

annual report of its evaluations and recommendations with the chief clerk of the house of representatives and the secretary of the senate upon the convening of each session of the general assembly.

Sec. 3. Section 2B.3, subsection 3, Code 1983, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. m. Whether the skill or information necessary to practice the profession or occupation adequately changes at such a pace or to such an extent as to justify continuing education requirements.

Sec. 4. 1979 Iowa Acts, chapter 41, section 4, is repealed.

Sec. 5. Chapter 2B, Code 1983, is repealed effective July 1, 1986.

Sec. 6. The terms of members of the commission on professional and occupational regulation appointed under chapter 2B, Code 1983, expire on the effective date of this Act. The legislative council shall make appointments to the commission as provided in this Act. In making the initial appointments, the legislative council shall appoint one senator, one representative, and three citizens to initial terms of two years.

Approved May 2, 1983

CHAPTER 101

CODE CORRECTIONS

S.F. 136

AN ACT to make nonsubstantive corrections to the Code.

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

Section 1. Section 7A.4, Code 1983, is amended to read as follows:

7A.4 STATE AGENCIES AND OFFICERS TO CO-OPERATE. All state agencies and officers shall provide the office of for planning and programming with any information it requests pertaining to its duties under this chapter, shall assist the office in carrying out its duties, and shall provide the office with a copy of all official grant-in-aid applications, together with a copy of any program plan developed to meet federal requirements, prior to submission of such an application to the federal government.

Sec. 2. Section 18.2, Code 1983, is amended to read as follows:

18.2 DEPARTMENT ESTABLISHED. There is created a department of general services which shall be is attached to the office of the governor and shall be is under the governor's general direction, supervision, and control. The office shall be in charge of a director, who shall be appointed by the governor shall appoint the director, subject to confirmation by the senate. The director shall be employed on a permanent basis. The director shall not hold any other office, engage in any political activity, accept or solicit, directly or indirectly, any political contributions, and shall not use the office to support the candidacy of anyone for elective or appointive office. The director shall hold office at the governor's pleasure and shall receive a salary at a rate fixed by the governor not to exceed twenty five thousand dollars per annum as fixed by the general assembly. Before entering upon the discharge of his or her the director's duties, the director may be required to give a surety bond in an amount as fixed by the governor. The premium on the bond shall be paid out of funds appropriated to the department.

The director ~~shall~~ must be a qualified administrator.

Sec. 3. Section 80D.11, Code 1983, is amended to read as follows:

80D.11 EMPLOYEE—PAY. While performing official duties, each reserve peace officer shall be considered an employee of the governing body which ~~he or she~~ the officer represents and shall be paid a minimum of one dollar per year. The governing body of a city, county, or the state may provide additional monetary assistance for the purchase and maintenance of uniforms and equipment used by reserve peace officers ~~but not to exceed the allowance provided in section 337A.2.~~

Sec. 4. Section 85.59, unnumbered paragraphs 7 and 8, Code 1983, are amended to read as follows:

The time limit for commencing an original proceeding to determine entitlement to benefits under this section ~~shall be~~ is the same as set forth in section 85.26. If an injury occurs to an inmate so as to qualify the inmate for benefits under this section, notwithstanding the fact that payments of weekly benefits are not commenced, ~~a memorandum of agreement an acknowledgment of compensability~~ shall be filed with the industrial commissioner within thirty days of the time the responsible authority receives notice or knowledge of the injury as required by section 85.23.

If a dispute arises as to the extent of disability when ~~a memorandum of agreement an acknowledgment of compensability~~ is on file or when an award determining liability has been made, an action to determine the extent of disability must be commenced within one year of the time of the release of the inmate from the institution. This ~~shall~~ does not bar the right to reopen the claim as provided by section ~~86-34~~ 85.26, subsection 2.

Sec. 5. Section 87.13, Code 1983, is amended to read as follows:

87.13 INTERPRETATIVE CLAUSE. The law ~~as the same appears in section 85.4 and other sections of chapters 85, 86, and this chapter, including the words "except as provided in this chapter" as the same appear in section 85.3 all insofar as it relates to the right to reject the terms, provisions and conditions of the compensation law, shall not apply to any employer or employee engaged in the operation of coal mines, or production of coal, under any system of removing coal for sale, but all~~ All provisions of the law in chapters 85, 85A, 85B, 86, and this chapter relating to compensation for injuries sustained arising out of and in the course of such employment shall be in the operation of coal mines or production of coal under any system of removing coal for sale are exclusive, compulsory and obligatory upon the employer and employee in such employment.

Sec. 6. Section 93A.4, subsection 4, Code 1983, is amended to read as follows:

4. The state department of agriculture, office for planning and programming, department of soil conservation, state conservation commission, ~~Iowa natural resources council,~~ department of environmental quality water, air and waste management, geological survey, state agricultural extension service, and the Iowa development commission shall, upon request, provide to each county commission any pertinent land use information available to assist in the compiling of the county land use inventories.

Sec. 7. Section 93A.11, subsection 2, Code 1983, is amended to read as follows:

2. WATER PRIORITY. In the application for a permit to divert, store, or withdraw water and in the allocation of available water resources under a water permit system, the ~~Iowa natural resources council department of water, air and waste management~~ shall give priority to the use of water resources by a farm or farm operations, exclusive of irrigation, located in an agricultural area over all other uses except the competing uses of water for ordinary household purposes.

Sec. 8. Section 96.10, unnumbered paragraph 3, Code 1983, is amended to read as follows:

The director of the department may establish, consolidate, and abolish divisions of the

department when necessary for the efficient performance of the various functions and duties of the department of employment security.

Sec. 9. Section 96.19, subsection 9, paragraph c, Code 1983, is amended to read as follows:

c. An individual shall be deemed temporarily unemployed if for a period, verified by the commission department, not to exceed four consecutive weeks, ~~he or she~~ the individual is unemployed due to a plant shutdown, vacation, inventory, lack of work or emergency from ~~his or her~~ the individual's regular job or trade in which ~~he or she~~ the individual worked full-time and in which ~~he or she~~ will again work full-time, if ~~his or her~~ the individual's employment, although temporarily suspended, has not been terminated.

Sec. 10. Section 97B.41, subsection 3, paragraph b, subparagraph (1), Code 1983, is amended to read as follows:

(1) Elective officials in positions for which the compensation is on a fee basis, elective officials of school districts, elective officials of townships, and elective officials of other political subdivisions who are in part-time positions, graduate medical students while serving as interns or resident doctors in training at any hospital, or county medical examiners and deputy county medical examiners under ~~chapter 330~~ 331, division V, part 7.

Sec. 11. Section 97C.20, unnumbered paragraph 2, Code 1983, is amended to read as follows:

Upon receiving evidence satisfactory to ~~him~~ the governor that with respect to any such referendum the conditions specified in section 218 "d" (3) of the Social Security Act have been met, the governor shall so certify to the secretary of health, ~~education, and welfare~~ human services.

Sec. 12. Section 111.25, Code 1983, is amended to read as follows:

111.25 LEASES. The commission may recommend that the executive council lease property under the commission's jurisdiction. All leases shall reserve to the public of the state the right to enter upon the property leased for any lawful purpose. The council may, if it approves the recommendation and the lease to be entered into is for five years or less, execute the lease in behalf of the state and commission. If the recommendation is for a lease in excess of five years, with the exception of agricultural lands specifically dealt with in Article I, section 24 of the Constitution of the State of Iowa, the council shall advertise for bids ~~therefor as provided in section 10.20~~. If a bid is accepted, the lease shall be let or executed by the council ~~as provided in section 10.21~~, except that the lease shall be let or executed in accordance with the most desirable bid. The lease shall not be executed for a term longer than fifty years. Any such leasehold interest, including any improvements placed ~~thereon on it~~, shall be listed on the tax rolls as provided in chapters 428 and 443; assessed and valued as provided in chapter 441; taxes shall be levied thereon on it as provided in chapter 444; and collected as provided in chapter 445; and the leasehold interest is subject to tax sale, redemption, and apportionment of taxes as provided in chapters 446, 447 and 448. ~~It shall be the duty of the~~ The lessee to shall discharge and pay all ~~such~~ taxes.

Sec. 13. Section 111.62, Code 1983, is amended to read as follows:

111.62 COPY TO DEPARTMENT. A copy of the petition and the applications, plans, and specifications required under chapter ~~455A~~ 455B shall be filed with the department of water, air and waste management and any approval or permit required under chapter ~~455A~~ 455B shall be obtained prior to the establishment of the water recreational area or the granting of a permit for the area by the state conservation commission.

