 13 16. Transfer funds to pay the expenses of creating or
14 changing the boundaries of a school district as provided in
15 section 275.26.
- 16 17. Transfer funds to pay tuition expenses owed by a
17 debtor school district to a creditor school district as
18 provided in section 282.21.
- 19 18. Pay to the treasurers of the school corporations lo-
20 cated in the county the taxes and other moneys due as provided
21 in sections 298.11 and 298.13.
- 22 19. Pay monthly to the treasurer of state proceeds of
23 public lands sold and escheated estates as provided in sec-
24 tion 302.2 and pay annually on February 1 interest collected
25 from public lands sold on credit as provided in section 302.5.
- 26 20. Maintain a school fund account and records of school
27 funds received as provided in section 302.31.
- 28 21. Carry out duties relating to the sale and redemption
29 of anticipatory certificates for secondary road construction
30 as provided in sections 309.50 through 309.55.
- 31 22. Carry out duties relating to the establishment of
32 secondary road assessment districts as provided in chapter
33 311.
- 34 23. Carry out duties relating to the sale and redemption
35 of county bonds as provided in parts 3 and 4 of division IV

1 of this Act.

2 24. Notify the chairperson of the county hospital board
3 of trustees and pay to the hospital treasurer the tax revenue
4 collected for the county hospital during the preceding month
5 as provided in section 347A.1.

6 25. Carry out duties relating to the condemnation of prop-
7 erty as provided in section 655, subsection 4, of this Act.

8 26. Carry out duties relating to the funding of drainage
9 districts as provided in chapters 455, 457, 461, 462, 463,
10 464, and 466.

11 27. Collect and disburse funds for soil conservation dis-
12 tricts as provided in sections 467A.33 and 467A.34.

13 28. Carry out duties relating to the collection of a tax
14 for the maintenance of property received as a gift as provided
15 in section 565.10.

16 29. Credit the remainder of funds received from a hotel-
17 keeper's sale to satisfy a lien to the county general fund
18 as provided in section 583.6.

19 30. Pay compensation and expenses to the shorthand
20 reporters as provided in section 605.9.

21 31. Designate the newspapers in which the official notices
22 of the treasurer's office are to be published as provided
23 in section 618.7.

24 32. Credit to the court expense fund the proceeds from
25 the sale of seized property as provided in section 809.6.

26 33. Carry out other duties as required by law.

27 Sec. 552. NEW SECTION. GENERAL POWERS. The treasurer
28 may:

29 1. Administer oaths and take affirmations as provided
30 in section 78.2 and 421.21.

31 2. Subject to the requirements of section 902 of this
32 Act, appoint and remove deputies, clerks, and assistants.

33 Sec. 553. NEW SECTION. DUTIES RELATING TO WARRANTS.

34 1. Upon receipt of a warrant, scrip, or other evidence
35 of the county's indebtedness, the treasurer shall endorse

1 on it the date of its receipt, from whom it is received, and
2 the amount which the treasurer paid on it.

3 2. When a person wishing to make a payment to the county
4 treasury presents a warrant of the county in an amount greater
5 than the payment or presents for payment a warrant of the
6 county in excess of the funds in the county treasury, the
7 treasurer shall cancel the warrant and give the holder a
8 certificate of the overplus. When the certificate of overplus
9 is presented to the auditor, the auditor shall file it, issue
10 a new warrant for the amount of the overplus, and charge the
11 amount to the treasurer. The certificate of overplus is
12 transferable by delivery and entitles the holder to a new
13 warrant, payable to the order of the holder and containing
14 reference to the original warrant.

15 3. The treasurer shall keep a record of all warrants
16 issued by the auditor and presented for payment in a warrant
17 book. The treasurer shall rule the book to show in separate
18 columns for each warrant its number, date, principal, name
19 of the drawee, when paid, to whom paid, and the amount of
20 interest paid.

21 4. The treasurer shall return the warrants to the auditor.
22 The treasurer shall compare the warrants with the warrant
23 book and the word "canceled" shall be written over the minute
24 of the proper numbers in the warrant book. The original
25 warrant shall be preserved for at least two years. The
26 treasurer shall make monthly reports to show for each warrant
27 the number, date, drawee's name, when paid, to whom paid,
28 original amount, and interest.

29 5. When a warrant legally drawn on the county treasury
30 is presented for payment and not paid because of a deficiency,
31 the treasurer shall carry out duties relating to the
32 endorsement and payment of interest on the amount of deficiency
33 as provided in chapter 74.

34 6. The amount of a check or warrant outstanding for more
35 than two years shall be paid to the treasurer and credited

1 to the general fund of the county as unclaimed fees and trusts.
2 The treasurer shall provide a list of the checks and warrants
3 to the auditor who shall maintain a record of the unclaimed
4 fees and trusts. A person may claim an unclaimed fee or trust
5 within five years after the money is credited to the general
6 fund upon proper proof of ownership. Claims for unclaimed
7 fees and trusts shall be paid from the general fund of the
8 county.

9 Sec. 554. NEW SECTION. FUND MANAGEMENT.

10 1. During each term of office, the treasurer shall keep
11 a separate account of the taxes levied for state, county,
12 school, highway, or other purposes and of all other funds
13 created by law whether of regular, special, or temporary
14 nature. The treasurer shall not pay out or use the money
15 in a fund for any purpose except as specifically authorized
16 by law. The treasurer shall be charged with the amount of
17 tax or other funds collected or received by the treasurer
18 and shall be credited with the amount of taxes or other funds
19 disbursed from each account as authorized by law.

20 2. Except as provided in section 321.153, on or before
21 the fifteenth day of each month, the treasurer shall prepare
22 sworn statements of the amount of money held by the treasurer
23 on the last day of the preceding month belonging to the state
24 treasury and mail a copy of the statement and the remittance
25 to the treasurer of state. Another copy of the statement
26 shall be mailed to the state comptroller. However, in lieu
27 of mailing the remittance to the treasurer of state, the
28 treasurer may deposit the remittance to the credit of the
29 treasurer of state in an interest-bearing account in a bank
30 in the county as designated by the treasurer of state.

31 3. If a treasurer fails to comply with the requirements
32 of subsection 2, the treasurer shall forfeit for each failure
33 a sum of not less than one hundred dollars nor more than five
34 hundred dollars to be recovered in an action against the
35 treasurer's bond brought in the name of the state comptroller

1 or the treasurer of state.

2 4. The treasurer shall make a complete settlement with
3 the county semiannually and when the treasurer leaves office
4 as provided in sections 452.6 and 452.7.

5 5. The treasurer shall maintain custody of all public
6 moneys in the treasurer's possession and deposit or invest
7 the moneys as provided in section 452.10 and chapter 453.

8 Sec. 555. NEW SECTION. LOSS OF FUNDS--REPLACEMENT.

9 1. A loss of funds in the custody of a treasurer resulting
10 from an act of omission or commission for which the treasurer
11 is responsible, except a loss covered by the treasurer's bond
12 or a loss which occurs while the funds are deposited in an
13 authorized depository, shall be replaced by the several
14 counties of the state as provided in this section.

15 2. The auditor of state shall determine the amount of
16 loss to be replaced after a complete examination of the
17 accounts of the treasurer of the county where the loss has
18 occurred. The auditor of state shall file a written report
19 of the examination with the state comptroller.

20 3. When the loss which is to be replaced has been deter-
21 mined by the auditor of state, the state comptroller shall
22 apportion the loss among the counties of the state, including
23 the county in which the loss has occurred, in the proportion
24 which the taxable property of each county bears to the total
25 taxable property of all counties of the state. The written
26 apportionment shall be filed in the office of state
27 comptroller. The state comptroller shall certify to each
28 treasurer the amount of the loss which has been apportioned
29 to the various counties.

30 4. Upon receipt of the certification from the state comp-
31 troller, each treasurer, except the treasurer of the county
32 where the loss occurred, shall charge the general fund of
33 the county with the amount apportioned to the county and remit
34 the amount to the state comptroller. The amount apportioned
35 to a county shall draw interest at the rate of one percent

1 per month after thirty days from the date when the treasurer
2 received the certification of the apportionment from the state
3 comptroller.

4 5. If the amount apportioned to a county is not paid,
5 the default shall be reported by the state comptroller to
6 the director of revenue who shall levy upon the taxable
7 property of the delinquent county a tax sufficient to raise
8 the apportionment, a penalty of twenty-five percent of the
9 apportionment, and interest. The tax levy shall be transmitted
10 to the auditor of the delinquent county who shall include
11 the levy on the next tax list of the county. The tax shall
12 be collected and remitted to the state comptroller.

13 6. The treasurer of state shall credit the funds received
14 under this section to a separate fund in the state treasury.
15 The treasurer of state shall pay the reimbursement funds to
16 the county where the loss occurred by warrant issued by the
17 state comptroller.

18 Sec. 556. NEW SECTION. DUTIES RELATING TO MOTOR VEHICLE
19 REGISTRATION. The treasurer shall:

20 1. Issue, renew, and replace lost or damaged vehicle
21 registration cards or plates and issue and transfer
22 certificates of title for vehicles as provided in sections
23 321.17 through 321.52.

24 2. Collect, pay to the state, or refund registration fees
25 as provided in sections 321.105 through 321.156.

26 3. Carry out duties relating to the inspection of vehicles
27 as provided in section 321.238, subsection 12.

28 4. Collect the use tax on vehicles subject to registration
29 as provided in sections 423.6 and 423.7.

30 5. Carry out other duties as required by law.

31 Sec. 557. NEW SECTION. REPORTS BY THE TREASURER. The
32 treasurer shall make:

33 1. A monthly report to the board of directors of each
34 school corporation in the county of the amount of taxes
35 collected for each fund as provided in section 298.13.

1 2. A monthly report to the department of transportation
2 of the fees and penalties collected relating to the issuance
3 of vehicle registrations and certificates of title as provided
4 in section 321.153.

5 3. A quarterly report to the board of the fees collected
6 during the preceding quarter as provided in section 901 of
7 this Act.

8 4. A monthly report to the auditor of the county warrants
9 returned to the treasurer for payment as provided in section
10 553, subsection 4 of this Act.

11 5. Other reports as required by law.

12 Sec. 558. NEW SECTION. DUTIES RELATING TO TAXATION.

13 The treasurer shall:

14 1. Collect the county conservation tax levied as provided
15 in section 111A.6.

16 2. Determine and collect taxes on mobile homes as provided
17 in sections 135D.22 through 135D.27.

18 3. Collect the tax levied for the county brucellosis
19 eradication fund and the county tuberculosis eradication fund
20 as provided in section 420, subsections 5 and 6 of this Act.

21 4. Collect the tax levied for the county agricultural
22 extension education fund and pay it to the extension treasurer
23 as provided in section 424, subsection 6 of this Act.

24 5. Collect the costs assessed by the secretary of agri-
25 culture relating to the treatment or destruction of
26 agricultural or horticultural plants or products as provided
27 in section 177A.17.

28 6. Collect the tax levied for the erection and equipping
29 of area vocational school or area community college facilities
30 as provided in section 280A.22.

31 7. Collect the costs assessed against a property owner
32 for the destruction or eradication of weeds as provided in
33 sections 317.20 and 317.21.

34 8. Levy a tax sufficient to pay any deficiency in the
35 assessments collected to pay the principal and interest on

- 1 bonds issued by a benefited water district as provided in
- 2 section 357.22.
- 3 9. Collect city taxes certified to the auditor as provided
- 4 in section 384.2.
- 5 10. Pay monthly to each city tax revenue collected on
- 6 its behalf during the preceding month as provided in section
- 7 384.11.
- 8 11. Accept a partial payment of the annual installment
- 9 of a special assessment before its due date as provided in
- 10 section 384.65, subsection 6.
- 11 12. Serve as an agent of the director of revenue to collect
- 12 state taxes as provided in section 422.71, subsection 5.
- 13 13. Carry out duties relating to the administration of
- 14 the homestead tax credit as provided in sections 425.4, 425.5,
- 15 425.7, 425.9, 425.10, and 425.25.
- 16 14. Carry out duties relating to the administration of
- 17 the agricultural land tax credit as provided in section 426.8.
- 18 15. Carry out duties relating to the administration of
- 19 the military service tax credit as provided in sections 426A.3,
- 20 426A.5, 426A.8, and 426A.9.
- 21 16. Maintain a suspended tax list book as provided in
- 22 section 427.12.
- 23 17. Collect taxes levied against the property of telephone
- 24 and telegraph companies as provided in section 433.10.
- 25 18. Collect taxes levied against the property of railway
- 26 companies as provided in section 434.22.
- 27 19. Carry out duties relating to the collection and
- 28 expenditure of assessment expense funds as provided in section
- 29 441.16.
- 30 20. Apportion and collect the costs assessed by the
- 31 district court against the board of review or any taxing body
- 32 resulting from an appeal of property assessments as provided
- 33 in section 441.40.
- 34 21. Carry out duties relating to the preparation and cor-
- 35 rection of the tax list as provided in chapter 443.

1 22. Carry out duties relating to the collection of property
2 taxes as provided in chapter 445.

3 23. Carry out duties relating to the sale of property
4 for delinquent taxes as provided in chapter 446.

5 24. Carry out duties relating to the redemption of property
6 sold for taxes as provided in chapter 447.

7 25. Carry out duties relating to the issuance of a tax
8 deed for property sold for delinquent taxes as provided in
9 chapter 448.

10 26. Correct tax books or records in accordance with an
11 order of apportionment issued as provided in chapter 449.

12 27. Carry out other duties relating to taxation as provided
13 by state law.

14 PART 3

15 COUNTY RECORDER

16 Sec. 600. NEW SECTION. OFFICE OF COUNTY RECORDER.

17 1. The office of recorder is an elective office except
18 that if a vacancy occurs in the office, a successor shall
19 be appointed to the unexpired term as provided in chapter
20 69.

21 2. A person elected or appointed to the office of recorder
22 shall qualify by taking the oath of office as provided in
23 section 63.10 and giving bond as provided in section 64.8.

24 3. The term of office of the recorder is four years.

25 Sec. 601. NEW SECTION. GENERAL DUTIES. The recorder
26 shall:

27 1. Record all instruments presented to the recorder's
28 office for recordation upon payment of the proper fees and
29 compliance with other recording requirements as provided by
30 law. The instruments presented for filing or recordation
31 shall have typed or legibly printed on them the names of all
32 signatories including the names of acknowledging officers
33 and witnesses beneath the original signatures.

34 a. However, if an instrument does not contain typed or
35 printed names, the recorder shall accept the instrument for

1 recordation or filing if it is accompanied by an affidavit,
2 to be recorded with the instrument, correctly spelling in
3 legible print or type the signatures appearing on the
4 instrument.

5 b. The requirement of paragraph a does not apply to
6 military discharges, military instruments, wills, court
7 records, or to any other instrument dated before July 4, 1959.

8 c. Failure to print or type signatures as provided in
9 this subsection does not invalidate the instrument.

10 2. Rerecord an instrument without fee upon presentation
11 of the original instrument by the owner if an error is made
12 in recording the instrument. The recorder shall also note
13 in the margin of the new record a reference to the original
14 record and in the margin of the original record a reference
15 to the book and page of the new record.

16 3. If an error is made in indexing an instrument, reindex
17 the instrument without fee.

18 4. Record the registration of a person registered under
19 the federal Social Security Act who requests recordation,
20 and keep an alphabetical index of the record referring to
21 the name of the person registered.

22 5. Compile a list of deeds recorded in the recorder's
23 office after July 4, 1951, which are dated or acknowledged
24 more than six months before the date of recording and forward
25 a copy of the list each month to the inheritance tax division
26 of the department of revenue.

27 6. Carry out duties as a member of a nomination appeals
28 commission as provided in section 44.7.

29 7. Carry out duties relating to the recordation of oil
30 and gas leases as provided in sections 84.22 and 84.24.

31 8. Endorse on each notice of an unemployment contribution
32 lien the day, hour, and minute that the lien is received from
33 the Iowa department of job service, index the notice of lien,
34 and record the lien as provided in section 96.14, subsection
35 3.

1 9. Carry out duties relating to the registration of ves-
2 sels as provided in sections 106.5, 106.23, 106.51, 106.52,
3 106.54, and 106.55.

4 10. Carry out duties relating to the issuance of hunting,
5 fishing, and trapping licenses as provided in sections 110.10,
6 110.12, 110.13, 110.14, 110.15, and 110.22.

7 11. Issue migratory waterfowl stamps as provided in chap-
8 ter 110B.

9 12. Record the orders and decisions of the fence viewers
10 and index the record in the name of each adjoining owner of
11 land affected by the order or decision as provided in section
12 113.10. The recorder shall also note that a judgment has
13 been rendered on an appeal of an order or decision of the
14 fence viewers as provided in section 113.24.

15 13. Submit annually to the secretary of state by December
16 1 of each year the names and addresses of each limited partner-
17 ship owning agricultural land or engaged in farming in the
18 county as provided in section 172C.13.

19 14. Record without fee the articles of incorporation of
20 farm aid associations as provided in section 176.5.

21 15. Keep, as a public record, the brand book and
22 supplements supplied by the secretary of agriculture as
23 provided in section 187.11.

24 16. Record without fee a sheriff's deed for land under
25 foreclosure procedures as provided in section 302.35.

26 17. Issue snowmobile registrations as provided in sections
27 321G.4, 321G.6, and 321G.21.

28 18. Record the measure and plat of a zoning district,
29 building line, or fire limit adopted by a city as provided
30 in section 380.11.

31 19. Carry out duties relating to the platting of land
32 as provided in chapter 409 and sections 441.65 through 441.71.

33 20. Submit quarterly to the director of revenue a report
34 of the revenue stamps or sale price and equalized value of
35 real estate sold as provided in section 421.17, subsection

- 1 6.
- 2 21. Carry out duties relating to the endorsement, indexing,
3 and recording of income tax liens as provided in section
4 422.26.
- 5 22. Carry out duties relating to the taxation of real
6 estate transfers as provided in chapter 428A.
- 7 23. Carry out duties relating to the recording and indexing
8 of affidavits and claims affecting real estate as provided
9 in section 448.17.
- 10 24. Forward to the director of revenue a certified copy
11 of any deed, bill of sale, or other transfer which shows that
12 it is made or intended to take effect at or after the death
13 of the person executing the instrument as provided in section
14 450.81.
- 15 25. Record papers, statements, and certificates relating
16 to the condemnation of property as provided in 472.38.
- 17 26. Record instruments relating to the dissolution of
18 a corporation or renewal of articles of incorporation as pro-
19 vided in sections 491.23 and 491.27.
- 20 27. Carry out duties relating to the recordation of arti-
21 cles of incorporation and other instruments for business
22 corporations as provided in section 496A.53.
- 23 28. Record the articles of incorporation of a cooperative
24 association received from the secretary of state as provided
25 in section 497.3.
- 26 29. Carry out duties relating to recording of articles
27 of incorporation and charters for nonprofit corporations as
28 provided in chapters 504 and 504A.
- 29 30. Carry out duties relating to the recordation of arti-
30 cles of incorporation and other instruments for state banks
31 as provided in chapter 524.
- 32 31. Carry out duties relating to the recordation of arti-
33 cles of incorporation and other instruments for credit unions
34 as provided in chapter 533.
- 35 32. Carry out duties relating to the recordation of arti-

1 cles of incorporation and other instruments for savings and
2 loan associations as provided in chapter 534.

3 33. Record and index instruments relating to limited
4 partnerships as provided in section 545.2.

5 34. Carry out duties relating to the filing of financial
6 statements or instruments as provided in sections 554.9401
7 through 554.9408.

8 35. Register the name and description of a farm as provided
9 in sections 557.22 through 557.26.

10 36. Record conveyances and leases of agricultural land
11 as provided in section 558.44.

12 37. Collect the recording fee and the auditor's transfer
13 fee for real property being conveyed as provided in section
14 558.58.

15 38. Serve as a member of the jury commission to draw
16 jurors as provided in section 608.1.

17 39. Record and index a notice of title interest in land
18 as provided in section 614.35.

19 40. Designate the newspapers in which the notices
20 pertaining to the office of recorder shall be published as
21 provided in section 618.7.

22 41. Record a conveyance of property presented by a com-
23 missioner appointed by the district court as provided in
24 section 624.35.

25 42. Carry out duties relating to the indexing of name
26 changes, and the recorder may charge a fee for indexing as
27 provided in section 674.14.

28 43. Report quarterly to the board the fees collected as
29 provided in section 901 of this Act.

30 44. Carry out other duties as provided by law.

31 Sec. 602. NEW SECTION. GENERAL POWERS.

32 1. The recorder may administer oaths and take affirmations
33 on matters relating to the business of the office of recorder
34 as provided in section 78.2.

35 2. Subject to the requirements of section 902 of this

1 Act, the recorder may appoint and remove deputies, assistants,
2 and clerks.

3 3. The recorder may reproduce in miniature on a durable
4 medium any instrument to be recorded. When a recorded
5 instrument involves a release or assignment, the separate
6 instrument filed acknowledging the release or assignment shall
7 be reproduced in miniature. In lieu of marginal entries,
8 the recorder shall make endorsements in red ink on both the
9 index and the cross-index to the miniature instruments where
10 the instruments were originally indexed. When an official
11 record is produced in miniature, a security copy shall be
12 reproduced at the same time and kept outside of the courthouse.

13 4. The recorder may, in lieu of maintaining separate index
14 books as required by law, prepare and maintain a combined
15 index record or system which shall contain the same data and
16 information as required to be kept in the separate index
17 books.

18 Sec. 603. NEW SECTION. GENERAL RECORDING AND FILING FEE.
19 Except as otherwise provided by state law or section 604 of
20 this Act, the recorder shall collect a fee of three dollars
21 for each page or fraction of a page of an instrument which
22 is filed or recorded in the recorder's office.

23 Sec. 604. NEW SECTION. OTHER FEES. The recorder shall
24 collect:

25 1. For the issuance of a registration or transfer for
26 a vessel or boat:

27 a. A registration fee as provided in section 106.5.

28 b. A writing fee as provided in section 106.53.

29 c. A transfer and writing fee as provided in section
30 106.44.

31 2. For issuance of hunting, fishing, and trapping li-
32 censes:

33 a. The fees specified in section 110.1. The recorder
34 may designate depositaries to issue the licenses and collect
35 the appropriate fees as provided in section 110.11.

1 b. The writing fee as provided in section 110.12.

2 3. For the issuance of a state migratory waterfowl stamp,
3 a fee as provided in section 110B.3.

4 4. For the issuance of snowmobile registrations, the fees
5 specified in section 321G.4.

6 5. For the filing of a verified statement relating to
7 the trade name of a business, a fee as provided in section
8 547.3.

9 6. For the filing of a financial statement or instrument
10 under the uniform commercial code, the fees specified in sec-
11 tions 554.9403 through 554.9407.

12 7. For the registering or cancelling of a farm name, the
13 fees specified in sections 557.24 and 557.26.

14 8. Other fees as provided by law.

15 Sec. 605. NEW SECTION. GENERAL FILING REQUIREMENTS.

16 1. In addition to other requirements specified by law,
17 the recorder shall note in the fee book the date of filing
18 of each instrument, the number and character of the instrument,
19 and the name of each grantor and grantee named in the
20 instrument. In numbering the instruments, the recorder shall
21 start with the number one immediately following the date of
22 annual settlement with the board and continue to number them
23 consecutively until the next annual settlement with the board.

24 2. The recorder shall also note in the index book the
25 exact time of the filing of each instrument.

26 Sec. 606. NEW SECTION. BOOKS AND RECORDS. The recorder
27 shall keep the following books and records:

28 1. A record book for military discharges as provided in
29 section 607 of this Act.

30 2. An index of unemployment contribution liens as provided
31 in section 96.14, subsection 3.

32 3. A fee book as provided in section 901 of this Act.

33 4. An index of income tax liens as provided in section
34 422.26.

35 5. A drainage plat book, index, and record book as provided

1 in sections 465.25 and 465.26.

2 6. An index book and book of record for corporations for
3 pecuniary profit as provided in sections 491.4 and 491.5.

4 7. A register of the names and descriptions of farms as
5 provided in section 557.22.

6 8. Index and record books for instruments affecting real
7 estate as provided under chapter 558.

8 9. Homestead and index books as provided in section 561.4.

9 10. A claimant's book in which the notices of title
10 interests in land are indexed as provided in section 614.35.

11 11. A book of copies of original entries which has been
12 compared with the originals and certified as true copies of
13 land records by the register of the United States land office
14 as provided in section 622.44.

15 12. Other books and records as provided by law.

16 Sec. 607. NEW SECTION. MILITARY PERSONNEL RECORDS.

17 1. The recorder shall maintain a special book in which,
18 upon request, the discharge of a veteran shall be recorded
19 without charge. The discharge book shall be a uniform type,
20 kind, and form approved by the Iowa department of veterans
21 affairs and the adjutant general of the state.

22 2. If an official discharge was not issued or if the
23 veteran was killed in action or died in service, the recorder
24 shall record an official certificate, general or special
25 order, letter, or telegram from a competent authority,
26 including letters from the United States department of defense,
27 the United States veterans administration, or other
28 governmental office, which shows the termination of the
29 veteran's service.

30 3. The recorder shall record without charge the com-
31 missions and warrants of veteran officers and noncommissioned
32 officers, orders citing a veteran for bravery and meritorious
33 action, and citations and bestowals of medals from the state,
34 federal, or foreign governments.

35 4. The recorder shall record without charge the discharge

1 or other records of a deceased veteran which are presented
2 on behalf of the deceased veteran by a veterans organization.

3 5. The recorder shall keep an alphabetical index referring
4 to the name of the veteran whose discharge paper is recorded.

5 6. If a certified copy of a public record is required
6 to perfect the claim of a veteran in service or honorably
7 discharged or a claim of a dependent of the veteran, the
8 certified copy shall be furnished by the custodian of the
9 public record without charge.

10 7. If the recorder periodically publishes notice of the
11 services provided to military persons and veterans under this
12 section, the recorder shall pay the cost of the publication
13 in the same manner as other expenses of the recorder's office.

14 8. As used in this section, "veteran" means a man or woman
15 who enlisted or was inducted from the county, resided at any
16 time in the county, or is buried in the county and who served
17 as a member of a branch of the armed forces of the United
18 States of America, as a member of the merchant marine during
19 the time of war, during the Korean Conflict beginning June
20 25, 1950, and ending January 31, 1955, both dates inclusive,
21 or during the Vietnam Conflict beginning August 5, 1964, and
22 ending June 30, 1973, both dates inclusive, or as a member
23 of the armed forces of a country allied with the United States
24 of America or the armed forces of Iowa or another state or
25 territory.

26 Sec. 608. NEW SECTION. FEDERAL TAX LIENS.

27 1. Notices of liens upon real property for taxes payable
28 to the United States, and certificates and notices affecting
29 the liens shall be filed in the office of the recorder of
30 the county in which the real property subject to a federal
31 tax lien is situated.

32 2. Notices of liens upon tangible or intangible personal
33 property for taxes payable to the United States and
34 certificates and notices affecting the liens shall be filed
35 as follows:

1 a. If the person against whose interest the tax lien
2 applies is a corporation or a partnership whose principal
3 executive office is in this state, as these entities are
4 defined in the internal revenue laws of the United States,
5 in the office of the secretary of state.

6 b. In all other cases, in the office of the recorder of
7 the county where the taxpayer resides at the time of filing
8 of the notice of lien.

9 3. Certification by the secretary of the treasury of the
10 United States, or a designee of the secretary, of notices
11 of liens, certificates, or other notices affecting tax liens,
12 entitles them to be filed, and no other attestation,
13 certification, or acknowledgment is necessary.

14 4. If a notice of federal tax lien, a refiling of a notice
15 of tax lien, or a notice of revocation of a certificate
16 described in subsection 5 is presented to the filing officer:

17 a. If the filing officer is the secretary of state, the
18 secretary shall cause the notice to be marked, held, and
19 indexed in accordance with section 554.9403, subsection 4,
20 as if the notice were a financing statement within the meaning
21 of that section.

22 b. If the filing officer is a recorder, the recorder shall
23 endorse on the notice the recorder's identification and the
24 date and time of receipt and file it alphabetically or enter
25 it in an alphabetical index showing the name and address of
26 the person named in the notice, the date and time of receipt,
27 the identification number of the internal revenue service
28 and the total unpaid balance of the assessment appearing on
29 the notice of lien.

30 5. If a certificate of release, nonattachment, discharge,
31 or subordination of a tax lien is presented to the secretary
32 of state for filing, the secretary shall:

33 a. Cause a certificate of release or nonattachment to
34 be marked, held, and indexed as if the certificate were a
35 termination statement within the meaning of the uniform

1 commercial code, except that the notice of lien to which the
2 certificate relates shall not be removed from the files.

3 b. Cause a certificate of discharge or subordination to
4 be marked, held, and indexed as if the certificate were a
5 release of collateral within the meaning of the uniform
6 commercial code.

7 6. If a refiled notice of federal tax lien referred to
8 in subsection 4 or any of the certificates or notices referred
9 to in subsection 5 is presented for filing with a recorder,
10 the recorder shall permanently attach the refiled notice or
11 the certificate to the original notice of lien and shall enter
12 the refiled notice or the certificate with the date of filing
13 in an alphabetical federal tax lien index on the line where
14 the original notice of lien is entered.

15 7. Upon request of a person, the filing officer shall
16 issue a certificate showing whether there is on file, on the
17 date and hour stated, a notice of federal tax lien or
18 certificate or notice affecting the lien, filed on or after
19 July 1, 1970, naming a particular person, and if a notice
20 or certificate is on file, giving the date and hour of filing
21 of each notice or certificate. The fee for a certificate
22 is five dollars. Upon request the filing officer shall furnish
23 a copy of any notice of federal tax lien or notice or
24 certificate affecting a federal tax lien for a fee of five
25 dollars per page.

26 8. The fee for filing and indexing each notice of lien
27 or certificate or notice affecting the tax lien shall be as
28 provided in section 603 of this Act. The officer shall bill
29 the internal revenue service on a monthly basis for fees for
30 documents filed by them.

31 9. Filing officers with whom notices of federal tax liens,
32 certificates, and notices affecting the liens have been filed
33 on or before July 1, 1970, shall, after that date, continue
34 to maintain a file labeled "federal tax lien notices filed
35 prior to July 1, 1970" containing notices and certificates

1 filed in numerical order of receipt. If a notice of lien
2 was filed on or before July 1, 1970, a certificate or notice
3 affecting the lien shall be filed in the same office.

4 10. This section may be cited as the uniform federal tax
5 lien registration Act.

6 PART 4

7 COUNTY SHERIFF

8 Sec. 650. NEW SECTION. OFFICE OF COUNTY SHERIFF.

9 1. The office of sheriff is an elective office except
10 that if a vacancy occurs in the office, the first deputy shall
11 assume the office after qualifying as provided in this section
12 and shall hold the office until a successor is appointed to
13 the unexpired term as provided in chapter 69. If a sheriff
14 is suspended from office, the district court may appoint a
15 sheriff until a temporary appointment is made by the board
16 as provided in section 66.19.

17 2. A person elected or appointed to the office of sheriff
18 shall qualify by taking the oath of office as provided in
19 section 63.10 and give bond as provided in section 64.8.

20 3. The term of office of the sheriff is four years.

21 Sec. 651. NEW SECTION. GENERAL POWERS OF THE SHERIFF.

22 1. The sheriff may call upon any person for assistance
23 to:

24 a. Keep the peace or prevent the commitment of crime.

25 b. Arrest a person who is liable to arrest.

26 c. Execute a process of law.

27 2. The sheriff, when necessary, may summon the power of
28 the county to carry out the responsibilities of office.

29 3. The sheriff may use the services of the department
30 of public safety in the apprehension of criminals and detection
31 of crime.

32 4. The sheriff, with the cooperation of the commissioner
33 of public safety, may hold an annual conference and school
34 of instruction for all peace officers within the county,
35 including regularly organized reserve peace officers under

1 the sheriff's jurisdiction, at which time instruction may
2 be given in all matters relating to the duties of peace
3 officers.

4 5. The sheriff may administer oaths and take affirmations
5 on matters relating to the business of the office of sheriff
6 as provided in section 78.2.

7 6. The sheriff may serve a subpoena or order issued under
8 authority of the department of revenue as provided in section
9 421.22.

10 7. Subject to the requirements of chapter 341A and sec-
11 tion 902 of this Act, the sheriff may appoint and remove
12 deputies, assistants, and clerks.

13 Sec. 652. NEW SECTION. GENERAL DUTIES OF THE SHERIFF.
14 The sheriff shall:

15 1. Execute and return all writs and other legal process
16 issued to the sheriff by legal authority. The sheriff shall
17 execute and return any legal process in the sheriff's posses-
18 sion at the expiration of the sheriff's term of office and
19 if a vacancy occurs in the office of sheriff, the sheriff's
20 deputies shall execute and return the legal processes in their
21 possession as if the sheriff had continued in office. The
22 sheriff's successor or other officer authorized to discharge
23 the duties of the office of sheriff may execute and return
24 the legal processes on behalf of the outgoing sheriff and
25 the sheriff's deputies, but the outgoing sheriff and the
26 sheriff's deputies remain liable for the execution and return
27 of the legal processes in their possession when the sheriff
28 leaves office or the vacancy occurs.

29 2. Upon written order of the county attorney, make a
30 special investigation of any alleged infraction of the law
31 within the county and report the findings to the county
32 attorney within a reasonable time. Upon completion of the
33 investigation, the sheriff shall file with the auditor a
34 detailed, sworn statement of the expenses of the investigation
35 accompanied by the written order of the county attorney.

1 The board shall audit and pay the reasonable and necessary
2 expenses of the investigation.

3 3. Upon leaving office, deliver to the sheriff's successor
4 and take the successor's receipt for all books and papers
5 pertaining to the office except as provided in subsection
6 1, property attached and levied upon, and prisoners in the
7 county jail. The receipt is sufficient indemnity to the
8 outgoing sheriff.

9 4. Provide service to the district court judges, district
10 associate judges, and judicial magistrates of the county and
11 while the judges and magistrates are in session, provide them
12 with the assistance of bailiffs. The sheriff shall appoint
13 the number of bailiffs as the judges and magistrates of the
14 county direct. The bailiffs are deputy sheriffs to the extent
15 that the sheriff delegates law enforcement powers to carry
16 out their duties and for whose acts the sheriff is responsible,
17 but the bailiffs need not be subject to civil service under
18 chapter 341A or mandated law enforcement training.

19 5. Serve as a member of the joint county-municipal disaster
20 services and emergency planning administration as provided
21 in section 29C.9.

22 6. Enforce the provisions of chapter 32 relating to the
23 desecration of flags and insignia.

24 7. Serve as a member of a nomination contest commission
25 in lieu of the clerk of the district court when an objection
26 to a nominee for the office of clerk of the district court
27 is heard as provided in section 44.7.

28 8. Carry out duties relating to election contests as pro-
29 vided in sections 57.6, 62.4, and 62.19.

30 9. Carry out duties relating to the seizure and disposition
31 of illegal oil and gas supplies as provided in section 84.15.

32 10. Serve a notice or subpoena received from a board of
33 arbitration as provided in section 90.10.

34 11. Cooperate with the bureau of labor in the enforcement
35 of child labor laws as provided in section 92.22.

- 1 12. Carry out duties relating to the seizure and forfeiture
2 of cigarettes, vehicles, and other property used in violation
3 of cigarette tax laws as provided in section 98.32.
- 4 13. Observe and inspect any licensed premise for gambling
5 devices and report findings to the license-issuing authority
6 as provided in section 99A.4.
- 7 14. Carry out duties relating to the issuance of permits
8 for the possession, transportation, and detonation of explosive
9 materials as provided in sections 101A.3, 101A.5, 101A.7,
10 and 101A.8.
- 11 15. Seize fish and game taken, possessed, or transported
12 in violation of the state fish and game laws as provided in
13 section 109.12.
- 14 16. Carry out duties relating to the enforcement of state
15 liquor and beer laws as provided in sections 123.14, 123.117,
16 and 123.118.
- 17 17. Carry out duties relating to the seizure, forfeiture,
18 and sale of conveyances used in state liquor law violations
19 as provided in chapter 127 or controlled substance violations
20 as provided in section 1208 of this Act.
- 21 18. Enforce the payment of the mobile home tax as provided
22 in section 135D.24.
- 23 19. Carry out duties relating to the reporting of persons
24 injured in the commission of a crime, either as perpetrators
25 or victims, as provided in sections 147.111 and 147.112.
- 26 20. Carry out duties relating to the enforcement of live-
27 stock transportation laws as provided in chapter 172B.
- 28 21. Investigate disputes in the ownership or custody of
29 branded animals as provided in section 187.10.
- 30 22. Destroy any unfit and disabled estray animal as pro-
31 vided in section 188.50.
- 32 23. Execute a warrant involving a person accused of a
33 crime who is released from a state hospital as provided in
34 sections 226.27 and 226.28.
- 35 24. Carry out duties relating to the involuntary hospi-

1 talization of mentally ill persons as provided in sections
2 229.7 and 229.11.

3 25. Carry out duties relating to the investigation of
4 reported child abuse cases and the protection of abused
5 children as provided in section 232.71.

6 26. Remove, upon court order, an indigent person to the
7 county or state of the person's legal settlement as provided
8 in section 252.18.

9 27. File a complaint upon receiving knowledge of an in-
10 digent person who is ill and may be improved, cured, or
11 advantageously treated by medical or surgical treatment or
12 hospital care as provided in section 255.2.

13 28. Give notice of the time and place of making an ap-
14 praisement of unneeded school land as provided in sections
15 297.17 and 297.28.

16 29. Cooperate with the department of transportation, the
17 department of public safety, and other law enforcement agencies
18 in the enforcement of local and state traffic laws and inspec-
19 tions as provided in sections 321.5 and 321.6.

20 30. Report the theft and recovery of a registered motor
21 vehicle as provided in section 321.72.

22 31. Collect unpaid motor vehicle fees and penalties as
23 provided in sections 321.133 through 321.144.

24 32. If designated by the department of transportation,
25 conduct examinations of applicants for operators', motorized
26 bicycle, and chauffeurs' licenses as provided in section
27 321.187.

28 33. Enforce sections 321.372 through 321.379 relating
29 to school buses.

30 34. Carry out duties relating to the enforcement of laws
31 prohibiting the operation of a motor vehicle while under the
32 influence of an alcoholic beverage as provided in chapter
33 321B.

34 35. Upon request, assist the department of revenue and
35 the state department of transportation in the enforcement

- 1 of motor fuel tax laws as provided in section 324.76.
- 2 36. Have charge of the county jails in the county and
3 custody of the prisoners committed to the jails as provided
4 in chapter 356.
- 5 37. Execute a distress warrant issued to collect delinquent
6 personal property taxes as provided in section 445.8.
- 7 38. Collect delinquent taxes certified by the treasurer
8 as provided in section 445.49.
- 9 39. Notify the department of environmental quality of
10 hazardous conditions of which the sheriff is notified as pro-
11 vided in section 455B.115.
- 12 40. Carry out duties relating to condemnation of private
13 property as provided under chapter 472.
- 14 41. Carry out duties relating to the removal and
15 disposition of abandoned motor vehicles as provided in section
16 556B.1.
- 17 42. Carry out duties relating to the determination of
18 what is included in a homestead as provided in section 561.8.
- 19 43. Carry out duties relating to liens for services of
20 animals as provided in chapter 580.
- 21 44. Summon persons to serve as jurors as provided in sec-
22 tions 609.30 and 609.31.
- 23 45. Carry out duties relating to the summoning of talesmen
24 as provided in section 609.41.
- 25 46. Designate the newspapers in which notices pertaining
26 to the sheriff's office are published as provided in section
27 618.7.
- 28 47. Carry out duties relating to the execution of judg-
29 ments and orders of the court as provided in chapter 626.
- 30 48. Add the amount of an advancement made by the holder
31 of the sheriff's sale certificate to the execution, upon
32 verification by the clerk as provided by section 629.3.
- 33 49. Upon appointment of the court, serve as a receiver
34 of property of a judgment debtor as provided in sections 630.7
35 and 630.9.

- 1 50. Carry out duties relating to the attachment of prop-
2 erty as provided in chapters 639, 640, and 641.
- 3 51. Carry out duties relating to garnishment under chapter
4 642.
- 5 52. Carry out duties relating to an action of replevin
6 as provided in chapter 643.
- 7 53. Carry out orders of the court or a judge relating
8 to the service or execution of a writ of habeas corpus as
9 provided under chapter 663.
- 10 54. Carry out duties relating to the disposition of lost
11 property as provided in chapter 644.
- 12 55. Carry out orders of the court requiring the sheriff
13 to take custody and deposit or deliver trust funds as provided
14 in section 682.30.
- 15 56. Carry out legal processes directed by an appellate
16 court as provided in section 686.14.
- 17 57. Furnish the bureau of criminal identification with
18 the criminal identification records and other information
19 upon direction by the commissioner of public safety as provided
20 in section 690.1.
- 21 58. Take the fingerprints of all persons specified under
22 section 690.2 and forward the fingerprint records to the com-
23 missioner of public safety.
- 24 59. Report information on crimes committed and furnish
25 disposition reports on persons arrested and criminal complaints
26 or information filed in any court as provided in section
27 692.15.
- 28 60. Carry out duties relating to firearm training and
29 the issuance and revocation of firearm permits as provided
30 in chapter 724.
- 31 61. Accept custody of persons handed over to the sheriff
32 by the department of public safety as provided in section
33 804.28.
- 34 62. Carry out duties relating to the forfeiture and judg-
35 ment of bail as provided in section 811.6.

1 63. Resume custody of a defendant who is recommitted after
2 bail by order of a magistrate as provided in section 811.7.

3 64. Carry out duties relating to the confinement of
4 mentally ill persons or dangerous persons as provided in
5 section 812.5.

6 65. Release a defendant in custody upon receipt of a
7 certificate of release as provided in section 814.14.

8 66. Upon call of the governor or attorney general, render
9 assistance in the enforcement of the law as provided in section
10 817.2.

11 67. Upon court order, take an accused person into custody
12 from the warden of a penal institution and convey the person
13 to the place of trial as provided in section 813.2, rule of
14 criminal procedure 7.

15 68. Receive and detain a defendant transferred from another
16 county under a change of venue as provided in section 813.2,
17 rule of criminal procedure 10, subsection 9.

18 69. Carry out duties relating to the execution of a judg-
19 ment for confinement or other execution as provided in section
20 813.2, rule of criminal procedure 24.

21 70. Carry out duties relating to the return of service
22 in civil cases as provided in rules of civil procedure 59.

23 71. Upon court order, provide food and lodging to jurors
24 at the expense of the county as provided in rule of civil
25 procedure 202.

26 72. Serve a writ of certiorari as provided in rule of
27 civil procedure 312.

28 73. Carry out other duties required by law.

29 Sec. 653. NEW SECTION. FAITHFUL DISCHARGE OF DUTIES--
30 PENALTY.

31 1. The provisions of sections 651, subsections 1 and 2,
32 and 652, subsections 1 and 2 of this Act, do not relieve a
33 sheriff or deputy sheriff from the full and faithful discharge
34 of all duties required of the officer by law.

35 2. The disobedience of a sheriff or deputy sheriff to

1 the command of a legal process is a contempt of the court
2 from which the process is issued and is punishable as provided
3 in chapter 655. The sheriff or deputy sheriff is also liable
4 to action by any person injured by the disobedience.

5 Sec. 654. NEW SECTION. FEES--MILEAGE--EXPENSES.

6 1. The sheriff shall collect the following fees:

7 a. For serving a notice and returning it, for the first
8 person served, six dollars, and each additional person, six
9 dollars except the fee for serving additional persons in the
10 same household shall be three dollars for each additional
11 service.

12 b. For each warrant served, six dollars, and the repayment
13 of necessary expenses incurred in executing the warrant, as
14 sworn to by the sheriff, or if service of the warrant cannot
15 be made, the repayment of all necessary expenses actually
16 incurred by the sheriff while attempting in good faith to
17 serve the warrant.

18 c. For serving and returning a subpoena, for each person
19 served, six dollars, and the necessary expenses incurred while
20 serving subpoenas in criminal cases or relating to the mentally
21 ill process.

22 d. For summoning a grand or trial jury, all necessary
23 and actual expenses incurred by the sheriff.

24 e. For summoning a jury to assess the damages to the
25 owners of lands taken for works of internal improvement, and
26 attending them, thirty dollars per day, and necessary expenses
27 incurred. This subsection does not allow a sheriff to make
28 separate charges for different assessments which can be made
29 by the same jury and completed in one day of ten hours.

30 f. For serving an execution, attachment, order for the
31 delivery of personal property, injunction, or any order of
32 court, and returning it, five dollars.

33 g. For making and executing a certificate or deed for
34 lands sold on execution, or a bill of sale for personal
35 property sold, five dollars.

1 h. For the time necessarily employed in making an inventory
2 of personal property attached or levied upon, three dollars
3 per hour.

4 i. For a copy of any paper required by law, made by the
5 sheriff, twenty-five cents.

6 j. Mileage at the rate specified in section 79.9 in all
7 cases required by law, going and returning. Mileage fees
8 do apply where provision is made for expenses, and both mileage
9 and expenses shall not be allowed for the same services and
10 for the same trip. If the sheriff transports one or more
11 persons by auto to a state institution or any other destination
12 required by law or if one or more legal papers are served
13 on the same trip, the sheriff is entitled to one mileage,
14 the mileage cost of which shall be prorated to the persons
15 transported or papers served. However, in serving original
16 notices in civil cases and in serving and returning a subpoena,
17 the sheriff shall be allowed mileage in each action where
18 the original notice or subpoena is served, with a minimum
19 mileage of one dollar for each service. The sheriff may
20 refuse to serve original notices in civil cases until the
21 fees and estimated mileage for service have been paid.

22 k. For each day attending sale of property, three dollars.

23 l. For conveying one or more persons to a state, county,
24 or private institution by order of court or commission,
25 necessary expenses for the sheriff and the person conveyed
26 and three dollars per hour for the time necessarily employed
27 in going to and from the institution, the expenses and hourly
28 rate to be charged and accounted for as fees. If the sheriff
29 needs assistance in taking a person to an institution, the
30 assistance shall be furnished at the expense of the county.

31 m. For serving a warrant for the seizure of intoxicating
32 liquors, one dollar; for the removal and custody of the liquor,
33 actual expenses; for the destruction of the liquor under the
34 order of the court, one dollar and actual expenses; for posting
35 and leaving notices in these cases, one dollar and actual

1 expenses.

2 n. For each operators', motorized bicycle, or chauffeurs'
3 license issued by the sheriff, the fee specified in section
4 321.192.

5 o. For posting a notice or advertisement, the fee provided
6 in section 618.12.

7 p. For delivering prisoners under a change of venue, the
8 fee authorized under section 815.8.

9 2. The mileage fees allowed by law may be retained by
10 the sheriff as an addition to the sheriff's annual salary.
11 In counties having a population of one hundred thousand or
12 more, the county may contract with the sheriff for the use
13 of an automobile on a monthly basis in lieu of payment of
14 mileage in the service of criminal processes.

15 3. The sheriff shall keep an accurate record of the fees
16 collected in a fee book, make a quarterly report of the fees
17 collected to the board, and pay the fees belonging to the
18 county into the county treasury as provided in section 901
19 of this Act.

20 4. The sheriff shall deposit funds collected and held
21 by the sheriff in an approved depository as provided in chapter
22 453.

23 Sec. 655. NEW SECTION. MANAGEMENT OF CONDEMNATION FUNDS.

24 1. A sheriff receiving funds from a condemnation proceeding
25 shall list the funds in detail in a book kept for that purpose.
26 The sheriff shall pay the funds to the persons entitled to
27 them upon final adjudication of a condemnation case. If the
28 funds are held after final adjudication of the case until
29 the end of the fiscal year, the funds shall be paid to the
30 treasurer as provided in subsection 2.

31 2. Not later than July 1 of each year, the sheriff shall
32 make a detailed report under oath of all funds received and
33 in the sheriff's possession from condemnation proceedings
34 which have been finally adjudicated. The report shall include
35 the names of the parties to whom the funds belong, when the

1 funds were received, and a description of the property
2 condemned. The report shall be filed with the treasurer and
3 the amount of the condemnation funds specified in the report
4 shall be paid to the treasurer. The sheriff shall be given
5 a detailed receipt for the funds.

6 3. If the sheriff possesses condemnation funds which have
7 not been finally adjudicated, the sheriff shall prepare a
8 detailed report of those funds, including the same information
9 as required in subsection 2, which report shall be filed with
10 the auditor for examination and audit by the board. When
11 a sheriff's term of office expires, the sheriff shall pay
12 the condemnation funds which are not finally adjudicated to
13 the sheriff's successor. The outgoing sheriff shall receive
14 a detailed receipt for the funds.

15 4. The treasurer shall keep a record of the condemnation
16 funds received from the sheriff in a book kept for that
17 purpose. The book shall include a list of the names of persons
18 to whom the funds are due, a description of the property
19 condemned, and the amount due for each property item. The
20 treasurer shall pay the amount due to each person from the
21 condemnation fund on warrants ordered by the board and issued
22 by the auditor. The treasurer and the bond sureties of the
23 treasurer are liable for the condemnation funds in the same
24 manner as for other funds received by the treasurer in an
25 official capacity.

26 5. The sheriff and the bond sureties of the sheriff are
27 liable for the condemnation funds received by the sheriff
28 until the funds are paid to the persons to which the funds
29 are due, the treasurer, or the sheriff's successor as provided
30 in this section.

31 Sec. 656. NEW SECTION. STANDARD UNIFORMS.

32 1. The sheriff and the full-time deputy sheriffs shall
33 wear the standard uniform and display a standard badge of
34 office when on duty except:

35 a. The sheriff may designate other apparel to be worn

1 when the sheriff or a deputy sheriff is engaged in assignments
2 involving special investigation, civil process, court duties,
3 jail duties, and the handling of mentally ill persons.

4 b. A district court judge, district associate judge, or
5 judicial magistrate may direct that deputy sheriffs who act
6 as bailiffs dress in wearing apparel other than the standard
7 uniform while the court is in session.

8 c. Special deputy sheriffs appointed by the sheriff are
9 excluded from the requirements of this subsection.

10 2. The standard uniforms and accessories required by the
11 sheriff for the proper outfitting of the sheriff and the
12 sheriff's full-time deputies under this section shall be pro-
13 vided by the county. The uniforms and accessories issued
14 to the sheriff and the sheriff's deputies remain the property
15 of the county.

16 3. The colors and design of the standard uniform for the
17 sheriffs and deputy sheriffs shall be designated by rule of
18 the commissioner of public safety after consideration of the
19 recommendations of the Iowa state association of sheriffs
20 and deputy sheriffs. The uniform shall include standard
21 shoulder patches, badges, nameplates, hats, trousers, neckties,
22 jackets, socks, shoes and boots, and leather goods. The
23 uniforms shall be readily distinguishable from the uniforms
24 of other law enforcement agencies of the state. The rules
25 shall allow for appropriate individual county designations
26 on the uniforms. The rules shall be adopted and may be amended
27 in compliance with chapter 17A.

28 Sec. 657. NEW SECTION. CARE OF PRISONERS.

29 1. The sheriff shall provide board and care for prisoners
30 in the sheriff's custody in the county jail without personal
31 compensation except for the sheriff's annual salary.

32 2. The county shall pay the costs of the board and care
33 of the prisoners in the county jail, which costs, in the
34 board's judgment, are necessary to enable the sheriff to carry
35 out the sheriff's duties under this section.

1 3. The sheriff is accountable to the board for fees due
2 or collected for boarding, lodging, and providing other
3 services for prisoners in the sheriff's custody under the
4 order of a federal court.

5 4. The sheriff shall allow access by the board at any
6 reasonable time to the county jail and to supplies provided
7 by the county for the purpose of inspecting the jail and de-
8 termining whether the supplies are used for the purpose of
9 boarding and caring for prisoners as provided in this section.

10 Sec. 658. NEW SECTION. PROHIBITED ACTIONS.

11 1. A sheriff or a deputy sheriff shall not:

12 a. Appear in any court as an attorney or legal counsel
13 for another party.

14 b. Make or prepare a writing, document, or process to
15 commence a legal action or proceeding.

16 c. Use a writing, document, or process prepared by the
17 sheriff or deputy sheriff in a legal action or proceeding.

18 The document, writing, or process prepared or made by a sheriff
19 or a deputy sheriff in violation of this subsection is void.

20 2. A sheriff or a deputy sheriff shall not be the
21 purchaser, directly or indirectly, of property which is being
22 sold by the sheriff or deputy sheriff under process of law.

23 A purchase made in violation of this subsection is void.

24 Sec. 659. NEW SECTION. APPROPRIATION--INDIAN SETTLEMENT

25 OFFICER. There is appropriated annually from the general
26 fund of the state to the county of Tama the sum of three
27 thousand five hundred (3,500) dollars to be used by the county
28 only for the payment of the salary and expenses of an
29 additional deputy sheriff for the county. The principal duty
30 of the deputy sheriff is to provide law enforcement on the
31 Sac and Fox Indian settlement in the county of Tama. If
32 possible, the deputy sheriff shall reside on the settlement.
33 Additional funds necessary to pay the salary and expenses
34 of the deputy sheriff shall be paid by the county of Tama.

35

PART 5

1 CLERK OF DISTRICT COURT

2 Sec. 700. NEW SECTION. OFFICE OF THE CLERK OF THE DISTRICT
3 COURT.

4 1. The office of clerk is an elective office except that
5 if a vacancy occurs in the office, a temporary clerk shall
6 be appointed by the district court or a district court judge
7 to serve until a successor is appointed to the unexpired term
8 by the board as provided in chapter 69. If a clerk is
9 suspended from office, the district court may appoint a
10 temporary clerk as provided in section 66.19.

11 2. A person elected or appointed to the office of clerk
12 shall qualify by taking the oath of office as provided in
13 section 63.10 and give bond as provided in section 64.8.

14 3. The term of office of the clerk is four years.

15 4. The clerk or a deputy clerk shall not practice as an
16 attorney or a solicitor in any court of this state.

17 Sec. 701. NEW SECTION. GENERAL DUTIES. The clerk shall:

18 1. Keep the office of the clerk at the county seat.

19 2. Attend sessions of the district court.

20 3. Keep the records, papers, and seal, and record the
21 proceedings of the district court as provided by law under
22 the direction of the chief judge of the district court.

23 4. Upon the death of a judge of the district court, give
24 written notice to the state comptroller of the date of the
25 death. The clerk shall also give written notice of the death
26 of a judge of the supreme court, court of appeals, or district
27 court residing in the clerk's county to the state commis-
28 sioner of elections, as provided in section 46.12.

29 5. When money in the amount of five hundred dollars or
30 more is paid to the clerk to be paid to another person and
31 the money is not disbursed within thirty days, notify the
32 person who is entitled to the money or for whose account the
33 money is paid or the attorney of record of the person. The
34 notice shall be given by certified mail within forty days
35 of the receipt of the money to the last known address of the

1 person or the person's attorney and a memorandum of the notice
2 shall be made in the proper record. If the notice is not
3 given, the clerk and the clerk's sureties are liable for
4 interest at the rate specified in section 535.2 on the money
5 from the date of receipt to the date that the money is paid
6 to the person entitled to it or the person's attorney.

7 6. On each process issued, indicate the date that it is
8 issued, the clerk's name who issued it, and the seal of the
9 court.

10 7. Upon return of an original notice to the clerk's of-
11 fice, enter in the appearance or combination docket informa-
12 tion to show which parties have been served the notice and
13 the manner and time of service.

14 8. When entering a lien or indexing an action affecting
15 real estate in the clerk's office, enter the year, month,
16 day, hour, and minute when the entry is made. The clerk shall
17 mail a copy of a mechanic's lien to the owner of the building,
18 land, or improvement which is charged with the lien as provided
19 in section 572.8.

20 9. Enter in the appearance docket a memorandum of the
21 date of filing of all petitions, demurrers, answers, motions,
22 or papers of any other description in the cause. A pleading
23 of any description is not considered filed in the cause or
24 taken from the clerk's office until the memorandum is made.
25 The memorandum shall be made before the end of the next working
26 day. Thereafter, when a demurrer or motion is sustained or
27 overruled, a pleading is made or amended, or the trial of
28 the cause, rendition of the verdict, entry of judgment,
29 issuance of execution, or any other act is done in the progress
30 of the cause, a similar memorandum shall be made of the action,
31 including the date of action and the number of the book and
32 page of the record where the entry is made. The appearance
33 docket is an index of each suit from its commencement to its
34 conclusion.

35 10. When title to real estate is finally established in

1 a person by a judgment or decree of the district court or
2 by decision of an appellate court or when the title to real
3 estate is changed by judgment, decree, will, proceeding, or
4 order in probate, certify the final decree, judgment, or
5 decision under seal of the court to the auditor of the county
6 in which the real estate is located.

7 11. Keep for public inspection a certified copy of each
8 Act of the general assembly and furnish a copy of the Act
9 upon payment of a fee as provided in section 3.15.

10 12. At the order of the chief justice or an associate
11 justice of the state supreme court, docket without fee any
12 civil or criminal case transferred from a military district
13 under martial law as provided in section 29A.45.

14 13. Carry out duties as a member of a nominations appeal
15 commission as provided in section 44.7.

16 14. Maintain a bar registration book, biennially give
17 notice and accept registration of members of the bar to be
18 eligible to vote in elections of judicial nominating commis-
19 sioners, and certify the names registered to the clerk of
20 the supreme court as provided in section 46.8.

21 15. Notify the county commissioner of registration of
22 persons who become ineligible to register to vote because
23 of criminal convictions, mental retardation, or legal declara-
24 tions of incompetency and of persons whose citizenship rights
25 have been restored as provided in section 48.30.

26 16. When the auditor is a party to an election contest,
27 carry out duties on behalf of the auditor and issue subpoenas
28 as provided in sections 62.7 and 62.11.

29 17. Approve the bonds of the members of the board of
30 supervisors as provided in section 64.19.

31 18. File the bonds and oaths of the members of the board
32 of supervisors as provided in section 64.23.

33 19. Keep a book of the record of official bonds and record
34 the official bonds of judicial magistrates as provided in
35 section 64.24.

- 1 20. Carry out duties relating to proceedings for the re-
2 moval of a public officer as provided in sections 66.4 and
3 66.17.
- 4 21. Take temporary possession of the office and all offi-
5 cial books and papers in the office of auditor when a vacancy
6 occurs and hold the office, books, and records until a
7 successor qualifies as provided in section 69.3.
- 8 22. Approve the surety bonds of persons accepting appoint-
9 ment as notaries public in the county as provided in section
10 77.4, subsection 2.
- 11 23. Carry out duties as a trustee for incompetent
12 dependents entitled to benefits under chapters 85 and 85A
13 and report annually to the district court concerning money
14 and property received or expended as a trustee as provided
15 under sections 85.49 and 85.50.
- 16 24. Carry out duties relating to enforcing orders of the
17 occupational safety and health review commission as provided
18 in section 88.9, subsection 2.
- 19 25. Certify the imposition of a mulct tax against prop-
20 erty creating a public nuisance to the auditor as provided
21 in section 99.28.
- 22 26. Carry out duties relating to the judicial review of
23 orders of the occupational safety and health review commission
24 as provided in section 104.10, subsection 2.
- 25 27. With sufficient surety, approve an appeal bond for
26 judicial review of an order or action of the state conserva-
27 tion commission relating to dams and spillways as provided
28 in section 112.8.
- 29 28. Docket an appeal from the fence viewer's decision
30 or order as provided in section 113.23.
- 31 29. Certify to the recorder the fact that a judgment has
32 been rendered upon an appeal of a fence viewer's order as
33 provided in section 113.24.
- 34 30. Hold as a public record a list of the names and
35 addresses of persons licensed as real estate salespersons

1 and brokers and the name of persons whose licenses were
2 suspended or revoked during the year reported as provided
3 in section 117.42.

4 31. Approve bond sureties and enter in the lien index
5 the undertakings of bonds for abatement relating to the illegal
6 manufacture, sale, or consumption of alcoholic liquors as
7 provided in sections 123.76, 123.79, and 123.80.

8 32. Carry out duties relating to a judgment of forfeiture
9 ordering the sale or other disposition of a conveyance used
10 in the illegal transportation of liquor as provided in sec-
11 tions 127.14 through 127.17 or the illegal transportation
12 or distribution of a controlled substance as provided in sec-
13 tion 1208 of this Act.

14 33. Carry out duties as county registrar of vital statis-
15 tics as provided in chapter 144.

16 34. Furnish to the state department of health a certified
17 copy of a judgment suspending or revoking a professional li-
18 cense as provided in section 147.66.

19 35. Receive and file a bond given by the owner of a dis-
20 trained animal to secure its release pending resolution of
21 a suit for damages as provided in sections 188.22 and 188.23.

22 36. Send notice of the conviction, judgment, and sentence
23 of a person violating the uniform controlled substances laws
24 to the state board or officer who issued a license or
25 registered the person to a profession or to conduct business
26 as provided in section 204.412.

27 37. Carry out duties relating to the commitment of a
28 mentally retarded person as provided in sections 222.37 through
29 222.40.

30 38. Keep a separate docket of proceedings of cases relating
31 to the mentally retarded as provided in section 222.57.

32 39. Order the commitment of a voluntary public patient
33 to the state psychiatric hospital under the circumstances
34 provided in section 225.16.

35 40. If the board has adopted a resolution implementing

1 a policy of preliminary diagnostic evaluations as provided
2 in section 225B.5, refer persons applying for voluntary
3 admission to a community mental health center for a preliminary
4 diagnostic evaluation as provided in section 225B.6.

5 41. Make a copy of the warrant and return of service sub-
6 mitted by the sheriff relating to the return of a mental pa-
7 tient from a state hospital to stand trial and mail the war-
8 rant and return to the superintendent of the hospital as pro-
9 vided in section 226.28.

10 42. Carry out duties relating to the involuntary commitment
11 of mentally impaired persons as provided in chapter 229.

12 43. Serve as clerk of the juvenile court and carry out
13 duties as provided in chapters 231 and 232.

14 44. Submit to the director of the division of child and
15 family services of the department of social services a dupli-
16 cate of the findings of the district court related to adop-
17 tions as provided in section 235.3.

18 45. Certify to the warden of the penitentiary or men's
19 reformatory the number of days that an inmate has been credited
20 toward completion of the inmate's sentence as provided in
21 section 246.38.

22 46. Report to the board of parole and the director of
23 the division of corrections of the department of social
24 services the criminal statistics as provided in sections
25 247.29 through 247.31.

26 47. Carry out duties relating to the pardons, commutations,
27 remission of fines and forfeitures, and restoration of citizen-
28 ship as provided in sections 248.9 and 248.17.

29 48. Forward support payments received under section 252A.6
30 to the department of social services and furnish copies of
31 orders and decrees awarding support to parties receiving wel-
32 fare assistance as provided in section 252A.13.

33 49. Carry out duties relating to the provision of medi-
34 cal care and treatment for indigent persons as provided in
35 chapter 255.

- 1 50. Enter a judgment based on the transcript of an appeal
2 to the state board of public instruction against the party
3 liable for payment of costs as provided in section 290.4.
- 4 51. Certify the final order of the district court upon
5 appeal of an assessment within a secondary road assessment
6 district to the auditor as provided in section 311.24.
- 7 52. Forward to the department of transportation a copy
8 of the record of each conviction or forfeiture of bail of
9 a person charged with the violation of the laws regulating
10 the operation of vehicles on public roads as provided in
11 sections 321.281 and 321.491.
- 12 53. Send to the department of transportation licenses
13 and permits surrendered by a person convicted of being a
14 habitual offender of traffic and motor vehicle laws as pro-
15 vided in section 321.559.
- 16 54. If a person fails to satisfy a judgment relating to
17 motor vehicle financial responsibility within sixty days,
18 forward to the director of the department of transportation
19 a certified copy of the judgment as provided in section
20 321A.12.
- 21 55. Approve a bond of a surety company or a bond with
22 at least two individual sureties owning real estate in this
23 state as proof of financial responsibility as provided in
24 section 321A.24.
- 25 56. Carry out duties under the Iowa motor vehicle dealers
26 licensing Act as provided in sections 322.10 and 322.24.
- 27 57. Carry out duties relating to the enforcement of motor
28 fuel tax laws as provided in sections 324.66 and 324.67.
- 29 58. Serve as an inspector of the county jails with the
30 county attorney as provided in sections 356.9 through 356.13.
- 31 59. Carry out duties relating to the platting of land
32 as provided in sections 409.9, 409.11, and 409.22.
- 33 60. Upon order of the director of revenue, issue a com-
34 mission for the taking of depositions as provided in section
35 421.17, subsection 8.

- 1 61. Mail to the director of revenue a copy of a court
2 order relieving an executor or administrator from making an
3 income tax report on an estate as provided in section 422.23.
- 4 62. With acceptable sureties, approve the bond of a peti-
5 tioner for a tax appeal as provided in section 422.29, sub-
6 section 2.
- 7 63. Certify the final decision of the district court in
8 an appeal of the tax assessments as provided in section 441.39.
9 Costs of the appeal to be assessed against the board of review
10 or a taxing body shall be certified to the treasurer as pro-
11 vided in section 441.40.
- 12 64. Certify a final order of the district court relating
13 to the apportionment of tax receipts to the auditor as provided
14 in section 449.7.
- 15 65. Carry out duties relating to the inheritance tax as
16 provided in chapter 450.
- 17 66. Deposit funds held by the clerk in an approved de-
18 pository as provided in 453.1.
- 19 67. Carry out duties relating to appeals and certification
20 of costs relating to levee and drainage districts as provided
21 in sections 455.96 through 455.105.
- 22 68. Carry out duties relating to the condemnation of land
23 as provided in chapter 472.
- 24 69. Forward civil penalties collected for violations re-
25 lating to the siting of electric power generators to the
26 treasurer of state as provided in section 476A.14, subsection
27 1.
- 28 70. Certify a copy of a decree of dissolution of a business
29 corporation to the secretary of state and the recorder of
30 the county in which the corporation is located as provided
31 in section 496A.100.
- 32 71. With acceptable sureties, approve the bond of a peti-
33 tioner filing an appeal for review of an order of the commis-
34 sioner of insurance as provided in section 502.606 or 507A.7.
- 35 72. Certify a copy of a decree of dissolution of a

1 nonprofit corporation to the secretary of state and the
2 recorder in the county in which the corporation is located
3 as provided in section 504A.62.

4 73. Carry out duties relating to the enforcement of de-
5 crees and orders of reciprocal states under the Iowa
6 unauthorized insurers Act as provided in section 507A.11.

7 74. Certify copies of a decree of involuntary dissolution
8 of a state bank to the secretary of state and the recorder
9 of the county in which the bank is located as provided in
10 section 524.1311.

11 75. Certify copies of a decree dissolving a credit union
12 as provided in section 533.21, subsection 4.

13 76. Refuse to accept the filing of papers to institute
14 legal action under the Iowa consumer credit code if proper
15 venue is not adhered to as provided in section 537.5113.

16 77. Receive payment of money due to a person who is absent
17 from the state if the address or location of the person is
18 unknown as provided in section 538.5.

19 78. Carry out duties relating to the appointment of the
20 Iowa state commerce commission as receiver for agricultural
21 commodities on behalf of a warehouse operator whose license
22 is suspended or revoked as provided in section 543.3.

23 79. Certify the signature of the recorder on the transcript
24 of any instrument affecting real estate as provided in sec-
25 tion 558.12.

26 80. Certify an acknowledgement of a written instrument
27 relating to real estate as provided in section 558.20.

28 81. Collect on behalf of, and pay to the auditor the fee
29 for the transfer of real estate as provided in section 558.66.

30 82. With acceptable sureties, endorse a bond sufficient
31 to settle a dispute between adjoining owners of a common wall
32 as provided in section 563.11.

33 83. Carry out duties relating to cemeteries as provided
34 in sections 566.4, 566.7, and 566.8.

35 84. Notify the governor that real estate has vested in

1 the state by decree of the district court as provided in sec-
2 tion 567.5.

3 85. Carry out duties relating to liens as provided in
4 chapters 570, 571, 572, 574, 579, 580, 581, 582, and 584.

5 86. Accept applications for and issue marriage licenses
6 as provided in chapter 595 or 596.

7 87. Carry out duties relating to the dissolution of a
8 marriage as provided in chapter 598.

9 88. Carry out duties relating to the custody of children
10 as provided in chapter 598A.

11 89. Carry out duties relating to adoptions as provided
12 in chapter 600.

13 90. Enter upon the clerk's records actions taken by the
14 court at a location which is not the county seat as provided
15 in section 602.9.

16 91. Maintain a record of the name, address, and term of
17 office of each member of the judicial magistrates appointing
18 commission as provided in section 602.42.

19 92. Certify to the supreme court administrator and the
20 state comptroller the names and addresses of the magistrates
21 appointed by the judicial magistrates appointing commission
22 as provided in section 602.50.

23 93. Furnish an individual or centralized docket for the
24 judicial magistrates of the county as provided in section
25 602.63.

26 94. Certify at the conclusion of each calendar quarter,
27 a list of the jurors and their days of attendance to the
28 auditor as provided in section 607.6.

29 95. Serve as an ex officio jury commissioner and notify
30 appointive commissioners of their appointment as provided
31 in sections 608.1 and 608.5.

32 96. Carry out duties relating to the selection of jurors
33 as provided in chapter 609.

34 97. Carry out duties relating to the revocation or sus-
35 pension of an attorney's license to practice law as provided

1 in chapter 610.

2 98. File and index petitions affecting real estate as
3 provided in sections 617.10 through 617.15.

4 99. Designate the newspapers in which the notices per-
5 taining to the clerk's office shall be published as provided
6 in section 618.7.

7 100. With acceptable surety, approve a bond of the plain-
8 tiff in an action for the payment of costs which may be ad-
9 judged against the plaintiff as provided in section 621.1.

10 101. Issue subpoenas for witnesses as provided in section
11 622.63.

12 102. Carry out duties relating to trials and judgments
13 as provided in sections 624.8 through 624.21 and 624.37.

14 103. Collect and pay into the county treasury a jury fee
15 for each action tried by a jury as provided in section 625.8.

16 104. When the judgment is for recovery of money, compute
17 the interest from the date of verdict to the date of payment
18 of the judgment as provided in section 625.21.

19 105. Carry out duties relating to executions as provided
20 in chapter 626.

21 106. Carry out duties relating to the redemption of prop-
22 erty as provided in sections 628.13, 628.18, and 628.20.

23 107. Record statements of expenditures made by the holder
24 of a sheriff's sale certificate in the encumbrance book and
25 lien index as provided in section 629.3.

26 108. Carry out duties relating to the commencement of
27 small claim actions as provided in chapter 631.

28 109. Carry out duties of the clerk of the probate court
29 as provided in chapter 633.

30 110. Carry out duties relating to the administration of
31 small estates as provided in sections 635.1, 635.7, 635.9,
32 and 635.11.

33 111. Carry out duties relating to the attachment of prop-
34 erty as provided in chapter 639.

35 112. Carry out duties relating to garnishment as provided

1 in chapter 642.

2 113. With acceptable surety, approve bonds of the plain-
3 tiff desiring immediate delivery of the property in an action
4 of replevin as provided in sections 643.7 and 643.12.

5 114. Carry out duties relating to the disposition of lost
6 property as provided in chapter 644.

7 115. Carry out duties relating to the recovery of real
8 property as provided in section 646.23.

9 116. Endorse the court's approval of a restored record
10 as provided in section 647.3.

11 117. When a judgment of foreclosure is entered, file with
12 the recorder an instrument acknowledging the foreclosure and
13 the date of decree and upon payment of the judgment, file
14 an instrument with the recorder acknowledging the satisfac-
15 tion as provided in sections 655.4 and 655.5.

16 118. Carry out duties relating to the issuance of a writ
17 of habeas corpus as provided in sections 663.9, 663.43, and
18 663.44.

19 119. Accept and docket an application for post-conviction
20 review of a conviction as provided in section 663A.3.

21 120. Report to the board annually at its first regular
22 meeting in January all fines, forfeited recognizances,
23 penalties, and forfeitures as provided in section 666.6.

24 121. Issue a warrant for the seizure of a boat or raft
25 as provided in section 667.2.

26 122. Carry out duties relating to the changing of a per-
27 son's name as provided in chapter 674.

28 123. Notify the state registrar of vital statistics of
29 a judgment determining the paternity of an illegitimate child
30 as provided in section 675.36.

31 124. Enter a judgment made by confession and issue an
32 execution of the judgment as provided in section 676.4.

33 125. With acceptable surety, approve the bond of a re-
34 ceiver as provided in section 680.3.

35 126. Carry out duties relating to the assignment of prop-

- 1 erty for the benefit of creditors as provided in chapter 681.
2 127. Carry out duties relating to the certification of
3 surety companies and the investment of trust funds as pro-
4 vided in chapter 682.
5 128. Maintain a separate docket for petitions requesting
6 that the record and evidence in a judicial review proceedings
7 be closed as provided in section 692.5.
8 129. Furnish a disposition of each criminal complaint
9 or information filed in the district court to the department
10 of public safety as provided in section 692.15.
11 130. Carry out duties relating to the issuance of warrants
12 to persons who fail to appear to answer citations as provided
13 in section 805.5.
14 131. Provide for a traffic and scheduled violations office
15 for the district court and service the locked collection boxes
16 at weigh stations as provided in section 805.7.
17 132. Issue a summons to corporations to answer an indict-
18 ment as provided in section 807.5.
19 133. Carry out duties relating to the disposition of
20 seized property as provided in sections 809.2 and 809.3.
21 134. Docket undertakings of bail as liens on real estate
22 and enter them upon the lien index as provided in section
23 811.4.
24 135. Hold the amount of forfeiture and judgment of bail
25 as funds in the clerk's office for sixty days as provided
26 in section 811.6.
27 136. Carry out duties relating to appeals from the dis-
28 trict court as provided in chapter 814.
29 137. Certify costs and fees of the court payable by the
30 state to the state comptroller as provided in section 815.1.
31 138. Notify the director of the division of adult correc-
32 tions of the department of social services of the commitment
33 of a convicted person as provided in section 901.7.
34 139. Carry out duties relating to deferred judgments,
35 probations, and restitution as provided in sections 907.4,

- 1 907.8, and 907.12.
- 2 140. Carry out duties relating to the impaneling and pro-
3 ceedings of the grand jury as provided in section 813.2, rule
4 of criminal procedure 3.
- 5 141. Issue subpoenas upon application of the prosecuting
6 attorney and approval of the court as provided in section
7 813.2, rule of criminal procedure 5.
- 8 142. Issue summons or warrants to defendants as provided
9 in section 813.2, rule of criminal procedure 7.
- 10 143. Carry out duties relating to the change of venue
11 as provided in section 813.2, rule of criminal procedure 10.
- 12 144. Issue blank subpoenas for witnesses at the request
13 of the defendant as provided in section 813.2, rule of criminal
14 procedure 14.
- 15 145. Carry out duties relating to the entry of judgment
16 as provided in section 813.2, rule of criminal procedure 22.
- 17 146. Carry out duties relating to the execution of a judg-
18 ment as provided in section 813.2, rule of criminal procedure
19 24.
- 20 147. Carry out duties relating to the trial of simple
21 misdemeanors as provided in section 813.2, rules of criminal
22 procedures 32 through 56.
- 23 148. Serve notice of an order of judgment entered as
24 provided in rule of civil procedure 82.
- 25 149. If a party is ordered or permitted to plead further
26 by the court, serve notice to attorneys of record as pro-
27 vided in rule of civil procedure 86.
- 28 150. Maintain a motion calendar as provided in rule of
29 civil procedure 117.
- 30 151. Provide notice of a judgment, order, or decree as
31 provided in rule of civil procedure 120.
- 32 152. Issue subpoenas as provided in rule of civil pro-
33 cedure 155.
- 34 153. Tax the costs of taking a deposition as provided
35 in rule of civil procedure 157.

- 1 154. With acceptable sureties, approve a bond filed for
2 change of venue under rule of civil procedure 167.
- 3 155. Transfer the papers relating to a case transferred
4 to another court as provided in rule of civil procedure 173.
- 5 156. Maintain a ready calendar list as provided in rule
6 of civil procedure 181.1.
- 7 157. Assess costs related to a continuance motion as pro-
8 vided in rule of civil procedure 182.
- 9 158. Carry out duties relating to the impaneling of jurors
10 as provided in rules of civil procedure 187 through 190.
- 11 159. Furnish a referee, auditor, or examiner with a copy
12 of the order of appointment as provided in rule of civil
13 procedure 207.
- 14 160. Mail a copy of the referee's, auditor's, or examiner's
15 report to the attorneys of record as provided in rule of civil
16 procedure 214.
- 17 161. Carry out duties relating to the entry of judgments
18 as provided in rules of civil procedure 223, 226, 227.1, 228,
19 and 229.
- 20 162. Carry out duties relating to defaults and judgments
21 on defaults as provided in rules of civil procedure 231, 232,
22 and 233.
- 23 163. Notify the attorney of record if exhibits used in
24 a case are to be destroyed as provided in rule of civil
25 procedure 253.1.
- 26 164. Docket the request for a hearing on a sale of property
27 as provided in rule of civil procedure 290.
- 28 165. With acceptable surety, approve the bond of a citizen
29 commencing an action of quo warranto as provided in rule of
30 civil procedure 300.
- 31 166. Carry out duties relating to the issuance of a writ
32 of certiorari as provided in rules of civil procedure 306
33 through 319.
- 34 167. Carry out duties relating to the issuance of an in-
35 junction as provided in rules of civil procedure 320 through

1 330.

2 168. Carry out other duties as provided by law.

3 Sec. 702. NEW SECTION. GENERAL POWERS. The clerk may:

4 1. Administer oaths and take affirmations as provided
5 in section 78.1.

6 2. Subject to the requirements of section 902 of this
7 Act, appoint and remove deputies, clerks, and assistants.

8 3. Reproduce original records of the court by any reason-
9 ably permanent legible means including, but not limited to,
10 reproduction by photographing, photostating, microfilming,
11 and computer cards. The reproduction shall include proper
12 indexing. The reproduced record has the same authenticity
13 as the original record.

14 4. After the original record is reproduced and after ap-
15 proval of a majority of the judges of the district court by
16 court order, destroy the original records including, but not
17 limited to, dockets, journals, scrapbooks, files, and marriage
18 license applications. The order shall state the specific
19 records which are to be destroyed. An original court file
20 shall not be destroyed until after ten years from the date
21 a decree or judgment entry is signed and entered of record
22 and after the contents have been reproduced, but if the matter
23 is dismissed with prejudice before judgment or decree, the
24 original file may be destroyed one year from the date of the
25 dismissal and after its reproduction is authorized and
26 completed as provided in this subsection. As used in this
27 subsection and subsection 5, "destroy" includes the
28 transmission of the original records which are of general
29 historical interest to any recognized historical society or
30 association.

31 5. Destroy the following original records without prior
32 court order or reproduction except as otherwise provided in
33 this subsection:

34 a. Records including, but not limited to, dockets,
35 journals, scrapbooks, and files including court reporters'

1 notes, forty years after final disposition of the case.
2 However, judgments, decrees, stipulations, records in criminal
3 proceedings, probate records, and orders of court shall not
4 be destroyed unless they have been reproduced as provided
5 in subsection 3.

6 b. Administrative records, after five years, including,
7 but not limited to, warrants, subpoenas, clerks' certificates,
8 statements, praecipes, and depositions.

9 c. Records, dockets, and court files of civil and criminal
10 actions heard in the municipal court which were transferred
11 to the clerk under section 602.36, other than juvenile and
12 adoption proceedings, after a period of twenty years from
13 the date of filing of the actions.

14 d. Original court files on dissolutions of marriage, one
15 year after dismissal by the parties or under rule 215 of the
16 rules of civil procedure.

17 e. Small claims files, one year after dismissal with or
18 without prejudice.

19 f. Uniform traffic citations in the magistrate court or
20 traffic and scheduled violations office, one year after final
21 disposition.

22 6. Invest money which is paid to the clerk to be paid
23 to any other person in a savings account of a supervised
24 financial organization as defined in section 537.1301,
25 subsection 42, except a credit union operating pursuant to
26 chapter 533. The provisions of chapter 453 relating to the
27 deposit and investment of public funds apply to the deposit
28 and investment of the money except that a supervised financial
29 organization other than a credit union may be designated as
30 a depository and the money shall be available upon demand.
31 The interest earnings shall be credited to the general fund
32 of the county except as otherwise provided by state law or
33 the court.

34 Sec. 703. NEW SECTION. RECORDS AND BOOKS.

35 1. The records of the court consist of the original papers

1 filed in all proceedings.

2 2. The following books shall be kept by the clerk:

3 a. A record book which contains the entries of the pro-
4 ceedings of the court and which has an index referring to
5 each proceeding in each cause under the names of the parties,
6 both plaintiff and defendant, and under the name of each
7 person named in either party.

8 b. A judgment docket which contains an abstract of the
9 judgments having separate columns for the names of the parties,
10 the date of the judgment, the damages recovered, costs, the
11 date of the issuance and return of executions, the entry of
12 satisfaction, and other memoranda. The docket shall have
13 an index containing the information specified in paragraph
14 a.

15 c. A fee book in which is listed in detail the costs and
16 fees in each action or proceeding under the title of the ac-
17 tion or proceeding. The fee book shall also have an index
18 containing the information specified in paragraph a.

19 d. A sale book in which the following matters relating
20 to a judgment under which real property is sold, are entered
21 after the return of execution:

22 (1) The title of the action.

23 (2) The date of judgment.

24 (3) The amount of damages recovered.

25 (4) The total amount of costs.

26 (5) The officer's return in full.

27 The sale book shall have an index containing the information
28 specified in paragraph a.

29 e. An encumbrance book in which the sheriff shall enter
30 a statement of the levy of each attachment on real estate.

31 f. An appearance docket in which the titles of all actions
32 or special proceedings shall be entered. The actions or pro-
33 ceedings shall be numbered consecutively in the order in which
34 they commence and shall include the full names of the parties,
35 plaintiffs and defendants, as contained in the petition or

1 as subsequently made parties by a pleading, proceeding, or
2 order. The entries provided for in this paragraph and para-
3 graphs b and c may be combined in one book, the combination
4 docket, which shall also have an index containing the informa-
5 tion specified in paragraph a of this subsection.

6 g. A lien book in which an index of all liens in the court
7 are kept.

8 h. A record of official bonds as provided in section
9 64.24.

10 i. An inheritance tax and lien book as provided in section
11 450.13.

12 j. A cemetery record as provided in section 566.4.

13 k. A hospital lien docket as provided in section 582.4.

14 l. A marriage license book as provided in section 595.6.

15 m. A book of surety company certificates and revocations
16 as provided in section 682.13.

17 n. A book in which the deposits of funds, money, and
18 securities kept by the clerk are recorded as provided in
19 section 682.37.

20 Sec. 704. NEW SECTION. FEES--COLLECTION AND DISPOSI-
21 TION.

22 1. The clerk shall collect the following fees:

23 a. For filing a petition, appeal, or writ of error and
24 docketing them, eight dollars. Four dollars of the fee shall
25 remain in the county treasury for the use of the county and
26 four dollars of the fee shall be paid into the state treasury
27 and deposited in the general fund of the state. In counties
28 having a population of one hundred thousand or over, an
29 additional one dollar shall be charged and collected, to be
30 known as the journal publication fee and used for the purposes
31 provided for in section 618.13.

32 b. For an attachment, two dollars.

33 c. For a cause tried by jury, five dollars.

34 d. For a cause tried by the court, two dollars and fifty
35 cents.

- 1 e. For an equity case, three dollars.
- 2 f. For an injunction or other extraordinary process or
- 3 order, five dollars.
- 4 g. For a cause continued on application of a party by
- 5 affidavit, two dollars.
- 6 h. For a continuance, one dollar.
- 7 i. For entering a final judgment or decree, one dollar
- 8 and fifty cents.
- 9 j. For taxing costs, one dollar.
- 10 k. For issuing an execution or other process after judgment
- 11 or decree, two dollars.
- 12 l. For filing, entering, and endorsing a mechanic's lien,
- 13 three dollars, and if a suit is brought, the fee is taxable
- 14 as other costs in the action.
- 15 m. For a certificate and seal, two dollars.
- 16 n. For filing and docketing a transcript of judgment from
- 17 another county, one dollar.
- 18 o. For entering a rule or order, one dollar.
- 19 p. For issuing a writ or order, not including subpoenas,
- 20 two dollars.
- 21 q. For issuing a commission to take depositions, two
- 22 dollars.
- 23 r. For entering a sheriff's sale of real estate, two
- 24 dollars.
- 25 s. For entering a judgment by confession, two dollars.
- 26 t. For entering a satisfaction of a judgment, one dollar.
- 27 u. For a copy of records or papers filed in the clerk's
- 28 office, transcripts, and making a complete record, fifty cents
- 29 for each one hundred words.
- 30 v. For taking and approving a bond and sureties on the
- 31 bond, two dollars.
- 32 w. For receiving and filing a declaration of intention
- 33 and issuing a duplicate, two dollars. For making, filing,
- 34 and docketing the petition of an alien for admission as a
- 35 citizen of the United States and for the final hearing, four

1 dollars; and for entering the final order and the issuance
2 of the certificate of citizenship, if granted, four dollars.

3 x. In addition to the fees required in paragraph w, the
4 petitioner shall, upon the filing of a petition to become
5 a citizen of the United States, deposit with the clerk money
6 sufficient to cover the expense of subpoenaing and paying
7 the legal fees of witnesses for whom the petitioner may request
8 a subpoena, and upon the final discharge of the witnesses
9 they shall receive, if they demand it from the clerk, the
10 customary and usual witness fees from the moneys collected,
11 and the residue, if any, except the amount necessary to pay
12 the cost of serving the subpoenas, shall be returned by the
13 clerk to the petitioner.

14 y. For a certificate and seal to an application to procure
15 a pension, bounty, or back pay for a soldier or other person,
16 no charge.

17 z. For making out a transcript in a criminal case appealed
18 to the supreme court, for each one hundred words, fifty cents.

19 aa. In criminal cases, the same fees for the same services
20 as in civil cases. When judgment is rendered against the
21 defendant, the fees shall be collected from the defendant.

22 bb. For issuing a marriage license, five dollars. For
23 issuing a marriage license when a party requests a name change
24 other than a change of surname to that of the other spouse
25 or to a hyphenated combination of the surnames of both spouses,
26 seven dollars and fifty cents. Two dollars and fifty cents
27 of the seven dollars and fifty cents shall be paid to the
28 recorder as a recording fee for recording the return of
29 marriage. For issuing an application for an order of the
30 district court authorizing the issuance of a license to marry
31 prior to the expiration of three days from the date of filing
32 the application for the license, five dollars.

33 cc. For certifying a change in title of real estate, two
34 dollars.

35 dd. In addition to all other fees, for making a complete

1 record in cases where a complete record is required by law
2 or directed by an order of the court, for every one hundred
3 words, twenty cents.

4 ee. For providing transcripts, certificates, other
5 documents, and services in probate matters, the fees specified
6 in section 633.31.

7 ff. Other fees provided by law.

8 2. The fees collected by the clerk as provided in
9 subsection 1 shall be paid to the county treasury for use
10 of the county unless otherwise provided in that subsection.

11 3. The clerk shall keep an accurate record of the fees
12 collected in a fee book, make a quarterly report of the fees
13 collected to the board of supervisors, and pay the fees into
14 the county treasury as provided in section 901 of this Act.

15 4. The clerk shall pay into the county treasury for use
16 of the county on the first Monday which is not a holiday in
17 January and July of each year all other fees which have come
18 into the clerk's possession since the date of the preceding
19 payment, which do not belong to the clerk's office, and which
20 are still unclaimed. When the unclaimed fees are paid to
21 the treasurer, the clerk shall receive duplicate receipts
22 from the treasurer and give the treasurer the title of the
23 cause and style of the court in which the suit is pending,
24 the names of the witnesses, jurors, officers, or other persons
25 involved in the action, and the amount of money to which each
26 of the persons is entitled. The clerk shall file one of the
27 duplicate receipts with the auditor. The auditor shall charge
28 the amount paid by the clerk to the treasurer as ordinary
29 county revenue and shall enter the same amount upon the proper
30 records as a claim allowed. If the claim is demanded, with
31 proper proof, by the person entitled to it within five years
32 from the date that the money is paid to the treasurer, the
33 auditor shall issue a warrant to pay the claim. If the person
34 entitled to the unclaimed fees does not demand payment within
35 the five years, all rights to the fees or interest in the

1 fees are waived and payment shall not be made.

2 PART 6

3 COUNTY ATTORNEY--PUBLIC DEFENDER

4 Sec. 750. NEW SECTION. OFFICE OF COUNTY ATTORNEY.

5 1. The office of county attorney is an elective office
6 except that if a vacancy occurs in the office, a successor
7 shall be appointed to the unexpired term as provided in chapter
8 69.

9 2. A person elected or appointed to the office of county
10 attorney shall be a qualified elector of the county, be ad-
11 mitted to the practice of law in the courts of this state
12 as provided by law, qualify by taking the oath of office as
13 provided in section 63.10, and give bond as provided in section
14 64.8. A person is not qualified for the office of county
15 attorney while the person's license to practice law in this
16 or any other state is suspended or revoked.

17 3. The term of office of the county attorney is four
18 years.

19 Sec. 751. NEW SECTION. FULL-TIME OR PART-TIME ATTORNEY.

20 1. The board may provide that the county attorney is a
21 full-time or part-time county officer in the manner provided
22 in this section. A full-time county attorney shall refrain
23 from the private practice of law.

24 2. The board may provide, by resolution, that the county
25 attorney shall be a full-time county officer. The resolution
26 shall include an effective date which shall not be less than
27 sixty days from the date of adoption. However, if the county
28 attorney or county attorney-elect objects to the full-time
29 status, the effective date of the change to a full-time status
30 shall be delayed until January 1 of the year following the
31 next general election at which a county attorney is elected.
32 The board shall not adopt a resolution changing the status
33 of the county attorney between March 1 and the date of the
34 general election of the year in which the county attorney
35 is regularly elected as provided in section 39.17.

1 3. The board may change the status of a full-time county
2 attorney to a part-time county attorney by following the same
3 procedures as provided in subsection 2. If the incumbent
4 county attorney objects to the change in status, the change
5 shall be delayed until January 1 following the next election
6 of a county attorney.

7 4. The resolution changing the status of a county attorney
8 shall state the initial annual salary to be paid to the county
9 attorney when the full-time or part-time status is effective.
10 The annual salary specified in the resolution shall remain
11 effective until changed as provided in section 906 of this
12 Act. The annual salary of a full-time county attorney shall
13 be an amount which is between forty-five percent and one
14 hundred percent of the annual salary received by a district
15 court judge.

16 Sec. 752. CURRENT STATUS NOT AFFECTED. Section 751 of
17 this Act does not affect the full-time or part-time status
18 of a county attorney that is in effect on the effective date
19 of this Act, but a subsequent change in the full-time or part-
20 time status of the county attorney may be made only as provided
21 in section 751 of this Act.

22 Sec. 753. NEW SECTION. MULTI-COUNTY OFFICE.

23 1. If two or more counties agree, pursuant to chapter
24 28E, to share the services of a county attorney, the county
25 attorney shall be elected by a majority of the votes cast
26 for the office of county attorney in all of the counties which
27 the county attorney will serve as provided in the agreement.
28 The election shall be conducted in accordance with section
29 47.2, subsection 2.

30 2. The effective date of the agreement shall be January
31 1 of the year following the next general election at which
32 the county attorney is elected as provided by this section
33 and section 39.17.

34 Sec. 754. NEW SECTION. ABSENCE OF COUNTY ATTORNEY AND
35 ASSISTANTS.

1 1. In case of absence, sickness, or disability of the
2 county attorney and the assistant county attorneys, the court
3 before which it is the duty of the county attorney or the
4 assistant county attorneys to appear and in which there is
5 official business requiring the attention of the county
6 attorney or an assistant county attorney, may appoint an
7 attorney to act as county attorney by an order of the court.
8 The acting county attorney has the same authority and is
9 subject to the same responsibilities as a county attorney.

10 2. The acting county attorney shall receive a reasonable
11 compensation as determined by the board for services rendered
12 in proceedings before a judicial magistrate. If the
13 proceedings are held before a district associate judge or
14 a district judge, the judge shall determine a reasonable
15 compensation for the acting county attorney. The compensation
16 shall be paid from funds to be appropriated to the office
17 of county attorney by the board.

18 Sec. 755. NEW SECTION. PROHIBITED ACTIONS. A county
19 attorney shall not:

20 1. Accept a fee or reward from or on behalf of a person
21 for services rendered in a prosecution or the conduct of
22 official business.

