

CHAPTER 47
DR. MARTIN LUTHER KING, JR. DAY

S. F. 28

AN ACT to commemorate the birthday of Dr. Martin Luther King, Jr.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Chapter thirty-one (31), Code 1977, is amended by adding the following new section:

NEW SECTION. The Sunday which falls on or nearest the fifteenth day of January of each year is designated as Dr. Martin Luther King, Jr. Day, which shall be a recognition day in honor of the late civil rights leader and Nobel Peace Prize recipient, Dr. Martin Luther King, Jr.

The governor is authorized and requested to issue annually a proclamation designating such Sunday as Dr. Martin Luther King, Jr. Day and calling on the people and officials of the state of Iowa to commemorate the life and principles of Dr. King, to display the American Flag, and to hold appropriate private services and ceremonies.

Sec. 2. This Act is effective January 1, 1978.
Approved May 12, 1977

CHAPTER 48
OMNIBUS CORRECTIONS

S. F. 329

AN ACT correcting erroneous, inconsistent, or obsolete provisions of the 1977 Code.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section sixty-eight B point two (68B.2), subsection four (4), Code 1977, is amended to read as follows:

4. "Regulatory agency" means department of agriculture, industrial commissioner, bureau of labor, occupational safety and health review commission, department of job service, department of banking, insurance department of Iowa, state department of health, department of public safety, department of public instruction, state board of regents, department of social services, department of revenue, Iowa state commerce

commission, Iowa beer and liquor control department, board of pharmacy examiners, state conservation commission, state department of transportation, Iowa state civil rights commission, department of soil conservation, department of public defense, and Iowa natural resources council.

Sec. 2. Section eighty-one point one (81.1), subsection one (1), paragraph d and subsection two (2), paragraph d, Code 1977, are amended to read as follows:

d. "Department" shall mean the ~~motor-vehicle~~ department of transportation of the state.

d. A person operating in the manner of an itinerant merchant, buying or selling within a radius of fifty miles from ~~his~~ that person's residence, provided he or she has secured a permit, upon the payment of a fee of one dollar to cover expense of mailing and manufacture, upon application to the county treasurer or the department, said permit to set forth the city or township of ~~his~~ the person's residence and the Iowa motor vehicle ~~license~~ registration number of the vehicle used by ~~him~~ that person. The permit shall be carried by such operator at all times.

Sec. 3. Section eighty-one point three (81.3), unnumbered paragraph two (2), Code 1977, is amended to read as follows:

Upon payment of the license fee as hereinafter determined, the department shall issue a license which shall entitle the applicant to be an itinerant merchant. The fee shall be based upon the maximum weight of the load which said merchant may transport at any one time and shall be as follows: On not to exceed one thousand pounds at one time, ten dollars; on not to exceed three thousand pounds at one time, twenty-five dollars; on a load in excess of three thousand pounds at one time, forty dollars. Provided, however, that the license fee of an itinerant merchant for transportation of property in a motor vehicle which is ~~licensed~~ registered under chapter 321 shall be the sum of two dollars regardless of the weight of the load. The fee shall be reduced fifty percent after June 30 thirtieth. Each license shall expire at the end of the calendar year.

Sec. 4. Section eighty-five point thirty-four (85.34), subsection three (3), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

Compensation for an injury causing permanent total disability shall be upon the basis of eighty percent per week of the employee's average weekly spendable earnings, but not

more than a weekly benefit amount, rounded to the nearest dollar, equal to sixty-six and two-thirds percent of the state average weekly wage paid employees as determined by the ~~Iowa employment-security-commission~~ director of the Iowa department of job service under the provisions of section 96.3 and in effect at the time of the injury provided that as of July 1, 1975; July 1, 1977; July 1, 1979; and July 1, 1981, the maximum weekly benefit amount rounded to the nearest dollar shall be increased so that it shall equal one hundred percent, one hundred thirty-three and one-third percent, one hundred sixty-six and two-thirds percent and two hundred percent, respectively, of the state average weekly wage as determined above. No employee shall receive as compensation less than thirty-six dollars per week, except if at the time of ~~his~~ the injury his the employee's earnings are less than thirty-six dollars per week, then the weekly compensation shall be a sum equal to the full amount of ~~his~~ the employee's weekly earnings; said weekly compensation shall be payable during the period of ~~his~~ the employee's disability.

