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REPORTS OF STUDY COMMITTEES CREATED BY
THE IOWA LEGISLATIVE COUNCIL
TO THE
SECOND SESSION
OF THE
SIXTY-FIFTH GENERAL ASSEMBLY
MEETING IN THE YEAR 1974

The following reports of study committees created by the Iowa Legislative Council are contained herein and are in the order listed:

- Report of the Higher Education Study Committee
- Report of the Penal and Correctional Systems Study Committee
- Report of the Civil Rights Commission and Minority Groups Study Committee
- Report of the Reduction of Highway Fatalities Study Committee

NOTE: The Reports of the Crime Commission Study Committee, Energy Crisis Study Committee, Land Use Policies Study Committee, Local Funding and Budgeting Study Committee, Mental Health and Juvenile Institutions Study Committee, Pension and Retirement Programs Study Committee, Regulation of Consumer Credit Charges Study Committee, and Uniform Commercial Code Study Committee are being submitted under separate cover.

HIGHER EDUCATION STUDY COMMITTEE

Report to the Legislative Council
and the Members of the
Second Session of the Sixty-fifth General Assembly
State of Iowa
1974

F I N A L R E P O R T

HIGHER EDUCATION STUDY COMMITTEE

The Higher Education Study Committee was first established in July of 1971, with the following membership:

Representative Richard W. Welden, Chairman
Senator Rudy Van Drie, Vice Chairman
Senator Charles F. Balloun
Senator Marvin W. Smith
Senator Minnette Doderer
Representative Willard Hansen
Representative George N. Pierson
Representative James D. Wells

The charge given to the Committee by the Legislative Council, based upon HCR 9 introduced in the Sixty-fourth General Assembly, 1971 Session, was as follows:

A study of higher education in Iowa to define the role of each type of institution receiving legislative support, with particular attention to types of program offered, numbers and cost of students served, and entrance and graduation requirements, as well as the overlapping offerings by two-year, four-year, and graduate institutions of all types in Iowa, with legislative proposals developed for an Iowa Master Plan for Higher Education.

Committee work began with a review of the Report of the Governor's Educational Advisory Committee, which was issued in October of 1971, and continued with presentations from each of the three major segments of higher education in Iowa - the Regent universities, the area schools, and the private colleges and universities - relating to the topics contained in the charge to the Committee. The Committee also met with the Director of the Higher Education Facilities Commission and the Director of the Office for Planning and Programming.

By the end of the year the Committee determined that the job before it would require more time and more staff assistance, and it requested permission to seek extra funds with which to employ an educational consultant.

Early in 1972 the Committee, in the name of the Legislative Council, applied for and received a grant of \$28,300 through the Higher Education Facilities Commission, to conduct a "Comprehensive Study of Planning and Coordinating Higher Education Programs and Facilities in Iowa". The Committee's proposal, approved by the Higher Education Facilities Commission, was divided into two parts, as suggested by the original charge to the Committee, and was stated as follows:

PART I. ROLE AND SCOPE. Define the role and scope of higher education institutions in Iowa, including area schools, Regent universities, and private colleges and universities. Assign priorities for the allocation of state resources to higher education institutions for the 1973-1975 biennium, including recommendations for current and capital budget requirements.

PART II. MASTER PLAN. Make recommendations concerning a master plan involving some method for long-range continuing coordination and planning for higher education programs and facilities in Iowa, including programs and facilities of public and nonpublic higher education institutions in Iowa, in order to eliminate duplication and bring about the best possible utilization of existing facilities and to control or give direction to the construction of new facilities.

In May of 1972 the Committee interviewed a number of consultants and consulting firms who were interested in working on the study. Because the proposed study was of such complexity, it was decided to select a consulting firm with nationwide resources, but with a Des Moines office for effective liaison and understanding of the Iowa situation. The firm of Peat, Marwick, Mitchell & Co. was chosen and contracts were entered into in June of 1972, with the expectation that the consultants' report would be completed in about one year. Dr. Clyde N. Carter, a principal in the management consulting department of the firm, Mr. John A. Bennett, who is in charge of management consulting activities for the Des Moines office of the firm, and Mr. Kenneth Anderson, an education specialist associated with the firm, met and worked with the Study Committee throughout the project.

The early work by the consultants consisted of fact-finding and contacts with many persons involved in the field of higher education in Iowa. Meetings were held with members of the State Education Budget Revision Project, the Coordinating Council on Post High School Education, the Iowa Association of Private Colleges and Universities, the Iowa Association of College Presidents, and the Iowa Council of Area School Boards. In September of 1972 the Committee invited each of the three segments of higher education to send representatives to form an Advisory Board, which met separately with the consultants and staff, and then with the Committee, to assist in developing statements of objectives for each segment of higher education in Iowa, and to discuss the advantages and disadvantages of alternative systems for long-range planning or coordination of higher education.

Because of the planned schedule of work by the consultants, it was necessary for the Committee to be reestablished and to function during the 1973 interim. Since a number of the members of the original Study Committee would not be returning for the Sixty-fifth General Assembly in 1973, Chairman Welden asked

that new members be appointed in advance of the 1973 session. The newly appointed members then met with the Study Committee and the consultants before the 1973 session began and during the session in order to be able to continue the Committee's work without serious disruption in the 1973 interim. The members of the Study Committee, as constituted for the 1973 interim, are as follows:

Representative Richard W. Welden, Chairman
Senator Willard R. Hansen, Vice Chairman
Senator Leonard C. Andersen
Senator John S. Murray
Senator Minnette F. Doderer
Representative Sonja Egenes
Representative Philip B. Hill
Representative James D. Wells

The newly constituted Study Committee hurried to complete the first part of its work plan with the consultants before the 1973 legislative session began. It reviewed and discussed statements pertaining to the overall goals and purposes of the state's higher education endeavor and the role and scope of the three segments, and drafted a basic statement regarding the direction of Iowa postsecondary education. The end products of this deliberative process, "The Goal of Iowa Postsecondary Education" and the "Role and Scope of Iowa's Postsecondary Institutional Segments", were approved by the Study Committee on January 5, 1973, and served as a guide to the Committee's subsequent recommendations for educational planning. It is hoped that these documents will provide direction to future activity by the legislative and executive branches of government, postsecondary education governing boards, and individual institutions throughout the state. "The Goal of Iowa Postsecondary Education" and the "Role and Scope of Iowa's Postsecondary Institutional Segments" are presented following page III-2 of the report prepared by Peat, Marwick, Mitchell & Co., a copy of which is attached and by reference made a part of this Report.

As a result of federal enactment of the Education Amendments of 1972 authorizing establishment of state postsecondary education commissions, the Study Committee and consultants thoroughly studied the implications of section 1202 of the Higher Education Act in relation to long-range planning and coordination for postsecondary education programs and facilities in Iowa. The Study Committee's discussion of a 1202 Commission and other facets of statewide planning and coordination during two January meetings led to the drafting of a bill by the Legislative Service Bureau for the creation of a commission for Iowa postsecondary education to serve as successor to the Higher Education Facilities Commission. The bill was introduced in the 1973 session as House File 464. The Committee's desire for a bill draft resulted from federal requirements that enabling legislation be enacted prior to July 1,

1973. On that date, federal programs specified for the 1202 Commission jurisdiction would require the existence of such an agency if the State desired to participate in those programs.

However, in early March a communication from the United States Office of Education stated that implementation of the 1202 Commission-related requirements would not take effect on July 1, 1973, and that planning for such a Commission should be held in abeyance. With that communication it was decided that the Committee's future activity should address its original charge to recommend a system for long-range planning for postsecondary education in Iowa. Because of other legislative responsibilities, the Higher Education Study Committee activities were postponed for the duration of the General Assembly session.

In July of 1973 the Study Committee reconvened and reviewed SCR 55 and HCR 60, which were added to the Committee's charge after their introduction during the 1973 session. The two resolutions ask for study of the problems of duplication of curriculum, state support of the area schools, emphasis in curriculum in the area schools, funding methods, and cost analysis in all segments of higher education in Iowa. In response the Committee requested Legislative Service Bureau staff to compile additional data for its review, and surveys were conducted of higher education funding methods in all states, and per pupil costs in all segments in Iowa. The Committee also reviewed the present methods for allocating state support to the area schools, and learned that the area schools are attempting to develop recommendations for a more equitable funding system which takes into consideration program costs and sources of revenue, including state, federal, and local funds, and tuition.

In August the Committee reviewed the tentative final draft of the consultants' report, which recommends statutory establishment of a Commission for Iowa Postsecondary Education to accomplish systematic planning and coordination of Iowa's postsecondary education. The consultants' report documents the lack of comparable data in the state relating to the segments of higher education, and concludes that an organizational structure is needed from which information will be generated for use in decision making by all those concerned with postsecondary education in Iowa. In response to concerns of Committee members, information was sought from all states which presently have coordinating agencies for higher education, in order to determine costs of operating the agencies and their success in establishing data collection and reporting systems. However it was recognized that because of many variables it is difficult to compare the costs of the activities of agencies in other states to the possible costs of the activities contemplated for an agency in Iowa.

The tentative final draft of the consultants' report was distributed to the Advisory Board, to other representatives of all segments of higher education, and to all interested parties. Comments were solicited, and in September the President of the Board of Regents, a representative of the Department of Public Instruction, a representative of the area school superintendents, a representative of the private colleges and universities, a representative of the Iowa Higher Education Association, and a representative of the Student Iowa State Education Association submitted comments on the report. The Committee requested modification of the first draft of the report by the addition of supplementary information.

Because of concern expressed by some of the representatives of segments of higher education that an agency for planning and coordination of higher education in Iowa would become a "super board", the Committee reiterated and emphasized that it does not intend to, and has never considered, proposing establishment of a governing board, or "super board" over other agencies now governing higher education in Iowa. In its frequent discussions with the consultants relating to the powers and duties to be assigned to a planning agency, the Committee agreed that the agency would be authorized only to study and make recommendations.

In October the work of the consultants was concluded with submission of its report entitled "Structure for Decisions - A Study of the Planning and Coordination of Postsecondary Education in Iowa". The Committee voted to accept the report of the firm of Peat, Marwick, Mitchell & Co.

To complete its work the Committee asked for a redraft of House File 464 to include a statement of the goal of postsecondary education in Iowa as formulated by the Committee, to lessen the bill's emphasis on participation in federal programs, and to provide positive direction to a commission for Iowa postsecondary education to conduct planning and advisory activities to the extent that state or federal funds are made available to it. The proposed commission will replace the present Higher Education Facilities Commission and continue the tasks now assigned to that agency. The draft as developed by the Committee is attached and by reference made a part of this Report.

HOUSE FILE _____

Prepared for Higher Education
Study Committee.
December 10, 1973

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to establishment of a commission for Iowa post-
2 secondary education.

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

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1 Section 1. Chapter two hundred sixty-one (261), Code 1973,
2 is amended by adding the following new sections:

3 NEW SECTION. POLICY--GOAL. It is the intent of the general
4 assembly and the purpose of this Act to provide for continuous
5 long-range planning and coordination of postsecondary education
6 in Iowa. To implement this purpose the following statement
7 of the goal of Iowa postsecondary education is adopted:

8 1. The basic goal of Iowa postsecondary education is to
9 meet the educational needs of the individual student and the
10 society served. Two subsidiary goals originating from the
11 basic goal are:

12 a. To provide postsecondary education that will enable
13 individual students to fulfill their potentialities to the
14 highest extent possible.

15 b. To provide educational and technical services through
16 instruction, research and public service that will undergird,
17 stimulate and enrich the economic, civil and cultural life
18 of society.

19 2. To achieve this basic goal, postsecondary education
20 should incorporate several concepts, as follows:

21 a. WIDESPREAD EDUCATIONAL OPPORTUNITY. Opportunities
22 should be available for interested students who wish to pursue
23 education without restrictions caused by geographic, financial
24 or other barriers.

25 b. DIVERSITY OF PROGRAMS AND SERVICES. Programs and ser-
26 vices offered in diverse forms and settings should be made
27 available to meet the needs, interests and abilities of stu-
28 dents beyond high school age to ensure their appropriate prep-
29 aration for living within an increasingly complex society.

30 c. HIGH QUALITY. All programs and services offered should
31 be of the highest quality in order that students may partici-
32 pate in the best possible educational endeavor incorporating
33 competent instructional personnel with appropriate instruc-
34 tional materials and equipment.

35 d. INSTITUTIONAL INTEGRITY. Institutions should be assured

1 the right to develop and conduct educational programs and
2 services without undue external forces impinging upon the
3 basic integrity of the individual institution that maintains
4 programs and services consistent with the institutional objec-
5 tives and statewide planning and coordination policies and
6 procedures.

7 e. EFFECTIVE OPERATION. All postsecondary educational
8 activity should be conducted in such a manner that the greatest
9 possible educational return for individuals and society be
10 realized in relation to the available resources invested in
11 the activity. The allocation and utilization of economic,
12 personal and institutional resources should be analyzed in
13 terms of effective institutional operations.

14 f. COORDINATION AND COOPERATION. Coordination and cooper-
15 ation between and among individuals and institutions engaged
16 in postsecondary education is essential. In addition, the
17 postsecondary educational sector in the state should seek
18 ways to work in a coordinated and cooperative manner with
19 Iowa's elementary and secondary sector and with other
20 postsecondary institutions in the adjoining states.

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

23 1. "Commission" means the commission for Iowa postsecondary
24 education established in section two hundred sixty-one point
25 one (261.1) of the Code.

26 2. "Federal law" means the Higher Education Act of 1965,
27 Public Law eighty-nine dash three hundred twenty-nine (89-
28 329), and federal regulations promulgated under it, as amended
29 to January 1, 1974.