Sec. 14. Section 117.29, subsection 5, Code 1983, is amended to read as follows:

5. Conviction of a felony related to the profession or occupation of the licensee ~~on the or~~ conviction of ~~any a~~ felony that would affect ~~his or her~~ the licensee's ability to practice the profession of real estate broker and ~~salesman~~ salesperson. A copy of the record of conviction or plea of guilty ~~shall be is~~ conclusive evidence.

Sec. 15. Section 125.76, Code 1983, is amended to read as follows:

125.76 APPOINTMENT OF COUNSEL FOR APPLICANT. The applicant, if not the county attorney, may apply for the appointment of counsel if financially unable to employ an attorney to assist the applicant in presenting evidence in support of the application for commitment. If the applicant applies for the appointment of counsel, the application shall include a financial statement as defined in section ~~336B.1~~ 331.775, subsection 3.

Sec. 16. Section 135B.7, Code 1983, is amended to read as follows:

135B.7 RULES AND ENFORCEMENT. The state department of health with the advice of the hospital licensing board, shall adopt, ~~amend, promulgate~~ and enforce such rules and standards with respect to for the different types of hospitals to be licensed hereunder as may be ~~designed under this chapter~~, to further the accomplishment of the purposes of the chapter. ~~Rules and standards may be adopted imposing requirements in excess of those provided in chapter 413, but no rule or standard shall be adopted imposing requirements less than those provided by said chapter. No rules~~ Rules or standards shall not be adopted or enforced which would have the effect of denying a license to a hospital or other institution required to be licensed hereunder, solely by reason of the school or system of practice employed or permitted to be employed by physicians therein; ~~provided that such in the hospital if the school or system of practice is recognized by the laws of this state.~~

Sec. 17. Section 135B.17, unnumbered paragraph 1, Code 1983, is amended to read as follows:

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

Sec. 18. Section 135C.14, subsection 1, Code 1983, is amended to read as follows:

1. Location and construction of the facility, including plumbing, heating, lighting, ventilation, and other housing conditions, which shall ensure the health, safety and comfort of residents and protection from fire hazards. ~~Such rules and standards regarding location and construction of the home may impose requirements in excess of those provided in chapter 413 but shall not impose requirements less than those provided by such chapter.~~ The rules of the department relating to protection from fire hazards and fire safety shall be promulgated by the state fire marshal, and shall be in keeping with the latest generally recognized safety criteria for the facilities covered of which the applicable criteria recommended and published from time to time by the national fire protection association shall be are prima-facie evidence.

Sec. 19. Section 135D.15, Code 1983, is amended to read as follows:

135D.15 SEASONAL OPERATION. If ~~any an~~ applicant for a mobile home park license desires to operate ~~such the~~ mobile home park only during the months from May 1 to October 1, ~~they should the applicant shall~~ pay only one-half of the above-mentioned annual license fee, but should pay the full monthly fees hereinbefore required for each month of operation. If in the opinion of the state department of health the sanitary and facility requirements ~~herein contained in this chapter~~ are too rigid for the mobile home park, it may in writing or by regulation modify ~~such the~~ requirements as circumstances may permit and require.

Sec. 20. Section 137.6, subsection 4, Code 1983, is amended to read as follows:

4. Employ ~~such employees~~ persons as are necessary for the efficient discharge of its duties. Employment practices shall meet the requirements of the Iowa merit system council ~~employment commission~~ or any civil service provision adopted under chapter 400.

Sec. 21. Section 144.1, subsection 8, Code 1983, is amended to read as follows:

8. "Filing" means the presentation of a certificate, report, or other record, provided for in this chapter, of a birth, death, fetal death, adoption, marriage, ~~divorce~~ dissolution, or annulment for registration by the division.

Sec. 22. Section 144.2, Code 1983, is amended to read as follows:

144.2 DIVISION OF RECORDS AND STATISTICS. There is ~~hereby~~ established in the department a division for records and statistics which shall install, maintain, and operate the system of vital statistics throughout the state. No system for the registration of births, deaths, fetal deaths, adoptions, marriages, ~~divorces~~ dissolutions, and annulments, shall be maintained in the state or any of its political subdivisions other than the one provided for in this chapter. Suitable quarters shall be provided for the division by the executive council at the seat of government. The quarters shall be properly equipped for the permanent and safe preservation of all official records made and returned under this chapter.

Sec. 23. Section 144.37, unnumbered paragraphs 2 and 3, Code 1983, are amended to read as follows:

The clerk of the district court in each county shall keep a record book for ~~divorces~~ dissolutions. The form of ~~divorce~~ dissolution record books shall be uniform throughout the state and shall be prescribed by the state department. Divorce Dissolution record books shall be provided at county expense. A properly indexed record of ~~divorces~~ dissolutions upon microfilm, electronic computer, or data processing equipment may be kept instead of ~~divorce~~ record books.

On or before the tenth day of each calendar month, the clerk of court shall forward to the state registrar the record of each ~~divorce~~ dissolution and annulment granted during the preceding calendar month and ~~such~~ related reports as ~~may be~~ required by regulations issued under this chapter.

Sec. 24. Section 144.51, Code 1983, is amended to read as follows:

144.51 INFORMATION BY OTHERS FURNISHED ON DEMAND. Any person having knowledge of the facts shall furnish information ~~he may possess~~ the person possesses regarding any birth, death, fetal death, adoption, marriage, ~~divorce~~ dissolution, or annulment, upon demand of the state registrar or ~~his~~ the state registrar's representative.

Sec. 25. Section 145A.20, Code 1983, is amended to read as follows:

145A.20 REVENUE BONDS. In addition to any other provisions of this chapter and for the purpose of acquiring, constructing, equipping, enlarging or improving a hospital building or any part thereof, merged areas may issue revenue bonds as provided in ~~section 347A.2~~ chapter 331, division IV, part 4.

Sec. 26. Section 147.21, unnumbered paragraph 3, Code 1983, is amended to read as follows:

A member of the board who willfully communicates or seeks to communicate such information, and any person who willfully requests, obtains, or seeks to obtain such information, is guilty of a public offense which is punishable by a fine not exceeding one hundred dollars or by imprisonment in the county jail for not more than thirty days simple misdemeanor.

Sec. 27. Section 148A.4, subsections 1 and 2, Code 1983, are amended to read as follows:

1. Be a graduate of an accredited high school and have completed a course of study in, and hold a diploma or certificate issued by a school of physical therapy approved by the board of physical and occupational therapy examiners.

2. Have passed an examination administered by the board of physical and occupational therapy examiners.

Sec. 28. Section 153A.3, Code 1983, is amended to read as follows:

153A.3 APPRENTICE OPHTHALMIC DISPENSERS. A person employed by a physician and surgeon, osteopathic physician, osteopathic physician and surgeon, optometrist, or certified ophthalmic dispenser for the purpose of obtaining practical experience and skill as an ophthalmic dispenser shall be registered with the state department as an apprentice. Persons desiring to be registered as an apprentice shall file an application with the state department of health on a form provided by the state department. The application shall be signed by the applicant and the applicant's employer and accompanied by the registration fee prescribed under section ~~147.80~~ 153A.11.

Sec. 29. Section 155.37, subsection 1, paragraph b, Code 1983, is amended to read as follows:

b. If the cost of the prescription or any part thereof shall of it will be paid by expenditure of public funds authorized under ~~chapters~~ chapter 239, 249, 249A, 252, 253, ~~254~~, or 255, the pharmacist shall exercise his or her professional judgment by selecting a drug product of the same generic name and demonstrated bioavailability but of a lesser cost than the one prescribed for dispensing and sale to the person unless the physician, dentist, or podiatrist specifically states that only that designated brand or trade name drug product is to be dispensed. ~~Under no circumstances shall~~ However, a pharmacy to which the prescription is presented or communicated ~~be is~~ not required to substitute a drug product of the same generic name and demonstrated bioavailability but of lesser cost unless the pharmacy has in stock one or more other such drug products.

Sec. 30. Section 170B.3, unnumbered paragraph 2, Code 1983, is amended to read as follows:

If a municipal corporation wants its local board of health to license, inspect, and otherwise enforce the Iowa hotel sanitation code within its jurisdiction, the municipal corporation may enter into an agreement to do so with the secretary. The secretary may enter into such an agreement if the secretary finds that the local board of health has adequate resources to perform the required functions. A municipal corporation may only enter into an agreement to enforce the Iowa hotel sanitation code if it also agrees to enforce the Iowa food service sanitation code pursuant to section ~~170B.4~~ 170A.4 and to enforce the food and beverage vending machine laws pursuant to section 191A.14.