Sec. 5. Section eighty-five point thirty-six (85.36), subsection ten (10), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

In the case of an employee who earns either no wages or less than the usual weekly earnings of the regular full-time adult laborer in the line of industry in which ~~he~~ the employee is injured in that locality, the weekly earnings shall be one-fiftieth of the total earnings which the employee has earned from all employment during the twelve calendar months immediately preceding the injury but shall be not less than an amount equal to thirty-five percent of the state average weekly wage paid employees as determined by the Iowa ~~employment security-commission~~ department of job service under the provisions of section 96.3, and in effect at the time of the injury.

Sec. 6. Section ninety-six point seven (96.7), subsection four (4), paragraph a, Code 1977, is amended to read as follows:

a. As soon as practicable and in any event within two years after an employer has filed reports, as required by the department pursuant to section 96.11, subsection 7, the department shall examine such reports and determine the correct amount of contributions due, and the amount so determined by the department shall be the contributions payable. If

the contributions found due shall be greater than the amount theretofore paid, the notice with respect to the additional contributions, together with any interest and penalty, shall be sent by certified mail. A lien shall attach as provided in section 96.14, subsection ~~46~~ three (3), if the assessment is not paid or appealed within thirty days of the date of the notice of assessment.

Sec. 7. Section ninety-six point fourteen (96.14), subsection sixteen (16), Code 1977, is amended to read as follows:

16. INJUNCTION UPON NONPAYMENT. Any employer or employing unit refusing or failing to make and file required reports or to pay any contributions, interest or penalty under the provisions of this chapter, after ~~ten-day~~ ten days' written notice sent by the department to the employer's or employing unit's last known address by certified mail, may be enjoined from operating any business in the state while in violation of this chapter upon the complaint of the Iowa ~~employment security-commission~~ department of job service in the district court of a county in which the employer or employing unit has or had a place of business within the state, and any temporary injunction enjoining the continuance of such business may be granted without notice and without a bond being required from the Iowa ~~employment-security-commission~~ department of job service. Such injunction may enjoin any employer or employing unit from operating ~~his-er-her-er-its~~ a business unit until the delinquent contributions, interest or penalties shall have been made and filed or paid; or the employer shall have furnished a good and sufficient bond conditioned upon the payment of such delinquencies in such an amount and containing such terms as may be determined by the court; or the employer has entered into a plan for the liquidation of such delinquencies as the court may approve, provided that such injunction may be reinstated upon the employer's failure to comply with the terms of said plan.

Sec. 8. Section ninety-six point nineteen (96.19), Code 1977, is amended by striking subsection three (3).

Sec. 9. Section ninety-six point twenty-four (96.24), Code 1977, is amended to read as follows:

96.24 EMPLOYER TO BE NOTIFIED. Whenever an employee is separated from ~~his-er-her~~ employment for the purpose of joining the armed forces of the United States, the employee shall notify the employer in writing of ~~his-er-her~~ the employee's acceptance and date of reporting for service and the employer

shall, within fifteen days after said notice from the employee, notify the Iowa ~~employment-security-commission~~ department of job service of such separation and date of termination of wages on a form furnished by the department.