30 NEW SECTION. EXECUTIVE DIRECTOR. The governor, with the
31 approval of two-thirds of the members of the senate, shall
32 appoint an executive director of the commission, who shall
33 serve at the pleasure of the governor. The executive director
34 shall be selected primarily for administrative ability and
35 knowledge in the field of postsecondary education, without

1 regard to political affiliation. The executive director
2 shall not, directly or indirectly, exert influence to induce
3 any other officers or employees of the state to adopt a politi-
4 cal view, or to favor a political candidate for office.

5 The executive director shall advise the commission on
6 matters relating to postsecondary education, carry out all
7 directives from the commission, and hire and supervise the
8 commission's staff pursuant to its directions.

9 Sec. 2. Section two hundred sixty-one point one (261.1),
10 Code 1973, is amended by striking the section and inserting
11 in lieu thereof the following:

12 261.1 COMMISSION CREATED.

13 1. A commission for Iowa postsecondary education is estab-
14 lished, to serve as successor agency to the higher education
15 facilities commission. On the effective date of this Act,
16 supplies, files, records, equipment, and all other property
17 in the possession of the higher education facilities commission
18 shall be transferred to the commission, office space assigned
19 to the higher education facilities commission shall be assigned
20 to the commission, and the status of employees of the higher
21 education facilities commission shall be continued as provided
22 under chapter nineteen A (19A) of the Code.

23 2. The governor, with the approval of two-thirds of the
24 members of the senate, shall appoint the members of the commis-
25 sion, and shall comply with the requirements of federal law
26 to assure that the membership is broadly and equitably repre-
27 sentative of the general public and public and private non-
28 profit and proprietary institutions of postsecondary education
29 in the state. In making appointments the governor shall take
30 affirmative action to recruit and select commission members
31 without discrimination on the basis of race, color, national
32 origin, or sex, and to include both men and women.

33 3. Seven members of the commission shall be public members
34 who are residents of the state, who possess appropriate knowl-
35 edge, experience, and ability for commission membership, and

1 who are not paid officials or employees of any postsecondary
2 educational institution in the state. In making appoint-
3 ments the governor shall give consideration to representation
4 of consumer interests, including but not limited to the inter-
5 ests of students, parents, employers, and employees.

6 4. Four members of the commission shall be educational
7 members who are residents of the state, and who reflect a
8 diversity of perspectives, experiences and skills within the
9 postsecondary educational community. One of the educational
10 members shall be appointed to represent the universities gov-
11 erned by the state board of regents, one to represent the
12 area schools, one to represent the private colleges and uni-
13 versities, and one to represent the private specialized or
14 proprietary schools.

15 5. Members of the commission shall serve for four-year
16 terms, beginning on July first of the year of appointment,
17 except that of the initial appointments, three of the public
18 members and two of the educational members, to be selected
19 by lot, shall serve for two-year terms. No member shall be
20 appointed for more than two successive terms.

21 6. A vacancy occurs when a member ceases to act in the
22 capacity which qualified him for appointment, or upon the
23 resignation or death of a member. A vacancy shall be filled
24 within sixty days for the unexpired term, in the same manner
25 as the original appointment was made.

26 Sec. 3. Section two hundred sixty-one point two (261.2),
27 Code 1973, is amended by striking subsections one (1), two
28 (2), and three (3).

29 Sec. 4. Section two hundred sixty-one point two (261.2),
30 Code 1973, is amended by adding the following new subsections:

31 NEW SUBSECTION. Develop and recommend to the governor
32 and to the general assembly a comprehensive ongoing plan for
33 all segments of Iowa postsecondary education. The plan must
34 be consistent with the goal of Iowa postsecondary education
35 as provided in section one (1) of this Act.

1 NEW SUBSECTION. Perform the following duties and exercise
2 the following powers only when funds are available under the
3 federal law, the Education Amendments of 1972, Public Law
4 ninety-two dash three hundred eighteen (92-318), or the General
5 Education Provisions Act, Public Law ninety dash two hundred
6 forty-seven (90-247), to assist in administration and imple-
7 mentation of the programs:

8 a. Serve as the state commission required under section
9 one thousand two hundred two (1202) of the federal law, and
10 have authority to establish committees and task forces as
11 provided for in that section, comply with all federal require-
12 ments for the state commission under that section and other
13 sections of the federal law, and apply for funds to enable
14 it to expand the scope of the studies and planning required
15 in title ten (X) of the federal law, through comprehensive
16 inventories of, and studies with respect to, all public and
17 private postsecondary educational resources in the state,
18 as provided for in section one thousand two hundred three
19 (1203) of the federal law.

20 b. Develop and submit a statewide plan for the expansion
21 or improvement of postsecondary education programs in community
22 colleges and establish an advisory council on community col-
23 leges as required under section one thousand one (1001) of
24 the federal law, and perform all functions required of the
25 state commission in order for the state to participate in
26 the program to improve educational opportunities available
27 through community colleges, as contained in part A, title
28 ten (X) of the federal law.

29 c. Apply for funds to strengthen the advisory council
30 on vocational education and initiate and conduct a comprehen-
31 sive program of planning for the establishment of a program
32 designed to promote and encourage occupational education,
33 as provided in section one thousand fifty-six (1056) of the
34 federal law, have authority to request technical assistance
35 in planning, designing, and carrying out the program, and

1 perform all functions required of the state commission in
2 order for the state to participate in the program contained
3 in part B, title ten (X) of the federal law. However, the
4 state board of public instruction shall serve as the state
5 agency which will have sole responsibility for fiscal manage-
6 ment and administration of the program in accordance with
7 the plan, as provided in section one thousand fifty-five
8 (1055) of the federal law.

9 d. Serve as the state agency required under section six
10 hundred three (603) of the federal law, submit a state plan
11 for participation in the program of grants for instructional
12 equipment, administer the program, and have authority to
13 comply with all federal requirements and perform all functions
14 required of the state agency in order for the state to partici-
15 pate in the program contained in part A, title six (VI) of
16 the federal law.

17 e. Serve as the state commission required under sections
18 seven hundred four (704) and seven hundred sixty-five (765)
19 of the federal law, submit a state plan for participation
20 in the program of grants for the construction of academic
21 facilities, administer the program, and have authority to
22 perform all functions required of the state commission in
23 order for the state to participate in the program contained
24 in part A, title seven (VII) of the federal law.

25 f. Serve as the state agency required to make findings
26 in relation to applications for emergency assistance by public
27 and nonpublic institutions, as provided in section one hundred
28 twenty-two (122) of the Education Amendments of 1972, Public
29 Law ninety-two dash three hundred eighteen (92-318).

30 g. Have authority to serve as the state agency to submit
31 applications for incentive grants to assist the state in pro-
32 viding grants to eligible students in attendance at
33 institutions of higher education, serve as the single state
34 agency for administering the grant program, and take part
35 in hearings if an application is disapproved, as provided

1 in sections four hundred fifteen A (415A) through four hundred
2 fifteen D (415D) of the federal law.

3 h. Review projects or programs for the improvement of
4 postsecondary educational opportunities which are developed
5 by institutions of postsecondary education and submitted for
6 funding under section four hundred four (404) of the General
7 Education Provisions Act, Public Law ninety dash two hundred
8 forty-seven (90-247), as amended by section three hundred
9 one (301) of the Education Amendments of 1972, Public Law
10 ninety-two dash three hundred eighteen (92-318), and have
11 authority to submit its comments and recommendations as
12 provided for in that section.

13 NEW SUBSECTION. Provide assistance to the general assem-
14 bly or any of its committees, when requested.

15 NEW SUBSECTION. Submit a report to the governor and the
16 general assembly not later than December thirty-first of each
17 year, based upon the fiscal year ending on the last preceding
18 June thirtieth. In addition to a statement of the commission's
19 activities and a financial statement, the report shall include
20 the commission's recommendations for and an evaluation of
21 the effectiveness of the comprehensive ongoing plan and other
22 commission activities in guiding the development of Iowa
23 postsecondary education.

24 NEW SUBSECTION. Be authorized to:

25 a. Make recommendations to the state board of regents,
26 the board of public instruction, the governing bodies or
27 representatives of private nonprofit or proprietary postsec-
28 ondary institutions, the governor, and the general assembly,
29 on matters relating to Iowa postsecondary education, including
30 but not limited to the following:

31 (1) Existing and new programs, and voids or duplications
32 in programs.

33 (2) Budgets, and the desirability of greater uniformity
34 in budgeting and accounting procedures.

35 (3) Facilities, space utilization, and capital construc-

1 tion plans.

2 (4) Student admission standards, transfer policies, tuition
3 and fees, and aid programs.

4 b. Conduct studies as needed for preparing and revising
5 the comprehensive ongoing plan, or as requested by the general
6 assembly, and establish advisory committees as needed to study
7 particular areas.

8 c. Review the objectives of the segments of Iowa post-
9 secondary education in their relationship to the comprehensive
10 ongoing plan.

11 d. Establish and develop the following:

12 (1) A data gathering and reporting system.

13 (2) Cooperative relationships between the segments of
14 Iowa postsecondary education, the commission, the governor,
15 and the general assembly.

16 (3) Suggestions for educational priorities which are
17 compatible with the comprehensive ongoing plan.

18 e. Make recommendations to the governor and the general
19 assembly on methods of implementing the comprehensive ongoing
20 plan, including proposed legislation as needed.

21 Sec. 5. Section two hundred sixty-one point four (261.4),
22 Code 1973, is amended to read as follows:

23 261.4 FUNDS--COMPTROLLER--COMPENSATION OF COMMISSION.

24 The state comptroller shall keep an accounting of all funds
25 received and expended by the commission. Commission members
26 not regularly paid employees of the state shall be paid a
27 per diem of ~~twenty~~ forty dollars and necessary expenses which
28 amount is ~~hereby~~ appropriated from funds available to the
29 commission and shall be paid upon warrants issued by the state
30 comptroller.

31 Sec. 6. Section two hundred sixty-one point six (261.6),
32 subsection one (1), Code 1973, is amended to read as follows:

33 1. Contract, sue and be sued, and promulgate rules and
34 regulations necessary to carry out the provisions of ~~sections~~
35 ~~264.5-through-264.8~~ this chapter, but the commission shall

1 not in any manner directly or indirectly pledge the credit
2 of the state of Iowa.

3 Sec. 7. Section two hundred sixty-one point six (261.6),
4 Code 1973, is amended by striking subsection two (2) and
5 renumbering the remaining subsections.

6 Sec. 8. Section seventeen point four (17.4), Code 1973,
7 is amended by striking subsection eight (8).

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PENAL AND CORRECTIONAL SYSTEMS STUDY COMMITTEE

Report to the Legislative Council
and the Members of the
Second Session of the Sixty-fifth General Assembly
State of Iowa
1974

PENAL AND CORRECTIONAL SYSTEMS STUDY COMMITTEE
PROGRESS REPORT

House Concurrent Resolution 26 and Senate Concurrent Resolution 26, introduced during the First Session of the Sixty-fifth General Assembly, requested that the Iowa Legislative Council create a study committee to continue the study of the penal and correctional system which had been conducted during the previous two interims. The Legislative Council also directed the Penal and Correctional Systems Study Committee to conduct a study of the juvenile justice system in this state. HCR 26 and SCR 26 recommended that the Study Committee include nonlegislative members having special knowledge in the fields of penal and correctional facilities, rehabilitation, and programs. At its initial meeting, the Penal and Correctional Systems Study Committee requested that the Legislative Council authorize the Study Committee to appoint inmate representatives to the Study Committee. The membership of the Study Committee is as follows:

Senator E. Kevin Kelly, Chairman
Representative Donald V. Doyle, Vice Chairman
Senator Minnette F. Doderer
Senator Gene W. Glenn
Senator George F. Milligan
Senator Forrest V. Schwengels
Representative George J. Knoke
Representative Joan Lipsky
Representative Harold C. McCormick
Representative Brice C. Oakley
Mr. Joseph DeRaad
Mr. Donald C. Hoskins
Captain Eugene Johnson
Ms. Naomi Mercer
Mrs. Dorothy Strohbehn
Ms. Josephine Gittler
Ms. Chris Bertholf
Mr. Terry Sallis
Mr. Al Ware

During the 1973 interim, the Penal and Correctional Systems Study Committee concentrated its efforts on the Iowa adult correctional system and facilities. The Study Committee discussed its responsibility of studying the juvenile justice system in Iowa and agreed that the areas of study were too comprehensive to complete during the short interim. The Study Committee decided to complete its study of adult corrections during the 1973 interim and recommends that the Penal and Correctional Systems Study Committee be allowed to continue its work during the 1974 legislative interim and submit its final report to the 1975 Session of the Sixty-sixth General Assembly in order to complete its study of the juvenile justice system during the 1974 interim.

The Study Committee visited the State Penitentiary at Fort Madison, the Men's Reformatory at Anamosa, and the Women's Reformatory in Rockwell City. Because of its responsibility to study the juvenile justice system, the Study Committee also visited the Boy's Training School in Eldora and the Girl's Training School

in Mitchellville. The Study Committee also held meetings with the Board of Parole and the wardens and superintendent of the three adult correctional facilities.

The Study Committee focused its attention on the effectiveness of recently enacted legislation, means of improving the new laws, and possible additional legislation. During its investigations, the Study Committee received testimony from inmates, institutional staff, and administrators in order to determine how the state penal and correctional system can be improved.

The Study Committee recommends that the General Assembly consider the following legislative recommendations:

1. The Study Committee is most concerned with the lack of rehabilitative and vocational programs at the adult penal and correctional facilities. There is greatest need for establishment of such programs at the State Penitentiary at Fort Madison. Additional funds may be needed to implement this recommendation.