23 2. Engage directly or indirectly as an attorney or an
24 agent for a party other than the state or the county in an
25 action or proceeding arising in the county which is based
26 upon substantially the same facts as a prosecution or pro-
27 ceeding which has been commenced or prosecuted by the county
28 attorney in the name of the state or the county. This
29 prohibition also applies to the members of a law firm with
30 which the county attorney is associated.

31 3. Receive assistance from another attorney who is in-
32 terested in any civil action in which a recovery is asked
33 based upon matters involved in a criminal prosecution commenced
34 or prosecuted by the county attorney.

35 Sec. 756. NEW SECTION. DUTIES OF THE COUNTY ATTORNEY.

1 The county attorney shall:

2 1. Diligently enforce or cause to be enforced in the
3 county, state laws and county ordinances, violations of which
4 may be commenced or prosecuted in the name of the state,
5 county, or as county attorney, except as otherwise provided.

6 2. Appear for the state and the county in all cases and
7 proceedings in the courts of the county to which the state
8 or the county is a party, except cases brought on change of
9 venue from another county, and appear in the appellate courts
10 in all cases in which the county is a party and in all cases
11 transferred on change of venue to another county in which
12 the county or the state is a party.

13 3. Prosecute all preliminary hearings for charges triable
14 upon indictment.

15 4. Prosecute misdemeanors when not otherwise engaged in
16 the performance of other official duties.

17 5. Enforce all forfeited bonds and recognizances and
18 prosecute all proceedings necessary for the recovery of debts,
19 revenues, moneys, fines, penalties, and forfeitures accruing
20 to the state or the county or to a school district or road
21 district in the county, and all suits in the county against
22 public service corporations which are brought in the name
23 of the state.

24 6. Commence, prosecute, and defend all actions and
25 proceedings in which a county officer, in the officer's
26 official capacity, or the county is interested or a party.

27 7. Give advice or a written opinion, without compensation,
28 to the board and other county officers and to school and
29 township officers, when requested by an officer, upon any
30 matters in which the state, county, school, or township is
31 interested, or relating to the duty of the officer in any
32 matters in which the state, county, school, or township may
33 have an interest, but the county attorney shall not appear
34 before the board at a hearing in which the state or county
35 is not interested.

- 1 8. Attend the grand jury when necessary for the purpose
2 of examining witnesses before it or giving it legal advice.
3 The county attorney shall procure subpoenas or other process
4 for witnesses and prepare all informations and bills of
5 indictment.
- 6 9. Give a receipt to all persons from whom the county
7 attorney receives money in an official capacity and file a
8 duplicate receipt with the county auditor.
- 9 10. Make reports relating to the duties and the
10 administration of the county attorney's office to the governor
11 when requested by the governor.
- 12 11. Cooperate with the auditor of state to secure correc-
13 tion of a financial irregularity as provided in section 11.15.
- 14 12. Submit reports as to the condition and operation of
15 the county attorney's office when required by the attorney
16 general as provided in section 13.2, subsection 7.
- 17 13. Institute legal proceedings at the request of a unit
18 or organization commander to recover military property from
19 a person who fails to return the property as provided in
20 section 29A.34.
- 21 14. Hear and decide objections to a nomination filed with
22 the county election commissioner as provided in section 44.7.
- 23 15. Review the report and recommendations of the campaign
24 finance disclosure commission and proceed to institute the
25 recommended actions or advise the commission that prosecution
26 is not merited as provided in section 56.11, subsection 4.
- 27 16. Prosecute or assist in the prosecution of actions
28 to remove public officers from office as provided in section
29 66.11.
- 30 17. Institute legal proceedings against persons who violate
31 laws administered by the bureau of labor as provided in sec-
32 tion 91.11.
- 33 18. Investigate complaints and prosecute violations of
34 child labor laws as provided in section 92.22.
- 35 19. Prosecute violations of employment security laws and

1 rules as provided in section 96.17, subsection 2.

2 20. Assist, at the request of the director of revenue, •
3 in the enforcement of cigar and tobacco tax laws as provided
4 in sections 98.32 and 98.49.

5 21. Prosecute nuisances as provided in section 99.24.

6 22. Attend the hearing, interrogate witnesses, and advise
7 a license-issuing authority relating to the revocation of
8 a license for violation of gambling laws as provided in section
9 99A.7. The county attorney shall also represent the license-
10 issuing authority in appeal proceedings taken under section
11 99A.6.

12 23. Represent the state fire marshal in legal proceedings
13 as provided in section 100.20.

14 24. Prosecute, at the request of the state conservation
15 director or an officer appointed by the state conservation
16 commission, violations of the state fish and game laws as
17 provided in section 109.35.

18 25. Assist the division of beer and liquor law enforce-
19 ment in the enforcement of beer and liquor laws as provided
20 in section 123.14. The county attorney shall also prosecute
21 nuisances, forfeitures of abatement bonds, and foreclosures
22 of the bonds as provided in sections 123.62 and 123.86.

23 26. At the direction of the board, proceed to collect
24 the costs of the care and treatment of substance abusers as
25 provided in section 125.51.

26 27. Serve as attorney for the county health care facility
27 administrator in matters relating to the administrator's ser-
28 vice as a conservator or guardian for a resident of the health
29 care facility as provided in section 135C.24.

30 28. Commence civil action to remove or abate a nuisance,
31 or an unsanitary, unhealthful, or objectionable condition
32 complained of by the state department of health as provided
33 in section 135D.17.

34 29. At the request of the commissioner of public health,
35 commence legal action to enjoin the unlawful use of radiation-

- 1 emitting equipment as provided in section 136C.5.
- 2 30. Prosecute, at the request of the attorney general,
3 violations of the law regulating practice professions as pro-
4 vided in section 147.92.
- 5 31. Prosecute violations of the Iowa veterinary practice
6 Act as provided in section 169.19.
- 7 32. Assist the department of agriculture in the enforcement
8 of the food establishment laws, the Iowa food service sanita-
9 tion code, and the Iowa hotel sanitation code as provided
10 in sections 170.51, 170A.14, and 170B.18.
- 11 33. Institute legal procedures on behalf of the state
12 to prevent violations of the corporate or partnership farming
13 laws as provided in section 172C.3.
- 14 34. Prosecute violations of the Iowa dairy industry laws
15 as provided in section 179.11.
- 16 35. Prosecute persons who fail to file an annual or special
17 report with the secretary of agriculture under the meat and
18 poultry inspection Act as provided in section 189A.17.
- 19 36. Cooperate with the secretary of agriculture in the
20 enforcement of label requirements for food packages as provided
21 in section 191.7.
- 22 37. Prosecute violations of the Iowa commercial feed law
23 of 1974 as provided in section 198.13, subsection 3.
- 24 38. Cooperate with the secretary of agriculture in the
25 enforcement of the agricultural seed laws as provided in sec-
26 tion 199.14.
- 27 39. Prosecute violations of the Iowa fertilizer law as
28 provided in section 200.18, subsection 4.
- 29 40. Prosecute violations of the Iowa drug and cosmetic
30 Act as requested by the board of pharmacy examiners as provided
31 in section 203A.7.
- 32 41. Appear in support of a petition to transfer an inmate
33 of the training school for boys to the men's reformatory for
34 custodial care as provided in section 218.91.
- 35 42. Provide the department of social services with in-

1 formation relating to the background and criminal acts com-
2 mitted by each person sentenced to a state correctional insti-
3 tution from the county as provided in section 218.97.

4 43. Carry out duties relating to the appointment of a
5 guardian or commitment of a mentally retarded person as pro-
6 vided in section 222.18.

7 44. Proceed to collect, as requested by the county, the
8 reasonable costs for the care, treatment, training,
9 instruction, and support of a mentally retarded person from
10 parents or other persons who are legally liable for the support
11 of the mentally retarded person as provided in section 222.82.

12 45. At the direction of a district court judge, investigate
13 the financial condition of a person under commitment proceed-
14 ings to the state psychiatric hospital or those legally re-
15 sponsible for the person as provided in section 225.13.

16 46. Appear on behalf of the director of the division of
17 mental health in support of an application to transfer a
18 mentally ill person who becomes incorrigible and dangerous
19 from a state hospital for the mentally ill to the Iowa security
20 medical facility as provided in section 226.30.

21 47. Carry out duties relating to the hospitalization of
22 persons for mental illness as provided in section 229.12.

23 48. Carry out duties relating to the collection of the
24 costs for the care, treatment, and support of mentally ill
25 persons as provided in sections 230.25 and 230.27.

26 49. Carry out duties relating to the care, guidance, and
27 control of juveniles as provided in chapter 232.

28 50. Prosecute violations of law relating to aid to de-
29 pendent children, medical assistance, and supplemental as-
30 sistance as provided in sections 239.20, 249.13 and 249A.14.

31 51. Commence legal proceedings to enforce the rights of
32 children placed under foster care arrangements as provided
33 in section 242.11.

34 52. Commence legal proceedings, at the request of the
35 superintendent of the Iowa juvenile home, to recover possession

1 of a child as provided in section 244.12.

2 53. Furnish, upon request of the governor, a copy of the
3 minutes of evidence and other pertinent facts relating to
4 an application for a pardon, reprieve, commutation, or
5 remission of a fine or forfeiture as provided in section
6 248.9.

7 54. Carry out duties relating to the provision of medical
8 and surgical treatment for an indigent person as provided
9 in sections 255.7 and 255.8.

10 55. Commence legal proceedings to recover school funds
11 as provided in section 302.33.

12 56. At the request of the state geologist, commence legal
13 proceedings to obtain a copy of the map of a mine or mine
14 extension as provided in section 305.13.

15 57. Enforce, upon complaint, the performance of duties
16 by officers charged with the responsibilities of controlling
17 or eradicating noxious weeds as provided in section 317.23.

18 58. Commence legal proceedings to remove billboards and
19 signs which constitute a public nuisance as provided in sec-
20 tion 319.11.

21 59. At the request of the director of transportation,
22 petition the district court to enforce the habitual offender
23 law as provided in section 321.556.

24 60. Assist, upon request, the transportation regulation
25 board legal counsel or the department of transportation's
26 general counsel in the prosecution of violations of common
27 carrier laws and regulations as provided in section 327C.30.

28 61. Enforce the control of vegetation on railroad property
29 by the railroad corporations as provided in section 327F.29.

30 62. Appoint a member of the civil service commission for
31 deputy sheriffs as provided in section 341A.2 or 341A.3.

32 63. Represent the civil service commission for deputy
33 sheriffs in civil suits initiated by the commission for the
34 proper enforcement of the civil service law as provided in
35 section 341A.16.

1 64. Serve as an inspector of jails in the county, inspect
2 each jail at least twice each year and present a report to
3 the district court of the condition of each jail as provided
4 in sections 356.9 through 356.13.

5 65. Present to the grand jury at its next session a copy
6 of the report filed by the division of corrections of the
7 department of social services of its inspection of the jails
8 in the county as provided in section 356.43.

9 66. Represent the township trustees in counties having
10 a population of less than twenty-five thousand except when
11 the interests of the trustees and the county are adverse as
12 provided in section 359.18.

13 67. Represent the assessor and the board of review in
14 legal proceedings relating to assessments as provided in
15 section 441.41.

16 68. Represent the state in litigation relating to the
17 inheritance tax if requested by the department of revenue
18 as provided in section 450.1.

19 69. Institute proceedings to enjoin persons from violating
20 water treatment laws as provided in section 455B.64.

21 70. Conduct legal proceedings relating to the condemnation
22 of private property as provided in section 472.2.

23 71. Prosecute persons erecting or maintaining an electric
24 transmission line across a railroad track except as authorized
25 by the state commerce commission at the request of the com-
26 mission as provided in section 478.29.

27 72. Institute legal proceedings against violations of
28 insurance laws as provided in sections 511.7 and 515.93.

29 73. Assist, as requested by the attorney general, with
30 the enforcement of the Iowa competition law as provided in
31 section 553.7.

32 74. Initiate proceedings to enforce provisions relating
33 to the recordation of conveyances and leases of agricultural
34 land as provided in section 558.44.

35 75. Petition, in the name of the state, against the owner

1 of any land subject to escheat as provided in sections 567.5
2 and 567.6.

3 76. Bid on real estate on behalf of the county when
4 necessary to secure the county from loss as provided by section
5 569.2.

6 77. Demand payment or security for a debt owed the state
7 as provided in section 641.1.

8 78. Seek an attachment against the property of a person
9 owing money to the state as provided in section 641.2.

10 79. Prosecute a complaint to establish paternity and
11 compel support for a child as provided in section 675.19.

12 80. Give to an accused person a copy of each report of
13 the findings of the criminalistics laboratory in the
14 investigation of an indictable criminal charge against the
15 accused as provided in section 691.4.

16 81. Notify state and local governmental agencies issuing
17 licenses or permits, of a person's conviction of obscenity
18 laws relating to minors as provided in section 728.8.

19 82. In the case of appeal from the district court, furnish
20 the attorney general with a copy of the notice of appeal and
21 pertinent material from the district court proceedings as
22 provided in section 814.8.

23 83. Certify fees and mileage payable to witnesses
24 subpoenaed by the county attorney before the district court
25 as provided in section 815.3.

26 84. Carry out duties relating to extradition of fugitive
27 defendants as provided in chapter 818.

28 85. Advise the director of the judicial district department
29 of correctional services of the facts and circumstances
30 surrounding the crime committed and the record and history
31 of the defendant granted probation as provided in section
32 907.8.

33 86. Bring an action in the nature of quo warranto as pro-
34 vided in rule of civil procedure 300.

35 87. Perform other duties required by state law.

1 Sec. 757. NEW SECTION. TEMPORARY AND FULL-TIME ASSISTANTS.

2 1. The county attorney may employ, with the approval of
3 a judge of the district court, a temporary assistant to assist
4 in the trial of a person charged with a felony. The temporary
5 assistant shall be paid a reasonable compensation for his
6 or her services as determined by the board upon certification
7 of the services rendered, by the district judge before whom
8 the defendant was tried. The compensation paid to the
9 temporary assistant shall be paid from the court expense fund
10 of the county.

11 2. The county attorney may appoint, with the approval
12 of the board, an assistant county attorney to serve as a full-
13 time prosecutor. A full-time prosecutor shall refrain from
14 the private practice of law. The county attorney shall
15 determine the compensation paid to a full-time prosecutor
16 within the budget set for the county attorney's office by
17 the board. The annual salary of an assistant county attorney
18 shall not exceed eighty-five percent of the maximum annual
19 salary of a full-time county attorney.

20 Sec. 758. NEW SECTION. GENERAL POWERS. The county
21 attorney may:

22 1. Administer oaths and take affirmations as provided
23 in section 78.2.

24 2. Appoint and remove deputies, clerks, and assistants
25 subject to the requirements of sections 757 and 902 of this
26 Act.

27 Sec. 775. NEW SECTION. DEFINITIONS. As used in sections
28 775 through 778 of this Act, unless the context otherwise
29 requires:

30 1. "Attorney" means a lawyer appointed by a court to
31 represent an incompetent or indigent person.

32 2. "Client" means an incompetent or indigent person
33 represented by a court-appointed lawyer or public defender.

34 3. "Financial statement" means a full disclosure of all
35 assets, liabilities, current income, dependents, and other

1 information the court or public defender requires to determine
2 if the client qualifies for legal assistance at public expense.

3 4. "Indigent person" means a person who is unable to
4 retain legal counsel without prejudicing the person's financial
5 ability to provide economic necessities for the person or
6 the person's dependent family.

7 Sec. 776. NEW SECTION. OFFICE OF PUBLIC DEFENDER.

8 1. The board, by resolution, may establish or abolish
9 the office of public defender. Two or more counties within
10 the same judicial district, by agreement executed under chapter
11 28E, may establish an office of public defender to serve the
12 counties.

13 2. The public defender shall be an attorney admitted to
14 the practice of law before the Iowa supreme court. When a
15 vacancy exists in the office of public defender, the district
16 court judges of the judicial district containing the county
17 in which the public defender is to serve, sitting en banc,
18 shall nominate two attorneys qualified to serve as public
19 defenders and certify their names to the board of each county
20 in which the public defender is to serve. Within thirty days
21 after the certification, the supervisors shall appoint one
22 of the nominees by majority vote of each board.

23 3. The term of office of the public defender is six years.

24 4. The board shall determine the compensation of the
25 public defender.

26 5. The board shall provide office space, furniture,
27 equipment, and supplies for the use of the public defender
28 suitable for the business of the office, but an allowance
29 may be provided in lieu of facilities. Each item is a charge
30 against the county in which the defender's services are pro-
31 vided. If the public defender serves more than one county,
32 expenses that are properly allocable to the business of more
33 than one of the counties shall be prorated among the counties
34 concerned.

35 6. The board may require a public defender or assistant

1 public defender to devote full time to the discharge of the
2 duties of office and not engage in the private practice of
3 law. A public defender or assistant public defender may be
4 a member of a law partnership or a professional corporation
5 on leave of absence.

6 7. A public defender or assistant public defender shall
7 not refer any legal matter or litigation to a particular
8 lawyer or recommend or suggest to another person the employ-
9 ment of a particular lawyer to counsel, conduct, defend, or
10 prosecute a legal matter if the county is or is likely to
11 be a party to the litigation or have a substantial interest
12 in the legal matter, or receive any fee or compensation for
13 the referral, recommendation, or suggestion. However, upon
14 request, the public defender or assistant public defender
15 may recommend a lawyer to a court, governmental agency, or
16 legal aid society.

17 8. The compensation and expenses of the office of public
18 defender may be paid from the court expense fund.

19 Sec. 777. NEW SECTION. POWERS AND DUTIES OF A PUBLIC
20 DEFENDER. The public defender:

21 1. Shall represent without fee each indigent person who
22 is under arrest or charged with a crime if the indigent person
23 requests it or the court orders it. The public defender shall
24 counsel and defend a client at every stage of the criminal
25 proceedings and prosecute before or after conviction any
26 appeals or other remedies which the public defender considers
27 to be in the interest of justice.

28 2. Shall make the determination of indigence within
29 criteria established by the board before the initial
30 arraignment or other initial court appearance. At or after
31 initial arraignment or other initial court appearance, the
32 determination of indigence shall be made by the court. The
33 public defender shall require an indigent person requesting
34 legal assistance to complete a detailed financial statement
35 which shall be filed in the indigent person's court file and

1 retained as a permanent part of the file.

2 3. Shall make an annual report to the judges of the dis-
3 trict court sitting in any county in which the public defender
4 serves, the attorney general, and the board of any county
5 in which the public defender serves. The report shall include
6 all cases handled by the public defender during the preceding
7 year.

8 4. May appoint the number of assistant public defenders,
9 clerks, investigators, stenographers, and other employees
10 as approved by the board. An assistant public defender must
11 be an attorney licensed to practice before the Iowa supreme
12 court. The appointments shall be made in the manner prescribed
13 by the board which shall determine the compensation of the
14 appointees.

15 Sec. 778. NEW SECTION. COURT-APPOINTED ATTORNEYS.

16 1. The court, for cause and upon application of an indigent
17 person or the public defender or on its own motion, may ap-
18 point an attorney, other than the public defender, to repre-
19 sent an indigent person at any stage of legal proceedings
20 or on appeal. The appointed attorney shall be compensated
21 as provided in section 815.7.

22 2. Before an attorney is appointed under section 68.8
23 or 222.22, chapter 232, section 813.2, rule of criminal
24 procedure 8, or to represent a person charged with a crime
25 in this state, the court shall require the client or the
26 client's parent, guardian, or custodian to complete under
27 oath a detailed financial statement. If a client is granted
28 assistance at public expense, the financial statement shall
29 be filed in the client's court file and retained as a permanent
30 part of the file.

31 3. If a court finds that a person desires legal assistance
32 and is financially able to secure legal counsel but refuses
33 to employ an attorney, the court shall appoint an attorney
34 to represent the person at public expense. The attorney fee
35 paid by the state or the county shall be taxed as part of

1 the court costs against the person receiving the legal
2 assistance and the state or the county shall be reimbursed
3 for the fee when the court costs are paid.

4 4. A person who submits to a court or a public defender
5 a false financial statement for the purpose of obtaining legal
6 assistance at public expense is guilty of a fraudulent prac-
7 tice.

8 Sec. 779. CURRENT PUBLIC DEFENDER NOT AFFECTED. Sections
9 775 through 778 of this Act do not affect the term of office
10 of a public defender serving an unexpired term of office on
11 the effective date of this Act. A public defender serving
12 an unexpired term on the effective date of this Act may
13 continue to serve the remainder of the unexpired term. If
14 a vacancy occurs, a successor shall be appointed as provided
15 in section 776 of this Act.

16

PART 7

17

COUNTY MEDICAL EXAMINER

18 Sec. 800. NEW SECTION. COUNTY MEDICAL EXAMINER--APPOINT-
19 MENT, QUALIFICATIONS AND ASSISTANTS.

20 1. A county medical examiner shall be appointed by the
21 board for a two-year term. The term of office shall commence
22 on the first day in January which is not a Sunday or holiday
23 and continue for two years or until a successor is appointed
24 and qualifies as provided in this section. A vacancy shall
25 be filled by the board for the unexpired term.

26 2. To serve as a county medical examiner a person shall
27 be licensed in this state as a doctor of medicine and surgery,
28 a doctor of osteopathic medicine and surgery, or an osteopathic
29 physician. The medical examiner shall be appointed by the
30 board from lists of two or more names submitted by the medical
31 society and the osteopathic society of the county in which
32 the candidate resides. If names are not submitted by either
33 society, the board may appoint any licensed physician,
34 osteopathic physician and surgeon, or osteopathic physician
35 of the county. If a qualified physician of the county will

1 not serve, the board may appoint a physician from another
2 county. If a county medical examiner is unable to serve in
3 a particular case or for a period of time, the medical examiner
4 shall promptly notify the chairperson of the board who shall
5 designate some other qualified physician to serve temporarily.

6 3. The board may provide laboratory facilities, deputy
7 medical examiners, and other professional, technical, and
8 clerical assistance as required by the county medical examiner
9 in the performance of official duties. However, the
10 requirements shall be subject to prior approval by the state
11 medical examiner.

12 Sec. 801. NEW SECTION. DEATHS--REPORTED AND INVESTI-
13 GATED.

14 1. A person's death which affects the public interest
15 as specified in subsection 3 shall be reported to the county
16 medical examiner or the state medical examiner by the physician
17 in attendance, any law enforcement officer having knowledge
18 of the death, the embalmer, or any other person present.
19 The appropriate medical examiner shall notify the city or
20 state law enforcement agency or sheriff and take charge of
21 the body.

22 2. If a person's death affects the public interest, the
23 county medical examiner shall conduct a preliminary investiga-
24 tion of the cause and manner of death, prepare a written re-
25 port of the findings, promptly submit the full report to the
26 state medical examiner on forms prescribed for that purpose,
27 and submit a copy of the report to the county attorney. For
28 each preliminary investigation and the preparation and sub-
29 mission of the required reports, the county medical examiner
30 shall receive a fee determined by the board plus the examiner's
31 actual expenses. The fee and expenses shall be paid by the
32 county for which the service is provided.

33 3. A death affecting the public interest includes, but
34 is not limited to, any of the following:

35 a. Violent death, including homicidal, suicidal, or

- 1 accidental death.
- 2 b. Death caused by thermal, chemical, electrical, or
3 radiation injury.
- 4 c. Death caused by criminal abortion including self-
5 induced, or by sexual abuse.
- 6 d. Death related to disease thought to be virulent or
7 contagious which may constitute a public hazard.
- 8 e. Death that has occurred unexpectedly or from an
9 unexplained cause.
- 10 f. Death of a person confined in a prison, jail, or
11 correctional institution.
- 12 g. Death of a person if a physician was not in attendance
13 within thirty-six hours preceding death, excluding prediagnosed
14 terminal or bedfast cases for which the time period is extended
15 to twenty days.
- 16 h. Death of a person if the body is not claimed by a
17 relative or friend.
- 18 i. Death of a person if the identity of the deceased is
19 unknown.
- 20 j. Death of a child under the age of two years if death
21 results from an unknown cause or if the circumstances
22 surrounding the death indicate that sudden infant death
23 syndrome may be the cause of death.
- 24 4. The county medical examiner shall conduct the investiga-
25 tion in the manner required by the state medical examiner
26 and shall determine whether the public interest requires an
27 autopsy or other special investigation. However, if the death
28 occurred in the manner specified in paragraph j of subsection
29 3, the county medical examiner shall order an autopsy, the
30 expense of which shall be reimbursed by the state depart-
31 ment of health. In determining the need for an autopsy, the
32 county medical examiner may consider the request for an autopsy
33 from a public official or private person, but the state medical
34 examiner or the county attorney of the county where the death
35 occurred may require an autopsy.

1 5. a. A person making an autopsy shall promptly file
2 a complete record of the findings in the office of the state
3 medical examiner and the county attorney of the county where
4 death occurred and the county attorney of the county where
5 any injury contributing to or causing the death was sustained.

6 b. A summary of the findings resulting from an autopsy
7 of a child under the age of two years whose death occurred
8 in the manner specified in paragraph j of subsection 3 shall
9 be transmitted immediately by the physician who performed
10 the autopsy to the county medical examiner. The report shall
11 be forwarded to the parent, guardian, or custodian of the
12 child by the county medical examiner or a designee of the
13 county medical examiner, or through the infant's attending
14 physician. A copy of the autopsy report filed with the county
15 attorney shall be available to the parents, guardian, or
16 custodian upon request.

17 6. The report of an investigation made by the state medical
18 examiner or a county medical examiner and the record and
19 report of an autopsy made under this section or chapter 691,
20 shall be received as evidence in any court or other
21 proceedings, except that statements by witnesses or other
22 persons and conclusions on extraneous matters included in
23 the report are not admissible. The person preparing a report
24 or record given in evidence may be subpoenaed as a witness
25 in any civil or criminal case by any party to the cause.
26 A copy of a record, photograph, laboratory finding, or record
27 in the office of the state medical examiner or any medical
28 examiner, when attested to by the state medical examiner or
29 a staff member or the medical examiner in whose office the
30 record, photograph, or finding is filed, shall be received
31 as evidence in any court or other proceedings for any purpose
32 for which the original could be received without proof of
33 the official character of the person whose name is signed
34 to it.

35 7. In case of a sudden, violent, or suspicious death after

1 which the body is buried without an investigation or autopsy,
2 the county medical examiner, upon being advised of the facts,
3 shall notify the county attorney. The county attorney shall
4 apply for a court order requiring the body to be exhumed in
5 accordance with chapter 144. Upon receipt of the court order,
6 an autopsy shall be performed by a medical examiner or by
7 a pathologist designated by the medical examiner and the facts
8 disclosed by the autopsy shall be communicated to the court
9 ordering the disinterment for appropriate action.

10 Sec. 802. NEW SECTION. EXAMINATION CERTIFICATE--FEE.

11 Upon application and payment of a fee determined by the board,
12 the county medical examiner shall provide an examination
13 certificate to the person requesting it and file a copy of
14 the certificate in the medical examiner's office. The
15 certificate is not required in the case of a stillborn infant
16 if a physician was present at the stillbirth and the cause
17 of the stillbirth, as certified by the attending physician
18 as provided in chapter 144, does not require an investigation
19 by a medical examiner.

20 Sec. 803. NEW SECTION. DISPOSITION OF BODY AND OTHER
21 PROPERTY.

22 1. After an investigation has been completed, including
23 an autopsy if one is made, the body shall be delivered to
24 a relative or friend of the deceased person for burial or
25 other appropriate disposition. A medical examiner shall not
26 use influence in favor of a particular funeral director.
27 If no one claims a body, it shall be disposed of as provided
28 in chapter 142.

29 2. If no one is entitled by law to the property or money
30 found on a deceased person, the property shall be deposited
31 with the clerk of the district court who shall dispose of
32 it as provided by law.

33 Sec. 804. NEW SECTION. PROHIBITED ACTIONS--PENALTIES.

34 1. When a death occurs in the manner specified in section
35 801, subsection 3 of this Act, the body shall not be disturbed

1 or removed from the position in which it is found without
2 authorization from the county medical examiner or the state
3 medical examiner except for the purpose of preserving the
4 body from loss or destruction or permitting the passage of
5 traffic on a highway, railroad, or airport, or unless the
6 failure to immediately remove the body might endanger life,
7 safety, or health. A person who moves, disturbs, or conceals
8 a body in violation of this subsection or chapter 691 is
9 guilty of a simple misdemeanor.

10 2. It is unlawful to embalm a body when the embalmer has
11 reason to believe death occurred in a manner specified in
12 section 801, subsection 3 of this Act, when there is evidence
13 sufficient to arouse suspicion of crime in connection with
14 the cause of death of the deceased, or where it is the duty
15 of a medical examiner to view the body and investigate the
16 death of the deceased person, until the permission of a county
17 medical examiner has been obtained. When feasible, the body
18 shall be released to the funeral director for embalming within
19 twenty-four hours of death.

20 3. It is unlawful to cremate, bury, or send out of the
21 state the body of a deceased person when death occurred in
22 a manner specified in section 801, subsection 3 of this Act,
23 until a medical examiner certifies in writing that the examiner
24 has viewed the body, has made personal inquiry into the cause
25 and manner of death, and all necessary autopsy or postmortem
26 examinations have been completed. However, the body of a
27 deceased person may be sent out of state for the purpose of
28 an autopsy or postmortem examination if the county medical
29 examiner certifies in writing that the out-of-state autopsy
30 or postmortem examination is necessary or, in the case of
31 a death which is not of public interest as specified in section
32 801, subsection 3 of this Act, if the attending physician
33 certifies to the county medical examiner that the performance
34 of the autopsy out of state is proper.

35 4. A person who violates a provision of subsection 2 or

1 3 is guilty of a serious misdemeanor.

2 Sec. 805. PRESENT COUNTY MEDICAL EXAMINER UNAFFECTED.
3 Sections 800 through 804 of this Act do not affect the term
4 of office of a county medical examiner serving an unexpired
5 term on the effective date of this Act. A county medical
6 examiner may continue to serve until the term to which the
7 examiner was appointed expires and a successor is appointed
8 and qualifies as provided in section 800.

9

PART 8

10

MISCELLANEOUS PROVISIONS

11 Sec. 900. NEW SECTION. GENERAL DUTIES OF COUNTY OFFI-
12 CERS.

13 1. Except as otherwise provided by state law, a county
14 officer shall furnish to the governor or either house of the
15 general assembly, upon their request, any information which
16 the officer possesses.

17 2. A county officer shall not appear as an agent, attor-
18 ney, or solicitor for another person in a matter pending
19 before the board.

20 3. If a county officer who is required to report the col-
21 lection of fees to the board neglects or refuses to make the
22 report, the board shall employ an expert accountant to examine
23 the books, papers, and accounts of the delinquent officer
24 and to make the required report. The expense of employing
25 the expert accountant shall be charged to the delinquent
26 officer and may be collected upon the official bond of the
27 officer.

28 4. A county officer, deputy officer, or employee shall
29 not take, purchase, receive in payment, or exchange a warrant,
30 scrip, or other evidence of the county's indebtedness or de-
31 mand against the county for an amount less than the amount
32 expressed on the face of the warrant, scrip, or other evidence
33 of indebtedness or demand, plus the accrued interest.

34 5. A county or township officer or employee shall not
35 appropriate, give, or loan public funds to or in favor of

1 an institution, school, association, or object which is under
2 ecclesiastical or sectarian management or control.

3 6. A county officer or employee shall not allow a claim,
4 issue a warrant, or execute a contract which will result,
5 during a fiscal year, in an expenditure from a county fund
6 in excess of an amount equal to the collectible revenues in
7 the fund for that fiscal year plus any unexpended balance
8 in that fund from a previous year. A county officer or
9 employee allowing a claim, issuing a warrant, or executing
10 a contract in violation of the requirements of this subsection
11 is personally liable for the payment of the claim or warrant
12 or the performance of the contract. However, this subsection
13 does not apply to:

14 a. Expenditures for bridges or buildings destroyed by
15 fire or flood or other extraordinary casualty.

16 b. Expenses incurred in the operation of the courts.

17 c. Expenditures for bridges which are made necessary by
18 the construction of a public drainage improvement.

19 d. Expenditures for the benefit of a person entitled to
20 receive assistance from public funds.

21 e. Expenditures authorized by vote of the electorate.

22 f. Contracts executed on the basis of the budget submitted
23 as provided in section 309.93.

24 g. Expenditures authorized by supervisors acting in the
25 capacity of trustees or directors of a drainage district or
26 other special district.

27 7. All reports and forms required to be submitted by a
28 county officer to a state officer or agency shall be submitted
29 on standardized forms furnished by the state officer or agency.
30 The state officers and agencies which receive reports and
31 forms from county officers shall consult with the state
32 comptroller and the office for planning and programming, shall
33 devise standardized reports and forms which will permit
34 computer processing of the information submitted, and shall
35 distribute the standardized reports and forms to the county

1 officers.

2 8. A county officer, deputy officer, or employee who
3 violates subsection 4 or 5 is guilty of a simple misdemeanor.

4 Sec. 901. NEW SECTION. COLLECTION AND DISPOSITION OF
5 FEES.

6 1. Unless otherwise specifically provided by statute,
7 the fees and other charges collected by the auditor, treasurer,
8 recorder, sheriff, clerk, or their respective deputies or
9 employees belong to the county.

10 2. Each elective officer specified in subsection 1 shall
11 keep a fee book as a part of the permanent county records
12 of the office. The book shall be ruled in appropriate columns
13 for the date, kind of service, for whom rendered, and the
14 amount of fee or charge collected and, when the fee is for
15 recording an instrument, the names of the parties to the in-
16 strument. The required information shall be recorded in the
17 fee book when the service is rendered.

18 3. Each elective officer specified in subsection 1 shall
19 make an itemized, verified, quarterly report to the board
20 showing the fees collected during the preceding quarter.
21 The officer shall pay quarterly to the county treasury the
22 fees and charges collected during the preceding quarter,
23 receive duplicate receipts for the payment, and file one of
24 the receipts in the office of the auditor. The officer shall
25 note in the officer's fee book the date and amount of each
26 payment into the county treasury.

27 Sec. 902. NEW SECTION. APPOINTMENT OF DEPUTIES,
28 ASSISTANTS, AND CLERKS.

29 1. The auditor, treasurer, recorder, sheriff, county
30 attorney, and clerk may appoint, with approval of the board,
31 one or more deputies, assistants, or clerks who do not hold
32 another county office and for whose acts the principal officer
33 shall be responsible. The number of deputies, assistants,
34 and clerks for each office shall be determined by the board
35 and the number and approval of each appointment shall be

1 adopted by a resolution recorded in the minutes of the board.

2 2. When an appointment has been approved by the board,
3 the principal officer making the appointment shall issue a
4 written certificate of appointment which shall be filed and
5 kept in the office of the auditor. A certificate of
6 appointment may be revoked in writing by the principal officer
7 making the appointment, which revocation shall also be filed
8 and kept in the office of the auditor.

9 3. Each deputy officer shall give bond in an amount de-
10 termined by the officer who has the authority to approve the
11 bond of the deputy's principal officer, with sureties to be
12 approved by that officer. Upon approval, the bond shall be
13 filed and kept in the office of the auditor. Each deputy
14 officer shall take the same oath as the deputy's principal
15 officer which shall be endorsed on the certificate of appoint-
16 ment. The bond of a deputy sheriff shall be either a bond
17 or liability policy as required by the sheriff with the
18 approval of the board.

19 4. Each deputy officer, assistant, and clerk shall perform
20 the duties assigned by the principal officer making the
21 appointment. During the absence or disability of the principal
22 officer, the first deputy shall perform the duties of the
23 principal officer.

24 5. The auditor may also appoint temporary assistants as
25 provided in section 502 of this Act and the county attorney
26 may appoint temporary assistants or a full-time prosecutor
27 as provided in section 757 of this Act.

28 Sec. 903. NEW SECTION. SALARIES OF DEPUTIES, ASSISTANTS,
29 AND CLERKS.

30 1. The annual salary of the first and second deputy offi-
31 cer of the office of auditor, treasurer, recorder, and clerk
32 and the deputy in charge of the motor vehicle registration
33 and title division shall each be an amount not to exceed
34 eighty percent of the annual salary of the deputy's principal
35 officer as determined by the principal officer. In offices

1 where more than two deputies are required, each additional
2 deputy shall be paid an amount not to exceed seventy-five
3 percent of the principal officer's salary. The amount of
4 the annual salary of each deputy shall be certified by the
5 principal officer to the board and, if a deputy's salary does
6 not exceed the limitations specified in this subsection, the
7 board shall certify the salary to the auditor. The board
8 shall not certify a deputy's salary which exceeds the
9 limitations of this subsection.

10 2. Each deputy sheriff shall receive an annual base salary
11 as determined by the board. Upon certification by the sheriff,
12 the board shall review, and may modify, the annual base salary
13 of each deputy before certifying it to the auditor. The
14 annual base salary of a first or second deputy sheriff shall
15 not exceed eighty-five percent of the annual base salary of
16 the sheriff. The annual base salary of any other deputy
17 sheriff shall not exceed the annual base salary of the first
18 or second deputy sheriff except that in counties over two
19 hundred fifty thousand population, the annual base salary
20 of any additional deputies shall not exceed seventy-five
21 percent of the annual base salary of the sheriff. The total
22 annual compensation including the annual base salary, overtime
23 pay, longevity pay, shift differential pay, or other forms
24 of supplemental pay and fringe benefits received by a deputy
25 sheriff shall be less than the total annual compensation
26 including fringe benefits received by the sheriff. As used
27 in this subsection, "base salary" means the basic compensation
28 excluding overtime pay, longevity pay, shift differential
29 pay, or other supplemental pay and fringe benefits.

30 3. The annual salary of each assistant county attorney
31 shall be determined by the county attorney within the budget
32 set for the county attorney's office by the board. The salary
33 of an assistant county attorney shall not exceed eighty-five
34 percent of the maximum salary of a full-time county attorney.
35 The county attorney shall inform the board of the full-time

1 or part-time status of each assistant county attorney. In
2 the case of a part-time assistant county attorney, the county
3 attorney shall inform the board of the approximate number
4 of hours per week the assistant county attorney shall devote
5 to official duties.

6 4. The board shall determine the compensation of extra
7 help and clerks appointed by the principal county officers.

8 5. The deputy officers, assistants, clerks, and other
9 employees of the county are also entitled to reimbursement
10 for actual and necessary expenses incurred in the performance
11 of their official duties.

12 6. The salaries and expenses of the deputy officers,
13 assistants, clerks, and other employees of the county shall
14 be paid from the general fund of the county unless otherwise
15 provided by law. The deputy clerks of the district court
16 and other employees of the clerk's office may be paid from
17 the court expense fund.

18 Sec. 904. NEW SECTION. COUNTY COMPENSATION BOARD.

19 1. There is created in each county a county compensation
20 board which shall be composed of five members who are residents
21 of the county. The members of the county compensation board
22 shall be selected as follows:

23 a. One member shall be a mayor or member of the city
24 council of an incorporated city located within the county
25 selected by a convention of the representatives of all
26 incorporated cities located within the county. Each city
27 shall be represented at the convention by the mayor or a
28 member of the city council selected by the mayor and the
29 members of the city council.

30 b. One member shall be a member of a board of directors
31 of a school district located within the county selected by
32 a convention of the representatives of the boards of directors
33 of all school districts located within the county. Each board
34 of directors of a school district shall select a representative
35 to the convention from among its membership.

1 c. One member shall be an elector of the county
2 representing the general public selected by the supervisors.

3 d. One member shall be a person representing the general
4 public selected by a convention of the representatives of
5 the boards of directors of the school districts located within
6 the county.

7 e. One member shall be a person representing the general
8 public selected by a convention of the representatives of
9 the incorporated cities located within the county.

10 2. A member of the county compensation board selected
11 to represent the general public pursuant to paragraphs c,
12 d, and e of subsection 1 shall not be an employee or officer
13 of the state government, or a political subdivision of the
14 state, or related within the third degree of consanguinity
15 to a state or local governmental employee or officer.

16 3. The members of the county compensation board shall
17 be appointed to four-year, staggered terms of office. A term
18 shall be effective on the first of July of the year of
19 appointment and a vacancy shall be filled for the unexpired
20 term in the same manner as the original appointment. In
21 addition to the circumstances which constitute a vacancy under
22 section 69.2, a vacancy exists on the county compensation
23 board if a member of the board who is also an elective public
24 officer ceases to hold the elective office under which the
25 officer originally qualified for membership or if a member
26 of the board who is selected under paragraphs c, d, or e of
27 subsection 1 becomes an employee or officer of a state
28 government or a political subdivision of a state or is related
29 within the third degree of consanguinity to a state or local
30 governmental employee or officer.

31 4. The members of the county compensation board shall
32 receive no compensation, but they shall be reimbursed for
33 their actual and necessary expenses incurred in the performance
34 of their official duties.

35 5. The county compensation board shall elect a chairperson

1 and vice chairperson annually from among its membership.
2 The county compensation board shall meet at the call of the
3 chairperson or upon written request of a majority of its
4 membership. The concurrence of a majority of the members
5 of the county compensation board shall determine any matter
6 relating to its duties.

7 6. The board of supervisors shall provide the necessary
8 office facilities and the technical and clerical assistance
9 requested by the county compensation board to carry out its
10 duties.

11 7. The expenses of the county compensation board members,
12 the salaries and expenses of any technical and clerical
13 assistance, and the cost of providing any facilities shall
14 be paid from the general fund of the county.

15 Sec. 905. NEW SECTION. CONVENTIONS--MEMBERSHIP SELECTION.

16 1. The auditor shall convene the conventions of the
17 representatives of the cities and the boards of directors
18 of the school districts during the month of June of each odd-
19 numbered year, by written notice stating the date, time, and
20 location of each convention meeting to each person eligible
21 to attend the convention. When a vacancy exists which must
22 be filled by a convention, the auditor shall convene a special
23 meeting of the convention within thirty days after the auditor
24 becomes aware of the vacancy.

25 2. If the boundaries of a school district or a city extend
26 into more than one county, a representative of the board of
27 directors of the school district or the city shall be a member
28 of the convention of the boards of directors or the cities
29 in the county of the representative's residence only.

30 3. Each convention of the representatives of the boards
31 of directors or the cities shall organize by electing a
32 chairperson and other officers as necessary from among its
33 membership. Each member of the county compensation board
34 to be selected by the convention shall be elected by a majority
35 vote of the members of the convention.

1 4. The members of the convention shall receive compensation
2 and reimbursement for expenses incurred in the performance
3 of their duties by the school district or the city which the
4 member represents if the compensation or reimbursement is
5 otherwise authorized by law.

6 Sec. 906. NEW SECTION. COMPENSATION SCHEDULE--PREPARATION
7 AND ADOPTION.

8 1. The annual compensation of the auditor, treasurer,
9 recorder, clerk, sheriff, county attorney, and supervisors
10 shall be determined as provided in this section. The county
11 compensation board annually shall review the compensation
12 paid to comparable officers in other counties of this state,
13 other states, private enterprise, and the federal government.
14 The county compensation board shall prepare a recommended
15 compensation schedule for the elective county officers.
16 Following completion of the compensation schedule, the county
17 compensation board shall publish the compensation schedule
18 in a newspaper having general circulation throughout the
19 county. The publication shall also include a public notice
20 of the date and location of a hearing to be held by the county
21 compensation board not less than one week nor more than three
22 weeks from the date of notice. Upon completion of the public
23 hearing, the county compensation board shall prepare a final
24 compensation schedule recommendation.

25 2. Annually during the month of December, the county
26 compensation board shall transmit its recommended compensation
27 schedule to the board of supervisors. The board of supervisors
28 shall review the recommended compensation schedule and
29 determine the final compensation schedule for the elected
30 county officers which shall not exceed the recommended
31 compensation schedule. In determining the final compensation
32 schedule if the board of supervisors wishes to reduce the
33 amount of the recommended compensation schedule, the annual
34 salary or compensation of each elected county officer shall
35 be reduced an equal percentage. A copy of the final

1 compensation schedule adopted by the board of supervisors
2 shall be filed with the county budget at the office of the
3 state comptroller. The final compensation schedule takes
4 effect on July 1 following its adoption by the board of
5 supervisors.

6 3. The elected county officers are also entitled to receive
7 their actual and necessary expenses incurred in performance
8 of official duties of their respective offices.

9 4. In counties having two courthouses, a principal elected
10 county officer and the principal officer's first deputy or
11 assistant may agree in writing to a division of their annual
12 salaries. The division shall not allow for payment to the
13 elected officer and the first deputy or assistant which is
14 greater than the sum of the two salaries otherwise authorized
15 by law. Upon certification to the board by the elected officer
16 involved, the board shall certify to the auditor the annual
17 salaries certified by the elected officer.

18 5. The salaries and expenses of elected county officers
19 shall be paid from the general fund of the county unless
20 otherwise provided by law. The salary and expenses of the
21 clerk of the district court may be paid from the court expense
22 fund.

23 Sec. 907. PRESENT MEMBERSHIP UNAFFECTED. Sections 904
24 through 906 of this Act do not affect the term of office of
25 any member of a county compensation board serving an unexpired
26 term of office on the effective date of this Act. The members
27 of a county compensation board serving an unexpired term on
28 the effective date of this Act may continue to serve until
29 their terms expire on June 30, 1983. Notwithstanding section
30 904, subsection 3 of this Act which provides for four-year
31 terms of office, the members of the county compensation board
32 appointed to represent cities and school districts as provided
33 in section 904, subsection 1, paragraphs a and b, of this
34 Act for terms beginning on July 1, 1983, shall be appointed
35 to a two-year term which expires on June 30, 1985. Thereafter,

1 the members appointed under section 904, subsection 1,
 2 paragraphs a and b, shall be appointed to four-year terms
 3 of office. All other members of the county compensation board
 4 shall be appointed to four-year terms of office commencing
 5 July 1, 1983.

6 Sec. 950. Sections 100 through 907 of this Act shall be
 7 codified as a single chapter with divisions and parts as in-
 8 dicated and with reserved sections between parts.

9 CORRESPONDING AMENDMENTS

10 POWERS AND DUTIES OF THE BOARD AND COUNTY FINANCES

11 Sec. 1000. Section 11.6, Code 1981, is amended by adding
 12 the following new unnumbered paragraph:

13 NEW UNNUMBERED PARAGRAPH. The Iowa state association of
 14 counties shall keep accounts as required by the auditor of
 15 state. The auditor of state shall audit the accounts annually
 16 and publish the results in the auditor of state's biennial
 17 report. The association shall annually publish an accounting
 18 of all moneys expended for expenses incurred by and salaries
 19 paid to legislative representatives and lobbyists of the
 20 association.

21 Sec. 1001. Section 23.1, Code 1981, is amended to read
 22 as follows:

23 23.1 TERMS DEFINED. ~~The-words-"public~~ "Public improvement"
 24 as used in this chapter ~~shall-mean-any~~ means a building or
 25 other construction work to be paid for in whole or in part
 26 by the use of funds of any municipality.

27 ~~The-word-"municipality"~~ "Municipality" as used in this
 28 chapter ~~shall-mean-county,-except-in-the-exercise-of-its-power~~
 29 ~~to-make-contracts-for-secondary-road-improvements,~~ means
 30 township, school corporation, state fair board, state board
 31 of regents, and state department of social services.

32 ~~The-words-"appeal~~ "Appeal board" as used in this chapter
 33 ~~shall-mean~~ means the "state appeal board", composed of the
 34 auditor of state, treasurer of state, and state comptroller.

35 Sec. 1002. Section 24.22, Code 1981, is amended to read

1 as follows:

2 24.22 TRANSFER OF ACTIVE FUNDS--POOR FUND. Upon the ap-
 3 proval of the state board, it ~~shall-be~~ is lawful to make
 4 temporary or permanent transfers of money from one fund of
 5 the municipality to another fund thereof, ~~but-in-no-event~~
 6 ~~shall-there-be-transferred-for-any-purpose-any-of-the.~~
 7 However, funds collected and received for the construction
 8 and maintenance of secondary roads shall not be transferred
 9 for any purpose. The certifying board or levying board, ~~as~~
 10 ~~the-case-may-be,~~ shall provide that money temporarily
 11 transferred shall be returned to the fund from which it was
 12 transferred within ~~such~~ the time and upon ~~such~~ the conditions
 13 as the state board ~~shall-determine~~ determines, provided that
 14 it ~~shall~~ is not be necessary to return to the emergency fund,
 15 or to any other fund no longer required, any money transferred
 16 therefrom to any other fund. ~~However,-the-board-of-supervisors~~
 17 ~~may-temporarily-transfer-any-unobligated-funds-from-the-county~~
 18 ~~general-fund-to-the-county-conservation-fund-without-approval~~
 19 ~~of-the-state-board-as-provided-in-section-111A-6.~~ No transfer
 20 shall be made to a poor fund unless there is a shortage in
 21 ~~said~~ the fund after the maximum permissible levy has been
 22 made for ~~said~~ the fund.

23 Sec. 1003. Section 28F.12, Code 1981, is amended to read
 24 as follows:

25 28F.12 ADDITIONAL POWERS OF THE ENTITY. If the entity
 26 is comprised solely of cities, counties, and sanitary districts
 27 established under chapter 358 or any combination thereof,
 28 the entity shall have in addition to all the powers enumerated
 29 in this chapter, the powers which a county has with respect
 30 to solid waste disposal projects ~~referred-to-in-section-332-44~~
 31 ~~despite-any-contrary-provision-of-this-chapter.~~

32 Sec. 1004. Section 37.6, Code 1981, is amended to read
 33 as follows:

34 37.6 BONDS. ~~For-the-purpose-of-providing-funds-for-the~~
 35 ~~acquisition-of-necessary-ground-therefor,-and-for-purchasing-~~

1 erecting, constructing, or reconstructing such building or
 2 monument, and for the necessary equipment therefor, the county
 3 may issue bonds to be known as liberty memorial bonds, to
 4 be issued and sold as provided by law relative to general
 5 county bonds, it shall provide for portions of such bonds
 6 to become due at different, definite periods, but none in
 7 more than twenty years from date,--in issuing such bonds,
 8 such county may become indebted in an amount which, added
 9 to all other indebtedness, shall not exceed five percent of
 10 the actual value of the taxable property in such county as
 11 determined by the last state and county tax lists,--Such bonds
 12 shall bear interest at a rate not exceeding that permitted
 13 by chapter 74A. Bonds issued by a county for the purposes
 14 of this chapter shall be issued under sections 440 through
 15 448 of this Act relating to general county purpose bonds.
 16 Bonds issued by a city ~~must~~ shall be issued in accordance
 17 with provisions of law relating to general corporate purpose
 18 bonds of a city.

19 Sec. 1005. Section 37.8, Code 1981, is amended to read
 20 as follows:

21 37.8 LEVY FOR MAINTENANCE. For the development, operation,
 22 and maintenance of ~~such~~ a building or monument constructed,
 23 purchased, or donated under this chapter, ~~there may be~~
 24 ~~thereafter levied a tax as follows:~~

25 1.--By a county owning same, not to exceed thirty-three
 26 and three-fourths cents per thousand dollars of assessed value
 27 of taxable property within said county.

28 2.--By a city owning same, a county may levy a tax as
 29 provided in section 421, subsection 3, of this Act, and a
 30 city may levy a tax not to exceed eighty-one cents per thousand
 31 dollars of assessed value on all the taxable property within
 32 the city, as provided in section 384.12, subsection 2.

33 Sec. 1006. Section 37.27, Code 1981, is amended to read
 34 as follows:

35 37.27 NURSING HOMES WITH MEMORIAL HOSPITALS. ~~In the event~~

1 ~~that~~ If a memorial building has been constructed for the
2 purpose of a hospital pursuant to this chapter,--and
3 ~~particularly-pursuant-to-section-37-18~~, additions thereto
4 for hospital purposes, and nursing homes to be operated in
5 conjunction with ~~such~~ the hospital may be erected or acquired
6 by following the procedure outlined in chapter 347 and
7 ~~particularly-section-347-2~~ by issuing general county purpose
8 bonds in accordance with sections 440 through 448 of this
9 Act, with the commissioners acting in the same manner and
10 fashion as the hospital trustees under chapter 347, and with
11 the procedure in all other respects to be identical.

12 Sec. 1007. Section 37.28, Code 1981, is amended to read
13 as follows:

14 37.28 ANTICIPATORY WARRANTS. If the funds raised under
15 ~~the-provisions-of~~ this chapter and sections 420, subsection
16 1, and 421, subsection 3, of this Act are insufficient for
17 any fiscal year to pay the principal and interest due in that
18 year on any bonds issued for hospital purposes under section
19 37.6 and to pay the expenses of the operation and maintenance
20 of the hospital and any other hospital expenses authorized
21 by this chapter for the fiscal year, the commission may issue
22 tax anticipatory warrants drawn on the funds to be raised
23 by the taxes levied under sections ~~37-7-and-37-8~~ 420,
24 subsection 1, and 421, subsection 3, of this Act. The warrants
25 shall be in denominations of one hundred, five hundred and
26 one thousand dollars and shall draw interest at a rate not
27 exceeding that permitted by chapter 74A. These warrants shall
28 not be a general obligation of any political subdivision which
29 owns the hospital.

30 Sec. 1008. Section 37.30, Code 1981, is amended to read
31 as follows:

32 37.30 REGISTRATION--CALL. All tax anticipatory warrants
33 drawn under ~~the-provisions-of~~ this chapter, shall be numbered
34 consecutively, and be registered in the office of the treasurer
35 of a political subdivision which owns the hospital and be

1 subject to call in numerical order at any time when sufficient
2 money derived from the tax levied under ~~this chapter~~ sections
3 420, subsection 1, and 421, subsection 3, of this Act is in
4 the hands of the treasurer to retire any of said the warrants
5 together with accrued interest thereon.

6 Sec. 1009. Section 52.3, Code 1981, is amended to read
7 as follows:

8 52.3 TERMS OF PURCHASE--TAX LEVY. The county board of
9 supervisors, on the adoption and purchase of a voting machine
10 or an electronic voting system, may ~~provide for the payment~~
11 ~~therefor in such manner as they may deem for the best interest~~
12 ~~of the county, and may for that purpose~~ issue bonds under
13 section 440, subsection 2, paragraph b, subparagraph (1),
14 of this Act, certificates of indebtedness, or other
15 obligations, which shall be a charge on the county, or levy
16 ~~not to exceed thirteen and one-half cents per thousand dollars~~
17 ~~of assessed value.--Any amounts so levied and collected in~~
18 ~~excess of actual costs of voting machines shall revert to~~
19 ~~the general fund of the county.--Such bonds, certificates,~~
20 ~~or other obligations may be issued with or without interest,~~
21 ~~payable at such time or times as the county board may~~
22 ~~determine, but shall not be issued or sold at less than par~~
23 as provided in section 421, subsection 4, of this Act.

24 Sec. 1010. Section 110.16, Code 1981, is amended to read
25 as follows:

26 110.16 DUPLICATE ISSUANCE--OLD RECORDS DESTROYED. All
27 licenses shall be issued in duplicate, one copy of which shall
28 be given to the applicant, one shall be forwarded to the
29 director, and the license stub shall be retained in the office
30 of the county recorder.

31 ~~The board of supervisors may order the county recorder~~
32 ~~to destroy all triplicate copies of hunting, fishing and~~
33 ~~trapping licenses which have been on file in the recorder's~~
34 ~~office for five years or more.~~

35 Sec. 1011. Section 111.58, Code 1981, is amended to read

1 as follows:

2 111.58 USE BY CITIES,--COUNTIES AND STATE DEPARTMENT OF
3 TRANSPORTATION. The city council within the limits of the
4 municipal corporation,--~~the board of supervisors within the~~
5 ~~limits of the county~~ and the state department of
6 transportation,--~~are hereby given authority to~~ may permit use
7 of maintenance equipment under their control in state parks
8 and other lands of the conservation commission,--~~notwithstanding~~
9 ~~any other provisions of the Code to the contrary.~~

10 Sec. 1012. Section 111A.2, Code 1981, is amended to read
11 as follows:

12 111A.2 PETITION--BOARD MEMBERSHIP. Upon a petition of
13 ~~two hundred voters in any county~~ to the board of supervisors
14 ~~thereof, said~~ which meets the requirements of section 305
15 of this Act, the board shall submit to the people of the
16 county voters at the next primary or general election the
17 question of whether a county conservation board shall be
18 created as provided for in this chapter. If at ~~said~~ the
19 election the majority of votes ~~pollled for~~ favours the creation
20 of a county conservation board, the board of supervisors shall
21 within sixty days after ~~said~~ the election, shall create a
22 county conservation board to consist of five bona fide
23 residents of ~~such~~ the county. The members first appointed
24 shall hold office for the term of one, two, three, four, and
25 five years respectively, as indicated and fixed by the county
26 board of supervisors. Thereafter, succeeding members shall
27 be appointed for a term of five years, except that vacancies
28 occurring otherwise than by expiration of term shall be filled
29 by appointment for the unexpired term. When any member of
30 the board, during the term of office, ~~shall cease~~ ceases to
31 be a bona fide resident of the county, ~~he or she shall thereby~~
32 be the member is disqualified as a member ~~of said board~~ and
33 ~~his or her~~ the office ~~shall thereupon be declared~~ becomes
34 vacant. Members of the board shall be selected and appointed
35 on the basis of their demonstrated interest in conservation

1 matters, and shall serve without compensation, but may be
2 paid their actual and necessary expenses incurred in the
3 performance of their official duties. Members of the county
4 conservation board may be removed for cause by the ~~body-making~~
5 ~~such-appointment~~ board of supervisors as provided in section
6 320, subsection 4, of this Act, if such the cause be is
7 malfeasance, nonfeasance or disability or failure to
8 participate in board activities as set forth by the rules
9 of ~~said the~~ the conservation board, ~~but every such removal shall~~
10 ~~be by written order, which shall be filed with the county~~
11 ~~auditor.~~

12 Sec. 1013. Section 111A.4, subsection 2, Code 1981, is
13 amended to read as follows:

14 2. To acquire in the name of the county by gift, purchase,
15 lease, agreement, exchange or otherwise, in fee or with
16 conditions, suitable real estate within or without the
17 territorial limits of the county ~~areas-of-land-and-water~~ for
18 public museums, parks, preserves, parkways, playgrounds,
19 recreation centers, forests, wildlife, and other conservation
20 purposes and for participation in watershed, drainage, and
21 flood control programs for the purpose of increasing the
22 recreational resources of the county. The state conservation
23 commission, the county board of supervisors, or the governing
24 body of any city or village ~~may~~, upon request of the county
25 conservation board, ~~designate, set apart and~~ may transfer
26 to the county conservation board for use as museums, parks,
27 preserves, parkways, playgrounds, recreation centers, play
28 fields, tennis courts, skating rinks, swimming pools,
29 gymnasiums, rooms for arts and crafts, camps and meeting
30 places, community forests, wildlife areas, and other
31 recreational purposes, any land and buildings owned or
32 controlled by the state conservation commission or such county
33 or municipality and not devoted or dedicated to any other
34 inconsistent public use. In acquiring or accepting land,
35 due consideration shall be given to its scenic, historic,

1 archaeological, recreational or other special features, and
2 land shall not be acquired or accepted unless, in the opinion
3 of the board and the state conservation commission, it is
4 suitable or, in the case of exchange, is suitable and of
5 substantially the same value as the property exchanged from
6 the standpoint of its proposed use. An exchange of property
7 approved by the county conservation board and the board of
8 supervisors is not subject to the provisions of section 332-3
9 360, subsection 13 2, of this Act.

10 Sec. 1014. Section 111A.6, unnumbered paragraph 1, Code
11 1981, is amended to read as follows:

12 Upon the adoption ~~of any~~ by a county of the ~~provisions~~
13 ~~of this chapter, the county board of supervisors of such~~
14 ~~county may by resolution appropriate an amount of money from~~
15 ~~the general fund of the county for the payment of expenses~~
16 ~~incurred by the county conservation board in carrying out~~
17 ~~its powers and duties. The board of supervisors may~~
18 ~~temporarily transfer by resolution any unobligated funds~~
19 ~~from the general fund of the county to the county conservation~~
20 ~~fund in anticipation of or to match committed receipts of~~
21 ~~federal funds from the Heritage Conservation and Recreation~~
22 ~~Service. The transferred funds shall be returned to the~~
23 ~~general fund of the county within such time not to exceed~~
24 ~~five years as specified by the board of supervisors or upon~~
25 ~~receipt of the federal funds, whichever date is earlier as~~
26 provided in section 423, subsection 3, paragraph d, of this
27 Act. The board of supervisors may levy ~~or cause to be levied~~
28 ~~an annual tax, in addition to all other taxes, of not more~~
29 ~~than twenty-seven cents per thousand dollars of the assessed~~
30 ~~value of all real and personal property subject to taxation~~
31 ~~within such county, upon proper certification by said county~~
32 ~~conservation board made pursuant to and in compliance with~~
33 ~~all of the provisions of chapter 24, which tax shall be~~
34 ~~collected by the county treasurer as other taxes are collected,~~
35 ~~and shall be paid into a separate and distinct fund to be~~

1 ~~known-as-the-county-conservation-fund,-to-be-paid-out-upon~~
2 ~~the-warrants-drawn-by-the-county-auditor-upon-requisition~~
3 ~~of-the-county-conservation-board-for-the-payment-of-expenses~~
4 ~~incurred-in-carrying-out-the-powers-and-duties-of-said~~
5 ~~conservation-board---The-county-conservation-board-shall-have~~
6 ~~no-power-or-authority-to-contract-any-debt-or-obligation-in~~
7 ~~any-year-in-excess-of-the-moneys-in-the-hands-of-the-county~~
8 ~~treasurer-immediately-available-for-such-purposes,-except~~
9 ~~the~~ as provided in section 421, subsection 6, of this Act.
10 The board of supervisors may authorize deferred payments for
11 land acquisition purchases not to exceed one-fourth of the
12 annual conservation-fund levy nor to extend over a period
13 of more than ten years ~~or-except~~ unless the purchases are
14 for projects to be financed from unobligated funds in-the
15 county-conservation-fund and committed federal matching grants.
16 ~~Any-single-expenditure-of,-or-contract-to-expend,-a-sum-of~~
17 ~~five-thousand-dollars-shall-be-subject-to-the-provisions-of~~
18 ~~chapter-23-~~ The county conservation board is subject to the
19 contract letting procedures in section 340, subsections 1,
20 2, and 4, of this Act. Gifts, contributions and bequests
21 of money and ~~all~~ rent, licenses, fees and, charges, and other
22 revenue ~~or-money~~ received ~~or-collected~~ by the county
23 conservation board shall be deposited-in-the-county
24 ~~conservation-fund-to-be~~ used for the purchase of land,
25 property, and equipment and the payment of expenses incurred
26 in carrying out the activities of the board, except that
27 moneys given, bequeathed, or contributed upon specified trusts
28 shall be held and applied in accordance with the trust
29 specified. Upon request of the county conservation board,
30 the county board of supervisors may issue general county
31 purpose bonds for the purposes in section 440, subsection
32 2, paragraph c, subparagraph (2), of this Act as provided
33 in sections 441 and 443 through 448 of this Act.
34 Sec. 1015. Section 111A.6, unnumbered paragraphs 2, 3,
35 and 4, Code 1981, are amended by striking the unnumbered para-

1 graphs..

2 Sec. 1016. Section 111A.7, Code 1981, is amended to read
3 as follows:

4 111A.7 JOINT OPERATIONS. Any county conservation board
5 may co-operate with the federal government or the state
6 government or any department or agency thereof to carry out
7 the purposes and provisions of this chapter. Any county
8 conservation board may join with any other county board or
9 ~~county boards~~ to carry out ~~the provisions of~~ this chapter,
10 and to that end may enter into agreement with each other and
11 may do any and all things necessary or convenient to aid and
12 ~~to~~ co-operate in carrying out ~~the provisions of~~ the chapter.
13 Any city, village or school district may aid and co-operate
14 with any county conservation board or any combination thereof
15 of boards in equipping, operating and maintaining any museums,
16 parks, preserves, parkways, playgrounds, recreation centers,
17 and conservation areas, and for providing, conducting, and
18 supervising programs of activities, and may appropriate money
19 for such purposes. The state conservation commission, county
20 engineer, county agricultural agent, and other county officials
21 shall render ~~such~~ assistance ~~as shall~~ which does not interfere
22 with their regular employment. The board of supervisors is
23 ~~authorized to make available to the use of the county~~
24 ~~conservation board, county-owned equipment and operators and~~
25 ~~any county-owned materials or real estate it deems advisable~~
26 and may be reimbursed to the credit of the proper fund from
27 county conservation funds for actual expense of operation
28 of county-owned equipment, use of county equipment operators,
29 supplies, and materials of the county, or for the reasonable
30 value for the use of county real estate made available for
31 the use of the county conservation board.

32 Sec. 1017. Section 125.45, subsection 1, Code 1981, is
33 amended to read as follows:

34 1. Except as provided in section 125.43, each county shall
35 pay for the remaining twenty-five percent of the cost of the

1 care, maintenance, and treatment under this chapter of
2 residents of that county ~~from the county mental health and~~
3 ~~institutions fund as provided in section 444.12~~ from the levy
4 authorized by section 420, subsection 13 of this Act. The
5 commission shall establish guidelines for use by the counties
6 in estimating the amount of expense which the county will
7 incur each year. The facility shall certify to the county
8 of residence once each month twenty-five percent of the unpaid
9 cost of the care, maintenance, and treatment of a substance
10 abuser. ~~Such county shall pay the cost so certified to the~~
11 ~~facility from its county mental health and institutions fund.~~
12 However, the approval of the board of supervisors shall be
13 is required before payment is made by a county for costs
14 incurred which exceed a total of five hundred dollars for
15 one year for treatment provided to any one substance abuser,
16 except that ~~such~~ approval is not required for the cost of
17 treatment provided to a substance abuser who is committed
18 pursuant to section 125.35. A facility may, upon approval
19 of the board of supervisors, submit to a county a billing
20 for the aggregate amount of all care, maintenance, and
21 treatment of substance abusers who are residents of that
22 county for each month. The board of supervisors may demand
23 an itemization of ~~such~~ billings at any time or may audit ~~the~~
24 same them.

25 Sec. 1018. Section 143.1, Code 1981, is amended to read
26 as follows:

27 143.1 AUTHORITY TO EMPLOY. Any local board of health,
28 area education agency board, or the school board of any school
29 district may employ public health nurses at ~~such~~ periods each
30 year and in ~~such~~ numbers as ~~may be~~ deemed advisable. The
31 ~~board of supervisors of any county, the~~ council of any city,
32 or the school board of any school district, or any of them
33 acting in co-operation, may contract with any nonprofit nurses'
34 association for public health nursing service. The
35 compensation and expenses ~~thereof~~ shall be paid out of the

1 general fund of the political subdivision employing said
2 nurses.

3 Sec. 1019. Section 159.5, subsection 13, paragraph e,
4 Code 1981, is amended to read as follows:

5 e. Certify indemnity claims to the boards of supervisors
6 to compensate the owners of condemned swine from funds provided
7 under section ~~165-18~~ 420, subsection 5, of this Act, following
8 the general procedures for filing claims and paying indemnities
9 as provided in chapter 165.

10 Sec. 1020. Section 163A.12, Code 1981, is amended to read
11 as follows:

12 163A.12 OWNER REQUESTING TEST. If the owner requests
13 the department to inspect and test his breeding swine for
14 brucellosis, and agrees to comply with the rules made by the
15 department under section 163A.9, the department may designate
16 a veterinarian to make an inspection and test, with the expense
17 to be paid as provided in section 164.6 for cattle brucellosis
18 testing, but only to the extent the funds provided in that
19 section are not required for the cattle testing program.
20 The board of supervisors shall reimburse the department for
21 the expense of the inspection and testing program for swine
22 brucellosis, ~~from the "County Brucellosis-Eradication-Fund"~~
23 ~~established in section 164-24~~ as provided in section 420,
24 subsection 5, of this Act, but only to the extent that the
25 moneys in the fund are not required for expenses incurred
26 under chapter 164.

27 Sec. 1021. Section 165.22, Code 1981, is amended to read
28 as follows:

29 165.22 AVAILABILITY OF COUNTY FUND. After the amount
30 allotted in any year by the department to any county has been
31 expended or contracted in said that county, or at any time
32 that there ceases to be available for such the county any
33 federal funds for the eradication of bovine tuberculosis,
34 the county ~~eradication fund provided in this chapter~~ as
35 specified in section 424, subsection 5 of this Act shall

1 become available as a substitute for either or both ~~such~~ state
2 and federal funds for the payment of materials, indemnities,
3 inspectors, and assistants ~~as-herein-provided~~.

4 Sec. 1022. Section 165.23, Code 1981, is amended to read
5 as follows:

6 165.23 EXHAUSTION OF STATE ALLOTMENT. As soon as the
7 allotment to the county has been spent or contracted, the
8 department shall certify ~~such~~ that fact to the county auditor,
9 which certificate ~~shall-be~~ is full authority for the board
10 of supervisors to pay claims as presented to the board by
11 the department of agriculture ~~out-of-the-county-expenditure~~
12 fund.

13 Sec. 1023. Section 174.10, subsection 2, Code 1981, is
14 amended to read as follows:

15 2. In counties having two incorporated agricultural
16 societies conducting county fairs, but not having two
17 definitely separate county extension offices, the state aid
18 shall be prorated between the two societies or, if an official
19 county fair is designated by election, shall be paid to that
20 society determined to be conducting the official county fair.
21 The board of supervisors, upon receiving a petition signed
22 ~~by-ten-percent-of-the-qualified-electors-of-the-county-having~~
23 ~~voted-in-the-preceding-general-election-for-the-office-of~~
24 ~~president-of-the-United-States-or-governor-as-applicable~~ which
25 meets the requirements of section 305 of this Act, shall
26 submit to the qualified electors of the county at the next
27 general election following submission of the petition or at
28 a special election if requested by the petitioners at no cost
29 to the county, the question of which fair shall be designated
30 as the official county fair. Notice of the election shall
31 be given as provided in section 49.53. The fair receiving
32 a majority of the votes cast on the question shall be
33 designated the official county fair. To qualify as the
34 official county fair, the sponsoring society need not meet
35 the conditions provided in subsection 1 ~~of-this-section~~.

1 Sec. 1024. Section 174.13, subsection 1, Code 1981, is
2 amended to read as follows:

3 1. The board of supervisors of the county in which any
4 such a society is located may levy and expend a tax of not
5 ~~to exceed six and three-fourths cents per thousand dollars~~
6 ~~of assessed value of the taxable property of the county, the~~
7 ~~funds received from the levy to be known as the fairground~~
8 ~~fund, and to be used for the purpose of fitting up or~~
9 ~~purchasing fairgrounds for the society, or for the purpose~~
10 ~~of aiding boys and girls 4-H club work and payment of~~
11 ~~agricultural and livestock premiums in connection with the~~
12 ~~fair, if the society is the owner in fee simple, or the lessee~~
13 ~~of at least ten acres of land for fairground purposes, and~~
14 ~~owns or leases buildings and improvements on the land of at~~
15 ~~least eight thousand dollars in value in accordance with~~
16 section 421, subsections 7 and 8 of this Act.

17 Sec. 1025. Section 174.15, Code 1981, is amended to read
18 as follows:

19 174.15 PURCHASE AND MANAGEMENT. ~~If a majority of the~~
20 ~~votes cast are in favor of such proposition, the board shall~~
21 ~~make the authorized purchase and pay for the same out of the~~
22 ~~general fund, or accept as a gift from the owner a county~~
23 ~~or district fairground already in existence.~~ Title to land
24 purchased or received for fairground purposes shall be taken
25 in the name of the county, but the board of supervisors shall
26 place ~~such real estate~~ it under the control and management
27 of an incorporated county or district fair society. Such
28 ~~The society is authorized to~~ may act as agent for said the
29 county in the erection of buildings, maintenance of grounds
30 and buildings, or any improvements constructed on ~~such~~ the
31 grounds. Title to new buildings or improvements shall be
32 taken in the name of the county but the county ~~shall~~ is not
33 be liable for ~~such~~ the improvements or expenditures ~~therefor~~
34 for them.

35 Sec. 1026. Section 218.99, Code 1981, is amended to read

1 as follows:

2 218.99 COUNTY AUDITORS TO BE NOTIFIED OF PATIENTS' PERSONAL
3 ACCOUNTS. The director of a division of the department of
4 social services in control of a state institution shall direct
5 the business manager of each institution under ~~his~~ the
6 director's jurisdiction which is mentioned in section 444-12
7 424, subsection 13, of this Act to quarterly inform the auditor
8 of the ~~patient's or inmate's~~ county of legal settlement of
9 any patient or inmate who has an amount in excess of two
10 hundred dollars ~~to his~~ on account in the patients' personal
11 deposit fund and the amount ~~thereof~~ on deposit. ~~Such~~ The
12 directors shall direct the business manager to further notify
13 the auditor of ~~such~~ the county at least fifteen days before
14 the release of ~~such~~ funds in excess of two hundred dollars
15 or upon the death of ~~such~~ the patient or inmate. If ~~any such~~
16 the patient or inmate ~~shall have~~ has no county of legal
17 settlement, notice ~~as required by this section~~ shall be made
18 to the commissioner of the department of social services and
19 the director of a the division of ~~such~~ the department in
20 control of the ~~particular~~ institution involved.

21 Sec. 1027. Section 222.77, Code 1981, is amended to read
22 as follows:

23 222.77 PATIENTS ON LEAVE. The cost of support of pa-
24 tients placed on convalescent leave or removed as a habilita-
25 tion measure from a hospital-school, or a special unit, except
26 when living in the home of a person legally bound for the
27 support of ~~such~~ the patient, shall be paid ~~from the state~~
28 ~~institution fund or the county mental health fund of the~~ by
29 the county of legal settlement as provided in section 424,
30 subsection 13, of this Act. If the patient has no county
31 of legal settlement, the cost shall be paid from the support
32 fund of the hospital-school or special unit and charged on
33 abstract in the same manner as other state inpatients until
34 such time as the patient becomes self-supporting or qualifies
35 for support under other existing statutes.

1 Sec. 1028. Section 227.18, Code 1981, is amended to read
2 as follows:

3 227.18 CLAIMS FILED QUARTERLY. The state aid herein
4 ~~provided-for~~ shall be paid to the claimant county upon a
5 verified claim being filed quarterly with the state director
6 setting forth the total of weekly patient care furnished to
7 transferees in county or private institutions from the county
8 ~~mental-health-and-institutions~~ fund specified in section 424,
9 subsection 13 of this Act. Approval of ~~said~~ a verified claim
10 by the state director ~~shall-be~~ is authority for the state
11 comptroller to issue a warrant upon the state mental aid fund
12 payable to the claimant county ~~which-shall-be-credited-by~~
13 ~~that-county-to-the-county-mental-health-and-institutions-fund~~
14 ~~established-by-section-444-12.~~

15 Sec. 1029. Section 230A.1, Code 1981, is amended to read
16 as follows:

17 230A.1 ESTABLISHMENT AND SUPPORT OF COMMUNITY MENTAL
18 HEALTH CENTERS. A county or affiliated counties having a
19 total or combined population of thirty-five thousand or more
20 may, by action of the board or boards of supervisors, with
21 approval of the Iowa mental health authority, may establish
22 a community mental health center under this chapter to serve
23 the county or counties. In establishing the community mental
24 health center, the board of supervisors of each county involved
25 may make a single nonrecurring expenditure from the county
26 ~~mental-health-and-institutions~~ fund specified in section 424,
27 subsection 13 of this Act in an amount not exceeding two
28 hundred fifty dollars per thousand population or major fraction
29 thereof in the county, but ~~no-such~~ an expenditure shall not
30 be made under this section by any county which has prior to
31 July 1, 1974, expended funds to assist in establishment of
32 a community mental health center under section 230.24, third
33 paragraph, Code 1966 or Code 1971, or section 230.24, second
34 paragraph, Code 1973. ~~Nothing-in-this~~ This section shall
35 does not limit the authority of the board or boards of

1 supervisors of any county or group of counties, which prior
2 to July 1, 1974, established or joined in establishing a
3 community mental health center in a manner consistent with
4 the requirements of section 230A.3, to continue to expend
5 money from ~~the county mental-health-and-institutions-fund~~
6 funds to support operation of the center, and to form
7 agreements with the board of supervisors of any additional
8 county for that county to join in supporting and receiving
9 services from or through the center.

10 Sec. 1030. Section 230A.4, Code 1981, is amended to read
11 as follows:

12 230A.4 TRUSTEES--QUALIFICATIONS--MANNER OF SELECTION.

13 When the board or boards of supervisors of a county or
14 affiliated counties decides to directly establish a community
15 mental health center under this chapter, the supervisors,
16 acting jointly in the case of affiliated counties, shall
17 appoint a board of community mental health center trustees
18 to serve until the next succeeding general election. The
19 board of trustees shall consist of at least seven members
20 each of whom shall be a resident of the county or one of the
21 counties served by the center. ~~No~~ An employee of the center
22 ~~shall-be~~ is not eligible for the office of community mental
23 health center trustee. At the first general election following
24 establishment of the center, all members of the board of
25 trustees shall be elected. They shall assume office on the
26 second ~~secular~~ day of the following January which is not a
27 Sunday, and shall at once divide themselves by lot into three
28 classes of as nearly equal size as possible. The first class
29 shall serve for terms of two years, the second class for terms
30 of four years, and the third class for terms of six years.
31 Thereafter, a member shall be elected to the board of trustees
32 for a term of six years at each general election to succeed
33 each member whose term will expire in the following year.

34 Sec. 1031. Section 232.142, subsections 1 and 2, Code
35 1981, are amended to read as follows:

1 1. County boards of supervisors may ~~either~~ which singly
2 or in conjunction with one or more other counties provide
3 and maintain juvenile detention and juvenile shelter care
4 homes are subject to this section.

5 2. For the purpose of providing and maintaining such a
6 county or multicounty home, the board of supervisors of any
7 county may issue bonds ~~and authorize the expenditure of such~~
8 ~~amounts as are consistent with the provisions of chapter 345.~~
9 ~~The board of supervisors of any county is authorized to in~~
10 accordance with sections 440 through 448 of this Act and levy
11 ~~a tax not to exceed thirteen and one-half cents per thousand~~
12 ~~dollars of assessed value for the purpose of maintaining such~~
13 ~~a home in counties of over one hundred fifty thousand~~
14 ~~population, the board of supervisors is authorized to levy~~
15 ~~a tax not to exceed twenty and one-fourth cents per thousand~~
16 ~~dollars of assessed value for the maintenance of such a home~~
17 in accordance with section 421, subsection 9 of this Act.
18 Expenses for providing and maintaining such a multicounty
19 home shall be paid by the ~~county or~~ counties participating
20 in a manner to be determined by ~~board or~~ the boards of
21 supervisors ~~of participating counties.~~

22 Sec. 1032. Section 234.10, Code 1981, is amended to read
23 as follows:

24 234.10 COMPENSATION OF COUNTY BOARD MEMBERS. All members
25 of the county board of social welfare shall be reimbursed
26 for the actual and necessary expenses incurred by them in
27 the discharge of their duties. They shall also receive
28 compensation for services at the rate of six dollars per diem,
29 ~~but such compensation shall~~ not to exceed a total of one
30 hundred fifty dollars in any one year. ~~The expenses and~~
31 ~~compensation of county board members shall be paid from the~~
32 ~~general fund of the county, provided, however, that members~~
33 ~~of the board of supervisors serving on said county board of~~
34 ~~social welfare shall not be paid compensation as members of~~
35 ~~said county board of social welfare for any day on which they~~

1 ~~are paid for their official work as members of the board of~~
2 ~~supervisors.~~

3 Sec. 1033. Section 234.36, Code 1981, is amended to read
4 as follows:

5 234.36 WHEN COUNTY TO PAY FOSTER CARE COSTS. Each county
6 shall pay from the county ~~mental health and institutions~~ fund
7 ~~as provided by section 444.12, subsection 2,~~ specified in
8 section 424, subsection 13 of this Act the cost of foster
9 care for a child placed by a court as provided in section
10 232.50 or section 232.99. However, in any fiscal year for
11 which the general assembly appropriates state funds to pay
12 for foster care for children placed by courts under the statute
13 ~~or those sections of chapter 232 cited in this section,~~ the
14 county ~~shall become~~ is responsible for these costs only when
15 the funds so appropriated to the department for that fiscal
16 year have been exhausted. The rate of payment by the county
17 or the state, ~~as the case may be,~~ under this section shall
18 be that fixed by the department of social services pursuant
19 to section 234.38.

20 Sec. 1034. Section 250.5, Code 1981, is amended to read
21 as follows:

22 250.5 COMPENSATION. The members of ~~said~~ the commission
23 shall be paid for their services the sum of five dollars per
24 day for each day actually employed in the work of ~~said~~ the
25 commission, and also the same mileage that is paid to the
26 members of the board of supervisors. ~~Said~~ The per diem and
27 mileage shall be paid out of the ~~taxes raised under the~~
28 ~~provisions of section 250.1, in the event~~ tax levied under
29 section 421, subsection 10 of this Act. If the commission
30 has employed administrative or clerical help, the members
31 of the commission shall receive compensation for attendance
32 at the annual and monthly meetings only.

33 Sec. 1035. Section 251.4, Code 1981, is amended to read
34 as follows:

35 251.4 GRANTS FROM STATE FUNDS TO COUNTIES. The state

1 division ~~shall have the authority to~~ may require as a condition
 2 of making available state assistance to counties for emergency
 3 relief purposes, that the county boards of supervisors shall
 4 make maximum tax levies for relief and, establish such budgets
 5 as are needed in respect to the relief situation in the
 6 counties, and comply with restrictions in section 421,

7 subsection 11 of this Act. ~~The state division shall also~~
 8 ~~have the authority to require as a condition of grants of~~
 9 ~~state aid to the counties that the county board of supervisors~~
 10 ~~shall make no transfers from the county poor fund or charges~~
 11 ~~against the county poor fund for purposes other than that~~
 12 ~~for which the county poor fund is established by law, and~~
 13 ~~it is hereby made mandatory upon the county board of~~
 14 ~~supervisors, that taxes levied and collected for the county~~
 15 ~~poor fund shall be expended only for the purposes levied.~~

16 Sec. 1036. Section 251.5, unnumbered paragraph 1, Code
 17 1981, is amended to read as follows:

18 The county board, ~~in addition to all of the powers and~~
 19 ~~duties given it by law,~~ of social welfare shall have the
 20 following duties:

21 Sec. 1037. Section 251.6, Code 1981, is amended to read
 22 as follows:

23 251.6 COUNTY SUPERVISORS TO DETERMINE RELIEF AND WORK
 24 PROJECTS. The ~~local~~ county board of supervisors shall
 25 ~~ascertain all necessary details concerning those seeking~~
 26 supervise administration of emergency relief, and shall
 27 determine the minimum amount of relief required for each such
 28 person or family, ~~and shall ascertain which of such persons~~
 29 are employable, and whether and under what conditions persons
 30 receiving emergency relief may be employed by the county.

31 ~~The board of supervisors may require that all employables~~
 32 ~~contribute as many hours of his or her labor as that~~
 33 ~~employable's requirements, as estimated by the board, will~~
 34 ~~buy at the prevailing rate of compensation for that class~~
 35 ~~of labor in that community.~~

1 The-board-of-supervisors-may-determine-on-what-projects
 2 of-county-wide-or-community-wide-nature-such-relief-labor
 3 may-be-used---it-may,-however,-delegate-to-its-political
 4 subdivisions-such-authority-as-it-deems-advisable-for
 5 administrative-expediency-

6 To-the-board-of-supervisors-is-reserved-all-authority-not
 7 expressly-otherwise-set-out-previously-

8 Sec. 1038. Section 251.7, Code 1981, is amended to read
 9 as follows:

10 251.7 COUNTY DIRECTORS TO ACT AS EXECUTIVE OFFICERS.

11 The county director shall-be of social welfare is the executive
 12 officer of the county board of social welfare in all matters
 13 pertaining to relief.

14 Sec. 1039. Section 252.27, Code 1981, is amended to read
 15 as follows:

16 252.27 FORM OF RELIEF--CONDITION. The board of supervisors
 17 shall determine the form of the relief may-be-either-in-the
 18 form-of-feed,-rent-or-clothing,-fuel-and-lights,-medical
 19 attendance,-civil-legal-aid,-or-in-money. Legal However,
 20 legal aid authorized-herein shall be only in civil matters
 21 and provided only through a legal aid program approved by
 22 the county board of supervisors. The amount of assistance
 23 issued ~~to-meet-the-needs-of-the-person~~ shall be determined
 24 by standards of assistance established by the ~~county-boards~~
 25 board of supervisors. They may require any able-bodied person
 26 to labor faithfully on the streets or highways at the
 27 prevailing local rate per hour in payment for and as a
 28 condition of granting relief,-said. The labor shall be
 29 performed under the direction of the officers having charge
 30 of working streets and highways. Subject to the provisions
 31 of section 142.1, ~~such~~ relief may also consist of the burial
 32 of nonresident indigent transients and the payment of the
 33 reasonable cost of ~~such~~ burial, ~~provided-such-expenses-do~~
 34 not to exceed two hundred fifty dollars.

35 Sec. 1040. Section 252.43, unnumbered paragraphs 1 and

1 2, Code 1981, are amended by striking the unnumbered
2 paragraphs.

3 Sec. 1041. Section 253.1, Code 1981, is amended to read
4 as follows:

5 253.1 ESTABLISHMENT--SUBMISSION TO VOTE. The If the board
6 of supervisors ~~of each county may order the establishment~~
7 ~~of a county care facility in such county whenever it is deemed~~
8 ~~advisable, and may make the requisite contracts and carry~~
9 ~~such order into effect, provided the cost of said~~ proposes
10 to establish a county care facility, if under this chapter
11 at a cost in excess of fifteen thousand dollars, it shall
12 be first estimated by said board and approved by submit the
13 proposition to a vote of the people.

14 Sec. 1042. Section 253.3, Code 1981, is amended to read
15 as follows:

16 253.3 ANNUAL PUBLISHED REPORT. The board of supervisors
17 ~~shall, during the month of July~~ prior to September 1 of each
18 year, shall publish in the official papers of the county as
19 part of its proceedings, a financial statement of the receipts
20 of the county care facility, or county farm, itemizing the
21 ~~same~~ them and stating ~~the~~ their source ~~thereof~~, which report
22 shall also set forth the total expenditures ~~thereof~~ and the
23 value of the property on hand on July 1 of the year for which
24 the report is made and a comparison with the inventory of
25 the previous year.

26 Sec. 1043. Section 253.5, Code 1981, is amended to read
27 as follows:

28 253.5 ADMISSION--LABOR REQUIRED. The ~~administrator shall~~
29 ~~admit into the~~ county care facility ~~as residents only these~~
30 ~~persons ordered admitted in the manner prescribed by section~~
31 ~~253-6 and~~ shall maintain a record of the name and age of each
32 person admitted and the date of his admission. The
33 ~~administrator board~~ board may require of any resident of the county
34 care facility, with approval of a physician, reasonable and
35 moderate labor suited to the resident's age and bodily

1 strength. Any income realized through the labor of residents,
2 together with the receipts from operation of the county farm
3 if one is maintained, shall be appropriated for use by the
4 county care facility ~~in-such-manner~~ as the board of supervisors
5 ~~may-direct~~ directs.

6 Sec. 1044. Section 306.42, subsection 5, Code 1981, is
7 amended to read as follows:

8 5. Notwithstanding requirements of chapter 114 and sec-
9 tions 306.22, ~~332-37-subsection-13~~, sections 364.7, 409.12,
10 409.14 and 471.20, legal descriptions, plats, maps or
11 engineering drawings used to describe transfers of right of
12 way shall, where available, be descriptions, plats, maps or
13 engineering drawings of record and shall be incorporated by
14 reference to such title instrument or proceedings. Where
15 a part but not all of the land acquired by a single conveyance
16 or condemnation is being transferred, the description of that
17 part to be transferred shall be abstracted from the present
18 legal description, plat, map or engineering drawing of record.

19 Sec. 1045. Section 309.10, unnumbered paragraph 2, Code
20 1981, is amended to read as follows:

21 A county shall not use farm-to-market road funds as de-
22 scribed in this section unless the total funds that the county
23 raised during the prior calendar year pursuant to section
24 ~~309-87-subsections-17-37-and-4~~ 424, subsection 7, paragraph
25 a, subparagraphs (1), (2), and (4), of this Act, are at least
26 seventy-five percent of the maximum funds the county could
27 have raised in the prior calendar year pursuant to section
28 309.7.

29 Sec. 1046. Section 312.2, subsection 8, Code 1981, is
30 amended to read as follows:

31 8. Beginning July 1, 1981, and each subsequent year, the
32 treasurer of state, before making any allotments to counties
33 ~~under the-provisions-of~~ this section, shall reduce the
34 allotment to any county for the secondary road fund by an
35 amount by which the total funds that the county raised during

1 the prior calendar year under ~~the provisions of~~ section 309-8,
2 ~~subsections 1, 3, and 4~~ 424, subsection 7, paragraph a,
3 ~~subparagraphs (1), (2), and (4), of this Act,~~ are less than
4 seventy-five percent of the maximum funds that the county
5 could have raised in the prior calendar year under the
6 ~~provisions of~~ section 309-7 421, subsections 12 and 13, of
7 this Act. Funds remaining in the secondary road fund of the
8 counties due to a reduction of allocations to counties for
9 failure to maintain a minimum local tax effort shall be
10 reallocated to counties that are not reduced under ~~the provi-~~
11 ~~sions of~~ this subsection pursuant to the allocation provisions
12 of section 312.3, subsection 1, based upon the needs and area
13 of the county. Information necessary to make allocations
14 under this subsection shall be provided by the state department
15 of transportation or the state comptroller upon request by
16 the treasurer of state.

17 Sec. 1047. Section 317.4, Code 1981, is amended to read
18 as follows:

19 317.4 DIRECTION AND CONTROL. Whenever, As used in this
20 chapter, ~~powers and duties are imposed upon a~~ "commissioner"
21 or "commissioners" ~~pursuant to their weed eradication duties,~~
22 ~~such powers and duties shall apply to~~ means the county weed
23 commissioners and their deputies within their respective
24 counties. Each commissioner shall, subject to direction and
25 control by the county board of supervisors, ~~have supervision~~
26 ~~over~~ shall supervise the control and the destruction of all
27 noxious weeds in the ~~commissioner's~~ county, including those
28 growing within the limits of cities, within the confines of
29 abandoned cemeteries, and those growing along streets and
30 highways unless otherwise provided. ~~Each~~ A commissioner and
31 ~~deputy shall have the authority to~~ may enter upon any land
32 in the ~~commissioner's~~ county at any time for the performance
33 of the commissioner's duties, and shall hire the labor and
34 equipment necessary ~~for the performance of the commissioner's~~
35 duties subject to the approval of the board of supervisors.

1 This necessary labor and equipment shall be paid for from
2 the county general fund or the ~~weed-eradication-and-equipment~~
3 ~~fund~~ funds specified in section 425, subsection 7 of this
4 Act.

5 Sec. 1048. Section 321.207, Code 1981, is amended to read
6 as follows:

7 321.207 RECORD FORWARDED. Every court having jurisdiction
8 over offenses committed under this chapter, or any other law
9 of this state or any city or county traffic ordinances, other
10 than parking regulations, regulating the operation of motor
11 vehicles on highways, shall forward to the department a record
12 of the conviction of any person in ~~said~~ the court for a
13 violation of any ~~said~~ the laws, and may recommend the
14 suspension of the operator's or chauffeur's license of the
15 person ~~so~~ convicted, and the department shall ~~thereupon~~
16 consider and act upon ~~such~~ the recommendation ~~in-such-manner~~
17 ~~as-may-seem-to-it-best.~~

18 Sec. 1049. Section 327H.20, Code 1981, is amended to read
19 as follows:

20 327H.20 ASSISTANCE AGREEMENTS. The director of the
21 department of transportation with the approval of the state
22 transportation commission, may enter into agreements with
23 railroads, the United States government, persons, cities,
24 counties, or railroad districts for carrying out the purposes
25 of this section and sections 327H.18, ~~327H.19~~ and 327H.21
26 to 327H.25. Agreements entered into between the director
27 of the department of transportation and railroad corporations
28 ~~pursuant-to-this-section~~ may require payment by the railroad
29 corporation of a portion of increased revenue derived from
30 the improved branch line into the railroad assistance fund.
31 ~~The~~ If the board of supervisors of a county ~~may-enter~~ enters
32 into an agreement with the state department of transportation
33 to receive a portion of the payments made by a railroad
34 corporation to the railroad assistance fund ~~pursuant-to-this~~
35 ~~section---~~ The, the amount received by a the county shall not

1 exceed the amount appropriated to the railroad assistance
2 fund by the county pursuant to section 327H-23 423, subsection
3 3, paragraph m of this Act.