Sec. 10. Section ninety-seven B point twelve (97B.12), Code 1977, is amended to read as follows:

97B.12 STATEMENT TO EMPLOYEE. The employer shall furnish to all employees a written statement in a form prescribed by the ~~commission~~ department suitable for retention by the employee, showing the wages paid to the employee for each year after July 1, 1953. Each statement shall cover a calendar year, or one, two or three quarters, whether or not within the same calendar year, and shall show the name of the employee, the period covered by the statement, the total amount of wages paid within such period, and the amount of contribution required by this chapter with respect to such wages. Each statement shall be furnished to the employee not later than thirty days following the period covered by the statement, except that if the employee leaves the employ of the employer, this final statement shall be furnished within thirty days after the last payment of wages is made to the employee. The employer may, at its option, furnish such a statement to any employee at the time of each payment of wages to the employee during any calendar quarter, in lieu of a statement covering each quarter, and, in such case, the statement may show the date of payment of wages in lieu of the period covered by the statement.

Sec. 11. Section ninety-seven B point sixteen (97B.16), Code 1977, is amended to read as follows:

97B.16 HEARINGS. The department is directed to make findings of fact, and decisions as to the rights of any individual applying for a payment under this chapter. Whenever requested by any such individual or by any other person who makes a showing in writing that his or her rights may be prejudiced by any decision the ~~commission~~ department has rendered, it shall give such applicant and such other individual reasonable notice and opportunity for a hearing with respect to such decision, and, if a hearing is held, shall, on the basis of evidence adduced at the hearing, affirm, modify, or reverse its findings of fact and such decision. The department is further authorized, on its own motion, to hold such hearings and to conduct such investigations and other proceedings as it may deem necessary or proper for the administration of this chapter. In the course of any hearing, investigation,

or other proceedings, it may administer oaths and affirmations, examine witnesses, and receive evidence. Evidence may be received at any hearing before the department even though inadmissible under rules of evidence applicable to court procedure.

Sec. 12. Section ninety-seven B point forty-four (97B.44), Code 1977, is amended to read as follows:

97B.44 BENEFICIARY. Each member shall designate on a form to be furnished by the ~~commission~~ department a beneficiary for any death benefits payable hereunder on the death of such member. Such designation may be changed from time to time by the member by filing a new designation with the ~~commission~~ department.

Sec. 13. Section ninety-seven B point sixty-seven (97B.67), subsection one (1), unnumbered paragraph two (2), Code 1977, is amended to read as follows:

It is also the intent of the general assembly that the monthly benefit specified in section 97B.49, subsection 5 be reviewed annually by the general assembly and that the general assembly will consult with the Iowa public employees' retirement system division of the ~~employment-security-commission~~ Iowa department of job service and the consulting actuaries relating to the actuarial soundness of the system in order that the percent of the final five-year average covered wage used in determining monthly benefits will be increased by action of the general assembly as the contribution rates increase until the percent of the final five-year average covered wage used in determining monthly benefits equals fifty.

Sec. 14. Section ninety-seven C point nineteen (97C.19), Code 1977, is amended to read as follows:

97C.19 APPORTIONMENT OF EXPENSE. The Iowa ~~employment security-commission~~ department of job service is authorized to enter into arrangements with the federal bureau of employment security whereby services performed by the ~~commission~~ job service department and its employees both under this chapter and under the Iowa employment security chapter shall be equitably apportioned between the funds provided for the administration of said chapters. The money spent for rentals, supplies, and equipment used by the ~~commission~~ job service department in administering both chapters shall be equitably apportioned and charged against said funds.

Sec. 15. Section one hundred thirty-five B point seventeen (135B.17), unnumbered paragraph one (1), Code 1977, is

amended to read as follows:

This chapter shall not be construed as affecting, modifying or repealing any provision of chapter 413, except as provided in section 135B.7, and provided further that this chapter shall be construed as being in addition to and not in conflict with ~~chapters~~ chapter 235 and-236.

Sec. 16. Section one hundred fifty-nine point six (159.6), subsection ten (10), Code 1977, is amended to read as follows:

10. State aid received by certain associations as provided in chapters ~~475~~ one hundred seventy-six (176) of the Code to 184, ~~inclusive~~, and 186.

