

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.

Approved April 24, 1987

CHAPTER 42

CROP DAMAGE IN USE OF DRAINAGE DISTRICT EASEMENTS

S.F. 257

AN ACT relating to the payment for crop damages within the right-of-way of drainage improvements.

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

Section 1. Section 455.33, unnumbered paragraph 2, Code 1987, is amended to read as follows:

Following its establishment, the drainage district is deemed to have acquired by permanent easement all right-of-way for drainage district ditches, tile lines, settling basins and other improvements, unless they are acquired by fee simple, in the dimensions shown on the survey and report made in compliance with sections 455.17 and 455.18 or as shown on the permanent survey, plat and profile, if one is made. The permanent easement includes the right of ingress and egress across adjoining land and the right of access for maintenance, repair, improvement, and inspection. The owner or lessee shall be reimbursed for any crop damages incurred in the maintenance, repair, improvement, and inspection except within the right-of-way of the drainage district.

Approved April 24, 1987

CHAPTER 43

PUBLICATION OF NOTICES

S.F. 265

AN ACT relating to the publication of notices of public hearings, bond sales, adopted regulations, and elections.

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

Section 1. Section 75.2, Code 1987, is amended to read as follows:

75.2 NOTICE OF SALE.

When public bonds are offered for sale, the official ~~or officials~~ in charge of the bond issue shall, by advertisement published at least ~~twice at unspecified intervals~~ once, the last one of which shall be not less than four nor more than twenty days before the sale in a newspaper located in the county or a county contiguous to the place of sale, give notice of the time and place of sale of the bonds, the amount to be offered for sale, and any further information which the official ~~or officials~~ deems ~~deems~~ pertinent.

Sec. 2. Section 103A.12, unnumbered paragraph 2, Code 1987, is amended to read as follows:

A governmental subdivision in which the state building code is applicable may by resolution or ordinance, at any time after one year has elapsed since the code became applicable, withdraw from the application of the code, if before the resolution or ordinance ~~shall be~~ is voted upon, the local governing body ~~shall hold~~ holds a public hearing after giving not less than ~~twenty~~

four nor more than ~~thirty~~ twenty days' public notice, together with written notice to the commissioner of the time, place, and purpose of the hearing. A certified copy of the vote of the local governing body shall be transmitted within ten days after the vote is taken to the commissioner and to the secretary of state for filing. The resolution or ordinance shall become effective at a time to be specified ~~therein in it~~, which shall be not less than one hundred eighty days after the date of adoption. Upon the effective date of the resolution or ordinance, the state building code shall cease to apply to the governmental subdivision except that construction of any building or structure pursuant to a permit previously issued shall not be affected by the withdrawal.

Sec. 3. Section 111A.5, Code 1987, is amended to read as follows:

111A.5 REGULATIONS – OFFICERS.

The county conservation board may make, alter, amend or repeal regulations for the protection, regulation and control of all museums, parks, preserves, parkways, playgrounds, recreation centers, and other property under its control. The regulations shall not be contrary to, or inconsistent with, the laws of this state. The regulations shall not take effect until ten days after their adoption by the board and after their publication ~~once a week for two weeks in at least one paper circulating in the county as provided in section 331.305~~ and after a copy of the regulations has been posted near each gate or principal entrance to the public ground to which they apply. After the publication and posting, a person violating a provision of the regulations which are then in effect is guilty of a simple misdemeanor. The board may designate the director and those employees as the director may designate as police officers who shall have all the powers conferred by law on police officers, peace officers, or sheriffs in the enforcement of the laws of this state and the apprehension of violators.

Sec. 4. Section 137.6, subsection 2, paragraph d, Code 1987, is amended to read as follows:

d. However, before approving any rule or regulation the local board of health shall hold a public hearing on the proposed rule. Any citizen may appear and be heard at the public hearing. A notice of the public hearing, stating the time and place and the general nature of the proposed rule or regulation, shall be published ~~at least ten days before the hearing in a newspaper of general circulation as provided in section 331.305~~ in the area served by the board.

Sec. 5. Section 176A.8, subsection 4, Code 1987, is amended to read as follows:

4. To and shall fix the date, time and place in each of the townships of the extension district for the holding of township election meetings during the period provided for the holding of them for the election of members of the extension council, and call the township election meetings in each of the townships of the extension district for the election of the members of the extension council and cause notice of ~~said the~~ election to be published ~~once at least one week but not more than three weeks as provided in section 331.305~~ prior to the date fixed for the holding of ~~such the~~ meetings in a newspaper having general circulation in each extension district, and the cost of publishing ~~said the~~ notice shall be paid by the extension council. The township election meeting to elect a member of the extension council from the township may, by designation of the extension council, be held in another township of that county, ~~provided that~~. However, the extension council ~~may~~ shall not designate that over four ~~such of those~~ township elections may be combined into one election. All the provisions of this chapter referring to township election meetings in the townships shall apply equally to the election meetings held at ~~such the~~ other place in the county.

Sec. 6. Section 306.6, subsection 1, paragraph c, Code 1987, is amended to read as follows:

c. File a copy of the proposed road classification in the office of county engineer for public information and hold a public hearing before final approval of ~~any a~~ road classification action. Notice of the date, the time, and the place of ~~such the~~ hearing, and the filing of ~~such the~~ proposed road classification for public information shall be published in an official newspaper

in general circulation throughout the affected area at least twenty days prior to the established date of the hearing as provided in section 331.305.