Sec. 31. Section 172C.8, subsection 3, Code 1983, is amended to read as follows:

3. Any nonresident alien identified as a beneficiary in a report filed with the secretary of state pursuant to section 172C.7, subsection 3, shall file with the secretary of state on or before March 31 of each year on forms supplied by the secretary of state, a report containing the information set forth in section ~~567.9~~ 567.8, with respect to land owned by a fiduciary or trustee on behalf of the nonresident alien.

Sec. 32. Section 175.3, subsection 1, Code 1983, is amended to read as follows:

1. The Iowa family farm development authority is established, and constituted a public instrumentality and agency of the state exercising public and essential governmental functions. The authority is established to undertake programs which assist beginning farmers in purchasing agricultural land and agricultural improvements and depreciable agricultural property for the purpose of farming and programs which provide financing to farmers for permanent soil and water conservation practices on agricultural land within the state or for the acquisition of conservation farm equipment. The powers of the authority shall be are vested in and exercised by a board of eleven members with nine members appointed by the governor with the approval of two thirds of the members of subject to confirmation by the senate. The treasurer of state and the secretary of agriculture are ex officio nonvoting members. No more than five members shall belong to the same political party. As far as possible the governor

shall include within the membership persons who represent financial institutions experienced in agricultural lending, the real estate sales industry, farmers, beginning farmers, average taxpayers, local government, and any other person specially interested in family farm development.

Sec. 33. Section 189.2, subsection 4, Code 1983, is amended to read as follows:

4. Issue from time to time, bulletins showing the results of inspections, analyses, and prosecutions under this title. These bulletins shall be printed in such numbers as may be approved by the state superintendent of printing board and shall be distributed to the newspapers of the state and to all interested persons.

Sec. 34. Section 206.2, subsection 26, Code 1983, is amended to read as follows:

26. The term "state State restricted use pesticide" means ~~any~~ a pesticide which is restricted for sale, use, or distribution under the authority of section ~~455B.131~~ 455B.471.

Sec. 35. Section 206.6, subsection 1, unnumbered paragraph 2, Code 1983, is amended to read as follows:

A person who applies pesticides by use of ~~any~~ an aircraft and who is licensed as an aerial commercial applicator in another state shall apply pesticides in Iowa only under the direct supervision of a person holding a valid Iowa aerial commercial applicator's license. The supervising aerial commercial applicator ~~shall be~~ is jointly liable with the person who is licensed as an aerial commercial applicator in another state for damages. The supervising applicator shall immediately notify the secretary of the commencement and of the termination of service provided by the supervised applicator. ~~A~~ However, a person licensed in another state as an aerial commercial applicator may operate independently if ~~he~~ the person acquires an aerial commercial applicator license from the secretary ~~and~~, posts bond in an amount to be determined by the secretary, and registers with the ~~Iowa aeronautics commission~~ department of transportation. ~~Such~~ The person shall be is liable for damages.

Sec. 36. Section 206.6, subsection 5, Code 1983, is amended to read as follows:

5. ISSUE COMMERCIAL APPLICATOR LICENSE. If the secretary finds the applicant qualified to apply pesticides in the classifications for which ~~he~~ the applicant has applied and if the applicant files the bonds or insurance required under section 206.13, and if the applicant applying for a license to engage in aerial application of pesticides has met all of the requirements of the federal aviation administration, the ~~Iowa aeronautics commission~~ department of transportation, and any other applicable federal or state laws or regulations to operate the equipment described in the application, the secretary shall issue a commercial applicator license limited to the classifications for which ~~he~~ the applicant is qualified, which shall expire at the end of the calendar year of issue unless it has been revoked or suspended prior thereto by the secretary for cause. The secretary may limit the license of the applicant to the use of certain pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the secretary shall inform the applicant in writing of the reasons ~~therefor~~.

Sec. 37. Section 218.1, subsections 1 and 8, Code 1983, are amended to read as follows:

1. Soldiers Home Iowa veterans home.

8. Eldora State training school.

Sec. 38. Section 218.3, subsection 3, Code 1983, is amended to read as follows:

3. The director of the division of corrections of the department of social services ~~shall have~~ has primary authority and responsibility relative to the ~~following institutions:~~ Women's reformatory Iowa correctional institution for women, men's reformatory and state penitentiary.

Sec. 39. Section 218.9, unnumbered paragraph 2, Code 1983, is amended to read as follows:

The director of the division of corrections of the department of social services, subject to the

approval of the commissioner of the department, shall appoint the wardens of the state penitentiary and the men's reformatory and the superintendents of the Iowa security and medical facility and of the ~~women's reformatory~~ Iowa correctional institution for women.

Sec. 40. Section 218.97, Code 1983, is amended to read as follows:

218.97 DIAGNOSTIC CLINIC—INFORMATION FURNISHED. The commissioner of the department of social services and the directors of divisions directly involved ~~are authorized to~~ may provide facilities and personnel for a diagnostic clinic. The work of the clinic shall include a scientific study of each prisoner, his the prisoner's career and life history, the causes of his the prisoner's criminal acts and recommendations for his custody, care, training, employment and counseling with a view to his the prisoner's rehabilitation and to the protection of society. To facilitate the work of the clinic and to aid in the rehabilitation of such prisoners, the trial judge and the prosecuting attorney shall, when requested by the commissioner or the directors of divisions directly involved, furnish the commissioner or such director the directors with such information as is provided the state board of parole under section 247.15 a full statement of the facts relating to a prisoner's commission of an offense as known or believed by them.

Sec. 41. Section 230A.10, subsection 14, Code 1983, is amended to read as follows:

14. Enter into ~~contracts~~ a contract with affiliates an affiliate, which may be an individual or a public or private group, agency, or corporation, organized and operating on either a profit or a nonprofit basis, for any of the services described in section 230A.2, ~~subsections 1 to 3~~, to be provided by the affiliate to residents of the county or counties served by the community mental health center who are patients or clients of the center and are referred by the center to the affiliate for service.

Sec. 42. Section 230A.12, subsection 3, Code 1983, is amended to read as follows:

3. Enter into ~~contracts~~ a contract with affiliates an affiliate, which may be an individual or a public or private group, agency or corporation, organized and operating on either a profit or a nonprofit basis, for any of the services described in section 230A.2, ~~subsections 1 to 3~~, to be provided by the affiliate to residents of the county or counties served by the community mental health center who are patients or clients of the center and are referred by the center to the affiliate for service.

Sec. 43. Section 230A.13, unnumbered paragraph 2, Code 1983, is amended to read as follows:

Release of information which would identify an individual who is receiving or has received treatment at a community mental health center shall not be made a condition of support of that center by any county under this section. ~~The provisions of section 331.21~~ Section 331.504, subsection 8 notwithstanding, a community mental health center shall not be required to file a claim which would in any manner identify such an individual, if the center's budget has been approved by the county board under this section and the center is in compliance with section 230A.16, subsection 3.

Sec. 44. Section 235.1, unnumbered paragraph 1, Code 1983, is amended to read as follows:

The terms "state division", "state director", "county department", "county board" and "child" are used in this chapter and ~~chapters 237 and chapter 238 as said~~ the terms are defined in section 234.1.

Sec. 45. Section 245.2, Code 1983, is amended to read as follows:

245.2 SUPERINTENDENT—SALARY. The superintendent of the ~~women's reformatory~~ Iowa correctional institution for women shall receive a salary as determined by the state director.

Sec. 46. Section 245.3, Code 1983, is amended to read as follows:

245.3 SERVICE REQUIRED. The superintendent may, with the approval of the state director, require ~~any an~~ inmate to perform any service suited to her strength and attainments and which may be needed for the benefit of the ~~reformatory~~ institution or for the welfare of ~~such the~~ inmate.

Sec. 47. Section 245.4, Code 1983, is amended to read as follows:

245.4 EMPLOYEES TO RECEIVE A MIDS SHIFT MEAL. The employees of the ~~women's reformatory~~ Iowa correctional institution for women shall receive a midshift meal when on duty.