Sec. 17. Section one hundred seventy-two B point five (172B.5), subsection one (1), Code 1977, is amended to read as follows:

1. INVESTIGATION. A law enforcement officer may stop and detain a person, whether on or off a highway, who is transporting livestock for the purpose of obtaining compliance with section 172B.2, and the officer may request the presentation or execution of a transportation certificate. The officer may examine the livestock for identification, the vehicle for the purpose of obtaining the vehicle registration number, and the registration of the vehicle and the operator's license of the driver or person detained~~+~~. However, nothing in this chapter shall be construed to authorize any law enforcement officer to open or require the opening of the cargo compartment of any vehicle manufactured for use in carrying refrigerated cargo when both the cargo is actually under refrigeration at the time the vehicle is detained by the law enforcement officer, and the person operating the vehicle has in possession when stopped a valid transportation certificate or approved shipping document which was executed by the shipper and ~~when~~ which identifies the cargo as processed livestock and otherwise complies with section 172B.3, subsection 2.

Sec. 18. Section one hundred seventy-three point two (173.2), Code 1977, is amended by striking subsection four (4).

Sec. 19. Section one hundred seventy-three point three (173.3), Code 1977, is amended to read as follows:

173.3 CERTIFICATION OF STATE AID ASSOCIATIONS. On or before November ~~45~~ fifteenth of each year, the secretary of agriculture shall certify to the secretary of the state fair board the names of the various associations and societies which have qualified for state aid under the provisions of

chapters ~~475~~ one hundred seventy-six (176) of the Code to 178, 180 to 184, ~~inclusive~~, and 186, and which are entitled to representation in the convention as provided in section 173.2.

Sec. 20. Section two hundred nineteen point one (219.1), Code 1977, is amended to read as follows:

219.1 FOR WHOM MAINTAINED. The Iowa veterans home, located in Marshalltown, shall be maintained for honorably discharged veterans and for the dependent spouses and surviving spouses of such veterans. Eligibility requirements for admission to the Iowa ~~soldiers~~ veterans home shall coincide with the eligibility requirements for hospitalization in a United States veterans administration facility pursuant to title ~~thirty-eight-(38)~~ 38, United States Code, sections 210 and 610, and regulations promulgated under such provisions as amended to January 1, 1975.

Sec. 21. Section two hundred twenty-nine point one (229.1), subsection three (3), Code 1977, is amended to read as follows:

3. "Serious emotional injury" is an injury which does not necessarily exhibit any physical characteristics, but which can be recognized and diagnosed by a licensed physician or other qualified mental health professional and which can be ~~casually~~ causally connected with the act or omission of a person who is, or is alleged to be, mentally ill.

Sec. 22. Section two hundred thirty-nine A point one (239A.1), Code 1977, is amended to read as follows:

239A.1 WHO MAY BE PLACED. Any person who is receiving or has obtained approval of an application to receive assistance under chapter 239, and who is an eligible person as defined by section 249C.1, subsection 5, may be referred to the ~~employment-security-commission~~ Iowa department of job service for placement in public works positions available pursuant to this chapter or to such other authority as may be applicable.

Sec. 23. Section two hundred thirty-nine A point two (239A.2), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

The ~~employment-security-commission~~ Iowa department of job service, in consultation with the commissioner of social services, shall establish a procedure for assignment of persons referred under section 239A.1 to positions available in public works projects. The ~~employment-security-commission~~ Iowa department of job service shall arrange with units of local government for establishment of such projects, which may

include any type of work or endeavor that is within the scope of authority of the unit of local government involved so long as the project meets the following requirements:

Sec. 24. Section two hundred thirty-nine A point three (239A.3), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

The ~~employment-security-commission~~ Iowa department of job service shall select not to exceed two target counties for implementation of sections 239A.1 and 239A.2. In selecting the target county or counties in which this chapter is to be implemented, the ~~employment-security-commission~~ Iowa department of job service shall be guided by the following criteria:

Sec. 25. Section two hundred seventy-nine point fifteen (279.15), subsection two (2), unnumbered paragraph one (1), is amended to read as follows:

~~Such-notification~~ Notification of recommendation of termination of a teacher's contract shall be in writing and shall be personally delivered to the teacher, or mailed by certified mail. The notification shall be complete when received by the teacher. The notification and the recommendation to terminate shall contain a short and plain statement of the reasons, which shall be for just cause, why the recommendation is being made. The notification shall be given at or before the time the recommendation is given to the board.