2. Presently inmates in the adult correctional facilities work at the institutions and are paid for their labors. These inmates may risk injury in some of the jobs they perform and in the facilities in which they work. These persons receive compensation for their labors, but when they are injured on the job they receive no compensation during the time they are hospitalized or recovering from injuries sustained in the accident. The Study Committee recommends that an inmate be paid compensation for workdays missed as a result of injuries resulting from or sustained within the scope of employment within the institution. The inmate shall receive compensation in an amount equal to his daily earnings immediately preceding the injury, provided the inmate is unable to perform job responsibilities for a period in excess of one working week. When an inmate qualifies for compensation under this provision, the inmate shall receive compensation for each day the inmate is unable to perform his job responsibilities. A bill draft is attached and by this reference made a part of this report. (Bill I)

3. The Study Committee recognizes that correctional officers are subject to personal danger and injury while on duty at a penal and correctional facility. The Study Committee recommends that the beneficiaries of a correctional officer who loses his life while on duty as a result of a criminal act shall be paid twenty-five thousand dollars from the general fund of the state.

As a result of recent court decisions regarding the rights of inmates, employees at the state penal and correctional institutions are subject to an increasing threat of civil liability. This situation has affected the morale of the employees and has hampered the employees' effectiveness in certain situations. Since the law concerning inmates' rights is relatively new and evolving, employees are placed in the position of making decisions concerning inmates' rights without definitive guidelines on the appropriate course of action. The Study Committee recommends that if a legal action is filed by an inmate against an institutional employee hired pursuant to the provisions of Chapter 19A of the

Code, the Executive Council pay the costs of the employee's legal services from its contingency fund. The fee for the legal services shall be subject to the review of the Executive Council.

A bill draft to carry out these recommendations is attached and by this reference made a part of the report. (Bill II)

4. The Study Committee recommends that the Board of Parole be required to submit proposed rules and regulations to the Departmental Rules Review Committee under the provisions of Chapter 17A of the Code. A bill draft is attached and by this reference made a part of the report. (Bill III)

5. Presently, the Board of Parole is required under section 247.5 of the Code to review the case of a person sentenced to life imprisonment after fifteen years and each three years thereafter and submit its recommendations to the Governor. The Study Committee recommends that the present law be changed to provide for this review after five years. A bill draft is attached and by this reference made a part of the report. (Bill IV)

6. The Study Committee has discussed the advisability of creating a fulltime Board of Parole. The Study Committee recognizes that the duties and responsibilities of the Board of Parole require more time than is feasible to expect from part-time members. The Study Committee recommends that further study be made as to the desirability and feasibility of implementing a fulltime Board of Parole in Iowa.

7. The Study Committee found evidence that even though the Board of Parole is utilizing a liaison officer at the three adult penal and correctional facilities, there still appears to be a communication problem between inmates and the Board of Parole. At the present time, an inmate is not given written notice as to why his parole application has not been accepted and what he can do to improve his standing before the Board of Parole. The Study Committee recommends that the Board of Parole issue to the inmate and the institution a written statement as to the reasons his parole or commutation application has been denied. The Study Committee recommends that the Governor notify an inmate, in writing, as to the reasons the Board of Parole's recommendation for commutation of his sentence is denied.

8. The Study Committee has requested that the Department of Social Services submit a supplemental budget to the Sixty-fifth General Assembly, Second Session, to seek additional funds needed to meet the rising costs of fixed penal expenses such as food, clothing, and fuel.

9. When an individual is remanded to the custody of the Department of Social Services, the department is required to determine to which correctional institution the individual is to be committed. In order to better effectuate this determination, the Study Committee recommends the establishment of a diagnostic and evaluation center to determine the proper placement of an individual and establish a proper rehabilitative program for the individual.

10. The present law provides that an inmate, upon release, shall receive funds from the institution in an amount not to exceed one hundred dollars. In visiting the institutions during the interim, the Study Committee found that the policy at the penal and correctional institutions differs. The Study Committee recommends that the law be amended to require that an inmate receive one hundred dollars from the institution upon his release. A bill draft is attached and by this reference made a part of the report. (Bill V)

11. In the course of its study, it was brought to the attention of the Study Committee that the state's penal and correctional institutions are unable to employ personnel in certain job classifications because the salary scale is set at a level where qualified persons will not seek the position. As a result, the state penal and correctional institutions have been hiring persons in one job classification, but using them to perform duties other than those for which they are employed. The Study Committee recommends that the Merit Employment Department reevaluate the job classifications and salary scales of penal and correctional institution personnel and determine salary levels which will make it possible for these institutions to employ competent personnel in all job classifications. The Study Committee also recommends that the Department of Social Services direct the administrators of the penal and correctional institutions to require all personnel to perform only those functions designated by their job classifications.

12. The Study Committee recommends that a detailed review of the probation and counseling services for adults and juveniles subject to Iowa's correction system be conducted in order to determine if such services are coordinated.

13. The Study Committee is concerned about the inadequate health services provided for inmates at the penal and correctional institutions and recommends that the Department of Social Services take such action as is necessary to provide these services.

14. At the State Penitentiary at Fort Madison, volunteer community services are not utilized to a very great extent and the Study Committee recommends that the institution better utilize these services.

15. The Study Committee recommends that the General Assembly enact Senate File 73 which provides authority to hire an assistant citizens' aide for investigating complaints relating to penal and correctional agencies. Senate File 73 has passed the Senate. The citizens' aide presently has an assistant who is working in the penal and correctional institutions. His salary is paid by a federal grant which expires on March 15, 1974. From the limited experience with this position, the Study Committee recommends that this position be continued.

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to compensation for inmates and prisoners.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Chapter two hundred forty-five (245), Code 1973,
2 is amended by adding the following section:

3 NEW SECTION. PAYMENT OF COMPENSATION TO INMATES INJURED WITHIN
4 THE SCOPE OF THEIR EMPLOYMENT. Any inmate who is unable to perform
5 the employment duties assigned to her, as a result of an injury
6 sustained within the scope of her employment, shall be compensated
7 on the basis of the following:

8 1. Compensation shall not be paid unless the period during
9 which the inmate is unable to perform her employment duties
10 exceeds one consecutive work week.

11 2. If an inmate is unable to perform her employment duties
12 for a period in excess of one consecutive work week, she shall
13 be compensated for the entire period she is unable to perform
14 her employment duties.

15 3. Compensation shall be paid in an amount equal to the daily
16 compensation paid immediately preceding the injury for each
17 qualified day an inmate is unable to perform the employment duties
18 assigned to her.

19 4. Compensation shall not be paid to an inmate injured while
20 on work release or furlough.

21 Sec. 2. Chapter two hundred forty-six (246), Code 1973, is
22 amended by adding the following section:

23 NEW SECTION. PAYMENT OF COMPENSATION TO PRISONERS INJURED
24 WITHIN THE SCOPE OF THEIR EMPLOYMENT. Any prisoner who is unable
25 to perform the employment duties assigned to him, as a result of
26 an injury sustained within the scope of his employment, shall be
27 compensated on the basis of the following:

28 1. Compensation shall not be paid unless the period during
29 which the prisoner is unable to perform his employment duties
30 exceeds one consecutive work week.

31 2. If a prisoner is unable to perform his employment duties
32 for a period in excess of one consecutive work week, he shall be
33 compensated for the entire period he is unable to perform his
34 employment duties.

35 3. Compensation shall be paid in an amount equal to the

1 daily compensation paid immediately preceding the injury for each
2 qualified day a prisoner is unable to perform the employment
3 duties assigned to him.

4 4. Compensation shall not be paid to a prisoner injured
5 while on work release or furlough.

6 EXPLANATION

7 This bill provides that compensation be paid to an inmate
8 prisoner who sustains an injury within the scope of his employ-
9 ment and is unable to perform his normal employment duties.

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Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to benefits for employees of the adult penal
2 and correctional institutions of this state.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 Section 1. Chapter two hundred eighteen (218), Code 1973,
2 is amended by adding sections two (2) and three (3) of this Act.

3 Sec. 2. NEW SECTION. PAYMENT OF LEGAL FEES TO EMPLOYEES OF
4 ADULT PENAL AND CORRECTIONAL INSTITUTIONS. When an employee of
5 the state penitentiary, men's reformatory, women's reformatory,
6 correctional release centers, or the Iowa security medical
7 facility, employed pursuant to chapter nineteen A (19A) of the
8 Code, is made a deferdant in any legal action accusing him of
9 violating the civil rights of a prisoner, the executive council
10 shall pay the costs of the legal services necessary to defend
11 the employee. The costs of the legal services shall be paid
12 from the executive council's contingency fund. The costs of
13 the legal services shall be subject to review by the executive
14 council.

15 Sec. 3. NEW SECTION. PAYMENT OF DEATH BENEFITS TO CORREC-
16 TIONAL OFFICERS. When a correctional officer or person performing
17 the duties of a correctional officer, employed at the state peni-
18 tentiary, men's reformatory, women's reformatory, correctional
19 release center, or the Iowa security medical facility, loses his
20 life while acting within the scope of his employment as a result
21 of criminal activity, his beneficiary shall be paid the sum of
22 twenty-five thousand dollars. There is appropriated from the
23 general fund of this state an amount sufficient to pay claims
24 filed under this section.

25 EXPLANATION

26 This bill provides for the payment of legal services to penal
27 and correctional institutions employees incurred as a result of
28 being accused of violating the civil rights of a prisoner. In
29 addition this bill provides for the payment of death benefits to
30 correctional officers who lose their lives within the scope of
31 their employment as a result of criminal activity.

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Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the rules and regulations of the board of
2 parole.

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

4 Section 1. Section seventeen A point one (17A.1), subsection
5 three (3), unnumbered paragraph two (2), Code 1973, is amended
6 to read as follows:

7 "Rule" does not include any statement concerning only the
8 internal management of an agency and not affecting the rights or
9 procedures available to the public. "Rule" does not include
10 rules adopted relating to the management, discipline, or release
11 of any person committed to any state institution except rules
12 adopted by the board of parole, nor rules of an agency which may
13 be necessary during emergencies such as floods, epidemics,
14 invasion, or other disasters.

EXPLANATION

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16 Under present law, rules adopted by the Board of Parole are
17 exempt from the provisions of Chapter 17A of the Code. This bill
18 provides that rules adopted by the Board of Parole are subject to
19 review under Chapter 17A of the Code.

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Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the review of cases of persons serving life
2 terms by the board of parole.

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

4 Section 1. Section two hundred forty-seven point five (247.5),
5 unnumbered paragraph two (2), Code 1973, is amended to read as
6 follows:

7 The board of parole shall, except as to prisoners serving life
8 terms, ~~or under sentence of death,~~ or infected with venereal
9 disease in communicable stage, have power to parole persons con-
10 victed of crime and committed to either the penitentiary or the
11 men's or women's reformatory; provided, however, after any person
12 has served ~~fifteen~~ five years of a life term, the board of parole
13 shall review the case and interview personally all such persons
14 and make such recommendations as they see fit to the governor,
15 and shall make similar interviews in each such case at least every
16 three years thereafter.

EXPLANATION

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18 This bill provides that the Board of Parole shall review the
19 case of a person sentenced to a life term after five years instead
20 of after fifteen years as the law presently provides.

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Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act to provide a one hundred dollar allowance to inmates upon
2 release from a penal institution.

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

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1 Section 1. Section two hundred forty-five point fourteen
2 (245.14), Code 1973, is amended to read as follows:

3 245.14 CLOTHING, TRANSPORTATION, AND MONEY. The superintendent
4 ~~may, with the consent of the state director,~~ shall furnish a dis-
5 charged or paroled inmate with proper clothing, and a receptacle
6 therefor, and transportation to her place of employment, or home,
7 or other place not more distant than the place of commitment, and
8 ~~a sum of money not exceeding fifty~~ one hundred dollars.

9 Sec. 2. Section two hundred forty-six point forty-four
10 (246.44), Code 1973, is amended to read as follows:

11 246.44 DISCHARGE -- ~~TRANSPORATION~~ TRANSPORTATION, CLOTHING,
12 AND MONEY. When a prisoner is discharged the warden shall furnish
13 him, at the expense of the state, transportation to his place of
14 employment, home or other place in Iowa, appropriate clothing, and
15 ~~not more than one hundred dollars, the exact amount to be based~~
16 ~~on individual need as determined by the warden and an account of~~
17 ~~which shall be kept by the warden.~~ The warden may retain up to
18 one half of the cash allowance ~~so determined~~ and remit it to the
19 prisoner within twenty-one days after his discharge.

20 EXPLANATION

21 This bill provides that any inmate released from the Women's
22 Reformatory, Men's Reformatory, and State Penitentiary shall
23 receive one hundred dollars from the institution at the time of
24 his release.

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CIVIL RIGHTS COMMISSION AND MINORITY GROUPS STUDY COMMITTEE

Report to the Legislative Council
and the Members of the
Second Session of the Sixty-fifth General Assembly
State of Iowa
1974

F I N A L R E P O R T

CIVIL RIGHTS COMMISSION AND MINORITY GROUPS STUDY COMMITTEE

Chapter 88, Acts of the Sixty-fifth General Assembly, 1973 Session, which appropriates funds to the Iowa Civil Rights Commission for the fiscal year commencing July 1, 1973 and ending June 30, 1974, mandates that the Legislative Council establish a study committee to study the present statutory duties of the Civil Rights Commission, and what changes, if any, should be made in these duties and the procedures by which these duties are discharged and also to determine whether the Commission's staff and funding are sufficient, excessive, or deficient to enable the Commission to properly perform the duties and meet the responsibilities assigned by law.

In addition to the duties spelled out in Chapter 88, the Legislative Council directed the study committee to study the problems of minority groups in Iowa.

