

State of Iowa  
1972

# ACTS AND JOINT RESOLUTIONS

PASSED AT THE

**SECOND REGULAR SESSION**

OF THE

**Sixty-fourth General Assembly**

AND

**DISTRICTING OF THE GENERAL ASSEMBLY  
BY THE SUPREME COURT**

OF THE

**STATE OF IOWA**



**WAYNE A. FAUPEL**  
CODE EDITOR

**PHYLLIS BARRY**  
ASSISTANT CODE EDITOR

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Published by the  
STATE OF IOWA  
Des Moines



# CERTIFICATE

STATE OF IOWA  
Office of Code Editor

8.7.72 Dennis

We, Wayne A. Faupel and Phyllis Barry, Editors of the Code of Iowa, do hereby certify that the Acts, laws and joint resolutions and the certificates by the Secretary of State of the publication or filing thereof contained in this volume have been prepared from the original enrolled Acts on file in the office of the Secretary of State and are correct copies of said Acts and are published under the authority of the statutes of this state and constitute the Acts, laws and joint resolutions of the Second Regular Session of the Sixty-fourth General Assembly of the State of Iowa.

*Wayne A. Faupel*  
*Phyllis Barry*

July 1972.

Section 622.59 of the 1971 Code of Iowa is as follows:

“Printed copies of the statute laws of this or any other of the United States, or of Congress, or of any foreign government, purporting or proved to have been published under the authority thereof, or proved to be commonly admitted as evidence of the existing laws in the courts of such state or government, shall be admitted in the courts of this state as presumptive evidence of such laws.”

## EDITORS' NOTE

The Acts and Resolutions of the Second Regular Session of the Sixty-fourth General Assembly have been printed in this book exactly as they appear on file in the office of the Secretary of State. No attempt has been made to correct misspelled words or errors in punctuation, if any.

The user may be assured that the laws as reproduced herein are exact copies of the enrolled Acts.

Proper editorial changes in spelling and arrangement of subjects, without altering the meaning, will appear in the final embodiment of these Acts in the Code of Iowa.

**Italics indicate new material added to existing statutes; strike-through letters indicate deleted material.**

This volume also contains the Legislative Districting by the Supreme Court.

# CONTENTS

State Roster .....	v
Statement of the Condition of the Treasury.....	xliv
Appropriations .....	1
General Laws .....	11
Special and Legalizing Acts .....	517
Joint Resolutions .....	525
Rules of Civil Procedure .....	528
Legislative Districting .....	531
Tables .....	605
Index .....	617

## STATE OFFICERS

## STATE ROSTER

PREPARED BY THE OFFICE OF SECRETARY OF STATE

List of elective state officers, judges of the supreme, district, and municipal courts, members of the General Assembly, and other state officers, commissions, boards and appointive officers of the State of Iowa, prepared and furnished by the Honorable Melvin D. Synhorst, Secretary of State, for insertion in the published volume of Session Laws for the Sixty-fourth (Second Session) General Assembly in accordance with the requirements of Code section 14.10 (3), 1971 Code of Iowa, as amended.

## OFFICERS, COMMISSIONS AND BOARDS

## ELECTIVE OFFICERS

Name and Office	County from which originally chosen
<b>GOVERNOR</b>	
ROBERT D. RAY .....	Polk
Wythe Willey, Executive Assistant .....	Story
<b>LIEUTENANT GOVERNOR</b>	
ROGER W. JEPSEN .....	Scott
<b>SECRETARY OF STATE</b>	
MELVIN D. SYNHORST .....	Polk
J. Herman Schweiker, Deputy Secretary .....	Polk
<b>AUDITOR OF STATE</b>	
LLOYD R. SMITH .....	Polk
Ray Yenter, Deputy Auditor .....	Johnson
<b>TREASURER OF STATE</b>	
MAURICE E. BARINGER .....	Fayette
Roger G. Barnett, Deputy Treasurer .....	Polk
<b>SECRETARY OF AGRICULTURE</b>	
L. B. LIDDY .....	Van Buren
Robert H. Lounsberry, Deputy Secretary .....	Story
<b>ATTORNEY GENERAL</b>	
RICHARD C. TURNER .....	Pottawattamie
Richard E. Haesemeyer, Solicitor General .....	Polk
John I. Adams, Assistant Attorney General .....	Polk
Douglas R. Carlson, Assistant Attorney General .....	Polk
Joseph Coleman, Assistant Attorney General .....	Polk
Roxanne B. Conlin, Assistant Attorney General .....	Polk
G. Bennett Cullison, Assistant Attorney General .....	Shelby
James C. Davis, Assistant Attorney General .....	Jasper
Julian B. Garrett, Assistant Attorney General .....	Polk
Robert W. Goodwin, Assistant Attorney General .....	Story
Harry M. Griger, Assistant Attorney General .....	Polk
Donald L. Hoeger, Assistant Attorney General .....	Story
Henry Holst, Assistant Attorney General .....	Polk
Robert Jacobson, Assistant Attorney General .....	Polk
John L. Kiener, Assistant Attorney General .....	Winneshiek
Gerald Kuehn, Assistant Attorney General .....	Allamakee
Allen Lukehart, Assistant Attorney General .....	Polk

## STATE OFFICERS—Continued

Name and Office	County from which originally chosen
<b>ATTORNEY GENERAL—Continued</b>	
Michael J. Laughlin, Assistant Attorney General .....	Polk
Jerome F. Lundgren, Assistant Attorney General .....	Wright
Thomas McGrane, Assistant Attorney General .....	Polk
George W. Murray, Special Assistant Attorney General .....	Polk
Elizabeth A. Nolan, Assistant Attorney General .....	Johnson
Clifford E. Peterson, Assistant Attorney General .....	Polk
Franklin W. Sauer, Assistant Attorney General .....	Story
Asher E. Schroeder, Special Assistant Attorney General .....	Woodbury
Larry Seufferer, Assistant Attorney General .....	Polk
Ira Skinner, Assistant Attorney General .....	Buena Vista
Douglas Smalley, Assistant Attorney General .....	Polk
Oscar Strauss, Assistant Attorney General .....	Polk
Gary H. Swanson, Assistant Attorney General .....	Polk
Lorna L. Williams, Special Assistant Attorney General .....	Polk
Richard N. Winder, Assistant Attorney General .....	Polk
John E. Beamer, Special Assistant Attorney General .....	Polk
Larry Blumberg, Assistant Attorney General .....	Polk
James B. Corcoran, Assistant Attorney General .....	Polk

## APPOINTIVE OFFICERS

Name and Office	City or Town from which originally chosen	Term Ending
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## ACCOUNTANCY BOARD

Ch. 116

Earl W. Druehl .....	Davenport .....	June 30, 1972
Elleroy C. Nichols .....	Sioux City .....	June 30, 1973
Harry Carlson .....	Des Moines .....	June 30, 1974

## ADJUTANT GENERAL

Ch. 29A

Major General Joseph G. May .....	Camp Dodge .....	June 30, 1975
Brig. General Ronald Woodin,		Pleasure of
Deputy Adjutant General .....	Camp Dodge .....	the Governor

## AERONAUTICS COMMISSION

Ch. 328

Ray Nyemaster .....	Des Moines .....	June 30, 1973
Laurence A. Straley .....	Clinton .....	June 30, 1973
Bruce H. Van Druff .....	Red Oak .....	June 30, 1975
Norbert D. Baltes .....	Charles City .....	June 30, 1975
Forrest F. McDonald .....	Jefferson .....	June 30, 1977

## AGING, COMMISSION ON THE

Ch. 249B

Robert D. Blue, Director .....	Eagle Grove .....	June 30, 1975
Edward B. Jakubauskas .....	Ames .....	June 30, 1971
Mrs. Thelma Kass .....	Davenport .....	June 30, 1971
W. W. Morris .....	Iowa City .....	June 30, 1973
Clarence W. Tompkins .....	Fort Dodge .....	June 30, 1973
Reverend Fred E. Miller .....	Des Moines .....	June 30, 1973
James N. Gillman .....	Des Moines .....	June 30, 1973

*House Members*

Tom Dougherty .....	Albia .....	June 30, 1973
A. Gordon Stokes .....	LeMars .....	June 30, 1975
Clair Strand .....	Grinnell .....	June 30, 1975

*Senate Members*

Bass Van Gilst .....	Oskaloosa .....	June 30, 1973
Tom Riley .....	Cedar Rapids .....	June 30, 1975
John M. Walsh .....	Dubuque .....	June 30, 1973

## STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
<b>AGRICULTURE PROMOTION BOARD</b>		
By Executive Order		
Richard Albrecht .....	Des Moines	
Ralph Blackford .....	Marion	
John Megown, Chairman .....	Marion	
Max Naylor .....	Jefferson	Pleasure of the Governor
Karl Nolin .....	Ralston	
Thomas R. Smith .....	Perry	
Arnold Waldstein .....	Storm Lake	
D. R. Davidson .....	Chariton	
E. Thurman Gaskill .....	Corwith	
<b>AIR POLLUTION CONTROL COMMISSION</b>		
Ch. 136B		
Arnold Reeve, M.D., Commissioner of Public Health		
Arthur W. Shafer, M.D. ....	Davenport	June 30, 1973
Carl D. Smith .....	Cedar Rapids	June 30, 1973
John H. Jebens .....	Davenport	June 30, 1973
Donald H. McLeod .....	Centerville	June 30, 1973
Graydon Anderson, Chairman .....	Greene	June 30, 1975
Jack L. Roehr .....	Waterloo	June 30, 1975
Dr. W. J. Hausler, Jr. ....	Iowa City	June 30, 1975
Jon McClure .....	Fort Dodge	June 30, 1975
<b>ALCOHOLISM, COMMISSION ON</b>		
§123A.2		
Arnold Reeve, M.D., Commissioner of Public Health		
Judge Louis Fautsch .....	Dubuque	June 30, 1975
Vernon H. Kyhl, Senator .....	Parkersburg	June 30, 1975
K. George Shimoda, D.O. ....	Marshalltown	June 30, 1973
Robert C. Hickie .....	Waverly	June 30, 1973
Reverend Robert A. Roof .....	Cedar Falls	June 30, 1973
Judge Ray Harrison .....	Des Moines	June 30, 1973
Kenneth Seeley .....	Afton	June 30, 1975
Dr. George F. Fieselmann .....	Spencer	June 30, 1975
<b>AMERICAN REVOLUTION BICENTENNIAL COMMISSION</b>		
63 G.A., Ch. 1286		
Melvin D. Synhorst, Secretary of State		
William J. Petersen, Superintendent, State Historical Society		
Jack W. Musgrove, Curator, Department History and Archives		
Fred A. Prierwert, Director, Conservation Commission		
W. Robert Parks, President, Iowa State University		
Willard Boyd, President, State University of Iowa		
Dr. John J. Kamerick, President, University of Northern Iowa		
Chad A. Wymer, Director, Iowa Development Commission		
C. Joseph Coleman, Chairman, Iowa State Fair and World Food Exposition Study Committee		
Kenneth R. Fulk, Fair Board Secretary		
C. Robert Brenton .....	Des Moines	
Robert W. Dillon, Chairman .....	Des Moines	
Don N. Kersten .....	Fort Dodge	
Dr. William G. Murray .....	Ames	
Don C. Muhm .....	West Des Moines	
Mrs. Edwin W. Bruere .....	Cedar Rapids	
Robert M. Stone .....	Chariton	
James W. Hubbell, Jr. ....	Des Moines	
<i>Honorary Members</i>		
Charles Laverty, Senator .....	Indianola	
Lee H. Gaudineer, Jr., Senator .....	Des Moines	
Don Alt, Representative .....	West Des Moines	
Charles Knoblauch, Sr., Representative .....	Carroll	
Steve Zumbaugh .....	Ames	

## STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
<b>APPEAL BOARD</b>		
(Public Contracts and Bonds)		
Ch. 28		
Maurice E. Baringer, Chairman .....	Treasurer of State	
Lloyd R. Smith .....	Auditor of State	
Marvin R. Selden, Jr. ....	Comptroller	
<b>APPEAL BOARD ON STATE INSTITUTION CONSTRUCTION CONTRACTS</b>		
Ch. 22		
Donald Ossian .....	Denison	June 30, 1973
Albert A. Augustine .....	Des Moines	June 30, 1975
Marvin R. Selden, Comptroller .....	Des Moines	Ex Officio Chairman
<b>ARCHITECTURAL EXAMINERS</b>		
Ch. 118		
Gerald I. Griffith, President .....	Des Moines	June 30, 1972
Edward H. Healey .....	Cedar Rapids	June 30, 1972
Eugene C. O'Neil .....	Des Moines	June 30, 1972
Richard H. Brom .....	Waterloo	June 30, 1973
Harold J. Stewart .....	Davenport	June 30, 1974
Lois Kalleen, Executive Secretary		
<b>ARMORY BOARD</b>		
§29A.57		
Major General Joseph G. May .....	Adjutant General	
Col. Keith E. McWilliams .....	Des Moines	
W. K. Backman .....	Des Moines	Pleasure of the Governor
Major General Robert L. Gamrath .....	Fairfield	
Brig. General Roger W. Gilbert .....	Des Moines	
Brig. General Joseph B. Flatt .....	Winterest	
Lt. General Frank P. Williams .....	Cedar Falls	
<b>ARTS COUNCIL</b>		
Ch. 304A		
Mrs. Nancy Moses .....	Ames	June 30, 1972
Mrs. E. R. McDonald, Chairman .....	Davenport	June 30, 1972
Mrs. Lois L. Bliesman .....	Denison	June 30, 1972
Mrs. Richard F. Drake .....	Muscatine	June 30, 1972
David E. Archie .....	Des Moines	June 30, 1972
Wayne A. Norman .....	Dubuque	June 30, 1973
Mrs. Joseph Patrick .....	West Des Moines	June 30, 1973
Richard E. Leet .....	Mason City	June 30, 1973
Richard Williams .....	Cedar Rapids	June 30, 1973
Dr. Lawrence F. Mills .....	Pella	June 30, 1973
Mrs. Elizabeth Bornholdt .....	Avoca	June 30, 1974
Donald J. Maiwurm, Vice-Chairman .....	Fort Dodge	June 30, 1974
Raymond Forsberg .....	Waterloo	June 30, 1974
Dr. Frank Summerside .....	LeMars	June 30, 1974
Stanley Wiederspan .....	Mt. Pleasant	June 30, 1974
Jack E. Olds, Director .....	Cedar Falls	Pleasure of the Governor
<b>ATHLETICS COMMISSIONER</b>		
§727A.2		
Honorable Melvin D. Synhorst .....	Des Moines	Pleasure of the Governor



## STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
<b>ATHLETICS COMMISSIONER'S ADVISORY COMMITTEE</b>		
Ch. 727A		
Al (Babe) Bisignano .....	Des Moines	Pleasure of the Governor
Calvin Crook .....	Newton	
Dave Fidler .....	Des Moines	
Ralph E. Hayes .....	Des Moines	
Clayton L. Johnson .....	Sioux City	
Don Larkin .....	New Hampton	
Harold J. (Gus) Schrader .....	Cedar Rapids	

## BANKING BOARD

§524.205

Oliver Hansen, Superintendent .....	Durant .....	June 30, 1973
Francis Price .....	Des Moines .....	June 30, 1973
John B. Rigler .....	Muscatine .....	June 30, 1973
James W. Cravens .....	Sanborn .....	June 30, 1973
Joseph G. Knock .....	Creston .....	June 30, 1973
Clifford H. Jordan .....	Cedar Rapids .....	June 30, 1973
Ed H. Spetman, Jr. ....	Council Bluffs .....	June 30, 1973

## BASIC SCIENCES BOARD OF EXAMINERS

Ch. 146

Leland P. Johnson, Chairman .....	Des Moines .....	June 30, 1973
W. Bernard King .....	Ames .....	June 30, 1973
Elmer W. Hertel .....	Waverly .....	June 30, 1975
Kenneth MacDonald .....	Iowa City .....	June 30, 1975
Rev. Warren E. Nye .....	Dubuque .....	June 30, 1977
Dr. Irving Y. Fishman .....	Grinnell .....	June 30, 1977

## BLIND, COMMISSION FOR THE

Ch. 93

Mrs. Wayne Bonnell .....	Fort Dodge .....	June 30, 1972
Elwyn Hemken .....	Blairsburg .....	June 30, 1973
Mrs. Thelma Johnson .....	Charles City .....	June 30, 1974

## BONUS BOARD

Ch. 35

Lloyd R. Smith .....	Auditor of State
Maurice E. Baringer .....	Treasurer of State
Major General Joseph G. May .....	Adjutant General
Ray J. Kauffman, Executive Secretary	

## BUDGET AND FINANCIAL CONTROL COMMITTEE

§2.41

*House Members*

Elmer H. Den Herder, Chairman .....	Sioux Center .....	January 31, 1975
Richard M. Radl .....	Lisbon .....	January 31, 1973
Keith Dunton .....	Thornburg .....	January 31, 1973
Alfred Nielsen .....	Defiance .....	January 31, 1973
Edgar H. Holden .....	Davenport .....	January 31, 1975