Sec. 26. Section two hundred seventy-nine point sixteen (279.16), unnumbered paragraph four (4), Code 1977, is amended to read as follows:

The board shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure, but it shall hold the hearing in such manner as is best suited to ascertain and conserve the substantial rights of the parties. Process and procedure under ~~this-section~~ sections two hundred seventy-nine point thirteen (279.13) to two hundred seventy-nine point nineteen (279.19) of the Code shall be as summary as reasonably may be.

Sec. 27. Section two hundred seventy-nine point twenty-one (279.21), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

The board of directors of a school district may employ principals, under the provisions of section ~~279-43~~ two hundred seventy-nine point twenty-three (279.23) of the Code. A principal shall hold a current valid principal's certificate. Notwithstanding the provisions of section ~~279-43~~ two hundred

seventy-nine point twenty-three (279.23) of the Code, after serving at least nine months, a principal may be employed for a term of not to exceed two years.

Sec. 28. Section three hundred four point three (304.3), subsection two (2), Code 1977, is amended to read as follows:

2. The ~~curator-of-history~~ director of the historical museum and archives.

Sec. 29. Section three hundred twenty-one point four (321.4), Code 1977, is amended to read as follows:

321.4 The ~~commissioner~~ commissioner of public safety is authorized to adopt and promulgate administrative rules governing procedures as may be necessary to carry out the provisions of this chapter; and to carry out any other laws the enforcement of which is vested in the department of public safety.

Sec. 30. Section three hundred twenty-one point one (321.1), subsection thirty-three (33), Code 1977, is amended to read as follows:

33. "Department" means the state department of transportation. "Commission" means the state transportation commission.

Sec. 31. Section three hundred twenty-one point eighty-nine (321.89), subsection four (4), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

If an abandoned vehicle has not been reclaimed as provided for in subsection 3, the police authority shall make a determination as to whether or not the vehicle shall be sold for use upon the highways. If it is to be sold as a ~~meter~~ vehicle for use upon the highways, it shall first be inspected as required by section 321.238 and have a valid certificate of inspection affixed. If the vehicle is not sold for use upon the highways, it shall be sold for junk, or demolished and sold as scrap or sold as provided in section 321.88 with a restricted certificate of title and not for use upon the highways. The police authority shall sell the vehicle at public auction. Notwithstanding any other provision of this section, any police authority, which has taken into possession any abandoned vehicle which lacks an engine or two or more wheels or other part which renders the vehicle totally inoperable may dispose of such vehicle to a demolisher for junk after complying with the notification procedures enumerated in subsection 3 and without public auction. The purchaser of the vehicle shall take title free and clear of

all liens and claims of ownership, shall receive a sales receipt from the police authority, and shall be entitled to register the vehicle and receive a certificate of title if sold for use upon the highways or a restricted certificate of title as the case may be, ~~however~~ However, if the vehicle is sold or disposed of to a demolisher for junk, the sales receipt by itself shall be sufficient title only for purposes of transferring the vehicle to such demolisher for demolition, wrecking, or dismantling and, when so transferred, no further titling of the vehicle shall be permitted. From the proceeds of the sale of an abandoned vehicle the police authority shall reimburse itself for the expenses of the auction, the costs of towing, preserving, and storing which resulted from placing the abandoned vehicle in custody, all notice and publication costs incurred pursuant to subsection 3, the cost of inspection, and any other costs incurred except costs of bookkeeping and other administrative costs. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lienholder for ninety days, and shall then be deposited in the reimbursement fund received by the department pursuant to section 321.145, subsection 2. The costs to police authorities of auction, towing, preserving, storage, and all notice and publication costs, inspection costs and all other costs which result from placing abandoned vehicles in custody, whenever the proceeds from a sale of such abandoned vehicles are insufficient to meet these expenses and costs, shall be paid from the reimbursement fund of the department under section 321.145, subsection 2. In the event the reimbursement fund is temporarily exhausted, payment shall be deferred until the reimbursement fund contains sufficient funds to meet the claims.