Sec. 48. Section 245.7, Code 1983, is amended to read as follows:

245.7 TERM OF COMMITMENTS. A female convicted of a felony shall not be detained in ~~said reformatory~~ the Iowa correctional institution for women under one commitment for a period longer than the maximum term of imprisonment provided by law for ~~said the~~ felony. A female convicted of a crime and sentenced to a term of less than one year shall not be detained ~~therein in that~~ institution.

Sec. 49. Section 245.8, Code 1983, is amended to read as follows:

245.8 MANNER OF COMMITTING FEMALES. Females committed to ~~said reformatory~~ the Iowa correctional institution for women shall be taken ~~thereto there~~ by some a woman, or by ~~some a~~ peace officer accompanied by ~~some a~~ woman, appointed by the court.

Sec. 50. Section 245.9, Code 1983, is amended to read as follows:

245.9 COSTS OF COMMITMENT. The costs and expenses allowed for taking females to the ~~reformatory~~ Iowa correctional institution for women shall be the same as those allowed by law for taking girls to the training school, and shall be audited and paid in like manner by the counties from which they are sent.

Sec. 51. Section 245.12, Code 1983, is amended to read as follows:

245.12 TRANSFER OF MENTALLY ILL. The state director may cause any woman committed to the ~~reformatory~~ Iowa correctional institution for women and suspected of being mentally ill to be examined by one of the superintendents or the superintendent's qualified designee of a state hospital for the mentally ill or transferred to the Iowa security and medical facility for examination. If the woman is found to be mentally ill, the department may order the woman transferred to or retained at a state hospital or the Iowa security and medical facility where she shall thereafter be maintained and treated at the expense of the state until ~~such time~~ as she regains her good mental health when she shall be returned to the ~~reformatory~~ Iowa correctional institution for women. The cost of transfer and return shall be paid as provided for other transfers.

Sec. 52. Section 245.15, Code 1983, is amended to read as follows:

245.15 ESCAPE. Any inmate of ~~said reformatory~~ the Iowa correctional institution for women who shall ~~escape therefrom~~ escapes may be arrested and returned to ~~said reformatory, the institution~~ by an officer or employee ~~thereof of the institution~~ without any other authority than this chapter, and by any peace officer or other person on the request in writing of the superintendent or the state director.

Sec. 53. Section 245.20, Code 1983, is amended to read as follows:

245.20 FEDERAL PRISONERS. Inmates sentenced for any term by any court of the United States may be received by the superintendent into the ~~women's reformatory~~ Iowa correctional institution for women and there kept in ~~pursuant~~ pursuance of their sentences. Inmates at the ~~women's reformatory~~ Iowa correctional institution for women may also be transferred to the federal bureau of prisons. If an inmate objects to her transfer to the federal bureau of prisons, the inmate shall be afforded a hearing as provided in section 217.22.

Sec. 54. Section 246.45, Code 1983, is amended to read as follows:

246.45 APPLICABILITY TO OTHER INSTITUTIONS. Sections 246.38, 246.39, 246.41, 246.42, and 246.43 also apply to the inmates at the ~~women's reformatory~~ Iowa correctional institution for women and the Iowa security and medical facility.

Sec. 55. Section 247A.9, Code 1983, is amended to read as follows:

247A.9 PAROLE NOT AFFECTED. ~~Nothing in this~~ This chapter shall be construed to does not affect eligibility for parole under chapter 247 906 or diminution of confinement of any inmate released under a work release plan.

Sec. 56. Section 249.2, Code 1983, is amended to read as follows:

249.2 AGREEMENT WITH FEDERAL AUTHORITY. The commissioner may enter into an agreement with the United States secretary of health, ~~education and welfare~~ human services for federal administration of a program of state supplementary assistance to prescribed categories of persons who are, or would be except for the amount of income they receive from other sources, receiving federal supplemental security income. The agreement may authorize the secretary to make such rules, in addition to and not in conflict with state laws and regulations, respecting eligibility for or the amount of state supplementary assistance paid under this section as ~~he~~ the secretary finds necessary to achieve efficient and effective administration of both the basic federal supplemental security income program and the state supplementary assistance program administered by the secretary under the agreement. The agreement shall provide for the state of Iowa to reimburse the federal government, from funds appropriated for that purpose, for state supplementary assistance paid by the federal government pursuant to the agreement.

Sec. 57. Section 249C.3, Code 1983, is amended to read as follows:

249C.3 WORK AND TRAINING PROGRAM. The commissioner shall establish a work and training program for persons and members of families receiving public assistance. ~~The employment security commission, the Iowa state employment department of job service, all county boards and departments of social welfare, and all state, county, and public educational agencies and institutions providing vocational rehabilitation, adult education, or vocational or technical training shall assist and co-operate in the program. They shall make agreements and arrangements for maximum co-operation and use of all available resources in the program. By mutual agreement the commissioner may delegate any of his~~ the commissioner's powers and duties under this chapter to the employment security commission or the Iowa state employment department of job service.

Sec. 58. Section 257.18, subsection 7, Code 1983, is amended to read as follows:

7. Provide the same educational supervision for the schools maintained by the ~~state board of control~~ commissioner of social services as is provided for the public schools of the state and make recommendations to the ~~board of control~~ commissioner of social services for the improvement of the educational program in ~~such those~~ institutions.

Sec. 59. Section 259.4, subsection 16, Code 1983, is amended to read as follows:

16. Enter into an agreement with the secretary of the United States department of health, ~~education and welfare~~ human services relating to the matter of making determinations of disability under Title II and Title XVI of the federal Social Security Act as amended (42 U.S.C. ch 7).

Sec. 60. Section 261.2, subsection 1, Code 1983, is amended to read as follows:

1. Prepare and administer a state plan for higher education facilities which shall be the state plan submitted to the ~~commissioner of education, federal department of health, education, and welfare, or any agency successor thereto~~ secretary of education, in connection with the participation of this state in programs authorized by the federal "Higher Education Facilities Act of 1963" (P.L. 88-204), (77 Stat. L. 363; 20 U.S.C. 701) together with any amendments thereto.

Sec. 61. Section 261.36, subsections 3 and 7, Code 1983, are amended to read as follows:

3. Make and execute agreements, contracts and other instruments with any public or private person or agency including the United States ~~commissioner~~ secretary of education.

7. Accept appropriations, gifts, grants, loans or other aid from public or private persons or agencies including the United States ~~commissioner~~ secretary of education.

Sec. 62. Section 261.37, subsection 4, Code 1983, is amended to read as follows:

4. To enter into all necessary agreements with the United States ~~commissioner~~ secretary of education as may be required for the purpose of receiving full benefit of the state program incentives offered pursuant to the Higher Education Act of 1965.

Sec. 63. Section 277.1, Code 1983, is amended to read as follows:

277.1 REGULAR ELECTION. The regular election shall be held annually on the second Tuesday in September in each school district for the election of officers of the district, and merged area, and county school system and for the purpose of submitting to the voters thereof any matter authorized by law.

Sec. 64. Section 281.3, subsection 9, Code 1983, is amended to read as follows:

9. To co-operate with existing agencies such as the state department of social welfare services, the state department of public health, the state school for the deaf, the Iowa braille and sight-saving school, the state tuberculosis sanatorium, the children's hospitals, or other agencies concerned with the welfare and health of children requiring special education in the coordination of their educational activities for such children.

Sec. 65. Section 303A.4, subsection 9, Code 1983, is amended to read as follows:

9. Encourage the implementation of the county library law, and of countywide library service through contracts with the boards of supervisors pursuant to chapter 378.

Sec. 66. Section 306.27, Code 1983, is amended to read as follows:

306.27 CHANGES FOR SAFETY, ECONOMY AND UTILITY. The state department of transportation as to primary roads and the boards of supervisors as to secondary roads on their own motion may change the course of any part of any road or stream, watercourse or dry run and may pond water in order to avoid the construction and maintenance of bridges, or to avoid grades, or railroad crossings, or to straighten any a road, or to cut off dangerous corners, turns or intersections on the highway, or to widen any a road above statutory width, or for the purpose of preventing the encroachment of a stream, watercourse or dry run upon such the highway. The department shall conduct its proceedings to accomplish the above in the manner and form prescribed in chapter 472, and the board of supervisors shall use the form prescribed in sections 306.28 to 306.37. All such changes shall be Changes are subject to the provisions of chapter 455A 455B.

Sec. 67. Section 307.3, unnumbered paragraph 2, Code 1983, is amended to read as follows:

The commission shall meet in July May of each year for the purpose of electing one of its members as chairperson.