*Senate Members*

Quentin V. Anderson .....	Beaconsfield .....	January 31, 1975
Charles F. Balloun .....	Toledo .....	January 31, 1975
Bass Van Gilst .....	Oskaloosa .....	January 31, 1975
Francis L. Messerly .....	Cedar Falls .....	January 31, 1973
C. Joseph Coleman .....	Clare .....	January 31, 1973

## STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
<b>BUILDINGS AND GROUNDS SUPERINTENDENT</b>		
Ch. 18		
William F. Gall .....	At the Pleasure of the Executive Council	

## CAPITOL PLANNING COMMISSION

Ch. 18A

William J. Wagner .....	Dallas Center .....	April 30, 1973
Mrs. Polly Moore .....	Des Moines .....	April 30, 1975

*House Members*

Don D. Alt .....	West Des Moines .....	April 30, 1973
Luvern W. Kehe .....	Waverly .....	April 30, 1975

*Senate Members*

Wilson L. Davis .....	Keokuk .....	April 30, 1975
James Potgeter .....	Steamboat Rock .....	April 30, 1973

## CAR DISPATCHER

Ch. 21

Frank A. Crabb .....	Denison .....	Pleasure of the Governor
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## CHEMICAL TECHNOLOGY REVIEW BOARD

§206A.1

L. B. Liddy, Secretary of Agriculture		
Dr. Arnold M. Reeve, Commissioner of Public Health		
Othie R. McMurry, Director of the Iowa Natural Resources Council		
George Annan, Chairman of the State Soil Conservation Committee		
Robert E. Hays, Chief Executive of the League of Iowa Municipalities		
Fred A. Priewert, Director of the State Conservation Commission		
Dr. Marvin A. Anderson, Acting Dean, College of Agriculture, Iowa State University		
Gordon E. Mau .....	New Hampton .....	June 30, 1974
Robert C. Yapp .....	Des Moines .....	June 30, 1974

## CHILD LABOR COMMITTEE

§92.21

Jerry Addy, Chairman		
Giles J. Smith, Public Instruction Department		
John Spear, Employment Security Commission		
Mrs. Forrest K. Binger .....	Cedar Rapids .....	June 30, 1974
Patrick E. Glenn .....	Granger .....	June 30, 1974

## CIVIL DEFENSE ADVISORY COUNCIL

Ch. 29C

Mayor Lloyd Turner, Chairman .....	Waterloo .....	July 4, 1973
Richard C. Morgan, Vice-Chairman .....	Des Moines .....	July 4, 1972
Richard L. Grove .....	Barnum .....	July 4, 1972
Floyd Nelson .....	Ames .....	July 4, 1972
Rex R. Gross .....	Colo .....	July 4, 1973
Ira M. Kiser .....	Davenport .....	July 4, 1973
Albert R. Maricle, Director .....	Waterloo .....	July 3, 1973

## CIVIL RIGHTS COMMISSION

Ch. 105A

Mrs. Cliff Skogstrom .....	Algona .....	June 30, 1973
George F. Garcia .....	Coralville .....	June 30, 1973
Vacant .....		June 30, 1973
Mrs. Elizabeth Kruidenier .....	Des Moines .....	June 30, 1975
DeEdwin F. White .....	Burlington .....	June 30, 1975
Sam W. Brown .....	Council Bluffs .....	June 30, 1973
Alvin Hayes, Jr., Executive Director		

## STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
<b>CODE EDITOR</b>		
Ch. 14		
Wayne A. Faupel .....	Clear Lake .....	Pleasure of the Supreme Court
Phyllis Barry, Assistant .....	Des Moines .....	
<b>COMMERCE COMMISSION</b>		
Ch. 474		
Maurice Van Nostrand, Chairman .....	Des Moines .....	June 30, 1977
Fred Moore .....	Des Moines .....	June 30, 1973
Howard Bell .....	Ames .....	June 30, 1975
Dean A. Briley, Executive Secretary		
<b>COMPTROLLER</b>		
Ch. 8		
Marvin R. Selden, Jr. ....	Des Moines .....	Pleasure of the Governor
<b>CONSERVATION COMMISSION</b>		
Ch. 107		
Keith McNurlen, D.D.S., Chairman .....	Ames .....	June 30, 1977
Ed Weinheimer .....	Fontanelle .....	June 30, 1973
William E. Noble .....	Oelwein .....	June 30, 1973
Leslie L. Licklider .....	Cherokee .....	June 30, 1975
James D. Bixler .....	Council Bluffs .....	June 30, 1975
John Link .....	Burlington .....	June 30, 1975
Fred A. Priewert, Director		
<b>CONSERVATION OF OUTDOOR RESOURCES, GOVERNOR'S COMMITTEE</b>		
Mrs. Dorothy Baringer .....	West Des Moines .....	January 1, 1973
Kenneth Benda .....	Hartwick .....	January 1, 1973
Henry Bradshaw .....	West Des Moines .....	January 1, 1973
Dr. Bernard Clausen .....	Cedar Falls .....	January 1, 1973
Mrs. Helen Crabb .....	Jamaica .....	January 1, 1973
Robert W. Dillon .....	Des Moines .....	January 1, 1973
Alden J. Erskine, Senator .....	Sioux City .....	January 1, 1973
Sherry Fisher .....	Des Moines .....	January 1, 1973
Prof. Arnold O. Haugen .....	Ames .....	January 1, 1973
Earl Jarvis .....	Wilton Junction .....	January 1, 1973
Keith Kirkpatrick .....	Des Moines .....	January 1, 1973
Dr. George Knudson .....	Decorah .....	January 1, 1973
Ervin J. J. Koos .....	Shelby .....	January 1, 1973
Gene Kragenbrink .....	Des Moines .....	January 1, 1973
Mrs. Ruby Kruse .....	Marshalltown .....	January 1, 1973
Lawrence Ladin .....	Des Moines .....	January 1, 1973
Dr. Roger Landers .....	Ames .....	January 1, 1973
Frank Mendell .....	Des Moines .....	January 1, 1973
Mrs. H. J. Minglin .....	Auburn .....	January 1, 1973
Dr. Robert Morris .....	Iowa City .....	January 1, 1973
Clifford M. Naser .....	Fort Dodge .....	January 1, 1973
Addison Parker, Jr. ....	Des Moines .....	January 1, 1973
Wendell Pellet, Representative .....	Atlantic .....	January 1, 1973
Robert Russell .....	Iowa City .....	January 1, 1973
Dale Tieden, Representative .....	Elkader .....	January 1, 1973
Ries Tuttle .....	Des Moines .....	January 1, 1973
George A. Wilson, Jr. ....	Des Moines .....	January 1, 1973
George Woods .....	Cresco .....	January 1, 1973
Mike Zack .....	Mason City .....	January 1, 1973
Robert Engelman .....	Des Moines .....	January 1, 1973

## STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
<b>CRIME COMMISSION</b>		
Ch. 80C		
Forrest V. Schwengels .....	Fairfield	
Reynold P. Jurgensen .....	Clinton	
David Dutton .....	Waterloo	
James Van Ginkel .....	Atlantic	
F. O. Rosenberger .....	Sioux City	
J. R. Barden .....	Tipton	
Carroll Engelkes .....	Grundy Center	Pleasure of the Governor
Al Vogt .....	Dubuque	
George J. Matias .....	Cedar Rapids	
Leo Oxberger .....	Ankeny	
Watson Powell, Jr. ....	Des Moines	
Wardell Greer .....	Sioux City	
David Nelsen .....	Mason City	
Ray Robinson .....	State Center	
Robert Jacobson .....	Iowa City	
Father Thomas Rhomberg .....	Dubuque	
Mrs. W. D. Edgerton .....	Davenport	
Cliff Wilson, Jr. ....	Conrad	
Mrs. A. M. Strohbehn .....	Council Bluffs	
John D. Scarlett .....	Des Moines	
Richard Turner, Attorney General		
Michael Sellers, Commissioner of Public Safety		
Robert D. Blair, Director, Bureau of Criminal Investigation		
John F. Callaghan, Director, Iowa Law Enforcement Academy		
Nolan Ellandson, Director, Bureau of Adult Correction Services		
R. Dean Arbuckle, Senator .....	Jefferson	
Robert M. Kreamer, Representative .....	Des Moines	
George L. Paul .....	Brooklyn	
Justice W. Ward Reynoldson .....	Des Moines	
Colonel Howard S. Miller .....	Ames	
George W. Orr, Executive Director		
Charles W. Larson, Deputy Director		

**DENTISTRY BOARD**

Ch. 153

Carl Ostrem, D.D.S., Secretary .....	Des Moines	June 30, 1972
A. J. Kalb, D.D.S. ....	Dubuque	June 30, 1973
Harold W. Sidwell, D.D.S. ....	Villisca	June 30, 1974
A. Miles Olson, D.D.S. ....	Laurens	June 30, 1975
David Wolf, D.D.S. ....	Cedar Rapids	June 30, 1976

**DEPARTMENTAL RULES REVIEW COMMITTEE**

Ch. 17A

*House Members*

Charles E. Grassley, Chairman .....	New Hartford	April 30, 1975
Elizabeth Shaw, Vice-Chairman .....	Davenport	April 30, 1973
D. Vincent Mayberry .....	Fort Dodge	April 30, 1973

*Senate Members*

James F. Schaben .....	Dunlap	April 30, 1975
Rudy Van Drie .....	Ames	April 30, 1973
Wayne D. Keith .....	Algona	April 30, 1975
Phyllis V. Barry, Secretary		

**DEVELOPMENT COMMISSION, IOWA**

Ch. 28

John P. Tinley .....	Shenandoah	June 30, 1972
Frank W. Griffith .....	Sioux City	June 30, 1972
Robert K. Beck .....	Centerville	June 30, 1973

## STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
DEVELOPMENT COMMISSION—Continued		
William W. Summerwill .....	Iowa City .....	June 30, 1973
James W. Callison, Vice-Chairman .....	Des Moines .....	June 30, 1973
Robert A. Young, Sr. ....	Waterloo .....	June 30, 1973
Forrest J. Mitchell, Jr. ....	Grinnell .....	June 30, 1973
John P. Bickel .....	Cedar Rapids .....	June 30, 1974
E. A. Hayes, Chairman .....	Mount Pleasant .....	June 30, 1974
Kenneth H. Jolsin .....	Minburn .....	June 30, 1975
Karl Nolin .....	Ralston .....	June 30, 1975
Chad A. Wymer, Director .....	Pleasure of the Governor	

## DEVELOPMENTAL DISABILITIES COUNCIL

Stat. L.

Margaret G. Westerhof .....	Carlisle .....	December 31, 1973
John C. MacQueen, M.D. ....	Iowa City .....	December 31, 1973
Jack Harvey .....	Urbandale .....	December 31, 1973
Jerry L. Starkweather .....	Norwalk .....	December 31, 1973
Richard E. Fischer .....	Des Moines .....	December 31, 1973
Elizabeth D. Procter, M.D. ....	Des Moines .....	December 31, 1973
Rolfe B. Karlsson .....	Des Moines .....	December 31, 1973
Mrs. Eva Teppert .....	Des Moines .....	December 31, 1973
Mrs. Elodie A. Manternach .....	Watkins .....	December 31, 1973
Mrs. Betty W. (Leslie) Bader .....	Des Moines .....	December 31, 1973
Paul C. Vance, Ed. C. ....	Des Moines .....	December 31, 1973
Mrs. Florence Bear .....	Tama .....	December 31, 1973
Marshall Smith, Jr. ....	Des Moines .....	December 31, 1973
Ronald D. Eckoff, M.D. ....	Cumming .....	December 31, 1973
Reverend Maurice O. Smith .....	Washington .....	December 31, 1973
Mrs. Evelynne Villines .....	Des Moines .....	December 31, 1973
Joseph P. Deeney .....	Waukon .....	December 31, 1973
Mrs. Wanda Schnebly .....	Forest City .....	December 31, 1973
Howard F. Garton .....	West Bend .....	December 31, 1973
William Jackson, M.D. ....	Sioux City .....	December 31, 1973
Mrs. Elizabeth McTigue .....	Fort Dodge .....	December 31, 1973
Richard Ploeger, Ed.D. ....	Marshalltown .....	December 31, 1973
Rodney H. Dawson .....	Waterloo .....	December 31, 1973
Mrs. Mary Hickey .....	Dubuque .....	December 31, 1973
Harold R. Bridges .....	Muscatine .....	December 31, 1973
Ira E. Larson .....	Cedar Rapids .....	December 31, 1973
Mrs. Jewell Snider .....	Des Moines .....	December 31, 1973
Everett M. Crane .....	Vail .....	December 31, 1973
Einer M. Juel, M.D. ....	Atlantic .....	December 31, 1973
Richard T. Owens, Ed.D. ....	Creston .....	December 31, 1973
Thomas R. Johnson .....	Ottumwa .....	December 31, 1973
Mrs. Hazel Linquist .....	Keokuk .....	December 31, 1973
Dr. Conrad R. Wurtz .....	Des Moines .....	December 31, 1973

## ECONOMIC OPPORTUNITY OFFICE

Robert F. Tyson, Director .....	Shenandoah .....	Pleasure of the Governor
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## EDUCATIONAL RADIO AND TELEVISION FACILITY BOARD

§8A.7

Dr. Robert F. Ray, Chairman .....	Iowa City .....	June 30, 1973
William B. Quarton .....	Cedar Rapids .....	June 30, 1974
Louis E. Smith .....	Indianola .....	June 30, 1972
Lester D. Menke .....	Calumet .....	June 30, 1973
Paul Johnston .....	Des Moines .....	June 30, 1974
John E. van der Linden .....	Sibley .....	June 30, 1973
Mrs. Earl G. Sievers .....	Avoca .....	June 30, 1972
John Baldrige .....	Chariton .....	June 30, 1972
Ralph H. Wallace .....	Mason City .....	June 30, 1974

## STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
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## EMPLOYMENT AGENCY LICENSING COMMISSION

Ch. 95

Melvin D. Synhorst .....	Secretary of State	
Robert C. Landess .....	Industrial Commissioner	
Jerry L. Addy .....	Labor Commissioner	

## EMPLOYMENT OF THE HANDICAPPED

Ch. 93A

James N. Bethel .....	Des Moines	June 30, 1972
Mrs. Ferne G. Bonomi .....	Des Moines	June 30, 1972
Miss Rebecca Christian .....	Des Moines	June 30, 1972
Hugh D. Clark .....	Des Moines	June 30, 1972
Wm. D. deGravelles, Jr. ....	Des Moines	June 30, 1972
Keith Duntton, Representative .....	Thornburg	June 30, 1972
K. R. Ernst, O.D. ....	Waterloo	June 30, 1972
Ron Grooms .....	Ames	June 30, 1972
Merill E. Hunt .....	Des Moines	June 30, 1972
Rolfe B. Karlsson .....	Des Moines	June 30, 1972
Edward K. Kelley .....	Des Moines	June 30, 1972
Edward F. McCartan .....	Des Moines	June 30, 1972
Ralph G. Neppel .....	Iowa City	June 30, 1972
H. S. Palmer .....	Oskaloosa	June 30, 1972
Lou Pomerantz .....	Des Moines	June 30, 1972
Julian Torgerson .....	Sioux City	June 30, 1972
Mrs. Carrol M. Unga .....	Clear Lake	June 30, 1972
James M. Boyer .....	Cedar Rapids	June 30, 1973
Hugh Doty .....	Mechanicsville	June 30, 1973
Ronald Herrig .....	Dubuque	June 30, 1973
Richard V. Hopkins .....	Davenport	June 30, 1973
Paul G. Law .....	Des Moines	June 30, 1973
Fran H. Lowder .....	Mason City	June 30, 1973
Earl G. Lynn .....	Des Moines	June 30, 1973
Rex McMahill .....	Woodward	June 30, 1973
Sister Mary Miguel .....	Council Bluffs	June 30, 1973
Harlan S. Miller .....	Des Moines	June 30, 1973
George T. Nickolas .....	Davenport	June 30, 1973
Nate Ruben .....	Des Moines	June 30, 1973
Mrs. Virginia Harper .....	Fort Dodge	June 30, 1973

## EMPLOYMENT SAFETY COMMISSION

Ch. 88A

William C. Leachman .....	Des Moines	June 30, 1973
William G. Aringdale .....	Davenport	June 30, 1973
Ray B. Lauterbach .....	Perry	June 30, 1975
Myron (Mike) L. Lorenzen .....	Waterloo	June 30, 1975
Sam Kinsinger .....	Ottumwa	June 30, 1975
Virgil Jones .....	Storm Lake	June 30, 1977
Vacancy .....		June 30, 1977
Vacancy .....		June 30, 1977

## EMPLOYMENT SECURITY COMMISSION

§96.10

Abe D. Clayman .....	West Des Moines	June 30, 1977
James Klein .....	Lake Mills	June 30, 1973
George A. Lundberg .....	Des Moines	June 30, 1975

STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
<b>ENGINEERING EXAMINERS BOARD</b>		
Ch. 114		
Henry M. Black .....	Ames .....	June 30, 1973
Eldo W. Schornhorst .....	Spencer .....	June 30, 1975
Noel W. Willis .....	Iowa City .....	June 30, 1975
Robert D. Reckert .....	Rock Rapids .....	June 30, 1975
West C. Wellman, Secretary		

**EXECUTIVE COUNCIL**

Ch. 19

Robert D. Ray, Governor  
 Melvin D. Synhorst, Secretary of State  
 Lloyd R. Smith, Auditor of State  
 Maurice E. Baringer, Treasurer of State  
 L. B. Liddy, Secretary of Agriculture  
 West C. Wellman, Secretary

**FAIR BOARD**

Ch. 173

C. C. Wagler, President .....Bloomfield  
 C. J. Matthiessen, Vice-President .....Monticello  
 Thomas N. Scott, Treasurer .....Dallas Center  
 Kenneth R. Fulk, Secretary .....Des Moines  
 Don Greiman .....Garner  
 Howard Waters .....Danville  
 Joe Deeney .....Waukon  
 W. L. Young .....Altoona  
 Jean M. Kleve .....Humboldt  
 G. W. Prince .....Guthrie Center  
 Robert D. Ray, Governor  
 W. Robert Parks, President, Iowa State University, Ames  
 L. B. Liddy, Secretary of Agriculture  
 H. M. Duncan, Director .....Columbus Junction

**IOWA STATE FAIR AND WORLD FOOD EXPOSITION  
 INTERIM COMMITTEE**

*House Members*

William H. Harbor, Speaker of the House  
 Norman G. Rodgers .....Adel

*Senate Members*

Roger W. Jepsen, President of the Senate  
 C. Joseph Coleman .....Clare  
 L. B. Liddy, Secretary of Agriculture  
 Lyle Kreps, Director, Marketing Division, Department of Agriculture  
 W. Robert Parks, President, Iowa State University  
 Chad A. Wymer, Director, Iowa Development Commission  
 Chris Wagler, President, Iowa State Fair Board  
 Kenneth R. Fulk, Secretary, Iowa State Fair Board

**FIRE MARSHAL**

Ch. 100

Wilbur R. Johnson .....Ottumwa  
 Reynold Hentges, Assistant Fire Marshal

**GENERAL SERVICES**

64 G. A., Ch. 84

Stanley McCausland, Director

## STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
<b>GEOLOGICAL BOARD</b> Ch. 305		
Robert D. Ray, Governor		
Lloyd R. Smith, Auditor of State		
Willard Boyd, President, State University of Iowa		
W. Robert Parks, President, Iowa State University of Science and Technology		
Arnold Hougen, President, Iowa Academy of Science		
Dr. Samuel J. Tuthill, Director		
<b>GEOLOGIST</b> Ch. 305		
Dr. Samuel J. Tuthill.....		Pleasure of the Geological Board
Orville J. Baneck, Assistant		
<b>HEALTH, BOARD OF</b> Ch. 136		
Ex Officio Members:		
Robert D. Ray, Governor		
Melvin D. Synhorst, Secretary of State		
Lloyd R. Smith, Auditor of State		
Maurice E. Baringer, Treasurer of State		
L. B. Liddy, Secretary of Agriculture		
Members:		
Harry C. Rasdal, D.O. ....	Spencer .....	June 30, 1972
Albert J. Soucek, D.D.S. ....	Iowa City .....	June 30, 1972
Mrs. Richard Maas, R.N. ....	Liscomb .....	June 30, 1972
Charles D. Mullinex .....	Cedar Rapids .....	June 30, 1973
E. E. Gamet, M.D. ....	Lamoni .....	June 30, 1973
John C. Edgerton, D.O. ....	Manning .....	June 30, 1973
Dr. Paul Seebohm .....	Iowa City .....	June 30, 1974
Dr. Vaughn Seaton .....	Ames .....	June 30, 1974
P. J. Leehey, M.D. ....	Independence .....	June 30, 1974
<b>HEALTH, COMMISSIONER OF</b> Ch. 135		
Dr. Arnold M. Reeve .....	Des Moines .....	June 30, 1973
R. J. Schliekelman, Chief of Environmental Engineering Service		
<b>HEALTH DEPARTMENT</b> Ch. 147		
Practice Acts Examining Boards		
<i>Barber Examiners</i>		
Leslie W. Jones .....	Burlington .....	June 30, 1972
Alfred D. Wilson .....	Des Moines .....	June 30, 1973
Merlyn V. Boyken .....	Waterloo .....	June 30, 1974
<i>Chiropractic Examiners</i>		
Dr. Anthony P. Untz .....	Dyersville .....	June 30, 1974
E. C. Vorland, D.C. ....	Cedar Falls .....	June 30, 1972
Gerald Whitten, D.C. ....	Des Moines .....	June 30, 1973
<i>Cosmetology Examiners</i>		
George R. Uhl .....	Cedar Rapids .....	June 30, 1972
Mrs. Betty J. Tull .....	Creston .....	June 30, 1973
Mrs. Marian Lokken .....	Ames .....	June 30, 1974
<i>Funeral Director and Embalmer Examiners</i>		
George F. Murdoch .....	Marion .....	June 30, 1972
Dwight K. Wagler .....	Griswold .....	June 30, 1973
Maurice J. Tierney .....	Dubuque .....	June 30, 1974



## STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
Practice Acts Examining Boards—Continued		
<i>Medical Examiners</i>		
Kenneth E. Lister, M.D. ....	Ottumwa .....	June 30, 1974
Dr. Howard G. Ellis, M.D. ....	Des Moines .....	June 30, 1977
Frank R. Peterson, M.D. ....	Cedar Rapids .....	June 30, 1972
John K. MacGregor, M.D. ....	Mason City .....	June 30, 1973
Kenneth R. Carrell, D.O. ....	Columbus Junction .....	June 30, 1974
Roger B. Anderson, D.C. ....	Davenport .....	June 30, 1975
John M. Rhodes, M.D. ....	Pocahontas .....	June 30, 1975
John W. Billingsley, M.D. ....	Newton .....	June 30, 1976
<i>Optometry Examiners</i>		
H. Ray Wilson, O.D. ....	Forest City .....	June 30, 1972
C. E. Nichols, O.D. ....	Clarinda .....	June 30, 1973
K. O. McMaster, O.D. ....	Oelwein .....	June 30, 1974
<i>Pharmacy Examiners</i>		
Dwight E. Fry .....	Greenfield .....	June 30, 1972
Thomas W. Kenefick .....	Eagle Grove .....	June 30, 1973
Charles A. Hughes .....	Emmetsburg .....	June 30, 1974
<i>Physical Therapy Examiners</i>		
Nancy Thompson .....	Des Moines .....	June 30, 1974
William R. Whitmore, M.D. ....	Davenport .....	June 30, 1974
Philip G. Abood .....	Marshalltown .....	June 30, 1972
William R. Schober .....	Mason City .....	June 30, 1973
<i>Podiatry Examiners</i>		
Russell R. Schivley .....	Fort Madison .....	June 30, 1972
Calvin B. Dunshee, D.S.C. ....	Oskaloosa .....	June 30, 1973
W. L. Franson, D.S.C. ....	Perry .....	June 30, 1974

HEALTH PLANNING ADVISORY COUNCIL,  
COMPREHENSIVE

Stat. L. 89-749

Robert Garrison, Chairman .....	Emmetsburg
Maurice TePaske, Vice-Chairman .....	Sioux Center
William Logan .....	Keokuk
Gilbert Cranberg .....	Des Moines
Richard Dean .....	Mason City
Elmer Den Herder, Representative .....	Sioux Center
Mrs. Louise Goldman .....	Davenport
Keith L. Kirkpatrick .....	Des Moines
Donald S. McGill .....	Melrose
William R. Pierce, Jr. ....	Creston
A. J. Shakeshaft .....	Ames
Mrs. Wilmer Johnson .....	Des Moines
Reverend M. O. Smith .....	Washington
A. L. Smulekoff .....	Cedar Rapids
Ivan J. Ackerman .....	Waverly
James A. Cox .....	Fort Dodge
Dr. James C. Hickman .....	Iowa City
James Wengert .....	Des Moines
Kenneth Barrows .....	Des Moines
Howard Benshoof .....	Des Moines
Julius S. Conner .....	Des Moines
Mrs. Janet K. Specht .....	Marshalltown
Mrs. Nadine Lindsay .....	Glidden
Mrs. Helen Henderson .....	Des Moines
John Herrick, D.V.M. ....	Ames
James D. Mahoney, M.D. ....	Council Bluffs
B. F. Brown .....	Iowa City
John MacQueen, M.D. ....	Iowa City
Rufus J. Moellers .....	Ridgeway

Pleasure of  
the Governor

## STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
HEALTH PLANNING ADVISORY COUNCIL—Continued		
Donald J. Soll, M.D. ....	Denison	
Albert J. Soucek, D.D.S. ....	Iowa City	
John H. Sunderbruch, M.D. ....	Davenport	
Mrs. Marian Van Fossen, R.N. ....	Cedar Rapids	
Clive R. Ayers, D.O. ....	Atlantic	
Dr. Harry B. Weinberg ....	Iowa City	

## HIGHER EDUCATION FACILITIES COMMISSION

## Ch. 261

Paul Johnston, Superintendent of Public Instruction		
Ray Bailey, Executive Secretary .....	Clarion .....	June 30, 1972
Robert H. Kaiser .....	Sioux City .....	June 30, 1973
Willard R. Hansen, Representative .....	Cedar Falls .....	June 30, 1975
Rudy Van Drie, Senator .....	Ames .....	June 30, 1975
Robert Williams .....	Des Moines .....	June 30, 1975
Dr. Lloyd Watkins .....	West Des Moines .....	June 30, 1975
Mrs. Georgia C. Nye .....	Cedar Rapids .....	June 30, 1973
Keith S. Noah .....	Charles City .....	June 30, 1973
Norman W. Kladstrup, Executive Director		
Willis Ann Wolff, Director, Student Aid Programs		
Richard D. Zwemke, Director, Federal Programs		

## HIGHWAY COMMISSION

## Ch. 307

William O. Gray, Chairman .....	Cedar Rapids .....	June 30, 1973
Stephen Garst .....	Coon Rapids .....	June 30, 1973
Robert R. Rigler .....	New Hampton .....	June 30, 1975
Harry F. Reed .....	Winterset .....	June 30, 1975
Jules M. Busker .....	Sioux City .....	June 30, 1975
Joseph R. Coupal, Jr., Director of Highways		
Howard E. Gunderson, Chief Engineer		

## HISTORY AND ARCHIVES DEPARTMENT

## §303.3

Jack W. Musgrove, Curator .....	Des Moines .....	July 1, 1972
Linda K. Thomas, Editor Annals .....	Des Moines .....	July 31, 1972

## HISTORICAL SOCIETY

## Ch. 304

## (Board of Curators)

Edgar V. Epperly .....	Decorah .....	June 27, 1972
Lawrence E. Gelfand .....	Iowa City .....	June 27, 1972
Herbert V. Hake .....	Cedar Falls .....	June 27, 1972
Mrs. Adelaide S. Keeney .....	Grinnell .....	June 27, 1972
Harry Mauck, Jr. ....	Council Bluffs .....	June 27, 1972
Mrs. David O. Shaff .....	Clinton .....	June 27, 1972
Miss Percie Van Alstine .....	Gilmore City .....	June 27, 1972
Dr. Dean Zenor .....	Iowa City .....	June 27, 1972
Judge Robert Larson .....	Iowa City .....	June 30, 1973
Edward W. Lucas .....	Iowa City .....	June 30, 1973
L. C. Rummells .....	West Branch .....	June 30, 1973
Walter F. Schmidt .....	Iowa City .....	June 30, 1973
Herman B. Lord .....	Muscatine .....	June 30, 1973
Marion R. Neely .....	Iowa City .....	June 30, 1973
James Mesmith .....	Iowa City .....	June 30, 1973
W. Howard Smith .....	Cedar Rapids .....	June 30, 1973

## STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
<b>HOSPITAL AND OTHER HEALTH FACILITIES ADVISORY COUNCIL</b>		
§135A.5		
Ken Hobsen .....	Cherokee .....	June 30, 1975
Richard G. Schreiber .....	Ottumwa .....	June 30, 1972
Bernard M. Graheck .....	Cedar Rapids .....	June 30, 1973
Charles Ingersoll .....	Des Moines .....	June 30, 1974
Meily A. Scheldorf .....	Manning .....	June 30, 1973
Dr. Terry F. Dynes .....	Decorah .....	June 30, 1975
K. E. Lister, M.D. ....	Ottumwa .....	June 30, 1972
John E. Tyrrell, M.D. ....	Manchester .....	June 30, 1973
Dr. William C. Keettel .....	Iowa City .....	June 30, 1974
Myron N. Box, D.O. ....	Albia .....	June 30, 1975
Jerry Starkweather .....	Des Moines .....	June 30, 1972
Alan D. Hathaway, D.D.S. ....	Davenport .....	June 30, 1971
Sister Mary Clarence McDonald .....	Cedar Rapids .....	June 30, 1974
Harold Godbersen .....	Ida Grove .....	June 30, 1975
Mrs. William Stillman .....	Emmetsburg .....	June 30, 1975
Mrs. Linda Garten .....	Des Moines .....	June 30, 1975
George Christensen .....	Marne .....	June 30, 1972
Mrs. Donald L. Duglosch .....	Storm Lake .....	June 30, 1972
Howard W. Greiner .....	Wellman .....	June 30, 1972
Mrs. Velma L. Bledsoe .....	Avoca .....	June 30, 1973
Mrs. June Goldman .....	Forest City .....	June 30, 1973
Darrel L. Rensink .....	Sioux Center .....	June 30, 1973
Robert E. Roberts .....	West Des Moines .....	June 30, 1973
Mrs. Bernice Wolf .....	Mason City .....	June 30, 1974
Elmer H. Den Herder, Representative .....	Sioux Center .....	June 30, 1974
Mrs. Jean McMurray .....	Webster City .....	June 30, 1974

## INDUSTRIAL COMMISSIONER

Ch. 86

Robert C. Landess .....	West Des Moines.....	June 30, 1973
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## INSURANCE COMMISSIONER

Ch. 505

William H. Huff III .....	Des Moines .....	June 30, 1975
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## INTERSTATE CO-OPERATION COMMISSION

Ch. 28B

Robert D. Ray, Governor		
Roger W. Jepsen, President of the Senate		
William H. Harbor, Speaker of the House		
Maurice Baringer, Treasurer of State .....	West Des Moines.....	April 30, 1973
Marvin R. Selden, Jr., Comptroller of State .....	West Des Moines.....	April 30, 1973
Clayton L. Ringgenberg .....	Iowa City .....	April 30, 1973

*House Members*

Vernon N. Bennett .....	Des Moines .....	April 30, 1973
John Camp .....	Bryant .....	April 30, 1973
Harold O. Fischer .....	Wellsburg .....	April 30, 1973
Joan Lipsky .....	Cedar Rapids .....	April 30, 1973
Dale Tieden .....	Elkader .....	April 30, 1973

*Senate Members*

Vernon H. Kyhl .....	Parkersburg .....	April 30, 1973
James F. Schaben .....	Dunlap .....	April 30, 1973
John M. Walsh .....	Dubuque .....	April 30, 1973
James A. Potgeter .....	Steamboat Rock .....	April 30, 1973
James W. Griffin, Sr. ....	Council Bluffs .....	April 30, 1973
Serge Garrison, Secretary		

STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
<b>STATE JUDICIAL NOMINATING COMMISSION</b>		
<b>APPOINTIVE</b>		
§46.1		
Edris H. Owens .....	Newton .....	June 30, 1973
John M. Downey .....	Des Moines .....	June 30, 1973
Mrs. William Robinson .....	Hampton .....	June 30, 1975
William Sorenson .....	Jefferson .....	June 30, 1975
C. H. Wildman .....	Davenport .....	June 30, 1977
Donald Balster .....	Marion .....	June 30, 1977
William Beck .....	Spirit Lake .....	June 30, 1977

<b>ELECTIVE</b>		
§46.2		
Don K. Walter .....	Burlington .....	June 30, 1975
William M. Dallas .....	Cedar Rapids .....	June 30, 1975
Richard G. Zellhoefer .....	Waterloo .....	June 30, 1973
John W. Tobin .....	Vinton .....	June 30, 1977
Arthur H. Johnson .....	Fort Dodge .....	June 30, 1977
Wendell Pendleton .....	Storm Lake .....	June 30, 1975
Philip J. Willson .....	Council Bluffs .....	June 30, 1973

DISTRICT JUDICIAL NOMINATING COMMISSIONS

64 G.A., Ch. 261

*Election District 1A*

<b>APPOINTIVE</b>		
Mrs. Lew Ella Strand .....	Ossian .....	Jan. 31, 1974
Noble Pugh .....	Strawberry Point .....	Jan. 31, 1974
Mrs. Jill Tracey .....	Manchester .....	Jan. 31, 1976
Dr. Milton F. Schlein .....	Postville .....	Jan. 31, 1976
Mrs. Charlotte Kelly .....	Dubuque .....	Jan. 31, 1978

<b>ELECTIVE</b>		
Donald R. Breitbach .....	Dubuque .....	Jan. 31, 1976
James Hart .....	Elkader .....	Jan. 31, 1974
Alfred Hughes .....	Dubuque .....	Jan. 31, 1978
Arthur H. Jacobson .....	Waukon .....	Jan. 31, 1976
Charles A. Kintzinger .....	Dubuque .....	Jan. 31, 1978

*Election District 1B*

<b>APPOINTIVE</b>		
Mrs. Georgia Hutchison .....	Oelwein .....	Jan. 31, 1976
Keith Burbridge .....	Cedar Falls .....	Jan. 31, 1974
Vail H. Hess .....	Grundy Center .....	Jan. 31, 1974
Robert W. Giertz .....	Waterloo .....	Jan. 31, 1976
John J. Burgess .....	Cresco .....	Jan. 31, 1978

<b>ELECTIVE</b>		
Henry L. Elwood .....	Cresco .....	Jan. 31, 1976
Upton B. Kepford .....	Waterloo .....	Jan. 31, 1978
John W. Rathert .....	Waterloo .....	Jan. 31, 1976
Leroy H. Redfern .....	Cedar Falls .....	Jan. 31, 1974
Carl A. Greif .....	Independence .....	Jan. 31, 1974

*Election District 2A*

<b>APPOINTIVE</b>		
Dr. H. G. Marinos .....	Mason City .....	Jan. 31, 1974
Dean Kline .....	Charles City .....	Jan. 31, 1974
Frank Jeffrey .....	Mason City .....	Jan. 31, 1976
Charles H. Dick .....	Hampton .....	Jan. 31, 1976
Max Eggleston .....	Waverly .....	Jan. 31, 1978

## STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
<b>DISTRICT JUDICIAL NOMINATING COMMISSION—Continued</b>		
<b>ELECTIVE</b>		
B. C. Berge .....	Garner .....	Jan. 31, 1974
W. K. Carr .....	Charles City .....	Jan. 31, 1976
A. G. Dunkelberg .....	Osage .....	Jan. 31, 1978
William H. Engelbrecht .....	Waverly .....	Jan. 31, 1976
Walter C. Schroeder .....	Mason City .....	Jan. 31, 1978
<i>Election District 2B</i>		
<b>APPOINTIVE</b>		
Dr. Paul Ferguson .....	Lake City .....	Jan. 31, 1974
Jon E. McClure .....	Fort Dodge .....	Jan. 31, 1974
Chase McLaughlin .....	Humboldt .....	Jan. 31, 1976
Frank Cervetti .....	Marshalltown .....	Jan. 31, 1976
Mrs. Carolyn Houk .....	Jefferson .....	Jan. 31, 1978
<b>ELECTIVE</b>		
W. K. Doran .....	Boone .....	Jan. 31, 1974
Whitley M. Hemingway .....	Webster City .....	Jan. 31, 1976
Craig L. Johnson .....	Marshalltown .....	Jan. 31, 1978
Thomas L. McCullough .....	Sac City .....	Jan. 31, 1978
Edward S. White .....	Carroll .....	Jan. 31, 1976
<i>Election District 3A</i>		
<b>APPOINTIVE</b>		
Tom Howe .....	Spencer .....	Jan. 31, 1974
Mrs. Elizabeth Vanden Heuvel .....	Rock Rapids .....	Jan. 31, 1974
John B. Anderson .....	Storm Lake .....	Jan. 31, 1976
Blaine Hoiien .....	Spirit Lake .....	Jan. 31, 1976
Kirk Hayes .....	Algona .....	Jan. 31, 1978
<b>ELECTIVE</b>		
Gordon J. Forsyth .....	Estherville .....	Jan. 31, 1976
Joe E. Lynch, Jr. ....	Algona .....	Jan. 31, 1976
Edgar E. Mack .....	Storm Lake .....	Jan. 31, 1978
Frank B. Nelson .....	Spencer .....	Jan. 31, 1978
K. B. Welty .....	Spirit Lake .....	Jan. 31, 1974
<i>Election District 3B</i>		
<b>APPOINTIVE</b>		
Mrs. Val Moeller .....	LeMars .....	Jan. 31, 1974
Richard P. Sulzbach .....	Sioux City .....	Jan. 31, 1974
Mrs. John Kelly .....	Sioux City .....	Jan. 31, 1976
Norton D. Obrecht .....	Holstein .....	Jan. 31, 1976
Roger Linn .....	Correctionville .....	Jan. 31, 1978
<b>ELECTIVE</b>		
Keith A. Beekley .....	Sioux City .....	Jan. 31, 1976
Frank J. Margolin .....	Sioux City .....	Jan. 31, 1978
Edwin L. Mitchell .....	Alton .....	Jan. 31, 1974
William J. Rawlings .....	Sioux City .....	Jan. 31, 1978
Robert C. Reimer .....	Denison .....	Jan. 31, 1976
<i>Election District 4</i>		
<b>APPOINTIVE</b>		
Leo Kessler .....	Audubon .....	Jan. 31, 1974
Mrs. MaryAnn Emerine .....	Council Bluffs .....	Jan. 31, 1974
Lewis W. Ross, Jr. ....	Oakland .....	Jan. 31, 1976
Mrs. Virginia Deardorff .....	Atlantic .....	Jan. 31, 1976
Hale C. Greenleaf .....	Shenandoah .....	Jan. 31, 1978
<b>ELECTIVE</b>		
John F. Boeye .....	Red Oak .....	Jan. 31, 1976
J. C. Irvin .....	Clarinda .....	Jan. 31, 1974
J. R. Larson .....	Atlantic .....	Jan. 31, 1978
Jake S. More .....	Harlan .....	Jan. 31, 1976
Raymond A. Smith .....	Council Bluffs .....	Jan. 31, 1978

## STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
<b>DISTRICT JUDICIAL NOMINATING COMMISSION—Continued</b>		
<i>Election District 5A</i>		
APPOINTIVE		
Eugene T. Smith .....	Indianola .....	Jan. 31, 1974
Ray Murphy .....	Des Moines .....	Jan. 31, 1974
Max Kreager .....	Newton .....	Jan. 31, 1976
Donald Willis .....	Des Moines .....	Jan. 31, 1976
Mrs. Betty Schwartzkopf .....	Stuart .....	Jan. 31, 1978
ELECTIVE		
Robert G. Allbee .....	Des Moines .....	
John N. Diehl .....	Newton .....	
Hubert C. Jones .....	Des Moines .....	
Clyde Putnam, Jr. ....	Des Moines .....	
Dale E. Spencer .....	Des Moines .....	
<i>Election District 5B</i>		
APPOINTIVE		
B. L. Cunning .....	Mount Ayr .....	Jan. 31, 1974
T. M. Thompson .....	Creston .....	Jan. 31, 1974
Mrs. Judith Carlson .....	Greenfield .....	Jan. 31, 1976
Mrs. Janet Winslow .....	Corydon .....	Jan. 31, 1976
Kenneth Olive .....	Chariton .....	Jan. 31, 1978
ELECTIVE		
William Don Carlos .....	Greenfield .....	Jan. 31, 1978
James Harsh .....	Creston .....	Jan. 31, 1978
G. F. Hoffman .....	Leon .....	Jan. 31, 1976
Richard D. Morr .....	Chariton .....	Jan. 31, 1976
Richard L. Wilson .....	Lenox .....	Jan. 31, 1974
<i>Election District 6</i>		
APPOINTIVE		
John B. Turner .....	Cedar Rapids .....	Jan. 31, 1974
Dr. Robert Savage .....	Monticello .....	Jan. 31, 1974
Rev. John Woods .....	Cedar Rapids .....	Jan. 31, 1976
Mrs. Marsha Thudium .....	Vinton .....	Jan. 31, 1976
Mrs. Jean Swisher .....	Iowa City .....	Jan. 31, 1978
ELECTIVE		
James W. Crawford .....	Cedar Rapids .....	Jan. 31, 1974
Caryl W. Garberson .....	Cedar Rapids .....	Jan. 31, 1976
William L. Meardon .....	Iowa City .....	Jan. 31, 1978
James F. Pickens .....	Cedar Rapids .....	Jan. 31, 1976
Robert C. Tilden .....	Cedar Rapids .....	Jan. 31, 1978
<i>Election District 7</i>		
APPOINTIVE		
John Axel .....	Muscatine .....	Jan. 31, 1974
Herbert A. Iossi .....	Davenport .....	Jan. 31, 1974
Mrs. Odetta C. Moore .....	Davenport .....	Jan. 31, 1976
Dr. Donald E. McAreavy .....	Maquoketa .....	Jan. 31, 1976
Marvin D. Ohsann .....	Clinton .....	Jan. 31, 1978
ELECTIVE		
Elmer E. Bloom .....	Muscatine .....	Jan. 31, 1978
John E. Nagle .....	Davenport .....	Jan. 31, 1978
David O. Shaff .....	Clinton .....	Jan. 31, 1974
Erwin E. Stamp .....	Bellevue .....	Jan. 31, 1976
Charles E. Wittenmeyer .....	Davenport .....	Jan. 31, 1976
<i>Election District 8A</i>		
APPOINTIVE		
Milford R. Wonderlich .....	Ollie .....	Jan. 31, 1974
Julian Campbell .....	Bloomfield .....	Jan. 31, 1974
Max Smith .....	Grinnell .....	Jan. 31, 1976

## STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
<b>DISTRICT JUDICIAL NOMINATING COMMISSION—Continued</b>		
Leon Yates .....	Ottumwa .....	Jan. 31, 1976
Logan Heilman .....	Washington .....	Jan. 31, 1978
<b>ELECTIVE</b>		
Marvin V. Colton .....	Centerville .....	Jan. 31, 1976
Albert F. Goeldner .....	Sigourney .....	Jan. 31, 1978
Scott Jordan .....	Fairfield .....	Jan. 31, 1978
Charles M. Manley .....	Grinnell .....	Jan. 31, 1974
Richard H. Wright .....	Bloomfield .....	Jan. 31, 1976
<i>Election District 8B</i>		
<b>APPOINTIVE</b>		
Mrs. Ada Waters .....	Danville .....	Jan. 31, 1974
Jewell Jury .....	Farmington .....	Jan. 31, 1974
Keith Garretson .....	Mount Pleasant .....	Jan. 31, 1976
Mrs. Nell Weber .....	Columbus Junction .....	Jan. 31, 1976
Edward K. Johnstone .....	Keokuk .....	Jan. 31, 1978
<b>ELECTIVE</b>		
Kenneth A. Aspelmeier .....	Burlington .....	Jan. 31, 1974
Henry L. Hirsch .....	Burlington .....	Jan. 31, 1978
Harold F. McLeran .....	Mount Pleasant .....	Jan. 31, 1976
Russell R. Newell .....	Columbus Junction .....	Jan. 31, 1976
R. Buell Smith .....	Keokuk .....	Jan. 31, 1978
<b>LABOR COMMISSIONER</b>		
Ch. 91		
Jerry L. Addy .....	Des Moines .....	June 30, 1973
<b>LAND REHABILITATION ADVISORY BOARD</b>		
§83A.3		
Marvin J. Nelson .....	Cedar Rapids .....	June 30, 1974
G. H. Hertel .....	Des Moines .....	June 30, 1974
William W. Fall .....	Knoxville .....	June 30, 1972
Frank W. Schaller .....	Ames .....	June 30, 1972
William H. Greiner .....	Ankeny .....	June 30, 1972
Dr. Samuel J. Tuthill .....	Iowa City .....	June 30, 1973
James D. Bixler .....	Council Bluffs .....	June 30, 1973
Hugh A. Templeton .....	Knoxville .....	June 30, 1973
<b>LAW ENFORCEMENT ACADEMY COUNCIL</b>		
Ch. 80B		
Warren J. Kruck, Chairman .....	Boone .....	August 14, 1975
Frank O'Keefe, Vice-Chairman .....	Sioux City .....	August 14, 1974
George J. Matias .....	Cedar Rapids .....	August 14, 1973
Gerald D. Allen .....	Mason City .....	August 14, 1975
Harold A. Thordsen, Senator .....	Davenport .....	August 14, 1975
Arthur R. Kitner .....	Independence .....	August 14, 1973
Michael Laughlin, Attorney General's Office .....		Pleasure of the Attorney General
Fletcher D. Thompson .....		Ex Officio Member
<b>LAW EXAMINERS</b>		
Ch. 610		
Richard C. Turner, Attorney General, Chairman .....		
Jake S. More .....	Harlan .....	June 30, 1972
S. David Peshkin .....	Des Moines .....	June 30, 1972
Robert R. Eidsmoe .....	Sioux City .....	June 30, 1972
Wilbur R. Dull .....	Ottumwa .....	June 30, 1973
Frank R. Miller .....	Decorah .....	June 30, 1973

STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
<b>LEGISLATIVE COUNCIL</b>		
§2.49		
<i>Senate Members</i>		
Roger W. Jepsen, President of the Senate		
James E. Briles .....	Corning	
John C. Rhodes .....	Chariton	
Lee H. Gaudineer, Jr. ....	Des Moines	
Eugene M. Hill .....	Newton	
Vernon H. Kyhl .....	Parkersburg	
Clifton C. Lamborn .....	Maquoketa	
George F. Milligan .....	Des Moines	
William D. Palmer .....	Des Moines	
<i>House Members</i>		
William H. Harbor, Speaker of the House		
Michael T. Blouin .....	Dubuque	
Dale M. Cochran .....	Eagle Grove	
Dennis L. Freeman .....	Storm Lake	
Ed Skinner .....	Altoona	
Nathan F. Sorg .....	Marion	
Delwyn Stromer .....	Garner	
Andrew Varley .....	Stuart	

These gentlemen will serve as members of this council until the expiration of their respective legislative terms.

LEGISLATIVE SERVICE BUREAU

§2.58

Serge H. Garrison, Director .....	Des Moines	Pleasure of the
Philip E. Burks, Senior Research Analyst .....	Des Moines	Legislative Council

LEWIS AND CLARK TRAIL COMMITTEE

Executive Order

Edward Ruisch, Chairman .....	Sioux City	
William E. Darrington .....	Persia	
Leo G. Dick .....	Oakland	
Alden J. Erskine .....	Sioux City	
Sherry R. Fisher .....	Des Moines	
Eugene C. Gilson .....	Glenwood	
C. E. Hitchman .....	Blencoe	
Joseph A. Larkin .....	Council Bluffs	
James H. Pullman, Jr. ....	Sidney	
Emerson H. Schill .....	Sioux City	
John F. Schmidt .....	Sioux City	
Ed H. Spetman, Jr. ....	Council Bluffs	

Pleasure of the Governor

LIBRARY

Ch. 303

(Board of Trustees of Law and Medical)

Robert D. Ray, Governor		
Harvey Uhlenhopp, Supreme Court Justice		
Paul F. Johnston, Superintendent of Public Instruction		
Librarian, Law:		
Mrs. Frances T. Desmond .....	Des Moines	Dec. 31, 1978
Librarian, Medical:		
Mrs. Marion Samo .....	Charles City	June 30, 1973



## STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
<b>LIBRARY</b>		
§303.17		
(Board of Trustees of State Traveling)		
Mrs. Helen Margaret Crabb .....	Jamaica .....	June 30, 1972
Mrs. Katherine M. Zastrow .....	Charles City .....	June 30, 1973
Mrs. Jeanne A. Gee .....	Shenandoah .....	June 30, 1974
Arie M. Verrips .....	Sioux Center .....	June 30, 1975
Tom Mueller .....	Coralville .....	June 30, 1976
J. Maurice Travilian, Director		

## IOWA BEER AND LIQUOR CONTROL COUNCIL

§123.6

J. Stuart Kirk, Chairman .....	Des Moines .....	Dec. 31, 1976
Harlan Lowe .....	Toledo .....	Dec. 31, 1972
Joan Ballantyne .....	Cherokee .....	Dec. 31, 1974
Don Bell .....	New London .....	Dec. 31, 1975
James Mulqueen .....	Council Bluffs .....	Dec. 31, 1973

## IOWA OFFICIAL REGISTER

L. Dale Ahern, Editor .....	Decorah .....	Pleasure of Printing Division
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## MANPOWER PLANNING COUNCIL

Stat. L.

Leroy H. Petersen, Chairman .....	Des Moines	
Paul Johnston .....	Des Moines	
Dr. Arnold M. Reeve .....	Des Moines	
James T. Klein .....	Des Moines	
Robert Tyson .....	Des Moines	
Dr. Marvin Anderson .....	Ames	
James N. Gillman .....	Des Moines	
Jerry Starkweather .....	Des Moines	
Russell Kelso .....	Des Moines	
Lambert Burkhalter .....	Des Moines	
Don Hauser .....	Des Moines	
Mrs. William Kelly .....	Waverly	Pleasure of the Governor
Maurice TePaske .....	Sioux Center	
Chad Wymer .....	Des Moines	
Robert L. Walton .....	Des Moines	
Mrs. Madge Hunt .....	Des Moines	
Mrs. Margo Bradley .....	Des Moines	
Jack Brown .....	Des Moines	
Harold Williams .....	Des Moines	
Dallas Dickson .....	Des Moines	
Margaret Trimble .....	Des Moines	
Pam Paul .....	Des Moines	
Mrs. Betty Darla Ogden .....	Knoxville	

## MAP ADVISORY COUNCIL (TOPOGRAPHICAL)

Richard Riley .....	Des Moines .....	June 30, 1974
Francis W. Mann .....	Council Bluffs .....	June 30, 1974
Duane Latta .....	Riverside .....	June 30, 1974
Donald Meisner .....	Sioux City .....	June 30, 1974
Othie McMurry .....	Des Moines .....	June 30, 1974
Howard J. Morrison .....	West Des Moines .....	June 30, 1974
Fred Priewert .....	Des Moines .....	June 30, 1974
Joseph Coupal .....	Ames .....	June 30, 1974
Leroy Petersen .....	Des Moines .....	June 30, 1974
William H. Greiner .....	Des Moines .....	June 30, 1974
Scott Phelps .....	Sioux City .....	June 30, 1974
Dean A. Briley .....	Des Moines .....	June 30, 1974
Thomas L. Robinson .....	Des Moines .....	June 30, 1974
Dr. Samuel J. Tuthill .....	Iowa City .....	June 30, 1974
Dr. Stanley Wawzonek .....	Iowa City .....	June 30, 1974

## STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
<b>MEDICAL ASSISTANCE ADVISORY COUNCIL</b>		
§249A.4(8)		
Don McGrath .....	Eagle Grove .....	June 30, 1972
Miss Aletha C. McNeal .....	Grinnell .....	June 30, 1972
Mrs. Carl Rundberg .....	Ogden .....	June 30, 1973
Mrs. Sue M. Reed .....	Des Moines .....	June 30, 1973

**ADVISORY COUNCIL FOR THE CONSTRUCTION  
OF MENTAL HEALTH FACILITIES**

§135.44

Dwight E. Barton .....	Adel .....	June 30, 1972
Mrs. A. C. Westerhof .....	Carlisle .....	June 30, 1972
Harold Bridges .....	Muscatine .....	June 30, 1972
Alvin Hayes, Jr. ....	Des Moines .....	June 30, 1972
Mrs. Max Lyon .....	Clinton .....	June 30, 1972
Minnette Doderer .....	Iowa City .....	June 30, 1972
Darrell Ensz .....	Ottumwa .....	June 30, 1972
Mrs. Frances Hines .....	Des Moines .....	June 30, 1972
Verne R. Kelly .....	Iowa City .....	June 30, 1972
Robert Brindley .....	Mason City .....	June 30, 1972
George Sutton, D.O. ....	Mount Pleasant .....	June 30, 1972
Drexel Lange .....	Des Moines .....	June 30, 1972
Juliet Saxton .....	Des Moines .....	June 30, 1972
J. T. May, M.D. ....	Cherokee .....	June 30, 1972
Conrad Wurtz .....	Des Moines .....	June 30, 1972
Herbert Nelson, M.D. ....	Iowa City .....	June 30, 1972
Harry Gittins .....	Des Moines .....	June 30, 1972
Arnold M. Reeve, M.D. ....	Des Moines .....	June 30, 1972

**MENTAL HYGIENE COMMITTEE**

Ch. 225B

Mrs. Margaret G. Westerhof .....	Carlisle .....	July 3, 1972
George W. Sutton, D.O. ....	Mount Pleasant .....	July 3, 1972
Dr. Roy E. Warman .....	Ames .....	July 3, 1973
Dr. James D. Mahoney .....	Council Bluffs .....	July 3, 1973
Raymond E. Donlevy .....	Dubuque .....	July 3, 1973
Mrs. Bernard Goldman .....	.....	July 3, 1974
Mrs. Dennis McTigue .....	Fort Dodge .....	July 3, 1974
Dr. Richard E. Preston .....	Des Moines .....	July 3, 1974

**MERIT EMPLOYMENT COMMISSION**

Ch. 19A

William C. Hubbard, Chairman .....	Iowa City .....	June 30, 1973
Al Meacham .....	Grinnell .....	June 30, 1973
James B. Morris .....	Des Moines .....	June 30, 1975
Julian Torgerson .....	Sioux City .....	June 30, 1975
Mrs. Thelma Heitsman .....	Corning .....	June 30, 1977
W. L. Keating, Director		

**MINES AND MINERALS DEPARTMENT**

Ch. 82

W. Dean Aubrey, Inspector .....	West Des Moines .....	June 30, 1975
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**MINING BOARD**

Ch. 82

Dr. John Lemish, Chairman .....	Ames .....	June 30, 1972
William J. Evans .....	Des Moines .....	June 30, 1972
Robert R. Welp .....	Fort Dodge .....	June 30, 1972
John Victor, Jr. ....	Fort Dodge .....	June 30, 1972
Leo T. Schuler .....	Des Moines .....	June 30, 1972

## STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
<b>MISSISSIPPI PARKWAY PLANNING COMMISSION</b>		
Ch. 308		
Harry G. McKee .....	Muscatine .....	June 30, 1973
Ivan E. Dull .....	Dubuque .....	June 30, 1973
Gary D. Engebretson .....	Decorah .....	June 30, 1973
A. Fred Berger, Sr. ....	Davenport .....	June 30, 1973
George C. Aschom .....	Lansing .....	June 30, 1973
Charles B. Millham .....	Guttenberg .....	June 30, 1975
Harold Clausen .....	Clinton .....	June 30, 1975
John McCormally .....	Burlington .....	June 30, 1975
Lynn Battles .....	Maquoketa .....	June 30, 1975
Mrs. Carl Majors .....	Keokuk .....	June 30, 1975

## NATURAL RESOURCES COUNCIL

Ch. 455A

Dr. Samuel J. Tuthill .....	Iowa City .....	June 30, 1973
Joseph W. Howe .....	Iowa City .....	June 30, 1973
Clifford M. Naser .....	Fort Dodge .....	June 30, 1973
J. Justin Rogers .....	Spirit Lake .....	June 30, 1975
Hugh A. Templeton .....	Knoxville .....	June 30, 1975
Mrs. Mabel Miller .....	Keosauqua .....	June 30, 1975
Leslie C. Klink .....	Elkader .....	June 30, 1977
Dr. Merwin D. Dougal .....	Ames .....	June 30, 1977
Lee Feil .....	Riverton .....	June 30, 1977
Othie R. McMurry, Director		

## NURSING BOARD

Ch. 147

Mrs. Virginia C. Turner, Chairman .....	Waterloo .....	June 30, 1973
Mary Suzanne Wickenkamp, Vice-Chairman .....	Ottumwa .....	June 30, 1975
Mrs. Sara Fishel, R.N. ....	Marion .....	June 30, 1974
Miss Virginia R. Lawrence, R.N. ....	Mason City .....	June 30, 1977
Miss Mildred I. Freel .....	Iowa City .....	June 30, 1976
Mrs. Lynne M. Illes, Executive Director		

## NURSING HOME ADMINISTRATORS EXAMINERS BOARD

Ch. 147

James Gannon, M.D. ....	Laurens .....	June 30, 1972
Elwin R. Vest .....	Woodbine .....	June 30, 1972
Ezra William Shenk .....	Wellman .....	June 30, 1972
Mrs. Eloise I. Shaffer .....	Centerville .....	June 30, 1973
Robert V. Campbell .....	Oskaloosa .....	June 30, 1973
William W. Tester .....	Iowa City .....	June 30, 1973
Jerry C. Helfenstine .....	Des Moines .....	June 30, 1974
Rev. Arlin H. Adams .....	Waukon .....	June 30, 1974
J. D. Shepherd .....	Newton .....	June 30, 1974

## PAROLE BOARD

Ch. 247

George L. Paul .....	Brooklyn .....	June 30, 1973
Jack Bedell .....	Spirit Lake .....	June 30, 1975
Silas S. Ewing .....	Des Moines .....	June 30, 1977

## STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
<b>PHYSICAL FITNESS AND SPORTS, GOVERNOR'S COUNCIL</b>		
Dr. Robert W. Anderson .....	Des Moines	Pleasure of the Governor
Dr. Enfred E. Linder .....	Ogden	
Dr. James E. Kelsey .....	Des Moines	
Dr. Donald V. Cox .....	Des Moines	
Dr. Betty A. Hoff .....	Decorah	
Dr. Donald Cassidy .....	Iowa City	
Dolph Pulliam .....	West Des Moines	
Gary Thompson .....	Ames	
Rick Wannamaker .....	Marengo	
Bernie Saggau .....	Boone	
E. Wayne Cooley .....	Des Moines	
Maury John .....	Ames	
Chalmers Elliott .....	Iowa City	
Monsignor J. E. Tolan .....	Humboldt	
Bill Sorenson .....	Jefferson	
Dr. Paul C. Vance .....	Des Moines	
Frank Morlan .....	Brooklyn	
Craig Hunter .....	Atlantic	
Miss Judy Merritt .....	Guthrie Center	
Al Lewis .....	Storm Lake	

## PHYSICIANS ASSISTANT PROGRAMS, ADVISORY COMMITTEE

64 G. A., Ch. 137, §5

Dr. Thornton Bryan .....	Iowa City	
Dr. John K. MacGregor .....	Mason City	
Virginia Lawrence, R.N. ....	Mason City	
Dr. Robert S. Eicher .....	Ankeny	
Edward R. Lynn .....	Council Bluffs	None
Dr. Elizabeth Burrows .....	Des Moines	
Dr. Byron M. Merkel .....	Des Moines	
Dr. Robert L. Gustafson .....	Dallas Center	

## PRESERVES ADVISORY BOARD

Ch. 111B

William J. Petersen .....	Iowa City	June 30, 1971
Marshall McKusick .....	Iowa City	June 30, 1971
Dr. John D. Dodd .....	Ames	June 30, 1972
Sylvan T. Runkel .....	Des Moines	June 30, 1972
vacancy .....		June 30, 1973
vacancy .....		June 30, 1973

Fred A. Priewert, Director

## PRINTING DIVISION OF GENERAL SERVICES

Ch. 15

Vernon Lundquist, Superintendent  
Dennis Groe, Assistant Superintendent

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM  
ADVISORY INVESTMENT BOARD

§97B.8

Dale K. DeKoster .....	Waterloo	June 30, 1973
John L. Munger .....	Des Moines	June 30, 1975
Keith Gunzenhauser .....	West Des Moines	June 30, 1977
<i>House Member</i>		
Leonard C. Andersen .....	Sioux City	June 30, 1973
<i>Senate Member</i>		
James W. Griffin, Sr. ....	Council Bluffs	June 30, 1973

## STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
<b>PUBLIC INSTRUCTION, BOARD OF</b>		
Ch. 257		
Earl G. Sievers .....	Avoca .....	January 2, 1978
Robert J. Beecher .....	Creston .....	January 2, 1978
Ron Hallock .....	West Des Moines.....	January 2, 1978
Miss Virginia Harper .....	Fort Madison .....	January 2, 1974
Stanley R. Barber .....	Wellman .....	January 2, 1974
Mrs. Richard Cole .....	Decorah .....	January 2, 1974
Mrs. Virgil Shepard .....	Allison .....	January 2, 1976
John E. van der Linden .....	Sibley .....	January 2, 1976
T. J. Heronimus .....	Grundy Center .....	January 2, 1976

**PUBLIC INSTRUCTION SUPERINTENDENT**

Ch. 257

Paul F. Johnston, Superintendent .....	Des Moines
Gayle Obrecht, Chief, School Plant Facilities .....	West Des Moines
Dr. Richard N. Smith, Deputy State School Superintendent	
David Bechtel, Administrative Assistant to the Superintendent	
Leonard C. Abels, Administrative Consultant, Administrative Support Staff	

**PUBLIC SAFETY COMMISSIONER**

Ch. 80

Michael M. Sellers .....	Des Moines .....	Pleasure of the Governor
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**REAL ESTATE COMMISSION**

Ch. 117

Melvin D. Synhorst, Secretary of State, Chairman		
Jack D. Schuck .....	Parkersburg .....	June 30, 1973
Lester E. Calvert .....	Des Moines .....	June 30, 1973
Stephen G. Darling .....	Iowa City .....	June 30, 1975
Donald Knudsen .....	Eagle Grove .....	June 30, 1975
Cecil Galvin, Director		

**RECIPROCITY BOARD**

§326.3

Michael Sellers .....	Des Moines
Maurice Van Nostrand .....	Des Moines
Harry Reed .....	Winterset
Steven C. Schoenebaum, Executive Secretary	

**REGENTS, BOARD OF**

Ch. 326

Mrs. Margaret Collison .....	Oskaloosa .....	June 30, 1977
Stanley Redeker .....	Boone .....	June 30, 1973
Ned E. Perrin .....	Mapleton .....	June 30, 1973
Ralph H. Wallace .....	Mason City .....	June 30, 1973
Ray V. Bailey .....	Clarion .....	June 30, 1975
Donald H. Shaw .....	Davenport .....	June 30, 1975
Mrs. H. Rand Petersen .....	Harlan .....	June 30, 1975
John Baldrige .....	Chariton .....	June 30, 1977
Ralph McCartney .....	Charles City .....	June 30, 1977
R. Wayne Richey, Executive Secretary		
Paul V. Porter, Director of Research and Information		

**REVENUE, DIRECTOR OF**

Ch. 421

Donald C. Briggs .....	West Des Moines .....	Pleasure of the Governor
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## STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
<b>RURAL POLICY COUNCIL</b>		
Executive Order		
Governor Robert D. Ray, serving as Chairman		
L. B. Liddy, Secretary of Agriculture		
Leroy Petersen, Director, Office for Planning and Programming		
Chad Wymer, Director, Iowa Development Commission		
Bob Tyson, Director, State Office of Economic Opportunity		
Fred Prierwert, Director, State Conservation Commission		
Bill Greiner, Director, Department of Soil Conservation		
Marvin A. Anderson, Director, Cooperative Extension Service, ISU		
Arnold Reeve, Commissioner, Department of Public Health		

## SCHOOLS ADVISORY COMMITTEE, AREA

Ch. 280A

Mrs. Jolly Ann Davidson, Chairman .....	Clarinda .....	June 30, 1973
James Robinson .....	Indianola .....	June 30, 1973
Gordon Bennett .....	Ottumwa .....	June 30, 1973
Ned Willis .....	Perry .....	June 30, 1973
Mrs. Irene Hood .....	Mount Ayr .....	June 30, 1973
Donald H. Shaw .....	Davenport .....	June 30, 1975
Earl M. Yoder .....	Iowa City .....	June 30, 1975
Hugh Clark .....	Des Moines .....	June 30, 1975
James J. Muto .....	Des Moines .....	June 30, 1975

## SCHOOL ADVISORY COMMITTEE, PRIVATE

§257.30

Wayne D. Albers .....	Fort Dodge .....	June 30, 1974
Merl E. Alons .....	Pella .....	June 30, 1974
A. W. Behrens .....	Templeton .....	June 30, 1974
Merlin J. Hellman .....	Houghton .....	June 30, 1974
Forrest W. Rosser .....	Cedar Rapids .....	June 30, 1974

## SCHOOL BUDGET REVIEW COMMITTEE

§442.21

Stephen Garst .....	Coon Rapids .....	June 30, 1971
Keith L. Vetter .....	Washington .....	June 30, 1972
Harry G. Helgeson .....	Lake Mills .....	June 30, 1973

## SERVICEMEN'S BALLOT COMMISSION

§53.45

Edgar H. Bittle .....	West Des Moines .....	Dec. 31, 1973
Mrs. May Kesler .....	Webster City .....	Dec. 31, 1973
Don Linduski .....	Sioux City .....	Dec. 31, 1973
Lois Reed .....	Panora .....	Dec. 31, 1973

## SOCIAL SERVICES COUNCIL

Ch. 217

Miss Lois Emanuel, Chairman .....	Marion .....	June 30, 1973
James N. Gillman, Commissioner .....	Marshalltown .....	Pleasure of the Governor
Fernice W. Robbins .....	Waterloo .....	June 30, 1977
David F. McCann .....	Council Bluffs .....	June 30, 1977
Mrs. Meredith U. Deevers .....	Bettendorf .....	June 30, 1973
Dolph Pulliam .....	West Des Moines .....	June 30, 1975

STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
<b>SOIL CONSERVATION COMMITTEE</b>		
Ch. 467A		
L. B. Liddy, Secretary of Agriculture		
Wilson Moon, Advisor to Committee		
Fred A. Priewert, Director, Conservation Commission		
Othie McMurry, Director, Natural Resources Council		
Fred Cherry, Chairman .....	Rowley .....	June 30, 1973
Donald Johnson, Vice-Chairman .....	Fairfield .....	June 30, 1977
George K. Annan .....	Clarinda .....	June 30, 1973
Carroll J. Hobson .....	Eldora .....	June 30, 1975
Sherry Fisher .....	Des Moines .....	June 30, 1975
Jerry Norland .....	Cylinder .....	June 30, 1975
Tom Kenny .....	Akron .....	June 30, 1977
Dr. Marvin Anderson .....		