Sec. 32. Section three hundred twenty-five point seven (325.7), unnumbered paragraph three (3), Code 1977, is amended to read as follows:

If a certificate is to be issued without a public hearing, the board shall publish notice of its action, at its own expense, in the same manner as provided in section 325.13. Written objections to the issuance of a certificate without holding a hearing may be filed within ten days of last publication of notice ~~notwithstanding the provisions of section 325.46~~. If no objections are filed within ten days of last

publication of the notice, the board may proceed to issue the certificate in the manner provided in section 325.18.

Sec. 33. Section three hundred twenty-seven G point fifteen (327G.15), unnumbered paragraph three (3), Code 1977, is amended to read as follows:

Payments from the grade crossing safety fund shall be made ~~to~~ by the treasurer of state upon certification by the department that the terms of the agreement have been followed.

Sec. 34. Section three hundred fifty-seven B point four (357B.4), Code 1977, is amended to read as follows:

357B.4 ANTICIPATION OF TAX. The board of trustees of a benefited fire district may anticipate the collection of taxes authorized under section 357B.3 and, for the purpose of providing fire protection, may issue bonds payable in not more than ten equal installments at an interest rate not exceeding seven percent per annum. The bonds shall be in such form and payable at such place as specified by resolution of the board of trustees. The provisions of sections 23.12 to 23.16 and chapter ~~400~~ three hundred eighty-four (384) of the Code shall apply to such bonds to the extent applicable.

Sec. 35. Section four hundred eleven point six (411.6), subsection seven (7), Code 1977, is amended by striking paragraph c.

Sec. 36. Section four hundred twenty-one point twenty-two (421.22), Code 1977, is amended to read as follows:

421.22 SERVICE OF ORDERS. Any sheriff, ~~constable~~, or other person may serve any subpoena or order issued under the provisions of this chapter.

Sec. 37. Section four hundred forty-six point four (446.4), Code 1977, is amended to read as follows:

446.4 NOTICE OF TIME AND PLACE OF SALE. The treasurer shall give notice of the time and place of their sale within five days after the taking, in the manner ~~constables~~ officers are required to give notice of the sale of personal property under execution.

Sec. 38. Section four hundred fifty point eighteen (450.18), Code 1977, is amended to read as follows:

450.18 ACCEPTANCE OF FINAL REPORT. No final settlement of the account of any executor, administrator, or trustee shall be accepted or allowed unless a strict compliance has been had by such person with the provision relative to the making and filing of said report, ~~and with section 450.16.~~

Sec. 39. Section four hundred fifty-five point twenty-two (455.22), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

If any person, corporation, or company owning or having interest in any land or other property affected by any proposed improvement under chapters 455 to ~~468~~ four hundred sixty-seven D (467D) of the Code shall file with the auditor an instrument in writing designating the name and post-office address of ~~his or its~~ the agent of the person, corporation, or company upon whom service of notice of said proceeding shall be made, the auditor shall, not less than twenty days prior to the date set for hearing upon said petition, send a copy of said notice by certified mail addressed to the agent so designated. Proof of such service shall be made by affidavit of the auditor filed ~~by him~~ in said proceeding at or before the date of the hearing upon the petition, and such service shall be in lieu of all other service of notice to such persons, corporations, or companies.