4 Sec. 1050. Section 329.4, subsection 1, Code 1981, is
5 amended to read as follows:

6 1. ORDINANCES OR-RESOLUTIONS. The municipality owning
7 or controlling the airport, and the municipality within which
8 the airport hazard area is located, may by duly adopted
9 ordinance ~~or-resolution, as may be appropriate,~~ adopt,
10 administer, and enforce airport zoning regulations applicable
11 to the airport hazard area ~~in-question.~~

12 Sec. 1051. Section 329.7, Code 1981, is amended to read
13 as follows:

14 329.7 RELATION TO COMPREHENSIVE ZONING REGULATIONS. Any
15 municipality which ~~has-adopted, or-hereafter~~ adopts, zoning
16 ordinances under ~~the-provisions-of~~ chapter 414, ~~is-hereby~~
17 ~~empowered-to~~ or chapter 358A may incorporate therein such
18 airport hazard area zoning regulations ~~as-are-provided-for~~
19 ~~by-this-chapter,~~ and to administer and enforce ~~the-same~~ them
20 as ~~herein provided in this chapter.~~

21 Sec. 1052. Section 329.9, Code 1981, is amended to read
22 as follows:

23 329.9 PROCEDURE FOR ADOPTING ZONING REGULATIONS--ZONING
24 COMMISSION. In adopting, amending, and repealing airport
25 zoning regulations under this chapter the governing body of
26 ~~the-municipality~~ a city shall follow the procedure ~~as-provided~~
27 in sections 414.4 and 414.6 and the board of supervisors of
28 a county shall follow the procedure in sections 358A.6 and
29 358A.8. Any-action-taken-on-the-part-of-any-county-under
30 ~~this-chapter-shall-be-by-resolution-of-the-board-of-supervisors~~
31 ~~thereof-and-no-such-action-shall-be-taken-without-a-majority~~
32 ~~of-the-board-of-supervisors-voting-therefor-and-consenting~~
33 ~~thereto.~~ The commission so appointed shall be known as the
34 airport zoning commission. The airport zoning commission
35 shall consist of two members from each municipality selected

1 by the governing body thereof and one additional member to
2 act as ~~chairman~~ chairperson and to be selected by a majority
3 vote of the members selected by the municipality. The terms
4 of the members of the airport zoning commission shall be for
5 six years excepting that when the board shall is first be
6 created, one of the members appointed by each municipality
7 shall be appointed for a term of two years and one for a term
8 of four years. Members may be removed for cause by the
9 appointing authority upon written charges after public hearing.
10 Vacancies shall be filled for the unexpired term of any member
11 whose office becomes vacant in the same manner in which said
12 the member was selected.

13 Sec. 1053. Section 329.12, unnumbered paragraph 1, Code
14 1981, is amended to read as follows:

15 The governing body of any municipality ~~availing-or~~ seeking
16 to ~~avail-itself-of-the~~ exercise powers by under this chapter
17 ~~conferred shall, by ordinance or-resolution-duly-adopted,~~
18 provide for the appointment of a board of adjustment, as
19 provided in section 414.7 for a city, or as provided in section
20 358A.10 for a county. ~~Such~~ The board of adjustment shall
21 ~~have~~ has the same powers and duties, and its procedure, and
22 ~~appeals thereto-and-therefrom,-in-all-respects-shall-be~~
23 ~~governed-by-and~~ are subject to the same provisions as
24 established in sections 414.9 to 414.19 for a city, or sections
25 358A.12 through 358A.21 for a county.

26 Sec. 1054. Section 330.17, Code 1981, is amended to read
27 as follows:

28 330.17 AIRPORT COMMISSION--ELECTION. The council of any
29 city, or county ~~or-township~~ which owns or ~~otherwise~~ acquires
30 an airport may, and upon the council's receipt of a valid
31 petition as provided in section 362.4, or upon receipt of
32 a petition of-ten-percent-of-the-number-of-qualified-electors
33 of-the-county-or-township-who-voted-at-the-last-general
34 election by the board of supervisors as provided in section
35 305 of this Act shall, at a regular city election or a general

1 election if one is to be held within sixty days from the
2 filing of ~~said~~ the petition, or otherwise at a special election
3 called for that purpose, submit to the voters the question
4 as to whether the management and control of ~~such~~ the airport
5 shall be placed in an airport commission. If a majority of
6 the voters favors placing the management and control of the
7 airport in an airport commission, the commission shall be
8 established as provided in this chapter.

9 The management and control of an airport by an airport
10 commission may be ended in the same manner. If a majority
11 of the voters does not favor continuing the management and
12 control of the airport in an airport commission, ~~said~~ the
13 commission shall stand abolished sixty days from and after
14 the date of ~~such~~ the election, and the power to maintain and
15 operate ~~such~~ the airport shall revert to ~~such~~ the city, or
16 county ~~or-township~~.

17 Sec. 1055. Section 330.18, Code 1981, is amended to read
18 as follows:

19 330.18 NOTICE OF ELECTION. Notice of ~~such~~ the election
20 shall be given by publication in a newspaper of general
21 circulation in the city~~-county-or-township~~, subject to ~~the~~
22 ~~provisions-of~~ section 362.3 or in the county, subject to
23 section 304 of this Act.

24 Sec. 1056. Section 330.19, Code 1981, is amended to read
25 as follows:

26 330.19 FORM OF QUESTION. The question to be submitted
27 shall be in the following form:

28 "Shall the City (or County) of place (or con-
29 tinue) the management and control of its airport (or airports)
30 in an Airport Commission?"

31 Sec. 1057. Section 330.21, Code 1981, is amended to read
32 as follows:

33 330.21 POWERS--FUNDS. The commission has all of the
34 powers in relation to airports granted to cities, and counties
35 ~~and-townships~~ under this ~~chapter~~ Act and the Constitution

1 of the State of Iowa, except powers to sell the airport.

2 The commission shall annually certify the amount of tax within
3 the limitations of this ~~chapter~~ Act to be levied for airport
4 purposes, and upon such certification the governing body may
5 include all or a portion of ~~said~~ the amount in its budget.

6 All funds derived from taxation or otherwise for airport
7 purposes shall be under the full and absolute control of the
8 commission for the purposes prescribed by law, and shall be
9 deposited with the county treasurer or city clerk to the
10 credit of the airport commission, and shall be disbursed only
11 on the written warrants or orders of the airport commission,
12 including the payment of all indebtedness arising from the
13 acquisition and construction of airports and ~~the~~ their
14 maintenance, operation, and extension ~~thereof~~.

15 Sec. 1058. Section 344.11, Code 1981, is amended to read
16 as follows:

17 344.11 SCOPE OF STATUTE. ~~Nothing-in-this~~ This chapter
18 ~~shall-be-constructed-as-affecting-the-provisions-of~~ does not
19 affect section ~~343-11~~ 900, subsection 6, of this Act, and
20 penalty provisions of this chapter ~~with-reference-to-the~~
21 ~~penalty, shall-be~~ are in addition to the provisions of that
22 section ~~343-10~~.

23 Sec. 1059. Section 345.1, Code 1981, is amended by striking
24 the section and inserting in lieu thereof the following:

25 345.1 SUBMISSION OF PROPOSALS TO THE ELECTORS.

26 1. Except as otherwise provided by state law, the board
27 of supervisors shall not expend over ten thousand dollars
28 for the construction, reconstruction, remodeling, or relocation
29 of a county building or facility, or the purchase of real
30 property for county purposes until a majority of the qualified
31 electors of the county voting on the proposition has approved
32 the expenditure and any necessary tax levy for it at a general
33 or special election.

34 2. An expenditure is not subject to subsection 1 if it
35 is made from funds on hand or federal revenue-sharing or

1 matching funds or both, without the levy of additional taxes,
2 if the probable amount of the expenditure does not exceed:
3 a. Two hundred thousand dollars in a county having a
4 population of twenty-five thousand or less.
5 b. Two hundred fifty thousand dollars in a county having
6 a population of more than twenty-five thousand but not more
7 than fifty thousand.
8 c. Three hundred thousand dollars in a county having a
9 population of more than fifty thousand but not more than one
10 hundred thousand.
11 d. Four hundred thousand dollars in a county having a
12 population of more than one hundred thousand but not more
13 than two hundred thousand.
14 e. Five hundred thousand dollars in a county having a
15 population of more than two hundred thousand.
16 3. An expenditure of any of the following is not subject
17 to subsection 1:
18 a. Federal revenue-sharing funds for a mental health or
19 mental retardation project.
20 b. Federal funds other than federal revenue-sharing funds,
21 for approved projects not requiring matching funds.
22 c. Damages awarded by the state or federal government
23 for a relocation and replacement made necessary by the
24 acquisition of county property for a state or federal project.
25 d. Federal revenue-sharing funds for courthouse remodeling
26 in a county with a population of over two hundred thousand.
27 e. Federal funds including federal revenue-sharing funds,
28 when less than fifteen percent of county matching funds are
29 required.
30 4. If an expenditure not subject to subsection 1 exceeds
31 fifty thousand dollars, the board shall hold a public hearing
32 on the proposal after notice as required in section 304 of
33 this Act.
34 5. A tax may be levied as provided in section 421, subsec-
35 tion 19, of this Act if approved at the election required

1 under subsection 1.

2 6. Notice of adoption of a proposal submitted under subsec-
3 tion 1 shall be published in the same manner as the notice
4 of the election.

5 7. A proposal adopted at an election under subsection
6 1 or other state law may be rescinded at a subsequent election,
7 subject to rights and obligations incurred under contracts
8 resulting from the election which approved the proposal.
9 Unobligated amounts collected from tax levies rescinded shall
10 revert to the general fund.

11 8. A proposal subject to approval at an election under
12 subsection 1 shall be submitted at the next general election
13 upon receipt by the board of supervisors of a petition re-
14 questing its submission and signed by one-fourth of the
15 qualified electors in the county as shown by the registration
16 lists for the last preceding general election.

17 9. Notice of an election under this section shall be
18 published as provided in section 305 of this Act and shall
19 state the whole question to be voted upon, including but not
20 limited to the amount to be raised and the rate of tax to
21 be levied.

22 Sec. 1060. Section 346A.2, Code 1981, is amended to read
23 as follows:

24 346A.2 AUTHORIZED IN CERTAIN COUNTIES. ~~Subject-to-and~~
25 ~~in-accordance-with-the-provisions-of-this-chapter,-counties~~
26 Counties having a population over seventy thousand, as
27 determined by the last official United States census, are
28 ~~hereby-authorized-to~~ may undertake and carry out any project
29 as ~~hereinbefore~~ defined in section 346A.1, and the boards
30 ~~thereof-are-authorized-to~~ may operate, control, maintain and
31 manage health centers and additions ~~thereto~~ to and facilities
32 ~~therefor~~ for health centers. The boards ~~thereof-are-further~~
33 ~~authorized-to~~ may appoint ~~such~~ committees, groups, or operating
34 boards as they may deem necessary and advisable to facilitate
35 the operation and management of ~~such~~ health centers, additions

1 and facilities. ~~The board is further authorized to~~ A board
 2 may lease space in any health center to other public
 3 corporations, public agencies and private nonprofit agencies
 4 engaged in furnishing health, welfare and social services
 5 which lease shall be on ~~such~~ terms and conditions as the board
 6 ~~may deem~~ deems advisable. All contracts for the construction,
 7 reconstruction, completion, equipment, improvement, repair
 8 or remodeling of any buildings, additions or facilities shall
 9 be let in accordance with ~~the provisions of section 332.7~~
 10 ~~and chapter 23~~ section 340, subsection 1, of this Act. To
 11 pay the cost of operating, maintaining and managing a health
 12 center the board of any such county ~~is authorized to~~ may levy
 13 an annual tax ~~not exceeding fifty-four cents per thousand~~
 14 ~~dollars of assessed value per annum on all the taxable property~~
 15 ~~in the county, said levy to be in addition to all other levies~~
 16 ~~authorized by law for similar purposes~~ in accordance with
 17 section 421, subsection 21, of this Act.

18 Sec. 1061. Section 347.7, Code 1981, is amended to read
 19 as follows:

20 347.7 TAX LEVY. If ~~the~~ a county hospital be is
 21 established, the board of supervisors, at the time of levying
 22 ordinary taxes, shall levy a tax at the rate voted not to
 23 exceed fifty-four cents per thousand dollars of assessed value
 24 in any one year for the erection and equipment ~~thereof~~ of
 25 the hospital, and also a tax not to exceed twenty-seven cents
 26 per thousand dollars of value for the improvement, maintenance,
 27 and replacements of the hospital, as certified by the board
 28 of hospital trustees, ~~provided, however,~~ However, in counties
 29 having a population of two hundred twenty-five thousand
 30 ~~inhabitants~~ or over, the levy for improvements and maintenance
 31 of the hospital shall not exceed one dollar and thirty-five
 32 cents per thousand dollars of assessed value in any one year.
 33 The proceeds of ~~such~~ the taxes shall constitute the county
 34 public hospital fund and ~~such~~ the fund shall ~~be~~ is subject
 35 to review by the board of supervisors in counties over two

1 hundred twenty-five thousand. ~~Provided, however, that~~ However,
2 the board of trustees of a county hospital ~~of said county,~~
3 where funds are available in the county public hospital fund
4 of said the county which are unappropriated, may use such
5 the unappropriated funds for erecting and equipping hospital
6 buildings and additions thereto without authority from the
7 voters of ~~said~~ the county.

8 No levy shall be made for the improvement, maintenance,
9 or replacements of the hospital until the hospital has been
10 constructed, staffed, and receiving patients. ~~Whenever~~ If
11 revenue bonds are issued and outstanding under ~~the provisions~~
12 ~~of section 347.27 460, subsection 1, paragraph d, of this~~
13 Act, the authority ~~contained in section 347.27 to~~ board may
14 ~~levy the a~~ tax to pay operating and maintenance expenses,
15 ~~when and as therein provided, shall be~~ in lieu of ~~and not~~
16 ~~in addition to~~ the authority otherwise contained in this
17 ~~section to levy the tax of~~ not to exceed twenty-seven cents
18 per thousand dollars of assessed value ~~for the improvement,~~
19 ~~maintenance and replacements of the hospital and of~~ or not
20 to exceed one dollar and twenty-one and one-half cents per
21 thousand dollars of assessed value for improvements and
22 maintenance of the hospital in counties having a population
23 of two hundred twenty-five thousand ~~inhabitants~~ or over.

24 Sec. 1062. Section 347.13, subsection 9, Code 1981, is
25 amended to read as follows:

26 9. Fix at its regular February meeting in each year, the
27 amount necessary for the improvement and maintenance of the
28 hospital during the ensuing fiscal year, and cause the
29 president and the secretary to certify the same amount to
30 the county auditor before March 1 of each year, subject to
31 ~~the provisions of~~ any limitation in section 347.27 347.7.

32 Sec. 1063. Section 347A.1, Code 1981, is amended to read
33 as follows:

34 347A.1 CONTRACTS--TRUSTEES. Any A county ~~in the state~~
35 ~~of Iowa~~ having a population less than one hundred fifty

1 thousand is hereby authorized and empowered to acquire,
2 construct, equip, operate and maintain a county hospital and,
3 for the purpose of acquiring, constructing, equipping,
4 enlarging or improving any such county hospital and acquiring
5 the necessary lands, rights-of-way and other property necessary
6 therefor, may issue revenue bonds all for a county hospital
7 as in this chapter provided in section 460, subsection 1,
8 paragraph e of this Act. All contracts for construction work
9 of such county hospital shall be awarded by the board of
10 supervisors on competitive bidding following such advertisement
11 as may be prescribed by such board. The administration and
12 management of any county the hospital acquired, constructed,
13 equipped, enlarged or improved under this chapter shall be
14 vested in a board of hospital trustees consisting of five
15 members appointed by the board of supervisors from among the
16 resident citizens of the county with reference to their fitness
17 for such office, and not more than two of such the trustees
18 shall be residents of the same township.

19 PARAGRAPH DIVIDED. Such The trustees shall hold office
20 until the next succeeding election, at which time their
21 successors shall be elected, two for a term of two years,
22 two for a term of four years and one for a term of six years,
23 and thereafter their successors shall be elected for regular
24 terms of six years each. Vacancies in the board of trustees
25 may be filled in the same manner as original appointments,
26 to hold office until the vacancies are filled pursuant to
27 section 69.12. Said The trustees shall, within ten days after
28 their appointment or election, shall qualify by taking the
29 usual oath of office, but no bond shall be required of them.
30 The members of such board of hospital trustees shall receive
31 no compensation but shall be reimbursed for all expenses
32 incurred by them with the approval of said the board of
33 trustees in the performance of their duties. The board first
34 appointed shall organize promptly following their its
35 appointment, and shall serve until such time as their

1 successors are elected and qualified; thereafter no later
2 than December 1 of each year the board shall reorganize by
3 the appointment of a ~~chairman~~ chairperson, secretary, and
4 treasurer. The secretary and treasurer shall each file with
5 the ~~chairman~~ chairperson of the board a surety bond in such
6 ~~penal-sum-as~~ the amount the board of trustees requires, with
7 sureties to be approved by the board of trustees, for the
8 use and benefit of the county hospital. The reasonable cost
9 of the bonds shall be paid from the operating funds of the
10 hospital. The secretary shall report to the county auditor
11 and the county treasurer the names of the ~~chairman~~ chairperson,
12 secretary, and treasurer of the board as soon as practicable
13 after the appointment of each.

14 PARAGRAPH DIVIDED. The treasurer of the county hospital
15 shall receive and disburse all funds. Warrants shall be drawn
16 by the secretary and countersigned by the ~~chairman~~ chairperson
17 of the board after the claim has been certified by the board.
18 The treasurer of the county hospital shall keep an accurate
19 account of all receipts and disbursements and shall register
20 all orders drawn and reported ~~to-him~~ by the secretary, showing
21 the number, date, to whom drawn, the fund upon which drawn,
22 the purpose, and amount. The secretary of the board of
23 ~~hospital~~ trustees shall file with the board on or before the
24 tenth day of each month, a complete statement of all receipts
25 and disbursements from all funds during the preceding month,
26 and also the balance remaining on hand in all funds at the
27 close of the period covered by the statement. Before the
28 third Monday of each month, the county treasurer shall give
29 notice to the ~~chairman~~ chairperson of the board of ~~hospital~~
30 trustees of the amount of revenue collected for each fund
31 of the hospital to the first day of that month, and the
32 ~~chairman~~ chairperson shall draw ~~his~~ a draft therefor
33 countersigned by the secretary, upon the county treasurer,
34 who shall pay ~~such~~ the taxes to the treasurer of the hospital,
35 ~~only-on-such~~ upon receipt of the draft.

1 PARAGRAPH DIVIDED. The board of hospital trustees may
2 employ, fix the compensation of, and remove at pleasure
3 professional, technical, and other employees, ~~skilled or~~
4 ~~unskilled~~, as it may ~~deem~~ deems necessary for the operation
5 and maintenance of the hospital, and disbursement of funds
6 ~~in such~~ for operation and maintenance shall be made upon order
7 and approval of the board of hospital trustees. A county
8 hospital may include a nurses home and nurses training school.
9 The board of trustees shall make all rules and regulations
10 governing its meetings and the operation of the county hospital
11 and shall fix rates, ~~fees and~~ charges for the services ~~thereby~~
12 furnished so that the revenues will be at all times sufficient
13 in the aggregate to provide for the payment of the interest
14 on and principal of all revenue bonds ~~that may be~~ issued and
15 outstanding ~~under the provisions of this chapter~~ for the
16 hospital, and for the payment of all operating and maintenance
17 expenses of the hospital.

18 Sec. 1064. Section 351.6, Code 1981, is amended to read
19 as follows:

20 351.6 FEE. The annual license fee shall be ~~one dollar~~
21 ~~for each male, and three dollars for each female dog. Should~~
22 ~~it appear that said fees will not produce sufficient funds~~
23 ~~to pay the claims on the domestic animal fund, set by the~~
24 board of supervisors ~~shall have power, except as to dogs owned~~
25 ~~in cities which exact a license fee on dogs, to increase the~~
26 ~~said fees to a sum not exceeding three dollars for each male,~~
27 ~~and not exceeding five dollars for each female dog. A spayed~~
28 ~~female dog shall be deemed a male. Said~~ The fee shall be
29 ~~sent with~~ accompany the application.

30 Sec. 1065. Section 351.41, Code 1981, is amended to read
31 as follows:

32 351.41 NOT A LIMITATION ON POWER OF MUNICIPALITIES.
33 ~~Nothing in these sections shall be construed to~~ This chapter
34 does not limit the power of any city or county to prohibit
35 dogs and other animals from running at large, whether or not

1 they have been vaccinated for rabies, ~~or-to~~ and does not limit
2 the power of any city or county to provide additional measures
3 for the restriction of dogs and other animals for the control
4 of rabies and for other purposes.

5 Sec. 1066. Section 355.1, Code 1981, is amended to read
6 as follows:

7 355.1 COUNTY SURVEYOR--APPOINTMENT AND DUTIES. A county
8 surveyor ~~may-be~~ appointed by the board of supervisors and
9 ~~shall-hold-office-during-the-pleasure-of-said-board---~~~~said~~
10 ~~surveyor,~~ who shall be a registered land surveyor holding
11 a certificate issued under ~~the-provisions-of~~ chapter 114,
12 shall make ~~all~~ surveys of land within ~~his~~ the county which
13 ~~he-may-be-called~~ upon ~~to-make~~ request, and shall transcribe
14 the field notes and plats ~~made-by-him-shall-be-transcribed~~
15 into a well-bound book, ~~under-his-supervision,~~ at the expense
16 of the person requesting the survey, which book shall be kept
17 in the ~~county~~ auditor's office, ~~and-his.~~ The surveys shall
18 be-held-as of the county surveyor are presumptively correct.

19 Sec. 1067. Section 356A.3, Code 1981, is amended to read
20 as follows:

21 356A.3 ALTERNATIVE CONFINEMENT OF PRISONERS. Any district
22 judge may sentence and commit a person to a facility
23 established and maintained pursuant to section 356A.1 or
24 356A.2 instead of the county jail. A district judge may order
25 the transfer of a person sentenced and committed to the county
26 jail to such a facility upon ~~his-or-her~~ the judge's own motion,
27 the motion of the sentenced and committed person, or the
28 motion of the sheriff. The original order of commitment or
29 the order of transfer to the facility shall set forth the
30 terms and conditions of the detention or commitment, and that
31 the detained or committed person shall abide by the terms
32 and conditions of this chapter and the rules of the facility
33 to which committed or transferred. The order shall be read
34 to the detained, committed, or transferred person in open
35 court. The committing court or a district judge may order

1 any person who has been detained, committed, or transferred
2 to such a facility to be transferred to the county jail if,
3 upon hearing, the court determines ~~such~~ the person has been
4 refractory or disorderly, has willfully destroyed or injured
5 any property in the facility, or has violated any of the terms
6 and conditions of the order of detention, commitment, or
7 transfer or the provisions of this chapter or the rules of
8 the facility ~~wherein~~ where the person was detained or
9 committed. Any violations of the order of detention,
10 commitment, or transfer shall further be punished as contempt
11 of court pursuant to chapter 665. The provisions of section
12 719.4 ~~shall-be~~ are applicable to any person detained,
13 committed, or transferred to a facility established and
14 maintained pursuant to this chapter. The county or city to
15 which the cause originally belonged ~~shall-be~~ is liable for
16 the expense of the original detention, commitment, or transfer
17 and the subsequent expenses of maintaining ~~such~~ the person
18 in the facility. The county's expense shall be levied and
19 paid out of the ~~court-expense~~ fund pursuant to section 444-10
20 425, subsection 9 of this Act.

21 Sec. 1068. Section 356A.7, Code 1981, is amended to read
22 as follows:

23 356A.7 CONTRACT WITH ANOTHER COUNTY. A county board of
24 supervisors may ~~further~~ contract with another county or a
25 city maintaining a jail meeting the minimum standards for
26 the regulation of jails established pursuant to section 356.36
27 for detention and commitment of persons pursuant to section
28 356.1. A person detained or confined in the jail shall be
29 in the charge and custody of the governmental unit maintaining
30 the jail. The cost of detention and confinement shall be
31 levied and paid by the city or ~~from-the-court-expense-fund~~
32 ~~of~~ the county to which the cause originally belonged pursuant
33 ~~to-section-444-10.~~

34 Sec. 1069. Chapter 358, Code 1981, is amended by adding
35 the following new section:

1 NEW SECTION. REVENUE BONDS. Sanitary districts in-
2 corporated under this chapter may exercise the powers granted
3 to counties in sections 461 through 469 of this Act, to issue
4 revenue bonds for the purposes in section 460, subsection
5 1, paragraphs b and c, of this Act.

6 Sec. 1070. Section 358A.2, Code 1981, is amended to read
7 as follows:

8 358A.2 FARMS EXEMPT. No ~~regulation-or~~ ordinance adopted
9 under ~~the-provisions-of~~ this chapter shall-be-construed-to
10 apply applies to land, farm houses, farm barns, farm
11 outbuildings or other buildings, or structures, ~~or-erections~~
12 which are primarily adapted, by reason of nature and area,
13 for use for agricultural purposes, while so used, ~~provided,~~
14 ~~however,-that-such-regulations-or.~~ However, the ordinances
15 ~~which-relate~~ may apply to any structure, building, dam,
16 obstruction, deposit or excavation in or on the flood plains
17 of any river or stream ~~shall-apply-thereto.~~

18 Sec. 1071. Section 358A.3, Code 1981, is amended to read
19 as follows:

20 358A.3 POWERS. Subject to ~~the-provisions-of-sections~~
21 ~~358A.1-and~~ section 358A.2, the board of supervisors ~~of-any~~
22 ~~county-is-hereby-empowered-to~~ may by ordinance regulate and
23 restrict the height, number of structures, and size of
24 buildings and other structures, the percentage of lot that
25 may be occupied, the size of yards, courts, and other open
26 spaces, the density of population, and the location and use
27 of buildings, structures, and land for trade, industry,
28 residence, or other purposes, and ~~to~~ may regulate, restrict,
29 and prohibit the use for residential purposes of tents,
30 trailers, and portable or potentially portable structures,
31 ~~provided-that.~~ However, such powers shall be exercised only
32 with reference to land and structures located within the
33 county but lying outside of the corporate limits of any city.
34 ~~The-board-of-supervisors-of-any-county-may-prescribe-and~~
35 ~~charge-a-reasonable-building-permit-fee,-and-upon-receipt~~

1 of-an-application-containing-all-required-information,-in
2 due-form-and-properly-executed,-showing-that-the-proposed
3 structure-will-comply-with-all-applicable-regulations-of-the
4 political-subdivision-in-which-it-is-to-be-located-and-upon
5 payment-of-the-required-permit-fee,-the-board-of-supervisors
6 shall,-within-seven-days,-issue-a-permit-to-the-applicant-

7 Sec. 1072. Section 358B.3, Code 1981, is amended to read
8 as follows:

9 358B.3 GIFTS ACCEPTED. Counties-may-receive,-hold-and
10 dispose-of-all-gifts,-donations,-devises,-and-bequests-that
11 may-be-made-to-them-for-the-purpose-of-establishing,-
12 increasing,-or-improving-any-library- When the-conditions
13 thereof-have-been a gift for library purposes is accepted
14 by the county, ~~their~~ its use for the county library may be
15 enforced against the ~~county~~ board of supervisors by the library
16 board by an action of mandamus or by other proper action.

17 Sec. 1073. Section 358B.10, unnumbered paragraph 1, Code
18 1981, is amended to read as follows:

19 All moneys received and set apart for the maintenance of
20 ~~such~~ the library shall be deposited in the ~~treasury-of-such~~
21 ~~county-to-the-credit-of-the-library~~ fund specified in section
22 424, subsection 10 of this Act, and shall be kept by the
23 treasurer separate ~~and-apart~~ from all other moneys, and paid
24 out upon the orders of the board of trustees, signed by its
25 president and secretary.

26 Sec. 1074. Section 358B.13, Code 1981, is amended to read
27 as follows:

28 358B.13 MAINTENANCE EXPENSE ON PROPORTIONATE BASIS. The
29 maintenance of a county library shall be on a proportionate
30 population basis whereby each taxing unit ~~as-hereinafter~~
31 ~~defined~~ shall bear its share in proportion to its population
32 as compared to the whole population of said the county library
33 district. The board of library trustees shall on or before
34 January 10 of each year make an estimate of the amount it
35 deems necessary for the maintenance of the county library

1 and shall transmit ~~said~~ the estimate in dollars to the board
2 or boards of supervisors and to the city councils within the
3 district. The entire rural area of each county in the library
4 district shall be considered as a separate taxing unit. Each
5 city which is a part of the county library district shall
6 be considered as a separate taxing unit. The board of
7 supervisors of each county and the council of each city
8 composing ~~said~~ a county library district shall make the
9 necessary levies ~~accordingly~~ for library maintenance purposes,
10 ~~but-the-county-levy-may-not-exceed-fifty-four-cents-per~~
11 ~~thousand-dollars-of-assessed-value~~ subject to the levy limit
12 in section 420, subsection 9 of this Act. Any-unexpended
13 ~~balance-in-the-library-maintenance-fund-at-the-end-of-the~~
14 ~~fiscal-year-shall-remain-in-said-fund-and-be-available-without~~
15 ~~reappropriation.~~

16 Sec. 1075. Section 358B.18, Code 1981, is amended to read
17 as follows:

18 358B.18 CONTRACTS TO USE CITY LIBRARY.

19 1. ~~Contracts-may-be-made-by-a~~ A school corporation,
20 township, ~~county,~~ or the-trustees-of-any county library
21 district may contract for the use by ~~their~~ its residents of
22 a city library. ~~---Townships-and-counties-may-enter-into~~
23 ~~contracts,~~ but if a contract is made by a county board of
24 supervisors or township trustees, it may only ~~contract~~ be
25 for the residents outside of cities. A contract by a county
26 shall supersede all contracts by townships or school
27 corporations within the county outside of cities.

28 2. a. Contracts shall provide for the rate of tax to
29 be levied. They may, by mutual consent of the contracting
30 parties, be terminated at any time. They may also be
31 terminated by a majority of the voters represented by either
32 of the contracting parties, voting on a proposition to
33 terminate which shall be submitted by the governing body upon
34 a written petition of qualified voters in a number not less
35 than five percent of those who voted in the area for president

1 of the United States or governor at the last general election.

2 3- b. The proposition may be submitted at any election
3 provided by law which covers the area of the unit seeking
4 to terminate the contract. The petition shall be presented
5 to the governing body not less than forty days before the
6 election at which the question is to be submitted.

7 4 3. The board of trustees of any township which has
8 entered into a contract shall at the April meeting levy a
9 tax not exceeding six and three-fourth cents per thousand
10 dollars of assessed valuation on all taxable property in the
11 township to create a fund to fulfill its obligation under
12 the contract.

13 4. The board of supervisors, after it makes such a
14 contract, shall levy ~~annually on the taxable property of the~~
15 ~~county outside of cities, a tax of not more than twenty-seven~~
16 ~~cents per thousand dollars of assessed valuation to create~~
17 a fund as provided in section 420, subsection 10, of this
18 Act to fulfill its obligation under the contract or under
19 a contract of library trustees appointed under subsection
20 5.

21 5. a. Qualified ~~voters~~ electors of that part of any
22 county outside of cities in a number of not less than twenty-
23 five percent of those in the area who voted for president
24 of the United States or governor at the last general election
25 may petition the board of supervisors to submit the proposition
26 of requiring the board ~~of supervisors~~ to provide library
27 service for them and their area by contract as provided by
28 this section.

29 6- b. The board of supervisors shall submit the proposition
30 to the voters of the county residing outside of cities at
31 the next election, primary or general, provided that the
32 petition has been filed not less than forty days prior to
33 the date of the election at which the question is to be
34 submitted.

35 7- c. If a majority of those voting upon the proposition

1 favors it, the board of supervisors shall within thirty days
2 appoint a board of library trustees from residents of the
3 petitioning area. Vacancies shall be filled by the board
4 of-supervisors.

5 8- d. The board of trustees ~~is authorized to~~ may contract
6 with any library for library use or service for the benefit
7 of the residents and area represented by it.

8 9-~~The board of supervisors shall levy annually on the~~
9 ~~taxable property of the county outside of cities, a tax of~~
10 ~~not more than twenty-seven cents per thousand dollars of~~
11 ~~assessed valuation to create a fund to fulfill the contract~~
12 ~~obligations of the trustees appointed by it.~~

13 Sec. 1076. Section 359.42, Code 1981, is amended to read
14 as follows:

15 359.42 TOWNSHIP FIRE PROTECTION SERVICE AND AMBULANCE
16 SERVICE. The trustees of each township ~~in this state~~ shall
17 provide fire protection service for the township, exclusive
18 of any part of the township within a benefited fire district
19 and, in counties not providing ambulance services ~~under section~~
20 ~~332-3, subsection 23~~, may provide ambulance service. The
21 trustees may purchase, own, rent or maintain fire protection
22 service or ambulance service apparatus or equipment or both
23 kinds of apparatus or equipment and provide housing for the
24 equipment. The trustees may contract with any public or
25 private agency under chapter 28E for the purpose of providing
26 fire protection service or ambulance service or both services
27 under this section.

28 Sec. 1077. Section 359.45, Code 1981, is amended to read
29 as follows:

30 359.45 ANTICIPATORY BONDS. Townships may anticipate the
31 collection of taxes authorized by section 359.43 and for such
32 purposes may direct the county board of supervisors to issue
33 ~~bonds payable in not more than ten equal annual installments~~
34 ~~and at a rate of interest not exceeding that permitted by~~
35 ~~chapter 74A and payable at such place and be in such form~~

~~1 as-the-board-of-trustees-shall-designate-by-resolution-~~
~~2 Sections-23-12-to-23-16,-inclusive,-and-provisions-of-law~~
3 under sections 400 through 448 of this Act relating to
4 essential corporate county purpose bonds of-a-city,-so-far
5 as-applicable,-shall-apply-to-such-bonds except that the bonds
6 are payable only from tax levies on property subject to the
7 levy under section 359.43.

8 Sec. 1078. Section 361.3, subsection 4, Code 1981, is
9 amended to read as follows:

10 4. Request the county board of supervisors to conduct
11 a referendum authorizing the levy and collection of a tax,
12 ~~not-to-exceed-two-cents-per-acre-on-agricultural-land-in-the~~
13 ~~county,~~ as provided in section 420, subsection 11, of this
14 Act for the administration of an artificial weather
15 modification program.

16 Sec. 1079. Section 361.5, Code 1981, is amended to read
17 as follows:

18 361.5 ELECTION ON QUESTION. Upon request of the weather
19 modification board, the county board of supervisors shall
20 submit to the owners and tenants of agricultural land in the
21 county at any general election or special election called
22 for that purpose, the question of whether a tax ~~not-to-exceed~~
23 ~~two-cents-per-acre~~ in accordance with section 361.3, subsection
24 4, shall be levied annually on agricultural land. Notice
25 of the election shall be published each week for two
26 consecutive weeks ~~in-a-newspaper-of-general-circulation~~
27 ~~throughout-the-county~~ as provided in section 304 of this Act.
28 The notice shall include the date and time of the election
29 and the question to be voted upon. A majority of the
30 agricultural landowners and tenants voting shall determine
31 the question.

32 Sec. 1080. Section 361.6, Code 1981, is amended to read
33 as follows:

34 361.6 BUDGET REQUESTS. The weather modification board
35 shall annually submit a budget request to the county board.

1 of supervisors. If the annual tax levy is approved as provided
 2 in section 361.5, the weather modification board shall deter-
 3 mine the tax levy needed, not to exceed ~~two-cents-per-acre~~
 4 ~~on-agricultural-land~~ the approved levy, to meet the budget
 5 request. ~~The-tax-shall-be-levied-by-the-board-of-supervisors~~
 6 ~~and-collected-at-the-same-time-and-in-the-same-manner-as-other~~
 7 ~~property-taxes.~~

8 Sec. 1081. Section 384.12, subsections 15 and 18, Code
 9 1981, are amended to read as follows:

10 15. If a city has joined with the county to form an
 11 authority for a joint county-city building, as provided in
 12 ~~sections~~ section 346.26 ~~and-346.27~~, and has entered into a
 13 lease with the authority, a tax sufficient to pay the annual
 14 rent payable under the lease.

15 18. A tax not to exceed twenty and one-half cents per
 16 thousand dollars of assessed value each year to maintain an
 17 institution received by gift or devise, ~~as-provided-in-sec-~~
 18 ~~tion-565.8~~ subject to an election as required under subsection
 19 1.

20 Sec. 1082. Section 420.207, Code 1981, is amended to read
 21 as follows:

22 420.207 TAXATION IN GENERAL. ~~The-provisions-of-sections~~
 23 Sections 427.1, 427.3 to 427.11, 428.4, 428.16 to 428.23,
 24 436.10, 436.11, 437.1, 437.3, 437.14, 441.21, 443.1 to 443.3,
 25 ~~443.20~~, 444.2 to 444.5, and 447.9 to 447.13, so far as
 26 applicable, ~~shall~~ apply to cities acting under special
 27 charters.

28 Sec. 1083. Section 441.56, Code 1981, is amended to read
 29 as follows:

30 441.56 ASSESSOR'S DUTIES--COMBINED APPOINTMENT. When
 31 the duties of the county assessor are combined with the duties
 32 of another officer or employee as provided in ~~sections-332-17~~
 33 ~~to-332-21~~ section 322, subsection 1, of this Act, the person
 34 named to perform the combined duties shall be appointed as
 35 provided in sections 441.5 to 441.8.

1 Sec. 1084. Section 471.4, subsection 1, Code 1981, is
2 amended to read as follows:

3 1. COUNTIES. Upon all counties for such-lands-as public
4 purposes which are reasonable and necessary ~~for-the-erection~~
5 ~~of-courthouses-or-jails-or-any-other-buildings-or-additions~~
6 ~~to-buildings-which-the-county-has-statutory-power-to-erect,~~
7 ~~construct-or-make-additions,-for-projects-provided-for-in~~
8 ~~chapter-467B-and-the-construction,-improvement-or-maintenance~~
9 ~~of-highways,-and-for-the-carrying-out-of-plans-for-the~~
10 ~~acquisition-of-land-advanced-by-a-county-conservation-board,~~
11 ~~and-approved-by-the-state-conservation-commission-as-provided~~
12 ~~in-section-111A.4,-providing-further,-it-would-not-completely~~
13 ~~prevent-development-of-the-conservation-project,-this-authority~~
14 ~~shall-not-apply-to-any-improved-private-property-used-as-a~~
15 ~~residence-or-living-quarters-for-a-period-of-one-year,-not~~
16 ~~to-exceed-two-acres,-or-if-jointly-owned,-not-to-exceed-two~~
17 ~~acres-per-residential-unit,-unless-subsequently-abandoned~~
18 ~~for-use-for-such-purposes~~ as an incident to the powers and
19 duties conferred upon counties. Temporary-uneccupancy-shall
20 ~~not-be-construed-as-abandonment.---Wherever-the-county-has~~
21 ~~the-right-to-take-private-property-for-public-use,-it-also~~
22 ~~has-the-right-to-contract-for-options-for-the-purchase-of~~
23 ~~said-land.~~

24 Sec. 1085. Section 509A.1, Code 1981, is amended to read
25 as follows:

26 509A.1 AUTHORITY OF GOVERNING BODY. The governing body
27 of the state, ~~county,~~ school district, or any institution
28 supported in whole or in part by public funds may establish
29 plans for and procure group insurance, or health or medical
30 service for the employees of the state, ~~county,~~ school
31 district, or tax-supported institution. ~~The-county-board~~
32 ~~of-supervisors-may-establish-plans-for-and-procure-group~~
33 ~~insurance,-health-or-medical-service-for-the-county-auditor,~~
34 ~~the-county-treasurer,-the-county-attorney,-the-county-recorder,~~
35 ~~the-clerk-of-the-district-court,-the-members-of-the-board~~

1 ~~of-supervisors-and-the-sheriff-~~

2 Sec. 1086. Section 509A.11, Code 1981, is amended to read,
3 as follows:

4 509A.11 DEFINITIONS. For purposes of this chapter the
5 ~~following-terms-shall-have-the-following-meaning:~~

6 1. ~~The-words-"governing"~~ "Governing body" ~~mean~~ means the
7 executive council of the state, ~~the-board-of-supervisors-of~~
8 ~~counties,~~ the school boards of school districts, and the
9 superintendent or other person in charge of an institution
10 supported in whole or in part by public funds.

11 2. ~~The-words-"public"~~ "Public body" ~~mean~~ means the state,
12 a ~~county,~~ school district, or an institution supported in
13 whole or in part by public funds.

14 Sec. 1087. Section 509A.12, Code 1981, is amended to read
15 as follows:

16 509A.12 DEFERRED COMPENSATION PROGRAM FOR GOVERNMENTAL
17 EMPLOYEES. At the request of an employee the governing body
18 or the county board of supervisors shall by contractual
19 agreement acquire an individual or group life insurance
20 contract, annuity contract, security, or any other deferred
21 payment contract for the purpose of funding a deferred
22 compensation program for an employee, from any company the
23 employee may choose that is authorized to do business in this
24 state and from any life underwriter duly licensed by this
25 state or from any securities dealer or salesman registered
26 in this state to contract business in this state. The deferred
27 compensation program shall be administered so that the state
28 comptroller or ~~his~~ the state comptroller's designees may remit
29 one sum for the entire program according to a single billing.

30 ~~The-provisions-of-this~~ This section ~~shall-be~~ is in addition
31 to any benefit program provided by law for any employees of
32 the state or ~~any-of~~ its political subdivisions.

33 Sec. 1088. Section 565.6, Code 1981, is amended to read
34 as follows:

35 565.6 GIFTS TO GOVERNMENTAL BODIES. ~~Counties,-civil~~ Civil

1 townships wholly outside of any city, and school corporations,
 2 are authorized to take and hold property, real and personal,
 3 by gift and bequest, and to administer the same property
 4 through the proper officer in pursuance of the terms of the
 5 gift or bequest. ~~No-title~~ Title shall not pass unless accepted
 6 by the governing board of the corporation or township.
 7 Conditions attached to ~~such~~ the gifts or bequests become
 8 binding upon the corporation or township upon acceptance
 9 thereof.

10 Sec. 1089. Section 565.12, Code 1981, is amended to read
 11 as follows:

12 565.12 CONDITION AS TO ANNUITY. When a gift or bequest
 13 is conditioned upon the payment of an annuity to the donor,
 14 or any other person, ~~the-governing-board-of a county-or~~ city
 15 may, upon acceptance of ~~such~~ the gift or bequest, agree to
 16 pay ~~such~~ the annuity providing the amount ~~thereof~~ does not
 17 exceed five percent of the amount of the gift or bequest and
 18 does not exceed the amount realized from a tax levy of twenty-
 19 seven cents per thousand dollars of assessed value upon the
 20 taxable property of ~~said-county-or~~ the city.

21 Sec. 1090. Section 565.13, Code 1981, is amended to read
 22 as follows:

23 565.13 ANNUITY TAX. To provide for the payment of ~~such~~
 24 an annuity, the ~~county-or city,-through-its-proper-officers,-~~
 25 shall annually thereafter levy a tax, ~~not-exceeding-twenty~~
 26 ~~and-one-fourth-cents-per-thousand-dollars-of-assessed-value,-~~
 27 ~~if-levied-by-a-county,~~ sufficient to pay ~~such~~ the annuity.

28 Sec. 1091. Section 566.16, unnumbered paragraph 1, Code
 29 1981, is amended to read as follows:

30 Before any part of the principal may be so invested or
 31 used, the ~~said~~ county, city, board of trustees of cities to
 32 whom the management of municipal cemeteries has been
 33 transferred by ordinance, or civil township shall, by
 34 resolution, ~~in-accordance-with-the-law-as-now-provided,~~ accept
 35 ~~said~~ the donation or bequest, and that portion of cemetery

1 lot sales or permanent charges made against cemetery cemetery
 2 lots which is to be used for perpetual care of cemetery lots,
 3 and shall, by said resolution, duly shall provide for the
 4 payment of interest thereon, payable annually, to the cemetery
 5 ~~general~~ fund specified in section 425, subsection 8 of this
 6 Act or to the cemetery association, or to the person having
 7 charge of said the cemetery, to be used in caring for or
 8 maintaining the individual property of the donor in said the
 9 cemetery, or lots which have been sold where, ~~in said sale,~~
 10 if provision was made for the perpetual care thereof, all
 11 ~~to be~~ in accordance with the terms of the donation or bequest,
 12 or the terms of the sale or purchase of a cemetery lot.

13 Sec. 1092. Section 566.17, Code 1981, is amended to read
 14 as follows:

15 566.17 DELEGATES TO CONVENTIONS. ~~Every county or~~ A
 16 township having a cemetery under its control may delegate
 17 not to exceed two officials from each cemetery so controlled
 18 to attend meetings of cemetery officials, and certain expenses,
 19 including association dues, not to exceed twenty-five dollars,
 20 of said the delegates may be paid out of the cemetery fund
 21 of ~~said county or~~ the township.

22 Sec. 1093. Section 566.18, Code 1981, is amended to read
 23 as follows:

24 566.18 SUBSCRIBING TO PUBLICATIONS. The cemetery officials
 25 of every ~~county or~~ township having a cemetery under its control
 26 may subscribe to one or more publications devoted exclusively
 27 to cemetery management, ~~but said~~ and the subscriptions may
 28 be paid out of the cemetery fund of the ~~county or~~ township.

29 Sec. 1094. Section 569.8, Code 1981, is amended to read
 30 as follows:

31 569.8 TITLE UNDER TAX DEED--SALE APPORTIONMENT OF PROCEEDS.

32 1. Disposition by a county of property acquired by tax
 33 deed shall comply with the requirements of section ~~332-3~~ 360,
 34 subsection ~~13~~ 2 of this Act.

35 2. When any title to property acquired by tax deed is

1 ~~sold-and-paid-for~~ transferred, the auditor shall immediately
2 record the deed and the assessor shall enter the property
3 to be assessed following the assessment date.

4 3. Property the county holds by tax deed shall not be
5 assessed or taxed until ~~sold-by-auction-as-provided-in-this~~
6 ~~section~~ transferred.

7 4. The ~~sale~~ transfer of property ~~under-this-section-shall~~
8 ~~give~~ acquired by tax deed gives the purchaser free title as
9 to past general taxes, and special taxes which are past due
10 on any special assessment already certified to the county.

11 5. After deducting any expense the county incurred in
12 the sale, the proceeds of the sale including penalty, interest
13 and costs shall be divided and prorated to the several taxing
14 districts for general taxes and special assessments owed to
15 the taxing districts ~~on~~ in the basis-of proportion that the
16 amounts of general taxes and special assessments owed to each
17 taxing district ~~is-to~~ are of the total amount of general taxes
18 and special assessments owed to all taxing districts.

19 Sec. 1095. Section 601C.2, subsection 2, Code 1981, is
20 amended to read as follows:

21 2. "Food service" includes restaurant, cafeteria, snack
22 bar, vending machines for food and beverages, and goods and
23 services customarily offered in connection with any of the
24 ~~foregoing~~ these. It does not include goods and services
25 offered by a veteran's newsstand under section 19.16 or sec-
26 tion ~~332-5~~ 360, subsection 4 of this Act.

27 Sec. 1096. Section 622.93, Code 1981, is amended to read
28 as follows:

29 622.93 APPLICABILITY IN POLK COUNTY. Proof of the
30 publication of the filing in the district court of the
31 petitions as provided for in section 618.13 and a charge on
32 the basis of one dollar for each petition shall be made once
33 each month by the publisher ~~thereof~~, presented to the clerk
34 of the district court for verification and approval, and filed
35 with the county auditor to be presented to the board of

1 supervisors, which shall order the claim for such publications
2 paid from the ~~district-court-funds~~ fund specified in section
3 425, subsection 9 of this Act.

4 Sec. 1097. Sections 18.94, 24.37, 24.38, 37.5, 37.7,
5 137.16, 137.20, 150.9, 150A.5, 164.24 through 164.27, 165.18
6 through 165.21, 165.24, 174.14, 174.17, 174.18, 174.24 through
7 174.27, 176A.12, 222.76, 230.23, 230.24, 250.1, 250.2, 252.28
8 through 252.31, 252.34, 252.36, 252.38 through 252.41, 252.45,
9 253.2, 253.4, 253.7, 253.10, 253.11, 253.13, 309.7 through
10 309.9, 309.73, 309.85 through 309.91, 313A.35, 317.19, 317.20,
11 327H.23, 330.2, 330.5 through 330.7, 330.10 through 330.12,
12 330.14, 330.15, 330.23, chapter 332, sections 345.2 through
13 345.17, 346.1 through 346.23, 346.25, 346.26, 346A.3 through
14 346A.5, 347.1 through 347.6, 347.8, 347.21, 347.22, 347.27,
15 347A.2 through 347A.4, 347A.7, 347A.8, chapter 350, sections
16 352.4 through 352.6, chapters 353 and 354, sections 355.6,
17 358A.25, 358A.26, 358B.1, 361.4, 441.14, 443.20, 444.9 through
18 444.12, 455B.81, 467B.9, chapters 546 and 546A, sections
19 558.16, 558.17, 565.8 through 565.11, 565.14, and 693.6, Code
20 1981, are repealed.

21 CORRESPONDING AMENDMENTS

22 COUNTY OFFICERS

23 Sec. 1200. Section 24.14, Code 1981, is amended to read
24 as follows:

25 24.14 TAX LIMITED. No greater tax than that so entered
26 upon the record shall be levied or collected for the
27 municipality proposing ~~such~~ the tax for the purpose or purposes
28 indicated; and thereafter no greater expenditure of public
29 money shall be made for any specific purpose than the amount
30 estimated and appropriated therefor, except as provided in
31 sections 24.6, 24.15 and section ~~343+117--subsection-4~~ 900,
32 subsection 6, paragraph d of this Act. All budgets set up
33 in accordance with the statutes shall take such funds, and
34 allocations made by sections 123.53, 324.79 and 405.1, into
35 account, and all such funds, regardless of their source, shall

1 be considered in preparing the budget, all as is provided
2 in this chapter.

3 Sec. 1201. Chapter 28E, Code 1981, is amended by adding
4 the following new section:

5 NEW SECTION. ADDITIONAL LAW ENFORCEMENT. If a tract of
6 land is owned by a corporation organized under chapter 491
7 with assets of the value of one million dollars or more which
8 has one or more platted villages located within the ter-
9 ritorial limits of the tract of land, all of the territory
10 within the plats of the villages with their additions or sub-
11 divisions, for the purposes of this section, is deemed to
12 be one incorporated city. The corporation may assess and
13 collect funds from its property owners for the purpose of
14 obtaining additional law enforcement services from the county
15 sheriff. The corporation may contract under chapter 28E with
16 the county sheriff for additional law enforcement services.

17 Sec. 1202. Section 39.18, Code 1981, is amended to read
18 as follows:

19 39.18 BOARD OF SUPERVISORS AND TOWNSHIP TRUSTEES. There
20 shall be elected, biennially, in counties and townships,
21 members of the board of supervisors and township trustees,
22 respectively, to succeed those whose terms of office will
23 expire on the first day of January following the election
24 which is not a Sunday or legal holiday. The term of office
25 of each supervisor or trustee shall be four years, except
26 as otherwise provided by section ~~331-257-subsection-27-and~~
27 ~~section-331-267-subsection-4~~ 207 or 208 of this Act.

28 Sec. 1203. Section 49.4, subsection 2, Code 1981, is
29 amended to read as follows:

30 2. Counties using alternative supervisor representation
31 plans two or three, as described in section ~~331-8~~ 205 of this
32 Act, shall be apportioned into single-member supervisor
33 districts on the basis of population. In counties using
34 representation plan three, the boundaries of supervisor
35 districts shall follow the boundaries of election precincts.

1 Sec. 1204. Section 69.8, subsection 6, Code 1981, is
2 amended to read as follows:

3 6. CLERK OF THE DISTRICT COURT. In the office of the
4 clerk of the district court, by the said district court or
5 by a judge ~~thereof~~ of the district court, by order entered
6 of record in the court journal which order shall be effective
7 until the vacancy ~~shall-be-filled-in-the-manner-provided-by~~
8 law is filled by appointment of the board of supervisors and
9 a successor is elected and qualifies.

10 Sec. 1205. Section 96.14, subsection 3, unnumbered para-
11 graph 5, Code 1981, is amended to read as follows:

12 The department shall pay a recording fee as provided in
13 section ~~335-14~~ 603 of this Act, for the recording of such
14 the lien, or for the its satisfaction ~~thereof~~.

15 Sec. 1206. Chapter 127, Code 1981, is amended by adding
16 the following new section:

17 NEW SECTION. CONVEYANCE SUBJECT TO FORFEITURE. A
18 conveyance as defined in section 127.1 which is used in the
19 unlawful transportation or distribution of a controlled
20 substance is subject to seizure and forfeiture under this
21 chapter in the same manner as if the conveyance is used in
22 the unlawful transportation of intoxicating liquor. The peace
23 officer seizing a conveyance for a violation relating to the
24 distribution or transportation of a controlled substance shall
25 follow procedures specified in this chapter to the extent
26 applicable.

27 Sec. 1207. Section 144.56, unnumbered paragraph 2, Code
28 1981, is amended to read as follows:

29 ~~The-provisions-of-this~~ This section ~~shall~~ does not apply
30 to any death investigated under the authority of sections
31 ~~339-6-to-339-12~~ 801 through 803 of this Act.

32 Sec. 1208. Section 161.13, Code 1981, is amended by
33 striking the section and inserting in lieu thereof the
34 following:

35 161.13 REPORT TO STATE CONSERVATION COMMISSION. The

1 county assessor shall keep a record of all forest and fruit-
2 tree reservations in the county and submit a report of the
3 reservations to the state conservation commission not later
4 than June 15 of each year.

5 Sec. 1209. Section 230A.9, subsection 3, Code 1981, is
6 amended to read as follows:

7 3. At intervals specified by the county board of
8 supervisors, not less often than once each ninety days, the
9 county treasurer of each county served by the center shall
10 notify the chairperson of the center's board of trustees of
11 all amounts due the center from the county which have not
12 previously been paid over to the treasurer of the center.
13 The chairperson shall then file a claim for payment as
14 specified in sections ~~331-207-333-2-and-334-1-to-334-7~~ 503,
15 subsection 7, 505, and 553 of this Act. ~~The provisions of~~
16 ~~section-331-21~~ Section 503, subsection 8 of this Act
17 notwithstanding, ~~no-such~~ the claims shall not include
18 information which in any manner identifies an individual who
19 is receiving or has received treatment at the center.

20 Sec. 1210. Section 298.13, Code 1981, is amended to read
21 as follows:

22 298.13 MONTHLY PAYMENT OF TAXES. Before the fifteenth
23 day of each month in each year, the county treasurer shall
24 give notice to ~~the-president-of~~ the board of each school
25 corporation in the county of the amount collected for each
26 fund to the first day of ~~such the month,-and-the.~~ The
27 president of each board shall draw ~~his a draft therefor for~~
28 the amount reported, countersigned by the secretary, upon
29 the county treasurer, who shall pay ~~such the~~ taxes to the
30 treasurers of the several school boards only on ~~such the~~
31 draft.

32 Sec. 1211. Section 311.8, unnumbered paragraph 1, Code
33 1981, is amended to read as follows:

34 Upon the filing of ~~such the~~ petition with the county ~~auditor~~
35 engineer proposing the establishment of ~~such a~~ secondary road

1 assessment district, the county engineer shall ~~file~~ prepare
2 a report ~~thereon-with-the-county-auditor~~ on the proposed
3 district, which report shall include:

4 Sec. 1212. Section 311.11, unnumbered paragraph 1 and
5 subsection 9, Code 1981, is amended to read as follows:

6 The board of supervisors shall fix a time for hearing on
7 the proposal for the establishment of ~~said~~ the secondary road
8 assessment district and on the apportionment of not less than
9 twenty-five percent of the estimated cost of the proposed
10 improvement, and shall cause the county ~~auditor~~ engineer to
11 publish notice of ~~said~~ the hearing. ~~Said~~ The notice shall
12 state:

13 9. That all objections to the establishment of ~~said~~ the
14 district, to the ~~said~~ the apportionment report, or to the
15 proceedings relating ~~thereto~~ to the district or report must
16 be specifically made in writing and filed with the county
17 ~~auditor~~ engineer on or before noon of the day set for ~~such~~
18 the hearing, and

19 Sec. 1213. Section 311.12, Code 1981, is amended to read
20 as follows:

21 311.12 PUBLICATION OF NOTICE. ~~Such~~ The notice shall be
22 published once each week for two successive weeks in some
23 newspaper published in the county as near as practicable to
24 ~~said~~ the district. The last publication shall be not less
25 than five days previous to ~~said~~ the hearing. Proof of ~~such~~
26 the publication shall be made by the publisher by affidavit
27 filed with the county ~~auditor~~ engineer.

28 Sec. 1214. Section 311.24, Code 1981, is amended to read
29 as follows:

30 311.24 APPEAL FROM ASSESSMENT. Any owner of land in a
31 secondary road assessment district may appeal to the district
32 court from the order of the board of supervisors in levying
33 the assessment against ~~his~~ the owner's real estate, by filing
34 with the county ~~auditor~~ engineer within fifteen days of the
35 date of ~~such~~ the levy, a bond conditioned to pay all costs

1 in case the appeal is not sustained, and a written notice
2 of appeal where he the owner shall, with particularity, point
3 out the specific objection which he the owner desires to lodge
4 against such the levy. ~~Said The~~ appeal ~~shall have~~ has
5 precedence over all other business pending before the court
6 except criminal matters. The appeal shall be heard as in
7 equity. The court may raise or lower the assessment in
8 question and make an equitable assessment in the judgment
9 of the court. The clerk of the district court shall, upon
10 the entry of the final order of the court, certify ~~such the~~
11 final order to the county ~~auditor~~ engineer. The board of
12 supervisors shall ~~at once~~ adjust the assessments as to
13 comply with the final order of the court.

14 Sec. 1215. Section 311.25, Code 1981, is amended to read
15 as follows:

16 311.25 APPEAL DOCKETED. When an appeal is taken, the
17 county ~~auditor~~ engineer shall ~~at once~~ make a transcript of
18 the notice of appeal and appeal bond and transmit ~~the same~~
19 them to the district court. The appellant shall, within
20 twenty days after perfection of ~~said the~~ appeal, docket ~~said~~
21 the appeal and file a petition setting forth the order or
22 decision of the board of supervisors appealed from, and ~~his~~
23 the appellant's specific objections ~~thereto~~. A failure to
24 comply with either of these requirements ~~shall be deemed is~~
25 a conclusive waiver of the appeal and ~~in such case~~ the court
26 shall dismiss the ~~same~~ petition. Appellee need not file
27 answer, but may do so.

28 Sec. 1216. Section 311.26, Code 1981, is amended to read
29 as follows:

30 311.26 ASSESSMENTS CERTIFIED TO COUNTY TREASURER. When
31 the board of supervisors has entered its final order as to
32 the amounts of all special assessments on a given improvement,
33 the county ~~auditor~~ engineer shall at once certify a list of
34 ~~such the~~ assessments and a list of real estate upon which
35 each assessment has been levied, with the specific designation

1 of the district embracing such the real estate, to the county
 2 treasurer, who shall enter each assessment on the tax books
 3 and continue such the entry until such the assessment is paid.

4 Each special assessment and all installments ~~thereof shall~~
 5 be of the special assessment are a lien upon the real estate
 6 upon which ~~it is~~ levied from the date of such the certificate
 7 by the county ~~auditor~~ engineer to the same extent and in the
 8 same manner as taxes levied for state and county purposes.

9 Changes in the amount of any a special assessment by reason
 10 of any a ruling of the district court on appeals shall be
 11 likewise certified and the county treasurer shall make the
 12 proper correction on ~~his~~ the books.

13 Sec. 1217. Section 311.28, Code 1981, is amended to read
 14 as follows:

15 311.28 CERTIFICATES ANTICIPATING ASSESSMENTS. In order
 16 to render immediately available that amount of the estimated
 17 cost of an improvement which has been specially assessed,
 18 the board may issue road certificates in the name of the
 19 county in an aggregate amount not exceeding the then unpaid
 20 amount of the special assessment levied in ~~said~~ the district.
 21 Each issue of certificates shall be under, and in accordance
 22 with, a duly adopted resolution of the board and which shall
 23 recite ~~(1)-the~~ all of the following:

24 1. The name or designation of the road district on account
 25 of which the certificates are issued, ~~--(2)-that.~~

26 2. That a stated amount ~~(naming-the-amount)~~ has been
 27 specially assessed against the lands within ~~said~~ the district,
 28 ~~(3)-that.~~

29 3. That a stated amount of ~~said~~ the aggregate special
 30 assessment has not yet been paid ~~(naming-the-unpaid-amount)~~,
 31 ~~(4)-that.~~

32 4. That it is necessary to render such the unpaid amount
 33 immediately available, ~~--(5)-the.~~

34 5. The number of road certificates authorized and the
 35 specific amount of each certificate, ~~(6)-the.~~

1 6. The specific numbering or designation of such the
2 certificates,--~~(7)~~--the.

3 7. The rate of interest which each certificate shall bear
4 from date, not exceeding that permitted by chapter 74A,--~~(8)~~--
5 the.

6 8. The fact that ~~said~~ the certificates are payable solely
7 from the proceeds of the special assessments which have been
8 levied on the lands within ~~said the~~ the districts,--~~(9)~~--that.

9 9. That each certificate shall be payable on or before
10 ~~the first day of~~ January 1 of the first year following the
11 maturity of the last installment of such the special
12 assessments, and that interest ~~thereon~~ on the certificate
13 shall be paid annually,--~~(10)~~--the.

14 10. The authorization to the ~~chairman~~ chairperson of the
15 board, and to the county ~~auditor~~,--respectively treasurer,
16 to sign and countersign each of ~~said the~~ the certificates.

17 Sec. 1218. Section 311.29, Code 1981, is amended to read
18 as follows:

19 311.29 SALE OF CERTIFICATES. Upon the signing of each
20 of ~~said the~~ the certificates by the ~~chairman~~ chairperson of the
21 board, ~~said the~~ the certificates shall be delivered to the county
22 ~~auditor~~ treasurer, who shall countersign ~~the same~~,--charge
23 ~~the county treasurer with the amount thereof~~,--and deliver
24 ~~the same to the latter officer~~, them and who shall be
25 responsible ~~therefor~~ for them on his or her bond. The
26 treasurer may apply ~~said the~~ the certificates in payment of any
27 warrants duly authorized and issued for surfacing the roads
28 within ~~said the~~ the district, or ~~he~~ the treasurer may sell the
29 ~~same~~ certificates for the best attainable price and for not
30 less than par, plus accrued interest, and credit the proceeds
31 to the secondary road fund. Such The certificates shall be
32 retired in the order of ~~the consecutive~~ their numbering
33 ~~thereof~~.

34 Sec. 1219. Section 341A.7, Code 1981, is amended to read
35 as follows:

1 341A.7 CLASSIFICATIONS. The classified civil service
2 positions covered by this chapter shall include persons
3 actually serving as deputy sheriffs who are salaried pursuant
4 to section 340-8 903, subsection 2 of this Act, but do not
5 include a chief deputy sheriff, two second deputy sheriffs
6 in counties with a population of more than one hundred
7 thousand, and four second deputy sheriffs in counties with
8 a population of more than two hundred thousand. A deputy
9 sheriff serving with permanent rank under this chapter may
10 be designated chief deputy sheriff or second deputy sheriff
11 and retain such rank during the period of ~~his~~ service as chief
12 deputy sheriff or second deputy sheriff and shall, upon
13 termination of ~~his~~ the duties as chief deputy sheriff or
14 second deputy sheriff, revert to ~~his~~ the permanent rank.

15 Sec. 1220. Section 422.26, unnumbered paragraph 6, Code
16 1981, is amended to read as follows:

17 The department shall pay a recording fee as provided in
18 section 335-14 603 of this Act, for the recording of such
19 the lien, or for ~~the~~ its satisfaction ~~thereof~~.

20 Sec. 1221. Section 445.11, Code 1981, is amended to read
21 as follows:

22 445.11 SPECIAL ASSESSMENT BOOK. ~~Upon-the-record-of~~ When
23 the levy of any a special assessment ~~within-any-county-coming~~
24 ~~into-the-hands-of~~ is submitted to the county auditor treasurer,
25 the county ~~auditor~~ treasurer shall, in blue or black ink,
26 prepare in a book to be known as a special assessment book,
27 the list of the persons owning real estate ~~to-be~~ affected
28 ~~thereby by~~ by the assessment, in alphabetical or numerical order,
29 which book shall contain a description of the real estate
30 ~~so~~ affected, the date of the assessment, the total amount
31 ~~so~~ assessed, and the installments to be paid, ~~together-with~~
32 and the amounts of the respective installments if said the
33 assessment is payable in installments.

34 Sec. 1222. Section 445.17, Code 1981, is amended to read
35 as follows:

1 445.17 FILING OF COMPROMISE AGREEMENT. A copy of ~~such~~
2 the agreement shall be filed with the county treasurer and
3 ~~county-auditor~~.

4 Sec. 1223. Section 445.18, Code 1981, is amended to read
5 as follows:

6 445.18 EFFECT OF COMPROMISE PAYMENT. When payment is
7 made, as ~~by-such~~ provided by the agreement ~~provided~~, all taxes
8 included in ~~such~~ the agreement shall be ~~thereby~~ fully satisfied
9 and canceled and the ~~county-auditor-and~~ county treasurer shall
10 cause ~~their~~ the appropriate books to show ~~such~~ the
11 satisfaction.

12 Sec. 1224. Section 446.1, Code 1981, is amended to read
13 as follows:

14 446.1 SALE SHOWN. The ~~auditor~~ county treasurer, when
15 ~~making-up on~~ the tax list, ~~before-it-is-placed-in-the-hands~~
16 ~~of-the-county-treasurer~~, shall designate each piece or parcel
17 of real estate sold for taxes, and not redeemed, by writing
18 opposite the ~~same~~ parcel of real estate the year in which
19 it was sold in a column made for that purpose and headed "sold
20 in".

21 Sec. 1225. Section 446.21, Code 1981, is amended to read
22 as follows:

23 446.21 APPLICABLE STATUTE. In ~~all~~ tax sales made under
24 ~~the-provisions-of~~ section 446.19, any a holder of any a special
25 assessment certificate against a lot or parcel of ground,
26 or any a holder of a bond payable in whole or in part out
27 of a special assessment against any a lot or parcel of ground,
28 or any a city within which ~~such~~ the lot or parcel of ground
29 is situated, which lot or parcel of ground has been sold for
30 taxes, either general or special, ~~shall-be~~ is entitled to
31 an assignment of any certificate of tax sale of ~~said~~ the
32 property for any general taxes or special taxes ~~thereon~~, upon
33 tender to the holder or to the county ~~auditor~~ treasurer of
34 the amount to which the holder of the tax sale certificate
35 would be entitled in case of redemption.

1 Sec. 1226. Section 446.24, Code 1981, is amended to read
2 as follows:

3 446.24 RECORD OF SALES. The ~~auditor~~ treasurer shall
4 attend all sales of real estate for taxes, and keep a record
5 thereof of the sales in a book to be kept ~~by him~~ for that
6 purpose, ~~therein~~ describing each tract of real estate on which
7 the taxes and costs were paid by the purchaser as they are
8 described in the copy of the notice on file in ~~his~~ the
9 treasurer's office, stating in separate columns the amount,
10 as obtained from the ~~treasurer's~~ tax list, of each kind of
11 tax, interest, and costs for each tract, how much and what
12 part of each parcel was sold, to whom, and the date thereof
13 of sale. ~~The-treasurer-shall-also-keep-a-book-of-sales-in~~
14 ~~which-he-shall-make-the-same-record---He-shall-also-note-in~~
15 ~~the-tax-list,-opposite-the-description-of-the-property-sold,-~~
16 ~~the-fact-and-date-thereof-~~

17 Sec. 1227. Section 446.26, Code 1981, is amended to read
18 as follows:

19 446.26 MISCONDUCT OF ~~OFFICERS~~ OFFICER. Any treasurer
20 ~~or-auditor~~ failing to attend a sale of lands in person or
21 by deputy ~~shall-be~~ is guilty of a simple misdemeanor. If
22 ~~such-officer~~ the treasurer or deputy ~~shall-sell-or-assist~~
23 sells or assists in selling any real estate, knowing it is
24 not subject to taxation, or that the taxes for which it is
25 sold have been paid, or ~~shall~~ knowingly and willfully ~~sell~~
26 ~~or-assist~~ sells or assists in selling any real estate for
27 taxes to defraud the owner ~~thereof~~, or ~~shall~~ knowingly and
28 willfully ~~execute~~ executes a deed for property so sold, ~~he~~
29 ~~or-she-shall-be~~ the treasurer is guilty of a serious
30 misdemeanor and ~~shall-be~~ is liable to pay the injured party
31 all damages sustained ~~by-him-or-her~~ on account ~~thereof,-and~~
32 ~~all-such-sales-shall-be~~ of the illegal sale. Sales made in
33 violation of this section are void.

34 Sec. 1228. Section 446.27, Code 1981, is amended to read
35 as follows:

1 446.27 FRAUD OF OFFICERS OFFICER. If any treasurer or
2 ~~auditor-shall-be~~ is directly or indirectly concerned in the
3 purchase of any real estate sold for the nonpayment of taxes,
4 the treasurer or ~~auditor~~ and ~~his-or-her~~ the treasurer's
5 sureties ~~shall-be~~ are liable on ~~his-or-her~~ the treasurer's
6 official bond for all damages sustained by the owner of such
7 the property, and all such sales shall be. Sales made in
8 violation of this section are void. In addition thereto,
9 ~~the officer so offending shall be~~ treasurer is guilty of a
10 fraudulent practice.

11 Sec. 1229. Section 446.32, Code 1981, is amended to read
12 as follows:

13 446.32 PAYMENT OF SUBSEQUENT TAXES BY PURCHASER. The
14 treasurer shall also prepare, sign, and deliver to the
15 purchaser of any real estate sold for taxes ~~duplicate receipts~~
16 a receipt for taxes, interest, and costs paid by the purchaser
17 after the date of purchase for any a subsequent year, ~~one~~
18 ~~of which receipts shall be filed in the office of the auditor~~
19 ~~and noted on the register of sales.~~ Taxes for a subsequent
20 year may be paid by the purchaser any time after certification.

21 Sec. 1230. Section 446.36, Code 1981, is amended to read
22 as follows:

23 446.36 CERTIFIED COPIES OF RECORDS AS EVIDENCE. The books
24 and records belonging to the ~~offices~~ office of the auditor
25 and treasurer, or copies ~~thereof~~ of them properly certified,
26 ~~shall be~~ are sufficient evidence to prove the sale of any
27 real estate for taxes, the redemption ~~thereof~~ of the real
28 estate, or the payment of taxes ~~thereon~~ on it.

29 Sec. 1231. Section 446.37, Code 1981, is amended to read
30 as follows:

31 446.37 FAILURE TO OBTAIN DEED--CANCELLATION OF SALE.
32 After five years have elapsed from the time of any tax sale,
33 and action has not been completed during ~~such~~ the time which
34 qualifies the holder of a certificate to obtain a deed, ~~it~~
35 ~~shall be the duty of the county auditor and~~ the county

1 treasurer to shall cancel ~~such~~ the sale from ~~their~~ the tax
2 sale index and tax sale register.

3 Sec. 1232. Section 447.1, Code 1981, is amended to read
4 as follows:

5 447.1 REDEMPTION--TERMS. Real estate sold under ~~the~~
6 ~~provisions-of~~ this chapter and chapter 446 may be redeemed
7 at any time before the right of redemption is cut off, by
8 the payment to the ~~auditor~~ treasurer, to be held by the ~~auditor~~
9 treasurer subject to the order of the purchaser, of the amount
10 for which the ~~same~~ real estate was sold and four percent of
11 the amount added as a penalty, with three-quarters percent
12 interest per month on the sale price plus the penalty from
13 the date of sale, and the amount of all taxes, interest, and
14 costs paid by the purchaser or the purchaser's assignee for
15 any subsequent year, with a similar penalty added as before
16 on the amount of the payment for each subsequent year, and
17 three-quarters percent per month on the whole ~~of-such~~ amount
18 from the date of payment.

19 Sec. 1233. Section 447.3, Code 1981, is amended to read
20 as follows:

21 447.3 AGRICULTURAL COLLEGE LANDS. In redeeming from a
22 sale of a leasehold interest in agricultural college land,
23 the amount to be paid shall include any amount paid by the
24 holder of the certificate as interest or principal due by
25 the terms of the lease or otherwise to prevent a forfeiture
26 ~~thereof,--as-provided-by-law~~, and for which proper voucher
27 ~~shall-have~~ has been filed with the ~~auditor~~ treasurer, with
28 interest ~~thereon~~ at eight percent per annum from date of
29 payment, which amount shall be paid by the ~~auditor~~ treasurer
30 to the holder of the certificate, and the certificate of
31 redemption shall show the amount ~~so~~ paid by the party
32 redeeming.

33 Sec. 1234. Section 447.5, Code 1981, is amended to read
34 as follows:

35 447.5 CERTIFICATE OF REDEMPTION--~~COUNTERSIGNED~~ ISSUED

1 BY TREASURER. The ~~auditor~~ treasurer shall, upon application
2 of any party to redeem real estate sold for taxes, and being
3 satisfied that ~~he~~ the party has a right to redeem the same
4 real estate upon the payment of the proper amount, issue to
5 ~~such~~ the party a certificate of redemption, setting forth
6 the facts of the sale substantially as contained in the
7 certificate ~~thereof~~, the date of the redemption, the amount
8 paid, and by whom redeemed, and make the proper entries in
9 the book of sales in ~~his~~ the treasurer's office, and
10 ~~immediately give notice of such redemption to the treasurer.~~
11 ~~The certificate of redemption shall then be presented to the~~
12 ~~latter, who shall countersign it, noting such fact in the~~
13 ~~sale book opposite the entry of the sale, and no certificate~~
14 ~~of redemption shall be evidence of such redemption without~~
15 ~~the signature of the treasurer.~~

16 Sec. 1235. Section 447.6, Code 1981, is amended to read
17 as follows:

18 447.6 ERASURES PROHIBITED. ~~Said~~ The entries by the ~~auditor~~
19 and treasurer shall be made in ink, and ~~in case if~~ errors
20 are subsequently discovered ~~such~~ the entries shall not be
21 erased but shall be corrected by drawing a line through the
22 erroneous entries with ink accompanied by the initials of
23 the person who made the alteration and the date when made.

24 Sec. 1236. Section 447.9, Code 1981, is amended to read
25 as follows:

26 447.9 NOTICE OF EXPIRATION OF RIGHT OF REDEMPTION. After
27 two years and nine months from the date of sale, or after
28 nine months from the date of a sale made under the provisions
29 of section 446.18, ~~section~~ 446.38 or ~~section~~ 446.39, the
30 holder of the certificate of purchase may cause to be served
31 upon the person in possession of ~~such~~ the real estate, and
32 also upon the person in whose name the ~~same~~ real estate is
33 taxed, if ~~such~~ the person resides in the county where the
34 land is situated, in the manner provided for the service of
35 original notices, a notice signed by ~~him, his agent,~~ the

1 certificate holder or the certificate holder's agent or
 2 attorney, stating the date of sale, the description of the
 3 property sold, the name of the purchaser, and that the right
 4 of redemption will expire and a deed for the land be made
 5 unless redemption is made within ninety days from the completed
 6 service ~~thereof~~ of the notice. When said the notice is given
 7 by a county as a holder of a certificate of purchase the
 8 notice shall be signed by the county ~~auditor~~ treasurer, and
 9 when given by a city, it shall be signed by the city officer
 10 designated by resolution of the council. When the notice
 11 is given by the Iowa housing finance authority or a city or
 12 county agency holding the property as part of an Iowa
 13 homesteading project, it shall be signed on behalf of the
 14 agency or authority by one of its officers, as authorized
 15 in rules of the agency or authority. Service of ~~sueh~~ the
 16 notice shall also be made by certified mail on any mortgagee,
 17 or ~~his~~ assignee, of record, whether resident or nonresident
 18 of the county, if ~~his~~ the mortgagee's or assignee's address
 19 is disclosed by the recorded instrument or by a certificate
 20 showing the address of the mortgagee or assignee duly filed
 21 with the recorder, or the state of Iowa in case of an old-
 22 age assistance lien by service upon the state department of
 23 social services. ~~Sueh~~ The notice shall also be served on
 24 any city where ~~sueh~~ the real estate is situated.

25 Sec. 1237. Section 447.12, Code 1981, is amended to read
 26 as follows:

27 447.12 WHEN SERVICE DEEMED COMPLETE--PRESUMPTION. Service
 28 ~~shall-be~~ is complete only after an affidavit has been filed
 29 with the treasurer, showing the making of the service, the
 30 manner ~~thereof~~ of service, the time when and place where made,
 31 and under whose direction the ~~same~~ service was made, ~~-sueh~~.
 32 The affidavit ~~to~~ shall be made by the holder of the certificate
 33 or by ~~his~~ the holder's agent or attorney, and in either of
 34 the latter cases stating that ~~sueh~~ the affiant is the agent
 35 or attorney, ~~-as-the-case-may-be,~~ of the holder of ~~sueh~~ the

1 certificate, ~~which~~. The affidavit shall be filed by the
2 treasurer and entered upon the sale book opposite the entry
3 of the sale, and ~~said the~~ record or affidavit ~~shall be~~ is
4 presumptive evidence of the completed service of ~~said the~~
5 notice, ~~and the~~. The right of redemption shall not expire
6 until ninety days after service is complete. When the property
7 is held by a city or county, a city or county agency, or the
8 Iowa housing finance authority, for use in an Iowa homesteading
9 project, whether or not the property is the subject of a
10 conditional conveyance granted under the project, the affidavit
11 shall be made by the ~~county auditor~~ treasurer of the county,
12 a city officer designated by resolution of the council, or
13 on behalf of the agency or authority, by one of its officers
14 as authorized in rules of the agency or authority.

15 Sec. 1238. Section 447.13, Code 1981, is amended to read
16 as follows:

17 447.13 COST--FEE--REPORT. The cost of serving the notice
18 and affidavit of publication shall be added to the amount
19 necessary to redeem. The fee for serving the notice shall
20 be the same as for service of an original notice, including
21 copy fee and mileage. The treasurer shall, ~~upon the filing~~
22 of file the proof of service and statement of costs, ~~forthwith~~
23 ~~report the same in writing to the auditor, who shall~~ and enter
24 it on the sale book against the proper tract of real estate.
25 The holder of the certificate of sale or ~~his~~ the holder's
26 agent may report in writing to the county ~~auditor~~ treasurer
27 the amount of costs incurred in giving ~~such~~ the notice, and
28 the ~~auditor~~ treasurer shall enter ~~the same~~ it in the sale
29 book. ~~No~~ A redemption ~~shall be~~ is not complete until ~~such~~
30 the costs are paid. If the property is held by a city or
31 county, a city or county agency, or the Iowa housing finance
32 authority, for use in an Iowa homesteading project, whether
33 or not the property is the subject of a conditional conveyance
34 granted under the project, the costs incurred for repairs
35 and rehabilitation work required and undertaken in order to

1 make the property meet applicable building or housing code
2 standards shall be added to the amount necessary to redeem,
3 and ~~no a~~ redemption ~~shall-be~~ is not complete until ~~such~~ the
4 costs are paid.

5 Sec. 1239. Section 666.6, unnumbered paragraph 1, Code
6 1981, is amended to read as follows:

7 ~~Clerks~~ The clerk of district court shall, ~~on-the-first~~
8 ~~Monday-in-January-in-each-year,~~ make an annual report in
9 writing to the board of supervisors ~~for-their-respective~~
10 ~~counties~~ at the first regular meeting of the board in January
11 of all forfeited recognizances in ~~their-offices~~ the clerk's
12 office; of all fines, penalties, and forfeitures imposed in
13 ~~their-respective-courts~~ the district court, which by law go
14 into the county treasury for the benefit of the school fund;
15 in what cause or proceeding, when and for what purpose, against
16 whom and for what amount, rendered; whether ~~said~~ the fines,
17 penalties, forfeitures, and recognizances have been paid,
18 remitted, canceled, or otherwise satisfied; if so, when, how,
19 and in what manner, and if not paid, remitted, canceled, or
20 otherwise satisfied, what steps have been taken to enforce
21 the collection ~~thereof~~ of the fines, penalties, forfeitures,
22 and recognizances.

23 Sec. 1240. Section 801.4, subsection 10, Code 1981, is
24 amended to read as follows:

25 10. "Indigent" is a person with insufficient resources
26 as defined in section ~~336A-4~~ 775, subsection 4 of this Act.

27 Sec. 1241. Section 813.2, rule 2, subsection 3, rules
28 of criminal procedure, Code 1981, is amended to read as
29 follows:

30 3. COUNSEL. The magistrate ~~shall-have-authority-to~~ may
31 appoint counsel to represent the defendant ~~in-the-event~~ if
32 the defendant requests representation by counsel and is
33 entitled to ~~same~~ it. Counsel will be assigned to assist the
34 defendant only upon a showing as required in section ~~336A-4~~
35 ~~of-the-Code~~ 777, subsection 2 of this Act. Counsel so

1 appointed may make application in the district court for
2 compensation for such services.

3 Sec. 1242. Section 813.2, rule 26, subsection 1, rules
4 of criminal procedure, Code 1981, is amended to read as
5 follows:

6 1. REPRESENTATION. Every defendant who is an indigent
7 person as defined in section ~~936A-4-of-the-Code-shall-be~~ 775,
8 subsection 4 of this Act is entitled to have counsel appointed
9 to represent him or her at every stage of the proceedings
10 from the defendant's initial appearance before the magistrate
11 or the court through appeal, including probation and parole
12 revocation hearings, unless the defendant waives such
13 appointment.

14 Sec. 1243. Section 905.3, subsection 1, paragraph a, Code
15 1981, is amended to read as follows:

16 a. One member shall be chosen from and by the board of
17 supervisors of each county in the judicial district and shall
18 be so designated annually by the respective boards of
19 supervisors at the organizational meetings held under section
20 ~~331-13~~ 210 of this Act.

21 Sec. 1244. Chapters 331, 333, 334, 335, 336, 336A, 336B,
22 337, 337A, 338, 339, 340, 340A, 341, 342, 343, 606, and
23 sections 445.13, 446.8, and 446.33, Code 1981, are repealed.

24 EXPLANATION

25 This bill provides for the recodification of laws relating
26 to the functions and organization of counties and the powers
27 and duties of the board of supervisors and other county offi-
28 cers into one chapter with various divisions and parts. The
29 recodification provides a consolidated listing of the powers
30 and duties of the board and the other county officers. Some
31 substantive changes are made and these will be noted in this
32 explanation. The bill also repeals permissive laws which
33 grant powers to counties already granted by the county home
34 rule constitutional amendment and which the County Home Rule
35 Study Committee found unnecessary as a part of the Code.

1 Division I, Definitions,, section 100. The definitions
2 apply to all areas of the bill except the corresponding amend-
3 ments. The definitions of the county officers, 1 through
4 8, are consistent with current law. The definitions of
5 measure, ordinance, amendment, resolution, and recorded vote
6 are adapted from the city code. State law is defined to
7 include administrative rules.

8 Division II, Organization of the Board of Supervisors,
9 sections 200 through 216. This division is a recodification
10 of chapter 331. Uniform petition requirements are provided
11 and these requirements are the same as provided in sections
12 331.2 and 331.3. The provisions relating to the supervisor
13 representation plans are unchanged. A substantive change
14 has been made relating to the meetings and meeting dates of
15 the board. The distinction between regular and special
16 meetings is removed. The only meeting date specified is the
17 first meeting of the year. The other meetings are to be
18 scheduled and conducted as provided in chapter 28A, the open
19 meetings law. Section 331.19 relating to books kept by the
20 board is transferred to division III and sections 331.20 and
21 331.21 relating to claims are transferred to division V,
22 county auditor. Also the authority of a supervisor to serve
23 concurrently as a member of an appointive board, commission,
24 or committee of the state or a political subdivision is
25 expanded to include membership on a nonprofit corporation
26 or agency which receives county funds.

27 Division III, Powers and Duties of a County, sections 300
28 through 382. Part 1, General Powers and Duties, sections
29 300 through 305, relate to the county generally and the county
30 board of supervisors. Most of the general statements in
31 section 300 have been adapted from the city code. They de-
32 scribe the extent of home rule and its relationship to the
33 statutes. The next section, 301, county legislation, is also
34 adapted from the city code. It establishes procedures for
35 counties to legislate by ordinance, amendment, or resolution,

1 and requires that ordinances be compiled at least every five
2 years. These provisions are new for counties. The next two
3 sections compile the general duties, powers, and limitations
4 for the county board, from chapter 332 and other parts of
5 the Code. The main change is in the fact that many of the
6 permissive sections in the Code, which were needed to enable
7 counties to act prior to home rule, have been dropped because
8 they tend to serve as limitations upon the county's home rule
9 powers. Other changes include the transfer of the
10 responsibility for the highway and bridge record books to
11 the county engineer, some variation in the limitations upon
12 a county building code, and a broadening of the county's
13 condemnation powers to be equivalent to those of cities.
14 Sections 304 and 305 provide standards for publication of
15 notices and petitions of the voters. These sections are
16 frequently referred to in the bill.

17 Division III, Part 2, Duties and Powers of the Board
18 Relating to County and Township Officers and Employees,
19 sections 320 through 323. The first section lists all
20 appointment powers of the board, compiled from all parts of
21 the Code. The next three sections compile the duties and
22 powers of the board which relate directly to county officers,
23 and to other county employees. Because of the status of
24 elected county officers, it was felt that the board cannot
25 exercise unlimited home rule power in their prescribed areas;
26 therefore permissive statements in regard to officers were
27 not eliminated.

28 Division III, Part 3, Duties and Powers of the Board Re-
29 lating to County Contracts, sections 340 and 341. Section
30 340 adapts the contract bid requirements from the city code
31 to counties by adopting sections 384.95 through 384.103 by
32 reference after adjusting the language to fit counties.
33 Because of the adoption of this provision and new bonding
34 provisions, counties will no longer be subject to chapter
35 23. Contracts for which payment may be made from the secondary

1 road fund are excluded from this general provision and remain
2 subject to the requirements of the present Code. Section
3 341 is a conflict of interest section which is also adapted
4 from the city code.

5 Division III, Part 4, Duties and Powers of the Board
6 Relating to County Property, sections 360 and 361. It is
7 assumed that counties have the power to deal with county
8 property generally under home rule. However, certain
9 limitations on that power and duties relating to county
10 property are gathered in section 360. Section 361 describes
11 the county's powers relating to secondary roads and traffic,
12 which are not changed from the present Code.

13 Division III, Part 5, Duties and Powers of the Board
14 Relating to County Services, sections 380 through 382. The
15 duties to provide certain services are not changed from the
16 present Code, but are compiled here for reference purposes.
17 In some cases in the area of services, it is difficult to
18 determine under the Code whether a county has any home rule
19 power or whether the state has preempted the area. Some of
20 these are listed in section 381 following a statement that
21 the counties are free to follow the sections and chapters
22 referred to, or to exercise the same or similar powers under
23 home rule. Section 382 is a reference to the various powers
24 and duties of the board relating to elections, under the
25 present Code.

26 Division IV, Powers and duties of the Board Relating to
27 County Finances, sections 400 through 470. Part 1, General
28 Financial Powers and Duties, sections 400 and 401, provides
29 a compilation of miscellaneous financial powers and duties
30 found in the Code. Although it is believed that the County
31 Finance Committee will recommend changes in county budgeting
32 in the future, this bill leaves the counties subject to chapter
33 24 and other existing Code sections in relation to finances.

34 Division IV, Part 2, County Levies and Funds, sections
35 420 through 427. This part assembles all of the references

1 to county levies and funds which were found in the Code and
2 categorizes them as mandatory or permissive levies and funds.
3 Sections 421 and 422 include the present levy limitations,
4 followed by permission to exceed certain levies upon vote
5 of the people, which was given to the counties in 1980
6 legislation. Only the levies under the board's control are
7 listed. Its duty to levy taxes certified to it by other
8 bodies is covered under the general financial duties. Section
9 423 establishes the general fund and lists the various deposits
10 to and disbursements from the general fund authorized in
11 present law, along with a new statement to the effect that
12 moneys not earmarked for another fund shall be handled in
13 the general fund. Sections 424 and 425 compile the mandatory
14 and permissive county funds. Section 426 covers the county
15 indemnification fund, a state fund to which the counties
16 contribute. Section 427 is the only new fund, a debt service
17 fund, which replaces various provisions which require that
18 taxes to service bonded obligations be levied and segregated
19 from other county moneys.

20 Division IV, Part 3, General Obligation Bonds, sections
21 440 through 448. The consolidated provisions on general
22 obligation bonds and revenue bonds replace many separate
23 sections in the present Code which authorize county bonds
24 for various purposes and provide varying procedures. The
25 new provisions keep the same basic purposes, but provide
26 uniform procedures for issuing bonds. The bond sections were
27 drafted with the assistance of bond counsel. They are based
28 on those in the city code, rewritten and adapted for counties.
29 General obligation bonds are divided into "essential county
30 purpose" bonds which may be issued without an election, except
31 that those for county hospitals, as in the present Code, are
32 subject to an election upon petition, and "general county
33 purpose" bonds which require an election, either originally
34 or upon petition. Only one new purpose is added, which is
35 for general county purpose bonds for facilities or improvements

1 necessary for the operation of the county or the health and
2 welfare of its citizens. This is in the city code, and will
3 probably have limited usage because of its generality. The
4 present Code levy limitations for certain types of bonds are
5 retained, although the limits may be exceeded upon a specific
6 vote of the people.

7 Division IV, Part 4, Revenue Bonds, sections 460 through
8 470. These sections also use the purposes presently authorized
9 for county revenue bonds, but make the procedures uniform.
10 The purposes are listed as "county enterprises" or "combined
11 county enterprises". The procedures follow very closely those
12 authorized for cities. Section 470 is a new provision
13 authorizing the county to establish a "county enterprise
14 commission" to manage a county enterprise, such as a sanitary
15 disposal project, hospital, or airport. This provision is
16 adapted from chapter 388 relating to city utility boards.

17 Division V, Part 1, sections 500 through 511. This part
18 outlines the powers and duties of the county auditor. The
19 duties are categorized as general duties, duties as clerk
20 to the board, duties relating to elections, issuance of
21 warrants, books and records, collection of fees, and the
22 financial report. Certain duties of the county auditor are
23 transferred to the county assessor, treasurer, and the
24 engineer. The annual report of forest and fruit tree
25 reservations to the state conservation commission is to be
26 prepared and sent by the county assessor rather than the
27 auditor. Concerning the establishment of secondary road
28 assessment districts, duties relating to the preparation of
29 reports, holding public hearings, giving notice, and related
30 duties under chapter 311 are transferred from the auditor
31 to the engineer. Also, duties relating to the processing
32 and collection of special assessments for cities, the sale
33 of real estate for delinquent taxes and the redemption of
34 real estate sold for delinquent taxes under chapters 445,
35 446 and 447 are transferred from the auditor to the treasurer.

1 Of the items required to be reported in the annual financial
2 report, the amounts paid for condemning intoxicating liquor,
3 the cost of convictions for liquor law violations, and the
4 amount of fines collected, which are listed under section
5 333.11, subsection 13, are stricken.

6 Division V, Part 2, sections 550 through 558. This part
7 relates to the powers and duties of the treasurer. The trea-
8 surer's duties are listed under general duties, duties relating
9 to warrants, fund management, duties relating to motor
10 vehicles, duties relating to taxation, and reports. Except
11 for those duties transferred from the auditor, no other
12 substantive changes are made.

13 Division V, Part 3, sections 600 through 608. This part
14 relates to the powers and duties of the recorder. The duties
15 of the recorder are listed as general duties, the general
16 filing and recording fee, other fees, books and records,
17 military personnel records, and federal tax liens. No
18 substantive changes are made.

19 Division V, Part 4, sections 650 through 659. This part
20 relates to the powers and duties of the sheriff. The duties
21 of the sheriff are categorized as geneal duties, fees and
22 mileage expenses, management of condemnation funds, standard
23 uniforms, and care of prisoners. Under the requirement for
24 standard uniforms, the department of general services is no
25 longer required to purchase the uniforms for the county
26 sheriffs and their deputies. Also, a number of specific
27 requirements relating to wearing apparel, food preparation,
28 and bedding for prisoners are deleted. The status of bailiffs
29 as deputy sheriffs is rewritten so that bailiffs are deputy
30 sheriffs to the extent that the sheriff delegates law
31 enforcement powers, but they need not be subject to civil
32 service or mandated law enforcement training. The sheriff
33 is also given responsibility for vehicles seized and forfeited
34 for the illegal transportation of controlled substances.