The following persons were named by the Legislative Council to serve as members of the Civil Rights Commission and Minority Groups Study Committee:

Senator John S. Murray, Ames, Temporary Chairman
Senator Calvin O. Hultman, Red Oak
Senator Joan Y. Orr, Grinnell
Representative Ingwer L. Hansen, Hartley
Representative William J. Hargrave, Iowa City
Representative Carl V. Nielsen, Altoona
Representative David M. Readinger, Urbandale

At the organizational meeting of the Study Committee, Senator Murray was elected Chairman and Representative Hargrave was elected Vice Chairman.

The Civil Rights Commission is charged with investigating and resolving complaints alleging unfair or discriminatory practices based upon age, race, creed, color, sex, religion, national origin, or disability in matters of employment, housing (except sex and age), public accommodations (except age), and aiding and abetting discriminatory activity. The Commission is authorized to investigate complaints filed by an individual and on its own motion initiate patterns and practice complaints.

Patterns and practice complaints are initiated where no specific individual is involved and the charge is based upon statistical information received from the federal Equal Employment Opportunities Commission, comparison with other similarly situated industries, and relevant community knowledge of the establishment. The Civil Rights Commission receives information from the federal Equal Employment Opportunity Commission concerning the employment practices of all establishments in Iowa employing more than twenty-five persons. Employees investigating patterns and practice suits are paid under a contract with the federal government.

Civil Rights Commission and Minority Groups
Study Committee
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Page 2

The Commission is also charged with planning and conducting educational and training programs designed to eliminate racial, religious, cultural, and intergroup tensions as well as to inform the public about the existence of discrimination.

At the time funds were appropriated for fiscal year 1973-74 by the General Assembly, there was a backlog of nearly 1,000 unresolved complaints, and the Civil Rights Commission was receiving criticism for its inability to expeditiously rule on complaints. The General Assembly had appropriated \$99,120 for the fiscal year ending June 30, 1973, and it increased the appropriation to \$187,530 for the fiscal year commencing July 1, 1973 in order to provide for additional staff to reduce the backlog of cases. No funds were appropriated for the fiscal year commencing July 1, 1974.

Following the adjournment of the General Assembly, and prior to the first meeting of the Civil Rights Commission and Minority Groups Study Committee, the Executive Director of the Civil Rights Commission, Mr. Alvin Hayes, Jr., announced his resignation and took a position with the State of Washington's Civil Rights Commission. As a result, when the Study Committee commenced its study, the position of Executive Director was vacant. There were also several other vacancies in the staff which would not be filled until a new Executive Director was named.

At its first meeting, the Committee reviewed the provisions of the law establishing the Civil Rights Commission, Chapter 601A of the Code, which except for the addition of new protected classes, remains relatively unchanged since its enactment in 1965. The Committee also heard from members of the staff and commissioner of the Civil Rights Commission as they explained the role of each in the performance of the functions of the Civil Rights Commission.

Subsequent to the first meeting of the Committee, the Commission named as Executive Director, Mr. Joseph L. Tate, a former employee of the Kansas State Civil Rights Commission. Mr. Tate met with the Committee for its remaining meetings and discussed his views about the operation of a civil rights commission as well as answering questions concerning procedures and practices. The counsel from the Attorney General's Office assigned to the Civil Rights Commission, Ms. Roxanne Conlin, also met with the Committee and provided answers to questions of the Committee members.

Persons presenting testimony before the Committee at its hearing were:

Mr. Leon Shearer, Civil Rights Subcommittee, Iowa State Bar Association

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Mr. John Phillips, Labor Law Section, Iowa State Bar Association
Mr. John Ely, Iowa Civil Liberties Union
Mr. Richard Pabon, Executive Director, Spanish-speaking Center
of Des Moines, Inc.
Ms. Peggy Pinder, Blind Student, Cornell College
Ms. Roxanne Conlin, Women's Political Caucus
Mr. Donald W. Wanatee, Mesquaki Indian Settlement
Mr. Charles Pushetonequa, Mesquaki Indian Settlement
Mr. Silas Ewing, Member, Parole Board, Director, Spence, Ewing
and Associates, Inc.
Ms. Mary Grefe, President, Iowa Division, American Association
of University Women
Ms. Evelyne Villines, Executive Secretary, Committee on Employ-
ment of the Handicapped
Ms. Diane Brandt, League of Women Voters
Mr. Allen Correll, Executive Director, Des Moines Human Rights
Commission
Ms. Alice McKee, Executive Director, Commission on the Status
of Women
Mr. William H. Schultz, Commission on Aging
Mr. Charles Toney, Chairman, Iowa Manufacturers Association
Human Relations Committee
Mr. Kenneth Jernigan, Director, Commission for the Blind

The Committee reviewed all suggestions made by the Commission, the Executive Director of the Commission, the Commission's legal counsel, and by persons appearing at the hearing. After debate and discussion, the Committee came to the following conclusions concerning the suggestions:

1. Subpoena power during the investigatory stage. The Civil Rights Commission currently possesses the power to obtain evidence through subpoenas only at the public hearing stage. The Committee recommends that legislation be enacted to grant the Civil Rights Commission the power to subpoena books, papers, and records relating to matters involved in a complaint after the respondent has been properly notified of the charges. Granting the subpoena power at an earlier stage will make it easier for the Commission to obtain needed information from respondents.

Correspondence has been received by the Iowa Civil Rights Commission from the federal Equal Employment Opportunities Commission which indicates that federal funds may be withheld from state civil rights commissions which do not have powers which are substantially the same as those held by the federal Equal Employment Opportunities Commission. Since the federal Equal Employment Opportunities Commission does have subpoena power at the investigatory stage, it is felt that the absence of a similar power by the Iowa Civil Rights Commission may cause it to lose a portion of its federal funds.

2. De novo review. Present Iowa law requires that appeals taken from a ruling of the Iowa Civil Rights Commission be tried in a de novo proceeding. When a case is tried de novo, the court may reexamine the testimony and other evidence presented before the Commission, hear new evidence and testimony not presented before the Commission, and reach a decision independent of the findings of the Commission. Testimony received by the Study Committee indicates that as a result, some respondents do not fully and fairly litigate the issues before the Commission. Some members of the Study Committee are of the opinion that requiring de novo review of Commission rulings evinces a mistrust of the Commission by the General Assembly. The Study Committee recommends that legislation be enacted that would delete the de novo review requirement.

3. Temporary injunctions. The Civil Rights Commission does not currently possess the power to obtain temporary injunctions. In order that the Civil Rights Commission may take immediate action on a complaint, the Committee recommends that legislation be enacted to grant the Civil Rights Commission the authority to seek an ex parte injunction valid for a reasonable length of time as determined by the court.

4. Patterns and Practice Suits. The Civil Rights Commission has been criticized for initiating patterns and practice complaints on its own motion against an organization or establishment for systemic discrimination. Members of the Civil Rights Commission and its staff testified that it is necessary that it retain the authority to initiate patterns and practice complaints. The testimony indicated that when an employer has the reputation for not hiring members of minority groups, members of the minority group will not apply for a position with the employer, and thus, will not have standing to file a complaint with the Commission. The testimony also indicated that in some cases employees are reluctant to file a complaint because of possible reprisals or are simply unaware that they are the subject of discriminatory practice. The Committee recommends that the Civil Rights Commission continue to be authorized to bring patterns and practice suits.

5. Confidentiality of information. The Civil Rights Commission is required to keep information concerning a complaint confidential unless a disclosure is made in connection with the conduct of the investigation. Criticism was directed at the Commission that the parties involved are not able to obtain information as to the status of their cases. The Executive Director assured the Committee that the complainant and respondent and their counsels are being provided with information concerning the status of their case.

6. Time limits. The law and the rules of the Civil Rights Commission do not specify time limits for completion of a case. The Committee believes that time limits should not be mandated by statute, but should be incorporated as part of the Commission's rules. However, in view of the tremendous backlog of cases, the Committee does not recommend the adoption of time limits by the Commission until such time as the backlog has been eliminated and the Commission is sufficiently staffed so that it will be able to commence its investigation promptly upon filing a complaint.

7. Punitive damages. The law does not currently allow the Commission to request the court to award damages. The Committee does not recommend that the Commission be given the authority to request the court to award punitive damages. It believes that an individual who is aggrieved by a decision of the Commission can retain private counsel to represent the individual in a suit for punitive damages.

8. Employment of protected groups. The Civil Rights Commission is utilizing an affirmative action program of its own and is attempting to employ members of protected minorities. Recently a disabled person and a native American were employed and a Spanish-speaking person will be employed.

9. Prohibit sex discrimination in housing. The Committee recognizes that a bill (Senate File 487) to prohibit sex discrimination in housing passed the Senate during the 1973 legislative session and is awaiting action in the House of Representatives. The Committee recommends that the bill be passed by the House during the 1974 session.

10. Increase cooperation between the Civil Rights Commission and local human rights or civil rights commissions. The Committee recommends that legislation be enacted to allow the Civil Rights Commission to defer cases to approved local human rights commissions if the local commission has powers and remedies similar to those of the Civil Rights Commission and the local commission has the available staff to investigate the complaint.

11. Selection of hearing officers. Criticism was directed at the method of selection of hearing officers. The Executive Director has indicated that the Civil Rights Commission is in the process of promulgating rules relating to the use and selection of hearing officers. The Committee endorses the work of the Uniform Administrative Procedures Act Subcommittee on this subject.

12. Suspension or revocation of licenses. The Committee recommends that legislation be enacted to provide the Civil Rights Commission with the authority to appear before a licensing agency

and recommend the suspension or revocation of a license issued by that agency after the licensee has been found guilty of violating the Civil Rights Act.

13. Sex of the members of the Civil Rights Commission. The Committee recommends that legislation be enacted which would prohibit more than four members of the same sex from being members of the Civil Rights Commission at the same time.

14. Sex discrimination in education, insurance, credit, and banking. From testimony presented to the Committee during its hearing, the Committee recognizes that discrimination on the basis of sex is present in education, insurance, credit, and banking, and there appears to be a need for legislation in these areas. However, the Committee did not have sufficient time to obtain testimony from affected groups. The Committee recommends that the appropriate standing committees hold hearings and draft legislation to eliminate such discrimination.

15. Recovery by the plaintiff. The Committee recommends that section 601A.9, subsection 1, unnumbered paragraph 2, of the Code be stricken. The paragraph was applicable when the filing of a complaint had to be accompanied by a bond. It allows the plaintiff to recover in any action against the bond if he shows that there was no reasonable cause to believe the ground upon which the complaint was made.

16. Appropriation for 1974-1975. The Committee believes that because of the backlog of cases, and the attempts by the staff of the Civil Rights Commission to reduce this backlog, that increased funding may be necessary. The Committee asks the Civil Rights Commission to consider the recommendations of the Committee and to evaluate them in terms of funding and to appear before the State Departments Subcommittee of the Joint Committees on Appropriations with a budget request for the next fiscal year. The Committee asks the Subcommittee to carefully review the budget request of the Civil Rights Commission.

17. Problems of Indians and Spanish-Speaking People. The Committee heard testimony regarding the unique problems of both Indians and Spanish-speaking people and realizes that these problems require special attention. It recommends that funds be appropriated to the Office for Planning and Programming for two study commissions and that legislation be drafted to require the Office for Planning and Programming to establish two separate commissions composed of affected personnel and the general public, staffed by the Office for Planning and Programming, to conduct a one-year study of the problems of Indians and Spanish-speaking people, respectively, and to report these problems, together with recommendations to the General Assembly.

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18. Continuation of Study. The Civil Rights Commission and Minority Groups Study Committee believes that the Civil Rights Commission and its staff are working hard to reduce the backlog of cases and to increase the efficiency of the Civil Rights Commission. The Committee requests the Legislative Council to approve the appointment of a legislative committee composed of members of the General Assembly who are knowledgeable about the operation of the Civil Rights Commission to meet during the next interim with the Civil Rights Commission and its staff to review progress.

Copies of bill drafts to implement the recommendations of the Committee are attached to this Report.

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the respondent's statutory right to re-
2 cover damages from the civil rights commission.

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

4 Section 1. Section six hundred one A point nine (601A.9),
5 subsection one (1), Code 1973, is amended to read as follows:

6 1. Any person claiming to be aggrieved by a discrimina-
7 tory or unfair practice may, by himself or his attorney, make,
8 sign, and file with the commission a verified, written com-
9 plaint in triplicate which shall state the name and address
10 of the person, employer, employment agency, or labor organi-
11 zation alleged to have committed the discriminatory or unfair
12 practice of which complained, shall set forth the particulars
13 thereof, and shall contain such other information as may be
14 required by the commission. The commission, a commissioner,
15 or the attorney general may in like manner make, sign, and
16 file such complaint.

17 ~~In-an-action-the-plaintiff-may-recover,-if-he-shows-that~~
18 ~~there-was-no-reasonable-cause-to-believe-the-ground-upon-which~~
19 ~~the-complaint-was-made,-the-actual-damages-sustained-and-rea-~~
20 ~~sonable-attorney-fees-to-be-fixed-by-the-court.~~

EXPLANATION

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22 This bill provides for the deletion of respondent's statu-
23 tory right to recover damages from the Civil Rights Commission
24 if there is no reasonable ground on which to believe the com-
25 plaint.

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the membership, powers, and duties of the
2 civil rights commission.

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

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1 Section 1. Section six hundred one A point three (601A.3),
2 unnumbered paragraph one (1), Code 1973, is amended to read
3 as follows:

4 The Iowa state civil rights commission shall consist of
5 seven members appointed by the governor with the advice and
6 consent of the senate. Appointments shall be made to pro-
7 vide geographical area representation insofar as may be
8 practicable. No more than four members of the commission
9 shall belong to the same political party or be of the same
10 sex.