Sec. 68. Section 321.194, Code 1983, is amended to read as follows:

321.194 MINORS' SCHOOL LICENSES. Upon certification of a special need by the school board or the superintendent of the applicant's school, the department may issue a restricted license to any a person between the ages of fourteen and eighteen years which. The license shall entitle the holder, while having the license in his or her immediate possession, to operate a motor vehicle during the hours of 6 a.m. to 9 p.m. over the most direct and accessible route between the licensee's residence and school of enrollment for the purpose of attending duly scheduled courses of instruction and extracurricular activities at such the school or at any time when accompanied by a parent or guardian, driver education instructor, or prospective driver education instructor who is a holder of a valid operator's or chauffeur's license, and who is actually occupying a seat beside the driver. The license shall expire on the licensee's

eighteenth birthday or upon issuance of a probationary operator's license or operator's license.

PARAGRAPH DIVIDED. Each application shall be accompanied by a statement from the school board or superintendent of the applicant's school. The statement shall be upon a form provided by the department. The school board or superintendent shall certify that a need exists for the license and that ~~they~~ the board and superintendent are not responsible for ~~any~~ actions of the applicant as it ~~pertains~~ which pertain to the use of the restricted license. The department of public instruction shall adopt rules pursuant to chapter 17A establishing criteria for issuing a statement of necessity. Upon receipt of a statement of necessity, the department shall issue a restricted license. The fact that the applicant resides at a distance less than one mile from ~~his or her~~ the applicant's school is prima-facie evidence of the nonexistence of necessity for the issuance of ~~such~~ a license.

PARAGRAPH DIVIDED. A license issued under this section is subject to suspension or revocation in like manner as any other license or permit issued under ~~any~~ a law of this state ~~and the~~. The department may also suspend ~~such~~ a license upon receiving satisfactory evidence that the licensee has violated the restrictions of the license or has been involved in one or more accidents chargeable to the licensee. The department may suspend ~~any~~ a license issued under this section upon receiving a record of the licensee's conviction for one violation and shall revoke the license upon receiving a record of conviction for two or more violations of ~~any~~ a law of this state or a city ordinance, other than parking regulations, regulating the operation of motor vehicles on highways ~~and after~~. After revoking a license under this section the department shall not grant application for ~~any~~ a new license or permit until the expiration of one year or until the licensee ~~attains his or her~~ licensee's sixteenth birthday whichever is the longer period.

Sec. 69. Section 321.309, unnumbered paragraph 3, Code 1983, is amended to read as follows:

The drawbar or towing arm between a motor vehicle pulling or towing another motor vehicle shall be of a type approved by the ~~commissioner~~ director, except in case of the temporary movement of a disabled vehicle in an emergency situation.

Sec. 70. Section 321.382, Code 1983, is amended to read as follows:

321.382 UPGRADE PULLS—MINIMUM SPEED. ~~No~~ A motor vehicle or combination of vehicles, which cannot proceed up a three percent grade, on dry concrete pavement, at a minimum speed of twenty miles per hour, shall ~~not~~ be operated; ~~after January 1, 1988~~, upon the highways of this state.

Sec. 71. Section 321.465, unnumbered paragraph 3, Code 1983, is amended to read as follows:

~~Any~~ A driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing, or who fails or refuses when directed by an officer upon a weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this section, shall ~~be~~ is guilty of a simple misdemeanor and punished as provided in section 321.482.

Sec. 72. Section 321.486, subsection 2, Code 1983, is amended to read as follows:

2. A valid credit card, as defined in section 537.1301, subsection 16, may be used and shall be is sufficient surety when the defendant is charged with ~~any~~ a scheduled offense under section ~~753.15~~ 805.8. The defendant may use a credit card for bail purposes only in accordance with rules of the department of public safety adopted pursuant to chapter 17A.

Sec. 73. Section 321.500, Code 1983, is amended to read as follows:

321.500 ORIGINAL NOTICE—FORM. The original notice of suit filed with the director of transportation against a nonresident shall be in form and substance the same as ~~now~~ provided in suits ~~against residents of this state~~, except that ~~that~~ part of said notice pertaining to the

return day shall be in substantially the following form, to wit:

"and unless you appear thereto and defend in the district court of Iowa in and for ~~any~~ county at the courthouse in ~~any~~, Iowa before noon of the sixtieth day following the filing of this notice with the director of transportation of this state, default will be entered and judgment rendered against you by the court." R.C.P. 381, form 2, Ia. Ct. Rules, 2nd ed.

Sec. 74. Section 321A.1, subsection 2, Code 1983, is amended to read as follows:

2. JUDGMENT. ~~Any~~ A judgment which shall have ~~has~~ become final by expiration without appeal during the time within which an appeal might have been perfected, or ~~any~~ a judgment if an appeal from ~~such~~ the judgment has been perfected, which has not been stayed by the execution, filing and approval of a bond as provided in rule ~~337~~ 7 (a) of the rules of ~~civil~~ appellate procedure, or ~~any~~ a judgment which shall have ~~has~~ become final by affirmation on appeal, rendered by a court of competent jurisdiction of ~~any~~ a state or of the United States, upon a cause of action arising out of the ownership, maintenance, or use of ~~any~~ a motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of ~~any~~ a person, or for damages because of injury to or destruction of property, including the loss of use ~~thereof~~ of property, or upon a cause of action on an agreement of settlement for such damages.

Sec. 75. Section 330.9, unnumbered paragraphs 1 and 2, Code 1983, are amended to read as follows:

Before an airport is acquired by ~~any~~ a city, or county, ~~or~~ township the plans and specifications ~~therefor~~ for it shall be submitted to the state department of transportation which shall require that they show:

~~The~~ the legal description and plat of the site, distance from the nearest post office and railroad station, location and type of highways, location and type of obstructions on and near the site, kind of soil and subsoil, costs and details of grading and draining, and location of proposed runways, hangars, buildings, and other structures.

Sec. 76. Section 331.382, subsection 1, paragraph e, Code 1983, is amended to read as follows:

e. Provision of preliminary diagnostic evaluation before admissions to state mental health institutes as provided in sections ~~225B.4 to 225B.7~~ 225C.14 through 225C.17.

Sec. 77. Section 331.502, subsections 19 and 22, Code 1983, are amended to read as follows:

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, to 230.22, 230.25, and 230.26.

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

Sec. 78. Section 331.602, subsection 33, Code 1983, is amended to read as follows:

33. Record, ~~and~~ index, and send to the secretary of state instruments relating to limited partnerships as provided in ~~section 545.2~~ sections 545.206 and 545.1106.

Sec. 79. Section 331.653, subsection 39, Code 1983, is amended to read as follows:

39. Notify the department of ~~environmental quality~~ water, air and waste management of hazardous conditions of which the sheriff is notified as provided in section 455B.386.

Sec. 80. Section 331.702, subsections 40, 85, and 138, Code 1983, are amended to read as follows:

40. If the board has adopted a resolution implementing a policy of preliminary diagnostic evaluations as provided in ~~section 225B.5~~ sections 225C.14 and 225C.15, refer persons applying for voluntary admission to a community mental health center for a preliminary diagnostic evaluation as provided in section ~~225B.6~~ 225C.16.

85. Accept applications for and issue marriage licenses as provided in chapter 595 ~~or~~ 596.

138. Carry out duties relating to deferred judgments, probations, and restitution as provided in sections 907.4, and 907.8 and 907.12.

Sec. 81. Section 364.17, subsection 1, unnumbered paragraph 2, Code 1983, is amended by striking the unnumbered paragraph.

Sec. 82. Section 384.12, subsection 17, Code 1983, is amended by striking the subsection.

Sec. 83. Section 400.31, Code 1983, is amended to read as follows:

400.31 WATERWORKS EMPLOYEES. In cities where the board of waterworks trustees has adopted a resolution placing its employees under the provisions of this chapter as to civil service, the civil service commissioner appointed and commission acting under said this chapter shall have has charge and control of the civil service procedure as to such those employees and the provisions and procedure of this chapter shall apply in such cases applies.

Sec. 84. Section 411.5, subsection 1, paragraph c, Code 1983, is amended to read as follows:

c. ~~The two~~ three citizens appointed by the mayor shall serve on both of ~~said the~~ boards.