35 Division V, Part 5, sections 700 through 704. This part

1 relates to the powers and duties of the clerk of the district
2 court. The duties of the clerk are listed as general duties,
3 books and records, and the collection and disposition of fees.
4 There are no substantive changes.

5 Division V, Part 6, sections 750 through 758. These sec-
6 tions relate to the powers and duties of the county attorney.
7 Sections 775 through 779 outline the appointment and duties
8 of the public defender and court-appointed attorney. The
9 qualifications of the county attorney are changed to provide
10 that a person is not qualified to be county attorney if the
11 person's license to practice law is suspended or revoked in
12 any state. It is not clear under current law whether a person
13 is disqualified from holding the office if the person's license
14 to practice law in another state is suspended or revoked.
15 Another change provides that if the county attorney and the
16 assistant county attorneys are not able to carry out the
17 duties of office because of illness or disqualification, an
18 acting county attorney appointed by the district court would
19 be compensated out of funds to be appropriated to the office
20 of county attorney, not from funds already appropriated to
21 the office. No other changes are made to the powers and
22 duties of the county attorney. No changes are made to the
23 procedures for appointment or powers and duties of the public
24 defender or court-appointed attorney.

25 Division V, Part 7, sections 800 through 805. This part
26 recodifies the powers and duties of the medical examiner.
27 No substantive changes are made.

28 Division V, Part 8, sections 900 through 907. This part
29 recodifies general duties which apply to all county officers,
30 the collection and disposition of fees, the appointment of
31 deputies, assistants, and clerks, the salaries of deputies,
32 assistants, and clerks, and the county compensation board
33 and its powers and duties. Under the general duties of county
34 officers, a permissive provision is stricken relating to the
35 reproduction and destruction of original records and reports.

1 Also, an additional exception is added to the general
2 prohibition that a county officer or employee shall not allow
3 a claim, issue a warrant, or execute a contract which will
4 result in a county fund deficit during a fiscal year. The
5 new exception relates to expenditures authorized by supervisors
6 acting in the capacity of a trustee or director of a drainage
7 district or other special district. No changes are made in
8 provisions relating to procedures for the collection and
9 disposition of fees or the appointment or compensation of
10 deputies, assistants, and clerks.

11 Under provisions for the county compensation board, a
12 change is made regarding who represents the school districts
13 and cities at the conventions which select members of the
14 county compensation board. The city's representative to the
15 convention is to be selected by the mayor and council members
16 rather than being the mayor only and the school district's
17 representative is to be selected by the school board members
18 rather than each school board member attending the convention.
19 Also, the terms of office of the county compensation board
20 members are to be staggered, four-year terms.

21 The corresponding amendments for the bill are divided into
22 two parts; those relating to powers and duties of the board,
23 sections 1000 et seq., and those relating to county officers,
24 sections 1200 et seq. Most of the corresponding amendments
25 and repeals related to the board are for one of the following
26 purposes:

27 1. To delete permissive statements which tend to interfere
28 with home rule.

29 2. To move details relating to county levies and funds
30 and county bonds to the bill and delete them from various
31 parts of the Code.

32 3. To remove references to sections repealed by the bill.

33 4. To replace certain provisions which were not included
34 in the rewritten parts of the bill.

35 Chapters 331 and 332 of the Code, which related primarily

1 to the board, and all of the chapters which relate primarily
2 to the various county officers are repealed and generally
3 rewritten in the bill. Most of the corresponding amendments
4 relating to the officers transfer certain duties from one
5 officer to another, as recommended by the various officer
6 associations, and adopted by the County Home Rule Study
7 Committee.

8 This bill takes effect July 1 following its enactment.

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House Amendment to Senate File 130

S-3468

1 Amend Senate File 130 as amended and passed by
2 the Senate as follows:

3 1. Page 1, by striking lines 31 and 32 and
4 inserting in lieu thereof the following: "of Iowa
5 and state statutes."

6 2. Page 7, line 9, by inserting after the figure
7 "42.4." the following: "If more than one incumbent
8 supervisor resides in the same supervisor district
9 after the districts have been redrawn following the
10 federal decennial census, the terms of office of those
11 supervisors shall expire on the second day of January
12 that is not a Sunday or a holiday following the next
13 general election."

14 3. Page 8, line 13, by striking the words "or
15 a deputy auditor".

16 4. Page 8, line 14, by striking the words "auditor
17 or" and inserting in lieu thereof the word "auditor,".

18 5. Page 8, line 15, by inserting after the word
19 "auditor" the words "or an employee designated by
20 the auditor".

21 6. Page 23, by striking lines 7 through 9 and
22 inserting in lieu thereof the following: "to an
23 elective officer, the board shall set the initial
24 salary for the elective officer, which salary shall
25 be at thirty percent greater than the salary otherwise
26 established for the combined office or position with
27 the highest salary. Thereafter, the salary shall
28 be determined as provided in section 906 of this Act.
29 When the duties of officers or employees".

30 7. Page 23, by striking lines 13 through 18.

31 8. Page 29, line 1, by striking the words "Civil
32 War,".

33 9. Page 29, lines 1 and 2, by striking the words
34 "Spanish-American War,".

35 10. Page 41, lines 13 and 13a, by striking the
36 words "and bonds issued upon petition of the county
37 conservation board".

38 11. Page 43, line 2, by inserting after the word
39 "dollars" the words "on property not within a city".

40 12. Page 56, by striking lines 19 through 22 and
41 inserting in lieu thereof the words "in the county.
42 As used in this subsection:".

43 13. Page 59, line 7, by inserting after the period,
44 the following: "All funds remaining in the county
45 indemnification fund created under prior Codes as
46 of the effective date of this Act are transferred
47 to the county indemnification fund under this section."

48 14. Page 79, by striking lines 19 and 20 and
49 inserting in lieu thereof the words "for the purchase
50 or sale of water."

S-3468
PAGE 2

- 1 15. Page 89, line 11, by striking the figure
- 2 "573.15" and inserting in lieu thereof the figure
- 3 "573.24".
- 4 16. Page 104, lines 17 and 18, by striking the
- 5 words "rule the book to show in separate columns"
- 6 and inserting in lieu thereof the word "record".
- 7 17. Page 108, line 17, by striking the figure
- 8 "135D.27" and inserting in lieu thereof the figure
- 9 "135D.26".
- 10 18. Page 124, line 20, by striking the figure
- 11 "1208" and inserting in lieu thereof the figure "1206".
- 12 19. Page 125, line 23, by striking the figure
- 13 "321.144" and inserting in lieu thereof the figure
- 14 "321.135".
- 15 20. Page 129, line 3, by striking the figure "655"
- 16 and inserting in lieu thereof the figure "665".
- 17 21. Page 133, line 35, by inserting after the
- 18 word "section," the following sentence: "The board
- 19 may determine the manner in which meals are provided
- 20 for the prisoners."
- 21 22. Page 139, line 13, by striking the figure
- 22 "1208" and inserting in lieu thereof the figure "1206".
- 23 23. Page 143, by striking line 35 through page
- 24 144, line 2.
- 25 24. Page 144, line 4, by striking the figure
- 26 "579,".
- 27 25. Page 176, by inserting after line 9 the
- 28 following:
- 29 "8. Where donation of the remains of the deceased
- 30 to a medical school or similar institution equipped
- 31 with facilities to perform autopsies is provided by
- 32 will or directed by the spouse, parents or children
- 33 of full age, of the deceased, any autopsy under this
- 34 section shall be performed at the direction of the
- 35 school or institution, and in such a manner as to
- 36 further the purpose of the donation, while serving
- 37 the public interest."
- 38 26. Page 204, line 27, by inserting after the
- 39 word "Sunday" the words "or legal holiday".
- 40 27. Page 208, by striking line 26 and inserting
- 41 in lieu thereof the following: "to labor faithfully
- 42 on the streets or highways work on public programs
- 43 or projects at the".
- 44 28. Page 208, line 30, by striking the words
- 45 "working streets and highways" and inserting in lieu
- 46 thereof the following: "working streets and highways
- 47 such public programs or projects".
- 48 29. Page 208, by inserting after line 34 the
- 49 following unnumbered paragraph:
- 50 "The board shall record its proceedings relating

1 to the provision of relief to specific persons under
2 this chapter. A person who is aggrieved by a decision
3 of the board may appeal the decision as if it were
4 a contested case before an agency and as if the person
5 had exhausted administrative remedies in accordance
6 with the procedures and standards in section 17A.19,
7 subsections 2 through 8 except paragraphs b and c
8 of subsection 8, and section 17A.20."

9 30. Page 210, line 25, by striking the figure
10 "2" and inserting in lieu thereof the figure "3".

11 31. Page 210, line 28, by striking the figure
12 "309.7" and inserting in lieu thereof the words and
13 figures "309-7 421, subsections 12 and 13 of this
14 Act".

15 32. Page 211, line 3, by striking the figure "2"
16 and inserting in lieu thereof the figure "3".

17 33. Page 231, line 3, by striking the figure "400"
18 and inserting in lieu thereof the figure "440".

19 34. Page 246, line 25, by striking the words
20 "shall, in blue or black ink," and inserting in lieu
21 thereof the words "shall, in blue or black ink,".

22 35. Page 247, by striking lines 14 through 16
23 and inserting in lieu thereof the following:

24 "446.1 SALE SHOWN. The auditor county treasurer,
25 when making up the tax list, before it is placed in
26 the hands of the county treasurer, shall designate
27 on the tax list each piece or parcel".

28 36. Page 247, line 19, by striking the words "made
29 for that purpose and" and inserting in lieu thereof
30 the words "made for that purpose and".

31 37. Page 248, by striking lines 20, 21, and 22
32 and inserting in lieu thereof the following: "or
33 auditor failing to attend a sale of lands in person,
34 or by deputy treasurer or by designated employee shall
35 be is guilty of a simple misdemeanor. If such officer
36 the treasurer, or deputy treasurer or designated
37 employee shall sell or assist".

38 38. Page 248, line 29, by inserting after the
39 word "treasurer" the words ", deputy treasurer or
40 designated employee".

41 39. Page 255, line 7, by striking the figure
42 "836A-4" and inserting in lieu thereof the figure
43 "336A-4".

FILED
APRIL 13, 1981

RECEIVED FROM THE HOUSE

Senate concurred 4/22/81 (p. 1370)

SENATE FILE 130

S-3530

1 Amend the House amendment, S-3468, to Senate File
2 130, as follows:

3 1. Page 1, by inserting after line 39 the
4 following:

5 "____. Page 44, line 9, by striking the words "in
6 a county of over seventy thousand population"."

7 2. Page 3, by inserting after line 16 the
8 following:

9 "____. Page 218, by inserting after line 21 the
10 following:

11 "Sec. ____ Section 346A.1, subsection 2, Code
12 1981, is amended to read as follows:

13 2. "Health center" means a building or buildings,
14 together with necessary equipment, furnishings,
15 facilities, accessories and appurtenances and the
16 site or sites therefor used primarily for the purposes
17 of providing centralized locations, at which a county
18 ~~having a population as required by section 346A-2~~
19 may:"

20 ____ Page 218, by striking lines 26 and 27 and
21 inserting in lieu thereof the words "Counties having
22 ~~a population over seventy thousand, as determined~~
23 ~~by the last official United States census, are~~".

S-3530 FILED

APRIL 21, 1981

4/22/81 (p 1370)

BY JULIA B. GENTLEMAN

Page Four
April 10, 1981

SENATE FILE 130

H-3580

- 1 Amend the amendment, H-3568, to page 41 of Senate
- 2 File 130, as amended and passed by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 3 through 5 and
- 5 inserting in lieu thereof the following:
- 6 "1. Page 41, by striking lines 15 through 30 and
- 7 inserting in lieu thereof the following:
- 8 "7. For the fairground fund, not to exceed thirteen
- 9 and one-half cents per thousand dollars to be used
- 10 for the acquisition, construction, reconstruction,
- 11 repair and maintenance of county fairground facilities
- 12 and the operation of county fair programs as determined
- 13 by the society under chapter 174. If an official
- 14 fair is designated under section 174.10, subsection
- 15 2, the funds received from this levy shall be paid
- 16 to the society conducting the official county fair."
- 17 2. Page 201, line 16, by striking the words and
- 18 numbers "subsections 7 and 8" and inserting in lieu
- 19 thereof the word and number "subsection 7".

H-3580 FILED APRIL 9, 1981 BY NORLAND of Worth
ADOPTED (p. 1159)

SENATE FILE 130

H-3581

- 1 Amend Senate File 130, as amended and passed by
- 2 the Senate:
- 3 1. Page 176, by inserting after line 9 the
- 4 following:
- 5 "8. Where donation of the remains of the deceased
- 6 to a medical school or similar institution equipped
- 7 with facilities to perform autopsies is provided by
- 8 will or directed by the spouse, parents or children of
- 9 full age, of the deceased, any autopsy under this
- 10 section shall be performed at and under the direction
- 11 of the school or institution, and in such a manner as to
- 12 further the purpose of the donation, while serving the
- 13 public interest."

H-3581 FILED APRIL 9, 1981
RULES SUSPENDED, ADOPTED (p. 1163) BY CONNORS of Polk

SENATE FILE 130

H-3582

- 1 Amend amendment H-3581 to page 176 of Senate File 130 as
- 2 amended and passed by the Senate as follows:
- 3 1. Page 1, line 10 by striking the words
- 4 "and under".

H-3582 FILED APRIL 9, 1981 BY CONNORS of Polk
ADOPTED BY UNANIMOUS CONSENT (p. 1163)

SENATE FILE 130

H-3563

- 1 Amend Senate File 130 as amended and passed
- 2 by the Senate as follows:
- 3 1. Page 208, by striking line 26 and inserting
- 4 in lieu thereof the following: "to labor
- 5 faithfully-on-the-streets-or-highways work on public
- 6 programs or projects at the".
- 7 2. Page 208, line 30, by striking the words
- 8 "working streets and highways" and inserting in lieu
- 9 thereof the following: "working-streets-and
- 10 highways such public programs or projects".

H-3563 FILED

BY SWARTZ of Marshall
ANDERSON of Jasper

APRIL 8, 1981

Adopted 4/9/81 (p. 1160)

SENATE FILE 130

H-3564

- 1 Amend Senate File 130 as amended and passed by
- 2 the Senate as follows:
- 3 1. Page 246, line 25, by striking the words
- 4 "shall, in blue or black ink," and inserting in lieu
- 5 thereof the words "shall, in blue or black ink,".

H-3564 FILED APRIL 8, 1981

BY ANDERSON of Jasper

Adopted 4/9/81 (p. 1161)

SENATE FILE 130

H-3565

- 1 Amend Senate File 130, as amended and passed by
- 2 the Senate, as follows:
- 3 1. Page 39, line 35, by striking the words "sixty-
- 4 five percent" and inserting in lieu thereof the words
- 5 "a majority".

H-3565 FILED APRIL 8, 1981

BY MAULSBY of Calhoun

**1/D 4/9/81 (p. 1158)*

SENATE FILE 130

H-3566

- 1 Amend Senate File 130, as amended and passed by
- 2 the Senate, as follows:
- 3 1. Page 42, by striking lines 25 through 28 and
- 4 inserting in lieu thereof the following: "lars and
- 5 seventeen cents per thousand dollars."
- 6 2. By renumbering subsections to conform to this
- 7 amendment.

H-3566 FILED APRIL 8, 1981

BY MAULSBY of Calhoun

**1/D 4/9/81 (p. 1160)*

SENATE FILE 130

H-3568

- 1 Amend Senate File 130, as amended and passed by
- 2 the Senate, as follows:
- 3 1. Page 41, line 18, by inserting after the
- 4 number "174" the following: ", or expenses related
- 5 to fair entertainment activities,".

H-3568 FILED APRIL 8, 1981

BY NORLAND of Worth

Last a amended 4/9/81 (p. 1160)

SENATE FILE 130

II-3328

1 Amend Senate File 130, as amended and passed by
2 the Senate, as follows:

3 1. Page 1, by striking lines 31 and 32 and
4 inserting in lieu thereof the following: "of Iowa
5 and state statutes."

6 2. Page 43, line 2, by inserting after the word
7 "dollars" the words "on property not within a city".

8 3. Page 56, by striking lines 19 through 22 and
9 inserting in lieu thereof the words "in the county.
10 As used in this subsection:".

11 4. Page 59, line 7, by inserting after the period,
12 the following: "All funds remaining in the county
13 indemnification fund created under prior Codes as
14 of the effective date of this Act are transferred
15 to the county indemnification fund under this section."

16 5. Page 89, line 11, by striking the figure
17 "573.15" and inserting in lieu thereof the figure
18 "573.24".

19 6. Page 104, lines 17 and 18, by striking the
20 words "rule the book to show in separate columns"
21 and inserting in lieu thereof the word "record".

22 7. Page 108, line 17, by striking the figure
23 "135D.27" and inserting in lieu thereof the figure
24 "135D.26".

25 8. Page 124, line 20, by striking the figure
26 "1208" and inserting in lieu thereof the figure "1206".

27 9. Page 125, line 23, by striking the figure
28 "321.144" and inserting in lieu thereof the figure
29 "321.135".

30 10. Page 129, line 3, by striking the figure "655"
31 and inserting in lieu thereof the figure "665".

32 11. Page 139, line 13, by striking the figure
33 "1208" and inserting in lieu thereof the figure "1206".

34 12. Page 143, by striking line 35 through page
35 144, line 2.

36 13. Page 144, line 4, by striking the figure
37 "579,".

38 14. Page 208, by inserting after line 34 the
39 following unnumbered paragraph:

40 "The board shall record its proceedings relating
41 to the provision of relief to specific persons under
42 this chapter. A person who is aggrieved by a decision
43 of the board may appeal the decision as if it were
44 a contested case before an agency and as if the person
45 had exhausted administrative remedies in accordance
46 with the procedures and standards in section 17A.19,
47 subsections 2 through 8 except paragraphs b and c
48 of subsection 8, and section 17A.20."

49 15. Page 210, line 25, by striking the figure
50 "2" and inserting in lieu thereof the figure "3".

Page Eight
March 23, 1981

Page Two
H-3328

- 1 16. Page 210, line 28, by striking the figure
- 2 "309.7" and inserting in lieu thereof the words and
- 3 figures "369.7 421, subsections 12 and 13 of this
- 4 Act".
- 5 17. Page 211, line 3, by striking the figure "2"
- 6 and inserting in lieu thereof the figure "3".
- 7 18. Page 231, line 3, by striking the figure "400"
- 8 and inserting in lieu thereof the figure "440".

H-3328 FILED BY DANKER of Pottawattamie
MARCH 19, 1981 BINNEBOESE of Plymouth
A-Adopted 4/9/81 (p. 1156) RENKEN of Grundy
B-Adopted (p. 1161)

SENATE FILE 130

H-3228

- 1 Amend Senate File 130, as amended and passed by
- 2 the Senate, as follows:
- 3 1. Page 7, line 9, by inserting after the
- 4 figure "42.4." the following: "If more than one
- 5 incumbent supervisor resides in the same supervisor
- 6 district after the districts have been redrawn
- 7 following the federal decennial census, the terms of
- 8 office of those supervisors shall expire on the
- 9 second day of January that is not a Sunday or a
- 10 holiday following the next general election."

H-3228 FILED MARCH 9, 1981 BY SPEAR of Lee
Adopted 4/9/81 (p. 1156)

SENATE FILE 130

H-3535

- 1 Amend Senate File 130, as amended and passed by the
- 2 Senate as follows:
- 3 1. Page 39, by striking lines 8 and 9 and inserting
- 4 in lieu thereof the following: "for use of a city
- 5 library, a tax levy determined by the board on the taxable
- 6 property of the".

H-3535 FILED APRIL 7, 1981 BY BRANDT of Black Hawk
Loss 4/9/81 (p. 1158)

SENATE FILE 130

H-3548

- 1 Amend Senate File 130, as amended and passed by
- 2 the Senate, as follows:
- 3 1. Page 208, by striking lines 33 and 34 and
- 4 inserting in lieu thereof the following: "reasonable
- 5 cost of such burial, provided such expenses do not
- 6 exceed two-hundred-fifty-dollars as determined by
- 7 the board of supervisors."

H-3548 FILED APRIL 7, 1981 BY BRANDT of Black Hawk
Loss 4/7/81 (p. 1161)

SENATE FILE 130

H-3194

- 1 Amend Senate File 130 as amended and passed by
- 2 the Senate, as follows:
- 3 1. Page 8, line 13, by striking the words "or
- 4 a deputy auditor".
- 5 2. Page 8, line 14, by striking the words
- 6 "auditor or" and inserting in lieu thereof the word
- 7 "auditor,".
- 8 3. Page 8, line 15, by inserting after the word
- 9 "auditor" the words "or an employee designated by
- 10 the auditor".

H-3194 FILED MARCH 2, 1981

BY SPEAR of Lee

Adopted 4/9/81 (p. 1157)

SENATE FILE 130

H-3195

- 1 Amend Senate File 130 as amended and passed by
- 2 the Senate, as follows:
- 3 1. Page 247, line 19, by striking the words
- 4 "made for that purpose and" and inserting in lieu
- 5 thereof the words "made-for-that-purpose-and".

H-3195 FILED MARCH 2, 1981

BY SPEAR of Lee

Adopted 4/9/81 (p. 1162)

SENATE FILE 130

H-3198

- 1 Amend Senate File 130 as amended and passed by
- 2 the Senate as follows:
- 3 1. Page 247, by striking lines 14 through 16 and
- 4 inserting in lieu thereof the following:
- 5 "446.1 SALE SHOWN. The auditor county treasurer,
- 6 when-making-up-the-tax-list,-before-it-is-placed-in
- 7 the-hands-of-the-county-treasurer, shall designate on
- 8 the tax list each piece or parcel".

H-3198 FILED MARCH 2, 1981

BY SPEAR of Lee

Adopted 4/9/81 (p. 1161)

SENATE FILE 130

H-3209

- 1 Amend Senate File 130 as amended and passed by
- 2 the Senate as follows:
- 3 1. Page 248, line 29, by inserting after
- 4 the word "treasurer" the words "or deputy".

H-3209 FILED MARCH 4, 1981

BY SPEAR of Lee

Adopted 4/9/81 (p. 1162)

SENATE FILE 130

H-3201

- 1 Amend Senate File 130 as amended and passed by
- 2 the Senate as follows:
- 3 1. Page 248, by striking lines 20, 21, and 22
- 4 and inserting in lieu thereof the following: "or
- 5 auditor failing to attend a sale of lands in person,
- 6 or by deputy treasurer or by designated employee shall-be
- 7 is guilty of a simple misdemeanor. If such-officer
- 8 the treasurer, or deputy treasurer or designated employee
- 9 shall-self-or-assist".
- 10 2. Page 248, line 29, by inserting after the
- 11 word "treasurer" the words ", deputy treasurer or
- 12 designated employee".

H-3201 FILED MARCH 3, 1981

BY SPEAR of Lee

Adopted 4/9/81 (p. 1162)

SENATE FILE 130

H-3202

- 1 Amend Senate File 130, as amended and passed by
- 2 the Senate, as follows:
- 3 1. Page 23, by striking lines 7 through 9 and
- 4 inserting in lieu thereof the following: "to an
- 5 elective officer, the board shall set the initial
- 6 salary for the elective officer, which salary shall
- 7 be at thirty percent greater than the salary otherwise
- 8 established for the combined office or position with
- 9 the highest salary. Thereafter, the salary shall
- 10 be determined as provided in section 906 of this Act.
- 11 When the duties of officers or employees".
- 12 2. Page 23, by striking lines 13 through 18.

H-3202 FILED MARCH 3, 1981

BY SPEAR of Lee

Adopted 4/9/81 (p. 1157)

SENATE FILE 130

H-3205

- 1 Amend amendment H-3170 to page 34 of Senate File 130,
- 2 as amended and passed by the Senate, as follows:
- 3 1. Page 1, line 11, by inserting after the word
- 4 "mother," the words "nor shall the board permit the
- 5 disbursement of any county funds to any person, as
- 6 defined in section 4.1, subsection 13, which
- 7 participates in the establishment or maintenance of
- 8 an abortion clinic, or provides funds for an abortion
- 9 for a purpose other than to prevent the death of the
- 10 mother, or encourages an abortion for a purpose other
- 11 than to prevent the death of the mother,".

H-3205 FILED MARCH 3, 1981

BY CLEMENTS of Scott

Placed one of order 4/9/81 (p. 1158)

SENATE FILE 130

3179

1 Amend Senate File 130, as amended and passed by
2 the Senate, as follows:

3 1. Page 47, line 13, by striking the word "EXCESS"
4 and inserting in lieu thereof the word "SPECIAL".

5 2. Page 47, by inserting after line 18 the follow-
6 ing:

7 "A county shall modify or repeal any tax levy
8 proposed for a fiscal year upon petition and election
9 as provided in subsection 6, except a tax levy required
10 for the payment of bonded indebtedness or an excess
11 levy approved for that year by the voters under this
12 section."

13 3. Page 47, line 20, by inserting after the word
14 "election" the words "for an excess levy".

15 4. Page 47, line 23, by inserting after the word
16 "election" the words "for an excess levy".

17 5. Page 47, line 26, by inserting after the word
18 "submitted" the words "for an excess levy election".

19 6. Page 48, by inserting after line 10 the follow-
20 ing:

21 "6. A petition to modify or repeal a proposed
22 tax levy shall comply with section 305 of this Act
23 and shall be filed with the board before March 15
24 prior to the fiscal year for which the tax levy is
25 proposed. The petition shall state the amount of
26 the proposed tax levy, the purpose for which it is
27 proposed, and the modification or repeal proposed
28 by the petition. Upon verifying the form and validity
29 of the petition, the board shall either adopt the
30 proposed modification or repeal in its budget to be
31 certified not later than March 15 or give notice to
32 the county commissioner of elections that a special
33 levy election for a modification or repeal is to be
34 held. If a special levy election for a modifica-
35 tion or repeal is required it shall be held not later
36 than the second Tuesday in April and shall be conducted
37 by the county commissioner of elections in accordance
38 with the law. The proposition to be submitted shall
39 be substantially in the following form:

40 Vote for only one of the following:

41 Shall the county of _____ levy a tax
42 (name of county)

43 for the purpose of _____ at
44 (state purpose of levy election)

45 a rate of _____ which will provide \$ _____
46 (rate) (amount)

47 as proposed by the board of supervisors?

48 Shall the county of _____ modify
49 (name of county)

50 (or repeal) the tax proposed by the board so as to only

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Page Two

1 levy a tax for the purpose of _____
2 (state same purpose)
3 at a rate of _____ which will provide \$ _____
4 (rate) (amount)
5 (or so as to provide no tax levy for the purpose of
6 _____) as proposed by petition
7 (state same purpose)
8 of the people?

9 Subsections 4 and 5 apply to a special levy election
10 under this subsection.

11 If the proposal submitted by petition of the people
12 receives a majority of the votes cast on both proposals
13 the board is bound by the proposal submitted by
14 petition. A tax levy submitted under this subsection
15 shall not be protested to the state appeal board."

H-3179 FILED FEBRUARY 27, 1981 BY CLEMENTS of Scott

Adopted 4/9/81 (g 1160)

SENATE FILE 130

H-3185

1 Amend Senate File 130 as amended and passed by
2 the Senate as follows:
3 1. Page 29, line 1, by striking the words
4 "Civil War,".

H-3185 FILED FEBRUARY 27, 1981

BY SPEAR of Lee

Adopted 4/9/81 (g 1155)

SENATE FILE 130

H-3186

1 Amend Senate File 130 as amended and passed by
2 the Senate as follows:
3 1. Page 29, lines 1 and 2, by striking the
4 words "Spanish-American War,".

H-3186 FILED FEBRUARY 27, 1981

BY SPEAR of Lee

Adopted 4/9/81 (g 1158)

SENATE FILE 130

H-3171

- 1 Amend Senate File 130, as amended and passed by
- 2 the Senate, as follows:
- 3 1. Page 17, by inserting after line 14 the
- 4 following:
- 5 "Sec. ____ NEW SECTION. REFERENDUM POWER.
- 6 1. The people of a county have the power to approve
- 7 or reject at the polls any ordinance or resolution
- 8 or a portion of any ordinance or resolution of the
- 9 board.
- 10 2. A referendum petition shall contain the text
- 11 of the measure to be voted upon and shall comply with
- 12 section 305 of this Act. A referendum petition shall
- 13 be filed with the board not later than ninety days
- 14 after the date of passage of a resolution or the date
- 15 of publication of an ordinance on which the referendum
- 16 is demanded. The filing of a referendum petition
- 17 against a measure or portion of a measure does not
- 18 prevent the measure from becoming effective or suspend
- 19 the operation of the measure until the question is
- 20 decided by the voters at the polls.
- 21 3. Elections on measures referred to the people
- 22 shall be held at the next regular biennial general
- 23 election which is at least ninety days after the
- 24 filing of the petition. A simple majority of the
- 25 votes cast on a measure is necessary to reject a
- 26 referred measure. A measure rejected is repealed
- 27 immediately upon certification of the election results
- 28 by the county commissioner of elections. The board
- 29 shall not enact a measure repealed by referendum
- 30 within two years after the repeal."

H-3171 FILED FEBRUARY 25, 1981 BY CLEMENTS of Scott

H/S 4/9/81 (p. 1157)

SENATE FILE 130

H-3180

- 1 Amend Senate File 130, as amended and passed by
- 2 the Senate, as follows:
- 3 1. By striking page 181, line 30 through page
- 4 183, line 17 and inserting in lieu thereof the
- 5 following:
- 6 "The annual salaries of deputies, assistants,
- 7 clerks and extra help shall be determined by each
- 8 elected county officer within the budget set for the
- 9 elected officer's office by the board."

H-3180 FILED FEBRUARY 27, 1981 BY JAY of Appanoose

H/S 4/9/81 (p. 160)

SENATE FILE 130

H-3181

- 1 Amend the amendment, H-3171, to page 17 of Senate
- 2 File 130, as amended and passed by the Senate, as
- 3 follows:
- 4 1. Page 1, lines 17 and 18, by striking the words
- 5 "does not prevent" and inserting in lieu thereof the
- 6 word "prevents".
- 7 2. Page 1, line 18, by striking the word "suspend"
- 8 and inserting in lieu thereof the word "suspends".

Placed out of order 4/9 (p. 1157)

H-3181 FILED FEBRUARY 27, 1981

BY CLEMENTS of Scott

SENATE FILE 130

H-3169

1 Amend Senate File 130, as amended and passed by
2 the Senate, as follows:

3 1. Page 17, by inserting after line 14 the
4 following:

5 "Sec. ____ NEW SECTION. INITIATIVE POWER.

6 1. The people of a county have the power to propose
7 ordinances and resolutions by initiative petition
8 and to enact or reject them at the polls.

9 2. An initiative petition shall comply with section
10 305 of this Act. An initiative petition shall be
11 filed with the board at least one hundred fifty days
12 prior to the general election at which the initiated
13 measure will be proposed to the people. The petition
14 shall contain the text of the measure. A measure
15 proposed by initiative petition shall embrace only
16 one subject and shall not provide for the form of
17 the ballot question by which it would be submitted
18 to the voters.

19 3. The board shall enact without amendment or
20 reject the measure proposed in the petition within
21 sixty calendar days of receipt of the petition. The
22 board may alter the proposed measure to the extent
23 necessary to conform to the proper style and form.
24 If the board rejects or fails to take action on the
25 proposed measure within the time limitation prescribed
26 in this subsection, the county commissioner of
27 elections, upon verifying the form and validity of
28 the petition, shall submit the proposal to the voters
29 at the next general election. The board may submit
30 a substitute to the proposed measure to the voters
31 at the same general election. A majority of the votes
32 cast on the measure is necessary for approval and
33 a measure approved is effective the first day of
34 January following its approval. If a substitute
35 measure is on the ballot, the ballot shall allow the
36 voter to choose between the two measures or to vote
37 against both proposals. A measure adopted by the
38 initiative procedure shall not be amended or repealed
39 for two years."

H-3169 FILED FEBRUARY 25, 1981

BY CLEMENTS of Scott

W/S 4/9/81 (g 1157)

SENATE FILE 130

H-3095

1 Amend Senate File 130, as amended and passed by
2 the Senate, as follows:

3 1. Page 1, line 31, by inserting after the word
4 "and" the word "administrative".

5 2. Page 41, lines 13 and 13a, by striking the
6 words "and bonds issued upon petition of the county
7 conservation board".

8 3. Page 79, by striking lines 19 and 20 and
9 inserting in lieu thereof the words "for the purchase
10 or sale of water."

11 4. Page 132, line 35, by inserting after the word
12 "section." the following sentence: "The board may
13 determine the manner in which meals are provided for
14 the prisoners."

15 5. Page 204, line 27, by inserting after the word
16 "Sunday" the words "or legal holiday".

17 6. Page 255, line 7, by striking the figure
18 "836A-4" and inserting in lieu thereof the figure
19 "335A-4".

H-3095 FILED FEBRUARY 17, 1981

BY COMMITTEE ON COUNTY GOVERNMENT

A. W/D

DANKER, Chair

B. Adopted 4/9/81 (p 154)

SENATE FILE 130

H-3156

1 Amend amendment H-3139 to page 186 of Senate File
2 130, as amended and passed by the Senate as follows:

3 1. Page 1, line 8, by striking the word "biennially"
4 and inserting in lieu thereof the word "biennially".

H-3156 FILED FEBRUARY 24, 1981

BY CLEMENTS of Scott

Placed out of order 4/9/81 (p 160)

SENATE FILE 130

H-3170

1 Amend Senate File 130, as amended and passed by
2 the Senate, as follows:

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

5 "10. The board shall not participate in the
6 establishment or maintenance of an abortion clinic."

7 2. Page 36, by inserting after line 22 the
8 following:

9 "4. The board shall not permit the use of any
10 county fund to pay for an abortion for a purpose other
11 than to prevent the death of the mother,
12 notwithstanding other provisions of state law which
13 permit or limit the use of county funds. For the
14 purpose of this subsection, "abortion" means the
15 purposeful interruption of pregnancy with an intention
16 other than to produce a live infant or to remove a
17 dead fetus."

H-3170 FILED FEBRUARY 25, 1981

BY CLEMENTS of Scott

W/D 4/9/81 (p 158)

SENATE FILE 130

H-3139

1 Amend Senate File 130, as amended and passed by
2 the Senate, as follows:

3 1. By striking page 186, line 8 through page 187,
4 line 5 and inserting in lieu thereof the following:

5 "1. The annual compensation of the auditor, trea-
6 surer, recorder, clerk, sheriff, county attorney,
7 and supervisors shall be determined as provided in
8 this section. The county compensation board biennially
9 shall review the compensation paid to comparable
10 officers in other counties of this state, other states,
11 private enterprise, and the federal government. The
12 county compensation board shall prepare a recommended
13 compensation schedule for the elective county offices
14 to be filled for a regular four-year term as provided
15 in sections 39.17 and 39.18 at the next general
16 election. Following completion of the compensation
17 schedule, the county compensation board shall publish
18 the compensation schedule in a newspaper having general
19 circulation throughout the county. The publication
20 shall also include a public notice of the date and
21 location of a hearing to be held by the county
22 compensation board not less than one week nor more
23 than three weeks from the date of notice. Upon
24 completion of the public hearing, the county
25 compensation board shall prepare a final compensation
26 schedule recommendation.

27 2. During the month of December of each odd-
28 numbered year, the county compensation board shall
29 transmit its recommended compensation schedule to
30 the board of supervisors. The board of supervisors
31 shall review the recommended compensation schedule
32 and determine the final compensation schedule for
33 the elected county officers included in the schedule
34 which shall not exceed the recommended compensation
35 schedule. In determining the final compensation
36 schedule if the board of supervisors wishes to reduce
37 the amount of the recommended compensation schedule,
38 the annual salary or compensation of each elected
39 county officer included in the schedule shall be
40 reduced an equal percentage. A copy of the final
41 compensation schedule adopted by the board of
42 supervisors shall be filed with the county budget
43 at the office of the state comptroller. The final
44 compensation schedule takes effect on the first day
45 of January which is not a Sunday or legal holiday
46 following the general election at which the county
47 officers included in the schedule are elected for
48 full terms of office. The salaries or compensation
49 are effective for the succeeding four years."

H-3139 FILED FEBRUARY 23, 1981

BY CLEMENTS of Scott

W/S 4/9/81 (p. 1160)

SENATE FILE 130

S-3064

1 Amend Senate File 130 as follows:

2 1. Page 41, line 13, by inserting after the word
3 "board" the words "and bonds issued upon petition
4 of the county conservation board".

5 2. Page 57, line 34, by inserting after the period
6 the words "The fund shall be paid out upon requisition
7 of the county conservation board, which shall deposit
8 in the fund all gifts and revenues it receives."

9 3. Page 63, line 11, by inserting after the word
10 "Act" the words "and subject to a one million dollar
11 maximum aggregate limit on outstanding county
12 conservation bonds in the county. Expenses incurred
13 for the bond election shall be paid from the county
14 conservation fund".

S-3064 FILED

BY JAMES E. BRILES

FEBRUARY 12, 1981

Adopted 2/13 (p 445)

SENATE FILE 130

S-3061

1 Amend Senate File 130 as follows:

2 1. Page 28, by striking line 30 and inserting
3 in lieu thereof the following: "except for a public
4 purpose, as determined by the board, in accordance
5 with other state law. However,".

S-3061 FILED

BY GARY L. BAUGHER

FEBRUARY 10, 1981

DAVID M. READINGER

Adopted 2/13 (p 445)

SENATE CLIP SHEET

FEBRUARY 9, 1981

SENATE FILE 130

S-3054

1 Amend Senate File 130 as follows:

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

4 "PART 6

5 CONSOLIDATED GOVERNMENT

6 Sec. 390. NEW SECTION. CONSOLIDATED GOVERNMENT.

7 1. A county and one or more cities located in
8 the county may establish a consolidated government
9 for the county. If a consolidated government is
10 established, the county and city governments approving
11 the adoption of the consolidated government shall
12 cease to exist. Consolidated governments established
13 under this Act are municipal corporations.

14 2. A consolidated government may be established
15 only by vote of the qualified electors residing in
16 the cities and the unincorporated area of a county
17 in the manner provided in sections 390 through 396
18 of this Act. A charter commission to propose a form
19 of governance for a consolidated government may be
20 called pursuant to one of the following methods:

21 a. Concurrent resolutions calling for the
22 appointment of a charter commission may be adopted
23 by two or more cities located in the county and trans-
24 mitted to the board of supervisors of the county.

25 b. A resolution calling for the appointment of
26 a charter commission may be adopted by the board of
27 supervisors of the county.

28 c. A petition calling for the appointment of a
29 charter commission, signed by eligible electors of
30 the county equal in number to at least ten percent
31 of the votes cast in the county, for governor or
32 president of the United States at the preceding general
33 election, may be filed with the county auditor.

34 3. Upon receipt of a petition, the county auditor
35 shall examine the petition, certify to the county
36 auditor's knowledge the sufficiency of the signatures,
37 and transmit the petition, with the auditor's
38 certificate, to the board of supervisors and the city
39 council of each city in the county.

40 Sec. 391. NEW SECTION. CHARTER COMMISSION.

41 Within thirty days following the receipt of a petition
42 or resolution under section 390 of this Act, the mayor
43 of each city in the county and the chairperson of
44 the board of supervisors shall appoint members to
45 a charter commission. Each mayor shall appoint a
46 resident who is a qualified elector from each election
47 precinct within the mayor's city as a member to the
48 commission and the chairperson of the board of
49 supervisors shall appoint a resident who is a qualified
50 elector from each election precinct within the

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1 unincorporated area of the county as a member of the
2 commission. Members of the charter commission shall
3 serve without compensation.

4 Sec. 392. DUTIES OF COMMISSION--HEARING--ELEC-
5 TION.

6 1. The commission shall meet at the call of the
7 chairperson of the board of supervisors at a location
8 named by the chairperson of the board. At the
9 organizational meeting, the commission shall select
10 a chairperson from its membership and shall adopt
11 rules of procedure.

12 2. The commission shall propose the form of
13 government for the consolidated government which may
14 be any combination of the forms of county government
15 and city government allowed by law.

16 3. Staff assistance may be provided by the county
17 or any city in the county.

18 4. Upon completion of the task of the commission,
19 a report of its actions and proposals shall be
20 published in a newspaper of general circulation in
21 the county. The report of the commission shall be
22 published not later than two years after the date
23 of the organizational meeting.

24 5. A public hearing on the report and proposals
25 shall be held within thirty days of the date of the
26 publication. The date, time, and location of the
27 hearing shall be published in the notice. The cost
28 of the publication shall be paid from the county
29 general fund.

30 6. At the hearing, or at a contribution of the
31 hearing, any interested person may present testimony
32 on the proposal for establishment of a consolidated
33 government, the form of government, and matters
34 relating to the effect of the formation of the proposed
35 consolidated government.

36 7. Following the conclusion of the hearing, the
37 board of supervisors shall call an election on the
38 formation of the consolidated government. The election
39 shall be held within thirty days following the date
40 of the public hearing. The county board shall inform
41 the commissioner of elections of the date of the
42 election pursuant to section 47.6.

43 8. The ballot proposition shall be voted upon
44 separately by those qualified electors residing in
45 cities, and shall be substantially in the follow-
46 ing form:

47 FORMATION OF CONSOLIDATED GOVERNMENT

48 Shall the government of _____ county and the
49 city of _____ in this county be consolidated
50 and the proposed charter be adopted effective (state

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1 the effective date)?

2

YES

3

NO

4 9. The proposition is adopted if a majority of
5 all qualified electors voting on the proposition in
6 the unincorporated area of the county and the cities
7 approves the formation of the consolidated government
8 and is adopted for each city in which a majority of
9 the qualified electors voting on the proposition
10 approves the formation of the consolidated government.

11 Sec. 393. NEW SECTION. POWERS OF CONSOLIDATED
12 GOVERNMENT.

13 1. A consolidated government is a municipal
14 corporation, and except as expressly limited by the
15 Constitution, and if not inconsistent with the laws
16 of the general assembly, may exercise any power and
17 perform any function granted to cities.

18 2. A consolidated government shall act in an
19 administrative capacity for the state as provided
20 by law.

21 3. The consolidated government has all the rights,
22 powers, privileges, and benefits of counties as
23 provided by law.

24 Sec. 394. NEW SECTION. CONSOLIDATED GOVERNMENT
25 ORGANIZATION. Following approval at the referendum,
26 representatives appointed by each city council in
27 the consolidated government and the board of
28 supervisors shall meet and provide for all of the
29 following:

30 1. Liquidation of existing bonded indebtedness
31 and other obligations of the cities and the county.

32 2. Transfer of city and county personnel and
33 continuation of salary, benefits, collective bargaining
34 agreements, retirement rights, and related matters.

35 3. Transfer or other disposition of property and
36 other rights, claims, assets, and franchises of the
37 local governments to be consolidated.

38 4. Establishment of a general services district
39 and an urban services district and the enlargement
40 of urban services districts as provided in section
41 395 of this Act.

42 5. Creation of consolidated government subordinate
43 service and taxing areas as provided in section 395
44 of this Act.

45 Sec. 395. NEW SECTION. SERVICE DISTRICTS.

46 1. The general services district shall include
47 the whole area of the consolidated government. A
48 service or function which is assigned by state law
49 to county government shall be performed in the general
50 services district. Additional services may be

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1 performed in the general services district with the
2 approval of the governing body of the consolidated
3 government.

4 2. The urban services districts shall consist
5 originally of each city included in the consolidation.
6 Urban services districts within the consolidated
7 government may be noncontiguous. The governing body
8 may specify the services in addition to those provided
9 in the general services district, including all city
10 services, to be provided in the urban services
11 districts. These services shall be financed from
12 revenues secured from within the urban services
13 district.

14 3. Consolidated government subordinate service
15 areas may be established by the governing body in
16 order to furnish services on a less than entire
17 consolidated government basis. Subordinate service
18 areas may be used for any of the following:

19 a. To perform a limited number of city services
20 in territory outside the boundaries of an urban
21 services district, but the service areas shall become
22 part of the urban services district upon assuming
23 responsibility for a specified number or type of city
24 services.

25 b. To perform noncity services anywhere in the
26 consolidated government.

27 c. To perform a service of a special district
28 included under subsection 5. A service provided
29 within a subordinate service area shall be financed
30 from revenues secured from within the area.

31 4. The governing body shall establish a procedure
32 for adding new services, discontinuing services, and
33 transferring services among the general services
34 district, urban services districts, and subordinate
35 service areas.

36 5. A consolidated government created under sections
37 390 through 396 of this Act may assume all functions,
38 rights, duties, personnel, property, assets, and
39 liabilities of a special district, except a school
40 district, operating entirely within the geographical
41 jurisdiction of the consolidated government.

42 6. The consolidated government shall notify the
43 special district of its desire to assume responsibility
44 for any or all of the special district's functions.
45 Upon the approval of an agreement providing for the
46 transfer of the function and necessary rights, duties,
47 property, assets, and liabilities by the consolidated
48 government and the special district, the special
49 district is dissolved.

50 7. When a consolidated government has been created,

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1 a new special district operating wholly within the
2 consolidated government shall not be formed unless
3 the governing body of the consolidated government
4 approves.

5 Sec. 396. NEW SECTION. LOCAL TAXES.

6 1. A consolidated government may impose local
7 taxes authorized by sections 390 through 396 of this
8 Act not less than one year from the date the
9 consolidated government is organized and becomes
10 functional, subject to this section.

11 2. The governing body of a consolidated government
12 may direct the county commissioner of elections to
13 submit at the next general election the question of
14 imposition of an authorized local tax to the qualified
15 electors within the county. The county commissioner
16 of elections shall be notified not later than sixty
17 days before the date of a general election.

18 3. The county commissioner of elections shall
19 submit the question of imposition of a local tax only
20 at a general election.

21 4. If a majority of those voting in the entire
22 county favors imposition of a local tax, the governing
23 body of the consolidated government shall impose the
24 tax, by resolution, in the entire county.

25 5. A local tax may be imposed or discontinued
26 only by ordinance of the governing body of the
27 consolidated government.

28 6. An annual local income tax surtax may be imposed
29 on every individual resident taxpayer at a rate not
30 to exceed ten percent of the taxpayer's computed state
31 individual income tax liability for the tax year.

32 7. A local sales, services, and use tax at a rate
33 of one percent may be imposed on the gross receipts
34 taxed by the state under chapter 422, division IV,
35 and under chapter 423. A local sales, services, and
36 use tax shall be imposed on the same basis as the
37 state sales, services, and use tax and shall not be
38 imposed on the sale or use of any property or on any
39 service not taxed by the state. A local sales,
40 services, and use tax is applicable only to
41 transactions within the territorial limits of the
42 consolidated government imposing it, and shall be
43 collected by all persons required to collect state
44 retail sales, services, or use taxes.

45 The amount of the sale, for purposes of determining
46 the amount of the local sales, services, and use tax,
47 does not include the amount of any state retail sales,
48 services, or use taxes.

49 A tax permit other than the state tax permit
50 required under section 422.53 shall not be required

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1 by local authorities.

2 8. An annual local earnings tax may be imposed
3 on every individual resident and nonresident tax-
4 payer exclusive of fiduciaries and corporations, at
5 a rate not to exceed ten percent of the taxpayer's
6 Iowa taxable income derived from work performed and
7 services rendered within the limits of the consolidated
8 government imposing the tax. A consolidated government
9 imposing an earnings tax shall give a credit for any
10 local income tax paid by the taxpayer on income which
11 is also subject to the earnings tax.

12 For purposes of this subsection, "nonresident
13 taxpayer" means an individual taxpayer who derives
14 income from sources within the territorial limits
15 of the consolidated government imposing the tax
16 although the taxpayer's principal place of residence
17 is not in the territorial limits of the consolidated
18 government, and a fiduciary or a corporation which
19 is a taxpayer and which derives income from sources
20 within the territorial limits of the consolidated
21 government imposing the tax. "Income derived from
22 sources within the territorial limits of the
23 consolidated government" means income of every kind
24 produced as a result of work performed, services
25 rendered, goods sold, and other business activities
26 conducted within the territorial limits of the
27 consolidated government imposing the tax, and includes,
28 but is not limited to, dividends and interest from
29 investment property with a situs within the
30 consolidated government, capital gains in excess of
31 capital losses on property located within the
32 consolidated government, and rental income from real
33 and tangible personal property located within the
34 territorial limits of the consolidated government
35 imposing the tax.

36 9. A local sales, services, and use tax shall
37 take effect only January 1 or July 1 following a
38 favorable election and a local income or earnings
39 tax shall take effect only January 1 following a
40 favorable election.

41 The director of revenue shall administer a local
42 income tax, earnings tax, or sales, services, and
43 use tax as nearly as possible in conjunction with
44 the administration of state income tax laws, or state
45 retail sales, services, and use tax laws. The director
46 shall provide appropriate forms, or provide on the
47 regular state tax forms, for reporting local income
48 tax, earnings tax, or sales, services, and use tax
49 liability.

50 An ordinance of the governing body of a consolidated

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1 government imposing a local income tax, earnings tax,
2 or sales, services, and use tax shall adopt by
3 reference the applicable provisions of the appropriate
4 sections of chapter 422, divisions I and II for a
5 local income or earnings tax, or chapter 422, division
6 IV and chapter 423 for a local sales, services, and
7 use tax, and the powers conferred and requirements
8 imposed upon the director in administering the state
9 income tax law, or the state retail sales, services,
10 and use tax law are applicable to the director's
11 administration of a local income tax, earnings tax,
12 or sales, services, and use tax law, as applicable,
13 including but not limited to, powers to impose interest
14 and penalties, and requirements for hearing and appeal.
15 Local officials shall confer with the director of
16 revenue and obtain the director's assistance in
17 drafting the ordinance imposing a local income tax,
18 earnings tax, or sales, services, and use tax. A
19 certified copy of the ordinance imposing a local
20 income tax, earnings tax, or sales, services, and
21 use tax shall be filed with the director.

22 10. There is created in the state treasury a local
23 tax fund. The director, in consultation with local
24 officials, shall collect and account for a local
25 income tax, earnings tax, or sales, services, and
26 use tax. The director shall retain and pay to the
27 treasurer of state for deposit in the general fund
28 of the state one percent of the local income tax,
29 earnings tax, or sales, services, and use tax receipts,
30 to cover administrative expense. The director shall
31 pay the remaining local income tax, earnings tax,
32 or sales, services, and use tax receipts to the
33 treasurer of state who shall credit the amount to
34 the local tax fund in the name of the consolidated
35 government imposing the tax.

36 11. The treasurer of state shall remit quarterly
37 to the governing body of a consolidated government
38 which has imposed a local income tax, earnings tax,
39 or sales, services, and use tax the amount credited
40 to it in the local tax fund. The local tax fund is
41 appropriated for this purpose.

42 12. All local income tax, earnings tax, or sales,
43 services, and use tax moneys received by a govern-
44 ing body of a consolidated government may be expended
45 for any lawful consolidated government purpose.
46 However, the consolidated government treasurer, or
47 another official designated by the governing body
48 of the consolidated government, shall credit at least
49 fifty percent of the local income tax, earnings tax,
50 or sales, services, and use tax moneys received to

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1 a special account for property tax relief.

2 13. The moneys deposited in the special account
3 for property tax relief shall be used to provide a
4 special homestead tax credit for each homestead which
5 qualified for the homestead tax credit granted pursuant
6 to section 425.1. The consolidated government
7 treasurer shall certify, before July 15 of each year,
8 to the appropriate consolidated government official
9 the amount of money in the special account for property
10 tax relief as of June 15 of that year. Upon certifi-
11 cation, the money in the special account may be spent
12 for any lawful consolidated government purpose. The
13 appropriate consolidated government official shall
14 divide the amount of money certified by the number
15 of qualified homesteads within the corporate limits
16 of the consolidated government to determine the pro
17 rata amount of the special homestead credit to be
18 granted to each qualified homestead. Each qualified
19 homestead shall be credited with the pro rata amount
20 after credit has been given pursuant to chapter 425.1
21 except that an individual shall not be given more
22 credit than the tax due. Any excess credit shall
23 be credited proportionately to the other qualified
24 homesteads. Before a consolidated government is
25 qualified to receive remittances from the treasurer
26 of state under section 17 of this Act, the appropriate
27 consolidated government official, before July 15 of
28 each year, shall certify to the treasurer of state
29 that the special homestead tax credit has been made."

30 2. Page 232, by inserting after line 27 the
31 following:

32 "Sec. ____ . Section 422.72, subsection 1, Code
33 1981, is amended to read as follows:

34 1. It is unlawful for the director, or any person
35 having an administrative duty under this chapter,
36 or any present or former officer or other employee
37 of the state authorized by the director to examine
38 returns, to divulge in any manner whatever, the
39 business affairs, operations, or information obtained
40 by an investigation under this chapter of records
41 and equipment of any person visited or examined in
42 the discharge of official duty, or the amount or
43 source of income, profits, losses, expenditures or
44 any particular thereof, set forth or disclosed in
45 any return, or to permit any return or copy of a
46 return or any book containing any abstract or
47 particulars thereof to be seen or examined by any
48 person except as provided by law. However, the
49 director may authorize examination of such state
50 returns and other state information which is

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1 confidential under this section by appropriate officers
2 of a consolidated government within this state if
3 the consolidated government has imposed a local tax,
4 or, if a reciprocal arrangement exists, by tax officers
5 of another state or the federal government. The
6 director may, by rules adopted pursuant to chapter
7 17A, authorize examination of state information and
8 returns by other officers or employees of this state
9 to the extent required by their official duties and
10 responsibilities. Disclosure of state information
11 to tax officers of another state is limited to
12 disclosures which have a tax administrative purpose
13 and only to officers of those states which have laws
14 that are as strict as the laws of this state protecting
15 the confidentiality of returns and information. The
16 director shall place upon the state tax form a notice
17 to the taxpayer that state tax information may be
18 disclosed to tax officials of another state or of
19 the United States for tax administrative purposes.
20 The department shall not authorize the examination
21 of tax information by officers and employees of this
22 state, another state, or of the United States if the
23 officers or employees would otherwise be required
24 to obtain a judicial order to examine the information
25 if it were to be obtained from another source, and
26 if the purpose of the examination is other than for
27 tax administration. However, the director of revenue
28 may provide sample individual income tax information
29 to be used for statistical purposes to the legislative
30 fiscal bureau. The information shall not include
31 the name or mailing address of the taxpayer or the
32 taxpayer's social security number. Any information
33 contained in an individual income tax return which
34 is provided by the director shall only be used as
35 a part of a data base which contains similar
36 information from a number of returns. The legislative
37 fiscal bureau shall not have access to the income
38 tax returns of individuals. Each request for
39 individual income tax information shall contain a
40 statement by the director of the legislative fiscal
41 bureau that the individual income tax information
42 received by the bureau shall be used solely for
43 statistical purposes. This subsection does not prevent
44 the department from authorizing the examination of
45 state returns and state information under the
46 provisions of section 252B.9. This subsection prevails
47 over any general law of this state relating to public
48 records."
49 3. By renumbering sections and correcting internal
50 references as necessary.

FILED

FEBRUARY 5, 1981

Ruled out of order 2-13 (g.m.45)

BY GEORGE R. KINLEY

BOB RUSH

SENATE FILE 130

S-3046

1 Amend Senate File 130 as follows:

2 1. Page 134, by inserting after line 23 the
3 following:

4 "_____. A sheriff or deputy sheriff shall not use
5 a county-owned vehicle or transport passengers in
6 a county-owned vehicle except for purposes relating
7 to the officer's official duties unless otherwise
8 authorized by the board."

9 2. By numbering the subsection.

S-3046 FILED

BY JOE BROWN

FEBRUARY 3, 1981

WITHDRAWN (p. 3/4)

SENATE FILE 130

S-3047

1 Amend Senate File 130 as follows:

2 1. Page 1, by inserting after line 32 the
3 following new subsection:

4 "15. "Book", "record", and "register" include
5 any mode of permanent recording including but not
6 limited to, card files, microfilm or microfiche,
7 electronic records and the like."

S-3047 FILED

BY LUCAS J. DeKOSTER

FEBRUARY 3, 1981

ADOPTED (p. 3/5)

SENATE FILE 130

S-3051

1 Amend Senate File 130 as follows:

2 1. Page 173, line 32, by inserting after the word
3 "provided." the following: "The fee and expenses
4 of the county medical examiner who performs an autopsy
5 or conducts an investigation of a person who dies
6 after being brought into this state for emergency
7 medical treatment by or at the direction of an out-
8 of-state law enforcement officer or public authority
9 shall be paid by the state. A claim for payment shall
10 be filed with the state department of health."

S-3051 FILED & ADOPTED (p. 2/4) BY ROBERT M. CARR

SENATE FILE 130

S-3052

1 Amend Senate File 130 as follows:

2 1. Page 130, by inserting after line 26 the
3 following:

4 "_____. When examining, settling, or verifying
5 reports or accounts of fees or other monetary receipts
6 of the county as provided in section 400, subsection
7 1, paragraph p or chapter 452, the cash on hand in
8 the office of a county officer or employee subject
9 to settlement or examination need not be counted in
10 the presence of, or by, the board or other examining
11 county officer. This subsection does not prohibit
12 the actual counting of cash on hand in a county office
13 at the time of examination or settlement if the
14 examining authority requests the actual count."

15 2. By numbering the subsection.

S-3052 FILED & LOST (p. 3/4) BY ROBERT M. CARR

FEBRUARY 3, 1981

AS AMENDED AND PASSED BY THE SENATE FEBRUARY 13, 1981.

DIVISION I

1
2 Sec. 100. NEW SECTION. DEFINITIONS. As used in sections
3 100 through 907 of this Act, unless the context otherwise
4 requires:

5 1. "Board" means the board of supervisors of a county.

6 2. "Supervisor" means a member of the board of super-
7 visors.

8 3. "Auditor" means the county auditor or a deputy auditor
9 or employee designated by the county auditor.

10 4. "Treasurer" means the county treasurer or a deputy
11 treasurer or employee designated by the county treasurer.

12 5. "Recorder" means the county recorder or a deputy
13 recorder or employee designated by the county recorder.

14 6. "County attorney" means the county attorney or a deputy
15 county attorney or assistant county attorney designated by
16 the county attorney.

17 7. "Sheriff" means the county sheriff or a deputy sheriff
18 designated by the sheriff.

19 8. "Clerk" means the clerk of the district court or a
20 deputy clerk designated by the clerk of the district court.

21 9. "Measure" means an ordinance, amendment, resolution,
22 or motion.

23 10. "Ordinance" means a county law of a general and perma-
24 nent nature.

25 11. "Amendment" means a revision or repeal of an existing
26 ordinance or code of ordinances.

27 12. "Resolution" or "motion" means a statement of policy
28 or an order for action to be taken.

29 13. "Recorded vote" means a record, roll call vote.

30 14. "State law" includes the Constitution of the State
31 of Iowa, state statutes, and rules adopted in accordance with
32 chapter 17A.

32a 15. "Book", "record", and "register" include any mode of
32b permanent recording including but not limited to, card files,
32c microfilm or microfiche, electronic records and the like.

DIVISION II

BOARD OF SUPERVISORS

ORGANIZATION

1 8. A contract with a corporation in which a county officer
2 or employee has an interest by reason of stockholdings when
3 less than five percent of the outstanding stock of the
4 corporation is owned or controlled directly or indirectly
5 by the officer or employee or the spouse or immediate family
6 of the officer or employee.

7 9. A contract made by competitive bid, publicly invited
8 and opened, in which a member of a county board, commission,
9 or administrative agency has an interest, if the member is
10 not authorized by law to participate in the awarding of the
11 contract. The competitive bid qualification of this subsection
12 does not apply to a contract for professional services not
13 customarily awarded by competitive bid.

14 PART 4

15 DUTIES AND POWERS OF THE BOARD RELATING TO COUNTY PROPERTY

16 Sec. 360. NEW SECTION. COUNTY PROPERTY.

17 1. Counties bounded by a body of water have concurrent
18 jurisdiction over the entire body of water lying between them.

19 2. In disposing of an interest in real property by sale
20 or exchange, by lease for a term of more than three years,
21 or by gift, the following procedures shall be followed, except
22 as otherwise provided by state law:

23 a. The board shall set forth its proposal in a resolution
24 and shall publish notice of the time and place of a public
25 hearing on the proposal, in accordance with section 304 of
26 this Act.

27 b. After the public hearing, the board may make a final
28 determination on the proposal by resolution.

29 3. The board shall not dispose of real property by gift
30 except for a public purpose, as determined by the board, in
30a accordance with other state law. However,
31 the board may dispose of real property for use in an Iowa
32 homesteading program under section 220.14 for a nominal
33 consideration.

34 4. On the application of a honorably discharged soldier,
35 sailor, marine, or nurse of the army or navy of the United

2. For the public safety fund, if a unified law enforcement district is established, not to exceed one dollar and fifty cents per thousand dollars, as provided in section 28E.22.

3. For development, operation, and maintenance of a memorial building or monument established under chapter 37, not to exceed thirty-three and three-fourths cents per thousand dollars.

4. For voting machines or an electronic voting system, not to exceed thirteen and one-half cents per thousand dollars.

5. The amount needed for unemployment benefits under chapter 96, which may be levied outside of the general fund.

6. For the county conservation fund, for expenses of the county conservation board and bonds issued upon petition of the county conservation board, not to exceed twenty-seven cents per thousand dollars, in addition to all other taxes.

7. For the fairground fund, not to exceed six and three-fourths cents per thousand dollars to be used for fitting up or purchasing fairgrounds for a society formed under chapter 174 or for aiding boys and girls 4-H club work and payment of agricultural and livestock premiums in connection with the fair, to be levied only if the society owns or leases at least ten acres of land for the fairground and owns or leases buildings and improvements on the land of at least one thousand dollars in value. However, if an official fair designated under section 174.10, subsection 2, the funds received from this levy shall be paid to the society conducting the official county fair.

8. For the fairground fund, not to exceed six and three-fourths cents per thousand dollars, in a county which has acquired real property for county or district fair purposes and which has a society using the real property.

9. For maintaining a county or multi-county juvenile detention or shelter care home in a county of over one hundred fifty thousand population, not to exceed twenty and one-fourth cents per thousand dollars, or in any other county not to exceed thirteen and one-half cents per thousand dollars.

1 or city and county of legal residence of each person receiving
2 services under this section. However, the facility shall
3 not disclose to anyone the name or address of a person
4 receiving services for which commitment is not required,
5 without the permission of that person.

6 c. The cost of care and treatment of persons placed in
7 the county hospital, county care facility, a health care
8 facility as defined in section 135C.1, subsection 4, or any
9 other public or private facility:

10 (1) In lieu of admission or commitment to a state mental
11 health institute, hospital-school, or other facility
12 established pursuant to chapter 222.

13 (2) Upon discharge, removal, or transfer from a state
14 mental health institute or state hospital-school or other
15 institution established pursuant to chapter 222.

16 d. A contribution which the board makes to the
17 establishment and initial operation of a community mental
18 health center in the manner and subject to the limitations
19 provided by state law.

20 e. Foster care and related services provided under court
21 order to a child who is under the jurisdiction of the juvenile
22 court.

23 f. Expenses required to be paid by the county for the
24 care, admission, commitment, and transportation of mentally
25 ill patients in state hospitals.

26 Parents or other persons may voluntarily reimburse the
27 county or state for the reasonable cost of caring for an
28 individual patient in a county or state facility.

29 14. Other funds as required by state law.

30 Sec. 425. NEW SECTION. PERMISSIVE COUNTY FUNDS. A county
31 may establish the following funds:

32 1. An emergency fund in accordance with section 24.6.

33 2. A county conservation fund to be administered by the
34 county conservation board in accordance with section 111A.6.

34a The fund shall be paid out upon requisition of the county
34b conservation board, which shall deposit in the fund all
34c gifts and revenues it receives.

35 A portion of snowmobile registration fees shall be deposited

1 service rendered by soldiers, sailors, and marines of the
2 United States, including the acquisition of ground and the
3 purchase, erection, construction, reconstruction, and equipment
4 of the building or monument, subject to the levy limit in
5 section 421, subsection 3, of this Act, and to be managed
6 by a commission as provided in chapter 37.

7 (2) Acquisition and development of land for a public
8 museum, park, parkway, preserve, playground, or other recrea-
9 tion or conservation purpose to be managed by the county con-
10 servation board, subject to the levy limit in section 421,
11 subsection 6, of this Act and subject to a one million dollar
11a maximum aggregate limit on outstanding county conservation bonds
11b in the county. Expenses incurred for the bond election shall
11c be paid from the county conservation fund. The board may only
11d submit a

12 proposition under this subparagraph upon receipt of a petition
13 from the county conservation board asking that bonds be issued
14 for a specified amount.

15 (3) Contributions of money to the state department of
16 transportation to help finance the construction of toll bridges
17 across navigable rivers constituting boundaries between the
18 county and an adjoining state.

19 (4) An airport, including establishment, acquisition,
20 equipment, improvement, or enlargement of the airport.

21 (5) A joint city-county building, established by contract
22 between the county and its county seat city, including pur-
23 chase, acquisition, ownership, and equipment of the county
24 portion of the building.

25 (6) A county health center as defined in section 346A.1,
26 including additions and facilities for the center and including
27 the acquisition, reconstruction, completion, equipment, im-
28 provement, repair, and remodeling of the center, additions,
29 or facilities. Bonds for the purpose specified in this
30 subparagraph are exempt from taxation by the state and the
31 interest on the bonds is exempt from state income taxes.

32 (7) A county public hospital, including procuring a site
33 and the erection, equipment, and maintenance of the hospital,
34 and additions to the hospital, subject to the levy limits
35 in section 347.7.

1 not serve, the board may appoint a physician from another
2 county. If a county medical examiner is unable to serve in
3 a particular case or for a period of time, the medical examiner
4 shall promptly notify the chairperson of the board who shall
5 designate some other qualified physician to serve temporarily.

6 3. The board may provide laboratory facilities, deputy
7 medical examiners, and other professional, technical, and
8 clerical assistance as required by the county medical examiner
9 in the performance of official duties. However, the
10 requirements shall be subject to prior approval by the state
11 medical examiner.

12 Sec. 801. NEW SECTION. DEATHS--REPORTED AND INVESTI-
13 GATED.

14 1. A person's death which affects the public interest
15 as specified in subsection 3 shall be reported to the county
16 medical examiner or the state medical examiner by the physician
17 in attendance, any law enforcement officer having knowledge
18 of the death, the embalmer, or any other person present.
19 The appropriate medical examiner shall notify the city or
20 state law enforcement agency or sheriff and take charge of
21 the body.

22 2. If a person's death affects the public interest, the
23 county medical examiner shall conduct a preliminary investiga-
24 tion of the cause and manner of death, prepare a written re-
25 port of the findings, promptly submit the full report to the
26 state medical examiner on forms prescribed for that purpose,
27 and submit a copy of the report to the county attorney. For
28 each preliminary investigation and the preparation and sub-
29 mission of the required reports, the county medical examiner
30 shall receive a fee determined by the board plus the examiner's
31 actual expenses. The fee and expenses shall be paid by the
32 county for which the service is provided. The fee and expenses
32a of the county medical examiner who performs an autopsy or
32b conducts an investigation of a person who dies after being
32c brought into this state for emergency medical treatment by or
32d at the direction of an out-of-state law enforcement officer
32e or public authority shall be paid by the state. A claim for
32f payment shall be filed with the state department of health.

33 3. A death affecting the public interest includes, but
34 is not limited to, any of the following:

35 a. Violent death, including homicidal, suicidal, or

COUNTY HOME RULE ACT
SENATE FILE 130

CORRESPONDING AMENDMENTS
COUNTY OFFICERS

<u>COMPARABLE SECTION NUMBERS</u>		<u>CONTENT - COMMENT</u>
<u>S.F. 130</u>	<u>Code</u>	
1000	11.6	Transfer from Code 332.3(27) -
1101	23.1	ISAC Accounting Requirements Counties Removed from Code Chapter 23 Because of New Contract and Bond Provisions
1002	24.22	Reference to Fund Transferred to 423(3d) of S.F. 130
1003	28F.12	Deletes Internal Reference to Repealed Section
1004	37.6	Bond Provisions Transferred
1005	37.8	Levy Transferred
1006	37.27	Bond Provisions Transferred
1007	37.28	Levy Transferred
1008	37.30	Levy Transferred
1009	52.3	Bonds and Levy Transferred
1010	110.16	Destruction of Records Transferred to 322(2e), S.F. 130
1011	111.58	Home Rule - Deletes Permissive Statement
1012	111A.2	Petition Requirements and Removal of Appointees Transferred
1013	111A.4(2)	Deletes Internal Reference to Repealed Section
1014	111A.6 Unnum. Par. 1 (as amended by S.F. 146)	Fund, Levy, Contract Letting Procedures, and Bond Provisions Transferred
1015	111A.6 Unnum. Pars. 2, 3, & 4	Stricken - Bonds, Levy, and Fund Provisions Transferred
1016	111A.7	Home Rule - Control of Property
1017	125.45(1)	Levy and Fund Transferred
1018	143.1	Home Rule - Contract Power
1019	159.5(13e)	Levy Transferred
1020	163A.12	Levy Transferred
1021	165.22	Fund Transferred
1022	165.23	Fund Transferred
1023	174.10(2)	Petition Provision Transferred
1024	174.13(1)	Levy Transferred
1025	174.15	Home Rule - Power to Purchase Real Property
1026	218.99	Fund Transferred
1027	222.77	Fund Transferred
1028	227.18 (as amended by S.F. 572)	Fund Transferred
1029	230A.1	Fund Transferred
1030	230A.4	Home Rule - Addition to

		Clarify Day of Assuming Office
1031	232.142(1,2)	Limits on Home Rule - Bond and Levy Provisions Transferred
1032	234.10	Fund Transferred - Reference to Board's Per Diem Expanded and Transferred to 320(6), S.F. 130
1033	234.36	Fund Transferred
1034	250.5	Levy Transferred
1035	251.4	Levy and Fund Transferred
1036	251.5 Unnum. Par. 1	Clarification
1037	251.6	Home Rule - Authority to Employ, Administer Relief
1038	251.7	Clarification
1039	252.27	Home Rule - Types of Work Projects Expanded - New Provisions for Appeal
1040	252.43 Unnum. Pars. 1, 2	Stricken - Levy Transferred
1041	253.1	Home Rule - Power to Establish Facility
1042	253.3	Date Change
1043	253.5	Home Rule - Power to Administer Facility
1044	306.42(5)	Internal Reference Repealed
1045	309.10 Unnum. Par. 2	Fund and Levy Transferred
1046	312.2(8)	Fund and Levy Transferred
1047	317.4	Fund Transferred
1048	321.207	Addition Due to County Ordinance Powers
1049	327H.20 (as amended by S.F. 440)	Fund Transferred
1050	329.4(1)	County Ordinance Powers
1051	329.7	County Ordinance
1052	329.9	County Ordinance
1053	329.12 Unnum. Par. 1	County Ordinance
1054	330.17	Petition Provision Transferred
1055	330.18	Publication Provision Transferred
1056	330.19	Corrective
1057	330.21	Corrective
1058	344.11	Internal Reference
1059	345.1	Rewrite of Existing Provisions in Code 345.1, .12, .13
1060	346A.2	Contract and Levy Provisions Transferred
1061	347.7	Bond Provisions Transferred (The Levy is Retained in This Section Because it is Certified by the Hospital Trustees)
1062	347.13(9)	Internal Reference
1063	347A.1	Bond and Contract Provisions Transferred
1064	351.6	Home Rule - Control of Dogs
1065	351.41	Home Rule - Same

1066	355.1	Home Rule - Appointment Power
1067	356A.3	Fund Transferred
1068	356A.7	Fund Transferred
1069	New Sec., Ch. 358	Revenue Bonds - Transferred from Code 332.44 which was Repealed
1070	358A.2	County Ordinance Power
1071	358A.3	County Ordinance Power
1072	358B.3	Home Rule - Power to Accept Property Gifts
1073	358B.10 Unnum. Par. 1	Fund Transferred
1074	358B.13	Levy Transferred
1075	358B.18	Home Rule - Petition Provision More Consistent with Act - Levy Transferred
1076	359.42	Internal Reference
1077	359.45	Bonds Transferred
1078	361.3(4)	Levy Transferred
1079	361.5	Levy Transferred
1080	361.6	Levy Transferred
1081	384.12(15,18)	Internal References
1082	420.207	Internal References
1083	441.56	Internal References
1084	471.4(1)	Home Rule - Eminent Domain Power Modeled after City Provision - See 303(8), S.F. 130
1085	509A.1	Home Rule - Insurance
1086	509A.11	Home Rule - Insurance
1087	509A.12	County Added Because This Section is Mandatory Rather Than Permissive
1088	565.6	Home Rule - Property
1089	565.12	Home Rule - Acceptance of Annuity
1090	565.13	Levy Transferred
1091	566.16 Unnum. Par. 1	Fund Transferred
1092	566.17	Home Rule - Power to Send Delegates
1093	566.18	Home Rule - Power to Subscribe to Publications
1094	569.8	Disposal of Real Property Provi- sions Transferred
1095	601C.2(2)	Veterans' Stand Provision Transferred
1096	622.93	Fund Transferred
1097	Repeals - See Cross-Index from Code to S.F. 130 for Details	
1200	24.14	Internal Reference
1201	New Sec., Ch. 28E	Transfer from Code 337.22 - Amana Law Enforcement
1202	39.18	Internal Reference
1203	49.4	Internal Reference
1204	69.8(6)	Clarification of Filling Vacancy in Office of Clerk of District Court
1205	96.14(3)	Internal Reference
1206	New Sec., Ch. 127	Forfeiture of Vehicle Used in Violation of Controlled

1207	144.56	Substance Laws
1208	161.13	Internal Reference
		County Assessor to Report Forest and Fruit Tree Reservations to State Conservation Commission in lieu of Auditor
1209	230A.9(3)	Internal Reference
1210	298.13	County Treasurer to Give Monthly Notice of Taxes Collected to School Board Rather Than the President of the School Board
1211	311.8	County Engineer to Assume
1212	311.11(9)	Administrative Duties Relating to Secondary Road Assessment
1213	311.12	Districts From the County Auditor.
1214	311.24	County Treasurer to Assume Duties
1215	311.25	Relating to Sale of Anticipatory
1216	311.26	Certificates of Assessments From
1217	311.28	the Auditor.
1218	311.29	Internal Reference
1219	341A.7	Internal Reference
1220	422.26	Transfer of Duties Relating to
1221	445.11	Special Assessments From
1222	445.17	County Auditor to County
1223	445.18	Treasurer.
1224	446.1	Transfer of Duties Relating to
1225	446.21	Tax Sale From County Auditor
1226	446.24	to County Treasurer
1227	446.26	
1228	446.27	
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1231	446.37	
1232	447.1	Transfer of Duties Relating to
1233	447.3	Redemption of Real Estate Sold
1234	447.5	for Taxes From County Auditor
1235	447.6	to the County Treasurer
1236	447.9	
1237	447.12	
1238	447.13	
1239	666.6	Change Date When the Annual
		Report of the Clerk of the
		District Court Relating to
		Fines, Forfeitures, and
		Penalties is Made to the
		Supervisors From First Monday
		in January to First Regular
		Meeting of the Board in
		January.
1240	801.4(10)	Internal Reference
1241	813.2, Rule 2 (3)	
	R.C.P.	Internal Reference
1242	813.2, Rule 26(1)	
	R.C.P.	Internal Reference
1243	905.3(1a)	Internal Reference
1244	Repeals - See Cross-Index From Code to S.F. 130 for Details	

SECTION BY SECTION ANALYSIS OF COUNTY HOME RULE CORRECTIONS BILL
(Senate File 130)

Sec. 1. Corrects an internal reference. Chapter 606 was repealed and rewritten.

Secs. 2 and 3. Eliminate unneeded references in chapter 37, which wrongly gave the impression that a city issuing anticipatory warrants under the chapter would be subject to the county fund limits. References which remain to "this chapter" and the county sections are sufficient to provide for both cities and counties.

Sec. 4. Corrects a reference to wrong subsection.

Sec. 5. Section 174.13, subsection 2, is not needed because it was rewritten into S.F. 130 (Sec. 331.422, subsection 7, Code 1981 Supp.)

Sec. 6. In the past this fund was sometimes called the "state institutions" fund, although it is a county fund. To avoid confusion the term used in S.F. 130 is inserted.

Sec. 7. Corrects an internal reference. Chapter 332 was repealed and rewritten.

Sec. 8. Corrects a grammatical error.

Sec. 9. Section 327H.23 was amended by S.F. 440 in 1981, but the amendment was lost when S.F. 130 repealed the section. This addition to chapter 327H, along with the amendment to 331.424, subsection 3, paragraph m, in section 43 of the bill, picks up the language lost by the repeal.

Sec. 10. The airport commission in chapter 330 applies to both cities and counties. The reference to "this Act" would have required a footnote in the Code, and appears to omit city powers. The substitute reference to "state law" includes both statutes and the constitution and includes both city and county laws.

Sec. 11. Section 345.1 defines expenditures which must be submitted to a vote. In order to avoid the necessity of two elections on one project, the added language provides that if bonds are to be issued for part of the expenditure the county is not required to hold an election under 345.1 in addition to complying with the bonding provisions in part 3 or 4 of division IV of S.F. 130 (chapter 331). The dollar amounts in 345.1 which require an election are incorporated into the general obligation bond sections. Under prior laws only one election was required because the bonding laws were considered as separate and independent authorizations. The amendments to the S.F. 130 bonding laws, in sections 47 and 48 of the bill, require that the proposition at the election state both the total expenditure for the project and the amount to be funded by bonding. The amendment to subsection 9 of 345.1 corrects an internal reference.

Sec. 12. Section 347A.3 of the 1981 Code was repealed by S.F. 130. It was originally intended that it be rewritten in the list of mandatory levies. However, it was later determined that it was a certified levy over which the board of supervisors had no discretion, and these were left out of the list, so it should not have been repealed. This section replaces the authority for the hospital board to certify this levy.

Sec. 13. Chapter 358B affects both cities and counties. This amendment is needed to assure that cities are not subject to the county levy limit.

Sec. 14. Corrects an internal reference. Section 346.26 was repealed by S.F. 130.

Secs. 15-19. After consultation with county auditors and treasurers, the county home rule study committee agreed to transfer certain duties relating to tax assessments and redemptions from the auditor to the treasurer for better efficiency. These sections were missed when the transfers were made.

Secs. 20-24. Since counties now have ordinance-making power, they should establish property tax exemptions by ordinance, as cities do. These sections make that correction.

Sec. 25. Eliminates a reference to a fee which conflicts with the fee sections in S.F. 130, as seen in section 54 of the bill.

Sec. 26. County laws are now established by ordinance, rather than resolution.

Secs. 27 and 28. Correct internal references. Chapter 606 was repealed and rewritten by S.F. 130.

Secs. 29-33. Change an ambiguous reference to reflect correct intent that the first day in January which is neither a Sunday nor a holiday is the day on which terms of supervisors become effective. Section 32 also changes the redistricting date for county boards from November 1 to the following March 1 so that it will follow rather than precede the December precincting date for cities.

Sec. 34. Corrects an internal reference. Section 174.13, subsection 2 has been struck in this bill because it is included in 331.422, subsection 7.

Sec. 35. Corrects a misreference. The provision came from section 332.42 of the 1981 Code.

Sec. 36. Corrects a reference to sections which were repealed and rewritten by S.F. 384 (chapter 34 of the 1981 Session Laws).

Sec. 37. Corrects a typographical error. The levy is from section 37.7 of the 1981 Code.

Sec. 38. Eliminates language which is too limiting, as there are levy limits in other "parts" of S.F. 130.

Sec. 39. This is a present Code levy which was omitted from the list of mandatory county levies in section 331.421.

Sec. 40. Incorporates the language added to section 250.1 of the 1981 Code by H.F. 769 in 1981 (chapter 33 of the 1981 Session Laws). Section 250.1 was repealed and rewritten by S.F. 130 into this subsection 10 of 331.422.

Sec. 41. Adds language which was omitted when the levy was transferred from section 444.9 of the 1981 Code to this section of S.F. 130.

Sec. 42. Corrects internal references. Section 444.9 of the 1981 Code, from which this provision is taken, referred to tax levy limits "in this chapter". Further analysis revealed that only subsection 16 of 331.421 and subsections 23 and 25 of 331.422 incorporate levy limits which were in chapter 444 of the Code.

Sec. 43, paragraph l. Adds a possible use of the general fund, as found in section 317.3 of the 1981 Code.

Sec. 43, paragraph m. Adds the language from 327H.23 as amended by S.F. 440. See explanation of Sec. 9.

Sec. 43, paragraph s. Corrects an internal reference. Section 352.6 was repealed and rewritten by S.F. 130.

Secs. 44 and 46. Move a project for which bonds may be issued from the list of those which do not require an election (essential county purposes) to the list of those which do require an election (general county purposes). Further study of sections 309.85-309.89, which were repealed and rewritten in the new bonding sections in S.F. 130, indicates that an election was required under that law.

Sec. 45. Corrects an internal reference and provides that, although both chapter 37 and the new bonding laws require an election, only one election is required for a single project.

Secs. 47 and 48. In the provisions for an election for general corporate purpose bonds, and for an election to exceed a levy limit for bonds, language is added to require the proposition to state both the total anticipated expenditure and the amount of bonds to be issued. See the explanation of Sec. 11 of this bill.

Sec. 49. Corrects a reference. The definitions which follow apply to the entire "part" relating to revenue bonds.

Sec. 50. Amends to comply with S.F. 225 passed in 1981 (chapter 127 of the 1981 Session Laws) which amended chapter 573 to provide that only 5% need be withheld from payments to contractors. Counties are subject to chapter 573.

Sec. 51. Eliminates a reference to a repealed section relating to auctioneers.

Sec. 52. Corrects an internal reference to chapter 606 which was repealed and rewritten.

Secs. 53 and 54. Move certain fees from the list of auditor's duties to the list of treasurer's duties. See explanation of sections 15-19 of the bill.

Secs. 55 and 56. Correct internal references to sections repealed and rewritten.

Sec. 57. Corrects a typographical error.

Secs. 58 and 59. Strike references to duties relating to jail inspections in sections which were repealed by H.F. 769 (chapter 59 of the 1981 Session Laws).

Sec. 60. Makes a grammatical correction.

Sec. 61. Repeals sections 164.23, 330.16, and 444.13 which were rewritten in S.F. 130. Sec. 309.84 is a permissive section which is also covered in section 309.68 of the 1981 Code.

Many sections of the bill will become moot or need to be further amended if the county finance committee proposal is passed. Included in this group are sections 2 through 6, 11, 13, 34, 37 through 43, and 55.

Legislative Service Bureau
September 10, 1981

TO: IOWA STATE ASSOCIATION OF COUNTIES WORKSHOP ON S. F. 130

Comments on County Home Rule

I. The Amendment.

Applicable parts of the County Home Rule Amendment to the state Constitution:

"Counties . . . are granted home rule power and authority, not inconsistent with the laws of the general assembly, to determine their local affairs and government, except that they shall not have power to levy any tax unless expressly authorized by the general assembly."

A major Attorney General's opinion (Miller and Hagen to Representatives Danker, Binneboese, Hullinger, and Hansen, #79-4-7) discussed the Amendment and stated:

A. "Fortunately, we are not without some prior guidance as to the interpretation of the intent and meaning of the County Home Rule amendment The similarity of the amendments (city and county home rule) and the legal relationship of the local entities to the state, whether they be city or county, allow us to examine the Iowa Supreme Court's interpretation of the Municipal Home Rule Amendment and its implementation." (AG #79-4-7, p. 7)

B. ". . . like its municipal counterpart, the County Home Rule Amendment is self-executing. . . . counties have the 'power and authority to determine their local affairs' immediately and without the necessity of any further express legislative act or authorization." (AG #79-4-7, p. 8)

C. However, the opinion pointed out that the County Home Rule Amendment includes certain limitations on home rule:

1. No power to levy tax unless expressly authorized.

2. Where a conflict exists between municipal and county law, the law of the municipality prevails within its jurisdiction.

3. An exercise of home rule power cannot be inconsistent with the laws of the General Assembly.

a. "Where 'preemption' is applicable, any local government regulation regardless of content, is inconsistent with the pervasive state legislation." (AG #79-4-7, p. 9)

b. "In Bryan vs. the City of Des Moines, 261 N.W. 2d 685 (1978), the court emphasized the role of express statutory language in resolving the preemption question. . . . The court, . . . examined the state statutes to determine if there was an express limitation on a city's powers by the state or for some evidence of exclusive authority of the state After the enactment of Home Rule, municipalities in Iowa appear to be clearly limited only by an express statutory limitation or legislative history which clearly implies an intent to vest exclusive subject matter jurisdiction with the state. We believe that the County Home Rule Amendment deserves a similar interpretation." (AG #79-4-7, p. 11)

c. The Supreme Court has also referred to specific provisions in the city home rule Act (city code) to assist it in determining legislative intent. Similar provisions are now included in section 300 of S. F. 130, as follows:

Subsection 3. The enumeration of a specific power of a county, the repeal of a grant of power, or the failure to state a specific power does not limit or restrict the general grant of home rule power conferred by the Constitution and this section. A county may exercise its general powers subject only to limitations expressly imposed by a state law.

Subsection 4. An exercise of a county power is not inconsistent with a state law unless it is irreconcilable with the state law.

Subsection 5. A county shall substantially comply with a procedure established by a state law for exercising a county power unless a state law provides otherwise. If a procedure is not established by state law, a county may determine its own procedure for exercising the power.

Subsection 6. A county shall not set standards and requirements which are lower or less stringent than those imposed by state law, but may set standards and requirements which are higher or more stringent than those imposed by state law, unless a state law provides otherwise.

In regard to subsection 4, the Court said: "This court is a final arbiter of what the Iowa Constitution means including the word 'inconsistent' in the amendment. (citation omitted) Nonetheless, this court gives respectful consideration to the legislature's understanding of constitutional language, especially in the case of a contemporaneous legislative exposition of such language. (citations omitted) . . . the legislature has considerable authority to lay down rules for the interpretation of its own statutes. (citations omitted) The legislature appears to say . . . that state laws are to be interpreted in a way to render them harmonious with ordinances unless the court or other body considering two measures cannot reconcile them, in which event the state law prevails. We hold . . . (this subsection) to be valid as a rule of interpretation." Green vs. City of Cascade, 231 N.W. 2d 880 (1973)

4. County home rule extends only to "local affairs and government".

a. Subject to legislature's power to preempt.

b. "Identification of the dividing point on the spectrum of state and local concerns is extremely difficult." (AG #79-4-7, p. 13) The AG opinion offers possible criteria to help determine what is a "local affair":

- (1) Statewide uniformity desirable.
- (2) Effect on persons outside county.
- (3) Need for cooperation of other jurisdictions.
- (4) History and tradition.
- (5) State--if substantial costs are imposed on the public or private sector outside of the county.
- (6) State--if pervasive; that is, directed to both the public and private sector (welfare).
- (7) Local--if directed to local government structure and process (unless there is also a need for state uniformity).

c. "... the . . . determination of whether . . . an act is within the county home rule power and authority must begin with the premise that the county indeed does have such authority unless one of the exceptions noted above is evident." (that is, (1) tax, (2) city jurisdiction, (3) inconsistent with state law, (4) not local affairs or government) (AG #79-4-7, p. 23) "Based on the language of the County Home Rule Amendment and the Iowa Supreme Court's review of the similar Municipal Home Rule Amendment, the four limitations should be narrowly construed. Conversely, county's powers should be broadly construed and subject to liberal interpretation absent express statutory conflict."

II. The Act - S. F. 130.

The County Home Rule Study Committee chose to move slowly in amending the Code, in order to give the counties time to study and experience home rule before making widespread changes. It deferred any action on joint county-municipal corporation government and on optional forms of county government or "home rule" charters. The entire Committee reviewed all parts of the Code relating to county government. It agreed to keep most directives (using the word "shall") in the Code. However, it did make the following changes:

A. Major chapters in Title XIV of the Code relating to powers and duties of the county board and elected county officers were repealed and rewritten for simplification and clarity.

B. Numerous duties of the Board and other officers were either moved to the new sections or cross-referenced in them, to provide a more convenient and complete reference to the subject matter.

C. Permissive statements (using the word "may") of powers which were considered to be home rule powers were repealed, unless surrounded by limiting procedures. In that case, where appropriate, language was added to indicate that the procedures were only one method by which the county might carry out similar powers. (See, sections 303, 360, subsection 2, and 381, subsection 1)

D. Some chapters were repealed and not rewritten, as the subject matter was considered unnecessary. These include chapters 350, bounties on wild animals; 353, relocation of county seats; 354, changing names of villages; 546, auctioneers; and 546A, public auctions.

E. It was considered desirable in many instances to give counties powers equivalent to those of cities. Therefore, parts of the city code which attempted to clarify home rule powers were rewritten for counties in section 300, and areas of law where state-mandated uniformity between counties seemed desirable were often patterned after city laws. Examples include the areas of county legislation, publication of notices, petition requirements, contract bid requirements, and general obligation and revenue bonds.

F. Special districts and the special assessment bonding powers related to them were left intact. Other chapters relating to counties were amended little or not at all, generally due to the complexity or sensitivity of their subject matter. These include chapters 202, agricultural lime quarries; 309, secondary roads; 333A, county finance committee; 334A, county government assistance fund; 341A, civil service; 344, county budgets; 349, official newspapers; 351 and 351A, dog licenses and research; 356 and 356A, jails and detention homes; 358A, zoning; 358B, libraries; 359 and 360, townships; and 361, weather modification.

G. Some provisions were kept because they described areas where home rule power seemed questionable. These included areas of joint action with other units of government, relationships between the board and elected officers, and areas of extensive state legislation such as elections, where statewide uniformity is desirable.

H. Finances. The intent was to maintain the status quo in this area, leaving proposals for subsequent change to the County Finance Committee. An attempt was made in S. F. 130 to gather together references to all existing county levies and funds as well as other financial powers and duties of the Board. A debt service fund was established to coordinate with the new bonding provisions. Uniform provisions for general obligation bonds and revenue bonds were drafted with the assistance of bond counsel.

COUNTY HOME RULE ACT
SENATE FILE 130

A CROSS-INDEX BETWEEN SECTIONS OF SENATE FILE 130 AND IOWA CODE
SECTIONS WHICH ARE REPEALED, AMENDED, OR SERVE AS MODELS FOR
SECTIONS OF THAT ACT.