11 Sec. 2. Section six hundred one A point five (601A.5),
12 Code 1973, is amended by adding the following new subsec-
13 tions:

14 NEW SUBSECTION. To issue subpoenas for books and papers
15 relating to any matters involved in the complaint, after the
16 respondent has been notified of the complaint as provided
17 for in section six hundred one A point nine (601A.9), sub-
18 section three (3) of the Code. The commission shall issue
19 subpoenas in behalf of the respondent in the same manner and
20 for the same purposes. If a party either fails or refuses
21 to obey a subpoena issued by the commission, the commission
22 may petition the district court having jurisdiction for is-
23 suance of a subpoena and the court shall in the proper case
24 issue the subpoena. A person refusing to obey the subpoena
25 issued by the court shall be subject to punishment for con-
26 tempt.

27 NEW SUBSECTION. To seek a temporary injunction against
28 a respondent when it appears that a complainant may suffer
29 irreparable hardship as a result of an alleged violation
30 of chapter six hundred one A (601A) of the Code.

31 NEW SUBSECTION. To defer a complaint to a local civil
32 rights commission under commission rules promulgated pur-
33 suant to chapter seventeen A (17A) of the Code.

34 Sec. 3. Section six hundred one A point ten (601A.10),
35 Code 1973, is amended by striking subsection five (5).

1 Sec. 4. Section six hundred one A point ten (601A.10),
2 subsection six (6), Code 1973, is amended by striking the
3 subsection and inserting in lieu thereof the following:

4 In proceedings for judicial review of commission action
5 a court may hear and consider such evidence as it deems
6 appropriate. Before the date set for hearing a petition for
7 judicial review, application may be made to the court for
8 leave to present evidence in addition to that found in the
9 record of the case. If it is shown to the satisfaction of
10 the court that the additional evidence is material and that
11 there was good reason for failure to present it in the
12 proceeding before the commission, the court may order that
13 the additional evidence be taken before the commission upon
14 conditions determined by the court. The commission may modify
15 its findings and decision in the case by reason of the
16 additional evidence and shall file that evidence and any
17 modifications, new findings, or decisions with the reviewing
18 court and mail copies of the new findings or decisions to
19 all parties.

20 EXPLANATION

21 This bill provides that not more than four members of
22 the civil rights commission be of the same sex. In addi-
23 tion this authorizes the civil rights commission to issue
24 subpoenas at the investigatory stage, seek temporary injunc-
25 tions, and defer complaints to local civil rights commissions.
26 This bill also provides for the deletion of the requirement
27 of de novo review when a civil rights commission decision
28 is appealed to the district court.

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REDUCTION OF HIGHWAY FATALITIES STUDY COMMITTEE

Report to the Legislative Council
and the Members of the
Second Session of the Sixty-fifth General Assembly

State of Iowa
1974

F I N A L R E P O R T

REDUCTION OF HIGHWAY FATALITIES STUDY COMMITTEE

Senate Concurrent Resolution 47, introduced during the First Session of the Sixty-fifth General Assembly, requested that the Iowa Legislative Council establish a study committee to conduct a comprehensive study of alcohol-related highway fatalities and the means by which these fatalities may be reduced. On July 11, 1973, the Legislative Council created a ten-member study committee to conduct the study. The members of the Reduction of Highway Fatalities Study Committee are as follows:

Senator William M. Plymat
Senator Berl E. Priebe
Senator Richard R. Ramsey
Senator Cloyd E. Robinson
Senator Ray Taylor
Representative Norman P. Dunlap
Representative Thomas J. Higgins
Representative C. W. Hutchins
Representative Robert M. Kreamer
Representative Henry C. Wulff

At its meeting of August 31, 1973, the Reduction of Highway Fatalities Study Committee elected Representative Robert M. Kreamer as Chairman and Senator William M. Plymat as Vice Chairman. The Study Committee agreed to concentrate its efforts on possible legislation to curb alcohol-related highway fatalities, but also indicated its desire to consider any other legislative proposals which might reduce highway fatalities. The Study Committee also agreed to consider several areas of the federal highway safety program recommendations.

The Study Committee held four meetings. It received input from the Office for Planning and Programming, the Department of Public Safety, and the Iowa Independent Insurance Agents. The Study Committee reviewed legislative proposals which were filed during the First Session of the Sixty-fifth General Assembly. Based upon the Committee's study of the causes of highway fatalities, the Study Committee makes the following recommendations:

1. That the Sixty-fifth General Assembly, Second Session, enact Senate File 318. Senate File 318 redefines the offense of operating a motor vehicle while under the influence of alcoholic beverages. It relates operating under the influence directly to the amount of alcohol found in a person's blood and provides for two levels of the offense with penalties in proportion to the amount of alcohol found to be present. The bill provides that a person shall be fined one hundred dollars and have his license suspended for thirty days if he is found to be driving while there is five hundredths or more of one percent by weight of alcohol in his blood. If there is found to be ten hundredths or more of one percent, he may be punished for a first offense by a fine of not less than three hundred dollars nor more than one thousand dollars and by a term in jail of not less than two days nor more than

thirty days; on a second offense, by a fine of not less than five hundred dollars nor more than one thousand dollars, by a term in jail of not less than ten days nor more than ninety, and by revocation of his license for not less than two years; and for a third offense, the present penalties will apply and in addition, the individual's license would be permanently revoked. Senate File 318 also amends the implied consent law to allow tests to be made prior to the arrest of a person for the offense and makes it more explicit when the tests may be required.

2. That the Sixty-fifth General Assembly, Second Session, enact Senate File 173. The companion bill to Senate File 173 is House File 528. Senate File 173 is commonly referred to as the habitual offender bill. The bill is designed to remove the chronic violator of traffic laws from the highways for a minimum of ten years. Should an habitual offender be apprehended operating a motor vehicle, he faces a prison sentence of from one to five years and the motor vehicle is confiscated. The Study Committee recommends that Senate File 173 be amended to reduce from ten to six years the period during which a person may accumulate three major offenses or eight minor offenses and be subject to designation as an habitual offender. The Study Committee also recommends that the eight minor offenses not include all violations and that such violations as operating a vehicle with an expired license, equipment violations, parking violations, violation of registration laws, failure to appear, and weights and measures violations not be included in the minor violations. The Study Committee further recommends that the period of license revocation be reduced from ten to six years and that any person whose license has been revoked may apply for a license after the third year of revocation. An amendment to Senate File 173 is attached and by this reference made a part of this report.

3. That the Second Session, Sixty-fifth General Assembly, enact Senate File 135. Senate File 135 has passed the Senate. This bill requires motorcycle riders to wear protective headgear and requires operators to wear eye-protective devices unless the motorcycle is equipped with a windscreen. The Study Committee recommends that Senate File 135 be amended to permit the Commissioner of Public Safety to prescribe standards to determine what constitutes a windscreen.

4. That House File 343 be enacted by the Sixty-fifth General Assembly, Second Session. House File 343 has passed the House of Representatives. This bill provides that a peace officer shall decide which substance, saliva, blood, breath, or urine, to test for alcohol under the implied consent law. It does not require that a blood test be offered, but that if it is, the person may refuse it and then one of the other three tests must be offered. The time for granting a hearing on a license revocation is increased from ten to twenty days and the requirement that it be

recorded is removed. A section providing a punishment for driving while a license has been revoked is added to the implied consent law.

5. That the Sixty-fifth General Assembly, Second Session, enact a law providing for the use of a classified operator's license system in Iowa. The federal government has established standards which provide for the issuance of a single operator's license. Each licensed driver receives a license which allows him to operate all motor vehicles within a specified weight class. A special classification is recommended to operate a motorcycle. The one change required in the present law is to eliminate the chauffeurs license. The Study Committee also recommends that the operators' license contain a colored photograph of the license holder. A bill is attached and by this reference made a part of this report.

6. That the Sixty-fifth General Assembly, Second Session, enact a law which requires that a medical examiner examine the body of any person who dies within four hours of an automobile accident to determine the presence and concentration of alcohol in the blood of the victim. This information shall be filed in a report to the Department of Public Safety. The information shall be used for statistical purposes. The Study Committee also recommends that the reports are public records. The purpose of this bill is to permit the Department of Public Safety to make accurate studies of the number of persons involved in fatal accidents. This information will also permit the proper authorities to develop more effective programs to keep drunk drivers off the roads so that innocent victims will not have to suffer personal injury and possible death from having these persons on the roads of the state. A bill is attached and by this reference made a part of this report.

1 Amend Senate File 173 as follows:

2 1. Page 2, line 5, by striking the word "ten-year" and in-
3 serting in lieu thereof the word "six-year".

4 2. Page 2, line 31, by inserting after the word "Code" the
5 words ", except equipment violations, violations of parking
6 regulations of cities, violations of registration laws, operat-
7 ing a vehicle with an expired license or permit, failure to
8 appear, and weights and measures violations".

9 3. Page 2, line 31, by inserting after the period the words
10 "Conviction of a nonflagrant speeding violation shall not be
11 included as a violation under this subsection. For the pur-
12 poses of this subsection, a "nonflagrant speeding violation"
13 means a speeding violation where a person is convicted of
14 speeding less than six miles per hour under the posted speed
15 limit."

16 4. Page 4, line 18, by striking the word "ten" and insert-
17 ing in lieu thereof the word "six".

18 5. Page 4, by striking lines 30 through 35, and inserting
19 in lieu thereof the following:

20 Sec. 8. NEW SECTION. When a license is suspended or revoked
21 for a period of not less than three years under the provisions
22 of this Act, the person to whom the privilege of operating a
23 motor vehicle is denied may petition the court for reinstatement
24 of the license. The court may, based upon the person's
25 prior record, order a provisional reinstatement of the license

1 upon the fulfillment of all other requirements for an operator's
2 license under chapter three hundred twenty-one (321) of the Code.
3 The provisional reinstatement shall be subject to the conditions
4 of section three hundred twnty-one point one hundred eighty-
5 one (321.181) of the Code.

6 6. Page 5, by striking lines 1 through 11.

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Prepared by the Legislative Service Bureau for the Reduction of Highway Fatalities Study Committee for discussion purposes only. December, 1973

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act to provide for a uniform classified operator's license
2 system.

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

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1 Section 1. Section two hundred eighty-five point eleven
2 (285.11), subsection eleven (11), Code 1973, is amended to
3 read as follows:

4 11. Bus drivers must hold ~~a-regular-or-special-chauf-~~
5 ~~feur's~~ an operator's license and in addition, a special school
6 bus driver permit issued by the department of public
7 instruction.

8 Sec. 2. Section three hundred twenty-one point one (321.1),
9 Code 1973, is amended by striking subsection forty-three (43).

10 Sec. 3. Section three hundred twenty-one point one (321.1),
11 Code 1973, is amended by adding the following new subsections:

12 NEW SUBSECTION. "Operator's license" means any operating
13 privilege, license, temporary instruction permit or temporary
14 license issued to any person authorizing that person to operate
15 a motor vehicle.

16 NEW SUBSECTION. "Bus" means any motor vehicle designed
17 to carry more than nine persons and used for the transporta-
18 tion of passengers, when the term is used on an operator's
19 license.

20 Sec. 4. Section three hundred twenty-one point ninety-
21 six (321.96), Code 1973, is amended to read as follows:

22 321.96 PROHIBITED PLATES--CERTIFICATES--BADGES. No per-
23 son shall display or cause or permit to be displayed, or have
24 in his possession, any canceled, revoked, altered, or ficti-
25 tious registration number plates, registration receipt, cer-
26 tificate of title, ~~chauffeur's~~ operator's license certifi-
27 cate, or ~~chauffeur's~~ operator's badge, as the same are
28 respectively provided for in this chapter.

29 Sec. 5. Section three hundred twenty-one point one hun-
30 dred seventy-four (321.174), Code 1973, is amended to read
31 as follows:

32 321.174 OPERATORS ~~AND-CHAUFFEURS~~ LICENSED. No person,
33 except those hereinafter expressly exempted shall drive any
34 motor vehicle upon a highway in this state unless such per-
35 son has a valid license as an operator ~~or-chauffeur~~ issued

1 by the department of public safety. ~~No person shall operate~~
 2 ~~a motor vehicle as a chauffeur unless he holds a valid chauffeur's~~
 3 ~~license.~~

4 Sec. 6. Section three hundred twenty-one point one hun-
 5 dred seventy-six (321.176), subsection three (3), Code 1973,
 6 is amended to read as follows:

7 3. A nonresident who is at least sixteen years of age
 8 and who has in his immediate possession a valid operator's
 9 license issued to him in his home state or country may oper-
 10 ate a motor vehicle in this state ~~only as an operator~~ subject
 11 to such restrictions as are applicable in his home state or
 12 country and subject to such restrictions as are applicable
 13 to a resident of this state of the same age.

14 Sec. 7. Section three hundred twenty-one point one hun-
 15 dred seventy-six (321.176), Code 1973, is amended by striking
 16 subsections four (4) and five (5).

17 Sec. 8. Section three hundred twenty-one point one hun-
 18 dred seventy-seven (321.177), Code 1973, is amended to read
 19 as follows:

20 321.177 PERSONS NOT TO BE LICENSED. The department shall
 21 not issue any license hereunder:

22 1. ~~To any person, as an operator, who is under the age~~
 23 ~~of sixteen years, provided that, effective August 1, 1966,~~
 24 ~~the department shall not issue a license to any person, as~~
 25 ~~an operator, who is under the age of seventeen years and ef-~~
 26 ~~fective August 1, 1967, the department shall not issue a li-~~
 27 ~~cense to any person, as an operator,~~ who is under the age
 28 of eighteen years, without his first having successfully com-
 29 pleted an approved driver education course, in which case,
 30 the minimum age shall be sixteen years. However, the de-
 31 partment may issue a restricted license as provided in sec-
 32 tion 321.194, or an instruction permit as provided in sec-
 33 tion 321.180, to any person who is at least fourteen years
 34 of age.