Sec. 85. Section 420.246, Code 1983, is amended to read as follows:

420.246 TAX AND DEED STATUTES APPLICABLE. Sections ~~445.2, 445.47 to 445.51, 446.3 to 446.6, 446.16, 446.32, 446.33, and 448.10 to 448.13~~ are hereby made applicable to cities acting under special charters, except that, where the word "treasurer" is used, there shall be used substituted the words "city collector or treasurer or deputy treasurer or deputy or officer authorized to collect city taxes"; and where the word "auditor" is used, there shall be substituted the words "city clerk or recorder".

Sec. 86. Section 422.5, unnumbered paragraph 7, Code 1983, is amended to read as follows:

Upon determination of the latest cumulative inflation factor, the director of revenue shall multiply each dollar amount set forth in subsections 1 to 13 of this section, and each dollar amount specified in this ~~paragraph section~~ as the maximum amount of annuities received which may be excluded in determining final taxable income, by this cumulative inflation factor, shall round off the resulting product to the nearest one dollar, and shall incorporate the result into the income tax forms and instructions for each tax year.

Sec. 87. Section 427.3, subsection 4, Code 1983, is amended to read as follows:

4. The property, not to exceed one thousand eight hundred fifty-two dollars in taxable value of any an honorably separated, retired, furloughed to a reserve, placed on inactive status, or discharged soldier, sailor, marine, or nurse of the second World War from December 7, 1941, to December 31, 1946, army of occupation in Germany from November 12, 1918, to July 11, 1923, American expeditionary forces in Siberia from November 12, 1918, to April 30, 1920, second Nicaraguan campaign with the navy or marines in Nicaragua or on combatant ships 1926-1933, second Haitian ~~suppressions~~ suppression of insurrections 1919-1920, navy and marine operations in China 1937-1939 and Yangtze service with navy and marines in Shanghai or in the Yangtze Valley 1926-1927 and 1930-1932 or of the Korean Conflict at any time between June 25, 1950, and January 31, 1955, both dates inclusive, or those who served on active duty during the Vietnam Conflict beginning December 22, 1961, and ending May 7, 1975, both dates inclusive, and as defined in ~~section 35C.2.~~ For the purposes of this section, "active duty" means full-time duty in the armed forces of the United States, excluding active duty for training purposes only and excluding any period a person was assigned by the armed forces to a civilian institution for a course of education or training which was substantially the same as established courses offered to civilians, or as a cadet or midshipman, however enrolled, at one of the service academies.

Sec. 88. Section 428.24, Code 1983, is amended to read as follows:

428.24 PUBLIC UTILITY PLANTS. The lands, buildings, machinery, and mains belonging to individuals or corporations operating waterworks or gasworks or pipelines; the lands, buildings, machinery, tracks, poles, and wires belonging to individuals, corporations or electric power agencies furnishing electric light or power; and the lands, buildings, machinery, poles, wires, overhead construction, tracks, cables, conduits, and fixtures belonging to individuals or corporations operating railways by cable or electricity, or operating elevated street railways; and the lands, buildings, tracks, and fixtures of street railways operated by animal power, shall be listed and assessed by the department of revenue. In the making of any such assessment assessments of waterworks plants, the value of any interest in the property ~~so~~ assessed, of the municipal corporation ~~wherein the same~~ where it is situated, shall be deducted, whether ~~such the~~ interest ~~be is~~ evidenced by stock, bonds, contracts, or otherwise.

Sec. 89. Section 442.31, unnumbered paragraph 4, Code 1983, is amended to read as follows:

The department of public instruction shall ~~promulgate~~ adopt rules under chapter 17A relating to the administration of sections 442.31 to 442.35, ~~and 442.40 to 442.42 and 442.41.~~ The rules shall prescribe the format of program plans submitted under section 442.32 and shall require that programs fulfill specified objectives. The department shall encourage and assist school districts to provide programs for gifted and talented children whether or not additional allowable growth is requested under this chapter.

Sec. 90. Section 444.2, Code 1983, is amended to read as follows:

444.2 AMOUNTS CERTIFIED IN DOLLARS. When ~~any an~~ authorized tax rate within ~~any a~~ taxing district, including townships, school districts, cities and counties, ~~shall have has~~ been thus determined as provided by law, the officer or officers charged with the duty of certifying ~~said the~~ authorized rate to the county auditor or board of supervisors shall, before certifying the ~~same rate,~~ compute upon the adjusted taxable valuation of ~~such the~~ taxing district for the preceding fiscal year ~~(not including moneys and credits, and other moneyed capital taxed at a flat rate as provided in section 429.2),~~ the amount of tax ~~said the~~ rate will raise, stated in dollars, and shall certify ~~said the~~ computed amount in dollars and not by rate, to the county auditor and board of supervisors.

Sec. 91. Section 446.7, unnumbered paragraph 2, Code 1983, is amended to read as follows:

Property of municipal and political subdivisions of the state of Iowa and property held by a city or county agency or the Iowa housing finance authority for use in an Iowa homesteading project, shall not be offered or sold at tax sale and a tax sale of that property ~~shall be is~~ void from its inception. When delinquent taxes are owing against property owned or claimed by ~~any a~~ municipal or political subdivision of the state of Iowa, or property held by a city or county agency or the Iowa housing finance authority for use in an Iowa homesteading project, the treasurer shall give notice to the governing body of the agency, subdivision or authority which shall then pay the amount of the due and delinquent taxes from its general fund. If the governing body fails to pay the taxes, the board of supervisors shall abate the taxes as provided in chapters 332, 427 and 445 and section 569.8.

Sec. 92. Section 448.2, unnumbered paragraph 2, Code 1983, is amended to read as follows:

KNOW ALL MEN BY THESE PRESENTS, that the following described real estate, viz. property: (Here follows the description), situated in the county of and state of Iowa, was subject to taxation for the year (or years) A.D., and the taxes assessed thereon for the year (or years) aforsaid stated remained due and unpaid at the date of the sale hereinafter named; and the treasurer of said the county, having on the day of, A.D., by virtue of the authority in him vested by law in the treasurer, at (an adjournment of) the sale begun and publicly held on the first third Monday of June, A.D., exposed to public sale at the office of the county treasurer in the county aforsaid named, in substantial conformity with all the requirements of the statute, the real property above described, for the payment of the taxes, interest and costs then due and remaining unpaid on said the property, and at

the that time and place aforesaid A B, of the county of and state of, having offered to pay the sum of dollars and cents, being the whole amount of taxes, interest and costs then due and remaining unpaid on said the property, for (here follows the description of the property sold) which was the least quantity bid for, and payment of said that sum having been was made by him that person to said the treasurer, the property was stricken off to him that person at that price; and the said A B did, on the day of, A.D., duly assign the certificate of the sale of the property as aforesaid and all his right, title and interest to said the property to E F of the county of and state of; and by the affidavit of, filed in said the treasurer's office on the day of, A.D., it appears that notice has been given more than ninety days before the execution of these presents this deed to and of the expiration of the time of redemption allowed by law; and three years having have elapsed since the date of said the sale, and said the property having has not been redeemed therefrom:

Sec. 93. Section 455.57, Code 1983, is amended to read as follows:

455.57 LEVY-INTEREST. When the board has finally determined the matter of assessments of benefits and apportionment, it shall levy such the assessments as fixed by it upon the lands within such the district, but any an assessment on any a tract, parcel or lot within the district which is computed at less than two dollars shall be fixed at the sum of two dollars. All assessments shall be levied at that time as a tax and shall bear interest at not to exceed seven percent per annum the rate permitted by chapter 74A from that date, payable annually, except as hereinafter provided as to cash payments thereof within a specified time.

Sec. 94. Section 455B.387, subsection 2, Code 1983, is amended to read as follows:

2. The executive director may use any resources available under the hazardous condition contingency plan to provide for the removal of hazardous substances. If the executive director finds that public agencies cannot provide the necessary labor or equipment or if the executive director determines that emergency conditions exist, the executive director may contract with any a private person or agency for removal of the hazardous substance. In those cases where equipment or services are obtained from any a public or private person or agency under emergency conditions, section 455B.7 455B.105, subsection 5 shall 7 does not apply.

Sec. 95. Section 455B.441, Code 1983, is amended to read as follows:

455B.441 PURPOSE AND GUIDELINES. The purpose of this part is to protect the public health and the environment by providing a procedure for establishing appropriate sites and properly designed facilities for the treatment, storage and disposal of hazardous waste. It is the intent of the general assembly that in the implementation of this part the department of environmental quality water, air and waste management shall emphasize alternatives to land burial of hazardous waste whenever possible with emphasis on the following management methods in the following order: Source reduction, reuse, resource recovery, incineration, and detoxification.