FROM CODE TO ACT

<u>COMPARABLE SECTION NUMBERS</u>		<u>CONTENT-COMMENT</u>	
<u>Code</u>		<u>S.F. 130</u>	
11.6	Amended	1000	For Explanation of Amended Sections See Cross-index From S.F. 130 to Code
18.94	Repealed	423(3b)	Home Rule - Authority to Pur- chase Code - Fund Transferred
23.1	Amended	1001	
24.14	Amended	1200	
24.22	Amended	1002	
24.37	Repealed		Temporary Section
24.38	Repealed		Temporary Section
Ch. 28E	Amended	1201	
28F.12	Amended	1003	
37.5	Repealed		Home Rule - Acquisition of Property
37.6	Amended	1004	
37.7	Repealed	420(1), 440(2c(1))	Bond Provisions Transferred
37.8	Amended	1005	
37.27	Amended	1006	
37.28	Amended	1007	
37.30	Amended	1008	
39.18	Amended	1202	
49.4	Amended	1203	
52.3	Amended	1009	
69.8(6)	Amended	1204	
96.14(3)	Amended	1205	

110.16	Amended	1010	
111.58	Amended	1011	
111A.2	Amended	1012	
111A.4(2)	Amended	1013	
111A.6,	Amended	1014	
unnum. par. 1			
11A.6,	Stricken	1015	
unnum. pars. 2,3			
111A.7	Amended	1016	
125.45(1)	Amended	1017	
Ch. 127	Amended	1206	
137.16	Repealed	424(3)	Fund Transferred
137.20	Repealed	423(3e)	Fund Transferred
143.1	Amended	1018	
144.56	Amended	1207	
150.9	Repealed		Home Rule - Power to Contract
150A.5	Repealed		Home Rule - Power to Contract
159.5(13e)	Amended	1019	
161.13	Amended	1208	
163A.12	Amended	1020	
164.24-.27	Repealed	420(5b,c),	Levy, Fund Transferred
		424(4)	
165.18-.21,	Repealed	420(5b,c,6),	Levy, Fund Transferred
.24		424(5)	
165.22	Amended	1021	
165.23	Amended	1022	
165.24	Repealed	See 165.18	
174.10(2)	Amended	1023	
174.13(1)	Amended	1024	
174.14	Repealed		Home Rule - Power to Acquire Property
174.15	Amended	1025	
174.17,.18	Repealed	421(7,8),	Levy, Fund Transferred
		425(3)	
174.24-.27	Repealed	360(2)	Disposal of Property
176A.12	Repealed	424(6)	Fund Transferred
218.99	Amended	1026	
222.76	Repealed	424(13)	Fund Transferred
222.77	Amended	1027	
227.18	Amended	1028	(Also Amended by S.F. 572)
230.23,.24	Repealed	424(13)	Fund Transferred
230A.1	Amended	1029	

230A.4	Amended	1030	
230A.9(3)	Amended	1209	
232.142(1,2)	Amended	1031	
234.10	Amended	1032	
234.36	Amended	1033	
250.1,.2	Repealed	421(10), 425(4)	Levy, Fund Transferred
250.5	Amended	1034	(Also Amended by H.F. 769)
251.4	Amended	1035	
251.5	Amended	1036	
251.6	Amended	1037	
251.7	Amended	1038	
252.27	Amended	1039	
252.28-.31, .34,.36, .38-.41	Repealed		Home Rule - Powers Relating to General Relief
252.43	Amended	1040	
252.45	Repealed	421(11)	Fund Transferred
253.1	Amended	1041	
253.2	Repealed		Home Rule - Powers Relating to County Care Facility
253.3	Amended	1042	
253.4	Repealed		Same
253.5	Amended	1043	
253.7,.10, .11,.13	Repealed		Same
298.13	Amended	1210	
306.42(5)	Amended	1044	
309.7-.9	Repealed	421(12,13), 424(7)	Levy, Fund Transferred
309.10	Amended	1045	
309.73	Repealed	440(2b(2))	Bond Provisions Transferred
309.85-.91	Repealed	421(14), 440(2b(3))	Bonds, Levy - Transferred
311.8	Amended	1211	
311.11	Amended	1212	
311.12	Amended	1213	
311.24	Amended	1214	
311.25	Amended	1215	
311.26	Amended	1216	
311.28	Amended	1217	
311.29	Amended	1218	

312.2(8)	Amended	1046	
313A.35	Repealed	440(2c(3))	Bond Provisions Transferred
317.4	Amended	1047	
317.19, .20	Repealed	421(15,16), 425(7)	Levy, Fund Transferred
321.207	Amended	1048	
327H.20	Amended	1049	(Also Amended by S.F. 440)
327H.23	Repealed	423(3m)	Fund Transferred
329.4(1)	Amended	1050	
329.7	Amended	1051	
329.9	Amended	1052	
329.12	Amended	1053	
330.2, .5, .6	Repealed		Home Rule - Power to Acquire Airport
330.7, .10	Repealed	440(2c(4),3)	Bonds Transferred
330.11	Repealed	301	Ordinance Power
330.12	Repealed		Home Rule - Fees
330.14	Repealed	460(1a)	Bonds Transferred
330.15	Repealed		Home Rule - Declaration of Public Purpose - Liability
330.17	Amended	1054	
330.18	Amended	1055	
330.19	Amended	1056	
330.21	Amended	1057	
330.23	Repealed		Not Needed

CHAPTER 331 - BOARD OF SUPERVISORS - Repealed

331.1	200	Membership of Board of Supervisors
331.2	202	Three-Member Boards Increased
331.3	203(1)	Five-Member Boards Reduced
331.4	204(1)	Procedures to Increase or Reduce Board
331.5	204(2)	Membership in Certain Counties
331.6	203(2)	Five-Member Boards Reduced
331.7	203(3)	Five-Member Boards Reduced
331.8	205	Supervisor District Plans
331.9	206	Supervisor District-Special Election
331.12	213	Absence, Vacancy
331.13	210	Organization of Board
331.14	211(1)	Quorum

331.15	212	Meetings
331.16		Special Meetings
331.17	See 212(1)	S.F. 130, Schedule of Meeting
331.18	211(2)	Majority Vote Required
331.19	302(1)	Minute Book, Warrant Book, Claims Register
331.20	503(7)	Administration of Claims
331.21	503(8)	Unliquidated Claims
331.22	214(1)	Salaries, Mileage Limitations
331.25	207	Implementation of Plan "One"
331.26	208	Implementation of Plan "Two"
331.27	209	Implementation of Plan "Three"
331.28	215	Membership on Other Boards, Conflict of Interest

CHAPTER 332 - POWERS AND DUTIES OF BOARD - Repealed

332.1	300(8)	General Powers
332.2	360(1)	Jurisdiction
332.3(1-6)		Home Rule - General Powers
(7)	425(6)	Fund Transferred
(8,9)	322(2c)	Officers - Transferred
(10)	323(1o)	Compensation of Officers
(11,12)		Home Rule - Insurance, Property
(13)	360(2,3)	Disposition of Real Property
(14)		Not Needed
(15-21)		Home Rule - Property, Insurance, Contract Powers
(22)	301,303(3)	Building Codes
(23)		Home Rule - Ambulance Service, Fees
(24)	421(18)	Levy Transferred
(25,26)	423(3o,p)	Fund Transferred
(27)	400(2),1000	Iowa State Association of Counties
(28,29)		Home Rule - Property
(30,31)	401(2a,c)	Levy Transferred
(32)	423(3m)	Fund Transferred
(33)	381(8)	Special Districts
332.4		Home Rule - Property
332.5	360(4)	Veterans' Stands
332.6	381(7)	Law Library
332.7	340	Contract Letting - Substitute Adopted from City Code

332.8		Home Rule - Handicapped Facilities
332.9,.10	321(5)	Offices, Supplies
332.11		Home Rule - Insurance
332.12-.14	322(2d)	Officers' Liability
332.15	322(2e)	Destruction of Records
332.16		Not Needed
332.17-.22	322(1)	Combined Offices
332.23-.29		Home Rule - Licenses, Fees, Nuisance
(332.26)	423(1e,3n)	Fund Transferred
332.30	301(2)	Penalty
332.31		Home Rule - Disposal Facility
332.32	421(26)	Levy Transferred
332.33,.34		Home Rule - Ordinances, Contracts
332.35	321(8)	Sheriffs' Vehicles
332.36-.41	420(7),	Fund
	426	
332.42	323(5),	Insurance - Fund
	423(3x)	
332.43		Home Rule - Surety Bonds
332.44	460(1b,c),	Revenue Bond Provisions Transferred -
	1069	Fees and Other Powers - Home Rule
332.50		Home Rule - Licensing Power
332.51	301(2)	Penalty
332.52	440(2b(4)(5)),	Bond Provisions Transferred
	460(1b,f)	
332.61-.64	751,752	Part-time County Attorneys

CHAPTER 333 - COUNTY AUDITOR - Repealed

333.1	501 (1,2)	General Duties
	503 (1,3,5)	Duties as Clerk to Board
333.2	505(1)	Procedures for Issuing Warrants
333.3	505(2)	Issue Warrants Without Audit
333.4	505(3)	Issue Warrants Before Audit
33.5	505(4)	Approval of Warrants Issued
333.6	505(1)	Purpose of Warrant & Person Payable
333.7	505(5)	Liability for Erroneous Certificate
333.9	506(1)	Authority to Collect Money Due County
333.10	509(5)	Report of County Officers to State
333.11	508(1a-m)	Financial Report
333.12		Years of Comparison
333.13	508(1n-q)	Additional Information for the

333.14	508 (2,3)	Financial Report
333.15	506(2)	Printing & Distribution of Report
333.16	509 (6,7)	Fee to be Collected
		Report of Tax Valuations

CHAPTER 334 - COUNTY TREASURER - Repealed

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CodeS.F. 130

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Not Needed - Duties Transferred to
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Levy
Levy

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COUNTY HOME RULE ACT
SENATE FILE 130

A CROSS-INDEX BETWEEN SECTIONS OF SENATE FILE 130 AND IOWA CODE
SECTIONS WHICH ARE REPEALED, AMENDED, OR SERVE AS MODELS FOR
SECTIONS OF THAT ACT.

FROM ACT TO CODE:

<u>COMPARABLE SECTION NUMBERS</u>	<u>CONTENT-COMMENT</u>

<u>S.F. 130</u>	<u>Code</u>

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DIVISION V

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DIVISION V

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DIVISION V

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(2)	337.4	Special Investigations
(3)	337.9	Transfer of Books & Papers to Successor
(4)	337.7	Services to District Court - Bailiffs
653(1)	337.5	Faithful Discharge of Duties
(2)	337.6	Disobedience - Penalty
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(2)	337.13	Monthly Contract for Expense
(2)	337.14	Mileage Expense Addition to Salary
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(2)	337.15	Condemnation Report Filed and Funds Paid to County
(3)	337.16	Unadjudicated Condemnation Funds
(4)	337.17	Treasurer's Record of Condemnation Funds
(5)	337.19	Liability of Sheriff & Surety
656(1a)	337A.1	Sheriff & Deputies - Uniform & Badge
(1b)	337A.6	Wearing Apparel Ordered by Judge
(2)	337A.2	Uniforms Furnished by County
(3)	337A.4	Standard Uniform Designated by Public Safety
657(1)	338.1	Prisoners - Duty of Sheriff
(1,2)	338.2	Cost of Board & Care
(4)	338.3	Inspection of Jail
(3)	338.9	Care of Federal Prisoners
658(1)	343.3	No Action as Attorney or Counsel
(2)	343.4	No Purchase of Property Under Process
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DIVISION V

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DIVISION V

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SENATE FILE 130

AN ACT

TO IMPLEMENT HOME RULE FOR COUNTIES BY SUPPLEMENTING AND RE-CODIFYING STATUTES RELATING TO THE ORGANIZATION AND FUNCTIONS OF COUNTY GOVERNMENT AND THE POWERS AND DUTIES OF THE BOARD OF SUPERVISORS AND OTHER COUNTY OFFICERS AND EMPLOYEES, MAKING CORRESPONDING AMENDMENTS, AND PROVIDING PENALTIES.

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

DIVISION I

Sec. 100. NEW SECTION. DEFINITIONS. As used in sections 100 through 907 of this Act, unless the context otherwise requires:

1. "Board" means the board of supervisors of a county.
2. "Supervisor" means a member of the board of supervisors.
3. "Auditor" means the county auditor or a deputy auditor or employee designated by the county auditor.
4. "Treasurer" means the county treasurer or a deputy treasurer or employee designated by the county treasurer.
5. "Recorder" means the county recorder or a deputy recorder or employee designated by the county recorder.
6. "County attorney" means the county attorney or a deputy county attorney or assistant county attorney designated by the county attorney.
7. "Sheriff" means the county sheriff or a deputy sheriff designated by the sheriff.
8. "Clerk" means the clerk of the district court or a deputy clerk designated by the clerk of the district court.
9. "Measure" means an ordinance, amendment, resolution, or motion.

10. "Ordinance" means a county law of a general and permanent nature.

11. "Amendment" means a revision or repeal of an existing ordinance or code of ordinances.

12. "Resolution" or "motion" means a statement of policy or an order for action to be taken.

13. "Recorded vote" means a record, roll call vote.

14. "State law" includes the Constitution of the State of Iowa and state statutes.

15. "Book", "record", and "register" include any mode of permanent recording including but not limited to, card files, microfilm or microfiche, electronic records and the like.

DIVISION II

BOARD OF SUPERVISORS

ORGANIZATION

Sec. 200. NEW SECTION. BOARD MEMBERSHIP--QUALIFICATIONS--TERM.

1. The board shall consist of three members unless the membership is increased to five as provided in section 202 of this Act.

2. A supervisor must be a qualified elector of the county or supervisor district of the county which the supervisor represents.

3. The office of supervisor is an elective office except that if a vacancy occurs on the board, a successor shall be appointed to the unexpired term as provided in chapter 69.

4. The term of office of a supervisor is four years unless a change in the supervisor district representation plan or in the number of supervisors on the board requires the election of one or two supervisors for an initial term of two years.

Sec. 201. CURRENT FIVE-MEMBER BOARDS UNAFFECTED. Section 200, subsection 1, of this Act does not affect the membership of a board which has five members on the effective date of this Act. After the effective date of this Act, a five-member

board may be reduced to three members in the manner provided in section 203 of this Act.

Sec. 202. NEW SECTION. MEMBERSHIP INCREASED--VOTE.

1. The board may by resolution, or shall upon petition of the number of qualified electors of the county as specified in section 305 of this Act, submit to the qualified electors of the county at a general election a proposition to increase the number of supervisors to five.

2. If a majority of the votes cast on the proposition is in favor of the increase to five members, the board shall be increased to five members effective on the second day in January which is not a Sunday or holiday following the next general election. The five-member board shall be elected according to the supervisor representation plan in effect in the county.

a. If plan one as defined in section 205 of this Act is in effect, two additional supervisors shall be elected at the next general election, one for a two-year term and one for a four-year term.

b. If plan two or plan three as defined in section 205 of this Act is in effect, the board shall divide the county into five equal-population districts by November 1 of the year preceding the year of the next general election and at that general election, five board members shall be elected, two for initial terms of two years and three for four-year terms. The terms of the three incumbent supervisors shall expire on the date that the five-member board becomes effective.

c. The length of term for which a person is a candidate and the date when the term begins shall be indicated on the ballot.

Sec. 203. NEW SECTION. MEMBERSHIP REDUCED--VOTE--NEW MEMBERS.

1. In a county having a five-member board, the board may by resolution, or shall upon petition of the number of

qualified electors of the county as specified in section 305 of this Act, submit to the qualified electors of the county at a general election a proposition to reduce the number of supervisors to three.

2. If a majority of the votes cast on the proposition is in favor of the reduction to three members, the membership of the board shall remain at five until the second day in January which is not a Sunday or holiday following the next general election, at which time the terms of the five members shall expire.

3. At the next general election following the one at which the proposition to reduce the membership of the board to three is approved, the membership of the board shall be elected according to the supervisor representation plan in effect in the county. If the supervisor representation plan includes equal-population districts, the districts shall be designated by November 1 of the year preceding the year of the next general election. One member of the board shall be elected to a two-year term and the remaining two members shall be elected to four-year terms. The length of the term for which a person is a candidate and the date when the term begins shall be indicated on the ballot.

Sec. 204. NEW SECTION. PETITION AND VOTE IN CERTAIN COUNTIES--EXCEPTION.

1. In a county where there is a city operating under the commission form of government with a population of more than seventy-five thousand, the petition to increase or reduce the number of members of the board must contain signatures of at least ten percent of the qualified electors residing within the county and outside of the corporate limits of the city and at least ten percent of the qualified electors residing within the city.

2. When the proposition to increase or reduce the membership of the board is voted upon, the qualified electors of a city described in subsection 1 and the qualified electors

residing outside of the city shall vote on the proposition separately and a majority of the votes cast on the proposition by each of the two classes of qualified electors must approve the proposition before it becomes effective.

Sec. 205. NEW SECTION. SUPERVISOR DISTRICTS.

1. One of the following supervisor district representation plans shall be used for the election of supervisors:

a. Plan one. Election at large without district residence requirements for the members.

b. Plan two. Election at large but with equal-population district residence requirements for the members.

c. Plan three. Election from single-member equal-population districts, in which the electors of each district shall elect one member who must reside in that district.

2. The plan used under subsection 1 shall be selected by the board or by a special election as provided in section 206 of this Act. A plan selected by the board shall remain in effect for at least six years unless it is changed by a special election as provided in section 206 of this Act.

Sec. 206. NEW SECTION. SPECIAL ELECTION--SUPERVISOR DISTRICTS.

1. The board, upon petition of the number of qualified electors of the county as specified in section 305 of this Act, shall call a special election to be held for the purpose of selecting one of the supervisor representation plans specified in section 205 of this Act under which the board of supervisors shall be elected.

2. The petition shall be filed with the auditor by January 1 of a general election year, subject to subsection 5. The special election shall be held at least one hundred days before the primary election. Notice of the special election shall be published once each week for three successive weeks in an official newspaper of the county, shall state the representation plans to be submitted to the electors, and shall state the date of the special election which shall be

held not less than five nor more than twenty days from the date of last publication.

3. The supervisor representation plans submitted at the special election shall be stated in substantially the following manner:

The individual members of the board of supervisors in county, Iowa, shall be elected:

Plan one. At large and without district residence requirements for the members.

Plan two. At large but with equal-population district residence requirements for the members.

Plan three. From single-member equal-population districts in which the electors of each district shall elect one member who must reside in that district.

4. If the plan adopted by a plurality of the ballots cast in the special election is not the supervisor representation plan currently in effect in the county, the terms of the county supervisors serving at the time of the special election shall continue until the second day in January which is not a Sunday or holiday following the next general election, at which time the terms of the members shall expire and the terms of the members elected under the requirements of the new supervisor representation plan at the general election as specified in section 207, 208, or 209 of this Act shall commence.

5. A supervisor representation plan adopted at a special election shall remain in effect for at least six years.

Sec. 207. NEW SECTION. PLAN "ONE" TERMS OF OFFICE. If plan "one" is selected pursuant to section 205 or 206 of this Act, the board shall be elected as provided in this section.

1. In the primary and general elections, the number of supervisors, or candidates for the offices, which constitutes the board in the county, shall be elected by the qualified electors of the county at large without district residence requirements.

2. In counties with three county supervisors, one person shall be elected as a member of the board for an initial term of two years and two persons shall be elected as members of the board for four years.

3. In counties with five supervisors, two persons shall be elected as members of the board for initial terms of two years and three persons shall be elected as members of the board for four years.

4. The determination as to whether a term of office shall be for two or four years shall be decided by lot before the primary election, and the results of the determination indicated on the ballot in the primary and general elections.

Sec. 208. NEW SECTION. PLAN "TWO" TERMS OF OFFICE. If plan "two" is selected pursuant to section 205 or 206 of this Act, the board shall be elected as provided in this section.

1. Before November 1 of the nonelection year following each federal decennial census the board shall divide the county into a number of supervisor districts corresponding to the number of supervisors in the county. However, if the plan is selected pursuant to section 206 of this Act, the board shall divide the county before March 15 of the election year. The supervisor districts shall be drawn, to the extent applicable, in compliance with the redistricting standards provided for legislative and congressional districts in section 42.4. If more than one incumbent supervisor resides in the same supervisor district after the districts have been redrawn following the federal decennial census, the terms of office of those supervisors shall expire on the second day of January that is not a Sunday or a holiday following the next general election.

2. Each supervisor must reside in a separate supervisor district but shall be elected by the electors of the county at large. Election ballots shall be prepared to specify the district which each candidate seeks to represent and each elector may cast a vote for one candidate from each district for which a supervisor is to be chosen in the general election.

3. The board may redesignate supervisor districts only once in two years. If the board redesignates districts, the redesignation must be completed and available to the public by November 1 of the year before the election to be applicable in that election year. This subsection does not lengthen or diminish the term of office of a member of the board as a result of the redesignation and districts shall not be redesignated except in compliance with this section.

4. At the primary and general elections the number of supervisors, or candidates for the offices, which constitute the board in the county shall be elected as provided in this section. Terms of supervisors shall be the same as provided in section 207 of this Act.

Sec. 209. NEW SECTION. PLAN "THREE." If plan "three" is selected pursuant to section 205 or 206 of this Act, the supervisor districts shall be drawn and supervisors shall be elected as provided in section 208 of this Act, except the boundaries of supervisor districts shall follow voting precinct lines and each member of the board and each candidate for the office shall be elected or nominated at the primary and general elections by only the electors of the district which that candidate seeks to represent.

Sec. 210. NEW SECTION. ORGANIZATION OF THE BOARD.

1. The board, at its first meeting in each year, shall:

a. Organize by choosing one of its members as chairperson who shall preside at all of its meetings during the year. The board may also select a vice chairperson who shall serve during the absence of the chairperson.

b. Choose one of its members to be a member of the board of directors of the judicial district department of correctional services as provided in section 905.3, subsection 1, paragraph a.

2. The auditor shall serve as clerk to the board, but in the absence of the auditor, a deputy auditor or an employee designated by the auditor, the board may appoint a temporary clerk.

Sec. 211. NEW SECTION. QUORUM--MAJORITY VOTE REQUIRED.

1. A majority of the members of the board constitutes a quorum to transact the official business of the county. If the board is equally divided on a question when less than the full membership is present, the question shall be continued until all of the members of the board are present.

2. The following actions of the board require the affirmative vote of a majority of its membership:

- a. Levying of a tax.
- b. Entering into a contract for the erection of a public building.
- c. Making a settlement with a county officer.
- d. Buying or selling real estate.
- e. Designating a new site for a county building.
- f. Changing the boundaries of a township.
- g. Appropriating money to aid in the construction of a highway or a bridge.
- h. Appointing or removing an officer from office.

Sec. 212. NEW SECTION. MEETINGS OF THE BOARD.

1. The board shall hold its first meeting of each year on the second day in January which is not a Saturday, Sunday or holiday and shall hold all subsequent meetings of the year as scheduled by the board. All meetings of the board shall be scheduled and conducted in compliance with chapter 28A.

2. If a quorum of the board fails to appear at a meeting, the clerk shall adjourn the meeting from day to day until a quorum is present.

Sec. 213. NEW SECTION. VACANCY OF SUPERVISOR'S OFFICE. In addition to the circumstances which constitute a vacancy in office under section 69.2, the absence of a supervisor from the county for sixty consecutive days shall be treated as a resignation of the office. At its next meeting after the sixty-day absence, the board, by resolution adopted and included in its minutes, shall declare the absent supervisor's seat vacant.

Sec. 214. NEW SECTION. COMPENSATION AND EXPENSES.

1. The supervisors shall receive an annual salary or per diem compensation as determined under section 906 of this Act. The annual salary or per diem shall be full payment for all services rendered to the county except for reimbursement for mileage and other expenses authorized in subsection 2.

2. A supervisor is entitled to reimbursement for mileage expenses incurred while engaged in the performance of official duties at the rate specified in section 79.9. The total mileage expense for all supervisors in a county shall not exceed the product of the rate of mileage specified in section 79.9 multiplied by the total number of supervisors in the county times ten thousand. The board may also authorize reimbursement for mileage and other actual expenses incurred by its members when attending an educational course, seminar, or school which is related to the performance of their official duties.

Sec. 215. NEW SECTION. MEMBERSHIP ON APPOINTIVE BOARDS, COMMITTEES AND COMMISSIONS. Unless otherwise provided by state statute, a supervisor may serve as a member of any appointive board, commission, or committee of this state, a political subdivision of this state, or a nonprofit corporation or agency receiving county funds.

Sec. 216. LEGALIZING ACT. An action taken by a board of supervisors between July 1, 1974 and June 30, 1975 authorizing the payment of a mileage warrant for a member of the board of supervisors which exceeded an aggregate mileage expense of one thousand dollars per year but not more than one thousand five hundred dollars per year is valid.

DIVISION III

POWERS AND DUTIES OF A COUNTY

PART 1

GENERAL POWERS AND DUTIES

Sec. 300. NEW SECTION. GENERAL POWERS AND LIMITATIONS.

1. A county may, except as expressly limited by the

Constitution, and if not inconsistent with the laws of the general assembly, exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the county or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents. This grant of home rule powers does not include the power to enact private or civil law governing civil relationships, except as incident to an exercise of an independent county power.

2. A power of a county is vested in the board, and a duty of a county shall be performed by or under the direction of the board except as otherwise provided by law.

3. The enumeration of a specific power of a county, the repeal of a grant of power, or the failure to state a specific power does not limit or restrict the general grant of home rule power conferred by the Constitution and this section. A county may exercise its general powers subject only to limitations expressly imposed by a state law.

4. An exercise of a county power is not inconsistent with a state law unless it is irreconcilable with the state law.

5. A county shall substantially comply with a procedure established by a state law for exercising a county power unless a state law provides otherwise. If a procedure is not established by state law, a county may determine its own procedure for exercising the power.

6. A county shall not set standards and requirements which are lower or less stringent than those imposed by state law, but may set standards and requirements which are higher or more stringent than those imposed by state law, unless a state law provides otherwise.

7. A county shall not levy a tax unless specifically authorized by a state statute.

8. A county is a body corporate for civil and political purposes and shall have a seal as provided in section 551, subsection 4 of this Act.

9. Supervisors and other county officers may administer oaths and take affirmations as provided in chapter 78.

Sec. 301. NEW SECTION. COUNTY LEGISLATION.

1. The board shall exercise a power or perform a duty only by the passage of a motion, a resolution, an amendment, or an ordinance.

2. A county shall not provide a penalty in excess of a one hundred dollar fine or in excess of thirty days imprisonment for the violation of an ordinance.

3. The subject matter of an ordinance or amendment shall be generally described in its title.

4. An amendment to an ordinance or to a code of ordinances shall specifically repeal the ordinance or code, or the section or subsection to be amended, and shall set forth in full the ordinance, code, section, or subsection as amended.

5. A proposed ordinance or amendment shall be considered and voted on for passage at two meetings of the board prior to the meeting at which it is to be finally passed, unless this requirement is suspended by a recorded vote of not less than a majority of the supervisors.

However, if a summary of the proposed ordinance or amendment is published as provided in section 304 of this Act prior to its first consideration and copies are available at the time of publication at the office of the auditor, the ordinance or amendment shall be considered and voted on for passage at one meeting prior to the meeting at which it is to be finally passed, unless this requirement is suspended by a recorded vote of not less than a majority of the supervisors.

6. Passage of an ordinance, amendment, or resolution requires an affirmative vote of not less than a majority of the supervisors. Each supervisor's vote on an ordinance, amendment, or resolution shall be recorded.

7. A resolution becomes effective upon passage and an ordinance or amendment becomes a law when published, unless a subsequent effective date is provided within the measure.

8. The auditor shall promptly record each measure, publish all ordinances and amendments as provided in section 304 of this Act, authenticate all measures except motions with signature and certification as to time and manner of publication, if any, and maintain for public use copies of all effective ordinances and codes. The auditor's certification is presumptive evidence of the facts stated therein.

9. At least once every five years, the board shall compile a code of ordinances containing all of the county ordinances in effect.

If a proposed code of ordinances contains only existing ordinances edited and compiled without change in substance, the board may adopt the code by ordinance.

If a proposed code of ordinances contains a proposed new ordinance or amendment, the board shall hold a public hearing on the proposed code before adoption. The auditor shall publish notice of the hearing as provided in section 304 of this Act. Copies of the proposed code of ordinances shall be available at the auditor's office and the notice shall so state. Within thirty days after the hearing, the board may adopt the proposed code of ordinances which becomes law upon publication of the ordinance adopting it. If the board substantially amends the proposed code of ordinances after a hearing, notice and hearing shall be repeated.

Ordinances and amendments which become effective after adoption of a code of ordinances may be compiled as a supplement to the code, and upon adoption of the supplement by resolution, become part of the code of ordinances.

An adopted code of ordinances is presumptive evidence of the passage, publication, and content of the ordinances therein as of the date of the auditor's certification of the ordinance adopting the code or supplement.

10. The compensation paid to a newspaper for a publication required by this section shall not exceed three-fourths of the fee provided in section 618.11.

11. The board may adopt the provisions of a statewide or nationally recognized standard code or portions of any such code by an ordinance which identifies the code by subject matter, source, and date, and incorporates the provisions either by reference or by setting them forth in full. The code or portion shall be adopted only after notice and hearing in the manner provided in subsection 9.

12. Immediately after the effective date of a measure establishing a zoning district, building lines, or fire limits, the auditor shall certify the measure and a plat showing the district, lines, or limits, to the recorder. The recorder shall record the measure and plat in the miscellaneous record or other book provided for special records, and shall index the record.

13. A measure voted upon is not invalid because a supervisor has a conflict of interest, unless the vote of the supervisor was decisive to passage of the measure. If a majority or unanimous vote of the board is required by statute, the majority or vote shall be computed on the basis of the number of supervisors not disqualified by reason of conflict of interest. However, a majority of all supervisors is required for a quorum. For the purposes of this subsection, the statement of a supervisor that the supervisor declines to vote by reason of conflict of interest is conclusive and shall be entered of record.

14. A valid measure adopted by a county prior to the effective date of this Act remains valid unless the measure is irreconcilable with a state law.

Sec. 302. NEW SECTION. GENERAL DUTIES OF THE BOARD.
The board shall:

1. Keep record books as follows:
 - a. A "minute book" which records all orders and decisions other than those relating to drainage districts. The minute book or a separate index book must contain an alphabetical index by subject matter categories of the proceedings shown by the minutes.

b. A "warrant book" which records each warrant drawn in the order of issuance by number, date, amount, and name of drawee, and refers to the order in the minute book authorizing its drawing.

c. A "claim register" which records all claims for money filed against the county. Claims shall be numbered consecutively in order of filing and entered alphabetically by the claimant's name. The claim register shall show the date of filing, the number of the claim and its general nature, and the action of the board on the claim including the fund against which it is allowed if it is allowed. The claims allowed at each meeting shall be listed in the minute book by claim number.

2. Maintain its records in accordance with chapter 68A.

3. Act upon applications for cigarette tax permits in accordance with chapter 98.

4. Act upon applications for liquor control licenses and retail beer permits in accordance with section 123.32.

5. Proceed upon a petition to establish an official county fair and pay tax funds to it in accordance with section 174.10, subsection 2, and section 174.13, subsection 2.

6. Select official newspapers and cause official publications to be made in accordance with chapters 349 and 618.

7. Adopt rules relating to the labor of prisoners in the county jail in accordance with sections 356.16 through 356.19, and may establish the cost of board and provide for the transportation of certain prisoners in accordance with section 356.30.

8. Divide the county into townships, and proceed upon a petition to divide, dissolve or change the name of a township in accordance with chapter 359.

9. Cause on-site inspections of pipeline construction projects as required in section 479.29, subsection 2, and the board may petition for rules as provided in that section.

10. Perform the functions of a civil service commission

for certain municipal court clerks and bailiffs only, as required under section 602.34.

11. Defend, save harmless, and indemnify its officers, employees, and agents against tort claims, and may settle the claims, in accordance with sections 613A.8 and 613A.9.

12. Perform other duties as required by law.

Sec. 303. NEW SECTION. PROCEDURAL LIMITATIONS ON GENERAL COUNTY POWERS. If a county proposes to exercise any of the following powers, it shall do so in accordance with the following limitations:

1. The power to act jointly with other political subdivisions or public or private agencies shall be exercised in accordance with chapter 28E or 473A or other applicable state law.

2. The power to authorize games of skill or chance at amusement concessions shall be exercised in accordance with section 99B.4.

3. The power to adopt, administer, and enforce the state building code shall be exercised in accordance with chapter 103A. The power to adopt by ordinance, administer, and enforce a county building code, is subject to the following restrictions:

a. A county building code shall not apply within the incorporated area of a city except at the option of the city, and shall not apply within a city's two-mile limit referred to in section 414.23, to the extent that the city has adopted a building code within the two-mile limit.

b. A county building code shall not apply to farm houses or other farm buildings which are primarily adapted for use for agricultural purposes, while so used or under construction for that use.

4. A county shall not license elevator inspectors or regulate elevator facilities except as provided in section 104.15.

5. The power to adopt airport zoning regulations applicable to airport hazard areas shall be exercised in accordance with chapter 329.

6. The power to adopt county zoning regulations shall be exercised in accordance with chapter 358A.

7. The board may file a petition with the city development board as provided in section 368.11.

8. The power to take private property for public use shall only be exercised by counties for public purposes which are reasonable and necessary as an incident to the powers and duties conferred upon counties, and in accordance with chapters 471 and 472. Sections 306.19 and 306.28 through 306.37 are also applicable to condemnation of right of way for secondary roads.

9. The board, upon application, may grant permits for the display of fireworks as provided in section 727.2.

Sec. 304. NEW SECTION. PUBLICATION OF NOTICES. Unless otherwise provided by state law, if notice of an election, hearing, or other official action is required by sections 200 through 907 of this Act, the board shall publish the notice at least once, not less than four nor more than twenty days before the date of the election, hearing, or other action, in one or more newspapers which meet the requirements of section 618.14. Notice of an election shall also comply with section 49.53.

Sec. 305. NEW SECTION. PETITIONS OF ELIGIBLE ELECTORS. If a petition of the voters is authorized by sections 200 through 907 of this Act, the petition is valid if signed by eligible electors of the county equal in number to at least ten percent of the votes cast in the county for the office of president of the United States or governor at the preceding general election, unless otherwise provided by state law.

PART 2

DUTIES AND POWERS OF THE BOARD RELATING TO COUNTY AND TOWNSHIP OFFICERS AND EMPLOYEES

Sec. 326. NEW SECTION. APPOINTMENTS.

1. The board shall appoint:

a. A coordinator of disaster services in accordance with section 29C.10.

b. A veterans memorial commission in accordance with sections 37.9 through 37.15, when a proposition to erect a memorial building or monument has been approved by the voters.

c. A county conservation board in accordance with section 111A.2, when a proposition to establish the board has been approved by the voters.

d. The members of the county board of health in accordance with section 137.4.

e. One member of the convention to elect the state fair board as provided in section 173.2, subsection 3.

f. A temporary board of community mental health center trustees in accordance with section 230A.4 when the board decides to establish a community mental health center, and members to fill vacancies in accordance with section 230A.6.

g. The members of the county board of social welfare in accordance with section 234.9.

h. A county commission of veteran affairs in accordance with sections 250.3 and 250.4, and a person to provide for the burial of indigent veterans in accordance with section 250.13.

i. A general relief director in accordance with section 252.26.

j. A member of the functional classification board in accordance with section 306.6.

k. One or more county engineers in accordance with sections 309.17 through 309.19.

l. A weed commissioner in accordance with section 317.3.

m. A county medical examiner in accordance with section 800 of this Act, and the board may provide facilities, deputy examiners, and other employees in accordance with that section.

n. One member of the county compensation board in accordance with section 904 of this Act.

c. Members of an airport zoning commission as provided in section 329.9, if the board adopts airport zoning under chapter 329.

p. Members of an airport commission in accordance with section 330.20 if a proposition to establish the commission has been approved by the voters.

q. One member of the civil service commission for deputy sheriffs in accordance with section 341A.2 or 341A.3, and the board may remove the member in accordance with those sections.

r. A temporary board of hospital trustees in accordance with sections 347.9 and 347.10 if a proposition to establish a county hospital has been approved by the voters.

s. An initial board of hospital trustees in accordance with section 347A.1 if a hospital is established under chapter 347A.

t. A county zoning commission, an administrative officer, and a board of adjustment in accordance with sections 358A.8 through 358A.11, if the board adopts county zoning under chapter 358A.

u. A board of library trustees in accordance with sections 358B.4 and 358B.5, if a proposition to establish a library district has been approved by the voters, or 358B.18 if a proposition to provide library service by contract has been approved by the voters.

v. A weather modification board, if requested by petition, in accordance with section 361.2.

w. Local representatives to serve with the city development board as provided in section 368.14.

x. Members of a city planning and zoning commission and board of adjustment when a city extends its zoning powers outside the city limits, in accordance with section 414.23.

y. A list of residents eligible to serve as a compensation commission in accordance with section 472.4, in condemnation proceedings under chapter 472.

2. Members of the county judicial magistrate appointing commission in accordance with section 602.43.

aa. A member of the judicial district department of corrections as provided in section 905.3, subsection 1, paragraph a.

bb. Members of a county enterprise commission or joint county enterprise commission if the commission is approved by the voters as provided in section 470 of this Act.

cc. Other officers and agencies as required by state law.

2. If the board proposes to establish the office of public defender, it shall do so and appoint the public defender in accordance with section 776 of this Act.

3. If the board proposes to appoint a county surveyor, it shall appoint a person qualified in accordance with section 355.1 and provide the surveyor with a suitable book in which to record field notes and plats.

4. Except as otherwise provided by state law, a person appointed to a county office may be removed by the officer or body making the appointment, but the removal shall be by written order. The order shall give the reasons and be filed in the office of the auditor, and a copy shall be sent by certified mail to the person removed who, upon request filed with the auditor within thirty days of the date of mailing the copy, shall be granted a public hearing before the board on all issues connected with the removal. The hearing shall be held within thirty days of the date the request is filed, unless the person removed requests a later date.

5. A board or commission appointed by the board of supervisors shall notify the county auditor of the name and address of its clerk or secretary.

6. A supervisor serving on another county board or commission shall be paid only as a supervisor for a day which includes official service on both boards.

Sec. 321. NEW SECTION. DUTIES RELATING TO COUNTY AND TOWNSHIP OFFICERS. The board shall:

1. Require and approve official bonds in accordance with chapter 64 and section 682.6, and pay the cost of certain officers' bonds as provided in section 64.11.
2. Make temporary appointments in accordance with section 66.19, when an officer is suspended under chapter 66.
3. Fill vacancies in county offices in accordance with sections 69.8 through 69.13, and make appointments in accordance with section 69.16.
4. Provide suitable offices for the meetings of the county conservation board and the safekeeping of its records.
5. Furnish offices at the county seat for the clerk, recorder, treasurer, auditor, county attorney, county surveyor or engineer, county assessor, and city assessor. If the office of public defender is established, the board shall furnish the public defender's office as provided in section 776 of this Act. The board shall furnish the officers with fuel, lights, and office supplies. However, the board is not required to furnish the county attorney or public defender with law books. The board shall not furnish an office also occupied by a practicing attorney to any officer other than the county attorney or public defender.
6. Review the final compensation schedule of the county compensation board and determine the final compensation schedule in accordance with section 906 of this Act.
7. Provide necessary office facilities and the technical and clerical assistance requested by the county compensation board to accomplish the purposes of sections 904 through 906 of this Act.
8. Provide the sheriff with county-owned automobiles or contract for privately-owned automobiles as needed for the sheriff and deputies to perform their duties, the need to be determined by the board.
9. Provide the sheriff and the sheriff's full-time deputies with necessary uniforms and accessories in accordance with section 656 of this Act.

10. Pay for the cost of board furnished prisoners in the sheriff's custody, as provided in section 657 of this Act, appoint and pay salaries of assistants at the jails, furnish supplies, and inspect the jails.
 11. Furnish necessary equipment and materials for the sheriff to carry out the provisions of section 690.2.
 12. Install radio materials in the office of the sheriff as provided in section 693.4.
 13. Provide for the examination of the accounts of an officer who neglects or refuses to report fees collected, if a report is required by state law. The expense of the examination shall be charged to the officer and collectible on the officer's bond.
 14. Establish and pay compensation of township trustees and township clerk, as provided in sections 359.46 and 359.47.
 15. Furnish quarters for meetings of the board of review of assessments.
 16. Pay reasonable compensation to assistants for the jury commission established under chapter 608.
- Sec. 322. NEW SECTION. POWERS RELATING TO COUNTY OFFICERS.
1. A county may combine the duties of two or more of the following county officers and employees as provided in this subsection:
 - a. Sheriff
 - b. Treasurer
 - c. Recorder
 - d. Auditor
 - e. Medical examiner
 - f. Clerk
 - g. General relief director
 - h. County care facility administrator
 - i. Commission on veteran affairs
 - j. Director of social welfare
 - k. County assessor
 - l. County weed commissioner.

If a petition of electors equal in number to twenty-five percent of the votes cast for the county office receiving the greatest number of votes at the preceding general election is filed with the auditor, the board shall direct the commissioner of elections to call an election for the purpose of voting on the proposal. If the petition contains more than one proposal for combining duties, each proposal shall be listed on the ballot as a separate issue. If the majority of the votes cast is in favor of a proposal, the board shall take all steps necessary to combine the duties as specified in the petition.

The petition shall state the offices and positions to be combined and the offices or positions to be abolished. Offices and positions that have been combined may be subsequently separated by a petition and election in the same manner.

If an appointive officer or position is abolished, the term of office of the incumbent shall terminate one month from the day the proposal is approved. If an elective office is abolished, the incumbent shall hold office until the completion of the term for which elected, except that if a proposal is approved at a general election which fills the abolished office, the person elected shall not take office.

When the duties of an officer or employee are assigned to an elective officer, the board shall set the initial salary for the elective officer, which salary shall be at thirty percent greater than the salary otherwise established for the combined office or position with the highest salary. Thereafter, the salary shall be determined as provided in section 906 of this Act. When the duties of officers or employees are combined, the person who fills the combined office shall take the oath and give the bond required for each office and perform all the duties pertaining to each.

2. The board may:

a. Require additional security on an officer's bond, in accordance with sections 65.2 and 65.3, or hear a petition

of the surety for release and require a new bond, in accordance with sections 65.4 through 65.8.

b. Apply for the use of a requisitioned vehicle as provided in section 127.19.

c. Require any county officer to make a report to it under oath on any subject connected with the duties of the office, and remove from office by majority vote an officer who refuses or neglects to make a report or give a bond required by the board within twenty days after the requirement is made known to the officer.

d. Compromise an unsatisfied judgment rendered in favor of the county against a county officer and the sureties on the officer's bond, if the county is satisfied that the full amount cannot be collected. The county may compromise with one or more of the sureties and release those sureties if the officer and each of the sureties on the officer's bond execute a written consent to the compromise and to the release of each of the sureties who agree to the compromise, and in the writing agree that the compromise and release do not release any of the sureties who do not agree to the compromise. The written consent shall be filed with the auditor. If the judgment is based upon a default in county funds, the money received under the compromise shall be paid pro rata to the funds in proportion to the amount each fund was in default at the time the judgment was rendered.

e. Authorize a county officer to destroy records in the officer's possession which have been on file for more than ten years, and are not required to be kept as permanent records.

f. Enter into an agreement with one or more other counties to share the services of a county attorney, in accordance with section 753 of this Act.

g. Provide that the county attorney be a full-time or part-time officer in accordance with section 751 of this Act.

h. Establish the number of deputies, assistants, and

clerks for the offices of auditor, treasurer, recorder, sheriff, county attorney, and clerk.

1. Exercise other powers authorized by state law.

Sec. 323. NEW SECTION. DUTIES AND POWERS RELATING TO COUNTY AND TOWNSHIP OFFICERS AND EMPLOYEES.

1. The board shall:
 - a. Carry out the duties of a public employer to engage in collective bargaining in accordance with chapter 20.
 - b. Grant claims for mileage and expenses of officers and employees in accordance with sections 79.9 through 79.13 and section 214, subsection 2 of this Act, and grant employees leaves of absence to participate in olympic competition in accordance with section 79.24.
 - c. Provide workers' compensation benefits to officers and employees as required by chapter 85.
 - d. Provide occupational disease compensation to employees as required by chapter 85A.
 - e. Cooperate with the industrial commissioner and comply with requirements imposed upon counties under chapters 86 and 87.
 - f. Comply with occupational safety and health standards as required by chapter 88.
 - g. Comply with wage payment requirements imposed upon counties under chapter 91A.
 - h. Comply with employment security requirements imposed upon counties under chapter 96.
 - i. Participate in the Iowa public employees' retirement system as required by chapter 97B.
 - j. Participate in the federal Social Security Act as required by chapter 97C.
 - k. Provide for support of the civil service commission for deputy sheriffs in accordance with section 341A.20.
 - l. Establish the compensation of deputies and assistants in accordance with section 903 of this Act.

- m. Provide a deferred compensation program for any employee, in accordance with section 509A.12.
 - n. Employ the blind, the partially blind, and the disabled in accordance with section 601D.2.
 - o. Fix the compensation for services of county and township officers and employees if not otherwise fixed by state law.
 - p. Perform other duties required by state law.
2. If the board wishes to participate in a program of interchange of employees, it shall do so in accordance with chapter 28D.
 3. In exercising its power to resolve disputes with officers and employees, the board may arbitrate disputes in accordance with chapter 90.
 4. Salaries of employees in the probation office are subject to approval by the board as provided in section 231.8.
 5. If the liability of a board officer or employee in the performance of official duties is not fully indemnified by insurance, the board shall pay a loss for which the officer or employee is found liable beyond the amount of insurance, and may compromise and settle any such claim.

PART 3

DUTIES AND POWERS OF THE BOARD RELATING TO COUNTY CONTRACTS

Sec. 340. NEW SECTION. CONTRACTS.

1. When the estimated cost of a public improvement, other than improvements which may be paid for from the secondary road fund, exceeds twenty-five thousand dollars, the board shall follow the contract letting procedures provided for cities in sections 384.95 through 384.103. However, in following those sections the board shall substitute the word "county" for the word "city", section 304 of this Act for section 362.3, shall consider "governing body" to mean the board, and shall exclude references to a city utility, utility board of trustees, or public utilities. As used in this section, "public improvement" means the same as defined in section 384.95 as modified by this subsection.

2. The board shall give preference to Iowa products and labor in accordance with chapter 73 and shall comply with bid and contract requirements in sections 73.2 and 73.7.

3. Contracts for improvements which may be paid for from the secondary road fund shall be awarded in accordance with sections 309.40 through 309.43, 310.14, 314.1, 314.2, and other applicable state law.

4. If the contract price for a public improvement is five thousand dollars or more, the board shall require a contractor's bond in accordance with chapter 573.

5. In exercising its power to contract for public improvements, the board may contract for the application of contract termination procedures in accordance with chapter 573A.

Sec. 341. NEW SECTION. CONFLICTS OF INTEREST IN PUBLIC CONTRACTS. As used in this section, "contract" means a claim, account, or demand against or agreement with a county, express or implied, other than a contract to serve as an officer or employee of the county. However, contracts subject to section 314.2 or section 347.15 are not subject to this section.

An officer or employee of a county shall not have an interest, direct or indirect, in a contract with that county. A contract entered into in violation of this section is void. The provisions of this section do not apply to:

1. The designation of a bank or trust company as a depository, paying agent, or for investment of funds.

2. An employee of a bank or trust company, who serves as treasurer of a county.

3. Contracts made by a county of less than ten thousand population, upon competitive bid in writing, publicly invited and opened.

4. Contracts in which a county officer or employee has an interest solely by reason of employment, or a stock interest of the kind described in subsection 8, or both, if the contracts are made by competitive bid, publicly invited and

opened, and if the remuneration of employment will not be directly affected as a result of the contract and the duties of employment do not directly involve the procurement or preparation of any part of the contract. The competitive bid qualification of this subsection does not apply to a contract for professional services not customarily awarded by competitive bid.

5. The designation of official newspapers.

6. A contract in which a county officer or employee has an interest if the contract was made before the time the officer or employee was elected or appointed, but the contract shall not be renewed.

7. A contract with volunteer firefighters or civil defense volunteers.

8. A contract with a corporation in which a county officer or employee has an interest by reason of stockholdings when less than five percent of the outstanding stock of the corporation is owned or controlled directly or indirectly by the officer or employee or the spouse or immediate family of the officer or employee.

9. A contract made by competitive bid, publicly invited and opened, in which a member of a county board, commission, or administrative agency has an interest, if the member is not authorized by law to participate in the awarding of the contract. The competitive bid qualification of this subsection does not apply to a contract for professional services not customarily awarded by competitive bid.

PART 4

DUTIES AND POWERS OF THE BOARD RELATING TO COUNTY PROPERTY

Sec. 360. NEW SECTION. COUNTY PROPERTY.

1. Counties bounded by a body of water have concurrent jurisdiction over the entire body of water lying between them.

2. In disposing of an interest in real property by sale or exchange, by lease for a term of more than three years, or by gift, the following procedures shall be followed, except as otherwise provided by state law:

a. The board shall set forth its proposal in a resolution and shall publish notice of the time and place of a public hearing on the proposal, in accordance with section 304 of this Act.

b. After the public hearing, the board may make a final determination on the proposal by resolution.

3. The board shall not dispose of real property by gift except for a public purpose, as determined by the board, in accordance with other state law. However, the board may dispose of real property for use in an Iowa homesteading program under section 220.14 for a nominal consideration.

4. On the application of a honorably discharged soldier, sailor, marine, or nurse of the army or navy of the United States who was disabled in the Philippine insurrection, China relief expedition, World War I, World War II, from December 7, 1941, to December 31, 1946, both dates inclusive, Korean Conflict, from June 25, 1950, to January 31, 1955, both dates inclusive, or Vietnam Conflict, from August 5, 1964, to June 30, 1973, both dates inclusive, the board shall reserve in the county courthouse a reasonable amount of space in the lobby to be used by the applicant rent-free as a stand for the sale of newspapers, tobaccos, and candies. If there is more than one applicant for reserved space, the board shall award the space at its discretion. The board shall prescribe the regulations by which a stand shall be operated.

5. The board shall:

a. Proceed upon a petition to establish a memorial hall or monument under chapter 37, as provided in that chapter.

b. Comply with section 103A.10, subsection 4, in the construction of new buildings.

c. Proceed upon a petition to establish a county public hospital under chapter 347, as provided in that chapter.

d. Bid for real property at a tax sale as required under section 446.19, and handle the property in accordance with section 446.31 and chapter 569.

e. Require the conduction of a life cycle cost analysis for county facilities in accordance with chapter 470.

f. Comply with chapter 601C if food service is provided in public buildings.

g. Comply with section 601D.9 if curbs and ramps are constructed.

h. Provide facilities for the holding of court at the county seat in accordance with sections 602.6 and 602.61.

i. Perform other duties required by state law.

6. In exercising its power to manage county real property, the board may lease land for oil and gas exploration as provided in section 84.21.

Sec. 361. NEW SECTION. ROADS AND TRAFFIC.

1. A county has jurisdiction over secondary roads as provided in section 306.4, subsection 2, subsection 4, paragraph b, and subsection 5, paragraph b.

2. The board shall exercise the county's jurisdiction over secondary roads in accordance with chapters 306, 309, 310, 314, and other applicable laws.

3. The board may establish secondary road assessment districts as provided in chapter 311.

4. If a county has land subject to section 312.8, the board shall administer road funds available under that section as prescribed in that section.

5. The board may enter into agreements with the department of transportation as provided in section 313.2.

6. The board shall provide for the control of noxious weeds in accordance with chapter 317.

7. The board shall cause the removal of obstructions on the secondary roads, in accordance with chapter 319.

8. The board shall proceed upon a petition to construct a sidewalk in accordance with sections 320.1 through 320.3. The board may grant permission to lay gas and water mains, construct and maintain cattleways, or construct sidewalks in connection with the secondary roads, in accordance with sections 320.4 through 320.8.

9. A county may regulate traffic on and use of the secondary roads, in accordance with sections 321.236 through 321.250, 321.254, 321.255, 321.285, subsection 7, 321.352, 321.471 through 321.473, and other applicable provisions of chapter 321, and sections 321G.9 and 327G.15.

PART 5

DUTIES AND POWERS OF THE BOARD RELATING TO COUNTY SERVICES

Sec. 380. NEW SECTION. DUTIES RELATING TO SERVICES.

The board shall:

1. Proceed in response to a petition to establish a unified law enforcement district in accordance with sections 28E.21 through 28E.28, or the board may proceed under those sections on its own motion.
2. Provide for disaster services and emergency planning in accordance with sections 29C.9 through 29C.13.
3. Proceed in response to a petition to establish a county conservation board in accordance with section 111A.2.
4. Comply with chapter 222, including but not limited to sections 222.13, 222.14, and 222.59 through 222.82, in regard to the care of mentally retarded persons.
5. Comply with chapters 227, 229, and 230, including but not limited to sections 227.11, 227.14, 229.42, 230.25, 230.27, and 230.35, in regard to the care of mentally ill persons.
6. Audit and pay the burial expense for indigent veterans, as provided in section 250.15.
7. Make determinations regarding emergency relief services in accordance with sections 251.5 and 251.6.
8. Administer general relief for the poor in accordance with chapter 252.
9. Handle complaints seeking medical care for indigent persons and pay for the care in accordance with chapter 255.
10. Comply with chapters 269 and 270 in regard to the payment of costs for pupils at the Iowa braille and sight-saving school and the school for the deaf.

11. Enforce the interstate library compact in accordance with sections 303A.9 through 303A.11.

12. Proceed in response to a petition to establish or end an airport commission in accordance with sections 330.17 through 330.20.

13. Proceed in response to a petition for a city hospital to become a county hospital in accordance with section 347.23.

14. Provide for the licensure, seizure, impoundment, and disposition of dogs in accordance with chapter 351.

15. Proceed in response to a petition to establish a county library district in accordance with sections 358B.2 through 358B.5, or a petition to provide library service by contract or to terminate the service under section 358B.18.

16. Establish a sanitary disposal project in accordance with sections 455B.76, 455B.79, and 455B.80.

17. Furnish a place for the confinement of prisoners as required in section 903.4, and in accordance with chapter 356 or 356A.

18. Perform other duties required by state law.

Sec. 381. NEW SECTION. POWERS AND LIMITATIONS RELATING TO SERVICES.

1. The board may exercise the following powers in accordance with the sections designated, and may exercise these or similar powers under its home rule powers or other provisions of law:
 - a. Establishment of parks outside of cities as provided in section 111.34.
 - b. Establishment of a water recreational area as provided in sections 111.59 through 111.78.
 - c. Establishment of a merged area hospital as provided in chapter 145A.
 - d. Acquisition and operation of a limestone quarry for the sale of agricultural lime, in accordance with chapter 202.

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

f. Establishment of a community mental health center as provided in chapter 230A.

g. Establishment of a county care facility as provided in chapter 253, and sections 135C.23 and 135C.24.

h. Provision of relocation programs and payments as provided in section 316.10 and 316.11.

i. Establishment of an airport commission as provided in sections 330.17 through 330.20.

j. Creation of an airport authority as provided in chapter 330A.

2. The power to establish reserve peace officers is subject to chapter 80D.

3. The power to legislate in regard to chemical substance abuse is subject to section 125.40.

4. The power to establish a county hospital is subject to the licensing requirements of chapter 135B and the power to establish a county health care facility is subject to the licensing requirements of chapter 135C.

5. The board shall not regulate, license, inspect, or collect license fees from food service establishments except as provided in chapter 170A or from hotels except as provided in chapter 170B or for food and beverage vending machines except as provided in section 191A.14.

6. The power to operate juvenile detention and shelter care homes is subject to approval of the homes by the commissioner of the department of social services or the commissioner's designee, as provided in section 232.142.

7. If a law library is provided in the county courthouse, judges of the district court of the county shall supervise and control the law library.

8. The board is subject to chapters 357 through 358, 455, 456 through 467, or 467C, as applicable, in acting relative to a special district authorized under any of those chapters.

However, the board may assume and exercise the powers and duties of a governing body under chapter 357, 357A, 357B, 358, or 462 if a governing body established under one of those chapters has insufficient membership to perform its powers and duties, and the board, upon petition of the number of property owners within a proposed district and filing of a bond as provided in section 357A.2, may establish a service district within the unincorporated area of the county and exercise within the district the powers and duties granted in chapter 357, 357A, 357B, 357C, 358, 359, 384, division IV, or 462.

9. The power to establish and administer an air pollution control program in lieu of state administration is subject to sections 455B.23 and 455B.24.

Sec. 382. NEW SECTION. DUTIES AND POWERS RELATING TO ELECTIONS. The board shall insure that the county commissioner of elections conducts primary, general, city, school, and special elections in accordance with applicable state law. The board shall canvass elections in accordance with sections 43.49 through 43.51, 43.60 through 43.62, 46.24, 50.13, 50.24 through 50.29, 50.44 through 50.47, 275.25, 277.20, 280A.39, 376.1, 376.7, and 376.9. The board shall prepare and deliver a list of persons nominated in accordance with section 43.55, provide for a recount in accordance with sections 43.56 through 43.58, provide for election precincts in accordance with sections 49.3, 49.4, 49.6 through 49.8, and 49.11, pay election costs as provided in section 47.3, participate in election contests as provided in sections 62.1 and 62.9, and perform other election duties required by state law. The board may authorize additional precinct election officials as provided in section 51.1, provide for the use of a voting machine or electronic voting system as provided in sections 52.2, 52.3, 52.8, and 52.34, and exercise other election powers as provided by state law.

DIVISION IV

POWERS AND DUTIES OF THE BOARD RELATING TO COUNTY FINANCES

PART 1

GENERAL FINANCIAL POWERS AND DUTIES

Sec. 400. NEW SECTION. DUTIES RELATING TO FINANCES.

1. The board shall:

- a. Audit expenses charged to the county for the annual examination by the auditor of state and approve or object to the expenses as provided in section 11.21.
- b. Establish budgets in accordance with chapter 24, and establish budgets for the farm-to-market road fund and the secondary road fund in accordance with sections 309.10 and 309.93 through 309.97.
- c. Provide for payment of a portion of the cost of care, maintenance, and treatment of substance abusers who are residents of the county, as provided in sections 125.45, 125.47, and 125.51.
- d. Pay expenses of administration of juvenile justice, attributable to the county under section 232.141.
- e. Appropriate county funds in accordance with sections 344.1 through 344.11 and this division.
- f. Provide for the expense of persons committed to the county jail or a regional detention facility in accordance with sections 356.15 and 356.45.
- g. Adopt resolutions authorizing the county assessor to provide forms for homestead exemption claimants as provided in section 425.2 and military service tax exemptions as provided in section 427.6.
- h. Examine and allow or disallow claims for homestead exemption in accordance with section 425.3 and claims for military service tax exemption in accordance with chapter 426A and sections 427.3 through 427.6. The board, by a single resolution, may allow or disallow the exemptions recommended by the assessor.
- i. Hear appeals relating to the agricultural land tax credit in accordance with section 426.6.

j. Order the suspension of property taxes of certain persons in accordance with section 427.9.

k. Approve or deny an application for a property tax exemption for impoundment structures, as provided in section 427.1, subsection 33.

l. Serve on the conference board as provided in section 441.2 and carry out duties relating to platting for assessment and taxation as provided in sections 441.67 and 441.70.

m. Levy taxes as certified to it by tax-certifying bodies in the county, in accordance with the statutes authorizing the levies and in accordance with chapters 24 and 344 and sections 444.1 through 444.8, and levy taxes as required in chapters 430A, 433, 434, 436, 437, and 438.

n. Carry out duties in regard to the collection of taxes as provided in sections 445.16, 445.19, 445.60, and 445.62.

o. Apportion taxes upon receipt of a petition, in accordance with sections 449.1 through 449.3.

p. Comply with chapters 452 and 453 in the management of public funds.

q. Allocate payments from flood control projects as provided in sections 467B.13 and 467B.14.

r. Examine and settle all accounts of the receipts and expenditures of the county and all claims against the county, except as otherwise provided by state law.

s. Perform other financial duties as required by state law.

2. The board shall not pay membership dues for a county officers association in this state other than the Iowa state association of counties or an organization affiliated with it. This subsection does not prohibit expenditures for organizations with which the Iowa state association or its affiliates are affiliated.

3. The board shall not pay bounties on crows, rattlesnakes, foxes, or wolves other than coyotes.

Sec. 401. NEW SECTION. POWERS RELATING TO FINANCES--
LIMITATIONS.

1. The payment of county obligations by anticipatory warrants is subject to chapters 74 and 74A and other applicable state law. Anticipatory warrants drawn on the secondary road fund are also subject to sections 309.46 through 309.55.
2. The board may:
 - a. Require a person who is not a part of county government but is receiving county funds to submit to audit by auditors chosen by the county. The person shall make available all pertinent records needed for the audit.
 - b. Enter into an agreement with the state department of social services for assistance in accordance with section 249A.12.
 - c. Levy within a township at a rate not to exceed the rate permitted under sections 359.30 and 359.33 for the care and maintenance of cemeteries, if the township officials fail to levy the tax as needed.
 - d. Authorize the county auditor to issue warrants for certain purposes as provided in section 505, subsection 3 of this Act.
 - e. Impose a hotel and motel tax in accordance with chapter 422A.
 - f. Order the suspension of property taxes or cancel and remit the taxes of certain persons as provided in sections 427.8 and 427.10.
 - g. Provide for a partial exemption from property taxation in accordance with chapter 427B.

PART 2

COUNTY LEVIES AND FUNDS

Sec. 420. NEW SECTION. MANDATORY TAX LEVIES. The board shall levy for county purposes the following taxes each year on the assessed value of all taxable property in the county, except as otherwise provided by state law:

1. For bonds issued as a result of an election under chapter 37, not to exceed one dollar and eighty cents per thousand dollars.
2. For the debt service fund established in section 427 of this Act, an amount sufficient to retire outstanding debt as provided in section 76.2 subject to specific applicable levy limitations in this part.
3. A tax sufficient to meet the county's obligation to the Iowa public employees' retirement system under chapter 97B.
4. A tax sufficient to meet the county's obligation for federal social security under chapter 97C, in addition to all other taxes, if other funds are not available to meet this obligation.
5. a. For the county brucellosis eradication fund except as otherwise provided in this section, a tax sufficient to pay the indemnity and other expenses incurred under chapter 164 and, to the extent the moneys in the fund are not required for those expenses, to pay the expenses of the inspection and testing program provided in chapter 163A, not to exceed thirteen and one-half cents per thousand dollars.
- b. Not later than the first of September of each year, the auditor shall certify to the secretary of agriculture the amount in the fund on July 1. If the secretary of agriculture determines that the amount in the fund is sufficient, with the county's allotment of state and federal funds available, to carry on the program in the county for the following year, that determination shall be certified to the auditor, and the board shall not levy for the fund for that year.
- c. If the balance in the fund becomes less than twenty-five hundred dollars, the auditor shall notify the Iowa department of agriculture in writing, and the department shall not incur expense against the fund in excess of the amount available.

6. For the county tuberculosis eradication fund, a tax sufficient to pay the indemnity and other expenses incurred for the bovine tuberculosis eradication program in chapter 165 and, to the extent the moneys in the fund are not required for those expenses, to pay the expenses of the swine tuberculosis eradication program in section 159.5, subsection 13, not to exceed twenty and one-fourth cents per thousand dollars. However, this levy and fund are subject to paragraphs b and c of subsection 5.

7. For the county indemnification fund provided in section 426 of this Act, one-half cent per thousand dollars, if directed by the treasurer of state.

8. An amount sufficient to pay the annual rent due under a lease with the authority which manages a joint city-county building established under section 346.27, which may be levied in addition to any statutory tax limit for the county.

9. For the library maintenance fund, not to exceed fifty-four cents per thousand dollars on property in the unincorporated area of the county, in accordance with the estimates transmitted by the board of library trustees.

10. To fulfill the county's obligation under a contract for the use of a city library, not to exceed twenty-seven cents per thousand dollars on the taxable property of the county outside of cities.

11. For the weather modification fund, when approved by the voters as provided in section 361.5, to be levied only on agricultural land and not to exceed two cents per acre on the agricultural land.

12. For the election expense fund, an amount sufficient to pay the costs of elections and voter registration pursuant to chapter 48.

13. For the county mental health and institutions fund, an amount necessary to raise the amount needed under section 424, subsection 13, of this Act.

14. For the purpose of establishing an institution of benevolence, not to exceed twenty and one-fourth cents per thousand dollars, if the county receives property by gift or devise for that purpose and a sufficient fund is not provided for the maintenance of the institution. However this tax shall not be levied until the board has submitted the question of levying the tax to the qualified electors at a regular or special election and a majority of the votes cast have been in favor of the levy. After five years of levying the tax the board may, and upon receipt of a petition signed by twenty-five percent of the qualified electors of the county as shown by the pollbooks of the last preceding general election, shall resubmit the question of levying the tax to the qualified electors at a regular or special election. If sixty-five percent of the votes cast are in favor of discontinuing the levy, it shall be discontinued. The tax collected under this subsection shall be paid to the treasurer of the institution and be expended on the order of the trustees of the institution.

15. For payment of an annuity, if the annuity is agreed to by the county as a condition of acceptance of a gift or bequest and the annuity does not exceed five percent of the amount of the gift or bequest, not to exceed twenty and one-fourth cents per thousand dollars.

16. For ordinary county revenue, the amount needed subject to the following limitations:

a. Not to exceed one dollar and twenty-one and one-half cents per thousand dollars in counties with an assessed value of less than fifty-nine million, two hundred sixty thousand dollars.

b. Not to exceed one dollar and eight cents per thousand dollars in counties with an assessed value of fifty-nine million, two hundred sixty thousand dollars or more and less than ninety-six million, three hundred thousand dollars.

c. Not to exceed ninety-four and one-half cents per thousand dollars in counties with an assessed value of ninety-six million, three hundred thousand dollars or more and less than one hundred eighteen million, five hundred twenty thousand dollars.

d. Not to exceed eighty-one cents per thousand dollars of assessed value in counties with an assessed value of one hundred eighteen million, five hundred twenty thousand dollars or more.

17. For other purposes as provided by state law.

Sec. 421. NEW SECTION. PERMISSIVE TAX LEVIES. The board may levy the following taxes each year on the assessed value of all taxable property in the county, except as otherwise provided by state law:

1. For the emergency fund, not to exceed twenty-seven cents per thousand dollars, as provided in section 24.6.

2. For the public safety fund, if a unified law enforcement district is established, not to exceed one dollar and fifty cents per thousand dollars, as provided in section 28E.22.

3. For development, operation, and maintenance of a memorial building or monument established under chapter 37, not to exceed thirty-three and three-fourths cents per thousand dollars.

4. For voting machines or an electronic voting system, not to exceed thirteen and one-half cents per thousand dollars.

5. The amount needed for unemployment benefits under chapter 96, which may be levied outside of the general fund.

6. For the county conservation fund, for expenses of the county conservation board, not to exceed twenty-seven cents per thousand dollars, in addition to all other taxes.

7. For the fairground fund, not to exceed six and three-fourths cents per thousand dollars to be used for fitting up or purchasing fairgrounds for a society formed under chapter 174 or for aiding boys and girls 4-H club work and payment of agricultural and livestock premiums in connection with

the fair, to be levied only if the society owns or leases at least ten acres of land for the fairground and owns or leases buildings and improvements on the land of at least eight thousand dollars in value. However, if an official fair is designated under section 174.10, subsection 2, the funds received from this levy shall be paid to the society conducting the official county fair.

8. For the fairground fund, not to exceed six and three-fourths cents per thousand dollars, in a county which has acquired real property for county or district fair purposes and which has a society using the real property.

9. For maintaining a county or multi-county juvenile detention or shelter care home in a county of over one hundred fifty thousand population, not to exceed twenty and one-fourth cents per thousand dollars, or in any other county not to exceed thirteen and one-half cents per thousand dollars.

10. For the veteran affairs fund, to be controlled jointly by the board and the county commission of veteran affairs as provided in chapter 250, for the benefit of, and to pay the funeral expenses of honorably discharged, indigent men and women of the United States in any war including the Korean Conflict at any time between June 25, 1950, and January 31, 1955, both dates inclusive, and the Vietnam Conflict at any time between August 5, 1964, and May 7, 1975, both dates inclusive, and their indigent wives, widows, and minor children having a legal residence in the county, not to exceed twenty-seven cents per thousand dollars.

11. For the county poor fund, if the ordinary revenue proves insufficient, not exceeding forty and one-half cents per thousand dollars or, with the written approval of the state comptroller after a showing of necessity, not to exceed an additional eighty-one cents per thousand dollars, and in any case not to exceed two-thirds of the maximum poor fund levy for the extended fiscal year beginning January 1, 1974, and ending June 30, 1975, unless the state appeal board

permits a higher levy for a year to prevent severe hardship due to unusual circumstances beyond the control of the county. Taxes levied and collected for the county poor fund shall be expended only for the purposes for which they were levied.

12. For the secondary road fund, not to exceed three dollars and three-eighths cents per thousand dollars on property not within a city.

13. For the secondary road fund, not to exceed sixteen and seven-eighths cents per thousand dollars.

14. For building and maintaining a bridge over a state boundary line stream, not to exceed, in conjunction with levies for bonds issued for this purpose, six and three-fourths cents per thousand dollars.

15. For the road clearing fund, to be used only to destroy weeds and second or undergrowth brush between the fence rows of secondary roads in time to prevent reseeding and to purchase or hire necessary equipment, not to exceed twenty and one-fourth cents per thousand dollars on property not within a city.

16. For the weed eradication and equipment fund to be used for purchasing weed eradicating equipment and materials and for expenses and compensation needed to carry out the duties of the weed commissioner, not to exceed six and three-fourths cents per thousand dollars.

17. For an aviation authority under chapter 330A, not to exceed twenty-seven cents per thousand dollars on property in the unincorporated area of the county, in excess of any other tax limitation, as provided in section 330A.15.

18. For a local, nonprofit historical society organized under chapter 504 or 504A, not to exceed three cents per thousand dollars to be used for collecting and preserving historical materials, artifacts, places, and structures of the area, maintaining a historical library and collections, conducting historical studies and researches, issuing publications, providing public lectures of historical interest,

and otherwise disseminating a knowledge of the history of the area to the general public. The tax collected under this subsection shall not exceed five thousand dollars in a county with a population of less than thirty-five thousand, fifteen thousand dollars in a county with a population of thirty-five thousand or more but less than one hundred thousand, or twenty-five thousand dollars in a county with a population of one hundred thousand or more. If there are two or more nonprofit historical societies in the county, the board shall apportion the funds available under this subsection as it determines. The board shall require the historical society to submit to it a proposed budget including the amount of available funds and estimated expenditures, as a prerequisite to receiving funds under this subsection. A local historical society receiving funds under this subsection shall present to the board an annual report describing in detail its use of the funds received.

19. For an expenditure required to be approved by the voters under section 345.1, not to exceed seven-hundredths of one percent of the taxable valuation of property in the county.

20. For a joint city-county building, an amount sufficient to pay the county's portion of the cost of operation, maintenance, and insurance.

21. For operation, maintenance, and management of a health center in a county of over seventy thousand population, not to exceed fifty-four cents per thousand dollars, in addition to all other levies authorized by law for similar purposes.

22. For paying bounties on wild animals, the amount necessary.

23. For additional ordinary county revenue in a county with a population of thirty-five thousand or more but not more than fifty-five thousand, not to exceed fifty-four cents per thousand dollars and subject to the approval of the state comptroller.

24. For the court expense fund, if the amount levied for ordinary county revenue is insufficient to pay all expenses incident to the maintenance and operation of the courts, an amount sufficient to pay the expenses.

25. a. For ambulance service, not to exceed twenty-seven cents per thousand dollars, if the county general fund levy authorized by section 420, subsection 16, of this Act, is at the maximum amount permitted by that subsection, the board has exhausted its right of appeal under section 24.48, and the board finds by resolution that it is not feasible to support ambulance service from the general fund. However:

(1) If the board has budgeted an amount from the general fund to support ambulance service which is less than the amount that would be raised in the county by a levy of twenty-seven cents per thousand dollars of assessed value, and the board finds by resolution that it is not feasible to provide additional support for ambulance service from the general fund, the board may levy under this subsection an amount not more than the difference between the proceeds of a levy of twenty-seven cents per thousand dollars of assessed value in the county and the amount budgeted from the general fund to support ambulance service.

(2) If the county has established a county general hospital under chapter 347 and the board of trustees of that hospital has budgeted for support of ambulance service some part of the proceeds of a levy for operation and maintenance of the hospital, made under section 347.7, and the board of trustees finds by resolution that it is not feasible to provide additional support for ambulance service from the proceeds of that levy, the board of supervisors may levy under this subsection an amount not more than the difference between the proceeds of a levy of twenty-seven cents per thousand dollars of assessed value in the county and the amount budgeted to support ambulance service from the county general hospital operation and maintenance levy. A tax levied under this

subparagraph is not applicable to a township in which ambulance service is being provided by the township trustees pursuant to section 359.42.

b. The board shall not make a levy under this subsection unless authorized to do so by a referendum held in the county concurrently with a general election. When so directed by the board, at least fifty-five days before the next general election, the county commissioner of elections shall submit to the voters of the county at that general election a question in substantially the following form:

"Shall the board of supervisors of _____ county be authorized to levy a tax of not more than twenty-seven cents per thousand dollars of assessed value to support ambulance service, in the manner and subject to the restrictions provided in paragraph a of this subsection, each year for four years beginning next July 1?"

If the question receives the affirmative vote of a majority of all electors voting for and against it, the board may levy a tax as provided in paragraph a of this subsection in the county budget year beginning July 1 following the general election at which the referendum is held, and in each of the four succeeding county budget years.

c. The support of the ambulance service authorized under this subsection shall be assessed on a proportionate basis by which each taxing unit shall bear its share in the proportion that its population is to the total population of all taxing units receiving the ambulance service within the county. The board shall estimate annually the amount necessary for the support of the ambulance service and shall transmit the estimate in dollars to the city councils within the county in which the ambulance service is provided. A city may be excluded from the ambulance service by resolution of the city council. The unincorporated area of the county, excluding any township which provides ambulance service as provided under section 359.42, is a separate taxing unit.

Each city which receives ambulance service under this subsection is a separate taxing unit. The board and the council of each city receiving ambulance service under this subsection shall certify or make the necessary levies as provided in this paragraph for the support of the ambulance services, subject to the tax levy limitation and requirements of paragraph a or b of this subsection.

d. As used in this subsection, ambulance service includes services provided by a rescue unit of a fire or public safety department.

26. For planning a sanitary disposal project as defined in section 455B.75, or for acquiring, constructing, operating, and maintaining sanitary land fills, not to exceed, in conjunction with levies for the debt service fund for the same purpose, six and three-fourths cents per thousand dollars on property outside of cities only.

27. For flood and erosion control, including acquisition of land or interests in land, repair, alteration, maintenance, and operation of works of improvement for flood and erosion control, not to exceed six and three-fourths cents per thousand dollars on agricultural land only.

28. For insurance to cover the liability of the county or its officers as provided in sections 613A.2 and 613A.8, the amount of premium costs, which may be levied in excess of any tax limitation imposed by statute.

29. For an improvement account established under section 423, subsection 4, of this Act, an amount in accordance with that subsection.

30. For other purposes as provided by state law.

Sec. 422. NEW SECTION. EXCESS LEVY ELECTION. A county may exceed a tax levy limit contained in section 420, subsection 13, or section 421, subsections 23, 24, or 25, if the proposition to authorize an enumerated levy limit rate to be exceeded has been submitted at a special levy election and received a majority of the votes cast on the proposition. A special levy election is subject to the following:

1. The election may be held only if the board gives notice to the county commissioner of elections, not later than February 15, that the election is to be held.

2. The election shall be held on the second Tuesday in March and be conducted by the county commissioner of elections in accordance with the law.

3. The proposition to be submitted shall be substantially in the following form:

Vote for only one of the following:

Shall the county of _____ levy a tax for the
(name of county)

purpose of _____ at a rate of
(state purpose of levy election)

_____ which will provide \$ _____
(rate) (amount)

The county of _____ shall continue under
the maximum rate of _____ providing \$ _____.
(amount)

4. The canvass shall be held beginning at one o'clock on the second day which is not a holiday following the special levy election.

5. Notice of the special levy election shall be published at least twice in a newspaper as specified in section 304 of this Act prior to the date of the special levy election. The first notice shall appear as early as practicable after the county has decided to seek a special levy.

Sec. 423. NEW SECTION. GENERAL FUND.

1. A county shall establish a general fund. Except as otherwise provided by state law, moneys received for county government purposes from taxes and other sources shall be credited to the general fund including but not limited to the following amounts if received:

a. Revenues from the leasing of public lands for oil and gas exploration and production, as provided in section 84.21.

b. Permit fees for cigarette permits issued under chapter 98.

c. Unclaimed fees and trusts for which checks or warrants have been outstanding for more than two years shall be credited to the general fund, but may be claimed within five years after being credited to the general fund.

d. A portion of snowmobile registration fees as provided in section 321G.7, if there is no county conservation fund.

e. License fees for licensing business establishments.

f. Funds not expended for support of the civil service commission, as provided in section 341A.20.

g. Allocations from the moneys and credits tax replacement fund, which shall be distributed as provided in section 422.100.

h. Moneys received from the local transient guest tax fund, pursuant to the levy of a hotel and motel tax under chapter 422A.

i. The levy for ordinary county revenue established in sections 420, subsection 16, and 421, subsection 23, of this Act.

j. The levy for an improvement account, if the account is established under subsection 4.

k. Allocations from the tax upon capital employed in the business of making loans or investments, as provided in section 430A.3.

l. Allocations from the moneys and credits tax on credit unions, as provided in section 533.24.

m. Interest earnings on money held by the clerk for payment to a private person, as provided in section 702, subsection 6, of this Act.

n. Other amounts in accordance with state law.

2. A county may deposit to the general fund the following amounts if received:

a. If a levy has been made to pay a claim, bond, or other indebtedness and the money has remained in the treasury, uncalled for, for three years, the board may authorize the unclaimed fund to be transferred to the general fund.

b. From the domestic animal fund in accordance with section 424, subsection 9, of this Act.

c. Excess moneys in the debt service fund, as provided in section 427 of this Act.

3. Except as otherwise provided by state law, amounts expended for county government purposes shall be paid from the general fund, including but not limited to amounts for the following purposes if paid:

a. To the auditor of state for the costs of the annual audit as provided in section 11.21.

b. For copies of the Code and session laws.

c. To a joint county-municipal disaster services fund established under section 29C.9, for the purpose of paying expenses relating to disaster services and emergency planning.

d. To the county conservation fund, for the maintenance of lands under the jurisdiction of the state conservation commission, by agreement under section 111.27, and for the payment of expenses incurred by the county conservation board in carrying out its powers and duties. The board, without approval of the state appeal board, may temporarily transfer unobligated moneys to the county conservation fund in anticipation of or to match committed receipts of federal funds from the heritage conservation and recreation service, the moneys to be returned to the general fund within five years or upon receipt of federal funds, if that occurs first.

e. To the local health fund to provide local health services.

f. For public health nursing service obtained by contract with a nonprofit nurses' association, as provided in section 143.1.

g. For purchase of real property for county or district fair purposes.

h. For expenses and compensation of the county board of social welfare.

- i. For the maintenance of graves of veterans as provided in section 250.17 and 250.18.
- j. For compensation of the general relief director as provided in section 252.26.
- k. To pay interest due the state on permanent school funds as provided in sections 302.40 and 302.41.
- l. For labor and equipment necessary for the performance of the weed commissioner's duties.
- m. To the railroad assistance fund established under section 327H.18:
 - (1) With approval of the state department of transportation, an amount not to exceed the amount of property taxes levied against railroad property within the county, to be used for conservation, restoration, or improvement of railroad branch lines within the county and in accordance with chapter 327H. The county may receive reimbursement under section 327H.20.
 - (2) Subject to the limitation in subparagraph (1), to provide financial assistance to railroads pursuant to an agreement with the state department of transportation, shippers, a railroad corporation, a city, or another county, or to establish an escrow fund as collateral for a loan for railroad improvement.
- n. Expenses incurred in licensing and regulating business establishments.
- o. For matching a grant to the county under a state or federal program, including but not limited to programs for crime control, public health, disaster services, highway safety, juvenile delinquency, narcotics control, and pollution.
- p. To provide programs benefiting senior citizens, including but not limited to senior citizen centers, mobile meals, and counseling programs.
- q. To pay court costs if the prosecution fails or if the costs cannot be collected from the person liable, in lieu of payment from the court fund.

- r. For the county compensation board, to pay expenses of the members, salaries and expenses of technical and clerical assistance, and the cost of providing facilities.
- s. To the domestic animal fund in accordance with section 352.6.
- t. To pay the compensation of township trustees and township clerk.
- u. For refund of an overpayment from the moneys and credits tax replacement fund.
- v. For the purposes specified in section 422A.2, subsection 4, if moneys are received from the local transient guest tax fund pursuant to the levy of a hotel and motel tax under chapter 422A.
- w. To the county mental health and institutions fund, if the levy for that fund is insufficient to pay expenses required to be paid from the fund.
- x. For premiums on insurance against liability incurred under chapter 613A, and to pay a loss due to personal liability of county officers and employees if the loss is not covered by insurance. The premiums may also be paid from any appropriate funds.
- y. For the cost of radio equipment installed under section 693.4.
- z. For salaries and expenses of elected county officers, deputy officers, assistants, clerks, and other employees, unless otherwise provided by law.
- aa. For other purposes authorized by state law.
- 4. The board may direct the county commissioner of elections to place on the ballot at the next general election the question of whether an improvement account shall be established within the general fund. The question shall state the maximum annual amount to be credited to the account. If a majority of those voting approves the establishment of an improvement account, the board may levy the tax necessary to raise an amount not to exceed the approved amount for four

years. An unexpended balance in the account at the end of four years shall remain until all moneys have been appropriated from the account, at which time the account shall be closed unless reapproved by the voters. The question of reapproval of an improvement account or an increase in the maximum amount to be deposited in the account shall be submitted to the voters, and may be submitted at any general election.

Sec. 424. NEW SECTION. MANDATORY COUNTY FUNDS. A county shall establish the following funds:

1. A public safety fund, if a unified law enforcement district is established under sections 28E.21 through 28E.28.

2. A joint county-municipal disaster services fund in accordance with section 29C.9.

3. A local health fund. However, upon establishment of a district health department under sections 137.10 through 137.13, moneys in the local health fund of the county shall be transferred to the local health fund of the district. Deposits to and withdrawals from the local health fund shall be made in accordance with section 137.18.

4. A county brucellosis eradication fund, to be used as provided in section 420, subsection 5 of this Act. However, the board may transfer unexpended moneys in this fund to meet unpaid obligations in the county tuberculosis eradication fund. The board shall pay claims against the fund as provided in sections 163A.12 and 164.28.

5. A county tuberculosis eradication fund, to be used as provided in section 420, subsection 6 of this Act. However, the board may transfer unexpended moneys in this fund to meet unpaid obligations in the county brucellosis eradication fund. The board shall pay claims against the fund as provided in sections 165.23 and 165.25.

6. A county agricultural extension education fund. Before the fifteenth day of each month, the treasurer shall notify the chairperson of the county extension council of the amount collected for this fund to the first day of that month, and

the chairperson shall draw a draft for that amount, countersigned by the secretary, upon the treasurer who shall pay that amount to the treasurer of the extension council upon receipt of the draft.

7. a. A secondary road fund which shall consist of all of the following:

- (1) Funds derived from the secondary road tax levies.
- (2) Funds allotted to the county from the state road use tax fund.

(3) Funds provided in individual contributions for the improvement of a secondary road.

(4) Other funds as provided by law.

b. A county may appropriate from the secondary road fund for all of the following:

(1) Construction and reconstruction of secondary roads and costs incident to the construction and reconstruction.

(2) Maintenance and repair of secondary roads and costs incident to the maintenance and repair.

(3) Payment of all or part of the cost of construction and maintenance of bridges in cities having a population of eight thousand or less and all or part of the cost of construction of roads located within a city of less than four hundred population, which lead to state parks.

(4) Special drainage assessments levied on account of benefits to secondary roads.

(5) Payment of interest on and principal of any bonds of the county issued on account of secondary roads, bridges, or culverts constructed by the county.

(6) Any legal obligation or contract in connection with secondary roads and bridges which is required by law to be taken over and assumed by the county.

(7) Secondary road equipment, materials, supplies, and garages or sheds for their storage, repair, and servicing.

(8) For the assignment or designation of names or numbers to roads in the county and to erect, construct, or maintain guideposts or signs at intersections of roads in the county.

(9) As provided in sections 306.15, 313A.23, and other state law.

8. A county public hospital fund, if a hospital is established under chapter 347.

9. A domestic animal fund. Fees received for licenses issued under chapter 351 and other domestic animal fees shall be deposited in the fund. On July 1 of each year, the auditor shall notify the treasurer of all claims allowed under chapter 352 during the prior year. If the fund is sufficient the treasurer shall pay the claims in full. If the fund is not sufficient, the treasurer shall pay the claims pro rata. If the balance in the fund exceeds five hundred dollars, the board may transfer the excess over five hundred dollars to the general fund or may use any part of it in payment of a claim for the care of abandoned or injured domestic animals or fowls within the county by a society for the prevention of cruelty to animals. However, if within five years of a transfer to the general fund the amount in the domestic animal fund is insufficient to pay allowed claims for a year, the board shall transfer from the general fund to the domestic animal fund the amount needed up to the amount originally transferred from the domestic animal fund.

10. A library maintenance fund, if a county library is established under chapter 358B. Any unexpended balance in the library maintenance fund at the end of the fiscal year shall remain in the fund and be available for library purposes without reappropriation.

11. A weather modification fund, if the county has a weather modification board, to be used exclusively for the purpose of artificial weather modification under chapter 361.

12. An election expense fund to pay election and voter registration costs. Moneys in this fund shall not be appropriated for another purpose or transferred to another fund.

13. A county mental health and institutions fund. Amounts received from the state mental aid fund shall be credited

to the county mental health and institutions fund. The board shall make appropriations from the county mental health and institutions fund for all of the following and for no other purposes:

a. Charges which the county is obligated by statute to pay for:

(1) Care and treatment of patients by a state mental health institute.

(2) Care and treatment of patients by either of the state hospital-schools or by any other facility established under chapter 222.

(3) Care and treatment of patients by the psychiatric hospital at Iowa City.

(4) Care and treatment of persons at the alcoholic treatment center at Oakdale or facilities as provided in chapter 125. However, an admission to a center or other facility shall be reported to the board within five days by the center or facility offering treatment.

(5) Care of children admitted or committed to the Iowa juvenile home at Toledo.

(6) Clothing, transportation, and medical or other services provided persons attending the Iowa braille and sight-saving school, the Iowa school for the deaf, or the state hospital-school for severely handicapped children at Iowa City, for which the county becomes obligated to pay pursuant to sections 263.12, 269.2, and 270.5 through 270.7.

b. Any portion which the board deems advisable of the cost of psychiatric examination and treatment of persons in need thereof or of professional evaluation, treatment, training, habilitation, and care of persons who are mentally retarded, autistic children, or persons who are afflicted by any other developmental disability, at a suitable public or private facility providing inpatient or outpatient care in the county. As used in this subsection:

(1) "Developmental disability" has the meaning assigned that term by 42 U.S.C. sec. 6001(7) (1976).

(2) "Autistic children" means persons, regardless of age, with severe communication and behavior disorders that became manifest during the early stages of childhood development and that are characterized by a severely disabling inability to understand, communicate, learn, and participate in social relationships. "Autistic children" includes but is not limited to those persons afflicted by infantile autism, profound aphasia, and childhood psychosis.

The board may require a public or private facility as a condition of payment from county funds to furnish the board with a statement of the income and assets, and the township or city and county of legal residence of each person receiving services under this section. However, the facility shall not disclose to anyone the name or address of a person receiving services for which commitment is not required, without the permission of that person.

c. The cost of care and treatment of persons placed in the county hospital, county care facility, a health care facility as defined in section 135C.1, subsection 4, or any other public or private facility:

(1) In lieu of admission or commitment to a state mental health institute, hospital-school, or other facility established pursuant to chapter 222.

(2) Upon discharge, removal, or transfer from a state mental health institute or state hospital-school or other institution established pursuant to chapter 222.

d. A contribution which the board makes to the establishment and initial operation of a community mental health center in the manner and subject to the limitations provided by state law.

e. Foster care and related services provided under court order to a child who is under the jurisdiction of the juvenile court.

f. Expenses required to be paid by the county for the care, admission, commitment, and transportation of mentally ill patients in state hospitals.

Parents or other persons may voluntarily reimburse the county or state for the reasonable cost of caring for an individual patient in a county or state facility.

14. Other funds as required by state law.

Sec. 425. NEW SECTION. PERMISSIVE COUNTY FUNDS. A county may establish the following funds:

1. An emergency fund in accordance with section 24.6.

2. A county conservation fund to be administered by the county conservation board in accordance with section 111A.6. The fund shall be paid out upon requisition of the county conservation board, which shall deposit in the fund all gifts and revenues it receives. A portion of snowmobile registration fees shall be deposited in the fund as provided in section 321G.7.

3. A fairground fund. In addition to tax levies authorized for this fund, the net proceeds from the sale of fairground sites and structures on the sites shall be placed in this fund to be used for the erection of permanent buildings on a new fairground site or the cost of moving structures from the old to the new site.

4. A veteran affairs fund.

5. A county poor fund. Payments for quarantine and isolation of persons with communicable disease shall be made from this fund as provided by sections 139.28 through 139.30. Reimbursement under section 249A.12, compensation for the general relief director, and expenses for general relief may be paid from this fund.

6. A county school fund, to be managed as provided in chapter 302.

7. A road clearing fund and a weed eradication and equipment fund.

8. A cemetery fund, to which shall be deposited money received under sections 566.14 through 566.18 to be managed as authorized by those sections, and levies as authorized by state law.

9. A court expense fund, which shall not be used for a purpose other than expenses incident to the maintenance and operation of the courts, including but not limited to salary and expenses of the clerk, deputy clerks, and other employees of the clerk's office, establishment and operation of a public defender's office, costs otherwise payable from the general fund under section 423, subsection 3, paragraph q, of this Act, the county's expense for confinement of prisoners under chapter 356A, temporary assistance to the county attorney, and claims filed under section 622.93.

10. Other funds authorized by state law.

Sec. 426. NEW SECTION. COUNTY INDEMNIFICATION FUND.

1. A county indemnification fund is created in the office of the treasurer of state, to be used to indemnify and pay on behalf of any county officer, township trustee, deputy, assistant, or employee of the county or the township, all sums that the person is legally obligated to pay because of an error or omission in the performance of official duties, except that the first five hundred dollars of each claim shall not be paid from this fund. All funds remaining in the county indemnification fund created under prior Codes as of the effective date of this Act are transferred to the county indemnification fund under this section.

2. The fund does not relieve an insurer issuing insurance under section 613A.7 from paying a loss incurred. An insurer shall not be subrogated to the assets of the fund regardless of provisions in a policy of insurance.

3. If the balance in the fund on September 30 is less than six hundred thousand dollars, the treasurer of state shall notify the board of each county to levy the amount authorized in section 420, subsection 7, of this Act.

4. Not later than December 15 or June 15 of a year in which the tax is collected, the county auditor shall transmit the amount of the tax levied and collected, by warrant, to the treasurer of state who shall credit it to the county indemnification fund. The treasurer of state shall invest moneys in the fund in the same manner as other public funds and shall credit interest received from that investment to the county indemnification fund.

5. A claim for an act or omission of a county officer, township trustee, deputy, assistant, or employee of the county or the township, which occurred after July 1, 1978, shall be processed in accordance with chapter 613A and paid from the fund, except that payment of a claim, except a final judgment, in excess of fifteen hundred dollars must have the unanimous approval of all members of the state appeal board, the attorney general, and the district court of Polk county.

6. If a final judgment is obtained against a county officer, township trustee, deputy, assistant, or employee of the county or the township, for an act or omission which occurred subsequent to July 1, 1978, which is payable from the county indemnification fund, the county attorney shall ascertain if an insurance policy exists indemnifying the person against the judgment or any part of it. If no insurance exists, or if the judgment exceeds the limits of insurance, the county attorney shall submit a claim to the state comptroller against the county indemnification fund on behalf of the plaintiff for the amount of the judgment exceeding the amount recoverable by reason of the insurance. The state comptroller shall promptly issue a warrant payable to the plaintiff for that amount, and the treasurer of state shall pay the warrant. Payment discharges the person from liability for that act or omission.

Sec. 427. NEW SECTION. DEBT SERVICE FUND.

1. A county shall establish a debt service fund and shall certify taxes to be levied for the debt service fund in the

amount necessary, subject to specific levy limitations in this part, to pay:

a. Judgments against the county, except those authorized by state law to be paid from other funds.

b. Interest as it becomes due and the amount necessary to pay, or to create a sinking fund to pay, the principal at maturity of all general obligation bonds issued by the county.

2. Moneys pledged or available to service general obligation bonds, and received from sources other than property taxes, shall be deposited in the debt service fund.

3. A tax levied for the debt service fund is not invalid if it raises moneys in excess of those needed for a specific purpose. Only excess moneys remaining after retirement of all indebtedness payable from the fund may be transferred from the debt service fund to the fund most closely related to the project for which the indebtedness arose, or to the general fund, subject to the terms of the original bond issue.

4. When the amount in the hands of the treasurer belonging to the debt service fund, after setting aside the sum required to pay interest maturing before the next levy, is sufficient to redeem one or more bonds which by their terms are subject to redemption, the treasurer shall notify the owner of the bonds. If the bonds are not presented for payment or redemption within thirty days after the date of notice, the interest on the bonds shall cease, and the amount due shall be set aside for payment when presented. Redemptions shall be made in the order of the bond numbers.

DIVISION IV

COUNTY FINANCES

PART 3

GENERAL OBLIGATION BONDS

Sec. 440. NEW SECTION. DEFINITIONS.

1. As used in this part, the use of the conjunctive "and" includes the disjunctive "or" and the use of the disjunctive

"or" includes the conjunctive "and," unless the context clearly indicates otherwise.

2. As used in this part, unless the context otherwise requires:

a. "General obligation bond" means a negotiable bond issued by a county and payable from the levy of ad valorem taxes on all taxable property within the county through its debt service fund which is required to be established by section 427 of this Act.

b. "Essential county purpose" means any of the following:

(1) Voting machines or an electronic voting system.

(2) Bridges on highways or parts of highways which are located along the corporate limits of cities and are partly within and partly without the limits and are in whole or in part secondary roads.

(3) The building and maintenance of a bridge over state boundary line streams, subject to the levy limit in section 421, subsection 14, of this Act.

(4) Sanitary disposal projects as defined in section 455B.75, subject to the levy limit in section 421, subsection 26, of this Act.