35 2. ~~To any person, as a chauffeur, who is under the age~~

1 ~~of-eighteen-years.~~

2 3 2. To any person, ~~as-an-operator-or-chauffeur~~ whose
3 license or driving privilege has been suspended ~~during-such~~
4 ~~suspension-or-to-any-person-whose-license,-or-driving-privi-~~
5 ~~lege,-has-been-revoked,-until-the-expiration-of-one-year~~
6 ~~after-such-revocation~~ , revoked, canceled, or denied dur-
7 ing the period of suspension, revocation, cancellation, or
8 denial.

9 4 3. To any person, ~~as-an-operator-or-chauffeur~~, who is
10 a chronic alcoholic, or is addicted to the use of narcotic
11 drugs.

12 5 4. To any person, ~~as-an-operator-or-chauffeur~~, who has
13 previously been adjudged to be afflicted with or suffering
14 from any mental disability or disease and who has not at the
15 time of application been restored to competency by the methods
16 provided by law. Provided, however, that the department may
17 issue such license when said mentally-ill person is placed
18 on parole or convalescent leave, when advised in writing that
19 the medical staff and superintendent of the institution in
20 which the person has been hospitalized recommend the issuance
21 of said license.

22 6 5. To any person, ~~as-an-operator-or-chauffeur~~, who is
23 required by this chapter to take an examination, unless such
24 person shall have successfully passed such examination.

25 7 6. To any person when the commissioner has good cause
26 to believe that such person by reason of physical or mental
27 disability would not be able to operate a motor vehicle with
28 safety upon the highways.

29 Sec. 9. Section three hundred twenty-one point one hun-
30 dred seventy-nine (321.179), Code 1973, as amended by the
31 Acts of the Sixty-fifth General Assembly, 1973 Session, chap-
32 ter one hundred forty (140), section thirty-five (35), is
33 further amended to read as follows:

34 321.179 SPECIAL RESTRICTIONS ON-CHAUFFEURS. No person
35 who is under the age of eighteen years shall drive any motor

1 vehicle while in use as a carrier of flammables or combusti-
2 bles, or as a public or common carrier of persons, except
3 a school bus.

4 Sec. 10. Section three hundred twenty-one point one hun-
5 dred eighty (321.180), Code 1973, as amended by the Acts of
6 the Sixty-fifth General Assembly, 1973 Session, chapter one
7 hundred forty (140), section thirty-six (36), is further
8 amended to read as follows:

9 321.180 INSTRUCTION PERMITS. Any person who is at least
10 fourteen years of age and who, except for his lack of instruc-
11 tions in operating a motor vehicle, would otherwise be quali-
12 fied to obtain an operator's license, shall upon meeting the
13 requirements of section 321.186 other than driving demonstra-
14 tion, and upon paying the required fee, be issued a temporary
15 instruction permit by the department, entitling the permittee
16 while having such permit in his immediate possession to drive
17 a motor vehicle upon the highways for a period of two years
18 from the date of issuance when accompanied by a licensed
19 operator ~~or-chauffeur~~ who is at least eighteen years of age,
20 or an approved driver education instructor, or a prospective
21 driver education instructor who is enrolled in and has been
22 specifically designated by a teacher education institution
23 with a safety education program approved by the department
24 of public instruction, and who is actually occupying a seat
25 beside the driver; except that any instruction permit issued
26 to a person who is less than sixteen years of age shall en-
27 title such permittee to drive a motor vehicle upon the high-
28 ways only when accompanied by a parent or guardian, or an
29 approved driver education instructor, or a prospective driver
30 education instructor, who is enrolled in and has been spe-
31 cifically designated by a teacher education institution with
32 a safety education program approved by the department of pub-
33 lic instruction, or by any person who is twenty-five years
34 of age or more if written permission is granted by the parent
35 or guardian, who is a holder of a valid operator's ~~or-a-chauf-~~

1 ~~feur~~'s license, and who is actually occupying a seat beside
2 the driver.

3 Sec. 11. Section three hundred twenty-one point one hun-
4 dred eighty-one (321.181), unnumbered paragraph one (1), Code
5 1973, is amended to read as follows:

6 The department may, in its discretion, issue a temporary
7 driver's permit to an applicant for an operator's ~~ex-chauf-~~
8 ~~feur~~'s license permitting him to operate a motor vehicle while
9 the department is completing its investigation and de-
10 termination of all facts relative to such applicant's right
11 to receive an operator's license. Such permit must be in
12 his immediate possession while operating a motor vehicle,
13 and it shall be invalid when the applicant's license has been
14 issued or for good cause has been refused.

15 Sec. 12. Section three hundred twenty-one point one hun-
16 dred eighty-two (321.182), Code 1973, is amended to read as
17 follows:

18 321.182 APPLICATION FOR LICENSE OR PERMIT. Every appli-
19 cation for ~~an-instruction-permit-or-for-an-operator's-or~~
20 ~~chauffeur's-license-or-temporary-drivers-permit~~ a license
21 shall be made upon a form furnished by the department and
22 shall be verified by the applicant before a person authorized
23 to administer oaths, and officers and employees of the depart-
24 ment are hereby authorized to administer such oaths without
25 charge. The applicant shall write his usual signature with
26 pen and ink upon the application in the space provided for
27 signature.

28 Sec. 13. Section three hundred twenty-one point one hun-
29 dred eighty-three (321.183), Code 1973, is amended to read
30 as follows:

31 321.183 CONTENTS OF APPLICATION. Every said application
32 shall state the full name, date of birth, occupation, sex,
33 and residence address of the applicant, and briefly describe
34 the applicant, and shall state whether the applicant has
35 theretofore been licensed as an operator ~~ex-chauffeur~~, and,

1 if so, when and by what state or country, and whether any
2 such license has ever been suspended or revoked, or whether
3 an application has ever been refused, and, if so, the date
4 of and reason for such suspension, revocation, or refusal.

5 Sec. 14. Section three hundred twenty-one point one hun-
6 dred eighty-four (321.184), Code 1973, is amended to read
7 as follows:

8 321.184 APPLICATIONS OF MINORS. The application of any
9 person under the age of eighteen years for ~~an instruction~~
10 ~~permit, operator's license, or permit issued under section~~
11 ~~321.194~~ the person's first Iowa operator's license shall
12 contain the verified consent and confirmation of applicant's
13 birthday by both the father and mother of applicant, or the
14 parent having custody in the event of the legal separation
15 or the death of one parent; if neither parent is living, the
16 guardian or other person having custody, or the employer,
17 of such minor may consent. Officers and employees of the
18 department are hereby authorized to administer such oaths
19 without charge.

20 Sec. 15. Section three hundred twenty-one point one hun-
21 dred eighty-six (321.186), Code 1973, is amended to read as
22 follows:

23 321.186 EXAMINATION OF NEW OR INCOMPETENT OPERATORS.
24 The department may examine every new applicant for an oper-
25 ator's ~~ex-chauffeur's~~ license or any person holding a valid
26 operator's ~~ex-chauffeur's~~ license when the department has
27 reason to believe that such person may be physically or men-
28 tally incompetent to operate a motor vehicle, or whose driv-
29 ing record appears to the department to justify such an ex-
30 amination. Such examinations shall be held in every county
31 within periods not to exceed fifteen days. It shall include
32 a test of the applicant's eyesight, his ability to read and
33 understand highway signs regulating, warning, and directing
34 traffic, his knowledge of the traffic laws of this state,
35 and shall include an actual demonstration of ability to ex-

1 ercise ordinary and reasonable control in the operation of
2 a motor vehicle and such further physical and mental exam-
3 inations as the department finds necessary to determine the
4 applicant's fitness to operate a motor vehicle safely upon
5 the highways.

6 Sec. 16. Section three hundred twenty-one point one hun-
7 dred eighty-seven (321.187), Code 1973, is amended to read
8 as follows:

9 321.187 APPOINTMENT OF EXAMINERS. The department is
10 hereby authorized to appoint persons from the members of the
11 department or may designate the county sheriff for the pur-
12 pose of examining applicants for operators' ~~and-chauffeurs~~^l
13 licenses. It shall be the duty of any such person so ap-
14 pointed to conduct examinations of applicants for operators'
15 ~~and-chauffeurs~~^l licenses under the provisions of this chap-
16 ter to make a written report of findings and recommendations
17 upon such examination to the department. Examiners appointed
18 by the department when on duty shall wear a uniform and proper
19 identifying badge or badges as prescribed by the commissioner
20 which shall be purchased by the department and paid for from
21 the department maintenance fund.

22 Sec. 17. Section three hundred twenty-one point one hun-
23 dred eighty-nine (321.189), Code 1973, is amended to read
24 as follows:

25 321.189 LICENSES ISSUED. The department shall upon pay-
26 ment of the required fee, issue to every applicant qualify-
27 ing therefor an operator's ~~or-chauffeur~~^ls license as applied
28 for, which license shall bear thereon a distinguishing num-
29 ber assigned to the licensee, the full name, date of birth,
30 occupation, sex, residence address, a brief description and
31 a colored photograph of the licensee, and the usual signature
32 of the licensee. No license shall be valid unless it bears
33 the signature of the licensee.

34 Sec. 18. Section three hundred twenty-one point one hun-
35 dred ninety (321.190), Code 1973, is amended to read as fol-

1 lows:

2 321.190 CARRIED AND EXHIBITED. Every licensee shall have
 3 his operator's ~~or-chauffeur's~~ license in his immediate pos-
 4 session at all times when operating a motor vehicle and shall
 5 display the same, upon demand of a judicial magistrate or
 6 district associate judge, a peace officer, or a field deputy
 7 or examiner of the department. However, no person charged
 8 with violating this section shall be convicted if he pro-
 9 duces in court, within a reasonable time, an operator's ~~or~~
 10 ~~chauffeur's~~ license theretofore issued to him and valid at
 11 the time of his arrest.

12 Sec. 19. Section three hundred twenty-one point one hun-
 13 dred ninety-one (321.191), Code 1973, is amended to read as
 14 follows:

15 321.191 FEE. The fee for an operator's license shall
 16 ~~be five dollars if issued for a period of two years, and ten~~
 17 ~~dollars if issued for a period of four years.---The fee for~~
 18 ~~a chauffeur's license shall be ten dollars if issued for a~~
 19 ~~period of two years, and twenty dollars if issued for a pe-~~
 20 ~~riod of four years.---The fee for an instruction permit shall~~
 21 ~~be three dollars and for a temporary driver's permit, five~~
 22 dollars issued pursuant to section three hundred twenty-one
 23 point one hundred eighty (321.180) of the Code shall be three
 24 dollars. The fee for an operator's license issued pursuant
 25 to sections three hundred twenty-one point one hundred eighty-
 26 one (321.181) and three hundred twenty-one point one hundred
 27 ninety-four (321.194) of the Code shall be five dollars.
 28 The fee for all other operator's licenses shall be five dollars
 29 if issued for a period of less than three years and ten dollars
 30 if issued for a period of more than three years, except that
 31 an operator's license which authorizes the licensee to operate
 32 a motor vehicle in excess of twenty-four thousand pounds gross
 33 weight shall cost double to usual fee.

34 There shall be a fee of twenty dollars for reinstatement
 35 of ~~a-chauffeur's license-or~~ an operator's license which is,

1 after notice and opportunity for hearing, suspended or re-
2 voked pursuant to sections 321.209, 321.210, except subsec-
3 tion 4 thereof, and 321B.7. Such twenty-dollar fee shall
4 be collected only if the person whose license was suspended
5 or revoked was served personally with notice thereof. If
6 the person whose license was suspended or revoked was served
7 notice thereof by restricted certified mail, the reinstate-
8 ment fee shall be ten dollars.

9 Sec. 20. Section three hundred twenty-one point one hun-
10 dred ninety-two (321.192), Code 1973, is amended to read as
11 follows:

12 321.192 DISPOSAL OF FEES. Such license fees shall be
13 forwarded by the department to the treasurer of state who
14 shall place same in the general fund of the state, provided
15 that for each operator's license issued by a county sheriff
16 for which a license fee is paid, the sheriff issuing the same
17 shall be entitled to retain the sum of fifteen cents ~~and for~~
18 ~~each chauffeur's license, the sum of fifty cents,~~ which shall
19 be credited to the county general fund.

20 Sec. 21. Section three hundred twenty-one point one hun-
21 dred ninety-three (321.193), Code 1973, is amended to read
22 as follows:

23 321.193 RESTRICTED LICENSES. When provided in rules
24 adopted pursuant to chapter 17A, the department upon issu-
25 ing ~~an operator's or chauffeur's license~~ a license to oper-
26 ate a motor vehicle shall have authority whenever good cause
27 appears to impose restrictions suitable to the licensee's
28 driving ability with respect to the type of vehicle or spe-
29 cial mechanical control devices required on a motor vehicle
30 which the licensee may operate or such other restrictions
31 applicable to the licensee, including licenses issued under
32 section 321.194, as the department may determine to be ap-
33 propriate to assure the safe operation of a motor vehicle
34 by the licensee.

35 The department may either issue a special restricted li-

1 cense or may set forth such restrictions upon the usual li-
2 cense form.

3 The department may upon receiving satisfactory evidence
4 of any violation of the restrictions of such license sus-
5 pend or revoke the same but the licensee shall be entitled
6 to a hearing as upon a suspension or revocation under this
7 chapter.

8 It is a misdemeanor, punishable as provided in section
9 321.482, for any person to operate a motor vehicle in any
10 manner in violation of the restrictions imposed in a restricted
11 license issued to him.