**STATUS OF WOMEN, COMMISSION ON**  
Executive Order

Mrs. Jesse N. Durden, Jr., Chairman .....	Des Moines .....	December 31, 1972
Mrs. Arlene H. Dayhoff, Vice-Chairman .....	Cedar Rapids .....	December 31, 1972
Mrs. Linda L. Archibald .....	Des Moines .....	December 31, 1972
Ralph R. Brown .....	Davenport .....	December 31, 1972
Dr. James Chastain .....	Des Moines .....	December 31, 1972
Mrs. Mary Clark .....	Des Moines .....	December 31, 1972
Mrs. Shirley A. Clark .....	Waukon .....	December 31, 1972
Mrs. Jacqueline Day .....	Des Moines .....	December 31, 1972
Mrs. Beverly B. Everett .....	New Sharon .....	December 31, 1972
Miss Patricia Gadelmann .....	Eagle Grove .....	December 31, 1972
Mrs. Dorothy M. Goettsch .....	Davenport .....	December 31, 1972
Mrs. Phyllis M. Henderson .....	Des Moines .....	December 31, 1972
Dr. Mavis L. Holmes .....	Cedar Falls .....	December 31, 1972
Mrs. Ruth S. Hoover .....	Newton .....	December 31, 1972
Mrs. Leone K. Hopson .....	Des Moines .....	December 31, 1972
Miss Hazel O. Larson .....	Des Moines .....	December 31, 1972
Dr. Helen R. LeBaron Hilton .....	Ames .....	December 31, 1972
Dr. Edwin C. Lewis .....	Ames .....	December 31, 1972
George Lundberg .....	Des Moines .....	December 31, 1972
Mrs. Evelyn M. Oujiri .....	Cedar Rapids .....	December 31, 1972
Mrs. Betty M. Page .....	Waterloo .....	December 31, 1972
Mrs. Walter Pedersen .....	Sioux City .....	December 31, 1972
Madeleine Marie Schmidt .....	Ottumwa .....	December 31, 1972
Robert Tyson .....	Ankeny .....	December 31, 1972
Mrs. Hilda Weingart .....	Des Moines .....	December 31, 1972
Mrs. Cristine Wittgraf .....	Des Moines .....	December 31, 1972

**STEERING ARM COMMITTEE**

Jerry Addy .....	Des Moines
Dr. Henri L. Beenhakker .....	Iowa City
Gordon Bennett .....	Des Moines
W. R. Rabedeaux, Senator .....	Wilton Junction
Cloyd E. Robinson, Senator .....	Cedar Rapids
Floyd H. Millen, Representative .....	Farmington
Vernon A. Ewell, Representative .....	Waterloo
Dr. W. J. Hausler, Jr. ....	Iowa City
Blain F. Vandeventer .....	Ames
Alan Meier .....	Des Moines
Herbert Gates .....	Des Moines
Peter G. Kaser .....	Des Moines
Donald G. Hauser .....	Des Moines
Carl G. Dahl .....	Waterloo
J. D. Hook .....	Boone
Charles H. Dick .....	Des Moines
Myron L. Lorenzen .....	Waterloo

## STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
<b>SUPREME COURT</b>		
Ch. 684		
G. K. Sappenfield, Clerk .....	Des Moines	Pleasure
R. Hanson Lawton, Court Administrator .....	Fort Madison	of the
Clarence A. Kading, Judicial Statistician .....	Knoxville	Supreme Court

<b>TAX REVIEW BOARD</b>		
§421.1		
Laro J. Pierce .....	Newton	June 30, 1973
Edwin A. Hicklin .....	Wapello	June 30, 1975
Louis I. Nussbaum .....	Des Moines	June 30, 1977

<b>TEACHING PRACTICES COMMISSION</b>		
§272A.3		
Dr. Roderick N. Bickert .....	Mason City	June 30, 1974
Darold D. Faulkner .....	Sumner	June 30, 1974
Don Gunderson .....	Red Oak	June 30, 1973
Dr. Duane Anderson .....	Iowa City	June 30, 1973
Mrs. Billiejean Morrow .....	Des Moines	June 30, 1973
Duane L. Vande Berg .....	Sioux City	June 30, 1972
Ruth I. Foster .....	Des Moines	June 30, 1972
Donna J. Coffman .....	Chariton	June 30, 1972
Paul F. Johnston .....	Des Moines	June 30, 1972

<b>TERRACE HILL PLANNING COMMISSION</b>		
64 G. A., Ch. 1132		
George Mills .....	Des Moines	
Mrs. Robert D. Ray .....	Des Moines	
Jack Musgrove .....	Des Moines	
Mrs. Charles Carlburg .....	Des Moines	
Mrs. Julie McDonald .....	Davenport	
William J. Wagner .....	Dallas Center	
Mrs. Colin Jensen .....	Sioux City	
Simpson Smith .....	Des Moines	
William E. Darrington, Sr. ....	Persia	
A. W. Allen .....	Cedar Rapids	
Mrs. Madge E. Corey .....	Marion	
John T. Ward .....	West Des Moines	
Keith Dunton, Representative .....	Thornburg	
James Schaben, Senator .....	Dunlap	
Don Alt, Representative .....	West Des Moines	
Honorable Maurice Baringer .....	Des Moines	
Honorable Melvin D. Synhorst .....	Des Moines	
Honorable Fred Schwengel .....	Davenport	
John D. Bloodgood .....	Des Moines	
Fred Moore .....	Spencer	
John Zickefoose .....	Waterloo	
Charlene Conklin, Senator .....	Waterloo	
Robert Spiegel .....	Mason City	
Richard B. Graeme .....	Council Bluffs	
Mrs. Otha D. Wearin .....	Hastings	
Mrs. L. L. Fry .....	Corydon	
William Talbot .....	Keokuk	
Mrs. Dean B. Collins .....	Des Moines	
Burdette Cochran .....	Des Moines	
Dr. Margaret Keyes .....	Iowa City	
John Chrystal .....	Coon Rapids	
Mrs. John Estes .....	Des Moines	
Robert Sullivan .....	Dubuque	
Clifton C. Lamborn, Senator .....	Maquoketa	
Terrence L. Elsberry .....	West Des Moines	



STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
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**IOWA JOLIET-FATHER MARQUETTE TRICENTENNIAL  
COMMISSION**

Stat. L. 89-187

John Dailey .....	Burlington	
Larry Ladin .....	Des Moines	
Russell R. Newell .....	Columbus Junction	
John McCormally .....	Burlington	
Richard Hoerner, Jr. ....	Keokuk	
John Winegard .....	Burlington	
Dr. G. M. Couchman .....	Dubuque	
Roy J. Carver .....	Muscatine	
Gary Engebretson .....	Decorah	

**UNIFORM STATE LAWS COMMISSION**

Ch. 5

Allan Vestal .....	Iowa City	June 30, 1972
George J. Lindeman .....	Waterloo	June 30, 1972
Richard F. Dole .....	Iowa City	June 30, 1972

**VOCATIONAL EDUCATION ADVISORY COUNCIL**

§258.7

James E. Bowman, Chairman .....	Des Moines	June 30, 1973
Gordon Bennett .....	Des Moines	June 30, 1972
Dr. Robert Benton .....	Council Bluffs	June 30, 1972
Kenneth R. Lewis .....	Des Moines	June 30, 1972
Mrs. Evelyne Villines .....	Des Moines	June 30, 1972
William S. Dickinson .....	Fort Madison	June 30, 1973
Dr. Rodrick Bickert .....	Mason City	June 30, 1973
Dr. Robert Kiser .....	Sioux City	June 30, 1973
Dr. Marvin Lind .....	Des Moines	June 30, 1973
John Reeves .....	Ottumwa	June 30, 1974
Joe White .....	Iowa Falls	June 30, 1974
Robert G. Koons .....	Clinton	June 30, 1974
Robert Skinner .....	Des Moines	June 30, 1974

Harlan Giese, Executive Secretary

**VOTING MACHINE COMMISSIONERS**

§52.4

Howard L. Snook .....	Newton	February 3, 1974
Mrs. Susan E. Buell .....	Muscatine	February 3, 1974
Roy E. Voelker .....	Oskaloosa	February 3, 1974

**WATCHMAKING BOARD OF EXAMINERS**

§120.3(1)

Willa J. Dickens .....	Iowa City	June 30, 1974
Donald C. Spaight .....	Cedar Rapids	June 30, 1974
Kenneth Woldruff .....	Griswold	June 30, 1972
Delmar D. Conklin .....	Perry	June 30, 1972
Paul L. Wirth .....	Vinton	June 30, 1973

Ray A. Wiley, Executive Secretary

## STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
<b>WATER POLLUTION CONTROL COMMISSION</b>		
Ch. 455		
William H. Greiner, Director of the Soil Conservation Commission		
Robert Lounsberry, Deputy Secretary of Agriculture		
Othie R. McMurry, Director of the Iowa Natural Resources Council		
Fred A. Priewert, Director of the State Conservation Commission		
Arnold M. Reeve, Commissioner of Public Health		
Lee Albaugh .....	Charles City .....	June 30, 1973
Carol B. Curtis .....	Newton .....	June 30, 1973
Robert R. Buckmaster .....	Waterloo .....	June 30, 1975
Leo M. Sweesy .....	Mason City .....	June 30, 1975
Robert L. Morris, Associate Director and Principal Chemist .....	Iowa City .....	June 30, 1977
R. J. Schliekelman, Technical Secretary		

**YOUTH OPPORTUNITY COUNCIL**

## Executive Order

Jerald Schnoor, Chairman .....	Ames .....	June 30, 1972
Miss Jean Bode .....	Cedar Falls .....	June 30, 1972
Kevin Bolden .....	Des Moines .....	June 30, 1972
Steve Burk .....	Cedar Rapids .....	June 30, 1972
Robert Deaver .....	Des Moines .....	June 30, 1972
C. J. Gauger .....	Ames .....	June 30, 1972
Daniel Kroloff .....	Urbandale .....	June 30, 1972
Timothy Lindstrom .....	Des Moines .....	June 30, 1972
Lamont Lovelady .....	Des Moines .....	June 30, 1972
Edward F. Nahas .....	Des Moines .....	June 30, 1972
Arthur Neu, Senator .....	Carroll .....	June 30, 1972
Max Noe .....	Des Moines .....	June 30, 1972
Philip Smith .....	Waterloo .....	June 30, 1972
Robert Sohl .....	Denver .....	June 30, 1972
Harold Templeman .....	West Des Moines .....	June 30, 1972
Deborah Ann Turner .....	Ames .....	June 30, 1972
Miss Charlotte Woods .....	Iowa City .....	June 30, 1972
Vacancy .....	.....	June 30, 1972

## JUDICIAL DEPARTMENT

## JUDICIAL DEPARTMENT

[See also Nominating Commissions, p. xx]

## JUSTICES OF THE SUPREME COURT

(Justices listed according to seniority)

Name	Office Address	Term Ending
C. Edwin Moore, Chief Justice .....	Des Moines .....	June 30, 1973
M. L. Mason .....	Mason City .....	Dec. 31, 1974
Maurice E. Rawlings .....	Sioux City .....	Dec. 31, 1974
Clay LeGrand .....	Davenport .....	Dec. 31, 1976
Warren J. Rees .....	Anamosa .....	Dec. 31, 1978
Harvey Uhlenhopp .....	Hampton .....	Dec. 31, 1972
W. Ward Reynoldson .....	Osceola .....	Dec. 31, 1972
K. David Harris .....	Jefferson .....	Dec. 31, 1974
Mark McCormick .....	Fort Dodge .....	Dec. 31, 1974

## JUDGES OF THE DISTRICT COURT

(Judges listed according to seniority)

*Election District 1A*

Thomas H. Nelson .....	Dubuque .....	Dec. 31, 1972
John C. Oberhausen .....	Dubuque .....	Dec. 31, 1972
Joseph C. Keefe .....	Decorah .....	Dec. 31, 1972

*Election District 1B*

George C. Heath .....	Waterloo .....	June 30, 1977
Blair C. Wood .....	Waterloo .....	June 30, 1977
Peter Van Metre .....	Waterloo .....	June 30, 1977
E. B. Shaw .....	Oelwein .....	June 30, 1977
Carroll E. Engelkes, C. J. ....	Waterloo .....	June 30, 1977
Roger F. Peterson .....	Waterloo .....	Dec. 31, 1974

*Election District 2A*

C. H. Wild, C. J. ....	Waverly .....	June 30, 1977
L. E. Plummer .....	Northwood .....	June 30, 1977
John F. Stone .....	Mason City .....	Dec. 31, 1972
B. C. Sullivan .....	Rockford .....	Dec. 31, 1972

*Election District 2B*

E. J. Kelley .....	Ames .....	June 30, 1977
A. J. Braginton .....	Manson .....	June 30, 1977
Paul E. Hellwege .....	Boone .....	Dec. 31, 1972
Edward J. Flattery .....	Fort Dodge .....	Dec. 31, 1972
Arthur F. Draheim, Jr. ....	Clarion .....	Dec. 31, 1972
James C. Smith .....	Carroll .....	Dec. 31, 1974
George F. Fagg .....	Marshalltown .....	Dec. 31, 1974
Russell J. Hill .....	Webster City .....	Dec. 31, 1974

*Election District 3A*

G. W. Stillman .....	Algona .....	June 30, 1977
Joseph P. Hand .....	Emmetsburg .....	June 30, 1977
Richard W. Cooper .....	Storm Lake .....	June 30, 1977
Edward F. Kennedy .....	Sibley .....	Dec. 31, 1976
Murray S. Underwood .....	Spencer .....	Dec. 31, 1974

*Election District 3B*

Lawrence W. McCormick .....	Sioux City .....	June 30, 1977
R. K. Brannon .....	Denison .....	June 30, 1977
James P. Kelley, C. J. ....	LeMars .....	Dec. 31, 1976
Donald M. Pendleton .....	Sioux City .....	Dec. 31, 1972
C. F. Stilwill .....	Sioux City .....	Dec. 31, 1974

## JUDICIAL DEPARTMENT—Continued

Name	Office Address	Term Ending
<b>JUDGES OF THE DISTRICT COURT—Continued</b>		
<i>Election District 4</i>		
R. Kent Martin .....	Atlantic .....	June 30, 1977
Bennett Cullison, C. J. ....	Harlan .....	June 30, 1977
Leroy H. Johnson .....	Red Oak .....	June 30, 1977
Harold L. Martin .....	Hamburg .....	Dec. 31, 1974
Paul H. Sulhoff .....	Council Bluffs .....	Dec. 31, 1976
<i>Election District 5A</i>		
Wade Clarke .....	Des Moines .....	June 30, 1977
Don L. Tidrick .....	Des Moines .....	June 30, 1977
Gibson C. Holliday, C. J. ....	Des Moines .....	June 30, 1977
Maurice C. Herrick .....	Indianola .....	Dec. 31, 1972
John N. Hughes, Jr. ....	Des Moines .....	Dec. 31, 1972
Harry Perkins, Jr. ....	Des Moines .....	Dec. 31, 1972
Waldo F. Wheeler .....	Des Moines .....	Dec. 31, 1972
Dale S. Missildine .....	Des Moines .....	Dec. 31, 1972
Robert O. Frederick .....	Winterset .....	Dec. 31, 1974
James P. Denato .....	Des Moines .....	Dec. 31, 1974
A. B. Crouch .....	Des Moines .....	Dec. 31, 1976
Leo Oxberger .....	Des Moines .....	Dec. 31, 1976
Van Wifvat .....	Perry .....	Dec. 31, 1972
<i>Election District 5B</i>		
H. J. Kittleman .....	Creston .....	June 30, 1977
A. V. Hass .....	Chariton .....	Dec. 31, 1972
Thomas S. Bown .....	Corydon .....	Dec. 31, 1972
James E. Hughes .....	Lenox .....	Dec. 31, 1972
<i>Election District 6</i>		
William R. Eads .....	Cedar Rapids .....	Dec. 31, 1976
Harold D. Vietor, C. J. ....	Cedar Rapids .....	Dec. 31, 1972
Ansel J. Chapman .....	Iowa City .....	Dec. 31, 1976
Robert Osmundson .....	Iowa City .....	Dec. 31, 1972
Clinton E. Shaeffer .....	Cedar Rapids .....	Dec. 31, 1972
John L. Hyland .....	Toledo .....	Dec. 31, 1972
Louis W. Schultz .....	Marengo .....	Dec. 31, 1974
<i>Election District 7</i>		
M. L. Sutton .....	Clinton .....	June 30, 1977
Nathan Grant, C. J. ....	Davenport .....	June 30, 1977
Lowell D. Phelps .....	Davenport .....	Dec. 31, 1976
Robert K. Stohr .....	Muscatine .....	Dec. 31, 1972
James R. Havercamp .....	Davenport .....	Dec. 31, 1974
Allan Keck .....	Maquoketa .....	Dec. 31, 1972
Max R. Werling .....	Tipton .....	Dec. 31, 1974
<i>Election District 8A</i>		
L. R. Carson .....	Oskaloosa .....	June 30, 1977
Charles N. Pettit, C. J. ....	Bloomfield .....	June 30, 1977
Edward P. Powers .....	Centerville .....	Dec. 31, 1976
Arthur A. McGiverin .....	Ottumwa .....	Dec. 31, 1972
Ira Morrison .....	Washington .....	Dec. 31, 1972
Michael Enich .....	Grinnell .....	Dec. 31, 1974
<i>Election District 8B</i>		
J. R. Leary .....	Fort Madison .....	June 30, 1977
William S. Cahill .....	Burlington .....	Dec. 31, 1974
Harlan W. Bainter .....	Mount Pleasant .....	Dec. 31, 1972