(5) Works and facilities useful for the collection, treatment, and disposal of sewage and industrial waste in a sanitary manner, for the collection and disposal of solid waste, and for the collection and disposal of surface waters and streams, including the planning, acquisition, leasing, construction, reconstruction, extension, remodeling, improvement, repair, equipping, maintenance, and operation of the works and facilities.

(6) Public buildings, including the site or grounds of, and the erection, equipment, remodeling, or reconstruction of, and additions or extensions to the buildings, and including the provision and maintenance of juvenile detention or shelter care facilities, when the cost does not exceed the limits stated in section 345.1.

(7) Funding or refunding outstanding indebtedness if the outstanding indebtedness exceeds five thousand dollars on the first day of January, April, June, or September in any year. However, a county shall not levy taxes to repay refunding bonds for bridges on property within cities.

(8) Enlargement and improvement of a county hospital acquired and operated under chapter 347A, subject to a maximum of two percent of the assessed value of the taxable property in the county. However, notice of the proposed bond issue shall be published once each week for two consecutive weeks and if, within twenty days following the date of the first publication, a petition requesting an election on the proposal and signed by qualified voters of the county equal to at least twenty percent of the votes cast at the preceding election for governor is filed with the county auditor, the proposal is subject to the election requirements in section 441, subsections 2, 3, and 4 of this Act for general county purpose bonds.

c. "General county purpose" means any of the following:

(1) A memorial building or monument to commemorate the service rendered by soldiers, sailors, and marines of the United States, including the acquisition of ground and the purchase, erection, construction, reconstruction, and equipment of the building or monument, subject to the levy limit in section 421, subsection 3, of this Act, and to be managed by a commission as provided in chapter 37.

(2) Acquisition and development of land for a public museum, park, parkway, preserve, playground, or other recreation or conservation purpose to be managed by the county conservation board, subject to the levy limit in section 421, subsection 6, of this Act and subject to a one million dollar maximum aggregate limit on outstanding county conservation bonds in the county. Expenses incurred for the bond election shall be paid from the county conservation fund. The board may only submit a proposition under this subparagraph upon

receipt of a petition from the county conservation board asking that bonds be issued for a specified amount.

(3) Contributions of money to the state department of transportation to help finance the construction of toll bridges across navigable rivers constituting boundaries between the county and an adjoining state.

(4) An airport, including establishment, acquisition, equipment, improvement, or enlargement of the airport.

(5) A joint city-county building, established by contract between the county and its county seat city, including purchase, acquisition, ownership, and equipment of the county portion of the building.

(6) A county health center as defined in section 346A.1, including additions and facilities for the center and including the acquisition, reconstruction, completion, equipment, improvement, repair, and remodeling of the center, additions, or facilities. Bonds for the purpose specified in this subparagraph are exempt from taxation by the state and the interest on the bonds is exempt from state income taxes.

(7) A county public hospital, including procuring a site and the erection, equipment, and maintenance of the hospital, and additions to the hospital, subject to the levy limits in section 347.7.

(8) Public buildings, including the site or grounds of, the erection, equipment, remodeling, or reconstruction of, and additions or extensions to the buildings, and including the provision and maintenance of juvenile detention or shelter care facilities, when the cost exceeds the limits stated in section 345.1.

(9) The undertaking of any project jointly or in cooperation with any other governmental body which, if undertaken by the county alone, would be for a general county purpose, including the joint purchase, acquisition, construction, ownership, or control of any real or personal property.

(10) Any other facilities or improvements which are necessary for the operation of the county or the health and welfare of its citizens.

3. The "cost" of any project for an essential county purpose or general county purpose includes construction contracts and the cost of engineering, architectural, technical, and legal services, preliminary reports, property valuations, estimates, plans, specifications, notices, acquisition of real and personal property, consequential damages or costs, easements, rights of way, supervision, inspection, testing, publications, printing and sale of bonds, and provisions for contingencies.

Sec. 441. NEW SECTION. GENERAL COUNTY PURPOSE BONDS.

1. A county which proposes to carry out any general county purpose within or without its boundaries, and to contract indebtedness and issue general obligation bonds to provide funds to pay all or any part of the costs of a project, shall do so in accordance with this part.

2. Before the board may institute proceedings for the issuance of bonds for a general county purpose, it shall call a county special election to vote upon the question of issuing the bonds. At the election the proposition shall be submitted in the following form:

"Shall the county of state
(insert the name of the county)
of Iowa, issue its general obligation bonds in an amount not exceeding the amount of \$..... for the purpose of?"

3. Notice of the election shall be given by publication as specified in section 304 of this Act. At the election the ballot used for the submission of the proposition shall be in substantially the form for submitting special questions at general elections.

4. The proposition of issuing bonds for a general county purpose is not carried or adopted unless the vote in favor

of the proposition is equal to at least sixty percent of the total vote cast for and against the proposition at the election. If the proposition of issuing the general county purpose bonds is approved by the voters, the board may proceed with the issuance of the bonds.

5. a. Notwithstanding subsection 2, a board, in lieu of calling an election, may institute proceedings for the issuance of bonds for a general county purpose by causing a notice of the proposal to issue the bonds, including a statement of the amount and purpose of the bonds, and the right to petition for an election, to be published as provided in section 304 of this Act at least ten days prior to the meeting at which it is proposed to take action for the issuance of the bonds subject to the following limitations:

- (1) In counties having a population of twenty thousand or less, in an amount of not more than fifty thousand dollars.
- (2) In counties having a population of over twenty thousand and not over fifty thousand, in an amount of not more than one hundred thousand dollars.
- (3) In counties having a population of over fifty thousand, in an amount of not more than one hundred fifty thousand dollars.

b. If at any time before the date fixed for taking action for the issuance of the bonds, a petition is filed with the auditor in the manner provided by section 305 of this Act asking that the question of issuing the bonds be submitted to the qualified electors of the county, the board shall either by resolution declare the proposal to issue the bonds to have been abandoned or shall direct the county commissioner of elections to call a special election upon the question of issuing the bonds. Notice of the election and its conduct shall be in the manner provided in subsections 2, 3, and 4.

c. If no petition is filed, or if a petition is filed and the proposition of issuing the bonds is approved at an election, the board may proceed with the authorization and issuance of the bonds.

Sec. 442. NEW SECTION. ESSENTIAL COUNTY PURPOSE BONDS.

1. A county which proposes to carry out an essential county purpose within or without its boundaries, and to contract indebtedness and issue general obligation bonds to provide funds to pay all or any part of the cost of a project shall do so in accordance with this part.

2. Before the board may institute proceedings for the issuance of bonds for an essential county purpose, a notice of the proposed action, including a statement of the amount and purposes of the bonds, and the time and place of the meeting at which the board proposes to take action for the issuance of the bonds, shall be published as provided in section 304 of this Act. At the meeting, the board shall receive oral or written objections from any resident or property owner of the county. After all objections have been received and considered, the board, at that meeting or a date to which it is adjourned, may take additional action for the issuance of the bonds or abandon the proposal to issue the bonds. Any resident or property owner of the county may appeal the decision of the board to take additional action to the district court of the county, within fifteen days after the additional action is taken, but the additional action of the board is final and conclusive unless the court finds that the board exceeded its authority. The provisions of this subsection with respect to notice, hearing, and appeal, are in lieu of any other law.

Sec. 443. NEW SECTION. SALE OF BONDS.

1. The board may sell general obligation bonds at public or private sale in the manner prescribed by chapter 75.

2. General obligation funding or refunding bonds issued for the purposes specified in section 440, subsection 2, paragraph b, subparagraph (7) of this Act may be exchanged for the evidences of the legal indebtedness being funded or refunded, or the funding or refunding bonds may be sold in the manner prescribed by chapter 75 and the proceeds applied

to the payment of the indebtedness. Funding or refunding bonds may bear interest at the same rate as, or at a higher or lower rate or rates of interest than the indebtedness being funded or refunded.

Sec. 444. NEW SECTION. CATEGORIES FOR GENERAL OBLIGATION BONDS. The board may issue general obligation bonds pursuant to a resolution adopted at a regular or special meeting by a majority of the total number of supervisors. Each subparagraph of section 440, subsection 2, paragraphs b and c, of this Act, describes a separate category. Separate categories of essential county purposes and of general county purposes may be incorporated in a single notice of intention to institute proceedings for the issuance of bonds, or separate categories may be incorporated in separate notices, and after an opportunity has been provided for filing objections, or after a favorable election has been held, if required, the board may include in a single resolution and sell as a single issue of bonds, any number or combination of essential county purposes or general county purposes. If an essential county purpose is combined with a general county purpose in a single notice of intention to institute proceedings to issue bonds, then the entire issue is subject to the election requirement in section 441 of this Act.

Sec. 445. NEW SECTION. FORM AND EXECUTION--NEGOTIABILITY.

1. As provided by resolution of the board, general obligation bonds may:

- a. Bear dates.
- b. Bear interest at rates not exceeding any limitations imposed by chapter 74A.
- c. Mature in one or more instalments.
- d. Be in either coupon or registered form.
- e. Carry registration and conversion privileges.
- f. Be payable as to principal and interest at times and places.

- g. Be subject to terms of redemption prior to maturity with or without premium.
 - h. Be in one or more denominations.
 - i. Be designated with a brief reference to purpose, or if issued for a combination of purposes, be designated "county purpose bond".
 - j. Contain other provisions not in conflict with state law.
2. General obligation bonds shall be executed by the chairperson of the board and the auditor. If coupons are attached to the bonds, they shall be executed with the original or facsimile signature of the auditor. A general obligation bond is valid and binding if it bears the signatures of the officers in office on the date of the execution of the bonds, notwithstanding that any or all persons whose signatures appear have ceased to be such officers prior to the delivery of the bonds.
3. General obligation bonds issued pursuant to this part are negotiable instruments.

Sec. 446. NEW SECTION. TAXES TO PAY BONDS.

- 1. Taxes for the payment of general obligation bonds shall be levied in accordance with chapter 76, and the bonds are payable from the levy of unlimited ad valorem taxes on all the taxable property within the county through its debt service fund required by section 427 of this Act except that:
 - a. The amount estimated and certified to apply on principal and interest for any one year shall not exceed the maximum rate of tax, if any, provided by this division for the purpose for which the bonds were issued. If general obligation bonds are issued for different categories, as provided in section 444 of this Act, the maximum rate of levies, if any, for each purpose shall apply separately to that portion of the bond issue for that category and the resolution authorizing the bond issue shall clearly set forth the annual debt service requirements with respect to each purpose in sufficient detail to indicate compliance with the rate of tax levy, if any.

b. The amount estimated and certified to apply on principal and interest for any one year may only exceed the statutory rate of levy limit, if any, by the amount that the qualified electors of the county have approved at a special election, which may be held at the same time as the general election and may be included in the proposition authorizing the issuance of bonds, if an election on the proposition is necessary, or may be submitted as a separate proposition at the same election or at a different election. Notice of the election shall be given as specified in section 304 of this Act. The proposition submitted to the voters shall be in substantially the following form:

"Shall the county of _____, state of Iowa, be authorized to levy annually a tax exceeding (here set out the maximum rate limit) but not exceeding _____ dollars and _____ cents per thousand dollars of the assessed value of the taxable property within the county to pay the principal of and interest on bonded indebtedness of the county for the purpose of _____, it being understood that the approval of this proposition does not limit the source of payment of the bonds and interest but only operates to restrict the amount of bonds which may be issued?"

- 2. A statutory or voted tax levy limitation does not limit the source of payment of bonds and interest, but only restricts the amount of bonds which may be issued.
- 3. For the sole purpose of computing the amount of bonds which may be issued as the result of the application of a statutory or voted tax levy limitation, all interest on the bonds in excess of that accruing in the first twelve months may be excluded from the first annual levy of taxes, so that the need for including more than one year's interest on the first annual levy of taxes to pay the bonds and interest does not operate to further restrict the amount of bonds which

may be issued, and in certifying the annual levies, the first annual levy of taxes shall be sufficient to pay all principal of and interest on the bonds becoming due prior to the next succeeding annual levy and the full amount of the annual levy shall be entered for collection as provided in chapter 76.

Sec. 447. NEW SECTION. STATUTE OF LIMITATION--POWERS--CONFLICTS.

1. An action shall not be brought which questions the legality of general obligation bonds or the power of the county to issue the bonds or the effectiveness of any proceedings relating to the authorization and issuance of the bonds from and after sixty days from the time the bonds are ordered issued by the county.

2. The enumeration in this part of specified powers and functions is not a limitation of the powers of counties, but this part and the procedures prescribed for exercising the powers and functions enumerated in this part control in the event of a conflict with any other law.

Sec. 448. NEW SECTION. PRIOR PROJECTS PRESERVED. Projects and proceedings for the issuance of general obligation bonds commenced before the effective date of this part may be consummated and completed as required or permitted by any statute amended or repealed by this Act as though the repeal or amendment had not occurred, and the rights, duties, and interests flowing from such projects and proceedings remain valid and enforceable. Projects commenced prior to the effective date of this part may be financed by the issuance of general obligation bonds under any such amended or repealed law or by the issuance of general obligation bonds under this part. For the purposes of this section, commencement of a project includes but is not limited to action taken by the board or an authorized officer to fix a date for a hearing in connection with any part of the project, and commencement of proceedings for the issuance of general obligation bonds includes but is not limited to action taken by the board to

fix a date for either a hearing or a sale in connection with any part of the general obligation bonds, or to order any part thereof to be issued.

DIVISION IV
COUNTY FINANCES
PART 4

REVENUE BONDS

Sec. 460. NEW SECTION. DEFINITIONS. As used in this section, unless the context otherwise requires:

1. "County enterprise" means any of the following:
 - a. Airports and airport systems.
 - b. Works and facilities useful and necessary for the collection, treatment, purification, and disposal in a sanitary manner of the liquid and solid waste, sewage, and industrial waste of the county, including sanitary disposal projects as defined in section 455B.75 and sanitary sewage systems, and including the acquisition, establishment, construction, purchase, equipment, improvement, extension, operation, maintenance, reconstruction, and repair of the works and facilities within or without the limits of the county, and including works and facilities to be jointly used by the county and other political subdivisions.
 - c. Swimming pools and golf courses, including their acquisition, establishment, construction, purchase, equipment, improvement, extension, operation, maintenance, reconstruction, and repair.
 - d. The equipment, enlargement, and improvement of a county public hospital previously established and operating under chapter 347, including acquisition of the necessary lands, rights of way, and other property, subject to approval by the board of hospital trustees. However, notice of the proposed bond issue shall be published at least once each week for two consecutive weeks and if, within thirty days following the date of the first publication, a petition requesting an election on the proposal and signed by qualified voters of

the county equal to at least twenty percent of the votes cast at the preceding election for governor is filed with the county auditor, the proposal is subject to the election requirements in section 441, subsections 2, 3, and 4, of this Act, for general county purpose bonds. Bonds issued under this paragraph shall mature in not more than thirty years from date of issuance.

e. In a county with a population of less than one hundred fifty thousand, a county hospital established under chapter 347A, including its acquisition, construction, equipment, enlargement, and improvement, and including necessary lands, rights of way, and other property. However, bonds issued under this paragraph shall mature in not more than thirty years from date of issuance, and are subject to the notice and election requirements of bonds issued under paragraph d.

f. A waterworks, including land, easements, rights of way, fixtures, equipment, accessories, improvements, appurtenances, and other property necessary or useful for the operation of the waterworks.

2. "Combined county enterprise" means two or more county enterprises combined and operated as a single enterprise.

3. "Project" means the acquisition, construction, reconstruction, extending, remodeling, improving, repairing, and equipping of all or part of a county enterprise or combined county enterprise within or without the boundaries of the county.

4. "Rates" means rates, fees, tolls, rentals, and charges for the use of or service provided by a county enterprise or combined county enterprise.

5. "Gross revenue" means all income and receipts derived from the operation of a county enterprise or combined county enterprise.

6. "Operating expense" means salaries, wages, cost of maintenance and operation, materials, supplies, insurance,

and all other items normally included under recognized accounting practices, but does not include allowances for depreciation in the value of physical property.

7. "Net revenues" means gross revenues less operating expenses.

8. "Revenue bond" means a negotiable bond issued by a county and payable from the net revenues of a county enterprise or combined county enterprise.

9. "Pledge order" means a promise to pay out of the net revenues of a county enterprise or combined county enterprise, which is delivered to the contractors or other persons in payment of all or part of the cost of the project.

Sec. 461. NEW SECTION. COUNTY ENTERPRISES--COMBINED COUNTY ENTERPRISES.

1. A county which proposes to establish, own, acquire by purchase, condemnation, or otherwise, lease, sell, construct, reconstruct, extend, remodel, improve, repair, equip, maintain, and operate within or without its corporate limits a county enterprise or combined county enterprise financed by revenue bonds shall do so in accordance with this part.

2. If a combined county enterprise is dissolved, each county enterprise which was a part of the combined county enterprise shall continue in existence as a separate county enterprise until it is abandoned by the board.

3. A combined county enterprise may be established, but if there are obligations outstanding which by their terms are payable from the revenues of any county enterprise involved, the obligations shall be assumed by the board subject to all terms established at the time of the original issue, or refunded through the issuance of revenue bonds of the combined county enterprise as a part of the procedure for the establishment of the combined county enterprise, or funds sufficient to pay the principal of and all interest and premium, if any, on the outstanding obligations at and prior

to maturity shall be set aside and pledged for that purpose. Revenues earmarked for payment of the obligations shall be handled by the board in the same manner as they were handled for the county enterprise involved. A county enterprise shall not be abandoned and a combined county enterprise shall not be dissolved so long as there are obligations outstanding which by their terms are payable from the revenues of the county enterprise or combined county enterprise unless funds sufficient to pay the principal of and all interest and premium, if any, on the outstanding obligations at and prior to maturity have been set aside and pledged for that purpose.

Sec. 462. NEW SECTION. PROCEDURE FOR FINANCING.

1. The board may carry out projects, borrow money, and issue revenue bonds and pledge orders to pay all or part of the cost of projects, the revenue bonds and pledge orders to be payable solely out of the net revenues of the county enterprise or combined county enterprise involved in the project. The cost of a project includes the construction contracts, interest upon the revenue bonds and pledge orders during the period or estimated period of construction and for twelve months thereafter, or for twelve months after the acquisition date, reserve funds as the board deems advisable in connection with the project and the issuance of revenue bonds and pledge orders, and the costs of engineering, architectural, technical, and legal services, preliminary reports, surveys, property valuations, estimates, plans, specifications, notices, acquisition of real and personal property, consequential damages or costs, easements, rights of way, supervision, inspection, testing, publications, printing and sale of bonds, and provisions for contingencies. The board may sell revenue bonds or pledge orders at public or private sale in the manner prescribed by chapter 75 and may deliver revenue bonds and pledge orders to the contractors, sellers, and other persons furnishing materials and services constituting a part of the cost of the project in payment therefor.

The board may deliver its revenue bonds to the federal government or any agency thereof which has loaned the county money for sanitary or solid waste projects, water projects, or other projects, for which the government has a loan program.

2. The board may issue revenue bonds to refund revenue bonds, pledge orders, and other obligations which are by their terms payable from the net revenues of the same county enterprise or combined county enterprise, or from a county enterprise comprising a part of the combined county enterprise, at lower, the same, or higher rates of interest. A county may sell refunding revenue bonds at public or private sale in the manner prescribed by chapter 75 and apply the proceeds to the payment of the obligations being refunded, and may exchange refunding revenue bonds in payment and discharge of the obligations being refunded. The principal amount of refunding revenue bonds may exceed the principal amount of the obligations being refunded to the extent necessary to pay any premium due on the call of the obligations being refunded and to fund interest accrued and to accrue on the obligations being refunded.

3. The board may contract to pay not to exceed ninety percent of the engineer's estimated value of the acceptable work completed during the month to the contractor at the end of each month for work, material, or services. Payment may be made in warrants drawn on any fund from which payment for the work may be made. If such funds are depleted, anticipatory warrants may be issued bearing a rate of interest not exceeding that permitted by chapter 74A even if a collection of taxes or special assessments or income from the sale of bonds which have been authorized and are applicable to the public improvement takes place after the fiscal year in which the warrants are issued. If the board arranges for the private sale of anticipatory warrants, they may be sold and the proceeds used to pay the contractor. The warrants may also be used to pay other persons furnishing services constituting a part of the cost of the public improvement.

Sec. 463. NEW SECTION. REVENUE BONDS.

1. The board may issue revenue bonds pursuant to a resolution adopted at a regular or special meeting by a majority of the total number of members of the board.
2. Before the board institutes proceedings for the issuance of revenue bonds, it shall fix a time and place of meeting at which it proposes to take action, and give notice by publication in the manner directed in section 304 of this Act. The notice must include a statement of the time and place of the meeting, the maximum amount of the proposed revenue bonds, the purpose for which the revenue bonds will be issued, and the county enterprise or combined county enterprise whose net revenues will be used to pay the revenue bonds and interest thereon. At the meeting the board shall receive oral or written objections from any resident or property owner of the county. After all objections have been received and considered, the board, at the meeting or a date to which it is adjourned, may take additional action for the issuance of the bonds or abandon the proposal to issue bonds. Any resident or property owner of the county may appeal a decision of the board to take additional action to the district court of the county within fifteen days after the additional action is taken, but the additional action of the board is final and conclusive unless the court finds that the board exceeded its authority. The provisions of this subsection with respect to notice, hearing, and appeal are in lieu of those contained in any other law.
3. Revenue bonds may bear dates, bear interest at rates not exceeding those permitted by chapter 74A, mature in one or more installments, be in either coupon or registered form, carry registration and conversion privileges, be payable as to principal and interest at times and places, be subject to terms of redemption prior to maturity with or without premium, and be in one or more denominations, all as provided by the resolution of the board authorizing their issuance.

The resolution may also prescribe additional provisions, terms, conditions, and covenants which the board deems advisable, consistent with this part, including provisions for creating and maintaining reserve funds, the issuance of additional revenue bonds ranking on a parity with such revenue bonds and additional revenue bonds junior and subordinate to such revenue bonds, and that such revenue bonds shall rank on a parity with or be junior and subordinate to any revenue bonds which may be then outstanding. Revenue bonds are a contract between the county and holders and the resolution is a part of the contract.

4. Revenue bonds shall be executed by the chairperson of the board and the auditor. If coupons are attached to the revenue bonds, they shall be executed with the original or facsimile signature of the auditor. A revenue bond is valid and binding for all purposes if it bears the signatures of the officers in office on the date of the execution of the bonds notwithstanding that any or all persons whose signatures appear have ceased to be such officers prior to the delivery of the bonds. The issuance of revenue bonds shall be recorded in the office of the treasurer, and a certificate of the recording by the treasurer shall be printed on the back of each revenue bond.

5. Revenue bonds, pledge orders, and warrants issued under this part are negotiable instruments.

6. The board may issue pledge orders pursuant to a resolution adopted by a majority of the total number of supervisors, at a regular or special meeting, ordering their issuance and delivery in payment for all or part of the cost of a project. Pledge orders may bear interest at rates not exceeding those permitted by chapter 74A.

7. The physical properties of a county enterprise or combined county enterprise shall not be pledged or mortgaged to secure the payment of revenue bonds or pledge orders or the interest thereon.

Sec. 464. NEW SECTION. RATES FOR PROPRIETARY FUNCTIONS.

1. The board may establish, impose, adjust, and provide for the collection of rates to produce gross revenues at least sufficient to pay the expenses of operation and maintenance of the county enterprise or combined county enterprise and, if revenue bonds or pledge orders are issued and outstanding under this part, shall establish, impose, adjust, and provide for the collection of rates to produce gross revenues at least sufficient to pay the expenses of operation and maintenance of the county enterprise or combined county enterprise, and to leave a balance of net revenues sufficient at all times to pay the principal of and interest on the revenue bonds and pledge orders as they become due and to maintain a reasonable reserve for the payment of the principal and interest, and a sufficient portion of net revenues shall be pledged for that purpose. Rates shall be established by ordinance. Rates or charges for the services of a county enterprise defined in section 460, subsection 1, paragraph a, of this Act, if not paid as provided by ordinance, constitute a lien upon the premises served and may be certified to the auditor and collected in the same manner as taxes.

2. The board may:

a. By ordinance establish, impose, adjust, and provide for the collection of charges for connection to a county enterprise or combined county enterprise.

b. Contract for the use of or services provided by a county enterprise or combined county enterprise with persons whose type or quantity of use or service is unusual.

c. Lease for a period not to exceed fifteen years all or part of a county enterprise or combined county enterprise, if the lease will not reduce the net revenues to be produced by the county enterprise or combined county enterprise.

3. Contract for a period not to exceed forty years with other governmental bodies for the use of or the services provided by the county enterprise or combined county enterprise on a wholesale basis.

e. Contract for a period not to exceed forty years with persons including but not limited to other governmental bodies for the purchase or sale of water.

Sec. 465. NEW SECTION. RECORDS--ACCOUNTS--FUNDS.

1. The governing body of each county enterprise or combined county enterprise operated on a revenue producing basis shall maintain a proper system of books, records, and accounts.

2. The gross revenues of each county enterprise or combined county enterprise shall be deposited with the treasurer and kept by the treasurer in a separate account apart from the other funds of the county and from each other. The treasurer shall apply the gross revenues of each county enterprise or combined county enterprise only as ordered by the board and in strict compliance with the orders, including the provisions, terms, conditions, and covenants of any and all resolutions of the board pursuant to which revenue bonds or pledge orders are issued and outstanding.

Sec. 466. NEW SECTION. PLEDGE--PAYMENT--REMEDY.

1. The pledge of any net revenues of a county enterprise or combined county enterprise is valid and effective as to all persons including but not limited to other governmental bodies when it becomes valid and effective between the county and the holders of the revenue bonds or pledge orders.

2. Revenue bonds and pledge orders are payable both as to principal and interest solely out of the portion of the net revenues of the county enterprise or combined county enterprise pledged to their payment and are not a debt of or charge against the county within the meaning of any constitutional or statutory debt limitation provision.

3. The sole remedy for a breach or default of a term of a revenue bond or pledge order is a proceeding in law or in equity by suit, action, or mandamus to enforce and compel performance of the duties required by this part and of the terms of the resolution authorizing the issuance of the revenue bonds or pledge orders, or to obtain the appointment of a

receiver to take possession of and operate the county enterprise or combined county enterprise, and to perform the duties required by this part and the terms of the resolution authorizing the issuance of the revenue bonds or pledge orders.

Sec. 467. NEW SECTION. FUNDS--PAYMENTS.

1. If a county enterprise or combined county enterprise has on hand surplus funds, after making all deposits into all funds required by the terms, covenants, conditions, and provisions of outstanding revenue bonds, pledge orders, and other obligations which are payable from the revenues of the county enterprise or combined county enterprise and after complying with all of the requirements, terms, covenants, conditions, and provisions of the proceedings and resolutions pursuant to which revenue bonds, pledge orders, and other obligations are issued, the board may transfer the surplus funds to any other fund of the county in accordance with applicable law, provided that a transfer shall not be made if it conflicts with any of the requirements, terms, covenants, conditions, or provisions of any resolution authorizing the issuance of revenue bonds, pledge orders, or other obligations which are payable from the revenues of the county enterprise or combined county enterprise which are then outstanding.

2. This part does not prohibit or prevent the board from using funds derived from the issuance of general obligation bonds, the levy of special assessments and the issuance of special assessment bonds, and any other source which may be properly used for such purpose, to pay a part of the cost of a project.

3. The county shall pay for the use of or the services provided by the county enterprise or combined county enterprise as any other customer, except that the county may pay for use or service at a reduced rate or receive free use or service so long as the county complies with the provisions, terms, conditions, and covenants of all resolutions pursuant to which revenue bonds or pledge orders are issued and outstanding.

Sec. 468. NEW SECTION. STATUTE OF LIMITATION--POWERS--CONFLICTS.

1. An action shall not be brought which questions the legality of revenue bonds, the power of the board to issue revenue bonds, or the effectiveness of any proceedings relating to the authorization and issuance of revenue bonds, from and after sixty days from the time the bonds are ordered issued by the board.

2. The enumeration in this part of specified powers and functions is not a limitation of the powers of counties, but this part and the procedures prescribed for exercising the powers and functions enumerated in this part control in the event of a conflict with any other law.

Sec. 469. NEW SECTION. PRIOR PROJECTS PRESERVED. Projects and proceedings for the issuance of revenue bonds, pledge orders, and other temporary obligations, commenced before the effective date of this part may be completed as required or permitted by any statute amended or repealed by this Act, as though the amendment or repeal had not occurred, and the rights, duties, and interests resulting from the projects and proceedings remain valid and enforceable. Projects commenced prior to the effective date of this part may be financed by the issuance of revenue bonds, pledge orders, and other temporary obligations under any such amended or repealed law or by the issuance of revenue bonds and pledge orders under this part. For purposes of this section, commencement of a project includes but is not limited to action taken by the board or an authorized officer to fix a date for either a hearing or an election in connection with any part of the project, and commencement of proceedings for the issuance of revenue bonds, pledge orders, and other temporary obligations includes, but is not limited to, action taken by the board to fix a date for either a hearing or a sale in connection with any part of such revenue bonds, pledge orders, or other temporary obligations or to order any part thereof to be issued.

Sec. 470. NEW SECTION. COUNTY ENTERPRISE COMMISSIONS.

1. As used in this section, "commission" means a commission established under this section to manage a county enterprise or combined county enterprise. Upon receipt of a valid petition as defined in section 305 of this Act requesting that a proposal for establishment or discontinuance of a commission be submitted to the voters, or upon its own motion, the board shall submit the proposal at the next general election or at an election which includes a proposal to establish, acquire, lease, or dispose of the county enterprise or combined county enterprise.

2. A proposal for the establishment of a county enterprise commission shall specify a commission of either three or five members. If a majority of those voting approves the proposal, the board shall proceed as proposed. If a majority of those voting does not approve the proposal, the same or a similar proposal shall not be submitted to the voters of the county and the board shall not establish a commission for the same purpose for at least four years from the date of the election at which the proposal was defeated.

3. If a proposal to discontinue a commission receives a favorable majority vote, the commission is dissolved at the time provided in the proposal and shall turn over to the board the management of the county enterprise or combined county enterprise and all property relating to it.

4. If a proposal to establish a commission receives a favorable majority vote, the commission is established at the time provided in the proposal. The board shall appoint the commission members, as provided in the proposal and this section. The board shall provide by resolution for staggered six-year terms for and shall set the compensation of commission members.

5. A commission member appointed to fill a vacancy occurring by reason other than the expiration of a term is appointed for the balance of the unexpired term.

6. A public officer or a salaried employee of the county shall not serve on a commission.

7. The title of a commission shall be appropriate to the county enterprise or combined county enterprise administered by the commission. A commission may be a party to legal action. A commission may exercise all powers of the board in relation to the county enterprise or combined county enterprise it administers, with the following exceptions:

a. A commission shall not certify taxes to be levied, pass ordinances or amendments, or issue general obligation bonds.

b. The title to all property of a county enterprise or combined county enterprise shall be held in the name of the county, but the commission has all the powers and authorities of the board with respect to the acquisition by purchase, condemnation, or otherwise, lease, sale, or other disposition of the property, and the management, control, and operation of the property, subject to the requirements, terms, covenants, conditions, and provisions of any resolutions authorizing the issuance of revenue bonds, pledge orders, or other obligations which are payable from the revenues of the county enterprise or combined county enterprise, and which are then outstanding.

c. A commission shall make to the board a detailed annual report, including a complete financial statement.

d. Immediately following a regular or special meeting of a commission, the secretary of the commission shall prepare a condensed statement of the proceedings of the commission and cause the statement to be published as provided in section 304 of this Act. The statement shall include a list of all claims allowed, showing the name of the person or firm making the claim, the reason for the claim, and the amount of the claim. Salary claims must show the gross amount of the claim except that salaries paid to persons regularly employed by the commission, for services regularly performed by the persons

shall be published once annually showing the gross amount of the salary. In counties having more than one hundred fifty thousand population the commission shall each month prepare in pamphlet form the statement required in this paragraph for the preceding month, and furnish copies to the public library, the daily and official newspapers of the county, the auditor, and to persons who apply at the office of the secretary, and the pamphlet shall constitute publication as required. Failure by the secretary to make publication is a simple misdemeanor.

8. A commission shall control tax revenues allocated to the county enterprise or combined county enterprise it administers and all moneys derived from the operation of the county enterprise or combined county enterprise, the sale of its property, interest on investments, or from any other source related to the county enterprise or combined county enterprise.

9. All moneys received by the commission shall be held by the county treasurer in a separate fund, with a separate account or accounts for each county enterprise or combined county enterprise. Moneys may be paid out of each account only at the direction of the appropriate commission.

10. A commission is subject to section 340, subsections 1, 2, 4, and 5, and section 341, of this Act, in contracting for public improvements.

DIVISION V
COUNTY OFFICERS
PART 1
COUNTY AUDITOR

Sec. 500. NEW SECTION. OFFICE OF COUNTY AUDITOR.

1. The office of auditor is an elective office except that if a vacancy occurs in the office, a successor shall be appointed to the unexpired term as provided in chapter 69.

2. A person elected or appointed to the office of auditor shall qualify by taking the oath of office as provided in section 63.10 and giving bond as provided in section 64.8.

3. The term of office of the auditor is four years.

Sec. 501. NEW SECTION. GENERAL DUTIES. The auditor shall:

1. Have general custody and control of the courthouse, subject to the direction of the board.

2. Provide, upon request and payment of the legal fee, a certified copy of any record or account kept in the auditor's office.

3. Pay costs and expenses of legal counsel appointed to represent a member of the Sac and Fox Indian settlement as provided in section 1.15.

4. Keep the complete journals of the general assembly and the official register available for public inspection as provided in section 18.90.

5. Carry out duties relating to the administration of local governmental budgets as provided in chapter 24 and section 384.19.

6. Report the approval of the bond of a public officer approved by the auditor on behalf of the board as provided in section 64.21.

7. Have custody of the official bonds of county and township officers as provided in section 64.23.

8. Take temporary possession of the office and all official books and papers in the office of treasurer or clerk when a vacancy occurs in either office and hold the office, books, and records until a successor qualifies as provided in section 69.3. The auditor shall also serve temporarily as the recorder if a vacancy occurs in that office and, if there is no chief deputy assessor, act temporarily as the assessor as provided in section 441.8.

9. Serve as a member of an appointment board to fill a vacancy in the membership of the board as provided in section 69.8, subsection 5.

10. Issue a warrant to pay the cost of the bond required of the clerk of the district court who acts as a trustee for a minor or a mentally incompetent person entitled to benefits under workers' compensation as provided in section 85.49.

11. Certify to the commission on substance abuse a statement of the amount of county resources committed to the substance abuse program as provided in section 125.25.

12. Submit annually to the state department of health the names and addresses of the clerk, or if there is no clerk, the secretary of the local boards of health in the county as provided in section 135.32.

13. Pay to the local registrars of vital statistics the fees due them as certified by the state registrar of vital statistics as provided in section 144.11.

14. Notify the chairperson of the county agricultural extension education council when the bond of the council treasurer has been approved and filed as provided in section 176A.14.

15. Carry out duties relating to estray animals as provided in sections 188.30 through 188.32 and 188.41 through 188.44.

16. Attest to anticipatory warrants issued by the board for the operation of a county limestone quarry as provided in section 202.7.

17. Carry out duties relating to the determination of legal settlement, collection of funds due the county, and support of mentally retarded persons as provided in sections 222.13, 222.50, 222.61 through 222.66, 222.69, and 222.74.

18. Collect the costs relating to the treatment and care of private patients at the state psychiatric hospital as provided in sections 225.23, 225.24, and 225.35.

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

20. With acceptable sureties, approve the bonds of the members of a county commission of veteran affairs as provided in section 250.6.

21. Issue warrants and maintain a book containing a record of persons receiving veteran assistance as provided in section 250.10.

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

23. Notify the treasurer of funds due the state for the treatment of indigent persons at the university hospital as provided in section 255.26.

24. Make available to schools, voting machines or sample ballots for instructional purposes as provided in section 257.25, subsection 6.

25. Carry out duties relating to the collection and payment of funds for educating and supporting deaf students as provided in sections 270.6 and 270.7.

26. Order the treasurer to transfer tuition payments from the account of the debtor school corporation to the creditor school corporation as provided in section 282.21.

27. Order the treasurer to transfer transportation service fees from the account of the debtor school corporation to the creditor school corporation as provided in section 285.1, subsection 13.

28. Apportion school taxes, rents, and other money dedicated for public school purposes as provided in section 298.11.

29. Carry out duties relating to school lands and funds as provided in chapter 302.

30. Carry out duties relating to the establishment, alteration, and vacation of public highways as provided in sections 306.21, 306.25, 306.29 through 306.31, 306.37, and 306.40.

31. Carry out duties relating to the establishment and maintenance of secondary roads as provided in chapter 309.

32. Collect costs incurred by the county weed commissioner as provided in section 317.21.

33. Convene the conventions of the mayors and council members, and the directors of the school districts of the county for the purpose of selecting members of the county compensation board as provided in section 905 of this Act.
34. Maintain a file of certificates of appointment issued by county officers as provided in section 902 of this Act.
35. Furnish information and statistics requested by the governor or the general assembly as provided in section 900, subsection 1 of this Act.
36. Carry out duties relating to the organization, expansion, reduction, or dissolution of a rural water district as provided in chapter 357A.
37. Acknowledge the receipt of funds refunded by the state as provided in section 452.18.
38. Be responsible for all public money collected or received by the auditor's office. The money shall be deposited in a bank approved by the board as provided in chapter 453.
39. Carry out duties relating to the establishment and management of levee and drainage districts as provided in chapters 455, 457, 459, 462, 465, and 466.
40. Issue auctioneer licenses as provided in section 546.1.
41. Serve as a trustee for funds of a cemetery association as provided in sections 566.12 and 566.13.
42. Notify the state department of transportation of claims filed for improvements on public roads payable from the primary road fund as provided in section 573.24.
43. Certify to the clerk the names, addresses, and expiration date of the term of office of persons appointed to the county judicial magistrate appointing commission as provided in section 602.43, subsection 2.
44. Pay the expenses of shorthand court reporters as provided in section 605.10.
45. Pay claims for court-related fees claimed within five years as provided in section 606.18.

46. Serve as an ex officio member of the jury commission as provided in section 608.1.
 47. Destroy outdated records as ordered by the board.
 48. Carry out duties relating to the selection of jurors as provided in chapter 609.
 49. Designate newspapers in which official notices of the auditor's office shall be published as provided in section 618.7.
 50. Carry out duties relating to lost property as provided in sections 644.2, 644.4, 644.7, 644.10, and 644.16.
 51. In the case of payment of a school fund mortgage, acknowledge satisfaction of the mortgage by execution of a written instrument referring to the mortgage as provided in section 655.1.
 52. Receive and record in a book kept for that purpose, moneys recovered from a person willfully committing waste or trespass on real estate as provided in section 658.10.
 53. Carry out other duties required by law.
- Sec. 502. NEW SECTION. GENERAL POWERS. The auditor may:
1. Administer oaths and take affirmations on matters relating to the business of the office of auditor.
 2. Subject to requirements of section 902 of this Act, appoint and remove deputies, clerks, and assistants. If a deputy auditor is not appointed and the requirements of office require the temporary employment of assistants, the auditor shall file a bill for the services with the board at its next meeting. The board shall allow reasonable compensation for the temporary appointees.
- Sec. 503. NEW SECTION. DUTIES AS CLERK TO THE BOARD. The auditor shall:
1. Record the proceedings of the board. The minutes of the board shall include a record of all actions taken and the complete text of the motions, resolutions, amendments, and ordinances adopted by the board. Upon the request of a supervisor present at a meeting, the minutes shall include

a record of the vote of each supervisor on any question before the board.

2. Maintain the books and records required to be kept by the board under section 302 of this Act.
3. Sign all orders issued by the board for the payment of money.
4. Record the reports of the treasurer of the receipts and disbursements of the county.
5. Maintain a file of all accounts acted upon by the board with the board's action on each account. If the board allows an expenditure from an account, the auditor shall indicate the amount of expenditure and the bill or claim for which the expenditure is allowed.
6. Furnish a copy of the proceedings of the board required to be published as provided in section 349.18.
7. Number each claim consecutively in the order of filing and enter the claim in the claim register alphabetically by the name of the claimant and including the date of filing, the number of the claim and its general nature, the action of the board, and if allowed, the fund from which the claim is paid. A record of the claims allowed at each session of the board shall be included in the minute book by reference to the numbers of the claims as entered in the claim register.
8. File for presentation to the board all unliquidated claims against the county and all claims for fees or compensation, except salaries fixed by state law. The claims, before being audited or paid, shall be itemized to clearly show the basis of the claim and whether for property sold or furnished for services rendered or for another purpose, and shall be signed by the claimant. An action shall not be brought against the county relating to a claim until the claim is filed as provided in this subsection and the payment refused or neglected.

Sec. 504. NEW SECTION. DUTIES RELATING TO ELECTIONS.
The auditor shall:

1. Serve as county commissioner of elections as provided in chapter 47.
2. Conduct all elections held within the county.
3. Serve as a member of a board to hear and decide objections made to a certification of nomination as provided in section 44.7.
4. Serve as county commissioner of registration as provided in chapter 48.
5. Serve as clerk of the election contest court as provided in chapter 62.
6. Record the orders of suspension and temporary appointment of county and township officers as provided in section 66.19.

Sec. 505. NEW SECTION. ISSUANCE OF WARRANTS.

1. Except as provided in subsections 2 and 3, the auditor shall sign or issue a county warrant only after approval of the board by recorded vote. Each warrant shall be numbered and the date, amount, number, and the name of the person to whom issued shall be recorded and filed in the auditor's office. Each warrant shall be made payable to the person performing the service or furnishing the supplies for which the warrant makes payment and the purpose for which the warrant is issued shall be stated on it.
2. The auditor may issue warrants to pay the following claims against the county without prior approval of the board:
 - a. For jury fees and mileage as certified by the clerk. The clerk shall not certify payment of the fees or mileage until a juror has been discharged or excused by the district court.
 - b. For witness fees and mileage for attendance before a grand jury as certified by the county attorney and the foreman of the jury.
 - c. For witness fees in jury trials of criminal cases before the district court as certified by the clerk.

d. For the per diem of a shorthand reporter of the district court as certified by the judge or magistrate holding the court.

e. For an expense of the grand jury upon order of the judge of the district court.

3. The board, by resolution, may authorize the auditor to issue warrants to make the following payments without prior approval of the board:

a. For fixed charges including, but not limited to, freight, express, postage, water, light, telephone service, or contractual services, after a verified bill is filed with the auditor.

b. For salaries and payrolls if the compensation has been fixed or approved by the board. The salary or payroll shall be certified by the officer or supervisor under whose direction or supervision the compensation is earned.

4. The bills paid under subsections 2 and 3 shall be submitted to the board for review and approval at its next meeting following the payment. The action of the board shall be recorded in the minutes of the board.

5. An officer certifying an erroneous bill or claim against the county is liable on the officer's official bond for a loss to the county resulting from the error.

Sec. 506. NEW SECTION. COLLECTION OF MONEY AND FEES.

1. The auditor may collect or receive money due the county except when otherwise provided by law.

2. The auditor is entitled to collect the following fees:

a. For a transfer of property made in the transfer records, five dollars for each separate parcel of real estate described in a deed or transfer of title certified by the clerk. However, if more than ten parcels of real estate are described in one instrument and the parcels are contiguous or separated only by a public street or highway, the fee shall not exceed fifty dollars. A parcel of real estate located outside of the corporate limits of a city includes all unplatted land

described in a deed or transfer of title lying within one numbered section of land.

b. For issuing a certificate of redemption of land sold for taxes, three dollars.

c. For each certificate issued by the treasurer for land sold for nonpayment of taxes, three dollars.

d. For indexing a change of name for each parcel of real estate owned in the county, three dollars.

3. The auditor shall collect or receive the following fees:

a. The bee entry fee collected from nonresidents importing bees by the state apiarist as provided under section 160.16.

b. Fee for services relating to estray animals as provided in section 188.48.

c. Dog license fees and transfer fees as provided in chapter 351.

4. Fees collected or received by the auditor shall be accounted for and paid into the county treasury quarterly as provided in section 901 of this Act.

Sec. 507. NEW SECTION. BOOKS AND RECORDS. The auditor shall keep the following books and records:

1. Election book for contested proceedings as provided in section 62.3.

2. Record of official bonds as provided in section 64.24.

3. Account book and name index of substance abusers receiving benefits at county expense as provided under section 125.50.

4. Estray book as provided in section 188.30.

5. Account book and index of persons receiving mental health treatment as provided in section 230.26.

6. A record book of the names and addresses of persons receiving veteran assistance as provided in section 250.10.

7. Fee book as provided in section 901 of this Act.

8. Record of dog licenses as provided in section 351.22.

9. Benefited water district record book as provided in section 357.32.

10. Completed assessment rolls, schedules, and book as provided in section 441.26.

11. Tax rate book as provided in section 444.6.

12. Real estate transfer book, index book, and plat book as provided in sections 558.60 through 558.67.

Sec. 508. NEW SECTION. FINANCIAL REPORT.

1. During the month of July of each year, the auditor shall prepare a financial report containing the following information:

a. The amount of the various classes of warrants drawn on the county general fund, except for court expenses, during the preceding year, including, but not limited to, the total amount paid each county officer, their deputies and extra help, and other employees of the county, the amount paid for rent, printing and stationery, furniture and fixtures, publishing proceedings of the board of supervisors, and postage allowed each county official, and the amount paid for election expenses, and expenses of registration.

b. The amount of the warrants drawn on the county general fund for various court expenses including the salary paid the county attorney, the amounts received by the county attorney as commission on fines and from other sources, and the amount paid to an assistant county attorney or counsel.

c. The amount paid jurors, witnesses, and bailiffs, respectively, in district court, the amount paid for shorthand reporting, printing and stationery, attorney fees for defending criminals, meals for jurors, and related expenditures.

d. The expenses of the grand jury, stating amounts paid grand jurors, bailiffs, witnesses, and for other expenses of the grand jury.

e. The expenses of the county medical examiner.

f. The amount paid to each supervisor from the several funds of the county for services during the preceding year.

g. A recapitulation of the total amount of warrants drawn on the county general fund, with a comparison with the amount

of the warrants drawn on the county general fund each year for the last five years.

h. The amount of the various classes of warrants drawn on the poor fund for the preceding year, with a comparison with the total amount of the warrants drawn on the county poor fund each year for the last five years.

i. The amount of the warrants drawn on the county mental health and institutions fund for the preceding year, including the amount received by each commissioner as fees and expenses, witness' fees, sheriff's fees and expenses, the cost of transportation, and related expense.

j. The total cost of maintenance of mentally ill at a county hospital with the number of patients, and the total paid the various state hospitals for the mentally ill with the number of patients from the county confined in the hospitals.

k. The amount paid the various state institutions during the preceding year.

l. The amounts paid the sheriff for boarding prisoners during the preceding year including the amount paid the sheriff as jail expenses, with a comparison of the amounts paid for boarding prisoners and for jail expenses each year during the last five years.

m. The amount of the warrants drawn on each of the various funds of the county.

n. The report of the auditor relating to school funds and property made to the superintendent of public instruction as required by law.

o. The reports of magistrates and other officers, including forfeited recognizances in their offices, fines, penalties, forfeitures imposed in their respective courts, and forfeited appearance bonds in criminal cases, all of which are payable to the county treasury for the benefit of the school fund.

p. The reports made during the preceding year by the treasurer, auditor, recorder, sheriff, clerk, and the

commission of the Iowa department of veterans affairs as required by law.

q. The reports of any committees that are appointed by the board to examine the affairs and accounts of county officials and employees.

r. Other information as the board directs or the auditor deems advisable.

2. The financial report shall be printed in pamphlet form for distribution to the taxpayers of the county at the direction of and in the numbers determined by the board.

3. Not later than January 1 of each year, the auditor shall furnish to the auditor of state the information included in the financial report and other information relating to the financial affairs of the county requested by the auditor of state. The information shall be submitted on forms furnished by the auditor of state.

Sec. 509. NEW SECTION. REPORTS BY THE AUDITOR. The auditor shall make:

1. A report to the governor of a vacancy, except by resignation, in the office of state representative or senator as provided in section 69.5.

2. An annual report to the secretary of agriculture of the amount of money in the brucellosis eradication fund as of July 1 as provided in section 420, subsection 5 of this Act.

3. An annual report to the secretary of agriculture of the amount of money in the bovine tuberculosis fund as of July 1 as provided in section 420, subsections 5 and 6 of this Act.

4. An annual report to the clerk of the expenses incurred by the county for criminal prosecutions during the preceding fiscal year as provided in section 247.31.

5. A report to the secretary of state of the name, office, and term of office of each appointed or elected county officer within ten days of the officer's election or appointment and qualification.

6. An annual report not later than January 1 to the state comptroller of the valuation by class of property for each taxing district in the county on forms provided by the state comptroller. The valuations reported shall be those valuations used for determining the levy rates necessary to fund the budgets of the taxing districts for the following fiscal year.

7. An annual report not later than January 1 to the governing body of each taxing district in the county of the assessed valuations of taxable property in the taxing district as reported to the state comptroller.

Sec. 510. NEW SECTION. DUTIES RELATING TO PLATTING. The county auditor shall:

1. Record each plat as provided in sections 409.12 through 409.16.

2. Record changes in names of platted streets as provided in section 409.17.

3. Record notations of errors or omissions on recorded plats as provided in section 409.32.

4. Record resurveyed plats as provided in section 409.43.

5. Provide for the platting of real estate which cannot otherwise be accurately assessed for taxation as provided in sections 441.65 through 441.71.

6. Carry out other duties as provided by law.

Sec. 511. NEW SECTION. DUTIES RELATING TO TAXATION. The auditor shall:

1. Include on the tax list:

a. The levy of county taxes authorized by the board as provided by law.

b. The levy of taxes to pay the principal and interest on bonds as provided in sections 76.2 and 76.3.

c. The levy of a mulct tax against the property of a person maintaining a nuisance as certified by the clerk of the district court as provided in section 99.28.

d. The levy of a tax to pay the expenses incurred and penalties assessed by the state fire marshal relating to the

repair or destruction of fire hazards as provided in sections 100.27 through 100.29.

e. The costs of erecting, rebuilding, or repairing a fence under order of the fence viewers as provided in section 113.6.

f. A levy against the property of a bee owner sufficient to pay the costs of disinfecting or destroying diseased bees as provided in section 160.8.

g. The levy for taxes for the county brucellosis eradication fund and the bovine tuberculosis eradication fund as provided in sections 420, subsections 5 and 6 of this Act.

h. The levy of a tax for the operation of an area vocational school or an area community college as provided in section 280A.17.

i. The levy of a tax to pay the principal and interest under a loan agreement entered into by merged area school authorities as provided in section 280A.22.

j. The levy of community school taxes as provided by law.

k. The levy of a tax as certified by the board of trustees of a sanitary district as provided in section 358.18.

l. The levy of taxes certified by the board of trustees of a township as provided in chapters 359 and 360.

m. The levy of city taxes and assessments as certified by the city council as provided by law.

n. Other tax levies as provided by law.

2. Carry out duties relating to tax sales of property within special charter cities as provided in sections 420.220 through 420.229.

3. Carry out duties relating to the homestead tax credit and agricultural land tax credit as provided in chapters 425 and 426.

4. Prepare and certify to the county treasurer the total amount of dollars for military service tax credits claimed and allowed as provided under sections 426A.3 and 427.3 through 427.6.

5. Carry out duties relating to the preparation of the tax list as provided in sections 427A.3, 427A.6, 428.4, 441.17, 441.21, 443.2 through 443.9, and 443.21.

6. Carry out duties relating to the valuation and taxation of telegraph and telephone companies as provided in sections 433.8 through 433.10 including mapping requirements as provided in sections 433.14 and 433.15.

7. Transmit to other local government officials the order stating the length of the main track and the assessed value of each railway located within the county as provided in section 434.22.

8. Carry out duties relating to the valuation and taxation of express companies as provided in sections 436.9 through 436.11.

9. Transmit to other local government officials the order stating the length of the electric transmission lines and the assessed value of the property of the electric transmission line companies located within the county as provided in section 437.10.

10. Carry out duties relating to the valuation and taxation of pipeline companies as provided in sections 438.14 through 438.16.

11. Furnish the assessor a plat book which is platted with the lands and lots within the assessment district as provided in section 441.29. The auditor, with the approval of the board of supervisors, may establish a permanent real estate index number system as provided in section 441.29.

12. Carry out duties relating to levy of school taxes as provided in chapter 442.

13. Carry out duties relating to the computation of tax rates as provided under chapter 444.

14. Provide for the enforcement of a lien against the taxable personal property of nonresidents as provided in sections 445.44 and 445.45.

15. Keep a complete account of each separate fund or tax in the county treasury as provided in section 445.59.

16. When an order of apportionment is made, correct the tax books or records in the auditor's possession as provided in section 449.4.

17. Carry out other duties as provided by law.

PART 2

COUNTY TREASURER

Sec. 550. NEW SECTION. OFFICE OF COUNTY TREASURER.

1. The office of treasurer is an elective office except that if a vacancy occurs in the office, a successor shall be appointed to the unexpired term as provided in chapter 69.

2. A person elected or appointed to the office of treasurer shall qualify by taking the oath of office as provided in section 63.10 and give bond as provided in section 64.10.

3. The term of office of the treasurer is four years.

Sec. 551. NEW SECTION. GENERAL DUTIES. The treasurer shall:

1. Receive all money payable to the county unless otherwise provided by law.

2. Disburse money owed or payable by the county on warrants drawn and signed by the auditor and sealed with the official county seal.

3. Keep a true account of all receipts and disbursements of the county, which account shall be available for inspection by the board at any reasonable time.

4. Keep the official county seal provided by the county. The official seal shall be an impression seal on the face of which shall appear the name of the county, the word "county" which may be abbreviated, the word "treasurer" which may be abbreviated, and the word "Iowa". The impression of the seal shall be placed on each motor vehicle registration certificate signed by the treasurer.

5. Account for, report, and pay into the state treasury any money, property, or securities received on behalf of the state as provided in sections 8.7 through 8.9.

6. Account for and report to the board the amount of swampland indemnity funds received from the treasurer of state under section 12.16.

7. Register and call tax anticipatory warrants issued for a memorial hospital as provided under section 37.30.

8. Serve on a nomination appeals commission to hear nomination objections filed with the county commissioner of elections as provided in section 44.7.

9. Keep on file the bond and oath of the auditor as provided in section 64.23.

10. File the notice of authority from the auditor to transfer funds from the mental health and institutions fund to a substance abuse treatment facility as provided in section 125.49.

11. Credit funds from the sale of seized conveyances to the school fund and issue duplicate receipts to the sheriff as provided in sections 127.21 and 127.22.

12. Establish a local health fund as provided in section 424, subsection 3 of this Act.

13. Serve as treasurer of an area hospital located outside the corporate limits of a city as provided in section 145A.15.

14. Register and call anticipatory warrants related to the sale of limestone as provided in section 202.8.

15. Make transfer payments to the state for school expenses for blind and deaf children, support of the mentally ill, and hospital care for the indigent as provided in sections 230.21, 255.26, 269.2 and 270.7.

16. Transfer funds to pay the expenses of creating or changing the boundaries of a school district as provided in section 275.26.

17. Transfer funds to pay tuition expenses owed by a debtor school district to a creditor school district as provided in section 282.21.

18. Pay to the treasurers of the school corporations located in the county the taxes and other moneys due as provided in sections 298.11 and 298.13.

19. Pay monthly to the treasurer of state proceeds of public lands sold and escheated estates as provided in section 302.2 and pay annually on February 1 interest collected from public lands sold on credit as provided in section 302.5.

20. Maintain a school fund account and records of school funds received as provided in section 302.31.

21. Carry out duties relating to the sale and redemption of anticipatory certificates for secondary road construction as provided in sections 309.50 through 309.55.

22. Carry out duties relating to the establishment of secondary road assessment districts as provided in chapter 311.

23. Carry out duties relating to the sale and redemption of county bonds as provided in parts 3 and 4 of division IV of this Act.

24. Notify the chairperson of the county hospital board of trustees and pay to the hospital treasurer the tax revenue collected for the county hospital during the preceding month as provided in section 347A.1.

25. Carry out duties relating to the condemnation of property as provided in section 655, subsection 4, of this Act.

26. Carry out duties relating to the funding of drainage districts as provided in chapters 455, 457, 461, 462, 463, 464, and 466.

27. Collect and disburse funds for soil conservation districts as provided in sections 467A.33 and 467A.34.

28. Carry out duties relating to the collection of a tax for the maintenance of property received as a gift as provided in section 565.10.

29. Credit the remainder of funds received from a hotel-keeper's sale to satisfy a lien to the county general fund as provided in section 583.6.

30. Pay compensation and expenses to the shorthand reporters as provided in section 605.9.

31. Designate the newspapers in which the official notices of the treasurer's office are to be published as provided in section 618.7.

32. Credit to the court expense fund the proceeds from the sale of seized property as provided in section 809.6.

33. Carry out other duties as required by law.

Sec. 552. NEW SECTION. GENERAL POWERS. The treasurer may:

1. Administer oaths and take affirmations as provided in sections 78.2 and 421.21.

2. Subject to the requirements of section 902 of this Act, appoint and remove deputies, clerks, and assistants.

Sec. 553. NEW SECTION. DUTIES RELATING TO WARRANTS.

1. Upon receipt of a warrant, scrip, or other evidence of the county's indebtedness, the treasurer shall endorse on it the date of its receipt, from whom it is received, and the amount which the treasurer paid on it.

2. When a person wishing to make a payment to the county treasury presents a warrant of the county in an amount greater than the payment or presents for payment a warrant of the county in excess of the funds in the county treasury, the treasurer shall cancel the warrant and give the holder a certificate of the overplus. When the certificate of overplus is presented to the auditor, the auditor shall file it, issue a new warrant for the amount of the overplus, and charge the amount to the treasurer. The certificate of overplus is transferable by delivery and entitles the holder to a new warrant, payable to the order of the holder and containing reference to the original warrant.

3. The treasurer shall keep a record of all warrants issued by the auditor and presented for payment in a warrant book. The treasurer shall record for each warrant its number, date, principal, name of the drawee, when paid, to whom paid, and the amount of interest paid.

4. The treasurer shall return the warrants to the auditor. The treasurer shall compare the warrants with the warrant book and the word "canceled" shall be written over the minute of the proper numbers in the warrant book. The original warrant shall be preserved for at least two years. The treasurer shall make monthly reports to show for each warrant the number, date, drawee's name, when paid, to whom paid, original amount, and interest.

5. When a warrant legally drawn on the county treasury is presented for payment and not paid because of a deficiency, the treasurer shall carry out duties relating to the endorsement and payment of interest on the amount of deficiency as provided in chapter 74.

6. The amount of a check or warrant outstanding for more than two years shall be paid to the treasurer and credited to the general fund of the county as unclaimed fees and trusts. The treasurer shall provide a list of the checks and warrants to the auditor who shall maintain a record of the unclaimed fees and trusts. A person may claim an unclaimed fee or trust within five years after the money is credited to the general fund upon proper proof of ownership. Claims for unclaimed fees and trusts shall be paid from the general fund of the county.

Sec. 554. NEW SECTION. FUND MANAGEMENT.

1. During each term of office, the treasurer shall keep a separate account of the taxes levied for state, county, school, highway, or other purposes and of all other funds created by law whether of regular, special, or temporary nature. The treasurer shall not pay out or use the money in a fund for any purpose except as specifically authorized by law. The treasurer shall be charged with the amount of tax or other funds collected or received by the treasurer and shall be credited with the amount of taxes or other funds disbursed from each account as authorized by law.

2. Except as provided in section 321.153, on or before the fifteenth day of each month, the treasurer shall prepare sworn statements of the amount of money held by the treasurer on the last day of the preceding month belonging to the state treasury and mail a copy of the statement and the remittance to the treasurer of state. Another copy of the statement shall be mailed to the state comptroller. However, in lieu of mailing the remittance to the treasurer of state, the treasurer may deposit the remittance to the credit of the treasurer of state in an interest-bearing account in a bank in the county as designated by the treasurer of state.

3. If a treasurer fails to comply with the requirements of subsection 2, the treasurer shall forfeit for each failure a sum of not less than one hundred dollars nor more than five hundred dollars to be recovered in an action against the treasurer's bond brought in the name of the state comptroller or the treasurer of state.

4. The treasurer shall make a complete settlement with the county semiannually and when the treasurer leaves office as provided in sections 452.6 and 452.7.

5. The treasurer shall maintain custody of all public moneys in the treasurer's possession and deposit or invest the moneys as provided in section 452.10 and chapter 453.

Sec. 555. NEW SECTION. LOSS OF FUNDS--REPLACEMENT.

1. A loss of funds in the custody of a treasurer resulting from an act of omission or commission for which the treasurer is responsible, except a loss covered by the treasurer's bond or a loss which occurs while the funds are deposited in an authorized depository, shall be replaced by the several counties of the state as provided in this section.

2. The auditor of state shall determine the amount of loss to be replaced after a complete examination of the accounts of the treasurer of the county where the loss has occurred. The auditor of state shall file a written report of the examination with the state comptroller.

3. When the loss which is to be replaced has been determined by the auditor of state, the state comptroller shall apportion the loss among the counties of the state, including the county in which the loss has occurred, in the proportion which the taxable property of each county bears to the total taxable property of all counties of the state. The written apportionment shall be filed in the office of state comptroller. The state comptroller shall certify to each treasurer the amount of the loss which has been apportioned to the various counties.

4. Upon receipt of the certification from the state comptroller, each treasurer, except the treasurer of the county where the loss occurred, shall charge the general fund of the county with the amount apportioned to the county and remit the amount to the state comptroller. The amount apportioned to a county shall draw interest at the rate of one percent per month after thirty days from the date when the treasurer received the certification of the apportionment from the state comptroller.

5. If the amount apportioned to a county is not paid, the default shall be reported by the state comptroller to the director of revenue who shall levy upon the taxable property of the delinquent county a tax sufficient to raise the apportionment, a penalty of twenty-five percent of the apportionment, and interest. The tax levy shall be transmitted to the auditor of the delinquent county who shall include the levy on the next tax list of the county. The tax shall be collected and remitted to the state comptroller.

6. The treasurer of state shall credit the funds received under this section to a separate fund in the state treasury. The treasurer of state shall pay the reimbursement funds to the county where the loss occurred by warrant issued by the state comptroller.

Sec. 556. NEW SECTION. DUTIES RELATING TO MOTOR VEHICLE REGISTRATION. The treasurer shall:

1. Issue, renew, and replace lost or damaged vehicle registration cards or plates and issue and transfer certificates of title for vehicles as provided in sections 321.17 through 321.52.

2. Collect, pay to the state, or refund registration fees as provided in sections 321.105 through 321.156.

3. Carry out duties relating to the inspection of vehicles as provided in section 321.238, subsection 12.

4. Collect the use tax on vehicles subject to registration as provided in sections 423.6 and 423.7.

5. Carry out other duties as required by law.

Sec. 557. NEW SECTION. REPORTS BY THE TREASURER. The treasurer shall make:

1. A monthly report to the board of directors of each school corporation in the county of the amount of taxes collected for each fund as provided in section 298.13.

2. A monthly report to the department of transportation of the fees and penalties collected relating to the issuance of vehicle registrations and certificates of title as provided in section 321.153.

3. A quarterly report to the board of the fees collected during the preceding quarter as provided in section 901 of this Act.

4. A monthly report to the auditor of the county warrants returned to the treasurer for payment as provided in section 553, subsection 4 of this Act.

5. Other reports as required by law.

Sec. 558. NEW SECTION. DUTIES RELATING TO TAXATION. The treasurer shall:

1. Collect the county conservation tax levied as provided in section 111A.6.

2. Determine and collect taxes on mobile homes as provided in sections 135D.22 through 135D.26.

3. Collect the tax levied for the county brucellosis eradication fund and the county tuberculosis eradication fund as provided in section 420, subsections 5 and 6 of this Act.

4. Collect the tax levied for the county agricultural extension education fund and pay it to the extension treasurer as provided in section 424, subsection 6 of this Act.

5. Collect the costs assessed by the secretary of agriculture relating to the treatment or destruction of agricultural or horticultural plants or products as provided in section 177A.17.

6. Collect the tax levied for the erection and equipping of area vocational school or area community college facilities as provided in section 280A.22.

7. Collect the costs assessed against a property owner for the destruction or eradication of weeds as provided in sections 317.20 and 317.21.

8. Levy a tax sufficient to pay any deficiency in the assessments collected to pay the principal and interest on bonds issued by a benefited water district as provided in section 357.22.

9. Collect city taxes certified to the auditor as provided in section 384.2.

10. Pay monthly to each city tax revenue collected on its behalf during the preceding month as provided in section 384.11.

11. Accept a partial payment of the annual installment of a special assessment before its due date as provided in section 384.65, subsection 6.

12. Serve as an agent of the director of revenue to collect state taxes as provided in section 422.71, subsection 5.

13. Carry out duties relating to the administration of the homestead tax credit as provided in sections 425.4, 425.5, 425.7, 425.9, 425.10, and 425.25.

14. Carry out duties relating to the administration of the agricultural land tax credit as provided in section 426.8.

15. Carry out duties relating to the administration of the military service tax credit as provided in sections 426A.3, 426A.5, 426A.8, and 426A.9.

16. Maintain a suspended tax list book as provided in section 427.12.

17. Collect taxes levied against the property of telephone and telegraph companies as provided in section 433.10.

18. Collect taxes levied against the property of railway companies as provided in section 434.22.

19. Carry out duties relating to the collection and expenditure of assessment expense funds as provided in section 441.16.

20. Apportion and collect the costs assessed by the district court against the board of review or any taxing body resulting from an appeal of property assessments as provided in section 441.40.

21. Carry out duties relating to the preparation and correction of the tax list as provided in chapter 443.

22. Carry out duties relating to the collection of property taxes as provided in chapter 445.

23. Carry out duties relating to the sale of property for delinquent taxes as provided in chapter 446.

24. Carry out duties relating to the redemption of property sold for taxes as provided in chapter 447.

25. Carry out duties relating to the issuance of a tax deed for property sold for delinquent taxes as provided in chapter 448.

26. Correct tax books or records in accordance with an order of apportionment issued as provided in chapter 449.

27. Carry out other duties relating to taxation as provided by state law.

PART 3

COUNTY RECORDER

Sec. 600. NEW SECTION. OFFICE OF COUNTY RECORDER.

1. The office of recorder is an elective office except that if a vacancy occurs in the office, a successor shall be appointed to the unexpired term as provided in chapter 69.

2. A person elected or appointed to the office of recorder shall qualify by taking the oath of office as provided in section 63.10 and giving bond as provided in section 64.8.

3. The term of office of the recorder is four years.

Sec. 601. NEW SECTION. GENERAL DUTIES. The recorder shall:

1. Record all instruments presented to the recorder's office for recordation upon payment of the proper fees and compliance with other recording requirements as provided by law. The instruments presented for filing or recordation shall have typed or legibly printed on them the names of all signatories including the names of acknowledging officers and witnesses beneath the original signatures.

a. However, if an instrument does not contain typed or printed names, the recorder shall accept the instrument for recordation or filing if it is accompanied by an affidavit, to be recorded with the instrument, correctly spelling in legible print or type the signatures appearing on the instrument.

b. The requirement of paragraph a does not apply to military discharges, military instruments, wills, court records, or to any other instrument dated before July 4, 1959.

c. Failure to print or type signatures as provided in this subsection does not invalidate the instrument.

2. Rerecord an instrument without fee upon presentation of the original instrument by the owner if an error is made in recording the instrument. The recorder shall also note in the margin of the new record a reference to the original record and in the margin of the original record a reference to the book and page of the new record.

3. If an error is made in indexing an instrument, reindex the instrument without fee.

4. Record the registration of a person registered under the federal Social Security Act who requests recordation, and keep an alphabetical index of the record referring to the name of the person registered.

5. Compile a list of deeds recorded in the recorder's office after July 4, 1951, which are dated or acknowledged more than six months before the date of recording and forward a copy of the list each month to the inheritance tax division of the department of revenue.

6. Carry out duties as a member of a nomination appeals commission as provided in section 44.7.

7. Carry out duties relating to the recordation of oil and gas leases as provided in sections 84.22 and 84.24.

8. Endorse on each notice of an unemployment contribution lien the day, hour, and minute that the lien is received from the Iowa department of job service, index the notice of lien, and record the lien as provided in section 96.14, subsection 3.

9. Carry out duties relating to the registration of vessels as provided in sections 106.5, 106.23, 106.51, 106.52, 106.54, and 106.55.

10. Carry out duties relating to the issuance of hunting, fishing, and trapping licenses as provided in sections 110.10, 110.12, 110.13, 110.14, 110.15, and 110.22.

11. Issue migratory waterfowl stamps as provided in chapter 110B.

12. Record the orders and decisions of the fence viewers and index the record in the name of each adjoining owner of land affected by the order or decision as provided in section 113.10. The recorder shall also note that a judgment has been rendered on an appeal of an order or decision of the fence viewers as provided in section 113.24.

13. Submit annually to the secretary of state by December 1 of each year the names and addresses of each limited partnership owning agricultural land or engaged in farming in the county as provided in section 172C.13.

14. Record without fee the articles of incorporation of farm aid associations as provided in section 176.5.

15. Keep, as a public record, the brand book and supplements supplied by the secretary of agriculture as provided in section 187.11.

16. Record without fee a sheriff's deed for land under foreclosure procedures as provided in section 302.35.

17. Issue snowmobile registrations as provided in sections 321G.4, 321G.6, and 321G.21.

18. Record the measure and plat of a zoning district, building line, or fire limit adopted by a city as provided in section 380.11.

19. Carry out duties relating to the platting of land as provided in chapter 409 and sections 441.65 through 441.71.

20. Submit quarterly to the director of revenue a report of the revenue stamps or sale price and equalized value of real estate sold as provided in section 421.17, subsection 6.

21. Carry out duties relating to the endorsement, indexing, and recording of income tax liens as provided in section 422.26.

22. Carry out duties relating to the taxation of real estate transfers as provided in chapter 428A.

23. Carry out duties relating to the recording and indexing of affidavits and claims affecting real estate as provided in section 448.17.

24. Forward to the director of revenue a certified copy of any deed, bill of sale, or other transfer which shows that it is made or intended to take effect at or after the death of the person executing the instrument as provided in section 450.81.

25. Record papers, statements, and certificates relating to the condemnation of property as provided in 472.38.

26. Record instruments relating to the dissolution of a corporation or renewal of articles of incorporation as provided in sections 491.23 and 491.27.

27. Carry out duties relating to the recordation of articles of incorporation and other instruments for business corporations as provided in section 496A.53.

28. Record the articles of incorporation of a cooperative association received from the secretary of state as provided in section 497.3.

29. Carry out duties relating to recording of articles of incorporation and charters for nonprofit corporations as provided in chapters 504 and 504A.

30. Carry out duties relating to the recordation of articles of incorporation and other instruments for state banks as provided in chapter 524.

31. Carry out duties relating to the recordation of articles of incorporation and other instruments for credit unions as provided in chapter 533.

32. Carry out duties relating to the recordation of articles of incorporation and other instruments for savings and loan associations as provided in chapter 534.

33. Record and index instruments relating to limited partnerships as provided in section 545.2.

34. Carry out duties relating to the filing of financial statements or instruments as provided in sections 554.9401 through 554.9408.

35. Register the name and description of a farm as provided in sections 557.22 through 557.26.

36. Record conveyances and leases of agricultural land as provided in section 558.44.

37. Collect the recording fee and the auditor's transfer fee for real property being conveyed as provided in section 558.58.

38. Serve as a member of the jury commission to draw jurors as provided in section 608.1.

39. Record and index a notice of title interest in land as provided in section 614.35.

40. Designate the newspapers in which the notices pertaining to the office of recorder shall be published as provided in section 618.7.

41. Record a conveyance of property presented by a commissioner appointed by the district court as provided in section 624.35.

42. Carry out duties relating to the indexing of name changes, and the recorder may charge a fee for indexing as provided in section 674.14.

43. Report quarterly to the board the fees collected as provided in section 901 of this Act.

44. Carry out other duties as provided by law.

Sec. 602. NEW SECTION. GENERAL POWERS.

1. The recorder may administer oaths and take affirmations on matters relating to the business of the office of recorder as provided in section 78.2.

2. Subject to the requirements of section 902 of this Act, the recorder may appoint and remove deputies, assistants, and clerks.

3. The recorder may reproduce in miniature on a durable medium any instrument to be recorded. When a recorded instrument involves a release or assignment, the separate instrument filed acknowledging the release or assignment shall be reproduced in miniature. In lieu of marginal entries, the recorder shall make endorsements in red ink on both the index and the cross-index to the miniature instruments where the instruments were originally indexed. When an official record is produced in miniature, a security copy shall be reproduced at the same time and kept outside of the courthouse.

4. The recorder may, in lieu of maintaining separate index books as required by law, prepare and maintain a combined index record or system which shall contain the same data and information as required to be kept in the separate index books.

Sec. 603. NEW SECTION. GENERAL RECORDING AND FILING FEE.

Except as otherwise provided by state law or section 604 of this Act, the recorder shall collect a fee of three dollars for each page or fraction of a page of an instrument which is filed or recorded in the recorder's office.

Sec. 604. NEW SECTION. OTHER FEES. The recorder shall collect:

1. For the issuance of a registration or transfer for a vessel or boat:

- a. A registration fee as provided in section 106.5.
- b. A writing fee as provided in section 106.53.
- c. A transfer and writing fee as provided in section 106.44.

2. For issuance of hunting, fishing, and trapping licenses:

a. The fees specified in section 110.1. The recorder may designate depositaries to issue the licenses and collect the appropriate fees as provided in section 110.11.

b. The writing fee as provided in section 110.12.

3. For the issuance of a state migratory waterfowl stamp, a fee as provided in section 110B.3.

4. For the issuance of snowmobile registrations, the fees specified in section 321G.4.

5. For the filing of a verified statement relating to the trade name of a business, a fee as provided in section 547.3.

6. For the filing of a financial statement or instrument under the uniform commercial code, the fees specified in sections 554.9403 through 554.9407.

7. For the registering or cancelling of a farm name, the fees specified in sections 557.24 and 557.26.

8. Other fees as provided by law.

Sec. 605. NEW SECTION. GENERAL FILING REQUIREMENTS.

1. In addition to other requirements specified by law, the recorder shall note in the fee book the date of filing

of each instrument, the number and character of the instrument, and the name of each grantor and grantee named in the instrument. In numbering the instruments, the recorder shall start with the number one immediately following the date of annual settlement with the board and continue to number them consecutively until the next annual settlement with the board.

2. The recorder shall also note in the index book the exact time of the filing of each instrument.

Sec. 606. NEW SECTION. BOOKS AND RECORDS. The recorder shall keep the following books and records:

1. A record book for military discharges as provided in section 607 of this Act.

2. An index of unemployment contribution liens as provided in section 96.14, subsection 3.

3. A fee book as provided in section 901 of this Act.

4. An index of income tax liens as provided in section 422.26.

5. A drainage plat book, index, and record book as provided in sections 465.25 and 465.26.

6. An index book and book of record for corporations for pecuniary profit as provided in sections 491.4 and 491.5.

7. A register of the names and descriptions of farms as provided in section 557.22.

8. Index and record books for instruments affecting real estate as provided under chapter 558.

9. Homestead and index books as provided in section 561.4.

10. A claimant's book in which the notices of title interests in land are indexed as provided in section 614.35.

11. A book of copies of original entries which has been compared with the originals and certified as true copies of land records by the register of the United States land office as provided in section 622.44.

12. Other books and records as provided by law.

Sec. 607. NEW SECTION. MILITARY PERSONNEL RECORDS.

1. The recorder shall maintain a special book in which, upon request, the discharge of a veteran shall be recorded without charge. The discharge book shall be a uniform type, kind, and form approved by the Iowa department of veterans affairs and the adjutant general of the state.

2. If an official discharge was not issued or if the veteran was killed in action or died in service, the recorder shall record an official certificate, general or special order, letter, or telegram from a competent authority, including letters from the United States department of defense, the United States veterans administration, or other governmental office, which shows the termination of the veteran's service.

3. The recorder shall record without charge the commissions and warrants of veteran officers and noncommissioned officers, orders citing a veteran for bravery and meritorious action, and citations and bestowals of medals from the state, federal, or foreign governments.

4. The recorder shall record without charge the discharge or other records of a deceased veteran which are presented on behalf of the deceased veteran by a veterans organization.

5. The recorder shall keep an alphabetical index referring to the name of the veteran whose discharge paper is recorded.

6. If a certified copy of a public record is required to perfect the claim of a veteran in service or honorably discharged or a claim of a dependent of the veteran, the certified copy shall be furnished by the custodian of the public record without charge.

7. If the recorder periodically publishes notice of the services provided to military persons and veterans under this section, the recorder shall pay the cost of the publication in the same manner as other expenses of the recorder's office.

8. As used in this section, "veteran" means a man or woman who enlisted or was inducted from the county, resided at any time in the county, or is buried in the county and who served

as a member of a branch of the armed forces of the United States of America, as a member of the merchant marine during the time of war, during the Korean Conflict beginning June 25, 1950, and ending January 31, 1955, both dates inclusive, or during the Vietnam Conflict beginning August 5, 1964, and ending June 30, 1973, both dates inclusive, or as a member of the armed forces of a country allied with the United States of America or the armed forces of Iowa or another state or territory.

Sec. 608. NEW SECTION. FEDERAL TAX LIENS.

1. Notices of liens upon real property for taxes payable to the United States, and certificates and notices affecting the liens shall be filed in the office of the recorder of the county in which the real property subject to a federal tax lien is situated.

2. Notices of liens upon tangible or intangible personal property for taxes payable to the United States and certificates and notices affecting the liens shall be filed as follows:

a. If the person against whose interest the tax lien applies is a corporation or a partnership whose principal executive office is in this state, as these entities are defined in the internal revenue laws of the United States, in the office of the secretary of state.

b. In all other cases, in the office of the recorder of the county where the taxpayer resides at the time of filing of the notice of lien.

3. Certification by the secretary of the treasury of the United States, or a designee of the secretary, of notices of liens, certificates, or other notices affecting tax liens, entitles them to be filed, and no other attestation, certification, or acknowledgment is necessary.

4. If a notice of federal tax lien, a refiling of a notice of tax lien, or a notice of revocation of a certificate described in subsection 5 is presented to the filing officer:

a. If the filing officer is the secretary of state, the secretary shall cause the notice to be marked, held, and indexed in accordance with section 554.9403, subsection 4, as if the notice were a financing statement within the meaning of that section.

b. If the filing officer is a recorder, the recorder shall endorse on the notice the recorder's identification and the date and time of receipt and file it alphabetically or enter it in an alphabetical index showing the name and address of the person named in the notice, the date and time of receipt, the identification number of the internal revenue service and the total unpaid balance of the assessment appearing on the notice of lien.

5. If a certificate of release, nonattachment, discharge, or subordination of a tax lien is presented to the secretary of state for filing, the secretary shall:

a. Cause a certificate of release or nonattachment to be marked, held, and indexed as if the certificate were a termination statement within the meaning of the uniform commercial code, except that the notice of lien to which the certificate relates shall not be removed from the files.

b. Cause a certificate of discharge or subordination to be marked, held, and indexed as if the certificate were a release of collateral within the meaning of the uniform commercial code.

6. If a refiled notice of federal tax lien referred to in subsection 4 or any of the certificates or notices referred to in subsection 5 is presented for filing with a recorder, the recorder shall permanently attach the refiled notice or the certificate to the original notice of lien and shall enter the refiled notice or the certificate with the date of filing in an alphabetical federal tax lien index on the line where the original notice of lien is entered.

7. Upon request of a person, the filing officer shall issue a certificate showing whether there is on file, on the

date and hour stated, a notice of federal tax lien or certificate or notice affecting the lien, filed on or after July 1, 1970, naming a particular person, and if a notice or certificate is on file, giving the date and hour of filing of each notice or certificate. The fee for a certificate is five dollars. Upon request the filing officer shall furnish a copy of any notice of federal tax lien or notice or certificate affecting a federal tax lien for a fee of five dollars per page.

8. The fee for filing and indexing each notice of lien or certificate or notice affecting the tax lien shall be as provided in section 603 of this Act. The officer shall bill the internal revenue service on a monthly basis for fees for documents filed by them.

9. Filing officers with whom notices of federal tax liens, certificates, and notices affecting the liens have been filed on or before July 1, 1970, shall, after that date, continue to maintain a file labeled "federal tax lien notices filed prior to July 1, 1970" containing notices and certificates filed in numerical order of receipt. If a notice of lien was filed on or before July 1, 1970, a certificate or notice affecting the lien shall be filed in the same office.

10. This section may be cited as the uniform federal tax lien registration Act.

PART 4

COUNTY SHERIFF

Sec. 650. NEW SECTION. OFFICE OF COUNTY SHERIFF.

1. The office of sheriff is an elective office except that if a vacancy occurs in the office, the first deputy shall assume the office after qualifying as provided in this section and shall hold the office until a successor is appointed to the unexpired term as provided in chapter 69. If a sheriff is suspended from office, the district court may appoint a sheriff until a temporary appointment is made by the board as provided in section 66.19.

2. A person elected or appointed to the office of sheriff shall qualify by taking the oath of office as provided in section 63.10 and give bond as provided in section 64.8.

3. The term of office of the sheriff is four years.

Sec. 651. NEW SECTION. GENERAL POWERS OF THE SHERIFF.

1. The sheriff may call upon any person for assistance to:

- a. Keep the peace or prevent the commitment of crime.
- b. Arrest a person who is liable to arrest.
- c. Execute a process of law.

2. The sheriff, when necessary, may summon the power of the county to carry out the responsibilities of office.

3. The sheriff may use the services of the department of public safety in the apprehension of criminals and detection of crime.

4. The sheriff, with the cooperation of the commissioner of public safety, may hold an annual conference and school of instruction for all peace officers within the county, including regularly organized reserve peace officers under the sheriff's jurisdiction, at which time instruction may be given in all matters relating to the duties of peace officers.

5. The sheriff may administer oaths and take affirmations on matters relating to the business of the office of sheriff as provided in section 78.2.

6. The sheriff may serve a subpoena or order issued under authority of the department of revenue as provided in section 421.22.

7. Subject to the requirements of chapter 341A and section 902 of this Act, the sheriff may appoint and remove deputies, assistants, and clerks.

Sec. 652. NEW SECTION. GENERAL DUTIES OF THE SHERIFF. The sheriff shall:

1. Execute and return all writs and other legal process issued to the sheriff by legal authority. The sheriff shall

execute and return any legal process in the sheriff's possession at the expiration of the sheriff's term of office and if a vacancy occurs in the office of sheriff, the sheriff's deputies shall execute and return the legal processes in their possession as if the sheriff had continued in office. The sheriff's successor or other officer authorized to discharge the duties of the office of sheriff may execute and return the legal processes on behalf of the outgoing sheriff and the sheriff's deputies, but the outgoing sheriff and the sheriff's deputies remain liable for the execution and return of the legal processes in their possession when the sheriff leaves office or the vacancy occurs.

2. Upon written order of the county attorney, make a special investigation of any alleged infraction of the law within the county and report the findings to the county attorney within a reasonable time. Upon completion of the investigation, the sheriff shall file with the auditor a detailed, sworn statement of the expenses of the investigation accompanied by the written order of the county attorney. The board shall audit and pay the reasonable and necessary expenses of the investigation.

3. Upon leaving office, deliver to the sheriff's successor and take the successor's receipt for all books and papers pertaining to the office except as provided in subsection 1, property attached and levied upon, and prisoners in the county jail. The receipt is sufficient indemnity to the outgoing sheriff.

4. Provide service to the district court judges, district associate judges, and judicial magistrates of the county and while the judges and magistrates are in session, provide them with the assistance of bailiffs. The sheriff shall appoint the number of bailiffs as the judges and magistrates of the county direct. The bailiffs are deputy sheriffs to the extent that the sheriff delegates law enforcement powers to carry out their duties and for whose acts the sheriff is responsible,

but the bailiffs need not be subject to civil service under chapter 341A or mandated law enforcement training.

5. Serve as a member of the joint county-municipal disaster services and emergency planning administration as provided in section 29C.9.

6. Enforce the provisions of chapter 32 relating to the desecration of flags and insignia.

7. Serve as a member of a nomination contest commission in lieu of the clerk of the district court when an objection to a nominee for the office of clerk of the district court is heard as provided in section 44.7.

8. Carry out duties relating to election contests as provided in sections 57.6, 62.4, and 62.19.

9. Carry out duties relating to the seizure and disposition of illegal oil and gas supplies as provided in section 84.15.

10. Serve a notice or subpoena received from a board of arbitration as provided in section 90.10.

11. Cooperate with the bureau of labor in the enforcement of child labor laws as provided in section 92.22.

12. Carry out duties relating to the seizure and forfeiture of cigarettes, vehicles, and other property used in violation of cigarette tax laws as provided in section 98.32.

13. Observe and inspect any licensed premise for gambling devices and report findings to the license-issuing authority as provided in section 99A.4.

14. Carry out duties relating to the issuance of permits for the possession, transportation, and detonation of explosive materials as provided in sections 101A.3, 101A.5, 101A.7, and 101A.8.

15. Seize fish and game taken, possessed, or transported in violation of the state fish and game laws as provided in section 109.12.

16. Carry out duties relating to the enforcement of state liquor and beer laws as provided in sections 123.14, 123.117, and 123.118.

17. Carry out duties relating to the seizure, forfeiture, and sale of conveyances used in state liquor law violations as provided in chapter 127 or controlled substance violations as provided in section 1206 of this Act.

18. Enforce the payment of the mobile home tax as provided in section 135D.24.

19. Carry out duties relating to the reporting of persons injured in the commission of a crime, either as perpetrators or victims, as provided in sections 147.111 and 147.112.

20. Carry out duties relating to the enforcement of livestock transportation laws as provided in chapter 172B.

21. Investigate disputes in the ownership or custody of branded animals as provided in section 187.10.

22. Destroy any unfit and disabled estray animal as provided in section 188.50.

23. Execute a warrant involving a person accused of a crime who is released from a state hospital as provided in sections 226.27 and 226.28.

24. Carry out duties relating to the involuntary hospitalization of mentally ill persons as provided in sections 229.7 and 229.11.

25. Carry out duties relating to the investigation of reported child abuse cases and the protection of abused children as provided in section 232.71.

26. Remove, upon court order, an indigent person to the county or state of the person's legal settlement as provided in section 252.18.

27. File a complaint upon receiving knowledge of an indigent person who is ill and may be improved, cured, or advantageously treated by medical or surgical treatment or hospital care as provided in section 255.2.

28. Give notice of the time and place of making an appraisal of unneeded school land as provided in sections 297.17 and 297.28.

29. Cooperate with the department of transportation, the department of public safety, and other law enforcement agencies in the enforcement of local and state traffic laws and inspections as provided in sections 321.5 and 321.6.

30. Report the theft and recovery of a registered motor vehicle as provided in section 321.72.

31. Collect unpaid motor vehicle fees and penalties as provided in sections 321.133 through 321.135.

32. If designated by the department of transportation, conduct examinations of applicants for operators', motorized bicycle, and chauffeurs' licenses as provided in section 321.187.

33. Enforce sections 321.372 through 321.379 relating to school buses.

34. Carry out duties relating to the enforcement of laws prohibiting the operation of a motor vehicle while under the influence of an alcoholic beverage as provided in chapter 321B.

35. Upon request, assist the department of revenue and the state department of transportation in the enforcement of motor fuel tax laws as provided in section 324.76.

36. Have charge of the county jails in the county and custody of the prisoners committed to the jails as provided in chapter 356.

37. Execute a distress warrant issued to collect delinquent personal property taxes as provided in section 445.8.

38. Collect delinquent taxes certified by the treasurer as provided in section 445.49.

39. Notify the department of environmental quality of hazardous conditions of which the sheriff is notified as provided in section 455B.115.

40. Carry out duties relating to condemnation of private property as provided under chapter 472.

41. Carry out duties relating to the removal and disposition of abandoned motor vehicles as provided in section 556B.1.

42. Carry out duties relating to the determination of what is included in a homestead as provided in section 561.8.
43. Carry out duties relating to liens for services of animals as provided in chapter 580.
44. Summon persons to serve as jurors as provided in sections 609.30 and 609.31.
45. Carry out duties relating to the summoning of talesmen as provided in section 609.41.
46. Designate the newspapers in which notices pertaining to the sheriff's office are published as provided in section 618.7.
47. Carry out duties relating to the execution of judgments and orders of the court as provided in chapter 626.
48. Add the amount of an advancement made by the holder of the sheriff's sale certificate to the execution, upon verification by the clerk as provided by section 629.3.
49. Upon appointment of the court, serve as a receiver of property of a judgment debtor as provided in sections 630.7 and 630.9.
50. Carry out duties relating to the attachment of property as provided in chapters 639, 640, and 641.
51. Carry out duties relating to garnishment under chapter 642.
52. Carry out duties relating to an action of replevin as provided in chapter 643.
53. Carry out orders of the court or a judge relating to the service or execution of a writ of habeas corpus as provided under chapter 663.
54. Carry out duties relating to the disposition of lost property as provided in chapter 644.
55. Carry out orders of the court requiring the sheriff to take custody and deposit or deliver trust funds as provided in section 682.30.
56. Carry out legal processes directed by an appellate court as provided in section 686.14.

57. Furnish the bureau of criminal identification with the criminal identification records and other information upon direction by the commissioner of public safety as provided in section 690.1.
58. Take the fingerprints of all persons specified under section 690.2 and forward the fingerprint records to the commissioner of public safety.
59. Report information on crimes committed and furnish disposition reports on persons arrested and criminal complaints or information filed in any court as provided in section 692.15.
60. Carry out duties relating to firearm training and the issuance and revocation of firearm permits as provided in chapter 724.
61. Accept custody of persons handed over to the sheriff by the department of public safety as provided in section 804.28.
62. Carry out duties relating to the forfeiture and judgment of bail as provided in section 811.6.
63. Resume custody of a defendant who is recommitted after bail by order of a magistrate as provided in section 811.7.
64. Carry out duties relating to the confinement of mentally ill persons or dangerous persons as provided in section 812.5.
65. Release a defendant in custody upon receipt of a certificate of release as provided in section 814.14.
66. Upon call of the governor or attorney general, render assistance in the enforcement of the law as provided in section 817.2.
67. Upon court order, take an accused person into custody from the warden of a penal institution and convey the person to the place of trial as provided in section 813.2, rule of criminal procedure 7.
68. Receive and detain a defendant transferred from another county under a change of venue as provided in section 813.2, rule of criminal procedure 10, subsection 9.

69. Carry out duties relating to the execution of a judgment for confinement or other execution as provided in section 813.2, rule of criminal procedure 24.

70. Carry out duties relating to the return of service in civil cases as provided in rules of civil procedure 59.

71. Upon court order, provide food and lodging to jurors at the expense of the county as provided in rule of civil procedure 202.

72. Serve a writ of certiorari as provided in rule of civil procedure 312.

73. Carry out other duties required by law.

Sec. 653. NEW SECTION. FAITHFUL DISCHARGE OF DUTIES--PENALTY.

1. The provisions of sections 651, subsections 1 and 2, and 652, subsections 1 and 2 of this Act, do not relieve a sheriff or deputy sheriff from the full and faithful discharge of all duties required of the officer by law.

2. The disobedience of a sheriff or deputy sheriff to the command of a legal process is a contempt of the court from which the process is issued and is punishable as provided in chapter 665. The sheriff or deputy sheriff is also liable to action by any person injured by the disobedience.

Sec. 654. NEW SECTION. FEES--MILEAGE--EXPENSES.