Sec. 40. Section four hundred fifty-five B point seven (455B.7), subsection three (3), Code 1977, is amended to read as follows:

3. Issue orders and directives necessary to insure integration and co-ordination of the programs administered by the department. Notwithstanding any other provision of this chapter to the contrary, each commission within the department shall submit all of its proposed rules to the executive committee for review to insure that no conflict exists between such proposed rules and the existing rules of another commission within the department. If a conflict does exist, the executive committee shall direct the commissions involved to resolve the conflict before the proposed rules are submitted to the legislative ~~departmental~~ administrative rules review committee as provided in chapter 17A.

Sec. 41. Section five hundred fifteen B point five (515B.5), subsection one (1), Code 1977, is amended by striking paragraph g and inserting in lieu thereof the following:

g. Reimburse each servicing facility for obligations of the association paid by the facility and for expenses incurred by the facility while handling claims on behalf of the association, and pay the other expenses of the association authorized by this chapter.

Sec. 42. Section five hundred fifteen B point five (515B.5), subsection two (2), Code 1977, is amended by striking paragraph g and inserting in lieu thereof the following:

g. If at any time the board of directors finds that the amount assessed for any insolvency exceeds the actual and projected liabilities of that insolvency, it may refund such excess to member insurers in the same proportion that each contributed to the original assessment or assessments. Any assessments or refunds of any member insurer in amounts not to exceed twenty-five dollars may, at the discretion of the board of directors, be waived.

Sec. 43. Section five hundred forty-three point twenty-eight (543.28), subsection three (3), unnumbered paragraph four (4), Code 1977, is amended to read as follows:

Rates for storage, conditioning of stored products, and ~~delivery~~ receiving or loadout charges shall be just, reasonable, and nondiscriminatory, and every unjust, unreasonable, and discriminatory charge for such services or any part thereof and not in accordance with tariffs as herein provided, is prohibited and is hereby declared to be unlawful.

Sec. 44. Section five hundred fifty-four point eleven thousand one hundred five (554.11105), subsection four (4), Code 1977, is amended to read as follows:

4. If the record of a mortgage of real estate would have been effective as a fixture filing or a filing covering timber to be cut, or minerals or the like (including oil and gas), or accounts subject to ~~subsection 5 and~~ section 554.9103, subsection five (5), or any or all of these, of goods described therein if this chapter as amended had been in effect on the date of recording the mortgage, the mortgage shall be deemed effective as a fixture filing as to such goods under section 554.9402, subsection 6, on January 1, 1975, and the mortgage shall be deemed effective as a filing covering timber to be cut or minerals or the like (including oil and gas), or accounts subject to section 554.9103, subsection 5, or any or all of these, on July 1, 1976.

Sec. 45. Section six hundred point twenty (600.20), Code 1977, is amended to read as follows:

600.20 AVAILABILITY OF ASSISTANCE. Financial assistance shall be available only if the child to be adopted was under the guardianship of the state, county, or a licensed child-

placing agency immediately prior to ~~his~~ adoption. The ~~twelve months~~¹ one hundred eighty day period of residence in the proposed home required in section ~~600-2~~ six hundred point ten (600.10) of the Code shall not apply to this section.

Sec. 46. Section six hundred five A point four (605A.4), Code 1977, is amended to read as follows:

605A.4 DEPOSIT BY JUDGE--DEDUCTIONS--CONTRIBUTIONS BY GOVERNING BODY.

1. Each judge coming within the purview of this chapter shall, on or before retirement, pay to the court administrator for deposit with the treasurer of state to the credit of a fund to be known as the "judicial retirement fund", hereinafter called the "fund", a sum equal to four percent of ~~his~~ the judge's basic salary for services as such judge for the total period of service as a judge of a municipal, superior, district or supreme court, or the court of appeals, including district associate judges, before the date of said notice, and after the date of the notice there shall be deducted and withheld from the basic salary of each judge coming within the purview of this chapter a sum equal to four percent of such basic salary. Provided that the maximum amount which any judge shall be required to contribute for past service shall not exceed for municipal or superior or district associate judges thirty-five hundred dollars, for district judges four thousand dollars, for court of appeals judges four thousand five hundred dollars, and for supreme court judges five thousand dollars.