Sec. 7. Section 306.30, unnumbered paragraph 2, Code 1987, is amended to read as follows:

Owners and mortgagees of record who do not reside in the county and owners and mortgagees of record who do reside in the county when the officer returns that they cannot be found in the county, shall be served by publishing the notice in one of the official newspapers of the county, once each week for two weeks, as provided in section 331.305 and also by mailing by certified mail a copy of such the notice to such the owner and mortgagee of record addressed to the owner's and mortgagee of record's last known address, and the county auditor shall furnish to the board of supervisors the county auditor's affidavit that such the notice has been sent, which affidavit shall be conclusive evidence of the mailing of such the notice.

Sec. 8. Section 311.12, Code 1987, is amended to read as follows:

311.12 PUBLICATION OF NOTICE.

The notice shall be published once each week for two successive weeks in some newspaper published as provided in section 331.305 in the county as near as practicable to the district. The last publication shall be not less than five days previous to the hearing. Proof of the publication shall be made by the publisher by affidavit filed with the county engineer.

Sec. 9. Section 357C.3, Code 1987, is amended to read as follows:

357C.3 TIME OF HEARING.

Such The public hearing shall be held within thirty days of the presentation of the petition. Notice of hearing shall be given by publication in two successive issues of any paper of general circulation within the district as provided in section 331.305. The last publication shall be not less than one week before the proposed hearing.

Sec. 10. Section 358.4, subsection 1, unnumbered paragraph 1, Code 1987, is amended to read as follows:

The board of supervisors to which the petition is addressed, at its next meeting, shall set the time and place for a hearing on the petition. The board shall direct the county auditor in whose office the petition is filed to cause notice to be given to all persons whom it may concern, without naming them, of the pendency and content of the petition, by publication of a notice once each week for two consecutive weeks in a newspaper of general circulation published in the county in which the proposed district is located, the last of which publications shall not be less than twenty days prior to the date set for the hearing of the petition as provided in section 331.305. Proof of giving the notice shall be made by affidavit of the publisher and the proof shall be on file with the county auditor at the time the hearing begins. The notice of hearing shall be directed to all persons it may concern, and shall state:

Sec. 11. Section 358.33, Code 1987, is amended to read as follows:

358.33 HEARING ON PETITION.

It shall be the duty of the The board of supervisors to whom the petition is addressed, at its next regular meeting to shall set the time and place when it shall meet for a hearing on the petition, and it shall direct the county auditor in whose office the petition is filed to cause notice to be given to all persons whom it may concern, without naming them, of the pendency and request of the petition for the conveyance and discontinuance by publication of a notice once each week for two consecutive weeks in a newspaper of general circulation in the sanitary district, the last of the publications to be not less than twenty days prior to the date set for hearing on the petition as provided in section 331.305. Proof of giving notice shall be made by affidavit of the publisher and shall be filed with the county auditor at the time the hearing begins.

Sec. 12. Section 358A.6, Code 1987, is amended to read as follows:

358A.6 PUBLIC HEARINGS.

The board of supervisors shall provide for the manner in which ~~such the~~ regulations and restrictions and the boundaries of ~~such the~~ districts shall be determined, established, and enforced, and from time to time amended, supplemented or changed. However, ~~no such the~~ regulation, restriction, or boundary shall not become effective until after a public hearing ~~in relation thereto~~, at which parties in interest and citizens shall have an opportunity to be heard. ~~At least fifteen days' notice~~ Notice of the time and place of ~~such the~~ hearing shall be published in a paper of general circulation in ~~such county as provided in section 331.305~~. ~~Such The~~ notice shall state the location of the district affected by naming the township and section, and the boundaries of ~~such the~~ district shall be expressed in terms of streets or roads ~~wherever if possible~~.

Sec. 13. Section 359.7, Code 1987, is amended to read as follows:

359.7 NOTICE.

Notice of the time when ~~such the~~ petition will be heard shall be given by ~~posting in five public places in the township, two of which shall be without, and three within such corporate limits, at least ten days prior to such publication as provided in section 331.305 before the hearing~~.

Sec. 14. Section 455.21, Code 1987, is amended to read as follows:

455.21 SERVICE BY PUBLICATION – COPY MAILED – PROOF.

The notice provided in section 455.20 shall be served, ~~except as otherwise hereinafter provided~~, by publication thereof once in some newspaper of general circulation published in the county, ~~which publication shall be not less than twenty days prior to the day set for as provided in section 331.305 before the hearing~~. Proof of ~~such the~~ service shall be made by affidavit of the publisher. Copy of ~~such the~~ notice shall also be sent by ordinary mail to each person and to the clerk or recorder of each city named ~~therein in the notice~~ at that person's last known mailing address unless there is on file an affidavit of the auditor, or of a person designated by the board to make the necessary investigation, stating that no mailing address is known and that diligent inquiry has been made to ascertain it. ~~Such The~~ copy of notice shall be mailed not less than twenty days before the day set for hearing and ~~proof of such the~~ service shall be by affidavit of the auditor. Proofs of service required by this section shall be on file at the time the hearing begins.

Approved April 24, 1987

CHAPTER 44

CHILD FOSTER CARE

S.F. 273

AN ACT relating to the definition of foster care.

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

Section 1. Section 237.1, subsection 3, Code 1987, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. e. Care furnished in a hospital licensed under chapter 135B or care furnished in an intermediate care facility or a skilled nursing facility licensed under chapter 135C.

Sec. 2. Section 237.4, Code 1987, is amended by adding the following new subsection after subsection 1 and renumbering the remaining subsections: