

~~amount-of-property-taxes-levied-against--the--railroad--property--within--the county-~~

Sec. 5. Section 327H.25, Code 1981, is amended to read as follows:

327H.25 TRANSFER OF DUTIES. The administration of the railroad assistance fund shall be transferred from the energy policy council to the state department ~~of--transportation~~ not later than July 1, 1976. All agreements for railroad assistance entered into by the energy policy council with railroads and other persons ~~pursuant-to-section-93-9-or-this-section-and sections--327H-18--to-327H-24~~ shall be carried out by the state department of ~~transportation~~.

Sec. 6. Chapter 327H, Code 1981, is amended by adding the following new section:

NEW SECTION. As used in this chapter, unless the context otherwise requires:

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

Sec. 7. Section 327H.22, Code 1981, is repealed.

Approved June 15, 1981

CHAPTER 117
HOME RULE FOR COUNTIES
S. F. 130

AN ACT to implement home rule for counties by supplementing and recodifying 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. 320. 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.
- o. 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.

z. 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.

i. 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 cattledways, 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 purpose of _____
(name of county)
_____ at a rate of _____ which will provide
(state purpose of levy election) (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.

*According to enrolled Act

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 of Iowa, issue
(insert the name of the county)
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 installments.
 - 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.

*According to enrolled Act

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 b, 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.

d. 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 3.

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.

*According to enrolled Act

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 hotelkeeper'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 appraisement 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.

*According to enrolled Act

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 225B.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.

*Section 813.3 probably intended

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, praecipis, 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 represent 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

*See also chapter 118

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~~ 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~~ the fund after the maximum permissible levy has been made for ~~said the~~ 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~~ favours 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 ~~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 the 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 so 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 cooperation, 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 ~~165.10~~ 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 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 ever-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~~ 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~~ the commission, and also the same mileage that is paid to the members of the board of supervisors. ~~Said The~~ 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 peer fund or charges against the county peer fund for purposes other than that for which the county peer 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 peer 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-when-ever-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-these-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~~ directs.

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, ~~332-37-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--17--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

*According to enrolled Act

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 ~~awaiting 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-constructed~~ 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 23~~ 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 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~~ taxes ~~shall~~ constitute the county public hospital fund and ~~such 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~~ county which are unappropriated, may use ~~such the~~ unappropriated funds for erecting and equipping hospital buildings and additions thereto without authority from the voters of ~~said 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 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 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 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 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 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 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 trustees shall be residents of the same township.

PARAGRAPH DIVIDED. ~~Such~~ 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~~ The 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--of.~~ 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 political 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, devises, 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 of~~ 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 332-3, 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 28E 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 23-12 to 23-16, 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 section 565.9~~ 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 111A.4, 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 unoccupancy 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. ~~Ne 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 ~~cemetary*~~ cemetery lots which is to be used for perpetual care of cemetery lots, and ~~shall,~~ by ~~said~~ resolution, ~~duly~~ shall provide for the payment of interest ~~thereon,~~ payable annually, to the ~~cemetary-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 ~~332+3~~ 360, subsection ~~13~~ 2 of this Act.

*According to enrolled 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 332-5 360, 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 343-117-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 331-257-subsection-27-and-section-331-267-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 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 ~~331-207, 333-2 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~~ a draft ~~therefor~~ for the amount reported, countersigned by the secretary, upon the county treasurer, who shall pay ~~such the~~ the taxes to the treasurers of the several school boards only on ~~such the~~ 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-so~~ 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 ~~340-8~~ 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--auditer--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 ~~auditer-when-making-up-the-tax-list,-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 ~~auditer~~ 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 ~~auditer~~ 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-auditer~~ 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 ~~so~~ 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 ~~334-13~~ 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.

Approved May 19, 1981