12 A license issued under sections three hundred twenty-one
13 point one hundred seventy-eight (321.178), three hundred
14 twenty-one point one hundred eighty (321.180), three hun-
15 dred twenty-one point one hundred eighty-one (321.181), and
16 three hundred twenty-one point one hundred ninety-four
17 (321.194) of the Code may be set forth as restrictions upon
18 the usual license form.

19 Sec. 22. Section three hundred twenty-one point one hun-
20 dred ninety-four (321.194), Code 1973, is amended to read
21 as follows:

22 321.194 MINORS' SCHOOL LICENSES. Whenever the necessity
23 therefor is shown, a restricted license may be issued to any
24 person between the ages of fourteen and eighteen years which
25 license shall entitle the holder thereof, while having such
26 license in his immediate possession, to operate a motor ve-
27 hicle during the hours of 7 a.m. to 6 p.m. over the most di-
28 rect and accessible route between the licensee's residence
29 and his school of enrollment for the purpose of attending
30 duly scheduled courses of instruction at such school or at
31 any time when accompanied by a parent or guardian who is a
32 holder of a valid operator's ~~or-chauffeur's~~ license, and who
33 is actually occupying a seat beside the driver. Such license
34 shall expire on the licensee's eighteenth birthday or upon
35 issuance of a temporary driver's permit. For the purpose

1 of establishing a need for the license provided for in this
2 section, each application shall be accompanied by an affi-
3 davit from the school board or superintendent of the appli-
4 cant's school which affidavit shall be upon a form provided
5 by the department and shall state the facts deemed to justify
6 the issuance of a license to the applicant. Neither such
7 affidavit nor the inability to obtain the same shall be bind-
8 ing on the department but may be considered by the depart-
9 ment in its determining of whether or not to grant the ap-
10 plication. The fact that the applicant resides at a distance
11 less than one mile from his school shall be prima-facie evi-
12 dence of the nonexistence of any necessity for the issuance
13 of such a license. A license issued hereunder is subject
14 to suspension or revocation in like manner as any other li-
15 cense or permit issued under any law of this state and in
16 addition thereto the department may suspend such license upon
17 receiving satisfactory evidence that the licensee has vio-
18 lated the restrictions of such license or has been involved
19 in two or more accidents chargeable to such licensee and
20 the department shall revoke any license issued hereunder up-
21 on receiving a record of such licensee's conviction for two
22 or more violations of any law of this state or city ordinance,
23 other than parking regulations, regulating the operation of
24 motor vehicles on highways and after revoking a license here-
25 under the department shall not grant application for any new
26 license or permit until the expiration of one year or until
27 the licensee attains his sixteenth birthday whichever is the
28 longer period.

29 Sec. 23. Section three hundred twenty-one point one hun-
30 dred ninety-five (321.195), Code 1973, is amended to read
31 as follows:

32 321.195 DUPLICATE CERTIFICATES. In the event that an
33 instruction permit or operator's ~~or-chauffeur's~~ license or
34 extension certificate issued under the provisions of this
35 chapter is lost or destroyed, the person to whom the same

1 was issued may upon payment of a fee of two dollars for an
2 operator's ~~er-chauffeur's~~ license, or extension certificate,
3 obtain a duplicate, or substitute thereof, upon furnishing
4 proof satisfactory to the department that such permit, li-
5 cense, or extension certificate has been lost or destroyed.

6 Sec. 24. Section three hundred twenty-one point one hun-
7 dred ninety-six (321.196), unnumbered paragraphs one (1) and
8 three (3), Code 1973, are amended to read as follows:

9 Prior to July 1, 1975, the commissioner shall issue, un-
10 der rules formulated by him, operator's licenses valid for
11 one, two or four years. Each operator's license issued after
12 July 1, 1975, shall expire four years from the licensee's
13 birthday anniversary occurring in the year of issuance if
14 the licensee is between the age of twenty-one and sixty-five
15 years on the date of issuance of the license, otherwise for
16 a period of two years but shall be renewable without written
17 examination or penalty within a period of thirty days after
18 such birthday anniversary and such person shall not be con-
19 sidered to be driving with an invalid license during such
20 period before renewal, however for any license renewed within
21 such thirty-day period, the day of issuance shall be con-
22 sidered to be the previous birthday anniversary on which it
23 expired. An operator's license issued pursuant to section
24 three hundred twenty-one point one hundred eighty (321.180)
25 of the Code shall be valid for a period of two years from
26 the date of issue. An operator's license issued pursuant
27 to section three hundred twenty-one point one hundred eighty-
28 one (321.181) of the Code shall be issued for a period not
29 to exceed one year. An operator's license issued pursuant
30 to section three hundred twenty-one point one hundred ninety-
31 four (321.194) of the Code shall expire on the licensee's
32 eighteenth birthday or upon issuance of a temporary driving
33 permit. Applicants whose licenses are restricted due to
34 vision or other physical deficiencies may be required to
35 renew their licenses every two years. For the purposes of

1 this section the birthday anniversary of a person born on
2 February 29 shall be deemed to occur on March 4 first. All
3 applications for renewal of operators' licenses shall be made
4 under the direct supervision of a uniformed member of the
5 department and shall be approved by such uniformed member.
6 The commissioner may, in his discretion, authorize the renewal
7 of a valid license upon application without an examination
8 provided that, a person holding such license has not more
9 than three convictions of moving traffic violations during
10 the previous two years and, provided that such person
11 satisfactorily passes a vision test as prescribed by the de-
12 partment.

13 Any resident of Iowa holding a valid operator's ~~er-chauf-~~
14 ~~feur's~~ license who is temporarily absent from the state, or
15 incapacitated, may, at the time for renewal for such license,
16 obtain from the sheriff of the county of his residence a form
17 to apply for a temporary extension of his license. The de-
18 partment upon receipt of such application form properly filled
19 out shall, upon a showing of good cause, issue a temporary
20 extension of such license for not to exceed six months. The
21 department shall prescribe and furnish such forms to each
22 county sheriff.

23 Sec. 25. Section three hundred twenty-one point one hun-
24 dred ninety-eight (321.198), unnumbered paragraph one (1),
25 Code 1973, is amended to read as follows:

26 The effective date of a valid operator's license ~~and-of~~
27 ~~a-valid-chauffeur's-license~~ to the extent that it permits
28 the operation of a motor vehicle as an operator, issued un-
29 der the laws of this state, held by any person at the time
30 of entering the military service of the United States or of
31 the state of Iowa notwithstanding the expiration of such li-
32 cense according to its terms, is hereby extended without fee
33 until six months following the initial separation from ac-
34 tive duty of such person from the military service, provided
35 such person is not suffering from such physical disabilities

1 as to impair his competency as an operator and provided fur-
2 ther that such licensee shall upon demand of any peace offi-
3 cer furnish satisfactory evidence of his military service.
4 However, no person entitled to the benefits of this section,
5 charged with operating a motor vehicle without an operator's
6 license, shall be convicted if he produces in court, within
7 a reasonable time, a valid operator's ~~er-chauffeur's~~ license
8 theretofore issued to him along with evidence of his military
9 service as above mentioned.

10 Sec. 26. Section three hundred twenty-one point two hun-
11 dred one (321.201), Code 1973, is amended to read as follows:

12 321.201 AUTHORITY TO CANCEL LICENSE. The department is
13 hereby authorized to cancel any operator's ~~er-chauffeur's~~
14 license upon determining that the licensee was not entitled
15 to the issuance thereof hereunder or that said licensee failed
16 to give the required or correct information in his applica-
17 tion or committed any fraud in making such application.

18 Sec. 27. Section three hundred twenty-one point two hun-
19 dred three (321.203), Code 1973, is amended to read as fol-
20 lows:

21 321.203 SUSPENDING PRIVILEGES OF NONRESIDENTS. The
22 privilege of driving a motor vehicle on the highways of this
23 state given to a nonresident hereunder shall be subject to
24 suspension or revocation by the department in like manner
25 and for like cause as an operator's ~~er-chauffeur's~~ license
26 issued hereunder may be suspended or revoked.

27 Sec. 28. Section three hundred twenty-one point one hun-
28 dred five (321.205), Code 1973, is amended to read as fol-
29 lows:

30 321.205 CONVICTION IN ANOTHER STATE. The department is
31 authorized to suspend or revoke the license of any resident
32 of this state upon receiving notice of the conviction of such
33 person in another state of an offense therein which, if com-
34 mitted in this state, would be grounds for the suspension
35 or revocation of the license of an operator ~~er-chauffeur~~.

1 Sec. 29. Section three hundred twenty-one point two hun-
2 dred six (321.206), Code 1973, is amended to read as follows:

3 321.206 SURRENDER OF LICENSE--DUTY OF COURT. Whenever
4 any person is convicted of any offense for which this chap-
5 ter makes mandatory the revocation of the operator's ~~or~~
6 ~~chauffeur's~~ license of such person by the department, the
7 court in which such conviction is had shall require the sur-
8 render to it of all operator's ~~and-chauffeur's~~ licenses then
9 held by the person so convicted and the court shall there-
10 upon forward the same together with a record of such convic-
11 tion to the department.

12 Sec. 30. Section three hundred twenty-one point two hun-
13 dred seven (321.207), Code 1973, is amended to read as fol-
14 lows:

15 321.207 RECORD FORWARDED. Every court having jurisdic-
16 tion over offenses committed under this chapter, or any other
17 law of this state or any city traffic ordinances, other than
18 parking regulations, regulating the operation of motor ve-
19 hicles on highways, shall forward to the department a record
20 of the conviction of any person in said court for a viola-
21 tion of any said laws, and may recommend the suspension of
22 the operator's ~~or-chauffeur's~~ license of the person so con-
23 victed, and the department shall thereupon consider and act
24 upon such recommendation in such manner as may seem to it
25 best.

26 The judge of said court shall also immediately enter upon
27 the reverse side of the operator's ~~or-chauffeur's~~ license
28 of the convicted person, the date of said conviction, the
29 code section violated and add his signature, which shall re-
30 main on said license until renewal unless ordered removed
31 after a subsequent acquittal on appeal.

32 Sec. 31. Section three hundred twenty-one point two hun-
33 dred nine (321.209), unnumbered paragraph one (1), Code 1973,
34 is amended to read as follows:

35 The department shall forthwith revoke the license of any

1 operator ~~ex-chauffeur~~, or driving privilege, upon receiving
2 a record of such operator's ~~ex-chauffeur's~~ conviction of any
3 of the following offenses, when such conviction has become
4 final:

5 Sec. 32. Section three hundred twenty-one point two hun-
6 dred ten (321.210), Code 1973, is amended to read as follows:

7 321.210 AUTHORITY TO SUSPEND--POINT SYSTEM. The depart-
8 ment is hereby authorized to establish rules under the pro-
9 visions of chapter 17A providing for the suspension of the
10 license of an operator ~~ex-chauffeur~~ without preliminary hear-
11 ing upon a showing by its records or other sufficient evi-
12 dence that under the rules adopted by the department the
13 licensee:

14 1. Has committed an offense for which mandatory revoca-
15 tion of license is required upon conviction.

16 2. Is an habitually reckless or negligent driver of a
17 motor vehicle.

18 3. Is an habitual violator of the traffic laws.

19 4. Is incompetent to drive a motor vehicle.

20 5. Has permitted an unlawful or fraudulent use of such
21 license.

22 6. Has committed an offense in another state which if
23 committed in this state would be grounds for suspension or
24 revocation.

25 7. Has committed a serious violation of the motor ve-
26 hicle laws of this state.

27 For the purpose of determining when to suspend a license
28 under this section the commissioner may, in accordance with
29 the provisions of chapter 17A, promulgate a point system for
30 the purpose of weighing traffic convictions, or offenses by
31 their seriousness and may change such weighted scale from
32 time to time as experience or the accident frequency in the
33 state makes necessary or desirable.

34 Prior to a suspension taking effect under subsections 2,
35 3, 4, 5 or 7, the licensee shall have received twenty days

1 advance notice of the effective date of the suspension, and
2 an appeal under the provisions of section 321.215 shall oper-
3 ate to stay the suspension pending the determination by the
4 district court.

5 If the department of public safety assesses any points
6 against an operator ~~er-chauffeur~~ of a motor vehicle under
7 any point system devised by the department for the purpose
8 of suspending operators' ~~er-chauffeurs~~ licenses, the li-
9 censee shall receive a credit of one point for each year in
10 which the licensee had in continuous effect a valid operator's
11 ~~er-chauffeur~~'s license and during which no points were as-
12 sessed against such licensee, but such credit of points shall
13 not exceed five points at any one time. Credit points shall
14 be subtracted from the total points assessed against the li-
15 censee in determining when to suspend a license.

16 If the department of public safety assesses any points
17 against an operator ~~er-chauffeur~~ of a motor vehicle under
18 any point system devised by the department for the purpose
19 of suspending operators' ~~er-chauffeurs~~ licenses, the de-
20 partment must notify the licensee by ordinary mail that such
21 points have been assessed and the reason therefor. Provided
22 that no license shall be suspended on the basis of any point
23 system devised by the department without notice of proposed
24 suspension to the licensee and a reasonable opportunity for
25 a preliminary hearing before a member of the department who
26 shall have authority in meritorious cases to revoke the sus-
27 pension.

28 However, a warning memorandum, summons, conviction or for-
29 feiture of bail not vacated, for a violation of any section
30 of the Code or any municipal ordinance pertaining to the
31 standards to be maintained for motor vehicle equipment, ex-
32 cept sections 321.430 or 321.431 or any municipal ordinance
33 pertaining to motor vehicle brake requirements, shall not
34 be taken into consideration in determining suspension or the
35 length of suspension of an operator's ~~er-chauffeur~~'s license.