1. The sheriff shall collect the following fees:

a. For serving a notice and returning it, for the first person served, six dollars, and each additional person, six dollars except the fee for serving additional persons in the same household shall be three dollars for each additional service.

b. For each warrant served, six dollars, and the repayment of necessary expenses incurred in executing the warrant, as sworn to by the sheriff, or if service of the warrant cannot be made, the repayment of all necessary expenses actually incurred by the sheriff while attempting in good faith to serve the warrant.

c. For serving and returning a subpoena, for each person served, six dollars, and the necessary expenses incurred while serving subpoenas in criminal cases or relating to the mentally ill process.

d. For summoning a grand or trial jury, all necessary and actual expenses incurred by the sheriff.

e. For summoning a jury to assess the damages to the owners of lands taken for works of internal improvement, and attending them, thirty dollars per day, and necessary expenses incurred. This subsection does not allow a sheriff to make separate charges for different assessments which can be made by the same jury and completed in one day of ten hours.

f. For serving an execution, attachment, order for the delivery of personal property, injunction, or any order of court, and returning it, five dollars.

g. For making and executing a certificate or deed for lands sold on execution, or a bill of sale for personal property sold, five dollars.

h. For the time necessarily employed in making an inventory of personal property attached or levied upon, three dollars per hour.

i. For a copy of any paper required by law, made by the sheriff, twenty-five cents.

j. Mileage at the rate specified in section 79.9 in all cases required by law, going and returning. Mileage fees do apply where provision is made for expenses, and both mileage and expenses shall not be allowed for the same services and for the same trip. If the sheriff transports one or more persons by auto to a state institution or any other destination required by law or if one or more legal papers are served on the same trip, the sheriff is entitled to one mileage, the mileage cost of which shall be prorated to the persons transported or papers served. However, in serving original notices in civil cases and in serving and returning a subpoena, the sheriff shall be allowed mileage in each action where

the original notice or subpoena is served, with a minimum mileage of one dollar for each service. The sheriff may refuse to serve original notices in civil cases until the fees and estimated mileage for service have been paid.

k. For each day attending sale of property, three dollars.

l. For conveying one or more persons to a state, county, or private institution by order of court or commission, necessary expenses for the sheriff and the person conveyed and three dollars per hour for the time necessarily employed in going to and from the institution, the expenses and hourly rate to be charged and accounted for as fees. If the sheriff needs assistance in taking a person to an institution, the assistance shall be furnished at the expense of the county.

m. For serving a warrant for the seizure of intoxicating liquors, one dollar; for the removal and custody of the liquor, actual expenses; for the destruction of the liquor under the order of the court, one dollar and actual expenses; for posting and leaving notices in these cases, one dollar and actual expenses.

n. For each operators', motorized bicycle, or chauffeurs' license issued by the sheriff, the fee specified in section 321.192.

o. For posting a notice or advertisement, the fee provided in section 618.12.

p. For delivering prisoners under a change of venue, the fee authorized under section 815.8.

2. The mileage fees allowed by law may be retained by the sheriff as an addition to the sheriff's annual salary. In counties having a population of one hundred thousand or more, the county may contract with the sheriff for the use of an automobile on a monthly basis in lieu of payment of mileage in the service of criminal processes.

3. The sheriff shall keep an accurate record of the fees collected in a fee book, make a quarterly report of the fees collected to the board, and pay the fees belonging to the

county into the county treasury as provided in section 901 of this Act.

4. The sheriff shall deposit funds collected and held by the sheriff in an approved depository as provided in chapter 453.

Sec. 655. NEW SECTION. MANAGEMENT OF CONDEMNATION FUNDS.

1. A sheriff receiving funds from a condemnation proceeding shall list the funds in detail in a book kept for that purpose. The sheriff shall pay the funds to the persons entitled to them upon final adjudication of a condemnation case. If the funds are held after final adjudication of the case until the end of the fiscal year, the funds shall be paid to the treasurer as provided in subsection 2.

2. Not later than July 1 of each year, the sheriff shall make a detailed report under oath of all funds received and in the sheriff's possession from condemnation proceedings which have been finally adjudicated. The report shall include the names of the parties to whom the funds belong, when the funds were received, and a description of the property condemned. The report shall be filed with the treasurer and the amount of the condemnation funds specified in the report shall be paid to the treasurer. The sheriff shall be given a detailed receipt for the funds.

3. If the sheriff possesses condemnation funds which have not been finally adjudicated, the sheriff shall prepare a detailed report of those funds, including the same information as required in subsection 2, which report shall be filed with the auditor for examination and audit by the board. When a sheriff's term of office expires, the sheriff shall pay the condemnation funds which are not finally adjudicated to the sheriff's successor. The outgoing sheriff shall receive a detailed receipt for the funds.

4. The treasurer shall keep a record of the condemnation funds received from the sheriff in a book kept for that purpose. The book shall include a list of the names of persons

to whom the funds are due, a description of the property condemned, and the amount due for each property item. The treasurer shall pay the amount due to each person from the condemnation fund on warrants ordered by the board and issued by the auditor. The treasurer and the bond sureties of the treasurer are liable for the condemnation funds in the same manner as for other funds received by the treasurer in an official capacity.

5. The sheriff and the bond sureties of the sheriff are liable for the condemnation funds received by the sheriff until the funds are paid to the persons to which the funds are due, the treasurer, or the sheriff's successor as provided in this section.

Sec. 656. NEW SECTION. STANDARD UNIFORMS.

1. The sheriff and the full-time deputy sheriffs shall wear the standard uniform and display a standard badge of office when on duty except:

a. The sheriff may designate other apparel to be worn when the sheriff or a deputy sheriff is engaged in assignments involving special investigation, civil process, court duties, jail duties, and the handling of mentally ill persons.

b. A district court judge, district associate judge, or judicial magistrate may direct that deputy sheriffs who act as bailiffs dress in wearing apparel other than the standard uniform while the court is in session.

c. Special deputy sheriffs appointed by the sheriff are excluded from the requirements of this subsection.

2. The standard uniforms and accessories required by the sheriff for the proper outfitting of the sheriff and the sheriff's full-time deputies under this section shall be provided by the county. The uniforms and accessories issued to the sheriff and the sheriff's deputies remain the property of the county.

3. The colors and design of the standard uniform for the sheriffs and deputy sheriffs shall be designated by rule of

the commissioner of public safety after consideration of the recommendations of the Iowa state association of sheriffs and deputy sheriffs. The uniform shall include standard shoulder patches, badges, nameplates, hats, trousers, neckties, jackets, socks, shoes and boots, and leather goods. The uniforms shall be readily distinguishable from the uniforms of other law enforcement agencies of the state. The rules shall allow for appropriate individual county designations on the uniforms. The rules shall be adopted and may be amended in compliance with chapter 17A.

Sec. 657. NEW SECTION. CARE OF PRISONERS.

1. The sheriff shall provide board and care for prisoners in the sheriff's custody in the county jail without personal compensation except for the sheriff's annual salary.

2. The county shall pay the costs of the board and care of the prisoners in the county jail, which costs, in the board's judgment, are necessary to enable the sheriff to carry out the sheriff's duties under this section. The board may determine the manner in which meals are provided for the prisoners.

3. The sheriff is accountable to the board for fees due or collected for boarding, lodging, and providing other services for prisoners in the sheriff's custody under the order of a federal court.

4. The sheriff shall allow access by the board at any reasonable time to the county jail and to supplies provided by the county for the purpose of inspecting the jail and determining whether the supplies are used for the purpose of boarding and caring for prisoners as provided in this section.

Sec. 658. NEW SECTION. PROHIBITED ACTIONS.

1. A sheriff or a deputy sheriff shall not:

a. Appear in any court as an attorney or legal counsel for another party.

b. Make or prepare a writing, document, or process to commence a legal action or proceeding.

c. Use a writing, document, or process prepared by the sheriff or deputy sheriff in a legal action or proceeding. The document, writing, or process prepared or made by a sheriff or a deputy sheriff in violation of this subsection is void.

2. A sheriff or a deputy sheriff shall not be the purchaser, directly or indirectly, of property which is being sold by the sheriff or deputy sheriff under process of law. A purchase made in violation of this subsection is void.

Sec. 659. NEW SECTION. APPROPRIATION--INDIAN SETTLEMENT OFFICER. There is appropriated annually from the general fund of the state to the county of Tama the sum of three thousand five hundred (3,500) dollars to be used by the county only for the payment of the salary and expenses of an additional deputy sheriff for the county. The principal duty of the deputy sheriff is to provide law enforcement on the Sac and Fox Indian settlement in the county of Tama. If possible, the deputy sheriff shall reside on the settlement. Additional funds necessary to pay the salary and expenses of the deputy sheriff shall be paid by the county of Tama.

PART 5

CLERK OF DISTRICT COURT

Sec. 700. NEW SECTION. OFFICE OF THE CLERK OF THE DISTRICT COURT.

1. The office of clerk is an elective office except that if a vacancy occurs in the office, a temporary clerk shall be appointed by the district court or a district court judge to serve until a successor is appointed to the unexpired term by the board as provided in chapter 69. If a clerk is suspended from office, the district court may appoint a temporary clerk as provided in section 66.19.

2. A person elected or appointed to the office of clerk shall qualify by taking the oath of office as provided in section 63.10 and give bond as provided in section 64.8.

3. The term of office of the clerk is four years.

4. The clerk or a deputy clerk shall not practice as an attorney or a solicitor in any court of this state.

Sec. 701. NEW SECTION. GENERAL DUTIES. The clerk shall:

1. Keep the office of the clerk at the county seat.

2. Attend sessions of the district court.

3. Keep the records, papers, and seal, and record the proceedings of the district court as provided by law under the direction of the chief judge of the district court.

4. Upon the death of a judge of the district court, give written notice to the state comptroller of the date of the death. The clerk shall also give written notice of the death of a judge of the supreme court, court of appeals, or district court residing in the clerk's county to the state commissioner of elections, as provided in section 46.12.

5. When money in the amount of five hundred dollars or more is paid to the clerk to be paid to another person and the money is not disbursed within thirty days, notify the person who is entitled to the money or for whose account the money is paid or the attorney of record of the person. The notice shall be given by certified mail within forty days of the receipt of the money to the last known address of the person or the person's attorney and a memorandum of the notice shall be made in the proper record. If the notice is not given, the clerk and the clerk's sureties are liable for interest at the rate specified in section 535.2 on the money from the date of receipt to the date that the money is paid to the person entitled to it or the person's attorney.

6. On each process issued, indicate the date that it is issued, the clerk's name who issued it, and the seal of the court.

7. Upon return of an original notice to the clerk's office, enter in the appearance or combination docket information to show which parties have been served the notice and the manner and time of service.

8. When entering a lien or indexing an action affecting real estate in the clerk's office, enter the year, month, day, hour, and minute when the entry is made. The clerk shall mail a copy of a mechanic's lien to the owner of the building, land, or improvement which is charged with the lien as provided in section 572.8.

9. Enter in the appearance docket a memorandum of the date of filing of all petitions, demurrers, answers, motions, or papers of any other description in the cause. A pleading of any description is not considered filed in the cause or taken from the clerk's office until the memorandum is made. The memorandum shall be made before the end of the next working day. Thereafter, when a demurrer or motion is sustained or overruled, a pleading is made or amended, or the trial of the cause, rendition of the verdict, entry of judgment, issuance of execution, or any other act is done in the progress of the cause, a similar memorandum shall be made of the action, including the date of action and the number of the book and page of the record where the entry is made. The appearance docket is an index of each suit from its commencement to its conclusion.

10. When title to real estate is finally established in a person by a judgment or decree of the district court or by decision of an appellate court or when the title to real estate is changed by judgment, decree, will, proceeding, or order in probate, certify the final decree, judgment, or decision under seal of the court to the auditor of the county in which the real estate is located.

11. Keep for public inspection a certified copy of each Act of the general assembly and furnish a copy of the Act upon payment of a fee as provided in section 3.15.

12. At the order of the chief justice or an associate justice of the state supreme court, docket without fee any civil or criminal case transferred from a military district under martial law as provided in section 29A.45.

13. Carry out duties as a member of a nominations appeal commission as provided in section 44.7.

14. Maintain a bar registration book, biennially give notice and accept registration of members of the bar to be eligible to vote in elections of judicial nominating commissioners, and certify the names registered to the clerk of the supreme court as provided in section 46.8.

15. Notify the county commissioner of registration of persons who become ineligible to register to vote because of criminal convictions, mental retardation, or legal declarations of incompetency and of persons whose citizenship rights have been restored as provided in section 48.30.

16. When the auditor is a party to an election contest, carry out duties on behalf of the auditor and issue subpoenas as provided in sections 62.7 and 62.11.

17. Approve the bonds of the members of the board of supervisors as provided in section 64.19.

18. File the bonds and oaths of the members of the board of supervisors as provided in section 64.23.

19. Keep a book of the record of official bonds and record the official bonds of judicial magistrates as provided in section 64.24.

20. Carry out duties relating to proceedings for the removal of a public officer as provided in sections 66.4 and 66.17.

21. Take temporary possession of the office and all official books and papers in the office of auditor when a vacancy occurs and hold the office, books, and records until a successor qualifies as provided in section 69.3.

22. Approve the surety bonds of persons accepting appointment as notaries public in the county as provided in section 77.4, subsection 2.

23. Carry out duties as a trustee for incompetent dependents entitled to benefits under chapters 85 and 85A and report annually to the district court concerning money

and property received or expended as a trustee as provided under sections 85.49 and 85.50.

24. Carry out duties relating to enforcing orders of the occupational safety and health review commission as provided in section 88.9, subsection 2.

25. Certify the imposition of a mulct tax against property creating a public nuisance to the auditor as provided in section 99.28.

26. Carry out duties relating to the judicial review of orders of the occupational safety and health review commission as provided in section 104.10, subsection 2.

27. With sufficient surety, approve an appeal bond for judicial review of an order or action of the state conservation commission relating to dams and spillways as provided in section 112.8.

28. Docket an appeal from the fence viewer's decision or order as provided in section 113.23.

29. Certify to the recorder the fact that a judgment has been rendered upon an appeal of a fence viewer's order as provided in section 113.24.

30. Hold as a public record a list of the names and addresses of persons licensed as real estate salespersons and brokers and the name of persons whose licenses were suspended or revoked during the year reported as provided in section 117.42.

31. Approve bond sureties and enter in the lien index the undertakings of bonds for abatement relating to the illegal manufacture, sale, or consumption of alcoholic liquors as provided in sections 123.76, 123.79, and 123.80.

32. Carry out duties relating to a judgment of forfeiture ordering the sale or other disposition of a conveyance used in the illegal transportation of liquor as provided in sections 127.14 through 127.17 or the illegal transportation or distribution of a controlled substance as provided in section 1206 of this Act.

33. Carry out duties as county registrar of vital statistics as provided in chapter 144.

34. Furnish to the state department of health a certified copy of a judgment suspending or revoking a professional license as provided in section 147.66.

35. Receive and file a bond given by the owner of a distrained animal to secure its release pending resolution of a suit for damages as provided in sections 188.22 and 188.23.

36. Send notice of the conviction, judgment, and sentence of a person violating the uniform controlled substances laws to the state board or officer who issued a license or registered the person to a profession or to conduct business as provided in section 204.412.

37. Carry out duties relating to the commitment of a mentally retarded person as provided in sections 222.37 through 222.40.

38. Keep a separate docket of proceedings of cases relating to the mentally retarded as provided in section 222.57.

39. Order the commitment of a voluntary public patient to the state psychiatric hospital under the circumstances provided in section 225.16.

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

41. Make a copy of the warrant and return of service submitted by the sheriff relating to the return of a mental patient from a state hospital to stand trial and mail the warrant and return to the superintendent of the hospital as provided in section 226.28.

42. Carry out duties relating to the involuntary commitment of mentally impaired persons as provided in chapter 229.

43. Serve as clerk of the juvenile court and carry out duties as provided in chapters 231 and 232.

44. Submit to the director of the division of child and family services of the department of social services a duplicate of the findings of the district court related to adoptions as provided in section 235.3.

45. Certify to the warden of the penitentiary or men's reformatory the number of days that an inmate has been credited toward completion of the inmate's sentence as provided in section 246.38.

46. Report to the board of parole and the director of the division of corrections of the department of social services the criminal statistics as provided in sections 247.29 through 247.31.

47. Carry out duties relating to the pardons, commutations, remission of fines and forfeitures, and restoration of citizenship as provided in sections 248.9 and 248.17.

48. Forward support payments received under section 252A.6 to the department of social services and furnish copies of orders and decrees awarding support to parties receiving welfare assistance as provided in section 252A.13.

49. Carry out duties relating to the provision of medical care and treatment for indigent persons as provided in chapter 255.

50. Enter a judgment based on the transcript of an appeal to the state board of public instruction against the party liable for payment of costs as provided in section 290.4.

51. Certify the final order of the district court upon appeal of an assessment within a secondary road assessment district to the auditor as provided in section 311.24.

52. Forward to the department of transportation a copy of the record of each conviction or forfeiture of bail of a person charged with the violation of the laws regulating the operation of vehicles on public roads as provided in sections 321.281 and 321.491.

53. Send to the department of transportation licenses and permits surrendered by a person convicted of being a

habitual offender of traffic and motor vehicle laws as provided in section 321.559.

54. If a person fails to satisfy a judgment relating to motor vehicle financial responsibility within sixty days, forward to the director of the department of transportation a certified copy of the judgment as provided in section 321A.12.

55. Approve a bond of a surety company or a bond with at least two individual sureties owning real estate in this state as proof of financial responsibility as provided in section 321A.24.

56. Carry out duties under the Iowa motor vehicle dealers licensing Act as provided in sections 322.10 and 322.24.

57. Carry out duties relating to the enforcement of motor fuel tax laws as provided in sections 324.66 and 324.67.

58. Serve as an inspector of the county jails with the county attorney as provided in sections 356.9 through 356.13.

59. Carry out duties relating to the platting of land as provided in sections 409.9, 409.11, and 409.22.

60. Upon order of the director of revenue, issue a commission for the taking of depositions as provided in section 421.17, subsection 8.

61. Mail to the director of revenue a copy of a court order relieving an executor or administrator from making an income tax report on an estate as provided in section 422.23.

62. With acceptable sureties, approve the bond of a petitioner for a tax appeal as provided in section 422.29, subsection 2.

63. Certify the final decision of the district court in an appeal of the tax assessments as provided in section 441.39. Costs of the appeal to be assessed against the board of review or a taxing body shall be certified to the treasurer as provided in section 441.40.

64. Certify a final order of the district court relating to the apportionment of tax receipts to the auditor as provided in section 449.7.

65. Carry out duties relating to the inheritance tax as provided in chapter 450.

66. Deposit funds held by the clerk in an approved depository as provided in 453.1.

67. Carry out duties relating to appeals and certification of costs relating to levee and drainage districts as provided in sections 455.96 through 455.105.

68. Carry out duties relating to the condemnation of land as provided in chapter 472.

69. Forward civil penalties collected for violations relating to the siting of electric power generators to the treasurer of state as provided in section 476A.14, subsection 1.

70. Certify a copy of a decree of dissolution of a business corporation to the secretary of state and the recorder of the county in which the corporation is located as provided in section 496A.100.

71. With acceptable sureties, approve the bond of a petitioner filing an appeal for review of an order of the commissioner of insurance as provided in section 502.606 or 507A.7.

72. Certify a copy of a decree of dissolution of a nonprofit corporation to the secretary of state and the recorder in the county in which the corporation is located as provided in section 504A.62.

73. Carry out duties relating to the enforcement of decrees and orders of reciprocal states under the Iowa unauthorized insurers Act as provided in section 507A.11.

74. Certify copies of a decree of involuntary dissolution of a state bank to the secretary of state and the recorder of the county in which the bank is located as provided in section 524.1311.

75. Certify copies of a decree dissolving a credit union as provided in section 533.21, subsection 4.

76. Refuse to accept the filing of papers to institute legal action under the Iowa consumer credit code if proper venue is not adhered to as provided in section 537.5113.

77. Receive payment of money due to a person who is absent from the state if the address or location of the person is unknown as provided in section 538.5.

78. Carry out duties relating to the appointment of the Iowa state commerce commission as receiver for agricultural commodities on behalf of a warehouse operator whose license is suspended or revoked as provided in section 543.3.

79. Certify the signature of the recorder on the transcript of any instrument affecting real estate as provided in section 558.12.

80. Certify an acknowledgement of a written instrument relating to real estate as provided in section 558.20.

81. Collect on behalf of, and pay to the auditor the fee for the transfer of real estate as provided in section 558.66.

82. With acceptable sureties, endorse a bond sufficient to settle a dispute between adjoining owners of a common wall as provided in section 563.11.

83. Carry out duties relating to cemeteries as provided in sections 566.4, 566.7, and 566.8.

84. Carry out duties relating to liens as provided in chapters 570, 571, 572, 574, 580, 581, 582, and 584.

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

86. Carry out duties relating to the dissolution of a marriage as provided in chapter 598.

87. Carry out duties relating to the custody of children as provided in chapter 598A.

88. Carry out duties relating to adoptions as provided in chapter 600.

89. Enter upon the clerk's records actions taken by the court at a location which is not the county seat as provided in section 602.9.

90. Maintain a record of the name, address, and term of office of each member of the judicial magistrates appointing commission as provided in section 602.42.

91. Certify to the supreme court administrator and the state comptroller the names and addresses of the magistrates appointed by the judicial magistrates appointing commission as provided in section 602.50.

92. Furnish an individual or centralized docket for the judicial magistrates of the county as provided in section 602.63.

93. Certify at the conclusion of each calendar quarter, a list of the jurors and their days of attendance to the auditor as provided in section 607.6.

94. Serve as an ex officio jury commissioner and notify appointive commissioners of their appointment as provided in sections 608.1 and 608.5.

95. Carry out duties relating to the selection of jurors as provided in chapter 609.

96. Carry out duties relating to the revocation or suspension of an attorney's license to practice law as provided in chapter 610.

97. File and index petitions affecting real estate as provided in sections 617.10 through 617.15.

98. Designate the newspapers in which the notices pertaining to the clerk's office shall be published as provided in section 618.7.

99. With acceptable surety, approve a bond of the plaintiff in an action for the payment of costs which may be adjudged against the plaintiff as provided in section 621.1.

100. Issue subpoenas for witnesses as provided in section 622.63.

101. Carry out duties relating to trials and judgments as provided in sections 624.8 through 624.21 and 624.37.

102. Collect and pay into the county treasury a jury fee for each action tried by a jury as provided in section 625.8.

103. When the judgment is for recovery of money, compute the interest from the date of verdict to the date of payment of the judgment as provided in section 625.21.

104. Carry out duties relating to executions as provided in chapter 626.

105. Carry out duties relating to the redemption of property as provided in sections 628.13, 628.18, and 628.20.

106. Record statements of expenditures made by the holder of a sheriff's sale certificate in the encumbrance book and lien index as provided in section 629.3.

107. Carry out duties relating to the commencement of small claim actions as provided in chapter 631.

108. Carry out duties of the clerk of the probate court as provided in chapter 633.

109. Carry out duties relating to the administration of small estates as provided in sections 635.1, 635.7, 635.9, and 635.11.

110. Carry out duties relating to the attachment of property as provided in chapter 639.

111. Carry out duties relating to garnishment as provided in chapter 642.

112. With acceptable surety, approve bonds of the plaintiff desiring immediate delivery of the property in an action of replevin as provided in sections 643.7 and 643.12.

113. Carry out duties relating to the disposition of lost property as provided in chapter 644.

114. Carry out duties relating to the recovery of real property as provided in section 646.23.

115. Endorse the court's approval of a restored record as provided in section 647.3.

116. When a judgment of foreclosure is entered, file with the recorder an instrument acknowledging the foreclosure and the date of decree and upon payment of the judgment, file an instrument with the recorder acknowledging the satisfaction as provided in sections 655.4 and 655.5.

117. Carry out duties relating to the issuance of a writ of habeas corpus as provided in sections 663.9, 663.43, and 663.44.

118. Accept and docket an application for post-conviction review of a conviction as provided in section 663A.3.

119. Report to the board annually at its first regular meeting in January all fines, forfeited recognizances, penalties, and forfeitures as provided in section 666.6.

120. Issue a warrant for the seizure of a boat or raft as provided in section 667.2.

121. Carry out duties relating to the changing of a person's name as provided in chapter 674.

122. Notify the state registrar of vital statistics of a judgment determining the paternity of an illegitimate child as provided in section 675.36.

123. Enter a judgment made by confession and issue an execution of the judgment as provided in section 676.4.

124. With acceptable surety, approve the bond of a receiver as provided in section 680.3.

125. Carry out duties relating to the assignment of property for the benefit of creditors as provided in chapter 681.

126. Carry out duties relating to the certification of surety companies and the investment of trust funds as provided in chapter 682.

127. Maintain a separate docket for petitions requesting that the record and evidence in a judicial review proceedings be closed as provided in section 692.5.

128. Furnish a disposition of each criminal complaint or information filed in the district court to the department of public safety as provided in section 692.15.

129. Carry out duties relating to the issuance of warrants to persons who fail to appear to answer citations as provided in section 805.5.

130. Provide for a traffic and scheduled violations office for the district court and service the locked collection boxes at weigh stations as provided in section 805.7.

131. Issue a summons to corporations to answer an indictment as provided in section 807.5.

132. Carry out duties relating to the disposition of seized property as provided in sections 809.2 and 809.3.

133. Docket undertakings of bail as liens on real estate and enter them upon the lien index as provided in section 811.4.

134. Hold the amount of forfeiture and judgment of bail as funds in the clerk's office for sixty days as provided in section 811.6.

135. Carry out duties relating to appeals from the district court as provided in chapter 814.

136. Certify costs and fees of the court payable by the state to the state comptroller as provided in section 815.1.

137. Notify the director of the division of adult corrections of the department of social services of the commitment of a convicted person as provided in section 901.7.

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

139. Carry out duties relating to the impaneling and proceedings of the grand jury as provided in section 813.2, rule of criminal procedure 3.

140. Issue subpoenas upon application of the prosecuting attorney and approval of the court as provided in section 813.2, rule of criminal procedure 5.

141. Issue summons or warrants to defendants as provided in section 813.2, rule of criminal procedure 7.

142. Carry out duties relating to the change of venue as provided in section 813.2, rule of criminal procedure 10.

143. Issue blank subpoenas for witnesses at the request of the defendant as provided in section 813.2, rule of criminal procedure 14.

144. Carry out duties relating to the entry of judgment as provided in section 813.2, rule of criminal procedure 22.

145. Carry out duties relating to the execution of a judgment as provided in section 813.2, rule of criminal procedure 24.

146. Carry out duties relating to the trial of simple misdemeanors as provided in section 813.2, rules of criminal procedures 32 through 56.

147. Serve notice of an order of judgment entered as provided in rule of civil procedure 82.

148. If a party is ordered or permitted to plead further by the court, serve notice to attorneys of record as provided in rule of civil procedure 86.

149. Maintain a motion calendar as provided in rule of civil procedure 117.

150. Provide notice of a judgment, order, or decree as provided in rule of civil procedure 120.

151. Issue subpoenas as provided in rule of civil procedure 155.

152. Tax the costs of taking a deposition as provided in rule of civil procedure 157.

153. With acceptable sureties, approve a bond filed for change of venue under rule of civil procedure 167.

154. Transfer the papers relating to a case transferred to another court as provided in rule of civil procedure 173.

155. Maintain a ready calendar list as provided in rule of civil procedure 181.1.

156. Assess costs related to a continuance motion as provided in rule of civil procedure 182.

157. Carry out duties relating to the impaneling of jurors as provided in rules of civil procedure 187 through 190.

158. Furnish a referee, auditor, or examiner with a copy of the order of appointment as provided in rule of civil procedure 207.

159. Mail a copy of the referee's, auditor's, or examiner's report to the attorneys of record as provided in rule of civil procedure 214.

160. Carry out duties relating to the entry of judgments as provided in rules of civil procedure 223, 226, 227.1, 228, and 229.

161. Carry out duties relating to defaults and judgments on defaults as provided in rules of civil procedure 231, 232, and 233.

162. Notify the attorney of record if exhibits used in a case are to be destroyed as provided in rule of civil procedure 253.1.

163. Docket the request for a hearing on a sale of property as provided in rule of civil procedure 290.

164. With acceptable surety, approve the bond of a citizen commencing an action of quo warranto as provided in rule of civil procedure 300.

165. Carry out duties relating to the issuance of a writ of certiorari as provided in rules of civil procedure 306 through 319.

166. Carry out duties relating to the issuance of an injunction as provided in rules of civil procedure 320 through 330.

167. Carry out other duties as provided by law.

Sec. 702. NEW SECTION. GENERAL POWERS. The clerk may:

1. Administer oaths and take affirmations as provided in section 78.1.

2. Subject to the requirements of section 902 of this Act, appoint and remove deputies, clerks, and assistants.

3. Reproduce original records of the court by any reasonably permanent legible means including, but not limited to, reproduction by photographing, photostating, microfilming, and computer cards. The reproduction shall include proper indexing. The reproduced record has the same authenticity as the original record.

4. After the original record is reproduced and after approval of a majority of the judges of the district court by court order, destroy the original records including, but not limited to, dockets, journals, scrapbooks, files, and marriage license applications. The order shall state the specific records which are to be destroyed. An original court file.

shall not be destroyed until after ten years from the date a decree or judgment entry is signed and entered of record and after the contents have been reproduced, but if the matter is dismissed with prejudice before judgment or decree, the original file may be destroyed one year from the date of the dismissal and after its reproduction is authorized and completed as provided in this subsection. As used in this subsection and subsection 5, "destroy" includes the transmission of the original records which are of general historical interest to any recognized historical society or association.

5. Destroy the following original records without prior court order or reproduction except as otherwise provided in this subsection:

a. Records including, but not limited to, dockets, journals, scrapbooks, and files including court reporters' notes, forty years after final disposition of the case. However, judgments, decrees, stipulations, records in criminal proceedings, probate records, and orders of court shall not be destroyed unless they have been reproduced as provided in subsection 3.

b. Administrative records, after five years, including, but not limited to, warrants, subpoenas, clerks' certificates, statements, praecipes, and depositions.

c. Records, dockets, and court files of civil and criminal actions heard in the municipal court which were transferred to the clerk under section 602.36, other than juvenile and adoption proceedings, after a period of twenty years from the date of filing of the actions.

d. Original court files on dissolutions of marriage, one year after dismissal by the parties or under rule 215 of the rules of civil procedure.

e. Small claims files, one year after dismissal with or without prejudice.

f. Uniform traffic citations in the magistrate court or traffic and scheduled violations office, one year after final disposition.

6. Invest money which is paid to the clerk to be paid to any other person in a savings account of a supervised financial organization as defined in section 537.1301, subsection 42, except a credit union operating pursuant to chapter 533. The provisions of chapter 453 relating to the deposit and investment of public funds apply to the deposit and investment of the money except that a supervised financial organization other than a credit union may be designated as a depository and the money shall be available upon demand. The interest earnings shall be credited to the general fund of the county except as otherwise provided by state law or the court.

Sec. 703. NEW SECTION. RECORDS AND BOOKS.

1. The records of the court consist of the original papers filed in all proceedings.

2. The following books shall be kept by the clerk:

a. A record book which contains the entries of the proceedings of the court and which has an index referring to each proceeding in each cause under the names of the parties, both plaintiff and defendant, and under the name of each person named in either party.

b. A judgment docket which contains an abstract of the judgments having separate columns for the names of the parties, the date of the judgment, the damages recovered, costs, the date of the issuance and return of executions, the entry of satisfaction, and other memoranda. The docket shall have an index containing the information specified in paragraph a.

c. A fee book in which is listed in detail the costs and fees in each action or proceeding under the title of the action or proceeding. The fee book shall also have an index containing the information specified in paragraph a.

d. A sale book in which the following matters relating to a judgment under which real property is sold, are entered after the return of execution:

- (1) The title of the action.
- (2) The date of judgment.
- (3) The amount of damages recovered.
- (4) The total amount of costs.
- (5) The officer's return in full.

The sale book shall have an index containing the information specified in paragraph a.

e. An encumbrance book in which the sheriff shall enter a statement of the levy of each attachment on real estate.

f. An appearance docket in which the titles of all actions or special proceedings shall be entered. The actions or proceedings shall be numbered consecutively in the order in which they commence and shall include the full names of the parties, plaintiffs and defendants, as contained in the petition or as subsequently made parties by a pleading, proceeding, or order. The entries provided for in this paragraph and paragraphs b and c may be combined in one book, the combination docket, which shall also have an index containing the information specified in paragraph a of this subsection.

g. A lien book in which an index of all liens in the court are kept.

h. A record of official bonds as provided in section 64.24.

i. An inheritance tax and lien book as provided in section 450.13.

j. A cemetery record as provided in section 566.4.

k. A hospital lien docket as provided in section 582.4.

l. A marriage license book as provided in section 595.6.

m. A book of surety company certificates and revocations as provided in section 682.13.

n. A book in which the deposits of funds, money, and securities kept by the clerk are recorded as provided in section 682.37.

Sec. 704. NEW SECTION. FEES--COLLECTION AND DISPOSITION.

1. The clerk shall collect the following fees:

a. For filing a petition, appeal, or writ of error and docketing them, eight dollars. Four dollars of the fee shall remain in the county treasury for the use of the county and four dollars of the fee shall be paid into the state treasury and deposited in the general fund of the state. In counties having a population of one hundred thousand or over, an additional one dollar shall be charged and collected, to be known as the journal publication fee and used for the purposes provided for in section 618.13.

b. For an attachment, two dollars.

c. For a cause tried by jury, five dollars.

d. For a cause tried by the court, two dollars and fifty cents.

e. For an equity case, three dollars.

f. For an injunction or other extraordinary process or order, five dollars.

g. For a cause continued on application of a party by affidavit, two dollars.

h. For a continuance, one dollar.

i. For entering a final judgment or decree, one dollar and fifty cents.

j. For taxing costs, one dollar.

k. For issuing an execution or other process after judgment or decree, two dollars.

l. For filing, entering, and endorsing a mechanic's lien, three dollars, and if a suit is brought, the fee is taxable as other costs in the action.

m. For a certificate and seal, two dollars.

n. For filing and docketing a transcript of judgment from another county, one dollar.

o. For entering a rule or order, one dollar.

p. For issuing a writ or order, not including subpoenas, two dollars.

q. For issuing a commission to take depositions, two dollars.

r. For entering a sheriff's sale of real estate, two dollars.

s. For entering a judgment by confession, two dollars.

t. For entering a satisfaction of a judgment, one dollar.

u. For a copy of records or papers filed in the clerk's office, transcripts, and making a complete record, fifty cents for each one hundred words.

v. For taking and approving a bond and sureties on the bond, two dollars.

w. For receiving and filing a declaration of intention and issuing a duplicate, two dollars. For making, filing, and docketing the petition of an alien for admission as a citizen of the United States and for the final hearing, four dollars; and for entering the final order and the issuance of the certificate of citizenship, if granted, four dollars.

x. In addition to the fees required in paragraph w, the petitioner shall, upon the filing of a petition to become a citizen of the United States, deposit with the clerk money sufficient to cover the expense of subpoenaing and paying the legal fees of witnesses for whom the petitioner may request a subpoena, and upon the final discharge of the witnesses they shall receive, if they demand it from the clerk, the customary and usual witness fees from the moneys collected, and the residue, if any, except the amount necessary to pay the cost of serving the subpoenas, shall be returned by the clerk to the petitioner.

y. For a certificate and seal to an application to procure a pension, bounty, or back pay for a soldier or other person, no charge.

z. For making out a transcript in a criminal case appealed to the supreme court, for each one hundred words, fifty cents.

aa. In criminal cases, the same fees for the same services as in civil cases. When judgment is rendered against the defendant, the fees shall be collected from the defendant.

bb. For issuing a marriage license, five dollars. For issuing a marriage license when a party requests a name change other than a change of surname to that of the other spouse or to a hyphenated combination of the surnames of both spouses, seven dollars and fifty cents. Two dollars and fifty cents of the seven dollars and fifty cents shall be paid to the recorder as a recording fee for recording the return of marriage. For issuing an application for an order of the district court authorizing the issuance of a license to marry prior to the expiration of three days from the date of filing the application for the license, five dollars.

cc. For certifying a change in title of real estate, two dollars.

dd. In addition to all other fees, for making a complete record in cases where a complete record is required by law or directed by an order of the court, for every one hundred words, twenty cents.

ee. For providing transcripts, certificates, other documents, and services in probate matters, the fees specified in section 633.31.

ff. Other fees provided by law.

2. The fees collected by the clerk as provided in subsection 1 shall be paid to the county treasury for use of the county unless otherwise provided in that subsection.

3. The clerk shall keep an accurate record of the fees collected in a fee book, make a quarterly report of the fees collected to the board of supervisors, and pay the fees into the county treasury as provided in section 901 of this Act.

4. The clerk shall pay into the county treasury for use of the county on the first Monday which is not a holiday in January and July of each year all other fees which have come into the clerk's possession since the date of the preceding

payment, which do not belong to the clerk's office, and which are still unclaimed. When the unclaimed fees are paid to the treasurer, the clerk shall receive duplicate receipts from the treasurer and give the treasurer the title of the cause and style of the court in which the suit is pending, the names of the witnesses, jurors, officers, or other persons involved in the action, and the amount of money to which each of the persons is entitled. The clerk shall file one of the duplicate receipts with the auditor. The auditor shall charge the amount paid by the clerk to the treasurer as ordinary county revenue and shall enter the same amount upon the proper records as a claim allowed. If the claim is demanded, with proper proof, by the person entitled to it within five years from the date that the money is paid to the treasurer, the auditor shall issue a warrant to pay the claim. If the person entitled to the unclaimed fees does not demand payment within the five years, all rights to the fees or interest in the fees are waived and payment shall not be made.

PART 6

COUNTY ATTORNEY--PUBLIC DEFENDER

Sec. 750. NEW SECTION. OFFICE OF COUNTY ATTORNEY.

1. The office of county attorney is an elective office except that if a vacancy occurs in the office, a successor shall be appointed to the unexpired term as provided in chapter 69.

2. A person elected or appointed to the office of county attorney shall be a qualified elector of the county, be admitted to the practice of law in the courts of this state as provided by law, qualify by taking the oath of office as provided in section 63.10, and give bond as provided in section 64.8. A person is not qualified for the office of county attorney while the person's license to practice law in this or any other state is suspended or revoked.

3. The term of office of the county attorney is four years.

Sec. 751. NEW SECTION. FULL-TIME OR PART-TIME ATTORNEY.

1. The board may provide that the county attorney is a full-time or part-time county officer in the manner provided in this section. A full-time county attorney shall refrain from the private practice of law.

2. The board may provide, by resolution, that the county attorney shall be a full-time county officer. The resolution shall include an effective date which shall not be less than sixty days from the date of adoption. However, if the county attorney or county attorney-elect objects to the full-time status, the effective date of the change to a full-time status shall be delayed until January 1 of the year following the next general election at which a county attorney is elected. The board shall not adopt a resolution changing the status of the county attorney between March 1 and the date of the general election of the year in which the county attorney is regularly elected as provided in section 39.17.

3. The board may change the status of a full-time county attorney to a part-time county attorney by following the same procedures as provided in subsection 2. If the incumbent county attorney objects to the change in status, the change shall be delayed until January 1 following the next election of a county attorney.

4. The resolution changing the status of a county attorney shall state the initial annual salary to be paid to the county attorney when the full-time or part-time status is effective. The annual salary specified in the resolution shall remain effective until changed as provided in section 906 of this Act. The annual salary of a full-time county attorney shall be an amount which is between forty-five percent and one hundred percent of the annual salary received by a district court judge.

Sec. 752. CURRENT STATUS NOT AFFECTED. Section 751 of this Act does not affect the full-time or part-time status of a county attorney that is in effect on the effective date of this Act, but a subsequent change in the full-time or part-

time status of the county attorney may be made only as provided in section 751 of this Act.

Sec. 753. NEW SECTION. MULTI-COUNTY OFFICE.

1. If two or more counties agree, pursuant to chapter 28E, to share the services of a county attorney, the county attorney shall be elected by a majority of the votes cast for the office of county attorney in all of the counties which the county attorney will serve as provided in the agreement. The election shall be conducted in accordance with section 47.2, subsection 2.

2. The effective date of the agreement shall be January 1 of the year following the next general election at which the county attorney is elected as provided by this section and section 39.17.

Sec. 754. NEW SECTION. ABSENCE OF COUNTY ATTORNEY AND ASSISTANTS.

1. In case of absence, sickness, or disability of the county attorney and the assistant county attorneys, the court before which it is the duty of the county attorney or the assistant county attorneys to appear and in which there is official business requiring the attention of the county attorney or an assistant county attorney, may appoint an attorney to act as county attorney by an order of the court. The acting county attorney has the same authority and is subject to the same responsibilities as a county attorney.

2. The acting county attorney shall receive a reasonable compensation as determined by the board for services rendered in proceedings before a judicial magistrate. If the proceedings are held before a district associate judge or a district judge, the judge shall determine a reasonable compensation for the acting county attorney. The compensation shall be paid from funds to be appropriated to the office of county attorney by the board.

Sec. 755. NEW SECTION. PROHIBITED ACTIONS. A county attorney shall not:

1. Accept a fee or reward from or on behalf of a person for services rendered in a prosecution or the conduct of official business.

2. Engage directly or indirectly as an attorney or an agent for a party other than the state or the county in an action or proceeding arising in the county which is based upon substantially the same facts as a prosecution or proceeding which has been commenced or prosecuted by the county attorney in the name of the state or the county. This prohibition also applies to the members of a law firm with which the county attorney is associated.

3. Receive assistance from another attorney who is interested in any civil action in which a recovery is asked based upon matters involved in a criminal prosecution commenced or prosecuted by the county attorney.

Sec. 756. NEW SECTION. DUTIES OF THE COUNTY ATTORNEY. The county attorney shall:

1. Diligently enforce or cause to be enforced in the county, state laws and county ordinances, violations of which may be commenced or prosecuted in the name of the state, county, or as county attorney, except as otherwise provided.

2. Appear for the state and the county in all cases and proceedings in the courts of the county to which the state or the county is a party, except cases brought on change of venue from another county, and appear in the appellate courts in all cases in which the county is a party and in all cases transferred on change of venue to another county in which the county or the state is a party.

3. Prosecute all preliminary hearings for charges triable upon indictment.

4. Prosecute misdemeanors when not otherwise engaged in the performance of other official duties.

5. Enforce all forfeited bonds and recognizances and prosecute all proceedings necessary for the recovery of debts, revenues, moneys, fines, penalties, and forfeitures accruing

to the state or the county or to a school district or road district in the county, and all suits in the county against public service corporations which are brought in the name of the state.

6. Commence, prosecute, and defend all actions and proceedings in which a county officer, in the officer's official capacity, or the county is interested or a party.

7. Give advice or a written opinion, without compensation, to the board and other county officers and to school and township officers, when requested by an officer, upon any matters in which the state, county, school, or township is interested, or relating to the duty of the officer in any matters in which the state, county, school, or township may have an interest, but the county attorney shall not appear before the board at a hearing in which the state or county is not interested.

8. Attend the grand jury when necessary for the purpose of examining witnesses before it or giving it legal advice. The county attorney shall procure subpoenas or other process for witnesses and prepare all informations and bills of indictment.

9. Give a receipt to all persons from whom the county attorney receives money in an official capacity and file a duplicate receipt with the county auditor.

10. Make reports relating to the duties and the administration of the county attorney's office to the governor when requested by the governor.

11. Cooperate with the auditor of state to secure correction of a financial irregularity as provided in section 11.15.

12. Submit reports as to the condition and operation of the county attorney's office when required by the attorney general as provided in section 13.2, subsection 7.

13. Institute legal proceedings at the request of a unit or organization commander to recover military property from a person who fails to return the property as provided in section 29A.34.

14. Hear and decide objections to a nomination filed with the county election commissioner as provided in section 44.7.

15. Review the report and recommendations of the campaign finance disclosure commission and proceed to institute the recommended actions or advise the commission that prosecution is not merited as provided in section 56.11, subsection 4.

16. Prosecute or assist in the prosecution of actions to remove public officers from office as provided in section 66.11.

17. Institute legal proceedings against persons who violate laws administered by the bureau of labor as provided in section 91.11.

18. Investigate complaints and prosecute violations of child labor laws as provided in section 92.22.

19. Prosecute violations of employment security laws and rules as provided in section 96.17, subsection 2.

20. Assist, at the request of the director of revenue, in the enforcement of cigar and tobacco tax laws as provided in sections 98.32 and 98.49.

21. Prosecute nuisances as provided in section 99.24.

22. Attend the hearing, interrogate witnesses, and advise a license-issuing authority relating to the revocation of a license for violation of gambling laws as provided in section 99A.7. The county attorney shall also represent the license-issuing authority in appeal proceedings taken under section 99A.6.

23. Represent the state fire marshal in legal proceedings as provided in section 100.20.

24. Prosecute, at the request of the state conservation director or an officer appointed by the state conservation commission, violations of the state fish and game laws as provided in section 109.35.

25. Assist the division of beer and liquor law enforcement in the enforcement of beer and liquor laws as provided in section 123.14. The county attorney shall also prosecute

nuisances, forfeitures of abatement bonds, and foreclosures of the bonds as provided in sections 123.62 and 123.86.

26. At the direction of the board, proceed to collect the costs of the care and treatment of substance abusers as provided in section 125.51.

27. Serve as attorney for the county health care facility administrator in matters relating to the administrator's service as a conservator or guardian for a resident of the health care facility as provided in section 135C.24.

28. Commence civil action to remove or abate a nuisance, or an unsanitary, unhealthful, or objectionable condition complained of by the state department of health as provided in section 135D.17.

29. At the request of the commissioner of public health, commence legal action to enjoin the unlawful use of radiation-emitting equipment as provided in section 136C.5.

30. Prosecute, at the request of the attorney general, violations of the law regulating practice professions as provided in section 147.92.

31. Prosecute violations of the Iowa veterinary practice Act as provided in section 169.19.

32. Assist the department of agriculture in the enforcement of the food establishment laws, the Iowa food service sanitation code, and the Iowa hotel sanitation code as provided in sections 170.51, 170A.14, and 170B.18.

33. Institute legal procedures on behalf of the state to prevent violations of the corporate or partnership farming laws as provided in section 172C.3.

34. Prosecute violations of the Iowa dairy industry laws as provided in section 179.11.

35. Prosecute persons who fail to file an annual or special report with the secretary of agriculture under the meat and poultry inspection Act as provided in section 189A.17.

36. Cooperate with the secretary of agriculture in the enforcement of label requirements for food packages as provided in section 191.7.

37. Prosecute violations of the Iowa commercial feed law of 1974 as provided in section 198.13, subsection 3.

38. Cooperate with the secretary of agriculture in the enforcement of the agricultural seed laws as provided in section 199.14.

39. Prosecute violations of the Iowa fertilizer law as provided in section 200.18, subsection 4.

40. Prosecute violations of the Iowa drug and cosmetic Act as requested by the board of pharmacy examiners as provided in section 203A.7.

41. Appear in support of a petition to transfer an inmate of the training school for boys to the men's reformatory for custodial care as provided in section 218.91.

42. Provide the department of social services with information relating to the background and criminal acts committed by each person sentenced to a state correctional institution from the county as provided in section 218.97.

43. Carry out duties relating to the appointment of a guardian or commitment of a mentally retarded person as provided in section 222.18.

44. Proceed to collect, as requested by the county, the reasonable costs for the care, treatment, training, instruction, and support of a mentally retarded person from parents or other persons who are legally liable for the support of the mentally retarded person as provided in section 222.82.

45. At the direction of a district court judge, investigate the financial condition of a person under commitment proceedings to the state psychiatric hospital or those legally responsible for the person as provided in section 225.13.

46. Appear on behalf of the director of the division of mental health in support of an application to transfer a mentally ill person who becomes incorrigible and dangerous from a state hospital for the mentally ill to the Iowa security medical facility as provided in section 226.30.

47. Carry out duties relating to the hospitalization of persons for mental illness as provided in section 229.12.

48. Carry out duties relating to the collection of the costs for the care, treatment, and support of mentally ill persons as provided in sections 230.25 and 230.27.

49. Carry out duties relating to the care, guidance, and control of juveniles as provided in chapter 232.

50. Prosecute violations of law relating to aid to dependent children, medical assistance, and supplemental assistance as provided in sections 239.20, 249.13 and 249A.14.

51. Commence legal proceedings to enforce the rights of children placed under foster care arrangements as provided in section 242.11.

52. Commence legal proceedings, at the request of the superintendent of the Iowa juvenile home, to recover possession of a child as provided in section 244.12.

53. Furnish, upon request of the governor, a copy of the minutes of evidence and other pertinent facts relating to an application for a pardon, reprieve, commutation, or remission of a fine or forfeiture as provided in section 248.9.

54. Carry out duties relating to the provision of medical and surgical treatment for an indigent person as provided in sections 255.7 and 255.8.

55. Commence legal proceedings to recover school funds as provided in section 302.33.

56. At the request of the state geologist, commence legal proceedings to obtain a copy of the map of a mine or mine extension as provided in section 305.13.

57. Enforce, upon complaint, the performance of duties by officers charged with the responsibilities of controlling or eradicating noxious weeds as provided in section 317.23.

58. Commence legal proceedings to remove billboards and signs which constitute a public nuisance as provided in section 319.11.

59. At the request of the director of transportation, petition the district court to enforce the habitual offender law as provided in section 321.556.

60. Assist, upon request, the transportation regulation board legal counsel or the department of transportation's general counsel in the prosecution of violations of common carrier laws and regulations as provided in section 327C.30.

61. Enforce the control of vegetation on railroad property by the railroad corporations as provided in section 327F.29.

62. Appoint a member of the civil service commission for deputy sheriffs as provided in section 341A.2 or 341A.3.

63. Represent the civil service commission for deputy sheriffs in civil suits initiated by the commission for the proper enforcement of the civil service law as provided in section 341A.16.

64. Serve as an inspector of jails in the county, inspect each jail at least twice each year and present a report to the district court of the condition of each jail as provided in sections 356.9 through 356.13.

65. Present to the grand jury at its next session a copy of the report filed by the division of corrections of the department of social services of its inspection of the jails in the county as provided in section 356.43.

66. Represent the township trustees in counties having a population of less than twenty-five thousand except when the interests of the trustees and the county are adverse as provided in section 359.18.

67. Represent the assessor and the board of review in legal proceedings relating to assessments as provided in section 441.41.

68. Represent the state in litigation relating to the inheritance tax if requested by the department of revenue as provided in section 450.1.

69. Institute proceedings to enjoin persons from violating water treatment laws as provided in section 455B.64.

70. Conduct legal proceedings relating to the condemnation of private property as provided in section 472.2.

71. Prosecute persons erecting or maintaining an electric transmission line across a railroad track except as authorized by the state commerce commission at the request of the commission as provided in section 478.29.

72. Institute legal proceedings against violations of insurance laws as provided in sections 511.7 and 515.93.

73. Assist, as requested by the attorney general, with the enforcement of the Iowa competition law as provided in section 553.7.

74. Initiate proceedings to enforce provisions relating to the recordation of conveyances and leases of agricultural land as provided in section 558.44.

75. Petition, in the name of the state, against the owner of any land subject to escheat as provided in sections 567.5 and 567.6.

76. Bid on real estate on behalf of the county when necessary to secure the county from loss as provided by section 569.2.

77. Demand payment or security for a debt owed the state as provided in section 641.1.

78. Seek an attachment against the property of a person owing money to the state as provided in section 641.2.

79. Prosecute a complaint to establish paternity and compel support for a child as provided in section 675.19.

80. Give to an accused person a copy of each report of the findings of the criminalistics laboratory in the investigation of an indictable criminal charge against the accused as provided in section 691.4.

81. Notify state and local governmental agencies issuing licenses or permits, of a person's conviction of obscenity laws relating to minors as provided in section 728.8.

82. In the case of appeal from the district court, furnish the attorney general with a copy of the notice of appeal and

pertinent material from the district court proceedings as provided in section 814.8.

83. Certify fees and mileage payable to witnesses subpoenaed by the county attorney before the district court as provided in section 815.3.

84. Carry out duties relating to extradition of fugitive defendants as provided in chapter 818.

85. Advise the director of the judicial district department of correctional services of the facts and circumstances surrounding the crime committed and the record and history of the defendant granted probation as provided in section 907.8.

86. Bring an action in the nature of quo warranto as provided in rule of civil procedure 300.

87. Perform other duties required by state law.

Sec. 757. NEW SECTION. TEMPORARY AND FULL-TIME ASSISTANTS.

1. The county attorney may employ, with the approval of a judge of the district court, a temporary assistant to assist in the trial of a person charged with a felony. The temporary assistant shall be paid a reasonable compensation for his or her services as determined by the board upon certification of the services rendered, by the district judge before whom the defendant was tried. The compensation paid to the temporary assistant shall be paid from the court expense fund of the county.

2. The county attorney may appoint, with the approval of the board, an assistant county attorney to serve as a full-time prosecutor. A full-time prosecutor shall refrain from the private practice of law. The county attorney shall determine the compensation paid to a full-time prosecutor within the budget set for the county attorney's office by the board. The annual salary of an assistant county attorney shall not exceed eighty-five percent of the maximum annual salary of a full-time county attorney.

Sec. 758. NEW SECTION. GENERAL POWERS. The county attorney may:

1. Administer oaths and take affirmations as provided in section 78.2.
2. Appoint and remove deputies, clerks, and assistants subject to the requirements of sections 757 and 902 of this Act.

Sec. 775. NEW SECTION. DEFINITIONS. As used in sections 775 through 778 of this Act, unless the context otherwise requires:

1. "Attorney" means a lawyer appointed by a court to represent an incompetent or indigent person.
2. "Client" means an incompetent or indigent person represented by a court-appointed lawyer or public defender.
3. "Financial statement" means a full disclosure of all assets, liabilities, current income, dependents, and other information the court or public defender requires to determine if the client qualifies for legal assistance at public expense.
4. "Indigent person" means a person who is unable to retain legal counsel without prejudicing the person's financial ability to provide economic necessities for the person or the person's dependent family.

Sec. 776. NEW SECTION. OFFICE OF PUBLIC DEFENDER.

1. The board, by resolution, may establish or abolish the office of public defender. Two or more counties within the same judicial district, by agreement executed under chapter 28E, may establish an office of public defender to serve the counties.

2. The public defender shall be an attorney admitted to the practice of law before the Iowa supreme court. When a vacancy exists in the office of public defender, the district court judges of the judicial district containing the county in which the public defender is to serve, sitting en banc, shall nominate two attorneys qualified to serve as public defenders and certify their names to the board of each county

in which the public defender is to serve. Within thirty days after the certification, the supervisors shall appoint one of the nominees by majority vote of each board.

3. The term of office of the public defender is six years.

4. The board shall determine the compensation of the public defender.

5. The board shall provide office space, furniture, equipment, and supplies for the use of the public defender suitable for the business of the office, but an allowance may be provided in lieu of facilities. Each item is a charge against the county in which the defender's services are provided. If the public defender serves more than one county, expenses that are properly allocable to the business of more than one of the counties shall be prorated among the counties concerned.

6. The board may require a public defender or assistant public defender to devote full time to the discharge of the duties of office and not engage in the private practice of law. A public defender or assistant public defender may be a member of a law partnership or a professional corporation on leave of absence.

7. A public defender or assistant public defender shall not refer any legal matter or litigation to a particular lawyer or recommend or suggest to another person the employment of a particular lawyer to counsel, conduct, defend, or prosecute a legal matter if the county is or is likely to be a party to the litigation or have a substantial interest in the legal matter, or receive any fee or compensation for the referral, recommendation, or suggestion. However, upon request, the public defender or assistant public defender may recommend a lawyer to a court, governmental agency, or legal aid society.

8. The compensation and expenses of the office of public defender may be paid from the court expense fund.

Sec. 777. NEW SECTION. POWERS AND DUTIES OF A PUBLIC DEFENDER. The public defender:

1. Shall represent without fee each indigent person who is under arrest or charged with a crime if the indigent person requests it or the court orders it. The public defender shall counsel and defend a client at every stage of the criminal proceedings and prosecute before or after conviction any appeals or other remedies which the public defender considers to be in the interest of justice.

2. Shall make the determination of indigence within criteria established by the board before the initial arraignment or other initial court appearance. At or after initial arraignment or other initial court appearance, the determination of indigence shall be made by the court. The public defender shall require an indigent person requesting legal assistance to complete a detailed financial statement which shall be filed in the indigent person's court file and retained as a permanent part of the file.

3. Shall make an annual report to the judges of the district court sitting in any county in which the public defender serves, the attorney general, and the board of any county in which the public defender serves. The report shall include all cases handled by the public defender during the preceding year.

4. May appoint the number of assistant public defenders, clerks, investigators, stenographers, and other employees as approved by the board. An assistant public defender must be an attorney licensed to practice before the Iowa supreme court. The appointments shall be made in the manner prescribed by the board which shall determine the compensation of the appointees.

Sec. 778. NEW SECTION. COURT-APPOINTED ATTORNEYS.

1. The court, for cause and upon application of an indigent person or the public defender or on its own motion, may appoint an attorney, other than the public defender, to repre-

sent an indigent person at any stage of legal proceedings or on appeal. The appointed attorney shall be compensated as provided in section 815.7.

2. Before an attorney is appointed under section 68.8 or 222.22, chapter 232, section 813.2, rule of criminal procedure 8, or to represent a person charged with a crime in this state, the court shall require the client or the client's parent, guardian, or custodian to complete under oath a detailed financial statement. If a client is granted assistance at public expense, the financial statement shall be filed in the client's court file and retained as a permanent part of the file.

3. If a court finds that a person desires legal assistance and is financially able to secure legal counsel but refuses to employ an attorney, the court shall appoint an attorney to represent the person at public expense. The attorney fee paid by the state or the county shall be taxed as part of the court costs against the person receiving the legal assistance and the state or the county shall be reimbursed for the fee when the court costs are paid.

4. A person who submits to a court or a public defender a false financial statement for the purpose of obtaining legal assistance at public expense is guilty of a fraudulent practice.

Sec. 779. CURRENT PUBLIC DEFENDER NOT AFFECTED. Sections 775 through 778 of this Act do not affect the term of office of a public defender serving an unexpired term of office on the effective date of this Act. A public defender serving an unexpired term on the effective date of this Act may continue to serve the remainder of the unexpired term. If a vacancy occurs, a successor shall be appointed as provided in section 776 of this Act.

PART 7

COUNTY MEDICAL EXAMINER

Sec. 800. NEW SECTION. COUNTY MEDICAL EXAMINER--APPOINTMENT, QUALIFICATIONS AND ASSISTANTS.

1. A county medical examiner shall be appointed by the board for a two-year term. The term of office shall commence on the first day in January which is not a Sunday or holiday and continue for two years or until a successor is appointed and qualifies as provided in this section. A vacancy shall be filled by the board for the unexpired term.

2. To serve as a county medical examiner a person shall be licensed in this state as a doctor of medicine and surgery, a doctor of osteopathic medicine and surgery, or an osteopathic physician. The medical examiner shall be appointed by the board from lists of two or more names submitted by the medical society and the osteopathic society of the county in which the candidate resides. If names are not submitted by either society, the board may appoint any licensed physician, osteopathic physician and surgeon, or osteopathic physician of the county. If a qualified physician of the county will not serve, the board may appoint a physician from another county. If a county medical examiner is unable to serve in a particular case or for a period of time, the medical examiner shall promptly notify the chairperson of the board who shall designate some other qualified physician to serve temporarily.

3. The board may provide laboratory facilities, deputy medical examiners, and other professional, technical, and clerical assistance as required by the county medical examiner in the performance of official duties. However, the requirements shall be subject to prior approval by the state medical examiner.

Sec. 801. NEW SECTION. DEATHS---REPORTED AND INVESTIGATED.

1. A person's death which affects the public interest as specified in subsection 3 shall be reported to the county medical examiner or the state medical examiner by the physician in attendance, any law enforcement officer having knowledge

of the death, the embalmer, or any other person present. The appropriate medical examiner shall notify the city or state law enforcement agency or sheriff and take charge of the body.

2. If a person's death affects the public interest, the county medical examiner shall conduct a preliminary investigation of the cause and manner of death, prepare a written report of the findings, promptly submit the full report to the state medical examiner on forms prescribed for that purpose, and submit a copy of the report to the county attorney. For each preliminary investigation and the preparation and submission of the required reports, the county medical examiner shall receive a fee determined by the board plus the examiner's actual expenses. The fee and expenses shall be paid by the county for which the service is provided. The fee and expenses of the county medical examiner who performs an autopsy or conducts an investigation of a person who dies after being brought into this state for emergency medical treatment by or at the direction of an out-of-state law enforcement officer or public authority shall be paid by the state. A claim for payment shall be filed with the state department of health.

3. A death affecting the public interest includes, but is not limited to, any of the following:

- a. Violent death, including homicidal, suicidal, or accidental death.
- b. Death caused by thermal, chemical, electrical, or radiation injury.
- c. Death caused by criminal abortion including self-induced, or by sexual abuse.
- d. Death related to disease thought to be virulent or contagious which may constitute a public hazard.
- e. Death that has occurred unexpectedly or from an unexplained cause.
- f. Death of a person confined in a prison, jail, or correctional institution.

g. Death of a person if a physician was not in attendance within thirty-six hours preceding death, excluding prediagnosed terminal or bedfast cases for which the time period is extended to twenty days.

h. Death of a person if the body is not claimed by a relative or friend.

i. Death of a person if the identity of the deceased is unknown.

j. Death of a child under the age of two years if death results from an unknown cause or if the circumstances surrounding the death indicate that sudden infant death syndrome may be the cause of death.

4. The county medical examiner shall conduct the investigation in the manner required by the state medical examiner and shall determine whether the public interest requires an autopsy or other special investigation. However, if the death occurred in the manner specified in paragraph j of subsection 3, the county medical examiner shall order an autopsy, the expense of which shall be reimbursed by the state department of health. In determining the need for an autopsy, the county medical examiner may consider the request for an autopsy from a public official or private person, but the state medical examiner or the county attorney of the county where the death occurred may require an autopsy.

5. a. A person making an autopsy shall promptly file a complete record of the findings in the office of the state medical examiner and the county attorney of the county where death occurred and the county attorney of the county where any injury contributing to or causing the death was sustained.

b. A summary of the findings resulting from an autopsy of a child under the age of two years whose death occurred in the manner specified in paragraph j of subsection 3 shall be transmitted immediately by the physician who performed the autopsy to the county medical examiner. The report shall be forwarded to the parent, guardian, or custodian of the

child by the county medical examiner or a designee of the county medical examiner, or through the infant's attending physician. A copy of the autopsy report filed with the county attorney shall be available to the parents, guardian, or custodian upon request.

6. The report of an investigation made by the state medical examiner or a county medical examiner and the record and report of an autopsy made under this section or chapter 691, shall be received as evidence in any court or other proceedings, except that statements by witnesses or other persons and conclusions on extraneous matters included in the report are not admissible. The person preparing a report or record given in evidence may be subpoenaed as a witness in any civil or criminal case by any party to the cause. A copy of a record, photograph, laboratory finding, or record in the office of the state medical examiner or any medical examiner, when attested to by the state medical examiner or a staff member or the medical examiner in whose office the record, photograph, or finding is filed, shall be received as evidence in any court or other proceedings for any purpose for which the original could be received without proof of the official character of the person whose name is signed to it.

7. In case of a sudden, violent, or suspicious death after which the body is buried without an investigation or autopsy, the county medical examiner, upon being advised of the facts, shall notify the county attorney. The county attorney shall apply for a court order requiring the body to be exhumed in accordance with chapter 144. Upon receipt of the court order, an autopsy shall be performed by a medical examiner or by a pathologist designated by the medical examiner and the facts disclosed by the autopsy shall be communicated to the court ordering the disinterment for appropriate action.

8. Where donation of the remains of the deceased to a medical school or similar institution equipped with facilities

to perform autopsies is provided by will or directed by the spouse, parents or children of full age, of the deceased, any autopsy under this section shall be performed at the direction of the school or institution, and in such a manner as to further the purpose of the donation, while serving the public interest.

Sec. 802. NEW SECTION. EXAMINATION CERTIFICATE--FEE. Upon application and payment of a fee determined by the board, the county medical examiner shall provide an examination certificate to the person requesting it and file a copy of the certificate in the medical examiner's office. The certificate is not required in the case of a stillborn infant if a physician was present at the stillbirth and the cause of the stillbirth, as certified by the attending physician as provided in chapter 144, does not require an investigation by a medical examiner.

Sec. 803. NEW SECTION. DISPOSITION OF BODY AND OTHER PROPERTY.

1. After an investigation has been completed, including an autopsy if one is made, the body shall be delivered to a relative or friend of the deceased person for burial or other appropriate disposition. A medical examiner shall not use influence in favor of a particular funeral director. If no one claims a body, it shall be disposed of as provided in chapter 142.

2. If no one is entitled by law to the property or money found on a deceased person, the property shall be deposited with the clerk of the district court who shall dispose of it as provided by law.

Sec. 804. NEW SECTION. PROHIBITED ACTIONS--PENALTIES.

1. When a death occurs in the manner specified in section 801, subsection 3 of this Act, the body shall not be disturbed or removed from the position in which it is found without authorization from the county medical examiner or the state medical examiner except for the purpose of preserving the

body from loss or destruction or permitting the passage of traffic on a highway, railroad, or airport, or unless the failure to immediately remove the body might endanger life, safety, or health. A person who moves, disturbs, or conceals a body in violation of this subsection or chapter 691 is guilty of a simple misdemeanor.

2. It is unlawful to embalm a body when the embalmer has reason to believe death occurred in a manner specified in section 801, subsection 3 of this Act, when there is evidence sufficient to arouse suspicion of crime in connection with the cause of death of the deceased, or where it is the duty of a medical examiner to view the body and investigate the death of the deceased person, until the permission of a county medical examiner has been obtained. When feasible, the body shall be released to the funeral director for embalming within twenty-four hours of death.

3. It is unlawful to cremate, bury, or send out of the state the body of a deceased person when death occurred in a manner specified in section 801, subsection 3 of this Act, until a medical examiner certifies in writing that the examiner has viewed the body, has made personal inquiry into the cause and manner of death, and all necessary autopsy or postmortem examinations have been completed. However, the body of a deceased person may be sent out of state for the purpose of an autopsy or postmortem examination if the county medical examiner certifies in writing that the out-of-state autopsy or postmortem examination is necessary or, in the case of a death which is not of public interest as specified in section 801, subsection 3 of this Act, if the attending physician certifies to the county medical examiner that the performance of the autopsy out of state is proper.

4. A person who violates a provision of subsection 2 or 3 is guilty of a serious misdemeanor.

Sec. 805. PRESENT COUNTY MEDICAL EXAMINER UNAFFECTED. Sections 800 through 804 of this Act do not affect the term

of office of a county medical examiner serving an unexpired term on the effective date of this Act. A county medical examiner may continue to serve until the term to which the examiner was appointed expires and a successor is appointed and qualifies as provided in section 800.

PART 8

MISCELLANEOUS PROVISIONS

Sec. 900. NEW SECTION. GENERAL DUTIES OF COUNTY OFFICERS.

1. Except as otherwise provided by state law, a county officer shall furnish to the governor or either house of the general assembly, upon their request, any information which the officer possesses.
2. A county officer shall not appear as an agent, attorney, or solicitor for another person in a matter pending before the board.
3. If a county officer who is required to report the collection of fees to the board neglects or refuses to make the report, the board shall employ an expert accountant to examine the books, papers, and accounts of the delinquent officer and to make the required report. The expense of employing the expert accountant shall be charged to the delinquent officer and may be collected upon the official bond of the officer.
4. A county officer, deputy officer, or employee shall not take, purchase, receive in payment, or exchange a warrant, scrip, or other evidence of the county's indebtedness or demand against the county for an amount less than the amount expressed on the face of the warrant, scrip, or other evidence of indebtedness or demand, plus the accrued interest.
5. A county or township officer or employee shall not appropriate, give, or loan public funds to or in favor of an institution, school, association, or object which is under ecclesiastical or sectarian management or control.

6. A county officer or employee shall not allow a claim, issue a warrant, or execute a contract which will result, during a fiscal year, in an expenditure from a county fund in excess of an amount equal to the collectible revenues in the fund for that fiscal year plus any unexpended balance in that fund from a previous year. A county officer or employee allowing a claim, issuing a warrant, or executing a contract in violation of the requirements of this subsection is personally liable for the payment of the claim or warrant or the performance of the contract. However, this subsection does not apply to:

- a. Expenditures for bridges or buildings destroyed by fire or flood or other extraordinary casualty.
- b. Expenses incurred in the operation of the courts.
- c. Expenditures for bridges which are made necessary by the construction of a public drainage improvement.
- d. Expenditures for the benefit of a person entitled to receive assistance from public funds.
- e. Expenditures authorized by vote of the electorate.
- f. Contracts executed on the basis of the budget submitted as provided in section 309.93.
- g. Expenditures authorized by supervisors acting in the capacity of trustees or directors of a drainage district or other special district.

7. All reports and forms required to be submitted by a county officer to a state officer or agency shall be submitted on standardized forms furnished by the state officer or agency. The state officers and agencies which receive reports and forms from county officers shall consult with the state comptroller and the office for planning and programming, shall devise standardized reports and forms which will permit computer processing of the information submitted, and shall distribute the standardized reports and forms to the county officers.

8. A county officer, deputy officer, or employee who violates subsection 4 or 5 is guilty of a simple misdemeanor.

Sec. 901. NEW SECTION. COLLECTION AND DISPOSITION OF FEES.

1. Unless otherwise specifically provided by statute, the fees and other charges collected by the auditor, treasurer, recorder, sheriff, clerk, or their respective deputies or employees belong to the county.

2. Each elective officer specified in subsection 1 shall keep a fee book as a part of the permanent county records of the office. The book shall be ruled in appropriate columns for the date, kind of service, for whom rendered, and the amount of fee or charge collected and, when the fee is for recording an instrument, the names of the parties to the instrument. The required information shall be recorded in the fee book when the service is rendered.

3. Each elective officer specified in subsection 1 shall make an itemized, verified, quarterly report to the board showing the fees collected during the preceding quarter. The officer shall pay quarterly to the county treasury the fees and charges collected during the preceding quarter, receive duplicate receipts for the payment, and file one of the receipts in the office of the auditor. The officer shall note in the officer's fee book the date and amount of each payment into the county treasury.

Sec. 902. NEW SECTION. APPOINTMENT OF DEPUTIES, ASSISTANTS, AND CLERKS.

1. The auditor, treasurer, recorder, sheriff, county attorney, and clerk may appoint, with approval of the board, one or more deputies, assistants, or clerks who do not hold another county office and for whose acts the principal officer shall be responsible. The number of deputies, assistants, and clerks for each office shall be determined by the board and the number and approval of each appointment shall be adopted by a resolution recorded in the minutes of the board.

2. When an appointment has been approved by the board, the principal officer making the appointment shall issue a written certificate of appointment which shall be filed and kept in the office of the auditor. A certificate of appointment may be revoked in writing by the principal officer making the appointment, which revocation shall also be filed and kept in the office of the auditor.

3. Each deputy officer shall give bond in an amount determined by the officer who has the authority to approve the bond of the deputy's principal officer, with sureties to be approved by that officer. Upon approval, the bond shall be filed and kept in the office of the auditor. Each deputy officer shall take the same oath as the deputy's principal officer which shall be endorsed on the certificate of appointment. The bond of a deputy sheriff shall be either a bond or liability policy as required by the sheriff with the approval of the board.

4. Each deputy officer, assistant, and clerk shall perform the duties assigned by the principal officer making the appointment. During the absence or disability of the principal officer, the first deputy shall perform the duties of the principal officer.

5. The auditor may also appoint temporary assistants as provided in section 502 of this Act and the county attorney may appoint temporary assistants or a full-time prosecutor as provided in section 757 of this Act.

Sec. 903. NEW SECTION. SALARIES OF DEPUTIES, ASSISTANTS, AND CLERKS.

1. The annual salary of the first and second deputy officer of the office of auditor, treasurer, recorder, and clerk and the deputy in charge of the motor vehicle registration and title division shall each be an amount not to exceed eighty percent of the annual salary of the deputy's principal officer as determined by the principal officer. In offices where more than two deputies are required, each additional

deputy shall be paid an amount not to exceed seventy-five percent of the principal officer's salary. The amount of the annual salary of each deputy shall be certified by the principal officer to the board and, if a deputy's salary does not exceed the limitations specified in this subsection, the board shall certify the salary to the auditor. The board shall not certify a deputy's salary which exceeds the limitations of this subsection.

2. Each deputy sheriff shall receive an annual base salary as determined by the board. Upon certification by the sheriff, the board shall review, and may modify, the annual base salary of each deputy before certifying it to the auditor. The annual base salary of a first or second deputy sheriff shall not exceed eighty-five percent of the annual base salary of the sheriff. The annual base salary of any other deputy sheriff shall not exceed the annual base salary of the first or second deputy sheriff except that in counties over two hundred fifty thousand population, the annual base salary of any additional deputies shall not exceed seventy-five percent of the annual base salary of the sheriff. The total annual compensation including the annual base salary, overtime pay, longevity pay, shift differential pay, or other forms of supplemental pay and fringe benefits received by a deputy sheriff shall be less than the total annual compensation including fringe benefits received by the sheriff. As used in this subsection, "base salary" means the basic compensation excluding overtime pay, longevity pay, shift differential pay, or other supplemental pay and fringe benefits.

3. The annual salary of each assistant county attorney shall be determined by the county attorney within the budget set for the county attorney's office by the board. The salary of an assistant county attorney shall not exceed eighty-five percent of the maximum salary of a full-time county attorney. The county attorney shall inform the board of the full-time or part-time status of each assistant county attorney. In

the case of a part-time assistant county attorney, the county attorney shall inform the board of the approximate number of hours per week the assistant county attorney shall devote to official duties.

4. The board shall determine the compensation of extra help and clerks appointed by the principal county officers.

5. The deputy officers, assistants, clerks, and other employees of the county are also entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties.

6. The salaries and expenses of the deputy officers, assistants, clerks, and other employees of the county shall be paid from the general fund of the county unless otherwise provided by law. The deputy clerks of the district court and other employees of the clerk's office may be paid from the court expense fund.

Sec. 904. NEW SECTION. COUNTY COMPENSATION BOARD.

1. There is created in each county a county compensation board which shall be composed of five members who are residents of the county. The members of the county compensation board shall be selected as follows:

a. One member shall be a mayor or member of the city council of an incorporated city located within the county selected by a convention of the representatives of all incorporated cities located within the county. Each city shall be represented at the convention by the mayor or a member of the city council selected by the mayor and the members of the city council.

b. One member shall be a member of a board of directors of a school district located within the county selected by a convention of the representatives of the boards of directors of all school districts located within the county. Each board of directors of a school district shall select a representative to the convention from among its membership.

c. One member shall be an elector of the county representing the general public selected by the supervisors.

d. One member shall be a person representing the general public selected by a convention of the representatives of the boards of directors of the school districts located within the county.

e. One member shall be a person representing the general public selected by a convention of the representatives of the incorporated cities located within the county.

2. A member of the county compensation board selected to represent the general public pursuant to paragraphs c, d, and e of subsection 1 shall not be an employee or officer of the state government, or a political subdivision of the state, or related within the third degree of consanguinity to a state or local governmental employee or officer.

3. The members of the county compensation board shall be appointed to four-year, staggered terms of office. A term shall be effective on the first of July of the year of appointment and a vacancy shall be filled for the unexpired term in the same manner as the original appointment. In addition to the circumstances which constitute a vacancy under section 69.2, a vacancy exists on the county compensation board if a member of the board who is also an elective public officer ceases to hold the elective office under which the officer originally qualified for membership or if a member of the board who is selected under paragraphs c, d, or e of subsection 1 becomes an employee or officer of a state government or a political subdivision of a state or is related within the third degree of consanguinity to a state or local governmental employee or officer.

4. The members of the county compensation board shall receive no compensation, but they shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties.

5. The county compensation board shall elect a chairperson and vice chairperson annually from among its membership. The county compensation board shall meet at the call of the chairperson or upon written request of a majority of its membership. The concurrence of a majority of the members of the county compensation board shall determine any matter relating to its duties.

6. The board of supervisors shall provide the necessary office facilities and the technical and clerical assistance requested by the county compensation board to carry out its duties.

7. The expenses of the county compensation board members, the salaries and expenses of any technical and clerical assistance, and the cost of providing any facilities shall be paid from the general fund of the county.

Sec. 905. NEW SECTION. CONVENTIONS--MEMBERSHIP SELECTION.

1. The auditor shall convene the conventions of the representatives of the cities and the boards of directors of the school districts during the month of June of each odd-numbered year, by written notice stating the date, time, and location of each convention meeting to each person eligible to attend the convention. When a vacancy exists which must be filled by a convention, the auditor shall convene a special meeting of the convention within thirty days after the auditor becomes aware of the vacancy.

2. If the boundaries of a school district or a city extend into more than one county, a representative of the board of directors of the school district or the city shall be a member of the convention of the boards of directors or the cities in the county of the representative's residence only.

3. Each convention of the representatives of the boards of directors or the cities shall organize by electing a chairperson and other officers as necessary from among its membership. Each member of the county compensation board to be selected by the convention shall be elected by a majority vote of the members of the convention.

4. The members of the convention shall receive compensation and reimbursement for expenses incurred in the performance of their duties by the school district or the city which the member represents if the compensation or reimbursement is otherwise authorized by law.

Sec. 906. NEW SECTION. COMPENSATION SCHEDULE--PREPARATION AND ADOPTION.

1. The annual compensation of the auditor, treasurer, recorder, clerk, sheriff, county attorney, and supervisors shall be determined as provided in this section. The county compensation board annually shall review the compensation paid to comparable officers in other counties of this state, other states, private enterprise, and the federal government. The county compensation board shall prepare a recommended compensation schedule for the elective county officers. Following completion of the compensation schedule, the county compensation board shall publish the compensation schedule in a newspaper having general circulation throughout the county. The publication shall also include a public notice of the date and location of a hearing to be held by the county compensation board not less than one week nor more than three weeks from the date of notice. Upon completion of the public hearing, the county compensation board shall prepare a final compensation schedule recommendation.

2. Annually during the month of December, the county compensation board shall transmit its recommended compensation schedule to the board of supervisors. The board of supervisors shall review the recommended compensation schedule and determine the final compensation schedule for the elected county officers which shall not exceed the recommended compensation schedule. In determining the final compensation schedule if the board of supervisors wishes to reduce the amount of the recommended compensation schedule, the annual salary or compensation of each elected county officer shall be reduced an equal percentage. A copy of the final

compensation schedule adopted by the board of supervisors shall be filed with the county budget at the office of the state comptroller. The final compensation schedule takes effect on July 1 following its adoption by the board of supervisors.

3. The elected county officers are also entitled to receive their actual and necessary expenses incurred in performance of official duties of their respective offices.

4. In counties having two courthouses, a principal elected county officer and the principal officer's first deputy or assistant may agree in writing to a division of their annual salaries. The division shall not allow for payment to the elected officer and the first deputy or assistant which is greater than the sum of the two salaries otherwise authorized by law. Upon certification to the board by the elected officer involved, the board shall certify to the auditor the annual salaries certified by the elected officer.

5. The salaries and expenses of elected county officers shall be paid from the general fund of the county unless otherwise provided by law. The salary and expenses of the clerk of the district court may be paid from the court expense fund.

Sec. 907. PRESENT MEMBERSHIP UNAFFECTED. Sections 904 through 906 of this Act do not affect the term of office of any member of a county compensation board serving an unexpired term of office on the effective date of this Act. The members of a county compensation board serving an unexpired term on the effective date of this Act may continue to serve until their terms expire on June 30, 1983. Notwithstanding section 904, subsection 3 of this Act which provides for four-year terms of office, the members of the county compensation board appointed to represent cities and school districts as provided in section 904, subsection 1, paragraphs a and b, of this Act for terms beginning on July 1, 1983, shall be appointed to a two-year term which expires on June 30, 1985. Thereafter,

the members appointed under section 904, subsection 1, paragraphs a and b, shall be appointed to four-year terms of office. All other members of the county compensation board shall be appointed to four-year terms of office commencing July 1, 1983.

Sec. 950. Sections 100 through 907 of this Act shall be codified as a single chapter with divisions and parts as indicated and with reserved sections between parts.

CORRESPONDING AMENDMENTS

POWERS AND DUTIES OF THE BOARD AND COUNTY FINANCES

Sec. 1000. Section 11.6, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The Iowa state association of counties shall keep accounts as required by the auditor of state. The auditor of state shall audit the accounts annually and publish the results in the auditor of state's biennial report. The association shall annually publish an accounting of all moneys expended for expenses incurred by and salaries paid to legislative representatives and lobbyists of the association.

Sec. 1001. Section 23.1, Code 1981, is amended to read as follows:

23.1 TERMS DEFINED. ~~The words "public~~ "Public improvement" as used in this chapter ~~shall mean any~~ means a building or other construction work to be paid for in whole or in part by the use of funds of any municipality.

~~The word "municipality"~~ "Municipality" as used in this chapter ~~shall mean county, except in the exercise of its power to make contracts for secondary road improvements,~~ means township, school corporation, state fair board, state board of regents, and state department of social services.

~~The words "appeal"~~ "Appeal board" as used in this chapter ~~shall mean~~ means the "state appeal board", composed of the auditor of state, treasurer of state, and state comptroller.

Sec. 1002. Section 24.22, Code 1981, is amended to read as follows:

24.22 TRANSFER OF ACTIVE FUNDS--POOR FUND. Upon the approval of the state board, it ~~shall be~~ is lawful to make temporary or permanent transfers of money from one fund of the municipality to another fund thereof, ~~but in no event shall there be transferred for any purpose any of the.~~ However, funds collected and received for the construction and maintenance of secondary roads shall not be transferred for any purpose. The certifying board or levying board, ~~as the case may be,~~ shall provide that money temporarily transferred shall be returned to the fund from which it was transferred within such the time and upon such the conditions as the state board ~~shall determine~~ determines, provided that it ~~shall~~ is not be necessary to return to the emergency fund, or to any other fund no longer required, any money transferred therefrom to any other fund. ~~However, the board of supervisors may temporarily transfer any unobligated funds from the county general fund to the county conservation fund without approval of the state board as provided in section 111A.6.~~ No transfer shall be made to a poor fund unless there is a shortage in ~~said the~~ fund after the maximum permissible levy has been made for ~~said the~~ fund.

Sec. 1003. Section 28F.12, Code 1981, is amended to read as follows:

28F.12 ADDITIONAL POWERS OF THE ENTITY. If the entity is comprised solely of cities, counties, and sanitary districts established under chapter 358 or any combination thereof, the entity shall have in addition to all the powers enumerated in this chapter, the powers which a county has with respect to solid waste disposal projects referred to in section 332.44 ~~despite any contrary provision of this chapter.~~

Sec. 1004. Section 37.6, Code 1981, is amended to read as follows:

37.6 BONDS. ~~For the purpose of providing funds for the acquisition of necessary ground therefor, and for purchasing, erecting, constructing, or reconstructing such building or~~

~~monument, and for the necessary equipment therefor, the county may issue bonds to be known as liberty memorial bonds, to be issued and sold as provided by law relative to general county bonds, it shall provide for portions of such bonds to become due at different, definite periods, but none in more than twenty years from date, in issuing such bonds, such county may become indebted in an amount which, added to all other indebtedness, shall not exceed five percent of the actual value of the taxable property in such county as determined by the last state and county tax lists, such bonds shall bear interest at a rate not exceeding that permitted by chapter 74A.~~ Bonds issued by a county for the purposes of this chapter shall be issued under sections 440 through 448 of this Act relating to general county purpose bonds. Bonds issued by a city ~~must~~ shall be issued in accordance with provisions of law relating to general corporate purpose bonds of a city.

Sec. 1005. Section 37.8, Code 1981, is amended to read as follows:

37.8 LEVY FOR MAINTENANCE. For the development, operation, and maintenance of ~~such a~~ building or monument constructed, purchased, or donated under this chapter, ~~there may be thereafter levied a tax as follows:~~

1--By a county owning same, not to exceed thirty-three and three-fourths cents per thousand dollars of assessed value of taxable property within said county.

2--By a city owning same, a county may levy a tax as provided in section 421, subsection 3, of this Act, and a city may levy a tax not to exceed eighty-one cents per thousand dollars of assessed value on all the taxable property within the city, as provided in section 384.12, subsection 2.

Sec. 1006. Section 37.27, Code 1981, is amended to read as follows:

37.27 NURSING HOMES WITH MEMORIAL HOSPITALS. ~~In the event that if~~ a memorial building has been constructed for the

purpose of a hospital pursuant to this chapter, ~~and particularly pursuant to section 37.18,~~ additions thereto for hospital purposes, and nursing homes to be operated in conjunction with ~~such the~~ hospital may be erected or acquired by following the procedure outlined in chapter 347 and ~~particularly section 347.2~~ by issuing general county purpose bonds in accordance with sections 440 through 448 of this Act, with the commissioners acting in the same manner and fashion as the hospital trustees under chapter 347, and with the procedure in all other respects to be identical.

Sec. 1007. Section 37.28, Code 1981, is amended to read as follows:

37.28 ANTICIPATORY WARRANTS. If the funds raised under ~~the provisions of~~ this chapter and sections 420, subsection 1, and 421, subsection 3, of this Act are insufficient for any fiscal year to pay the principal and interest due in that year on any bonds issued for hospital purposes under section 37.6 and to pay the expenses of the operation and maintenance of the hospital and any other hospital expenses authorized by this chapter for the fiscal year, the commission may issue tax anticipatory warrants drawn on the funds to be raised by the taxes levied under sections ~~37.7 and 37.8~~ 420, subsection 1, and 421, subsection 3, of this Act. The warrants shall be in denominations of one hundred, five hundred and one thousand dollars and shall draw interest at a rate not exceeding that permitted by chapter 74A. These warrants shall not be a general obligation of any political subdivision which owns the hospital.

Sec. 1008. Section 37.30, Code 1981, is amended to read as follows:

37.30 REGISTRATION--CALL. All tax anticipatory warrants drawn under ~~the provisions of~~ this chapter, shall be numbered consecutively, and be registered in the office of the treasurer of a political subdivision which owns the hospital and be subject to call in numerical order at any time when sufficient

money derived from the tax levied under ~~this chapter~~ sections 420, subsection 1, and 421, subsection 3, of this Act is in the hands of the treasurer to retire any of said the warrants together with accrued interest thereon.

Sec. 1009. Section 52.3, Code 1981, is amended to read as follows:

52.3 TERMS OF PURCHASE--TAX LEVY. The county board of supervisors, on the adoption and purchase of a voting machine or an electronic voting system, may ~~provide for the payment therefor in such manner as they may deem for the best interest of the county, and may for that purpose issue bonds under section 440, subsection 2, paragraph b, subparagraph (1), of this Act, certificates of indebtedness, or other obligations, which shall be a charge on the county, or levy not to exceed thirteen and one-half cents per thousand dollars of assessed value,--Any amounts so levied and collected in excess of actual costs of voting machines shall revert to the general fund of the county,--Such bonds, certificates, or other obligations may be issued with or without interest, payable at such time or times as the county board may determine, but shall not be issued or sold at less than par as provided in section 421, subsection 4, of this Act.~~

Sec. 1010. Section 110.16, Code 1981, is amended to read as follows:

110.16 DUPLICATE ISSUANCE--~~OLD RECORDS DESTROYED~~. All licenses shall be issued in duplicate, one copy of which shall be given to the applicant, one shall be forwarded to the director, and the license stub shall be retained in the office of the county recorder.

~~The board of supervisors may order the county recorder to destroy all triplicate copies of hunting, fishing and trapping licenses which have been on file in the recorder's office for five years or more.~~

Sec. 1011. Section 111.58, Code 1981, is amended to read as follows:

111.58 USE BY CITIES, ~~COUNTIES~~ AND STATE DEPARTMENT OF TRANSPORTATION. The city council within the limits of the municipal corporation, ~~the board of supervisors within the limits of the county~~ and the state department of transportation, ~~are hereby given authority to~~ may permit use of maintenance equipment under their control in state parks and other lands of the conservation commission, ~~notwithstanding any other provisions of the Code to the contrary.~~

Sec. 1012. Section 111A.2, Code 1981, is amended to read as follows:

111A.2 PETITION--BOARD MEMBERSHIP. Upon a petition of ~~two hundred voters in any county~~ to the board of supervisors thereof, ~~said which meets the requirements of section 305 of this Act, the board shall submit to the people of the county voters at the next primary or general election the question of whether a county conservation board shall be created as provided for in this chapter. If at said the election the majority of votes polled for favors the creation of a county conservation board, the board of supervisors shall within sixty days after said the election, shall create a county conservation board to consist of five bona fide residents of such the county. The members first appointed shall hold office for the term of one, two, three, four, and five years respectively, as indicated and fixed by the county board of supervisors. Thereafter, succeeding members shall be appointed for a term of five years, except that vacancies occurring otherwise than by expiration of term shall be filled by appointment for the unexpired term. When any member of the board, during the term of office, shall cease ceases to be a bona fide resident of the county, he or she shall thereby be the member is disqualified as a member of said board and his or her the office shall thereupon be declared becomes vacant. Members of the board shall be selected and appointed on the basis of their demonstrated interest in conservation matters, and shall serve without compensation, but may be~~

paid their actual and necessary expenses incurred in the performance of their official duties. Members of the county conservation board may be removed for cause by the ~~body-making such appointment~~ board of supervisors as provided in section 320, subsection 4, of this Act. ~~if such the cause be is~~ malfeasance, nonfeasance or disability or failure to participate in board activities as set forth by the rules of ~~said the~~ conservation board, ~~but every such removal shall be by written order, which shall be filed with the county auditor.~~

Sec. 1013. Section 111A.4, subsection 2, Code 1981, is amended to read as follows:

2. To acquire in the name of the county by gift, purchase, lease, agreement, exchange or otherwise, in fee or with conditions, suitable real estate within or without the territorial limits of the county ~~areas of land and water~~ for public museums, parks, preserves, parkways, playgrounds, recreation centers, forests, wildlife, and other conservation purposes and for participation in watershed, drainage, and flood control programs for the purpose of increasing the recreational resources of the county. The state conservation commission, the county board of supervisors, or the governing body of any city or village may, upon request of the county conservation board, ~~designate, set apart and may~~ transfer to the county conservation board for use as museums, parks, preserves, parkways, playgrounds, recreation centers, play fields, tennis courts, skating rinks, swimming pools, gymnasiums, rooms for arts and crafts, camps and meeting places, community forests, wildlife areas, and other recreational purposes, any land and buildings owned or controlled by the state conservation commission or such county or municipality and not devoted or dedicated to any other inconsistent public use. In acquiring or accepting land, due consideration shall be given to its scenic, historic, archaeological, recreational or other special features, and

land shall not be acquired or accepted unless, in the opinion of the board and the state conservation commission, it is suitable or, in the case of exchange, is suitable and of substantially the same value as the property exchanged from the standpoint of its proposed use. An exchange of property approved by the county conservation board and the board of supervisors is not subject to the provisions of section ~~332+3~~ 360, subsection ~~13~~ 2, of this Act.

Sec. 1014. Section 111A.6, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Upon the adoption of ~~any by a~~ county of ~~the provisions of this chapter,~~ the county board of supervisors ~~of such~~ county may ~~by resolution~~ appropriate an amount of money from ~~the general fund of the county for the payment of expenses incurred by the county conservation board in carrying out its powers and duties. The board of supervisors may temporarily transfer by resolution, any unobligated funds from the general fund of the county to the county conservation fund in anticipation of or to match committed receipts of federal funds from the Heritage Conservation and Recreation Service. The transferred funds shall be returned to the general fund of the county within such time not to exceed five years as specified by the board of supervisors or upon receipt of the federal funds, whichever date is earlier as provided in section 423, subsection 3, paragraph d, of this Act.~~ The board of supervisors may levy ~~or cause to be levied~~ an annual tax, ~~in addition to all other taxes, of not more than twenty-seven cents per thousand dollars of the assessed value of all real and personal property subject to taxation within such county, upon proper certification by said county conservation board made pursuant to and in compliance with all of the provisions of chapter 24, which tax shall be collected by the county treasurer as other taxes are collected, and shall be paid into a separate and distinct fund to be known as the county conservation fund, to be paid out upon~~

~~the warrants drawn by the county auditor upon requisition of the county conservation board for the payment of expenses incurred in carrying out the powers and duties of said conservation board. The county conservation board shall have no power or authority to contract any debt or obligation in any year in excess of the moneys in the hands of the county treasurer immediately available for such purposes, except~~ as provided in section 421, subsection 6, of this Act. The board of supervisors may authorize deferred payments for land acquisition purchases not to exceed one-fourth of the annual ~~conservation fund~~ levy nor to extend over a period of more than ten years or except unless the purchases are for projects to be financed from unobligated funds in the ~~county conservation fund~~ and committed federal matching grants. ~~Any single expenditure of, or contract to expend, a sum of five thousand dollars shall be subject to the provisions of chapter 23.~~ The county conservation board is subject to the contract letting procedures in section 340, subsections 1, 2, and 4, of this Act. Gifts, contributions and bequests of money and all rent, licenses, fees and charges, and other revenue ~~or money~~ received ~~or collected~~ by the county conservation board shall be deposited in the ~~county conservation fund~~ to be used for the purchase of land, property, and equipment and the payment of expenses incurred in carrying out the activities of the board, except that moneys given, bequeathed, or contributed upon specified trusts shall be held and applied in accordance with the trust specified. Upon request of the county conservation board, the county board of supervisors may issue general county purpose bonds for the purposes in section 440, subsection 2, paragraph c, subparagraph (2), of this Act as provided in sections 441 and 443 through 448 of this Act.