2. The amounts so deducted and withheld from the basic salary of each said judge shall be paid to the court administrator for deposit with the treasurer of state to the credit of the judicial retirement fund, and said fund is hereby appropriated for the payment of annuities, refunds, and allowances herein provided, except that the amount of such appropriations affecting payment of annuities, refunds, and allowances to judges of the municipal and superior court shall be limited to that part of said fund accumulated for their benefit as hereinafter provided.

3. The judges of the municipal, superior, district and supreme court, and the court of appeals, including district associate judges, coming within the provisions of this chapter shall be deemed to consent and agree to the deductions from basic salary as provided herein and payment less such

deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all regular services rendered by such judges during the period covered by such payment, except the right to the benefits to which they shall be entitled under the provisions of this chapter.

4. The state shall contribute a sum not exceeding three percent of the basic salary of all judges of the district and supreme court for the years 1949 and 1950 and thereafter such sums as may be necessary over the amount contributed by the district and supreme court judges to finance the system, but only to the extent that the system applies to them. After June 30, 1973, the state shall contribute such sums as may be necessary over the amount contributed by district associate judges to finance the system as to them for the portion of their tenure after July 1, 1973, and thereafter such sums as may be necessary over the amount contributed by the district associate judges to finance the system, but only to the extent the system applies to them, ~~and the respective cities and counties within each municipal and superior court district shall contribute the additional amount necessary pursuant to the next paragraph of this section, for the portion of the tenure of such district associate judges prior to July 1, 1973.~~ After July 1, 1976, the state shall contribute such sums as may be necessary over the amount contributed by judges of the court of appeals to finance the system, but only to the extent the system applies to them.

Sec. 47. Section six hundred seventeen point four (617.4), Code 1977, is amended to read as follows:

617.4 CONSOLIDATED RAILWAYS. If the action is against any railway corporation ~~which has merged and consolidated its stock, property, franchises, and liabilities with that of any other railway corporation, as authorized by section 476.47 or~~ which has sold or leased its property and franchises to any other railway corporation as authorized by section 327E.2, service of the original notice may be made upon any station, ticket, or other agent of the merged, vendee, or lessee corporation in the county where the action is brought; if there is no such agent in said county, then service may be made upon such agent or person in any other county.

Sec. 48. The Code editor shall indicate in the Acts of the Sixty-seventh General Assembly, 1977 Session, those

sections of the 1977 Code which are amended in the 1977 Session which were also amended by the criminal code revision found at chapter twelve hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session.

Approved June 17, 1977

CHAPTER 49
COAL CONTRACTS FOR STATE USE

H. F. 445

AN ACT relating to emission standards as they relate to coal produced and purchased under contract for use in this state.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section seventy-two point one (72.1), Code 1977, is amended to read as follows:

72.1 UNAUTHORIZED CONTRACTS. Officers empowered to expend, or direct the expenditure of, public money of the state shall not make any contract for any purpose which contemplates an expenditure of such money in excess of that authorized by law. However, the state or an agency of the state may enter into a contract of not exceeding ten years in duration for the purchase of coal to be used in facilities under the jurisdiction of the state or the state agency. The execution of the contract shall be contingent upon appropriations by the general assembly in sufficient amounts to meet the terms of the contract.

Sec. 2. Section four hundred fifty-five B point twelve (455B.12), subsection four (4), Code 1977, is amended to read as follows:

4. Establish, modify, or repeal emission standards relating to the maximum quantities of air contamination that may be emitted from any air contaminant source after at least sixty days' public notice and public hearings. If the maximum standards for the emission of sulphur dioxide from solid fuels have to be reduced in any area to meet ambient air standards, any contract for coal produced in Iowa, and burned by a facility in that area that met the sulphur emission standards in effect at the time the contract went into effect shall be exempted from the decreased requirement until the expiration of the contract period or December 31, 1983, whichever first