Sec. 96. Section 455B.442, subsection 2, Code 1983, is amended to read as follows:

2. "Hazardous waste" means a hazardous waste as defined in section 455B.411, subsection 2 and listed by the environmental quality commission under section 455B.412, subsection 2.

Sec. 97. Section 455B.442, subsections 3 and 4, Code 1983, are amended by striking the subsections.

Sec. 98. Section 460.11, Code 1983, is amended to read as follows:

460.11 LAWS APPLICABLE. All proceedings for the construction and maintenance of highway drainage districts except as provided for in this chapter shall be as provided for in chapters 455 to, 457, 458, and 459.

Sec. 99. Section 462.20, Code 1983, is amended to read as follows:

462.20 LEVEE AND PUMPING STATION DISTRICTS. The presently acting de facto members of the boards of trustees of drainage or levee districts having pumping stations are hereby declared to be the legally constituted members of such boards; the terms of such present trustees shall expire on the fourth Saturday of January, 1958, 1959 and 1960 respectively and the length of the term of each present trustee shall be determined by lot at a meeting to be held on the third Saturday of August, 1957. Thereafter, in In levee and drainage districts having pumping stations trustees shall hold office until the fourth Saturday in January three years after election. At an election to be held on the third Saturday in January, 1958 and on On the third Saturday in January of each year thereafter a trustee shall be elected for a term of three years to succeed the member of the board whose term will expire on the following Saturday. At such the election there shall also be elected, if necessary, a trustee or trustees to fill any vacancy or vacancies which may have occurred before such the election.

Sec. 100. Section 462.21, Code 1983, is amended to read as follows:

462.21 DIVISION OF DISTRICTS UNDER TRUSTEES. In all districts already under trustee management, the board of trustees shall, prior to the election of trustees in the year 1925, divide the district for which they are trustees, into election districts, and at the election for that and each succeeding year, when When a trustee is to be elected, it shall be for a specified election district within such the district.

Sec. 101. Section 466.8, Code 1983, is amended to read as follows:

466.8 LAWS APPLICABLE. In the establishment and maintenance of levee and drainage districts in co-operation with the United States as in this chapter provided, all the proceedings for said purpose in the filing and the form and substance of the petition, assessment of damages, appointment of an engineer, his the engineer's surveys, plats, profiles, and report, notice of hearings, filing of claims and objections, hearings thereon, appointment of commissioners to classify lands, assess benefits, and apportion costs and expenses, report, notice and hearing thereon on the report, the appointment of a supervising engineer, his the engineer's duties, the letting of work and making contracts, payment for work, levy and collection of drainage or levee assessments and taxes, the issue of improvement certificates and drainage or levee bonds, the taking of appeals and the manner of trial thereof of appeals, and all other proceedings relating to such the district shall be as provided in chapters 455 to and 456 through 465 except as otherwise in this chapter provided.

Sec. 102. Section 467A.4, subsection 4, paragraph n, subparagraph (3), Code 1983, is amended to read as follows:

(3) A representative of the department of environmental quality water, air and waste management, designated by the executive director of that department.

Sec. 103. Section 467D.6, subsection 1, Code 1983, is amended to read as follows:

1. Exercise supervision over the water resources of the conservancy district, including water in any basin, watercourse, or other body of water in the conservancy district, and have authority to may adopt and repeal, with approval of the department, and enforce rules, except those rules relating to water resources under the authority of the department of environmental quality water, air and waste management, as necessary to achieve the objectives of this chapter as set forth in section 467D.1.

Sec. 104. Section 467D.16, unnumbered paragraph 1, Code 1983, is amended to read as follows:

The board shall prepare a plan for accomplishment of the objectives of this chapter within the conservancy district. For this purpose the board may request and shall obtain from any state agency or political subdivision information which the agency or subdivision has already collected which is pertinent to preparation of the plan, shall consult with soil conservation district commissioners, and may conduct hearings it deems necessary. The plan shall

establish an order of priorities for carrying out projects necessary to accomplish the objectives of this chapter, shall conform as nearly as practicable to the comprehensive ~~state-wide water resources~~ allocation plan established by the department of water, air and waste management pursuant to section 455B.263 and shall reflect the following general policies:

Sec. 105. Section 467D.17, Code 1983, is amended to read as follows:

467D.17 PLAN PRESENTED TO COMMITTEE, ~~COUNCIL~~ DEPARTMENT, AND SOIL CONSERVATION DISTRICTS. The board shall tentatively adopt the plan by resolution and shall present the plan to the committee and the ~~council~~ department for review. The ~~council~~ department shall within ninety days review the plan as presented and make recommendations ~~as, in its discretion,~~ it deems necessary to bring the conservancy district's plan into conformity with the comprehensive ~~statewide~~ water resources allocation plan established by the ~~council~~ department pursuant to section ~~455A.17~~ 455B.263. The recommendations of the ~~council~~ department shall be submitted to the board for incorporation into the plan. The plan shall then be submitted to the soil conservation districts located entirely or partially within the conservancy district. The soil conservation districts shall review, comment and record a vote within ninety days indicating their support of or opposition to the plan in the same manner provided in section 467D.5, subsection 1. The committee shall inform the soil conservation districts of the votes of the districts within the conservancy district. The committee shall review the plan as presented, give consideration to the comments and vote of the soil conservation districts, give final approval or disapproval of the plan within ninety days, and provide a written statement detailing the basis of ~~their~~ its decision.

A subsequent major change in the plan, as determined by the conservancy board, is not effective until approved by the process provided in this section for approval of the original plan.

Sec. 106. Section 491.1, Code 1983, is amended to read as follows:

491.1 WHO MAY INCORPORATE. Any number of persons may become incorporated under this chapter prior to July 1, 1971 for the transaction of any lawful business, but ~~such~~ the incorporation confers no power or privilege not possessed by natural persons, except as ~~hereinafter~~ provided in this chapter. All domestic corporations shall be organized under chapter 496A only, except for corporations which are to become subject to the provisions of one or more of the following chapters: 174, 176, ~~482~~, 499, 499A, 504A, 506, 508, 510, 512, 514, 515, 515A, 518, 518A, 519, 524, 533, and 534.

Sec. 107. Section 511.26, Code 1983, is amended to read as follows:

511.26 FEE STATUTE—APPLICABILITY. The provisions of the chapter on insurance other than life ~~shall~~ apply as to fees under this chapter and chapters 508 and 510, except as modified by ~~sections~~ section 511.24 and 511.25.

Sec. 108. Section 516A.1, unnumbered paragraph 2, Code 1983, is amended to read as follows:

However, the named insured ~~shall have the right to~~ may reject all of such coverage, or ~~to~~ reject the uninsured motor vehicle or hit-and-run motor vehicle coverage, or ~~to~~ reject the underinsured motor vehicle coverage, (~~such coverage~~) by written rejections signed by the named insured. If ~~such~~ rejection is made on a form or document furnished by an insurance company or insurance agent, it shall be on a separate sheet of paper which contains only ~~such~~ the rejection and information directly related ~~thereto~~ to it. Such coverage need not be provided in or supplemental to a renewal policy ~~where~~ if the named insured has rejected ~~such~~ the coverage in connection with a policy previously issued to ~~him~~ the named insured by the same insurer.

Sec. 109. Section 524.706, subsection 1, paragraph c, Code 1983, is amended to read as follows:

c. For the purposes of this subsection the term "executive officer" means every an officer of a state bank who participates or has authority to participate, otherwise than in the capacity of a director, in major policymaking functions of the bank, regardless of whether he the officer has an official title or whether his the officer's title contains a designation of assistant and regardless of whether he the officer is serving without salary or other compensation. The chairman chairperson of the board, the president, every vice president, the cashier, secretary, and treasurer of a state bank are assumed to be executive officers, unless, by resolution of the board of directors or by the bank's bylaws, but subject to contrary notice by the superintendent as provided for in section ~~524.704~~ 524.701, any such officer is excluded from participation in major policymaking functions, otherwise than in the capacity of a director of the bank, and he the officer does not actually participate therein.

Sec. 110. Section 534.75, subsection 5, Code 1983, is amended to read as follows:

5. For purposes of this section a "commercial loan" is a loan to a person borrowing money for a business or agricultural purpose. As used in this subsection, "agricultural purpose" means as defined in section 535.13; and "business purpose" includes but is not limited to a commercial, service or industrial enterprise carried on for profit, and any an investment activity. However "commercial loan" does not include a loan secured by an interest in real estate for the purpose of financing the acquisition of real estate or the construction of improvements on real estate. In determining which loans are "commercial loans" the rules of construction stated in section ~~535.10~~ 535.2, subsection ~~1~~ 2, paragraph "f b", ~~subparagraphs (1), (2), (3) and (4)~~ shall apply.