1 A violation of sections 321.430 or 321.431 or any municipal
2 ordinance pertaining to motor vehicle brake requirements shall
3 not be taken into consideration in determining suspension
4 or the length of suspension of an operator's ~~or-chauffeur's~~
5 license if the equipment in violation of the Code or municipi-
6 pal ordinance has been repaired within seventy-two hours of
7 such warning memorandum, summons, conviction, or forfeiture
8 of bail not vacated, and evidence of such repair has imme-
9 diately been sent to the commissioner.

10 The safety commissioner may, on application, issue a tem-
11 porary restricted license to any person convicted whose regu-
12 lar employment is the operation of a motor vehicle or who
13 cannot perform his regular occupation without the use of a
14 motor vehicle, but such person shall not operate a vehicle
15 for pleasure while holding such restricted license. However,
16 this paragraph shall not apply to any person whose license
17 is revoked under the provisions of section 321.209.

18 Sec. 33. Section three hundred twenty-one point two hun-
19 dred fourteen (321.214), Code 1973, is amended to read as
20 follows:

21 321.214 NO OPERATION UNDER FOREIGN LICENSE. Any resi-
22 dent or nonresident whose operator's ~~or-chauffeur's~~ license
23 or privilege to operate a motor vehicle in this state has
24 been suspended or revoked as provided in this chapter shall
25 not operate a motor vehicle in this state under a license,
26 permit, or registration certificate issued by any other state
27 or country or otherwise during such suspension or after such
28 revocation until a new license is obtained when and as per-
29 mitted under this chapter.

30 Sec. 34. Section three hundred twenty-one point two hun-
31 dred sixteen (321.216), Code 1973, is amended to read as fol-
32 lows:

33 321.216 UNLAWFUL USE OF LICENSE. It is a misdemeanor,
34 punishable as provided in section 321.482 unless another pun-
35 ishment is otherwise provided, for any person:

1 1. To display or cause or permit to be displayed or have
2 in his possession any canceled, revoked, suspended, ficti-
3 tious or fraudulently altered temporary driver's permit, tem-
4 porary instruction permit, or operator's license, ~~or-chauff-~~
5 ~~feur's-license~~.

6 2. To lend his temporary driver's permit, temporary in-
7 struction permit, or operator's license, ~~or-chauffeurs-~~
8 ~~license~~ to any other person or knowingly permit the use thereof by
9 another.

10 3. To display or represent as one's own any temporary
11 driver's permit, temporary instruction permit, or operator's
12 license, ~~or-chauffeur's-~~ ~~license~~ not issued to him.

13 4. To fail or refuse to surrender to the department upon
14 its lawful demand any temporary driver's permit, temporary
15 instruction permit, or operator's license, ~~or-chauffeur's~~
16 ~~license~~ which has been suspended, revoked, or canceled.

17 5. To use a false or fictitious name in any application
18 for a temporary driver's permit, temporary instruction per-
19 mit, or operator's license, ~~or-chauffeur's-~~ ~~license~~ or to
20 knowingly make a false statement or to knowingly conceal a
21 material fact or otherwise commit a fraud in any such ap-
22 plication.

23 6. To permit any unlawful use of a temporary driver's
24 permit, temporary instruction permit, or operator's license,
25 ~~or-chauffeur's-~~ ~~license~~ issued to him.

26 Sec. 35. Section three hundred twenty-one point two hun-
27 dred eighteen (321.218), Code 1973, is amended to read as
28 follows:

29 321.218 DRIVING WHILE LICENSE DENIED, SUSPENDED, OR RE-
30 VOKED. Any person whose operator's ~~or-chauffeur's~~ license,
31 or driving privilege, has been denied, canceled, suspended
32 or revoked as provided in this chapter, and who drives any
33 motor vehicle upon the highways of this state while such li-
34 cense or privilege is denied, canceled, suspended, or revoked,
35 is guilty of a misdemeanor and upon conviction shall be pun-

1 ished by imprisonment for not less than two days or more
2 than thirty days. The sentence imposed under this section
3 shall not be suspended by the court, notwithstanding the pro-
4 visions of section 247.20 or any other provision of statute.
5 The department, upon receiving the record of the conviction
6 of any person under this section upon a charge of driving
7 a motor vehicle while the license of such person was sus-
8 pended or revoked, shall extend the period of suspension or
9 revocation for an additional like period, and the department
10 shall not issue a new license during such additional period.

11 Sec. 36. Section three hundred twenty-one point two hun-
12 dred twenty-three (321.223), Code 1973, is amended to read
13 as follows:

14 321.223 LICENSE INSPECTED. No person shall rent a motor
15 vehicle to another until he has inspected the operator's ~~or~~
16 ~~chauffeur's~~ license of the person to whom the vehicle is to
17 be rented and compared and verified the signature thereon
18 with the signature of such person written in his presence.

19 Sec. 37. Section three hundred twenty-one point two hun-
20 dred sixty-one (321.261), unnumbered paragraph three (3),
21 Code 1973, is amended to read as follows:

22 The commissioner shall revoke the operator's ~~or-chauffeur's~~
23 license of the person so convicted.

24 Sec. 38. Section three hundred twenty-one point two hun-
25 dred sixty-three (321.263), unnumbered paragraph one (1),
26 Code 1973, is amended to read as follows:

27 The driver of any vehicle involved in an accident result-
28 ing in injury to or death of any person or damage to any ve-
29 hicle which is driven or attended by any person shall give
30 his name, address, and the registration number of the vehicle
31 he is driving and shall upon request and if available exhibit
32 his operator's ~~or-chauffeur's~~ license to the person struck
33 or the driver or occupant of or person attending any vehicle
34 collided with and shall render to any person injured in such
35 accident reasonable assistance, including the carrying, or

1 the making of arrangements for the carrying, of such person
2 to a physician, surgeon, or hospital for medical or surgical
3 treatment if it is apparent that such treatment is necessary
4 or if such carrying is requested by the injured person.

5 Sec. 39. Section three hundred twenty-one point two hun-
6 dred sixty-five (321.265), Code 1973, is amended to read as
7 follows:

8 321.265 STRIKING FIXTURES UPON A HIGHWAY. The driver
9 of any vehicle involved in an accident resulting only in
10 damage to property legally upon or adjacent to a highway shall
11 take reasonable steps to locate and notify the owner or person
12 in charge of such property of such fact and of his name and
13 address and of the registration number of the vehicle he is
14 driving and shall upon request and if available exhibit his
15 operator's ~~er-chauffeur's~~ license and shall make report of
16 such accident when and as required in section 321.266.

17 Sec. 40. Section three hundred twenty-one point three
18 hundred seventy-six (321.376), Code 1973, is amended to read
19 as follows:

20 321.376 LICENSE AND WRITTEN PERMISSION. The driver of
21 every school bus shall have ~~a-regular-or-special-chauffeur's~~
22 an operator's license issued by the department of public
23 safety, and in addition thereto, must hold a school bus
24 driver's permit issued by the department of public instruc-
25 tion.

26 ~~Notwithstanding-the-provision-of-subsection-2-of-section~~
27 ~~321.477,-the~~ The department of public safety is hereby
28 authorized to issue ~~a-special-chauffeur's~~ an operator's license
29 to a person sixteen or seventeen years of age, if such person
30 has successfully completed an approved driver education course,
31 to operate a school bus on request of local school board and
32 recommendation of the state superintendent of public
33 instruction.

34 Sec. 41. Section three hundred twenty-one point four hun-
35 dred eighty-five (321.485), subsection two (2), paragraph

1 a, Code 1973, as amended by the Acts of the Sixty-fifth Gen-
2 eral Assembly, 1973 Session, chapter two hundred eighty-two
3 (282), section twenty-one (21), is further amended to read
4 as follows:

5 a. Prepare a written citation to appear in court con-
6 taining the name and address of such person, the operator
7 ~~or-chauffeur~~ license number if any, the registration number
8 if any of his vehicle, the offense charged, and the time when
9 and place where such person shall appear in court; or

10 Sec. 42. Section three hundred twenty-one point four hun-
11 dred ninety-two (321.492), Code 1973, is amended to read as
12 follows:

13 321.492 PEACE OFFICERS' AUTHORITY. Any peace officer
14 is authorized to stop any vehicle to require exhibition of
15 the driver's operator ~~or-chauffeur~~ license, to serve a sum-
16 mons or memorandum of traffic violation, to inspect the con-
17 dition of the vehicle, to inspect the vehicle with reference
18 to size, weight, cargo, bills of lading or other manifest
19 of employment, tires and safety equipment, or to inspect the
20 registration certificate, the compensation certificate, travel
21 order, or permit of such vehicle.

22 Sec. 43. Section three hundred twenty-one A point one
23 (321A.1), subsection seven (7), Code 1973, is amended to read
24 as follows:

25 7. OPERATOR. Every person who is in actual physical con-
26 trol of a motor vehicle whether or not licensed as an oper-
27 ator ~~or-chauffeur~~ under the laws of this state.

28 Sec. 44. Section three hundred twenty-one B point fif-
29 teen (321B.15), subsection three (3), Code 1973, is amended
30 to read as follows:

31 3. "Drivers license" means a license to drive a motor
32 vehicle as an operator ~~or-chauffeur~~.

33 Sec. 45. Section three hundred twenty-one E point twenty-
34 six (321E.26), Code 1973, is amended to read as follows:

35 321E.26 DRIVER OF ESCORT VEHICLE--LICENSE REQUIRED. Any

1 operator of an escort vehicle, serving as an escort in the
2 movement of vehicles and loads of excess size and weight un-
3 der permits as required by this chapter shall have a valid
4 operator's ~~or-chauffeur's~~ license.

5 Sec. 46. Section three hundred twenty-five point twenty-
6 nine (325.29), Code 1973, as amended by the Acts of the Sixty-
7 fifth General Assembly, 1973 Session, chapter one hundred
8 forty (140), section thirty-seven (37), is further amended
9 to read as follows:

10 325.29 DRIVER OF VEHICLE. Every driver employed by a
11 motor carrier shall be at least eighteen years of age, in
12 good physical condition, of good moral character, shall be
13 fully competent to operate the motor vehicle under his charge,
14 and shall hold a regular ~~chauffeur's~~ operator's license from
15 the department of public safety.

16 Sec. 47. Section three hundred twenty-seven point eigh-
17 teen (327.18), Code 1973, is amended to read as follows:

18 327.18 DRIVERS--CONDITIONS. Every person driving a mo-
19 tor truck as defined in this chapter shall be at least eigh-
20 teen years of age, in good physical condition, of good moral
21 character, shall be fully competent to operate the motor truck
22 under his charge and shall hold a ~~regular-chauffeur's-license~~
23 ~~from~~ an operator's license issued by the department of public
24 safety and which authorizes the person to operate the truck
25 under his charge.

26 Sec. 48. Section three hundred twenty-seven A point seven
27 (327A.7), Code 1973, as amended by the Acts of the Sixty-fifth
28 General Assembly, 1973 Session, chapter one hundred forty
29 (140), section thirty-eight (38), is further amended to read
30 as follows:

31 327A.7 DRIVERS REQUIREMENTS. Every driver employed by
32 a liquid transport carrier shall be at least eighteen years
33 of age; in good physical condition, of good moral character,
34 shall be fully competent to operate the vehicle under his
35 charge, and shall hold a ~~regular-chauffeur's~~ an operator's

1 license from the department of public safety.

2 Sec. 49. Section seven hundred fifty-three point seven-
3 teen (753.17), subsection two (2), Code 1973, as amended by
4 the Acts of the Sixty-fifth General Assembly, 1973 Session,
5 chapter two hundred eighty-two (282), section eighty-two (82),
6 is further amended to read as follows:

7 2. When the officer believed the defendant did not have
8 in force a valid operator's ~~or-chauffeur's~~ license ~~or-permit~~.

9 Sec. 50. Sections three hundred twenty-one point one hun-
10 dred seventy-five (321.175), three hundred twenty-one point
11 one hundred eighty-eight (321.188), three hundred twenty-one
12 point one hundred ninety-seven (321.197), and three hundred
13 twenty-one point two hundred twenty-one (321.221), are re-
14 pealed.

15 EXPLANATION

16 This bill removes the chauffeur's license provisions from
17 the present law and permits the Department of Public Safety
18 to establish an operator's license classification system un-
19 der the provisions of this bill. Adoption of an operator's
20 license classification system in Iowa will bring Iowa into
21 compliance with the federal highway safety standards adopted
22 by the federal government. The bill also provides that the
23 license shall contain a colored photograph of the licensee.
24 The cost of the license is not increased.

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Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act to require the taking of blood samples from a deceased
2 person killed in automobile accidents to determine the
3 presence of alcohol and controlled substances.

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

5 Section 1. NEW SECTION. When the operator of a motor vehicle
6 is killed in an accident or dies within four hours of a motor
7 vehicle accident and upon request of a peace officer, a licensed
8 physician, medical technologist, or registered nurse designated
9 by a licensed physician shall make such tests as are necessary
10 to determine the presence and percentage of concentration of
11 alcohol, and controlled substance if feasible, in the blood of
12 the deceased. A report shall be filed by the licensed physician,
13 medical tehcnologist, or registered nurse with the department of
14 public safety within five days from the date the tests are con-
15 ducted. The department of public safety shall use the informa-
16 tion for statistical purposes and the records shall be public
17 records under the provisions of chapter sixty-eight A (68A) of
18 the Code.

19 EXPLANATION

20 The purpose of this bill is to permit the Department of
21 Public Safety to gather accurate data to determine how many
22 fatal accidents involve drunken drivers. These records are also
23 declared to be public records. The data may serve a valuable
24 purpose in aiding the Department of develop programs to remove
25 the drinking driver from the roadways of this state.

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