Sec. 1015. Section 111A.6, unnumbered paragraphs 2, 3, and 4, Code 1981, are amended by striking the unnumbered paragraphs.

Sec. 1016. Section 111A.7, Code 1981, is amended to read as follows:

111A.7 JOINT OPERATIONS. Any county conservation board may co-operate with the federal government or the state government or any department or agency thereof to carry out the purposes and provisions of this chapter. Any county conservation board may join with any other county board or ~~county boards~~ to carry out ~~the provisions of~~ this chapter, and to that end may enter into agreement with each other and may do any and all things necessary or convenient to aid and ~~to co-operate in carrying out the provisions of~~ the chapter. Any city, village or school district may aid and co-operate with any county conservation board or any combination thereof ~~of boards~~ in equipping, operating and maintaining any museums, parks, preserves, parkways, playgrounds, recreation centers, and conservation areas, and for providing, conducting, and supervising programs of activities, and may appropriate money for such purposes. The state conservation commission, county engineer, county agricultural agent, and other county officials shall render such assistance ~~as shall~~ which does not interfere with their regular employment. The board of supervisors is ~~authorized to make available to the use of the county conservation board, county-owned equipment and operators and any county-owned materials or real estate it deems advisable~~ and may be reimbursed to the credit of the proper fund from county conservation funds for actual expense of operation of county-owned equipment, use of county equipment operators, supplies, and materials of the county, or for the reasonable value for the use of county real estate made available for the use of the county conservation board.

Sec. 1017. Section 125.45, subsection 1, Code 1981, is amended to read as follows:

1. Except as provided in section 125.43, each county shall pay for the remaining twenty-five percent of the cost of the care, maintenance, and treatment under this chapter of

residents of that county ~~from the county mental health and institutions fund as provided in section 444.12~~ from the levy authorized by section 420, subsection 13 of this Act. The commission shall establish guidelines for use by the counties in estimating the amount of expense which the county will incur each year. The facility shall certify to the county of residence once each month twenty-five percent of the unpaid cost of the care, maintenance, and treatment of a substance abuser. ~~Such county shall pay the cost as certified to the facility from its county mental health and institutions fund.~~ However, the approval of the board of supervisors ~~shall be~~ is required before payment is made by a county for costs incurred which exceed a total of five hundred dollars for one year for treatment provided to any one substance abuser, except that such approval is not required for the cost of treatment provided to a substance abuser who is committed pursuant to section 125.35. A facility may, upon approval of the board of supervisors, submit to a county a billing for the aggregate amount of all care, maintenance, and treatment of substance abusers who are residents of that county for each month. The board of supervisors may demand an itemization of such billings at any time or may audit the same them.

Sec. 1018. Section 143.1, Code 1981, is amended to read as follows:

143.1 AUTHORITY TO EMPLOY. Any local board of health, area education agency board, or the school board of any school district may employ public health nurses at such periods each year and in such numbers as ~~may be~~ deemed advisable. The ~~board of supervisors of any county, the~~ council of any city, or the school board of any school district, or any of them acting in co-operation, may contract with any nonprofit nurses' association for public health nursing service. The compensation and expenses thereof shall be paid out of the general fund of the political subdivision employing said nurses.

Sec. 1019. Section 159.5, subsection 13, paragraph e, Code 1981, is amended to read as follows:

e. Certify indemnity claims to the boards of supervisors to compensate the owners of condemned swine from funds provided under section ~~165.18~~ 420, subsection 5, of this Act, following the general procedures for filing claims and paying indemnities as provided in chapter 165.

Sec. 1020. Section 163A.12, Code 1981, is amended to read as follows:

163A.12 OWNER REQUESTING TEST. If the owner requests the department to inspect and test his breeding swine for brucellosis, and agrees to comply with the rules made by the department under section 163A.9, the department may designate a veterinarian to make an inspection and test, with the expense to be paid as provided in section 164.6 for cattle brucellosis testing, but only to the extent the funds provided in that section are not required for the cattle testing program. The board of supervisors shall reimburse the department for the expense of the inspection and testing program for swine brucellosis, ~~from the "County Brucellosis Eradication Fund" established in section 164.24~~ as provided in section 420, subsection 5, of this Act, but only to the extent that the moneys in the fund are not required for expenses incurred under chapter 164.

Sec. 1021. Section 165.22, Code 1981, is amended to read as follows:

165.22 AVAILABILITY OF COUNTY FUND. After the amount allotted in any year by the department to any county has been expended or contracted in ~~said~~ that county, or at any time that there ceases to be available for ~~such~~ the county any federal funds for the eradication of bovine tuberculosis, the county ~~eradication fund provided in this chapter as specified in section 424, subsection 5 of this Act~~ shall become available as a substitute for either or both ~~such~~ state and federal funds for the payment of materials, indemnities, inspectors, and assistants ~~as herein provided~~.

Sec. 1022. Section 165.23, Code 1981, is amended to read as follows:

165.23 EXHAUSTION OF STATE ALLOTMENT. As soon as the allotment to the county has been spent or contracted, the department shall certify such that fact to the county auditor, which certificate ~~shall be~~ is full authority for the board of supervisors to pay claims as presented to the board by the department of agriculture ~~out-of-the-county-eradication~~ fund.

Sec. 1023. Section 174.10, subsection 2, Code 1981, is amended to read as follows:

2. In counties having two incorporated agricultural societies conducting county fairs, but not having two definitely separate county extension offices, the state aid shall be prorated between the two societies or, if an official county fair is designated by election, shall be paid to that society determined to be conducting the official county fair. The board of supervisors, upon receiving a petition signed ~~by ten percent of the qualified electors of the county having voted in the preceding general election for the office of president of the United States or governor as applicable~~ which meets the requirements of section 305 of this Act, shall submit to the qualified electors of the county at the next general election following submission of the petition or at a special election if requested by the petitioners at no cost to the county, the question of which fair shall be designated as the official county fair. Notice of the election shall be given as provided in section 49.53. The fair receiving a majority of the votes cast on the question shall be designated the official county fair. To qualify as the official county fair, the sponsoring society need not meet the conditions provided in subsection 1 ~~of this section~~.

Sec. 1024. Section 174.13, subsection 1, Code 1981, is amended to read as follows:

1. The board of supervisors of the county in which any such a society is located may levy and expend a tax ~~of not to exceed six and three-fourths cents per thousand dollars of assessed value of the taxable property of the county, the funds received from the levy to be known as the fairground fund, and to be used for the purpose of fitting up or purchasing fairgrounds for the society, or for the purpose of aiding boys and girls 4-H club work and payment of agricultural and livestock premiums in connection with the fair, if the society is the owner in fee simple, or the lessee of at least ten acres of land for fairground purposes, and owns or leases buildings and improvements on the land of at least eight thousand dollars in value in accordance with section 421, subsections 7 and 8 of this Act.~~

Sec. 1025. Section 174.15, Code 1981, is amended to read as follows:

174.15 PURCHASE AND MANAGEMENT. ~~if a majority of the votes cast are in favor of such proposition, the board shall make the authorized purchase and pay for the same out of the general fund, or accept as a gift from the owner a county or district fairground already in existence. Title to land purchased or received for fairground purposes shall be taken in the name of the county, but the board of supervisors shall place such real estate~~ it under the control and management of an incorporated county or district fair society. ~~Such The society is authorized to~~ may act as agent for ~~said the~~ county in the erection of buildings, maintenance of grounds and buildings, or any improvements constructed on ~~such the~~ grounds. Title to new buildings or improvements shall be taken in the name of the county but the county ~~shall be~~ is not be liable for ~~such the~~ improvements or expenditures ~~therefor for them~~.

Sec. 1026. Section 218.99, Code 1981, is amended to read as follows:

218.99 COUNTY AUDITORS TO BE NOTIFIED OF PATIENTS' PERSONAL ACCOUNTS. The director of a division of the department of social services in control of a state institution shall direct the business manager of each institution under ~~his~~ the ~~director's~~ jurisdiction which is mentioned in section 444.12 424, subsection 13, of this Act to quarterly inform the auditor of the ~~patient's or inmate's~~ county of legal settlement of any patient or inmate who has an amount in excess of two hundred dollars ~~to his~~ on account in the patients' personal deposit fund and the amount ~~thereof on deposit~~. ~~Such~~ The directors shall direct the business manager to further notify the auditor of ~~such~~ the county at least fifteen days before the release of ~~such~~ funds in excess of two hundred dollars or upon the death of ~~such~~ the patient or inmate. If ~~any-such~~ the patient or inmate ~~shall-have~~ has no county of legal settlement, notice ~~as-required-by-this-section~~ shall be made to the commissioner of the department of social services and the director of a the division of ~~such~~ the department in control of the ~~particular~~ institution involved.

Sec. 1027. Section 222.77, Code 1981, is amended to read as follows:

222.77 PATIENTS ON LEAVE. The cost of support of patients placed on convalescent leave or removed as a habilitation measure from a hospital-school, or a special unit, except when living in the home of a person legally bound for the support of ~~such~~ the patient, shall be paid ~~from-the-state institution-fund-or-the-county-mental-health-fund-of-the~~ by the county of legal settlement as provided in section 424, subsection 13, of this Act. If the patient has no county of legal settlement, the cost shall be paid from the support fund of the hospital-school or special unit and charged on abstract in the same manner as other state inpatients until such time as the patient becomes self-supporting or qualifies for support under other existing statutes.

Sec. 1028. Section 227.18, Code 1981, is amended to read as follows:

227.18 CLAIMS FILED QUARTERLY. The state aid ~~herein provided-for~~ shall be paid to the claimant county upon a verified claim being filed quarterly with the state director setting forth the total of weekly patient care furnished to transferees in county or private institutions from the county ~~mental-health-and-institutions~~ fund specified in section 424, subsection 13 of this Act. Approval of ~~said~~ a verified claim by the state director ~~shall-be~~ is authority for the state comptroller to issue a warrant upon the state mental aid fund payable to the claimant county ~~which-shall-be-credited-by that-county-to-the-county-mental-health-and-institutions-fund established-by-section-444.12~~.

Sec. 1029. Section 230A.1, Code 1981, is amended to read as follows:

230A.1 ESTABLISHMENT AND SUPPORT OF COMMUNITY MENTAL HEALTH CENTERS. A county or affiliated counties having a total or combined population of thirty-five thousand or more ~~may,~~ by action of the board or boards of supervisors, with approval of the Iowa mental health authority, may establish a community mental health center under this chapter to serve the county or counties. In establishing the community mental health center, the board of supervisors of each county involved may make a single nonrecurring expenditure from the county ~~mental-health-and-institutions~~ fund specified in section 424, subsection 13 of this Act in an amount not exceeding two hundred fifty dollars per thousand population or major fraction thereof in the county, but ~~no-such~~ an expenditure shall not be made under this section by any county which has prior to July 1, 1974, expended funds to assist in establishment of a community mental health center under section 230.24, third paragraph, Code 1966 or Code 1971, or section 230.24, second paragraph, Code 1973. ~~Nothing-in-this~~ This section ~~shall~~ does not limit the authority of the board or boards of

supervisors of any county or group of counties, which prior to July 1, 1974, established or joined in establishing a community mental health center in a manner consistent with the requirements of section 230A.3, to continue to expend money from ~~the county mental health and institutions fund funds~~ to support operation of the center, and to form agreements with the board of supervisors of any additional county for that county to join in supporting and receiving services from or through the center.

Sec. 1030. Section 230A.4, Code 1981, is amended to read as follows:

230A.4 TRUSTEES--QUALIFICATIONS--MANNER OF SELECTION.

When the board or boards of supervisors of a county or affiliated counties decides to directly establish a community mental health center under this chapter, the supervisors, acting jointly in the case of affiliated counties, shall appoint a board of community mental health center trustees to serve until the next succeeding general election. The board of trustees shall consist of at least seven members each of whom shall be a resident of the county or one of the counties served by the center. ~~No~~ An employee of the center ~~shall be is not~~ eligible for the office of community mental health center trustee. At the first general election following establishment of the center, all members of the board of trustees shall be elected. They shall assume office on the second ~~secular~~ day of the following January which is not a Sunday or legal holiday, and shall at once divide themselves by lot into three classes of as nearly equal size as possible. The first class shall serve for terms of two years, the second class for terms of four years, and the third class for terms of six years. Thereafter, a member shall be elected to the board of trustees for a term of six years at each general election to succeed each member whose term will expire in the following year.

Sec. 1031. Section 232.142, subsections 1 and 2, Code 1981, are amended to read as follows:

1. County boards of supervisors ~~may either~~ which singly or in conjunction with one or more other counties provide and maintain juvenile detention and juvenile shelter care homes are subject to this section.

2. For the purpose of providing and maintaining such a county or multicounty home, the board of supervisors of any county may issue bonds ~~and authorize the expenditure of such amounts as are consistent with the provisions of chapter 345. The board of supervisors of any county is authorized to in accordance with sections 440 through 448 of this Act and levy a tax not to exceed thirteen and one-half cents per thousand dollars of assessed value for the purpose of maintaining such a home,--in counties of over one hundred fifty thousand population, the board of supervisors is authorized to levy a tax not to exceed twenty and one-fourth cents per thousand dollars of assessed value for the maintenance of such a home in accordance with section 421, subsection 9 of this Act.~~ Expenses for providing and maintaining such a multicounty home shall be paid by the ~~county or~~ counties participating in a manner to be determined by ~~board or~~ the boards of supervisors of participating counties.

Sec. 1032. Section 234.10, Code 1981, is amended to read as follows:

234.10 COMPENSATION OF COUNTY BOARD MEMBERS. All members of the county board of social welfare shall be reimbursed for the actual and necessary expenses incurred by them in the discharge of their duties. They shall also receive compensation for services at the rate of six dollars per diem, ~~but such compensation shall not to exceed a total of one hundred fifty dollars in any one year. The expenses and compensation of county board members shall be paid from the general fund of the county, provided, however, that members of the board of supervisors serving on said county board of~~

~~social-welfare-shall-not-be-paid-compensation-as-members-of said-county-board-of-social-welfare-for-any-day-on-which-they are-paid-for-their-official-work-as-members-of-the-board-of supervisors.~~

Sec. 1033. Section 234.36, Code 1981, is amended to read as follows:

234.36 WHEN COUNTY TO PAY FOSTER CARE COSTS. Each county shall pay from the county ~~mental-health-and-institutions~~ fund ~~as-provided-by-section-444-12, subsection-2, specified in section 424, subsection 13 of this Act~~ the cost of foster care for a child placed by a court as provided in section 232.50 or section 232.99. However, in any fiscal year for which the general assembly appropriates state funds to pay for foster care for children placed by courts under the statute ~~or those sections of chapter 232 cited in this section~~, the county ~~shall-become~~ is responsible for these costs only when the funds so appropriated to the department for that fiscal year have been exhausted. The rate of payment by the county or the state, ~~as-the-case-may-be~~, under this section shall be that fixed by the department of social services pursuant to section 234.38.

Sec. 1034. Section 250.5, Code 1981, is amended to read as follows:

250.5 COMPENSATION. The members of ~~said~~ the commission shall be paid for their services the sum of five dollars per day for each day actually employed in the work of ~~said~~ the commission, and also the same mileage that is paid to the members of the board of supervisors. ~~Said~~ The per diem and mileage shall be paid out of the ~~taxes-raised-under-the provisions-of-section-250-1,--in-the-event~~ tax levied under section 421, subsection 10 of this Act. If the commission has employed administrative or clerical help, the members of the commission shall receive compensation for attendance at the annual and monthly meetings only.

Sec. 1035. Section 251.4, Code 1981, is amended to read as follows:

251.4 GRANTS FROM STATE FUNDS TO COUNTIES. The state division ~~shall-have-the-authority-to~~ may require as a condition of making available state assistance to counties for emergency relief purposes, that the county boards of supervisors shall make maximum tax levies for relief and, establish ~~such~~ budgets as are needed in respect to the relief situation in the counties, ~~and comply with restrictions in section 421, subsection 11 of this Act.~~ The ~~state-division-shall-also~~ have the authority to require as a condition of grants of state aid to the counties that the county board of supervisors shall make no transfers from the county poor fund or charges against the county poor fund for purposes other than that for which the county poor fund is established by law, and it is hereby made mandatory upon the county board of supervisors, that taxes levied and collected for the county poor fund shall be expended only for the purposes levied.

Sec. 1036. Section 251.5, unnumbered paragraph 1, Code 1981, is amended to read as follows:

The county board, ~~in-addition-to-all-of-the-powers-and duties-given-it-by-law~~ of social welfare shall have the following duties:

Sec. 1037. Section 251.6, Code 1981, is amended to read as follows:

251.6 COUNTY SUPERVISORS TO DETERMINE RELIEF AND WORK PROJECTS. The ~~local~~ county board of supervisors shall ~~ascertain-all-necessary-details-concerning-these-seeking supervise administration of emergency~~ relief, and shall determine the minimum amount of relief required for each ~~such~~ person or family, and ~~shall-ascertain which of-such persons are employable, and whether and under what conditions persons receiving emergency relief may be employed by the county.~~

The board of supervisors may require that all employables contribute as many hours of his or her labor as that

employable's requirements, as estimated by the board, will buy at the prevailing rate of compensation for that class of labor in that community.

The board of supervisors may determine on what projects of county-wide or community-wide nature such relief labor may be used; it may, however, delegate to its political subdivisions such authority as it deems advisable for administrative expediency.

To the board of supervisors is reserved all authority not expressly otherwise set out previously.

Sec. 1038. Section 251.7, Code 1981, is amended to read as follows:

251.7 COUNTY DIRECTORS TO ACT AS EXECUTIVE OFFICERS.

The county director shall be of social welfare is the executive officer of the county board of social welfare in all matters pertaining to relief.

Sec. 1039. Section 252.27, Code 1981, is amended to read as follows:

252.27 FORM OF RELIEF--CONDITION. The board of supervisors shall determine the form of the relief may be either in the form of food, rent or clothing, fuel and lights, medical attendance, civil legal aid, or in money. legal However, legal aid authorized herein shall be only in civil matters and provided only through a legal aid program approved by the county board of supervisors. The amount of assistance issued to meet the needs of the person shall be determined by standards of assistance established by the county boards board of supervisors. They may require any able-bodied person to labor faithfully on the streets or highways work on public programs or projects at the prevailing local rate per hour in payment for and as a condition of granting relief, said. The labor shall be performed under the direction of the officers having charge of working streets and highways such public programs or projects. Subject to the provisions of section 142.1, such relief may also consist of the burial

of nonresident indigent transients and the payment of the reasonable cost of such burial, provided such expenses do not to exceed two hundred fifty dollars.

The board shall record its proceedings relating to the provision of relief to specific persons under this chapter. A person who is aggrieved by a decision of the board may appeal the decision as if it were a contested case before an agency and as if the person had exhausted administrative remedies in accordance with the procedures and standards in section 17A.19, subsections 2 through 8 except paragraphs b and c of subsection 8, and section 17A.20.

Sec. 1040. Section 252.43, unnumbered paragraphs 1 and 2, Code 1981, are amended by striking the unnumbered paragraphs.

Sec. 1041. Section 253.1, Code 1981, is amended to read as follows:

253.1 ESTABLISHMENT--SUBMISSION TO VOTE. The If the board of supervisors of each county may order the establishment of a county care facility in such county whenever it is deemed advisable and may make the requisite contracts and carry such order into effect, provided the cost of said proposes to establish a county care facility, if under this chapter at a cost in excess of fifteen thousand dollars, it shall be first estimated by said board and approved by submit the proposition to a vote of the people.

Sec. 1042. Section 253.3, Code 1981, is amended to read as follows:

253.3 ANNUAL PUBLISHED REPORT. The board of supervisors shall, during the month of July prior to September 1 of each year, shall publish in the official papers of the county as part of its proceedings, a financial statement of the receipts of the county care facility, or county farm, itemizing the same them and stating the their source thereof, which report shall also set forth the total expenditures thereof and the value of the property on hand on July 1 of the year for which

the report is made and a comparison with the inventory of the previous year.

Sec. 1043. Section 253.5, Code 1981, is amended to read as follows:

253.5 ADMISSION--LABOR REQUIRED. The administrator shall admit into the county care facility as residents only those persons ordered admitted in the manner prescribed by section 253.6 and shall maintain a record of the name and age of each person admitted and the date of his admission. The administrator board may require of any resident of the county care facility, with approval of a physician, reasonable and moderate labor suited to the resident's age and bodily strength. Any income realized through the labor of residents, together with the receipts from operation of the county farm if one is maintained, shall be appropriated for use by the county care facility in such manner as the board of supervisors may direct.

Sec. 1044. Section 306.42, subsection 5, Code 1981, is amended to read as follows:

5. Notwithstanding requirements of chapter 114 and sections 306.22, ~~322.3, subsection 13~~, sections 364.7, 409.12, 409.14 and 471.20, legal descriptions, plats, maps or engineering drawings used to describe transfers of right of way shall, where available, be descriptions, plats, maps or engineering drawings of record and shall be incorporated by reference to such title instrument or proceedings. Where a part but not all of the land acquired by a single conveyance or condemnation is being transferred, the description of that part to be transferred shall be abstracted from the present legal description, plat, map or engineering drawing of record.

Sec. 1045. Section 309.10, unnumbered paragraph 2, Code 1981, is amended to read as follows:

A county shall not use farm-to-market road funds as described in this section unless the total funds that the county raised during the prior calendar year pursuant to section

~~309.8, subsections 1, 3, and 4~~ 424, subsection 7, paragraph a, subparagraphs (1), (3), and (4), of this Act, are at least seventy-five percent of the maximum funds the county could have raised in the prior calendar year pursuant to section ~~309.7~~ 421, subsections 12 and 13 of this Act.

Sec. 1046. Section 312.2, subsection 8, Code 1981, is amended to read as follows:

8. Beginning July 1, 1981, and each subsequent year, the treasurer of state, before making any allotments to counties under the provisions of this section, shall reduce the allotment to any county for the secondary road fund by an amount by which the total funds that the county raised during the prior calendar year under the provisions of section ~~309.8, subsections 1, 3, and 4~~ 424, subsection 7, paragraph a, subparagraphs (1), (3), and (4), of this Act, are less than seventy-five percent of the maximum funds that the county could have raised in the prior calendar year under the provisions of section ~~309.7~~ 421, subsections 12 and 13, of this Act. Funds remaining in the secondary road fund of the counties due to a reduction of allocations to counties for failure to maintain a minimum local tax effort shall be reallocated to counties that are not reduced under the provisions of this subsection pursuant to the allocation provisions of section 312.3, subsection 1, based upon the needs and area of the county. Information necessary to make allocations under this subsection shall be provided by the state department of transportation or the state comptroller upon request by the treasurer of state.

Sec. 1047. Section 317.4, Code 1981, is amended to read as follows:

317.4 DIRECTION AND CONTROL. Whenever As used in this chapter, powers and duties are imposed upon a "commissioner" or "commissioners" pursuant to their weed eradication duties, such powers and duties shall apply to means the county weed commissioners and their deputies within their respective

counties. Each commissioner ~~shall~~, subject to direction and control by the county board of supervisors, ~~have supervision over~~ shall supervise the control and ~~the~~ destruction of all noxious weeds in the ~~commissioner's~~ county, including those growing within the limits of cities, within the confines of abandoned cemeteries, and those growing along streets and highways unless otherwise provided. ~~Each A commissioner and deputy shall have the authority to~~ may enter upon any land in the ~~commissioner's~~ county at any time for the performance of the commissioner's duties, and shall hire the labor and equipment necessary ~~for the performance of the commissioner's duties~~ subject to the approval of the board of supervisors. This necessary labor and equipment shall be paid for from the county general fund or the ~~weed eradication and equipment fund funds specified in section 425, subsection 7 of this Act.~~

Sec. 1048. Section 321.207, Code 1981, is amended to read as follows:

321.207 RECORD FORWARDED. Every court having jurisdiction over offenses committed under this chapter, or any other law of this state or any city or county traffic ordinances, other than parking regulations, regulating the operation of motor vehicles on highways, shall forward to the department a record of the conviction of any person in ~~said~~ the court for a violation of any ~~said~~ the laws, and may recommend the suspension of the operator's or chauffeur's license of the person so convicted, and the department shall ~~thereupon~~ consider and act upon ~~such~~ the recommendation ~~in such manner as may seem to it best.~~

Sec. 1049. Section 327H.20, Code 1981, is amended to read as follows:

327H.20 ASSISTANCE AGREEMENTS. The director of the department of transportation with the approval of the state transportation commission, may enter into agreements with railroads, the United States government, persons, cities,

counties, or railroad districts for carrying out the purposes of this section and sections 327H.18, ~~327H.19,~~ and 327H.21 to 327H.25. Agreements entered into between the director of the department of transportation and railroad corporations ~~pursuant to this section~~ may require payment by the railroad corporation of a portion of increased revenue derived from the improved branch line into the railroad assistance fund. ~~The~~ If the board of supervisors of a county ~~may enter~~ enters into an agreement with the state department of transportation to receive a portion of the payments made by a railroad corporation to the railroad assistance fund ~~pursuant to this section.~~ The ~~the~~ amount received by ~~a~~ the county shall not exceed the amount appropriated to the railroad assistance fund by the county pursuant to section ~~327H.23~~ 423, subsection 3, paragraph m of this Act.

Sec. 1050. Section 329.4, subsection 1, Code 1981, is amended to read as follows:

1. ORDINANCES OR RESOLUTIONS. The municipality owning or controlling the airport, and the municipality within which the airport hazard area is located, may by duly adopted ordinance ~~or resolution, as may be appropriate,~~ adopt, administer, and enforce airport zoning regulations applicable to the airport hazard area ~~in question.~~

Sec. 1051. Section 329.7, Code 1981, is amended to read as follows:

329.7 RELATION TO COMPREHENSIVE ZONING REGULATIONS. Any municipality which ~~has adopted, or hereafter adopts,~~ zoning ordinances under ~~the provisions of~~ chapter 414, ~~is hereby~~ empowered to ~~or chapter 358A may~~ incorporate therein such airport hazard area zoning regulations ~~as are provided for by this chapter,~~ and to administer and enforce ~~the same~~ them as herein provided in this chapter.

Sec. 1052. Section 329.9, Code 1981, is amended to read as follows:

329.9 PROCEDURE FOR ADOPTING ZONING REGULATIONS--ZONING COMMISSION. In adopting, amending, and repealing airport zoning regulations under this chapter the governing body of ~~the municipality~~ a city shall follow the procedure ~~as provided~~ in sections 414.4 and 414.6 and the board of supervisors of a county shall follow the procedure in sections 358A.6 and 358A.8. ~~Any action taken on the part of any county under this chapter shall be by resolution of the board of supervisors thereof and no such action shall be taken without a majority of the board of supervisors voting therefor and consenting thereto.~~ The commission so appointed shall be known as the airport zoning commission. The airport zoning commission shall consist of two members from each municipality selected by the governing body thereof and one additional member to act as ~~chairman~~ chairperson and to be selected by a majority vote of the members selected by the municipality. The terms of the members of the airport zoning commission shall be for six years excepting that when the board ~~shall~~ is first be created, one of the members appointed by each municipality shall be appointed for a term of two years and one for a term of four years. Members may be removed for cause by the appointing authority upon written charges after public hearing. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant in the same manner in which ~~said~~ the member was selected.

Sec. 1053. Section 329.12, unnumbered paragraph 1, Code 1981, is amended to read as follows:

The governing body of any municipality ~~availing or seeking to avail itself of the exercise~~ powers by under this chapter ~~conferred~~ shall, by ordinance ~~or resolution duly adopted,~~ provide for the appointment of a board of adjustment, as provided in section 414.7 for a city, or as provided in section 358A.10 for a county. ~~Such~~ The board of adjustment ~~shall have~~ has the same powers and duties, and its procedure, and ~~appeals thereto and therefrom in all respects shall be~~

~~governed by and~~ are subject to the same provisions as established in sections 414.9 to 414.19 for a city, or sections 358A.12 through 358A.21 for a county.

Sec. 1054. Section 330.17, Code 1981, is amended to read as follows:

330.17 AIRPORT COMMISSION--ELECTION. The council of any city, ~~or county or township~~ which owns or otherwise acquires an airport may, and upon the council's receipt of a valid petition as provided in section 362.4, or ~~upon receipt of a petition of ten percent of the number of qualified electors of the county or township who voted at the last general election by the board of supervisors as provided in section 305 of this Act~~ shall, at a regular city election or a general election if one is to be held within sixty days from the filing of ~~said~~ the petition, or ~~otherwise at a special election~~ called for that purpose, submit to the voters the question as to whether the management and control of ~~such~~ the airport shall be placed in an airport commission. If a majority of the voters favors placing the management and control of the airport in an airport commission, the commission shall be established as provided in this chapter.

The management and control of an airport by an airport commission may be ended in the same manner. If a majority of the voters does not favor continuing the management and control of the airport in an airport commission, ~~said~~ the commission shall stand abolished sixty days from and after the date of ~~such~~ the election, and the power to maintain and operate ~~such~~ the airport shall revert to ~~such~~ the city, or county ~~or township~~.

Sec. 1055. Section 330.18, Code 1981, is amended to read as follows:

330.18 NOTICE OF ELECTION. Notice of ~~such~~ the election shall be given by publication in a newspaper of general circulation in the city, ~~county or township~~, subject to the ~~provisions of~~ section 362.3 or in the county, subject to section 304 of this Act.

Sec. 1056. Section 330.19, Code 1981, is amended to read as follows:

330.19 FORM OF QUESTION. The question to be submitted shall be in the following form:

"Shall the City (or County) of place (or continue) the management and control of its airport (or airports) in an Airport Commission?"

Sec. 1057. Section 330.21, Code 1981, is amended to read as follows:

330.21 POWERS--FUNDS. The commission has all of the powers in relation to airports granted to cities, and counties and townships under this chapter Act and the Constitution of the State of Iowa, except powers to sell the airport. The commission shall annually certify the amount of tax within the limitations of this chapter Act to be levied for airport purposes, and upon such certification the governing body may include all or a portion of said the amount in its budget.

All funds derived from taxation or otherwise for airport purposes shall be under the full and absolute control of the commission for the purposes prescribed by law, and shall be deposited with the county treasurer or city clerk to the credit of the airport commission, and shall be disbursed only on the written warrants or orders of the airport commission, including the payment of all indebtedness arising from the acquisition and construction of airports and the their maintenance, operation, and extension thereof.

Sec. 1058. Section 344.11, Code 1981, is amended to read as follows:

344.11 SCOPE OF STATUTE. ~~Nothing in this~~ This chapter ~~shall be construed as affecting the provisions of~~ does not ~~affect~~ section 343.11 900, subsection 6, of this Act, and ~~penalty provisions of this chapter with reference to the~~ penalty shall be are in addition to the provisions of that section 343.10.

Sec. 1059. Section 345.1, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

345.1 SUBMISSION OF PROPOSALS TO THE ELECTORS.

1. Except as otherwise provided by state law, the board of supervisors shall not expend over ten thousand dollars for the construction, reconstruction, remodeling, or relocation of a county building or facility, or the purchase of real property for county purposes until a majority of the qualified electors of the county voting on the proposition has approved the expenditure and any necessary tax levy for it at a general or special election.

2. An expenditure is not subject to subsection 1 if it is made from funds on hand or federal revenue-sharing or matching funds or both, without the levy of additional taxes, if the probable amount of the expenditure does not exceed:

- a. Two hundred thousand dollars in a county having a population of twenty-five thousand or less.
- b. Two hundred fifty thousand dollars in a county having a population of more than twenty-five thousand but not more than fifty thousand.
- c. Three hundred thousand dollars in a county having a population of more than fifty thousand but not more than one hundred thousand.
- d. Four hundred thousand dollars in a county having a population of more than one hundred thousand but not more than two hundred thousand.

e. Five hundred thousand dollars in a county having a population of more than two hundred thousand.

3. An expenditure of any of the following is not subject to subsection 1:

- a. Federal revenue-sharing funds for a mental health or mental retardation project.
- b. Federal funds other than federal revenue-sharing funds, for approved projects not requiring matching funds.

c. Damages awarded by the state or federal government for a relocation and replacement made necessary by the acquisition of county property for a state or federal project.

d. Federal revenue-sharing funds for courthouse remodeling in a county with a population of over two hundred thousand.

e. Federal funds including federal revenue-sharing funds, when less than fifteen percent of county matching funds are required.

4. If an expenditure not subject to subsection 1 exceeds fifty thousand dollars, the board shall hold a public hearing on the proposal after notice as required in section 304 of this Act.

5. A tax may be levied as provided in section 421, subsection 19, of this Act if approved at the election required under subsection 1.

6. Notice of adoption of a proposal submitted under subsection 1 shall be published in the same manner as the notice of the election.

7. A proposal adopted at an election under subsection 1 or other state law may be rescinded at a subsequent election, subject to rights and obligations incurred under contracts resulting from the election which approved the proposal. Unobligated amounts collected from tax levies rescinded shall revert to the general fund.

8. A proposal subject to approval at an election under subsection 1 shall be submitted at the next general election upon receipt by the board of supervisors of a petition requesting its submission and signed by one-fourth of the qualified electors in the county as shown by the registration lists for the last preceding general election.

9. Notice of an election under this section shall be published as provided in section 305 of this Act and shall state the whole question to be voted upon, including but not limited to the amount to be raised and the rate of tax to be levied.

Sec. 1060. Section 346A.2, Code 1981, is amended to read as follows:

346A.2 AUTHORIZED IN CERTAIN COUNTIES. ~~Subject to and in accordance with the provisions of this chapter, counties~~ Counties having a population over seventy thousand, as determined by the last official United States census, ~~are hereby authorized to may~~ undertake and carry out any project as ~~hereinbefore defined in section 346A.1, and the boards thereof are authorized to may~~ operate, control, maintain and manage health centers and additions ~~thereto to~~ and facilities ~~therefor for health centers~~. The boards ~~thereof are further authorized to may~~ appoint such committees, groups, or operating boards as they may deem necessary and advisable to facilitate the operation and management of ~~such~~ health centers, additions and facilities. ~~The board is further authorized to A board may~~ lease space in any health center to other public corporations, public agencies and private nonprofit agencies engaged in furnishing health, welfare and social services which lease shall be on ~~such~~ terms and conditions as the board ~~may deem deems~~ advisable. All contracts for the construction, reconstruction, completion, equipment, improvement, repair or remodeling of any buildings, additions or facilities shall be let in accordance with ~~the provisions of section 332.7 and chapter 22~~ section 340, subsection 1, of this Act. To pay the cost of operating, maintaining and managing a health center the board of any such county ~~is authorized to may~~ levy an annual tax ~~not exceeding fifty-four cents per thousand dollars of assessed value per annum on all the taxable property in the county, said levy to be in addition to all other levies authorized by law for similar purposes in accordance with~~ section 421, subsection 21, of this Act.

Sec. 1061. Section 347.7, Code 1981, is amended to read as follows:

347.7 TAX LEVY. If ~~the a~~ a county hospital ~~be is~~ established, the board of supervisors, at the time of levying

ordinary taxes, shall levy a tax at the rate voted not to exceed fifty-four cents per thousand dollars of assessed value in any one year for the erection and equipment ~~thereof of~~ the hospital, and also a tax not to exceed twenty-seven cents per thousand dollars of value for the improvement, maintenance, and replacements of the hospital, as certified by the board of hospital trustees; ~~provided, however,~~ However, in counties having a population of two hundred twenty-five thousand ~~inhabitants~~ or over, the levy for improvements and maintenance of the hospital shall not exceed one dollar and thirty-five cents per thousand dollars of assessed value in any one year. The proceeds of ~~such the~~ the taxes ~~shall~~ constitute the county public hospital fund and ~~such the~~ the fund ~~shall be~~ is subject to review by the board of supervisors in counties over two hundred twenty-five thousand. ~~Provided, however, that~~ However, the board of trustees of a county hospital ~~of said county,~~ where funds are available in the county public hospital fund of ~~said the~~ the county which are unappropriated, may use ~~such the~~ the unappropriated funds for erecting and equipping hospital buildings and additions thereto without authority from the voters of ~~said the~~ the county.

No levy shall be made for the improvement, maintenance, or replacements of the hospital until the hospital has been constructed, staffed, and receiving patients. ~~Whenever if~~ Whenever revenue bonds are issued and outstanding under ~~the provisions of section 347-27 460, subsection 1, paragraph d, of this Act,~~ the authority contained in section 347-27 to board may levy ~~the a~~ a tax to pay operating and maintenance expenses; ~~when and as therein provided, shall be~~ in lieu of and not in addition to the authority ~~otherwise~~ otherwise contained in this section ~~to levy the tax of~~ not to exceed twenty-seven cents per thousand dollars of assessed value ~~for the improvement, maintenance and replacements of the hospital and of~~ or not to exceed one dollar and twenty-one and one-half cents per thousand dollars of assessed value for improvements and

maintenance of the hospital in counties having a population of two hundred twenty-five thousand ~~inhabitants~~ or over.

Sec. 1062. Section 347.13, subsection 9, Code 1981, is amended to read as follows:

9. Fix at its regular February meeting in each year, the amount necessary for the improvement and maintenance of the hospital during the ensuing fiscal year, and cause the president and the secretary to certify the ~~same amount~~ amount to the county auditor before March 1 of each year, subject to ~~the provisions of any limitation in section 347-27 347.7.~~

Sec. 1063. Section 347A.1, Code 1981, is amended to read as follows:

347A.1 CONTRACTS--TRUSTEES. Any ~~A~~ a county ~~in the state of Iowa~~ having a population less than one hundred fifty thousand ~~is hereby authorized and empowered to acquire, construct, equip, operate and maintain a county hospital and, for the purpose of acquiring, constructing, equipping, enlarging or improving any such county hospital and acquiring the necessary lands, rights-of-way and other property necessary therefor,~~ may issue revenue bonds ~~all for a county hospital as in this chapter provided in section 460, subsection 1, paragraph e of this Act.~~ All contracts for construction work of such county hospital shall be awarded by the board of supervisors on competitive bidding following such advertisement as may be prescribed by such board. The administration and management of ~~any county the~~ the hospital ~~acquired, constructed, equipped, enlarged or improved under this chapter~~ shall be vested in a board of hospital trustees consisting of five members appointed by the board of supervisors from among the resident citizens of the county with reference to their fitness for ~~such office,~~ and not more than two of ~~such the~~ the trustees shall be residents of the same township.

PARAGRAPH DIVIDED. ~~Such The~~ The trustees shall hold office until the next succeeding election, at which time their successors shall be elected, two for a term of two years.

two for a term of four years and one for a term of six years, and thereafter their successors shall be elected for regular terms of six years each. Vacancies in the board of trustees may be filled in the same manner as original appointments, to hold office until the vacancies are filled pursuant to section 69.12. ~~Said~~ The trustees shall, within ten days after their appointment or election, shall qualify by taking the usual oath of office, but no bond shall be required of them. ~~The members-of-such-board-of-hospital~~ trustees shall receive no compensation but shall be reimbursed for all expenses incurred by them with the approval of ~~said the board of trustees~~ in the performance of their duties. The board first appointed shall organize promptly following ~~their its~~ appointment, and shall serve until ~~such-time-as-their~~ successors are elected and qualified; thereafter no later than December 1 of each year the board shall reorganize by the appointment of a chairman chairperson, secretary, and treasurer. The secretary and treasurer shall each file with the chairman chairperson of the board a surety bond in ~~such penal-sum-as~~ the amount the board of trustees requires, with sureties to be approved by the board of trustees, for the use and benefit of the county hospital. The reasonable cost of the bonds shall be paid from the operating funds of the hospital. The secretary shall report to the county auditor and the county treasurer the names of the chairman chairperson, secretary, and treasurer of the board as soon as practicable after the appointment of each.

PARAGRAPH DIVIDED. The treasurer of the county hospital shall receive and disburse all funds. Warrants shall be drawn by the secretary and countersigned by the chairman chairperson of the board after the claim has been certified by the board. The treasurer of the county hospital shall keep an accurate account of all receipts and disbursements and shall register all orders drawn and reported ~~to-him~~ by the secretary, showing the number, date, to whom drawn, the fund upon which drawn,

the purpose, and amount. The secretary of the board of ~~hospital~~ trustees shall file with the board on or before the tenth day of each month, a complete statement of all receipts and disbursements from all funds during the preceding month, and also the balance remaining on hand in all funds at the close of the period covered by the statement. Before the third Monday of each month, the county treasurer shall give notice to the chairman chairperson of the board of ~~hospital~~ trustees of the amount of revenue collected for each fund of the hospital to the first day of that month, and the chairman chairperson shall draw ~~his a~~ draft therefor countersigned by the secretary, upon the county treasurer, who shall pay ~~such the~~ taxes to the treasurer of the hospital, ~~only-on-such~~ upon receipt of the draft.

PARAGRAPH DIVIDED. The board of hospital trustees may employ, fix the compensation of, and remove at pleasure professional, technical, and other employees, ~~skilled-or unskilled~~, as it ~~may-deem~~ deems necessary for the operation and maintenance of the hospital, and disbursement of funds ~~in-such~~ for operation and maintenance shall be made upon order and approval of the board of hospital trustees. A county hospital may include a nurses home and nurses training school. The board of trustees shall make all rules and regulations governing its meetings and the operation of the county hospital and shall fix ~~rates,-fees-and~~ charges for the services ~~thereby~~ furnished so that the revenues will be at all times sufficient in the aggregate to provide for the payment of the interest on and principal of all revenue bonds ~~that-may-be~~ issued and outstanding ~~under-the-provisions-of-this-chapter~~ for the hospital, and for the payment of all operating and maintenance expenses of the hospital.

Sec. 1064. Section 351.6, Code 1981, is amended to read as follows:

351.6 FEE. The annual license fee shall be one-dollar ~~for-each-male,-and-three-dollars-for-each-female-dog---should~~

~~it appear that said fees will not produce sufficient funds to pay the claims on the domestic animal fund, set by the board of supervisors shall have power, except as to dogs owned in cities which exact a license fee on dogs, to increase the said fees to a sum not exceeding three dollars for each male, and not exceeding five dollars for each female dog. A spayed female dog shall be deemed a male. Said fee shall be sent with accompany the application.~~

Sec. 1065. Section 351.41, Code 1981, is amended to read as follows:

351.41 NOT A LIMITATION ON POWER OF MUNICIPALITIES. ~~Nothing in these sections shall be construed to~~ This chapter does not limit the power of any city or county to prohibit dogs and other animals from running at large, whether or not they have been vaccinated for rabies, ~~or to~~ and does not limit the power of any city or county to provide additional measures for the restriction of dogs and other animals for the control of rabies and for other purposes.

Sec. 1066. Section 355.1, Code 1981, is amended to read as follows:

355.1 COUNTY SURVEYOR--APPOINTMENT AND DUTIES. A county surveyor ~~may be~~ appointed by the board of supervisors and ~~shall hold office during the pleasure of said board. Said surveyor, who~~ shall be a registered land surveyor holding a certificate issued under ~~the provisions of~~ chapter 114, shall make ~~all~~ surveys of land within ~~his~~ the county which ~~he may be called upon to make request, and shall transcribe~~ the field notes and plats ~~made by him shall be transcribed~~ into a well-bound book, ~~under his supervision, at the expense of the person requesting the survey, which book shall be kept in the county auditor's office, and his.~~ The surveys shall be held as of the county surveyor are presumptively correct.

Sec. 1067. Section 356A.3, Code 1981, is amended to read as follows:

356A.3 ALTERNATIVE CONFINEMENT OF PRISONERS. Any district judge may sentence and commit a person to a facility established and maintained pursuant to section 356A.1 or 356A.2 instead of the county jail. A district judge may order the transfer of a person sentenced and committed to the county jail to such a facility upon ~~his or her~~ the judge's own motion, the motion of the sentenced and committed person, or the motion of the sheriff. The original order of commitment or the order of transfer to the facility shall set forth the terms and conditions of the detention or commitment, and that the detained or committed person shall abide by the terms and conditions of this chapter and the rules of the facility to which committed or transferred. The order shall be read to the detained, committed, or transferred person in open court. The committing court or a district judge may order any person who has been detained, committed, or transferred to such a facility to be transferred to the county jail if, upon hearing, the court determines ~~such~~ the person has been refractory or disorderly, has willfully destroyed or injured any property in the facility, or has violated any of the terms and conditions of the order of detention, commitment, or transfer or the provisions of this chapter or the rules of the facility ~~wherein~~ where the person was detained or committed. Any violations of the order of detention, commitment, or transfer shall further be punished as contempt of court pursuant to chapter 665. The provisions of section 719.4 ~~shall be~~ are applicable to any person detained, committed, or transferred to a facility established and maintained pursuant to this chapter. The county or city to which the cause originally belonged ~~shall be~~ is liable for the expense of the original detention, commitment, or transfer and the subsequent expenses of maintaining ~~such~~ the person in the facility. The county's expense shall be levied and paid out of the ~~court expense~~ fund pursuant to section ~~444-10~~ 425, subsection 9 of this Act.

Sec. 1068. Section 356A.7, Code 1981, 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 minimum standards for the regulation of jails established pursuant to section 356.36 for detention and commitment of persons pursuant to section 356.1. A person detained or confined in the jail shall be in the charge and 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. 1069. Chapter 358, Code 1981, is amended by adding the following new section:

NEW SECTION. REVENUE BONDS. Sanitary districts incorporated under this chapter may exercise the powers granted to counties in sections 461 through 469 of this Act, to issue revenue bonds for the purposes in section 460, subsection 1, paragraphs b and c, of this Act.

Sec. 1070. Section 358A.2, Code 1981, is amended to read as follows:

358A.2 FARMS EXEMPT. No ~~regulation or~~ ordinance adopted under ~~the provisions of~~ this chapter ~~shall be construed to~~ apply ~~applies~~ to land, farm houses, farm barns, farm outbuildings or other buildings, ~~or~~ structures, ~~or erections~~ which are primarily adapted, by reason of nature and area, for use for agricultural purposes, while so used, ~~provided, however, that such regulations or.~~ However, the ordinances ~~which relate~~ may apply to any structure, building, dam, obstruction, deposit or excavation in or on the flood plains of any river or stream ~~shall apply thereto.~~

Sec. 1071. Section 358A.3, Code 1981, is amended to read as follows:

358A.3 POWERS. Subject to ~~the provisions of sections 358A.1 and section~~ 358A.2, the board of supervisors ~~of any county is hereby empowered to~~ may by ordinance regulate and restrict the height, number of structures, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes, and ~~to~~ may regulate, restrict, and prohibit the use for residential purposes of tents, trailers, and portable or potentially portable structures, ~~provided that.~~ However, such powers shall be exercised only with reference to land and structures located within the county but lying outside of the corporate limits of any city. ~~The board of supervisors of any county may prescribe and charge a reasonable building permit fee, and upon receipt of an application containing all required information, in due form and properly executed, showing that the proposed structure will comply with all applicable regulations of the petition subdivision in which it is to be located and upon payment of the required permit fee, the board of supervisors shall, within seven days, issue a permit to the applicant.~~

Sec. 1072. Section 358B.3, Code 1981, is amended to read as follows:

358B.3 GIFTS ACCEPTED. Counties ~~may receive, hold and dispose of all gifts, donations, devices, and bequests that may be made to them for the purpose of establishing, increasing, or improving any library.~~ When the conditions ~~thereof have been~~ a gift for library purposes is accepted by the county, ~~their~~ its use for the county library may be enforced against the county board of supervisors by the library board by an action of mandamus or by other proper action.

Sec. 1073. Section 358B.10, unnumbered paragraph 1, Code 1981, is amended to read as follows:

All moneys received and set apart for the maintenance of such the library shall be deposited in the ~~treasury-of-such county-to-the-credit-of-the-library~~ fund specified in section 424, subsection 10 of this Act, and shall be kept by the treasurer separate ~~and-apart~~ from all other moneys, and paid out upon the orders of the board of trustees, signed by its president and secretary.

Sec. 1074. Section 358B.13, Code 1981, is amended to read as follows:

358B.13 MAINTENANCE EXPENSE ON PROPORTIONATE BASIS. The maintenance of a county library shall be on a proportionate population basis whereby each taxing unit ~~as-hereinafter defined~~ shall bear its share in proportion to its population ~~as compared to the whole population of said the~~ county library district. The board of library trustees shall on or before January 10 of each year make an estimate of the amount it deems necessary for the maintenance of the county library and shall transmit ~~said the~~ estimate in dollars to the board or boards of supervisors and to the city councils within the district. The entire rural area of each county in the library district shall be considered as a separate taxing unit. Each city which is a part of the county library district shall be considered as a separate taxing unit. The board of supervisors ~~of each county~~ and the council of each city composing ~~said a~~ county library district shall make the necessary levies ~~accordingly~~ for library maintenance purposes, ~~but-the-county-levy-may-not-exceed-fifty-four-cents-per thousand-dollars-of-assessed-value~~ subject to the levy limit in section 420, subsection 9 of this Act. ~~Any-unexpended balance-in-the-library-maintenance-fund-at-the-end-of-the fiscal-year-shall-remain-in-said-fund-and-be-available-without reappropriation.~~

Sec. 1075. Section 358B.18, Code 1981, is amended to read as follows:

358B.18 CONTRACTS TO USE CITY LIBRARY.

1. ~~Contracts-may-be-made-by-a~~ A school corporation, township, county, or ~~the-trustees-of-any~~ county library district ~~may contract~~ for the use by ~~their~~ its residents of a city library--~~Townships-and-counties-may-enter-into contracts,~~ but if a contract is made by a county board of supervisors or township trustees, it may only contract be for the residents outside of cities. A contract by a county shall supersede all contracts by townships or school corporations within the county outside of cities.

2. a. Contracts shall provide for the rate of tax to be levied. They may, by mutual consent of the contracting parties, be terminated at any time. They may also be terminated by a majority of the voters represented by either of the contracting parties, voting on a proposition to terminate which shall be submitted by the governing body upon a written petition of qualified voters in a number not less than five percent of those who voted in the area for president of the United States or governor at the last general election.

3. b. The proposition may be submitted at any election provided by law which covers the area of the unit seeking to terminate the contract. The petition shall be presented to the governing body not less than forty days before the election at which the question is to be submitted.

4 3. The board of trustees of any township which has entered into a contract shall at the April meeting levy a tax not exceeding six and three-fourth cents per thousand dollars of assessed valuation on all taxable property in the township to create a fund to fulfill its obligation under the contract.

4. The board of supervisors, after it makes such a contract, shall levy ~~annually-on-the-taxable-property-of-the county-outside-of-cities,~~ a tax of not more than twenty-seven cents-per-thousand-dollars-of-assessed-valuation-to-create a fund as provided in section 420, subsection 10, of this

Act to fulfill its obligation under the contract or under a contract of library trustees appointed under subsection 5.

5. a. Qualified voters electors of that part of any county outside of cities in a number of not less than twenty-five percent of those in the area who voted for president of the United States or governor at the last general election may petition the board of supervisors to submit the proposition of requiring the board of supervisors to provide library service for them and their area by contract as provided by this section.

6. b. The board of supervisors shall submit the proposition to the voters of the county residing outside of cities at the next election, primary or general, provided that the petition has been filed not less than forty days prior to the date of the election at which the question is to be submitted.

7. c. If a majority of those voting upon the proposition favors it, the board of supervisors shall within thirty days appoint a board of library trustees from residents of the petitioning area. Vacancies shall be filled by the board of supervisors.

8. d. The board of trustees is authorized to may contract with any library for library use or service for the benefit of the residents and area represented by it.

9. The board of supervisors shall levy annually on the taxable property of the county outside of cities, a tax of not more than twenty-seven cents per thousand dollars of assessed valuation to create a fund to fulfill the contract obligations of the trustees appointed by it.

Sec. 1076. Section 359.42, Code 1981, is amended to read as follows:

359.42 TOWNSHIP FIRE PROTECTION SERVICE AND AMBULANCE SERVICE. The trustees of each township in this state shall provide fire protection service for the township, exclusive

of any part of the township within a benefited fire district and, in counties not providing ambulance services under section 332.37, subsection 23, may provide ambulance service. The trustees may purchase, own, rent or maintain fire protection service or ambulance service apparatus or equipment or both kinds of apparatus or equipment and provide housing for the equipment. The trustees may contract with any public or private agency under chapter 28B for the purpose of providing fire protection service or ambulance service or both services under this section.

Sec. 1077. Section 359.45, Code 1981, is amended to read as follows:

359.45 ANTICIPATORY BONDS. Townships may anticipate the collection of taxes authorized by section 359.43 and for such purposes may direct the county board of supervisors to issue bonds payable in not more than ten equal annual installments and at a rate of interest not exceeding that permitted by chapter 74A and payable at such place and be in such form as the board of trustees shall designate by resolution. Sections 28.12 to 28.16, inclusive, and provisions of law under sections 440 through 448 of this Act relating to essential corporate county purpose bonds of a city, so far as applicable, shall apply to such bonds except that the bonds are payable only from tax levies on property subject to the levy under section 359.43.

Sec. 1078. Section 361.3, subsection 4, Code 1981, is amended to read as follows:

4. Request the county board of supervisors to conduct a referendum authorizing the levy and collection of a tax, not to exceed two cents per acre on agricultural land in the county, as provided in section 420, subsection 11, of this Act for the administration of an artificial weather modification program.

Sec. 1079. Section 361.5, Code 1981, is amended to read as follows:

361.5 ELECTION ON QUESTION. Upon request of the weather modification board, the county board of supervisors shall submit to the owners and tenants of agricultural land in the county at any general election or special election called for that purpose, the question of whether a tax ~~not to exceed two cents per acre~~ in accordance with section 361.3, subsection 4, shall be levied annually on agricultural land. Notice of the election shall be published each week for two consecutive weeks ~~in a newspaper of general circulation throughout the county as provided in section 304 of this Act.~~ The notice shall include the date and time of the election and the question to be voted upon. A majority of the agricultural landowners and tenants voting shall determine the question.

Sec. 1080. Section 361.6, Code 1981, is amended to read as follows:

361.6 BUDGET REQUESTS. The weather modification board shall annually submit a budget request to the county board of supervisors. If the annual tax levy is approved as provided in section 361.5, the weather modification board shall determine the tax levy needed, not to exceed ~~two cents per acre on agricultural land~~ the approved levy, to meet the budget request. ~~The tax shall be levied by the board of supervisors and collected at the same time and in the same manner as other property taxes.~~

Sec. 1081. Section 384.12, subsections 15 and 18, Code 1981, are amended to read as follows:

15. If a city has joined with the county to form an authority for a joint county-city building, as provided in ~~sections~~ section 346.26 and ~~346.27,~~ and has entered into a lease with the authority, a tax sufficient to pay the annual rent payable under the lease.

18. A tax not to exceed twenty and one-half cents per thousand dollars of assessed value each year to maintain an institution received by gift or devise, ~~as provided in sec-~~

~~tion-565-8~~ subject to an election as required under subsection 1.

Sec. 1082. Section 420.207, Code 1981, is amended to read as follows:

420.207 TAXATION IN GENERAL. ~~The provisions of sections Sections 427.1, 427.3 to 427.11, 428.4, 428.16 to 428.23, 436.10, 436.11, 437.1, 437.3, 437.14, 441.21, 443.1 to 443.3, 443.20, 444.2 to 444.5, and 447.9 to 447.13, so far as applicable, shall~~ apply to cities acting under special charters.

Sec. 1083. Section 441.56, Code 1981, is amended to read as follows:

441.56 ASSESSOR'S DUTIES--COMBINED APPOINTMENT. When the duties of the county assessor are combined with the duties of another officer or employee as provided in ~~sections-332-17 to-332-21~~ section 322, subsection 1, of this Act, the person named to perform the combined duties shall be appointed as provided in sections 441.5 to 441.8.

Sec. 1084. Section 471.4, subsection 1, Code 1981, is amended to read as follows:

1. COUNTIES. Upon all counties for ~~such lands as public purposes which~~ are reasonable and necessary ~~for the erection of courthouses or jails or any other buildings or additions to buildings which the county has statutory power to erect, construct or make additions, for projects provided for in chapter 467B and the construction, improvement or maintenance of highways, and for the carrying out of plans for the acquisition of land advanced by a county conservation board, and approved by the state conservation commission as provided in section 121A.47, providing further, it would not completely prevent development of the conservation project, this authority shall not apply to any improved private property used as a residence or living quarters for a period of one year, not to exceed two acres, or if jointly owned, not to exceed two acres per residential unit, unless subsequently abandoned~~

~~for use for such purposes as an incident to the powers and duties conferred upon counties. Temporary unsequestration shall not be construed as abandonment. Wherever the county has the right to take private property for public use, it also has the right to contract for options for the purchase of said land.~~

Sec. 1085. Section 509A.1, Code 1981, is amended to read as follows:

509A.1 AUTHORITY OF GOVERNING BODY. The governing body of the state, ~~county,~~ school district, or any institution supported in whole or in part by public funds may establish plans for and procure group insurance, or health or medical service for the employees of the state, ~~county,~~ school district, or tax-supported institution. ~~The county board of supervisors may establish plans for and procure group insurance, health or medical service for the county auditor, the county treasurer, the county attorney, the county recorder, the clerk of the district court, the members of the board of supervisors and the sheriff.~~

Sec. 1086. Section 509A.11, Code 1981, is amended to read as follows:

509A.11 DEFINITIONS. For purposes of this chapter the following terms shall have the following meaning:

1. The words "governing Governing body" mean means the executive council of the state, ~~the board of supervisors of counties,~~ the school boards of school districts, and the superintendent or other person in charge of an institution supported in whole or in part by public funds.

2. The words "public Public body" mean means the state, a ~~county,~~ school district, or an institution supported in whole or in part by public funds.

Sec. 1087. Section 509A.12, Code 1981, is amended to read as follows:

509A.12 DEFERRED COMPENSATION PROGRAM FOR GOVERNMENTAL EMPLOYEES. At the request of an employee the governing body

or the county board of supervisors shall by contractual agreement acquire an individual or group life insurance contract, annuity contract, security, or any other deferred payment contract for the purpose of funding a deferred compensation program for an employee, from any company the employee may choose that is authorized to do business in this state and from any life underwriter duly licensed by this state or from any securities dealer or salesman registered in this state to contract business in this state. The deferred compensation program shall be administered so that the state comptroller or ~~his~~ the state comptroller's designees may remit one sum for the entire program according to a single billing.

~~The provisions of this~~ This section shall be is in addition to any benefit program provided by law for any employees of the state or any of its political subdivisions.

Sec. 1088. Section 565.6, Code 1981, is amended to read as follows:

565.6 GIFTS TO GOVERNMENTAL BODIES. ~~Counties, civil~~ Civil townships wholly outside of any city, and school corporations, are authorized to take and hold property, real and personal, by gift and bequest, and to administer the ~~same~~ property through the proper officer in pursuance of the terms of the gift or bequest. ~~No title~~ Title shall not pass unless accepted by the governing board of the corporation or township. Conditions attached to ~~such~~ the gifts or bequests become binding upon the corporation or township upon acceptance thereof.

Sec. 1089. Section 565.12, Code 1981, is amended to read as follows:

565.12 CONDITION AS TO ANNUITY. When a gift or bequest is conditioned upon the payment of an annuity to the donor, or any other person, ~~the governing board of a county or city~~ may, upon acceptance of ~~such~~ the gift or bequest, agree to pay ~~such~~ the annuity providing the amount thereof does not exceed five percent of the amount of the gift or bequest and

does not exceed the amount realized from a tax levy of twenty-seven cents per thousand dollars of assessed value upon the taxable property of ~~said-county-or~~ the city.

Sec. 1090. Section 565.13, Code 1981, is amended to read as follows:

565.13 ANNUITY TAX. To provide for the payment of ~~such~~ an annuity, the ~~county-or city-through-its-proper-officers,~~ shall annually thereafter levy a tax, ~~not-exceeding-twenty-and-one-fourth-cents-per-thousand-dollars-of-assessed-value,~~ ~~if-levied-by-a-county,~~ sufficient to pay ~~such~~ the annuity.

Sec. 1091. Section 566.16, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Before any part of the principal may be so invested or used, the ~~said~~ county, city, board of trustees of cities to whom the management of municipal cemeteries has been transferred by ordinance, or civil township shall, by resolution, ~~in-accordance-with-the-law-as-now-provided,~~ accept ~~said~~ the donation or bequest, and that portion of cemetery lot sales or permanent charges made against ~~cemetery~~ cemetery lots which is to be used for perpetual care of cemetery lots, and ~~shall,~~ by ~~said~~ resolution, ~~duty~~ shall provide for the payment of interest ~~thereon,-payable~~ annually, to the cemetery ~~general fund specified in section 425, subsection 8 of this Act~~ or to the cemetery association, or to the person having charge of ~~said~~ the cemetery, to be used in caring for or maintaining the individual property of the donor in ~~said~~ the cemetery, or lots which have been sold ~~where,-in-said-sale,~~ if provision was made for the perpetual care ~~thereof,~~ all ~~to-be~~ in accordance with the terms of the donation or bequest, or the terms of the sale or purchase of a cemetery lot.

Sec. 1092. Section 566.17, Code 1981, is amended to read as follows:

566.17 DELEGATES TO CONVENTIONS. ~~Every-county-or~~ A township having a cemetery under its control may delegate not to exceed two officials from each cemetery ~~so~~ controlled

to attend meetings of cemetery officials, and certain expenses, including association dues, not to exceed twenty-five dollars, of ~~said~~ the delegates may be paid out of the cemetery fund of ~~said-county-or~~ the township.

Sec. 1093. Section 566.18, Code 1981, is amended to read as follows:

566.18 SUBSCRIBING TO PUBLICATIONS. The cemetery officials of every ~~county-or~~ township having a cemetery under its control may subscribe to one or more publications devoted exclusively to cemetery management, ~~but-said~~ and the subscriptions may be paid out of the cemetery fund of the ~~county-or~~ township.

Sec. 1094. Section 569.8, Code 1981, is amended to read as follows:

569.8 TITLE UNDER TAX DEED--SALE APPORTIONMENT OF PROCEEDS.

1. Disposition by a county of property acquired by tax deed shall comply with the requirements of section ~~322-a~~ 360, subsection ~~13~~ 2 of this Act.

2. When any title to property acquired by tax deed is sold-and-paid-for transferred, the auditor shall immediately record the deed and the assessor shall enter the property to be assessed following the assessment date.

3. Property the county holds by tax deed shall not be assessed or taxed until ~~sold-by-auction-as-provided-in-this section~~ transferred.

4. The ~~sale transfer~~ of property ~~under-this-section-shall give~~ acquired by tax deed gives the purchaser free title as to past general taxes, and special taxes which are past due on any special assessment already certified to the county.

5. After deducting any expense the county incurred in the sale, the proceeds of the sale including penalty, interest and costs shall be divided and prorated to the several taxing districts for general taxes and special assessments owed to the taxing districts ~~on in the basis-of~~ proportion that the amounts of general taxes and special assessments owed to each taxing district ~~is-to~~ are of the total amount of general taxes and special assessments owed to all taxing districts.

Sec. 1095. Section 601C.2, subsection 2, Code 1981, is amended to read as follows:

2. "Food service" includes restaurant, cafeteria, snack bar, vending machines for food and beverages, and goods and services customarily offered in connection with any of the foregoing these. It does not include goods and services offered by a veteran's newsstand under section 19.16 or section ~~332.6~~ 360, subsection 4 of this Act.

Sec. 1096. Section 622.93, Code 1981, is amended to read as follows:

622.93 APPLICABILITY IN POLK COUNTY. Proof of the publication of the filing in the district court of the petitions as provided for in section 618.13 and a charge on the basis of one dollar for each petition shall be made once each month by the publisher thereof, presented to the clerk of the district court for verification and approval, and filed with the county auditor to be presented to the board of supervisors, which shall order the claim for such publications paid from the ~~district-court-funds~~ fund specified in section 425, subsection 9 of this Act.

Sec. 1097. Sections 18.94, 24.37, 24.38, 37.5, 37.7, 137.16, 137.20, 150.9, 150A.5, 164.24 through 164.27, 165.18 through 165.21, 165.24, 174.14, 174.17, 174.18, 174.24 through 174.27, 176A.12, 222.76, 230.23, 230.24, 250.1, 250.2, 252.28 through 252.31, 252.34, 252.36, 252.38 through 252.41, 252.45, 253.2, 253.4, 253.7, 253.10, 253.11, 253.13, 309.7 through 309.9, 309.73, 309.85 through 309.91, 313A.35, 317.19, 317.20, 327H.23, 330.2, 330.5 through 330.7, 330.10 through 330.12, 330.14, 330.15, 330.23, chapter 332, sections 345.2 through 345.17, 346.1 through 346.23, 346.25, 346.26, 346A.3 through 346A.5, 347.1 through 347.6, 347.8, 347.21, 347.22, 347.27, 347A.2 through 347A.4, 347A.7, 347A.8, chapter 350, sections 352.4 through 352.6, chapters 353 and 354, sections 355.6, 358A.25, 358A.26, 358B.1, 361.4, 441.14, 443.20, 444.9 through 444.12, 455B.81, 467B.9, chapters 546 and 546A, sections

558.16, 558.17, 565.8 through 565.11, 565.14, and 693.6, Code 1981, are repealed.

CORRESPONDING AMENDMENTS

COUNTY OFFICERS

Sec. 1200. Section 24.14, Code 1981, is amended to read as follows:

24.14 TAX LIMITED. No greater tax than that so entered upon the record shall be levied or collected for the municipality proposing such the tax for the purpose or purposes indicated; and thereafter no greater expenditure of public money shall be made for any specific purpose than the amount estimated and appropriated therefor, except as provided in sections 24.6, 24.15 and section ~~343.11-subsection 4~~ 900, subsection 6, paragraph d of this Act. All budgets set up in accordance with the statutes shall take such funds, and allocations made by sections 123.53, 324.79 and 405.1, into account, and all such funds, regardless of their source, shall be considered in preparing the budget, all as is provided in this chapter.

Sec. 1201. Chapter 28E, Code 1981, is amended by adding the following new section:

NEW SECTION. ADDITIONAL LAW ENFORCEMENT. If a tract of land is owned by a corporation organized under chapter 491 with assets of the value of one million dollars or more which has one or more platted villages located within the territorial limits of the tract of land, all of the territory within the plats of the villages with their additions or subdivisions, for the purposes of this section, is deemed to be one incorporated city. The corporation may assess and collect funds from its property owners for the purpose of obtaining additional law enforcement services from the county sheriff. The corporation may contract under chapter 28E with the county sheriff for additional law enforcement services.

Sec. 1202. Section 39.18, Code 1981, is amended to read as follows:

39.18 BOARD OF SUPERVISORS AND TOWNSHIP TRUSTEES. There shall be elected, biennially, in counties and townships, members of the board of supervisors and township trustees, respectively, to succeed those whose terms of office will expire on the first day of January following the election which is not a Sunday or legal holiday. The term of office of each supervisor or trustee shall be four years, except as otherwise provided by ~~section 331.25, subsection 2, and section 331.26, subsection 4~~ 207 or 208 of this Act.

Sec. 1203. Section 49.4, subsection 2, Code 1981, is amended to read as follows:

2. Counties using alternative supervisor representation plans two or three, as described in ~~section 331.8~~ 205 of this Act, shall be apportioned into single-member supervisor districts on the basis of population. In counties using representation plan three, the boundaries of supervisor districts shall follow the boundaries of election precincts.

Sec. 1204. Section 69.8, subsection 6, Code 1981, is amended to read as follows:

6. CLERK OF THE DISTRICT COURT. In the office of the clerk of the district court, by the ~~said district court~~ or by a judge ~~thereof of the district court~~, by order entered of record in the court journal which order shall be effective until the vacancy ~~shall be filled in the manner provided by law is filled by appointment of the board of supervisors and a successor is elected and qualifies.~~

Sec. 1205. Section 96.14, subsection 3, unnumbered paragraph 5, Code 1981, is amended to read as follows:

The department shall pay a recording fee as provided in ~~section 335.14~~ 603 of this Act, for the recording of such ~~the~~ the lien, or for ~~the~~ its satisfaction thereof.

Sec. 1206. Chapter 127, Code 1981, is amended by adding the following new section:

NEW SECTION. CONVEYANCE SUBJECT TO FORFEITURE. A conveyance as defined in section 127.1 which is used in the

unlawful transportation or distribution of a controlled substance is subject to seizure and forfeiture under this chapter in the same manner as if the conveyance is used in the unlawful transportation of intoxicating liquor. The peace officer seizing a conveyance for a violation relating to the distribution or transportation of a controlled substance shall follow procedures specified in this chapter to the extent applicable.

Sec. 1207. Section 144.56, unnumbered paragraph 2, Code 1981, is amended to read as follows:

~~The provisions of this~~ This section ~~shall~~ does not apply to any death investigated under the authority of sections ~~339.6 to 339.12~~ 801 through 803 of this Act.

Sec. 1208. Section 161.13, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

161.13 REPORT TO STATE CONSERVATION COMMISSION. The county assessor shall keep a record of all forest and fruit-tree reservations in the county and submit a report of the reservations to the state conservation commission not later than June 15 of each year.

Sec. 1209. Section 230A.9, subsection 3, Code 1981, is amended to read as follows:

3. At intervals specified by the county board of supervisors, not less often than once each ninety days, the county treasurer of each county served by the center shall notify the chairperson of the center's board of trustees of all amounts due the center from the county which have not previously been paid over to the treasurer of the center. The chairperson shall then file a claim for payment as specified in sections ~~331.20, 331.2 and 334.1 to 334.7~~ 503, subsection 7, 505, and 553 of this Act. ~~The provisions of section 331.21~~ Section 503, subsection 8 of this Act notwithstanding, ~~no such~~ the claims shall ~~not~~ include information which in any manner identifies an individual who is receiving or has received treatment at the center.

Sec. 1210. Section 298.13, Code 1981, is amended to read as follows:

298.13 MONTHLY PAYMENT OF TAXES. Before the fifteenth day of each month in each year, the county treasurer shall give notice to ~~the-president-of~~ the board of each school corporation in the county of the amount collected for each fund to the first day of ~~such the month-and-the~~. The president of each board shall draw ~~his a draft therefor for the amount reported~~, countersigned by the secretary, upon the county treasurer, who shall pay ~~such the~~ taxes to the treasurers of the several school boards only on ~~such the~~ draft.

Sec. 1211. Section 311.8, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Upon the filing of ~~such the~~ petition with the county auditor ~~engineer~~ proposing the establishment of ~~such a~~ secondary road assessment district, the county engineer shall ~~file prepare~~ a report ~~thereon-with-the-county-auditor on the proposed~~ district, which report shall include:

Sec. 1212. Section 311.11, unnumbered paragraph 1 and subsection 9, Code 1981, is amended to read as follows:

The board of supervisors shall fix a time for hearing on the proposal for the establishment of ~~said the~~ secondary road assessment district and on the apportionment of not less than twenty-five percent of the estimated cost of the proposed improvement, and shall cause the county auditor ~~engineer~~ to publish notice of ~~said the~~ hearing. ~~Said The~~ notice shall state:

9. That all objections to the establishment of ~~said the~~ district, to the ~~said the~~ apportionment report, or to the proceedings relating ~~thereto to the district or report~~ must be specifically made in writing and filed with the county auditor ~~engineer~~ on or before noon of the day set for ~~such the~~ hearing, and

Sec. 1213. Section 311.12, Code 1981, is amended to read as follows:

311.12 PUBLICATION OF NOTICE. ~~Such The~~ notice shall be published once each week for two successive weeks in some newspaper published in the county as near as practicable to ~~said the~~ district. The last publication shall be not less than five days previous to ~~said the~~ hearing. Proof of ~~such the~~ publication shall be made by the publisher by affidavit filed with the county auditor ~~engineer~~.

Sec. 1214. Section 311.24, Code 1981, is amended to read as follows:

311.24 APPEAL FROM ASSESSMENT. Any owner of land in a secondary road assessment district may appeal to the district court from the order of the board of supervisors in levying the assessment against ~~his the owner's~~ real estate, by filing with the county auditor ~~engineer~~ within fifteen days of the date of ~~such the~~ levy, a bond conditioned to pay all costs in case the appeal is not sustained, and a written notice of appeal where ~~he the owner~~ shall, with particularity, point out the specific objection which ~~he the owner~~ desires to lodge against ~~such the~~ levy. ~~Said The~~ appeal ~~shall-have has~~ precedence over all other business pending before the court except criminal matters. The appeal shall be heard as in equity. The court may raise or lower the assessment in question and make an equitable assessment in the judgment of the court. The clerk of the district court shall, upon the entry of the final order of the court, certify ~~such the~~ final order to the county auditor ~~engineer~~. The board of supervisors shall ~~at-once-se~~ adjust the assessments ~~as to~~ comply with the final order of the court.

Sec. 1215. Section 311.25, Code 1981, is amended to read as follows:

311.25 APPEAL DOCKETED. When an appeal is taken, the county auditor ~~engineer~~ shall ~~at-once~~ make a transcript of the notice of appeal and appeal bond and transmit ~~the-same~~

them to the district court. The appellant shall, within twenty days after perfection of said the appeal, docket said the appeal and file a petition setting forth the order or decision of the board of supervisors appealed from, and his the appellant's specific objections thereto. A failure to comply with either of these requirements shall-be-deemed is a conclusive waiver of the appeal and in-such-case the court shall dismiss the same petition. Appellee need not file answer, but may do so.

Sec. 1216. Section 311.26, Code 1981, is amended to read as follows:

311.26 ASSESSMENTS CERTIFIED TO COUNTY TREASURER. When the board of supervisors has entered its final order as to the amounts of all special assessments on a given improvement, the county auditor engineer shall at once certify a list of such the assessments and a list of real estate upon which each assessment has been levied, with the specific designation of the district embracing such the real estate, to the county treasurer, who shall enter each assessment on the tax books and continue such the entry until such the assessment is paid.

Each special assessment and all installments thereof-shall be of the special assessment are a lien upon the real estate upon which it-is levied from the date of such the certificate by the county auditor engineer to the same extent and in the same manner as taxes levied for state and county purposes. Changes in the amount of any a special assessment by reason of any a ruling of the district court on appeals shall be likewise certified and the county treasurer shall make the proper correction on his the books.

Sec. 1217. Section 311.28, Code 1981, is amended to read as follows:

311.28 CERTIFICATES ANTICIPATING ASSESSMENTS. In order to render immediately available that amount of the estimated cost of an improvement which has been specially assessed, the board may issue road certificates in the name of the

county in an aggregate amount not exceeding the then unpaid amount of the special assessment levied in said the district. Each issue of certificates shall be under, and in accordance with, a duly adopted resolution of the board and which shall recite (1)-the all of the following:

1. The name or designation of the road district on account of which the certificates are issued,--(2)-that.

2. That a stated amount (naming-the-amount) has been specially assessed against the lands within said the district, (3)-that.

3. That a stated amount of said the aggregate special assessment has not yet been paid (naming-the-unpaid-amount), (4)-that.

4. That it is necessary to render such the unpaid amount immediately available,--(5)-the.

5. The number of road certificates authorized and the specific amount of each certificate,--(6)-the.

6. The specific numbering or designation of such the certificates,--(7)-the.

7. The rate of interest which each certificate shall bear from date, not exceeding that permitted by chapter 74A,--(8) the.

8. The fact that said the certificates are payable solely from the proceeds of the special assessments which have been levied on the lands within said the districts,--(9)-that.

9. That each certificate shall be payable on or before the-first-day-of January 1 of the first year following the maturity of the last installment of such the special assessments, and that interest thereon on the certificate shall be paid annually,--(10)-the.

10. The authorization to the chairman chairperson of the board, and to the county auditor,--respectively treasurer, to sign and countersign each of said the certificates.

Sec. 1218. Section 311.29, Code 1981, is amended to read as follows:

311.29 SALE OF CERTIFICATES. Upon the signing of each of ~~said the~~ certificates by the ~~chairman chairperson~~ of the board, ~~said the~~ certificates shall be delivered to the county auditor treasurer, who shall countersign ~~the same-charge the-county-treasurer-with-the-amount-thereof-and-deliver the-same-to-the-latter-officer, them and~~ who shall be responsible ~~therefor for them~~ on his or her bond. The treasurer may apply ~~said the~~ certificates in payment of any warrants duly authorized and issued for surfacing the roads within ~~said the~~ district, or ~~he the treasurer~~ may sell the ~~same certificates~~ for the best attainable price and for not less than par, plus accrued interest, and credit the proceeds to the secondary road fund. ~~Such The~~ certificates shall be retired in the order of ~~the-consecutive their~~ numbering thereof.

Sec. 1219. Section 341A.7, Code 1981, is amended to read as follows:

341A.7 CLASSIFICATIONS. The classified civil service positions covered by this chapter shall include persons actually serving as deputy sheriffs who are salaried pursuant to section ~~340-0~~ 903, subsection 2 of this Act, but do not include a chief deputy sheriff, two second deputy sheriffs in counties with a population of more than one hundred thousand, and four second deputy sheriffs in counties with a population of more than two hundred thousand. A deputy sheriff serving with permanent rank under this chapter may be designated chief deputy sheriff or second deputy sheriff and retain such rank during the period of ~~his~~ service as chief deputy sheriff or second deputy sheriff and shall, upon termination of ~~his the~~ duties as chief deputy sheriff or second deputy sheriff, revert to ~~his the~~ permanent rank.

Sec. 1220. Section 422.26, unnumbered paragraph 6, Code 1981, is amended to read as follows:

The department shall pay a recording fee as provided in section ~~335-14~~ 603 of this Act, for the recording of ~~such the~~ lien, or for ~~the its~~ satisfaction thereof.

Sec. 1221. Section 445.11, Code 1981, is amended to read as follows:

445.11 SPECIAL ASSESSMENT BOOK. ~~Upon-the-record-of when~~ the levy of any ~~a~~ special assessment ~~within-any-county-coming into-the-hands-of is submitted to~~ the county auditor treasurer, the county auditor treasurer shall ~~in-blue-or-black-ink,~~ prepare in a book to be known as a special assessment book, the list of the persons owning real estate ~~to-be affected thereby by the assessment,~~ in alphabetical or numerical order, which book shall contain a description of the real estate ~~so affected, the date of the assessment, the total amount so assessed, and the installments to be paid, together-with and the amounts of the respective installments if said the~~ assessment is payable in installments.

Sec. 1222. Section 445.17, Code 1981, is amended to read as follows:

445.17 FILING OF COMPROMISE AGREEMENT. A copy of ~~such the~~ agreement shall be filed with the county treasurer and ~~county-auditor.~~

Sec. 1223. Section 445.18, Code 1981, is amended to read as follows:

445.18 EFFECT OF COMPROMISE PAYMENT. When payment is made, as ~~by-such provided by the~~ agreement ~~provided,~~ all taxes included in ~~such the~~ agreement shall be ~~thereby~~ fully satisfied and canceled and the ~~county-auditor-and~~ county treasurer shall cause ~~their the appropriate~~ books to show ~~such the~~ satisfaction.

Sec. 1224. Section 446.1, Code 1981, is amended to read as follows:

446.1 SALE SHOWN. The auditor ~~when-making-up-the-tax listy-before-it-is-placed-in-the-hands-of-the~~ county treasurer, shall designate on the tax list each piece or parcel of real estate sold for taxes, and not redeemed, by writing opposite the ~~same parcel of real estate~~ the year in which it was sold in a column ~~made-for-that-purpose-and~~ headed "sold in".

Sec. 1225. Section 446.21, Code 1981, is amended to read as follows:

446.21 APPLICABLE STATUTE. In all tax sales made under the-provisions-of section 446.19, any a holder of any a special assessment certificate against a lot or parcel of ground, or any a holder of a bond payable in whole or in part out of a special assessment against any a lot or parcel of ground, or any a city within which such the lot or parcel of ground is situated, which lot or parcel of ground has been sold for taxes, either general or special, shall-be is entitled to an assignment of any certificate of tax sale of said the property for any general taxes or special taxes thereon, upon tender to the holder or to the county auditor treasurer of the amount to which the holder of the tax sale certificate would be entitled in case of redemption.

Sec. 1226. Section 446.24, Code 1981, is amended to read as follows:

446.24 RECORD OF SALES. The auditor treasurer shall attend all sales of real estate for taxes, and keep a record thereof of the sales in a book to be kept by-him for that purpose, therein describing each tract of real estate on which the taxes and costs were paid by the purchaser as they are described in the copy of the notice on file in his the treasurer's office, stating in separate columns the amount, as obtained from the treasurer's tax list, of each kind of tax, interest, and costs for each tract, how much and what part of each parcel was sold, to whom, and the date thereof of sale. The-treasurer-shall-also-keep-a-book-of-sales-in which-he-shall-make-the-same-record---He-shall-also-note-in the-tax-list, opposite-the-description-of-the-property-sold, the-fact-and-date-thereof.

Sec. 1227. Section 446.26, Code 1981, is amended to read as follows:

446.26 MISCONDUCT OF OFFICERS OFFICER. Any treasurer or-auditor failing to attend a sale of lands in person, or

by deputy shall-be treasurer or by designated employee is guilty of a simple misdemeanor. If such-officer-or the treasurer, deputy shall-sell-or-assist treasurer or designated employee sells or assists in selling any real estate, knowing it is not subject to taxation, or that the taxes for which it is sold have been paid, or shall knowingly and willfully sell-or-assist sells or assists in selling any real estate for taxes to defraud the owner thereof, or shall knowingly and willfully execute executes a deed for property as sold, he-or-she-shall-be the treasurer, deputy treasurer or designated employee is guilty of a serious misdemeanor and shall-be is liable to pay the injured party all damages sustained by-him-or-her on account thereof,-and-all-such-sales shall-be of the illegal sale. Sales made in violation of this section are void.

Sec. 1228. Section 446.27, Code 1981, is amended to read as follows:

446.27 FRAUD OF OFFICERS OFFICER. If any treasurer or auditor-shall-be is directly or indirectly concerned in the purchase of any real estate sold for the nonpayment of taxes, the treasurer or-auditor and his-or-her the treasurer's sureties shall-be are liable on his-or-her the treasurer's official bond for all damages sustained by the owner of such the property,-and-all-such-sales-shall-be. Sales made in violation of this section are void. In addition thereto, the officer-so-offending-shall-be treasurer is guilty of a fraudulent practice.

Sec. 1229. Section 446.32, Code 1981, is amended to read as follows:

446.32 PAYMENT OF SUBSEQUENT TAXES BY PURCHASER. The treasurer shall also prepare, sign, and deliver to the purchaser of any real estate sold for taxes duplicate-receipts a receipt for taxes, interest, and costs paid by the purchaser after the date of purchase for any a subsequent year,-one of-which-receipts-shall-be-filed-in-the-office-of-the-auditor

~~and noted on the register of sales.~~ Taxes for a subsequent year may be paid by the purchaser any time after certification.

Sec. 1230. Section 446.36, Code 1981, is amended to read as follows:

446.36 CERTIFIED COPIES OF RECORDS AS EVIDENCE. The books and records belonging to the ~~offices~~ office of the auditor and treasurer, or copies ~~thereof of them~~ properly certified, ~~shall be~~ are sufficient evidence to prove the sale of any real estate for taxes, the redemption ~~thereof of the real estate~~, or the payment of taxes ~~thereon on it~~.

Sec. 1231. Section 446.37, Code 1981, is amended to read as follows:

446.37 FAILURE TO OBTAIN DEED--CANCELLATION OF SALE. After five years have elapsed from the time of any tax sale, and action has not been completed during ~~such~~ the time which qualifies the holder of a certificate to obtain a deed, ~~it shall be the duty of the county auditor and the county treasurer to~~ shall cancel ~~such the~~ sale from ~~their~~ the tax sale index and tax sale register.

Sec. 1232. Section 447.1, Code 1981, is amended to read as follows:

447.1 REDEMPTION--TERMS. Real estate sold under the ~~provisions of~~ this chapter and chapter 446 may be redeemed at any time before the right of redemption is cut off, by the payment to the auditor treasurer, to be held by the auditor treasurer subject to the order of the purchaser, of the amount for which the ~~same~~ real estate was sold and four percent of the amount added as a penalty, with three-quarters percent interest per month on the sale price plus the penalty from the date of sale, and the amount of all taxes, interest, and costs paid by the purchaser or the purchaser's assignee for any subsequent year, with a similar penalty added as before on the amount of the payment for each subsequent year, and three-quarters percent per month on the whole ~~of such~~ amount from the date of payment.

Sec. 1233. Section 447.3, Code 1981, is amended to read as follows:

447.3 AGRICULTURAL COLLEGE LANDS. In redeeming from a sale of a leasehold interest in agricultural college land, the amount to be paid shall include any amount paid by the holder of the certificate as interest or principal due by the terms of the lease or otherwise to prevent a forfeiture ~~thereof, as provided by law~~, and for which proper voucher ~~shall have~~ has been filed with the auditor treasurer, with interest ~~thereon~~ at eight percent per annum from date of payment, which amount shall be paid by the auditor treasurer to the holder of the certificate, and the certificate of redemption shall show the amount ~~so~~ paid by the party redeeming.

Sec. 1234. Section 447.5, Code 1981, is amended to read as follows:

447.5 CERTIFICATE OF REDEMPTION--COUNTERSIGNED ISSUED BY TREASURER. The auditor treasurer shall, upon application of any party to redeem real estate sold for taxes, and being satisfied that ~~he~~ the party has a right to redeem the ~~same~~ real estate upon the payment of the proper amount, issue to ~~such the~~ party a certificate of redemption, setting forth the facts of the sale substantially as contained in the certificate ~~thereof~~, the date of the redemption, the amount paid, and by whom redeemed, and make the proper entries in the book of sales in ~~his~~ the treasurer's office, ~~and immediately give notice of such redemption to the treasurer. The certificate of redemption shall then be presented to the latter who shall countersign it, noting such fact in the sale book opposite the entry of the sale and no certificate of redemption shall be evidence of such redemption without the signature of the treasurer.~~

Sec. 1235. Section 447.6, Code 1981, is amended to read as follows:

447.6 ERASURES PROHIBITED. ~~Said~~ The entries by the auditor and treasurer shall be made in ink, and ~~in case if~~ errors are subsequently discovered ~~such the~~ entries shall not be erased but shall be corrected by drawing a line through the erroneous entries with ink accompanied by the initials of the person who made the alteration and the date when made.

Sec. 1236. Section 447.9, Code 1981, is amended to read as follows:

447.9 NOTICE OF EXPIRATION OF RIGHT OF REDEMPTION. After two years and nine months from the date of sale, or after nine months from the date of a sale made under the provisions of section 446.18, ~~section 446.38 or section 446.39~~, the holder of the certificate of purchase may cause to be served upon the person in possession of ~~such the~~ real estate, and also upon the person in whose name the ~~same real estate~~ is taxed, if ~~such the~~ person resides in the county where the land is situated, in the manner provided for the service of original notices, a notice signed by ~~him, his agent, the certificate holder or the certificate holder's agent or attorney~~, stating the date of sale, the description of the property sold, the name of the purchaser, and that the right of redemption will expire and a deed for the land be made unless redemption is made within ninety days from the completed service ~~thereof of the notice~~. When ~~said the~~ notice is given by a county as a holder of a certificate of purchase the notice shall be signed by the county ~~auditor treasurer~~, and when given by a city, it shall be signed by the city officer designated by resolution of the council. When the notice is given by the Iowa housing finance authority or a city or county agency holding the property as part of an Iowa homesteading project, it shall be signed on behalf of the agency or authority by one of its officers, as authorized in rules of the agency or authority. Service of ~~such the~~ notice shall also be made by certified mail on any mortgagee or ~~his~~ assignee, of record, whether resident or nonresident

of the county, if ~~his the mortgagee's or assignee's~~ address is disclosed by the recorded instrument or by a certificate showing the address of the mortgagee or assignee duly filed with the recorder, or the state of Iowa in case of an old-age assistance lien by service upon the state department of social services. ~~Such The~~ notice shall also be served on any city where ~~such the~~ real estate is situated.

Sec. 1237. Section 447.12, Code 1981, is amended to read as follows:

447.12 WHEN SERVICE DEEMED COMPLETE--PRESUMPTION. Service ~~shall be~~ is complete only after an affidavit has been filed with the treasurer, showing the making of the service ~~the manner thereof of service~~, the time when and place where made, and under whose direction the ~~same service~~ was made, ~~such~~. The affidavit to shall be made by the holder of the certificate or by his the holder's agent or attorney, and in either of the latter cases stating that such the affiant is the agent or attorney, as the case may be, of the holder of such the certificate, which. The affidavit shall be filed by the treasurer and entered upon the sale book opposite the entry of the sale, and ~~said the~~ record or affidavit ~~shall be~~ is presumptive evidence of the completed service of ~~said the~~ notice, ~~and the~~. The right of redemption shall not expire until ninety days after service is complete. When the property is held by a city or county, a city or county agency, or the Iowa housing finance authority, for use in an Iowa homesteading project, whether or not the property is the subject of a conditional conveyance granted under the project, the affidavit shall be made by the ~~county auditor treasurer~~ of the county, a city officer designated by resolution of the council, or on behalf of the agency or authority, by one of its officers as authorized in rules of the agency or authority.

Sec. 1238. Section 447.13, Code 1981, is amended to read as follows:

447.13 COST--FEE--REPORT. The cost of serving the notice and affidavit of publication shall be added to the amount necessary to redeem. The fee for serving the notice shall be the same as for service of an original notice, including copy fee and mileage. The treasurer shall, ~~upon the filing of file the~~ proof of service and statement of costs, ~~forthwith report the same in writing to the auditor who shall~~ and enter it on the sale book against the proper tract of real estate. The holder of the certificate of sale or ~~his~~ the holder's agent may report in writing to the county auditor treasurer the amount of costs incurred in giving ~~such~~ the notice, and the auditor treasurer shall enter ~~the same~~ it in the sale book. ~~No~~ A redemption ~~shall be~~ is not complete until ~~such~~ the costs are paid. If the property is held by a city or county, a city or county agency, or the Iowa housing finance authority, for use in an Iowa homesteading project, whether or not the property is the subject of a conditional conveyance granted under the project, the costs incurred for repairs and rehabilitation work required and undertaken in order to make the property meet applicable building or housing code standards shall be added to the amount necessary to redeem, and ~~no~~ a redemption ~~shall be~~ is not complete until ~~such~~ the costs are paid.

Sec. 1239. Section 666.6, unnumbered paragraph 1, Code 1981, is amended to read as follows:

~~Clerks~~ The clerk of district court shall, ~~on the first Monday in January in each year,~~ make an annual report in writing to the board of supervisors ~~for their respective counties~~ at the first regular meeting of the board in January of all forfeited recognizances ~~in their offices~~ the clerk's office; of all fines, penalties, and forfeitures imposed in ~~their respective courts~~ the district court, which by law go into the county treasury for the benefit of the school fund; in what cause or proceeding, when and for what purpose, against whom and for what amount, rendered; whether ~~said~~ the fines,

penalties, forfeitures, and recognizances have been paid, remitted, canceled, or otherwise satisfied; if so, when, how, and in what manner, and if not paid, remitted, canceled, or otherwise satisfied, what steps have been taken to enforce the collection ~~thereof~~ of the fines, penalties, forfeitures, and recognizances.

Sec. 1240. Section 801.4, subsection 10, Code 1981, is amended to read as follows:

10. "Indigent" is a person with insufficient resources as defined in section ~~336A-4~~ 775, subsection 4 of this Act.

Sec. 1241. Section 813.2, rule 2, subsection 3, rules of criminal procedure, Code 1981, is amended to read as follows:

3. COUNSEL. The magistrate ~~shall have authority to~~ may appoint counsel to represent the defendant ~~in the event if~~ the defendant requests representation by counsel and is entitled to ~~same~~ it. Counsel will be assigned to assist the defendant only upon a showing as required in section ~~336A-4~~ of the Code 777, subsection 2 of this Act. Counsel so appointed may make application in the district court for compensation for such services.

Sec. 1242. Section 813.2, rule 26, subsection 1, rules of criminal procedure, Code 1981, is amended to read as follows:

1. REPRESENTATION. Every defendant who is an indigent person as defined in section ~~336A-4 of the Code shall be~~ 775, subsection 4 of this Act is entitled to have counsel appointed to represent him or her at every stage of the proceedings from the defendant's initial appearance before the magistrate or the court through appeal, including probation and parole revocation hearings, unless the defendant waives such appointment.

Sec. 1243. Section 905.3, subsection 1, paragraph a, Code 1981, is amended to read as follows:

a. One member shall be chosen from and by the board of supervisors of each county in the judicial district and shall be so designated annually by the respective boards of supervisors at the organizational meetings held under section ~~331-13~~ 210 of this Act.

Sec. 1244. Chapters 331, 333, 334, 335, 336, 336A, 336B, 337, 337A, 338, 339, 340, 340A, 341, 342, 343, 606, and sections 445.13, 446.8, and 446.33, Code 1981, are repealed.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 130, Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY
Secretary of the Senate

Approved _____, 1981

ROBERT D. RAY
Governor