Sec. 111. Section 534.83, subsection 7, Code 1983, is amended to read as follows:

7. COMPETITION PRESERVED. The subsequent liquidation of a bank or state association whose shares are ~~required~~ acquired under this section shall not prevent the subsequent incorporation of another bank in the same community, and the superintendent of banking shall not find the liquidation to be grounds for disapproving the incorporation of another bank in the same community under section 524.305, and shall not prevent the subsequent incorporation of another association in the same community, and the supervisor shall not find the liquidation to be grounds for disapproving the incorporation of another association in the same community under this chapter.

Sec. 112. Section 536B.8, subsection 3, Code 1983, is amended to read as follows:

3. If upon liquidation of a member the amount available in the guaranty guarantee fund is insufficient to pay up to ten thousand dollars for each thrift certificate obligation specified in section 536B.7, the auditor may make demand upon the guaranty corporation for advance payment of annual assessments to become due in ~~such~~ amounts as required to meet the deficiency, but not exceeding two times the maximum assessment that could have been levied on each member on the prior May 1 as the annual assessment if the net amount in the fund the preceding December 31 had been less than the greater of two million dollars or two percent of the total thrift certificates of all members. Any An amount prepaid by a member shall be credited against subsequent annual assessments, and the member shall pay the balance of the annual assessments thus due, if any, or shall be refunded any amount overpaid as a result of the advance assessment. ~~At no time shall a~~ A member shall not be required to be prepaid in excess of two years.

Sec. 113. Section 536B.14, subsection 3, Code 1983, is amended to read as follows:

3. Expenses of administration that exceed income from investments at the end of the fiscal year of the guarantee guaranty corporation shall be charged to members' accounts. Each member's account shall be charged ratably based on member account balances for the amount of the excess of expenses over income.

Sec. 114. Section 537.1301, unnumbered paragraph 1, Code 1983, is amended to read as follows:

As used in this Act chapter, unless otherwise required by the context:

Sec. 115. Section 537.7103, subsection 3, paragraph a, subparagraph (6), Code 1983, is amended to read as follows:

(6) Communicating with the debtor's employer once during any one-month period, if the purpose of the communication is to verify with an employer the fact of the debtor's employment and if the debt collector does not disclose, except as permitted in subparagraph (5), ~~any~~ information other than the fact that a debt exists. This subparagraph ~~shall~~ does not authorize a ~~debtor debt~~ collector to disclose to an employer the fact that a debt is in default.

Sec. 116. Section 566A.4, Code 1983, is amended to read as follows:

566A.4 APPLICATION TO PRIOR CEMETERIES. ~~Any such~~ An organization subject to the provisions of this chapter which was organized and engaged in business prior to the effective date of this chapter ~~shall be July 4, 1953 is~~ a perpetual care cemetery if it ~~shall~~ at all times subsequent to the effective that date of this chapter ~~comply~~ complies with the requirements of a perpetual care cemetery as set forth in section 566A.3.

Sec. 117. Section 566A.6, Code 1983, is amended to read as follows:

566A.6 PERPETUAL CARE CEMETERIES. ~~Any~~ A nonperpetual care cemetery after the effective date of this chapter July 4, 1953, may become a perpetual care cemetery by placing in the perpetual care trust fund twenty-five thousand dollars or five thousand dollars per acre of all property sold, whichever is the greater, and ~~shall comply by complying~~ with the ~~requirement~~ requirements for a perpetual care cemetery as provided in section 566A.3.

Sec. 118. Section 598.21, subsection 1, paragraph h, Code 1983, is amended to read as follows:

h. The amount and duration of an order granting support payments to either party pursuant to subsection 2 3 and whether the property division should be in lieu of such payments.

Sec. 119. Section 598A.3, subsection 1, unnumbered paragraph 1, Code 1983, is amended to read as follows:

A court of this state which is competent to decide child custody matters has jurisdiction to make a ~~child custody~~ custody determination by initial or modification decree if:

Sec. 120. Section 598A.3, subsection 2, Code 1983, is amended to read as follows:

2. Except under paragraphs "c" and "d" of subsection 1, physical presence in this state of the child, or of the child and one of the contestants, is not alone sufficient to confer jurisdiction on a court of this state to make a ~~child custody~~ custody determination.

Sec. 121. Section 609.33, Code 1983, is amended to read as follows:

609.33 CONTEMPT. If ~~any~~ a person ~~fail~~ fails to appear at ~~any~~ a regularly scheduled meeting date or when summoned, without sending a sufficient excuse, the court may issue an order requiring ~~him~~ the person to appear and show cause why ~~he~~ the person should not be punished for contempt, and unless ~~he~~ the person ~~renders~~ renders a sufficient excuse for ~~such~~ the failure ~~he~~ the person may be punished for contempt.

Sec. 122. Section 610.27, Code 1983, is amended to read as follows:

610.27 ORDER FOR APPEARANCE - NOTICE - SERVICE. If the court ~~deem~~ deems the accusation sufficient to justify further action, it shall cause an order to be entered requiring the accused to appear and answer in the court where the accusation ~~or charge~~ shall have ~~has~~ been filed on the day ~~therein~~ fixed in the order, and shall cause a copy of the accusation and order to be served upon ~~him~~ the accused personally.

Sec. 123. Section 617.3, unnumbered paragraphs 5 and 6, Code 1983, are amended to read as follows:

The original notice of suit filed with the secretary of state shall be in form and substance the same as provided in suits against residents of this state, except that that part of said notice pertaining to the return day shall be in substantially the following form, to wit:

"and unless you appear thereto and defend in the district court of Iowa in and for county at the courthouse in, Iowa within sixty days following the filing of this notice with the secretary of state of the state of Iowa, default will be entered and judgment rendered against you by the court." R.C.P. 381, form 3, Ia. Ct. Rules, 2nd ed.

Sec. 124. Section 631.2, subsection 2, Code 1983, is amended to read as follows:

2. The clerk of court shall maintain a separate docket for small claims which shall be known as the small claims docket, and which shall contain all matters relating to those small claims which are required by section 606.7 331.704 to be contained in a combination docket.

Sec. 125. Section 631.6, unnumbered paragraph 2, Code 1983, is amended to read as follows:

All fees and costs collected in small claims actions shall be remitted to the county treasurer as provided in section 606.16 331.705, subsection 4. The However, the fee specified in subsection 4 of this section shall be remitted to the secretary of state.

Sec. 126. Section 631.15, Code 1983, is amended to read as follows:

631.15 STANDARD FORMS. The supreme court shall prescribe standard forms of pleadings to be used in small claims actions. Standard forms promulgated by the supreme court shall be the exclusive forms used after December 31, 1975, but forms prepared in accordance with the law prior to July 1, 1974, may be used until December 31, 1975.

Sec. 127. Section 633.376, Code 1983, is amended to read as follows:

633.376 ALLOWANCE TO MINOR CHILDREN WHO DO NOT RESIDE WITH SURVIVING SPOUSE. The court may also make an allowance to a child of the decedent who is less than eighteen years of age or who is between the ages of eighteen and twenty-two years who is regularly attending an approved school in pursuance of a course of study leading to a high school diploma or its equivalent, or regularly attending a course of vocational technical training either as a part of a regular school program or under special arrangements adapted to the individual person's needs; or is, in good faith, a full-time student in a college, university, or area school; or has been accepted for admission to a college, university, or area school and the next regular term has not yet begun; or a child of any age who is dependent on the parties to the dissolution proceedings because of physical or mental disability; who does not reside with the surviving spouse, of such an amount as it deems reasonable in the light of the assets and condition of the estate, to provide for their the child's proper support during such the period of twelve months.

Sec. 128. Section 675.29, Code 1983, is amended to read as follows:

675.29 DESERTION STATUTE APPLICABLE. The provisions of chapter 731, sections 726.3 through 726.5 relating to desertion and abandonment of children, shall have the same force and effect in cases of illegitimacy where paternity has been judicially established, or has been acknowledged by the father in writing or by the furnishing of support, as in cases of children born in wedlock.

Sec. 129. Sections 135.81, 404.8, and 444.5, Code 1983, are repealed.

Approved May 9, 1983