GENERAL ASSEMBLY

MEMBERS OF THE SENATE — SIXTY-FOURTH GENERAL ASSEMBLY — SECOND REGULAR SESSION (1972)

Name	Address	Age	Occupation	Dis.	Counties Composing District	Former Legislative Service
Anderson, Quentin V. ....	Beaconsfield . . . . .	39	Farmer, Businessman . . . . .	48	Ringgold, Union, Decatur, Wayne, Appanoose . . . . .	. . . . .60, 60X, 61, 63, 64(1-S)
Arbuckle, R. Dean . . . . .	Jefferson . . . . .	45	Businessman . . . . .	28	Greene, Boone, Guthrie . . . . .	. . . . .63, 64(1-S)
Balloun, Charles F. . . . .	Toledo . . . . .	67	Farmer . . . . .	21	Tama, Benton, Black Hawk . . . . .	. . . . .59, 60, 60X, 61, 62, 63, 64(1-S)
Bass, Earl G. . . . .	Malvern . . . . .	56	Farmer, Grain Dealer . . . . .	41	Mills, Page, Fremont, Montgomery . . . . .	. . . . .63(2-S), 64(1-S)
Briles, James E. . . . .	Corning . . . . .	45	Auctioneer, Real Estate . . . . .	42	Adams, Cass, Audubon, Adair, Taylor . . . . .	. . . . .56, 58, 59, 60, 60X, 61, 62, 63, 64(1-S)
Brownlee, S. J. . . . .	Emmetsburg . . . . .	44	Farm Management . . . . .	8	Palo Alto, Buena Vista, Pocahontas, Clay, O'Brien . . . . .	. . . . .63(2-S), 64(1-S)
Carlson, Reinhold O. . . . .	Des Moines . . . . .	66	Savings & Loan Exec . . . . .	29	Polk . . . . .	. . . . .64(1-S)
Coleman, C. Joseph . . . . .	Clare . . . . .	48	Farmer . . . . .	15	Webster, Calhoun . . . . .	. . . . .57, 58, 59, 60, 60X, 61, 62, 63, 64(1-S)
Conklin, W. Charlene . . . . .	Waterloo . . . . .	42	Housewife . . . . .	20	Black Hawk . . . . .	. . . . .62, 63, 64(1-S)
Curran, Leigh R. . . . .	Mason City . . . . .	65	Farmer, Businessman . . . . .	9	Cerro Gordo, Franklin . . . . .	. . . . .59, 60, 60X, 62, 63, 64(1-S)
Davis, Wilson L. . . . .	Keokuk . . . . .	54	Engineer, Contractor . . . . .	50	Lee, Van Buren . . . . .	. . . . .63(2-S), 64(1-S)
DeKoster, Lucas J. . . . .	Hull . . . . .	53	Lawyer, Ins. Agent . . . . .	1	Sioux, Lyon, Plymouth . . . . .	. . . . .61, 62, 63, 64(1-S)
Doderer, Minnette F. . . . .	Iowa City . . . . .	48	Legislator . . . . .	35	Johnson . . . . .	. . . . .60, 60X, 61, 62, 63, 64(1-S)
Erskine, Alden J. . . . .	Sioux City . . . . .	70	Automotive Business . . . . .	12	Woodbury . . . . .	. . . . .62, 63, 64(1-S)
Gaudineer, Lee H., Jr. . . . .	Des Moines . . . . .	39	Lawyer . . . . .	32	Polk . . . . .	. . . . .61, 62, 63, 64(1-S)
Gilley, Floyd . . . . .	Maynard . . . . .	69	Retired Farmer . . . . .	7	Fayette, Allamakee, Winneshiek . . . . .	. . . . .63, 64(1-S)
Glenn, Gene W. . . . .	Ottumwa . . . . .	43	Lawyer . . . . .	49	Wapello, Davis . . . . .	. . . . .61, 62, 63, 64(1-S)
Graham, J. Wesley . . . . .	Ida Grove . . . . .	69	Farm Management . . . . .	13	Ida, Cherokee, Sac, Calhoun . . . . .	. . . . .59, 60, 60X, 61, 62, 63, 64(1-S)
Griffin, James W., Sr. . . . .	Council Bluffs . . . . .	36	Insurance Executive . . . . .	40	Pottawattamie . . . . .	. . . . .63, 64(1-S)
Gross, G. William . . . . .	Sioux City . . . . .	42	Pharm. Prod. Salesman . . . . .	11	Woodbury . . . . .	. . . . .64(1-S)
Hill, Eugene M. . . . .	Newton . . . . .	58	Farmer . . . . .	34	Jasper, Iowa, Poweshiek . . . . .	. . . . .58, 59, 60, 60X, 61, 62, 63, 64(1-S)
Keith, Wayne D. . . . .	Algona . . . . .	63	Businessman, Farmer . . . . .	3	Kossuth, Emmet, Humboldt . . . . .	. . . . .63, 64(1-S)
Kennedy, Gene V. . . . .	Dubuque . . . . .	44	Spec. Advertising . . . . .	26	Dubuque, Allamakee, Clayton . . . . .	. . . . .63, 64(1-S)
Kyhl, Vernon H. . . . .	Parkersburg . . . . .	63	Automobile Dealer . . . . .	5	Butler, Mitchell, Floyd . . . . .	. . . . .60, 60X, 61, 62, 63, 64(1-S)
Lamborn, Clifton C. . . . .	Maquoketa . . . . .	52	Contractor . . . . .	24	Jackson, Jones, Delaware . . . . .	. . . . .62, 63, 64(1-S)
Laverty, Charles O. . . . .	Indianola . . . . .	55	Farmer, Agri-Business . . . . .	47	Warren, Marion, Monroe . . . . .	. . . . .63, 64(1-S)

GENERAL ASSEMBLY XXXVIII

MEMBERS OF THE SENATE—SIXTY-FOURTH GENERAL ASSEMBLY—SECOND REGULAR SESSION (1972)—Continued

Name	Address	Age	Occupation	Dis.	Counties Composing District	Former Legislative Service
Messerly, Francis L.....	Cedar Falls.....	57	Investment Management.	19	Black Hawk.....	59, 60, 60X, 61, 62, 63, 64(1-S)
Miller, Charles P.....	Burlington.....	53	Chiropractor.....	46	Des Moines, Louisa.....	60, 60X, 61, 62, 63, 64(1-S)
Milligan, George F.....	Des Moines.....	37	Banker.....	31	Polk.....	63, 64(1-S)
Mowry, John L.....	Marshalltown.....	65	Lawyer.....	18	Marshall, Grundy.....	57, 58, 59, 60, 60X, 62, 63, 64(1-S)
Neu, Arthur A.....	Carroll.....	38	Lawyer.....	14	Carroll, Crawford, Monona.....	62, 63, 64(1-S)
Nicholson, Edward E.....	Davenport.....	67	Livestock Feeder.....	38	Scott.....	63, 64(1-S)
Ollenburg, H. L.....	Garner.....	60	Banker.....	4	Hancock, Winnebago, Worth, Wright, Cerro Gordo.....	63, 64(1-S)
Palmer, William D.....	Des Moines.....	36	Pres. Insurance Agency...	30	Polk.....	61, 62, 63, 64(1-S)
Potgeter, James A.....	Steamboat Rock.....	41	Grain Dealer.....	16	Hardin, Hamilton, Wright, Franklin.....	62, 63, 64(1-S)
Potter, Ralph W.....	Marion.....	51	Real Estate.....	10	Linn, Buchanan, Delaware.....	63, 64(1-S)
Rabedeaux, W. R.....	Wilton.....	52	Pres. Publishing Co., Dir. Power Co.....	36	Cedar, Muscatine, Scott.....	63(2-S), 64(1-S)
Rhodes, John C.....	Chariton.....	42	Admin. Food Stores.....	43	Lucas, Dallas, Madison, Clarke.....	64(1-S)
Riley, Tom.....	Cedar Rapids... ..	42	Lawyer.....	23	Linn.....	59, 60, 60X, 61, 62, 64(1-S)
Robinson, Cloyd E.....	Cedar Rapids... ..	33	Food Co. Employee.....	22	Linn.....	64(1-S)
Schaben, James F.....	Dunlap.....	45	Livestock Auct. Market Operator.....	27	Harrison, Shelby, Pottawattamie.....	62, 63, 64(1-S)
Shaff, Roger J.....	Camanche.....	61	Farmer, Banker.....	37	Clinton.....	62, 63, 64(1-S)
Shawver, George L.....	Fredericksburg..	54	Contractor.....	6	Chickasaw, Bremer, Howard, Winneshek.....	64(1-S)
Smith, Marvin W.....	Paullina.....	70	Retired Farmer, Teacher.	2	O'Brien, Osceola, Dickinson, Clay, Lyon.....	57, 58, 59, 60, 60X, 61, 62, 63, 64(1-S)
Stephens, Richard L.....	Crawfordsville... ..	67	Farmer, Livestock Prod..	45	Washington, Jefferson, Henry.....	57, 58, 59, 60, 60X, 61, 62, 63, 64(1-S)
Tapscott, John E.....	Des Moines.....	41	Ins., Sec., Real Estate... ..	33	Polk.....	62, 63, 64(1-S)
Thordsen, Harold A.....	Davenport.....	62	Real Estate Broker.....	39	Scott.....	62, 63, 64(1-S)
Van Drie, Rudy.....	Ames.....	40	Publisher.....	17	Story, Jasper.....	62, 63, 64(1-S)
Van Gilst, Bass.....	Oskaloosa.....	60	Farm Owner, Operator... ..	44	Mahaska, Keokuk, Iowa, Monroe.....	61, 62, 63, 64(1-S)
Walsh, John M.....	Dubuque.....	31	Dept. Store Executive... ..	25	Dubuque.....	62, 63, 64(1-S)

GENERAL ASSEMBLY—Continued

MEMBERS OF THE HOUSE — SIXTY-FOURTH GENERAL ASSEMBLY — SECOND REGULAR SESSION (1972)

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Alt, Don D.	W. Des Moines.	55	Savings & Loan Exec.	61st—Polk	63, 64(1)
Anania, Samuel F.	Des Moines.	50	Self-employed	65th—Polk	64(1)
Andersen, Leonard C.	Sioux City	60	Real Estate-Insurance	23rd—Woodbury	59, 60, 60X, 62, 63, 64(1)
Bennett, Vernon N.	Des Moines.	35	Union Representative	59th—Polk	62, 63, 64(1)
Bergman, Irvin L.	Harris	60	Farmer	3rd—Lyon-Dickinson-Osceola	62, 63, 64(1)
Blouin, Michael T.	Dubuque.	26	Sales Man.-Adv. Spec.	49th—Dubuque	63, 64(1)
Bray, Daniel L., Jr.	Davenport.	24	Law Student	77th—Scott	64(1)
Camp, John.	Bryant.	56	Agric., Business	73rd—Clinton	58, 59, 60, 60X, 62, 63, 64(1)
Campbell, Herbert L.	Washington.	61	Farmer	89th—Henry-Jefferson-Washington	63, 64(1)
Christensen, Perry L.	Kent.	39	Farmer	95th—Decatur-Ringgold-Union	62, 63, 64(1)
Clark, John H.	Keokuk.	25	Insurance Agent	100th—Lee	64(1)
Cochran, Dale M.	Eagle Grove.	43	Farmer-Businessman	29th—Calhoun-Webster	61, 62, 63, 64(1)
Curtis, Warren E.	Cherokee.	57	Cert. Public Accountant	25th—Cherokee-Ida.	64(1)
Den Herder, Elmer.	Sioux Center.	63	Farmer-Realtor	1st—Sioux-Lyon	57, 58, 59, 60, 60X, 61, 62, 63, 64(1)
Dougherty, Tom.	Albia.	61	Farmer-Business	94th—Marion-Monroe	60X, 61, 63, 64(1)
Doyle, Donald V.	Sioux City	46	Lawyer	21st—Woodbury	57, 58, 61, 63, 64(1)
Drake, Richard F.	Muscatine.	44	General Farming	71st—Muscatine	63, 64(1)
Dunton, Keith H.	Thornburg.	56	Businessman-Farmer	88th—Iowa-Keokuk	58, 59, 60, 60X, 61, 62, 63, 64(1)
Edelen, Rollin C.	Estherville.	63	Representative of Securities	5th—Emmet-Kossuth	64(1)
Egenes, Sonja.	Story City.	41	Housewife	33rd—Story	64(1)
Ellsworth, Theodore R.	Dubuque.	53	Insurance Agent	50th—Dubuque	63, 64(1)
Ewell, Vernon A.	Waterloo.	34	Teacher	39th—Black Hawk	63, 64(1)
Fischer, Harold O.	Wellsburg.	54	Real Estate-Insurance	35th—Grundy-Marshall	58, 59, 60, 60X, 61, 62, 63, 64(1)
Fisher, C. Raymond.	Grand Junction.	64	Farming	56th—Greene-Guthrie	58, 59, 60, 60X, 61, 62, 63, 64(1)
Franklin, A. June.	Des Moines.	41	Admin. Assistant	64th—Polk	62, 63, 64(1)
Freeman, Dennis L.	Storm Lake.	32	Insurance Salesman	15th—Buena Vista-Clay-O'Brien	63, 64(1)
Gluba, William E.	Davenport.	29	College Admiss. Counselor.	76th—Scott	64(1)
Goode, Dewey E.	Bloomfield.	73	Retired	98th—Davis-Wapello	45, 48X, 46, 46X, 47, 48, 49, 50, 50X, 53, 54, 55, 56, 57, 59, 60, 60X, 63, 64(1)
Grassley, Charles E.	New Hartford.	38	Farmer	10th—Butler-Floyd	58, 59, 60, 60X, 61, 62, 63, 64(1)

GENERAL ASSEMBLY—Continued



## MEMBERS OF THE HOUSE—SIXTY-FOURTH GENERAL ASSEMBLY—SECOND REGULAR SESSION (1972)—Continued

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Hamilton, Howard A.	Tipton	62	Dist. Insurance Manager	72nd—Cedar-Muscatine-Scott	63, 64(1)
Hansen, Willard	Cedar Falls	40	Insurance Executive	37th—Black Hawk	63, 64(1)
Harbor, William H.	Henderson	51	Elevator Owner-Operator	81st—Mills-Montgomery-Page	56, 57, 58, 62, 63, 64(1)
Hill, Philip B.	Des Moines	40	Lawyer	62nd—Polk	64(1)
Holden, Edgar H.	Davenport	57	Real Estate Broker	75th—Scott	62, 63, 64(1)
Husak, Emil J.	Toledo	41	Farmer	41st—Black Hawk-Tama	64(1)
Jesse, Norman	Des Moines	34	Attorney	58th—Polk	63, 64(1)
Johnston, Joseph C.	Iowa City	33	Lawyer	70th—Johnson	63, 64(1)
Kehe, Luvern W.	Waverly	61	Contractor-Engineer	12th—Bremer-Chickasaw	63, 64(1)
Kelly, E. Kevin	Sioux City	28	Lawyer	22nd—Woodbury	64(1)
Kennedy, Michael K.	New Hampton	32	Attorney	11th—Chickasaw-Howard-Winneshiak	63, 64(1)
Kinley, George R.	Des Moines	34	Self Employed	66th—Polk	64(1)
Knoblauch, Charles E., Sr.	Carroll	49	Ass'n. Executive	28th—Carroll-Crawford	63, 64(1)
Knoke, George J.	Council Bluffs	41	Lawyer	79th—Pottawattamie	64(1)
Kreamer, Robert M.	Des Moines	30	Attorney	63rd—Polk	63, 64(1)
Kruse, Walter W. P.	Sheldon	67	Farmer-Insurance	4th—Clay-O'Brien	63, 64(1)
Larson, Larry N.	Ames	35	Grocer	34th—Jasper-Story	64(1)
Lawson, Murray C.	Mason City	48	Printing & Office Supply	17th—Cerro Gordo	63, 64(1)
Lipsky, Joan	Cedar Rapids	52	Homemaker	46th—Linn	62, 63, 64(1)
Logemann, Kenneth L.	Northwood	34	Farmer	7th—Cerro Gordo-Worth-Winnebago	63(2), 64(1)
Mayberry, D. Vincent	Ft. Dodge	55	Poultry Processor	30th—Webster	61, 62, 63, 64(1)
McCormick, Harold C.	Manchester	61	Ret. Furniture Dealer	48th—Delaware-Jones	63, 64(1)
McElroy, Lillian	Percival	54	Housewife	82nd—Fremont-Page	64(1)
Mendenhall, John C.	New Albin	67	Retired Businessman	13th—Allamakee-Winneshiak	63, 64(1)
Menefee, Maynard	Fayette	64	Retired Farmer	19th—Fayette	63, 64(1)
Middleswart, James I.	Indianola	59	Farmer	93rd—Warren-Marion	62, 63, 64(1)
Millen, Floyd H.	Farmington	51	Pres. Gravel Company	99th—Lee-Van Buren	60, 60X, 61, 62, 63, 64(1)
Miller, Elizabeth R.	Marshalltown	66	Homemaker	36th—Marshall	63, 64(1)
Moffitt, Delmont	Mystic	60	Farmer	96th—Appanoose-Decatur-Wayne	59, 60, 60X, 62, 64(1)
Mollett, Henry C.	Council Bluffs	33	Pres. Janitorial Service	80th—Pottawattamie	64(1)
Monroe, W. R. (Bill), Jr.	Burlington	33	Pharmacist	92nd—Des Moines	64(1)
Nielsen, Alfred	Defiance	69	Farmer	53rd—Harrison-Shelby	60, 60X, 61, 62, 63, 64(1)
Norpel, Richard J., Sr.	Bellevue	53	Insurance	52nd—Jackson-Jones	64(1)
Nystrom, John N.	Boone	38	Auto Dealer	55th—Boone	64(1)

MEMBERS OF THE HOUSE—SIXTY-FOURTH GENERAL ASSEMBLY—SECOND REGULAR SESSION (1972)—Continued

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Patton, John W.	Aurora	66	Farmer	20th—Buchanan-Delaware	61, 62, 64(1)
Pellett, Wendell C.	Atlantic	54	Farmer	83rd—Audubon-Cass	64(1)
Pelton, Charles H.	Clinton	31	Lawyer	74th—Clinton	62, 63, 64(1)
Pierson, George N.	Oskaloosa	67	Farmer-Agric. Business	87th—Keokuk-Mahaska-Monroe	62, 63, 64(1)
Priebe, Berl E.	Algona	53	Farmer	6th—Kossuth-Humboldt	63, 64(1)
Radl, Richard M.	Lisbon	60	Manufacturer	43rd—Linn	61, 62, 63, 64(1)
Rex, Clyde	Ellsworth	49	Farmer	31st—Hamilton-Wright	63, 64(1)
Rodgers, Norman G.	Adel	44	Grocer-Farmer	85th—Dallas-Madison	63, 64(1)
Roorda, Norman	Monroe	43	Farmer	67th—Jasper	62, 63, 64(1)
Sargisson, Hallie	Salix	64	Housewife	24th—Woodbury	64(1)
Schmeiser, Lloyd F.	Burlington	50	Farm Owner-Operator	91st—Des Moines-Louisa	63, 64(1)
Schroeder, Laverne W.	McClelland	38	Farmer	54th—Harrison-Pottawattamie	62, 63, 64(1)
Schwartz, James H.	Ottumwa	43	Insurance	97th—Wapello	63, 64(1)
Schwieger, Barton L.	Waterloo	30	Lawyer	40th—Black Hawk	64(1)
Scott, Kenneth D.	Thornton	41	Farmer-Auct.-Realtor	18th—Franklin-Cerro Gordo	64(1)
Shaw, Elizabeth	Davenport	48	Housewife-Lawyer	78th—Scott	62, 63, 64(1)
Shgin, Marion D.	Lucas	61	Farmer	86th—Clarke-Lucas-Madison	60, 64(1)
Skinner, Ed.	Altoona	35	Lawyer	60th—Polk	63, 64(1)
Small, Arthur A., Jr.	Iowa City	37	Business Executive	69th—Johnson	64(1)
Sorg, Nathan	Marion	61	Pharmacist	47th—Linn	62, 63, 64(1)
Stanley, Ivor W.	Cedar Rapids	47	Executive, Supply Co.	45th—Linn	64(1)
Stokes, A. Gordon	Le Mars	71	Farmer	2nd—Plymouth-Sioux	59, 60, 60X, 61, 62, 63, 64(1)
Strand, Clair	Grinnell	61	Grocer-Laundromat Owner	68th—Iowa-Jasper-Poweshiek	62, 63, 64(1)
Stromer, Delwyn	Garner	41	Farmer	8th—Hancock-Wright	62, 63, 64(1)
Strothman, Charles F.	New London	70	Farmer-Livestock Breeder	90th—Henry-Jefferson	60, 60X, 61, 62, 63, 64(1)
Taylor, Raymond J.	Dubuque	35	Plant Const. & Maint.	51st—Dubuque	64(1)
Tieden, Dale	Elkader	49	Farmer	14th—Allamakee-Clayton	61, 62, 63, 64(1)
Trowbridge, Delbert L.	Charles City	68	Farmer-Prop. Management	9th—Floyd-Mitchell	64(1)
Uban, Charles J.	Waterloo	50	Oil Jobber	38th—Black Hawk	61, 64(1)
Varley, Andrew	Stuart	36	Farmer	84th—Adair-Adams-Taylor	62, 63, 64(1)
Waugh, Jewell O.	Whiting	61	Farmer	27th—Crawford-Monona	62, 63, 64(1)
Welden, Richard W.	Iowa Falls	63	Contractor	32nd—Franklin-Hardin	62, 63, 64(1)
Wells, James D.	Cedar Rapids	43	Food Co. Employee	44th—Linn	63, 64(1)
Willits, Earl M.	Des Moines	25	Teacher	57th—Polk	64(1)
Winkelman, William P.	Lohrville	38	Farmer-Businessman	26th—Calhoun-Sac	60, 60X, 61, 62, 63, 64(1)
Wirtz, James E.	Emmetsburg	28	Insurance-Real Estate	16th—Palo Alto-Pocahontas	64(1)
Wyckoff, Russell L.	Vinton	46	Farmer	42nd—Benton-Black Hawk	64(1)

GENERAL ASSEMBLY—Continued

## OFFICERS OF THE SIXTY-FOURTH GENERAL ASSEMBLY, SECOND SESSION

### OFFICERS OF THE HOUSE

<i>Speaker of the House</i> —William H. Harbor .....	Henderson
<i>Speaker Pro Tempore</i> —Floyd H. Millen .....	Farmington
<i>Majority Floor Leader</i> —Andrew Varley .....	Stuart
<i>Assistant Majority Floor Leader</i> —Richard F. Drake.....	Muscatine
<i>Assistant Majority Floor Leader</i> — Robert M. Kreamer .....	Des Moines
<i>Minority Floor Leader</i> —Dale M. Cochran .....	Eagle Grove
<i>Assistant Minority Floor Leader</i> —Berl E. Priebe.....	Algona
<i>Minority Whip</i> —A. June Franklin .....	Des Moines
<i>Chief Clerk of the House</i> —William R. Kendrick.....	Des Moines
<i>Assistant Chief Clerk</i> —Burl B. Beam .....	Martensdale
<i>Legislative Counsel</i> —Lillian Leffert .....	Des Moines
<i>Engrossing Clerk</i> —Alyce M. Elmitt .....	West Des Moines
<i>Chief Journal Clerk</i> —Sue M. Reed .....	Des Moines
<i>Journal Clerk</i> —Elizabeth A. Isaacson .....	Des Moines
<i>Secretary to Chief Clerk</i> —Dolores Abels .....	Des Moines
<i>Clerk to Chief Clerk</i> —Dorothy Potthoff .....	Des Moines
<i>Finance Clerk</i> —Billie Jean Walling .....	Des Moines
<i>Supervisor of Clerks</i> —Elizabeth J. O'Connor .....	Des Moines
<i>Secretary to Speaker</i> —Maryjo F. Welch .....	Des Moines
<i>Assistant to Legislative Counsel</i> — Pauline E. Kephart .....	Des Moines
<i>Sergeant-at-Arms</i> —Clarence O. Anderson .....	Des Moines
<i>Assistant to Sergeant-at-Arms</i> — Frank L. Christen .....	Des Moines
<i>Bill Clerk</i> —Phyllis J. Frazier .....	Des Moines
<i>Assistant Bill Clerk</i> —Madeline E. James .....	Des Moines
<i>File Clerk</i> —James R. Lawyer .....	Des Moines
<i>Supply Clerk</i> —Ann B. McCarty .....	Des Moines
<i>Chief Electrician</i> —Elmer E. Pennington .....	Des Moines
<i>Assistant Electrician</i> —John G. Fribourgh .....	Des Moines
<i>Assistant Voting Machine Operator</i> — John L. Jacoby .....	Des Moines
<i>Control Board Operator</i> —Steve E. Pearson .....	Boone
<i>Postmistress</i> —Laura J. Stokes .....	LeMars
<i>Doorkeeper</i> —Luman W. Bell .....	Des Moines
<i>Doorkeeper</i> —Leonard A. Borg .....	Des Moines
<i>Doorkeeper</i> —Alfred Broad .....	Des Moines
<i>Doorkeeper</i> —Roy Carlson .....	Des Moines
<i>Doorkeeper</i> —Percy J. Couch .....	Des Moines
<i>Doorkeeper</i> —Paul M. Elliott .....	Des Moines

### OFFICERS OF THE HOUSE—Continued

<i>Doorkeeper</i> —Arthur C. Henderson .....	West Des Moines
<i>Doorkeeper</i> —Maurice W. Johnson .....	Ankeny
<i>Doorkeeper</i> —Arvid B. Lundberg .....	Des Moines
<i>Doorkeeper</i> —Clyde P. Wilson .....	Des Moines

### OFFICERS OF THE SENATE

<i>President</i> —Roger W. Jepsen .....	Davenport
<i>President Pro Tempore</i> —Vernon H. Kyhl .....	Parkersburg
<i>Majority Floor Leader</i> —Clifton C. Lamborn.....	Maquoketa
<i>Assistant Majority Floor Leader</i> —Charles F. Balloun.....	Toledo
<i>Assistant Majority Floor Leader</i> —Lucas J. DeKoster.....	Hull
<i>Minority Floor Leader</i> —Lee H. Gaudineer, Jr.....	Des Moines
<i>Assistant Minority Floor Leader</i> —James F. Schaben.....	Dunlap
<i>Senate Minority Whip</i> —C. Joseph Coleman .....	Clare
<i>Secretary of the Senate</i> —Carroll A. Lane .....	Carroll
<i>Assistant Secretary of the Senate</i> —Ruth E. Fisher.....	Des Moines
<i>Law and Reading Clerk</i> —Thomas S. Reavely .....	Des Moines
<i>Journal Clerk</i> —Dorothy F. Nepstad .....	Des Moines
<i>Assistant Journal Clerk</i> —Roberta Hickerson .....	Des Moines
<i>Engrossing Clerk</i> —Ardith B. Martin .....	Des Moines
<i>Secretary to Lieutenant Governor</i> — Joyce Ann Johnson .....	Des Moines
<i>Secretary to the Secretary</i> —K. Marie Thayer .....	Ankeny
<i>Secretary and Enrolling Clerk</i> —Colleen Dillon.....	Des Moines
<i>Supply and Secretary's Clerk</i> —Dorothy E. Hohnbaum.....	Grimes
<i>Payroll Clerk</i> —Mary Ann Abbott .....	Des Moines
<i>Special Clerk</i> —Beverly B. Dunn .....	Des Moines
<i>Special Clerk</i> —Hazel E. Schroedel .....	West Des Moines
<i>General Clerk</i> —Joyce M. Horner .....	Des Moines
<i>Control Board Operator</i> —Max Runciman .....	Indianola
<i>Bill Clerk</i> —Nola Caryll Wilbur .....	Indianola
<i>Assistant Bill Clerk</i> —Tony Cosenza .....	Des Moines
<i>Sergeant-at-Arms</i> —R. K. Shawhan .....	Des Moines
<i>Assistant Sergeant-at-Arms</i> —John Nelson .....	Jewell
<i>Chief Doorkeeper</i> —Byron Marshall .....	Indianola
<i>Assistant Doorkeeper</i> —George R. Chastain .....	Des Moines
<i>Assistant Doorkeeper</i> —Coldren C. Glenn .....	Mitchellville
<i>Assistant Doorkeeper</i> —Lowell Rasmussen .....	Mitchellville
<i>Assistant Doorkeeper</i> —B. W. Rulon .....	Des Moines
<i>Assistant Doorkeeper</i> —Holt Schiefer .....	Des Moines
<i>Postmistress</i> —Mary D. Balloun .....	Toledo

# CONDITION OF STATE TREASURY

Receipts, Disbursements and Balances in the Several Funds  
For Each Year of the Biennial Period Ending June 30, 1971.

Fiscal Year Ending June 30, 1971

	Balance July 1, 1970	Total Receipts and Transfers	Total Available	Total Warrants Redeemed Treasurer's Checks Issued and Transfers	Balance June 30, 1971
General Revenue .....	\$ 32,863,394	\$ 553,978,410	\$ 586,841,804	\$ 454,583,444	\$ 28,933,370
Transfers .....				103,324,990	
Trust Funds .....	134,805,749	263,743,159	465,133,896	325,760,302	139,373,094
Transfers .....		66,584,988			
Special Funds (Comptroller's Warrants) ..	409,081,221	537,591,300	1,088,290,688	642,689,121	445,601,567
Transfers .....		141,668,167			
Special Funds (Treasurer's Checks) .....	10,868,159	1,810,625	12,678,784	2,026,511	3,493,788
Transfers .....				2,158,485	
<b>TOTALS.....</b>	<b>\$ 587,568,523</b>	<b>\$1,565,376,649</b>	<b>\$2,152,945,172</b>	<b>\$1,530,543,353</b>	<b>\$ 622,401,819</b>

Balance July 1, 1970 .....	\$ 587,568,523
Receipts and Transfers .....	1,565,376,649
Total .....	\$2,152,945,172
Disbursements and Transfers .....	1,530,543,353
Balance June 30, 1971 .....	<u>\$ 622,401,819</u>

# LAWS

OF THE

**Second Regular Session**

OF THE

## **Sixty-fourth General Assembly**

OF THE

### **STATE OF IOWA**

PASSED AT DES MOINES, THE CAPITAL OF THE STATE, BEGUN ON THE TENTH DAY OF JANUARY, AND ENDED ON THE TWENTY-FOURTH DAY OF MARCH, A.D. 1972, IN THE ONE HUNDRED TWENTY-SIXTH YEAR OF THE STATE.

## **APPROPRIATIONS**

### **CHAPTER 1001**

#### **FUNDING OF MERIT PLAN**

H. F. 1214

AN ACT relating to funding of the merit system pay plan and making an appropriation.

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

1 SECTION 1. The state comptroller shall create an account, within  
2 the general fund of the state, to be known as the "salary adjustment  
3 fund".

1 SEC. 2. The state comptroller shall transfer to the salary adjust-  
2 ment fund from funds which would otherwise revert to the state  
3 general fund on June 30, 1972, any amounts necessary to carry out  
4 the provisions of section three (3) of this Act. Funds transferred  
5 must have been appropriated from the general fund of the state by  
6 Acts of the first session of the Sixty-fourth general assembly, and  
7 the appropriation Acts must have provided, in whole or in part, that  
8 the funds appropriated were to be used to pay salary and wages for  
9 state employees.

1 SEC. 3. There is appropriated from the salary adjustment fund  
2 for the fiscal year beginning July 1, 1972, and ending June 30, 1973  
3 an amount necessary to implement any changes in the pay plans for

4 the merit system and the executive council exempt pay plan as pro-  
 5 vided in section nineteen A point nine (19A.9), subsection two (2) of  
 6 the Code. The implementation or salary adjustments shall be made  
 7 under the Iowa merit employment commission rules and regulations  
 8 in effect on March 1, 1972. However, the payment and allocation of  
 9 the funds appropriated by this section shall be subject to the approval  
 10 of the governor and state comptroller. The appropriation may be  
 11 in the form of transfers by the governor and state comptroller to the  
 12 various general fund appropriations for the fiscal year 1972-73, and  
 13 shall supplement such general fund appropriations.

1 SEC. 4. Except as provided in section five (5), this Act shall relate  
 2 to only the general fund of the state and shall not be construed to  
 3 replace state funding for federal, trust or special funds where appli-  
 4 cable.

1 SEC. 5. Any salary adjustments or implementations of any  
 2 changes in the classification and pay plan for the fiscal year beginning  
 3 July 1, 1972 which relate to funds other than the general fund of  
 4 the state shall be carried out in the same manner and under the same  
 5 rules and regulations as changes made for the general fund accounts  
 6 as provided in this Act.

Approved April 21, 1972.

## CHAPTER 1002

### MOTOR VEHICLE FUEL TAX APPROPRIATIONS

H. F. 695

AN ACT to appropriate from the motor vehicle fuel tax fund for the biennium begin-  
 ning July 1, 1971 and ending June 30, 1973, to the state comptroller.

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

1 SECTION 1. There is appropriated from the motor vehicle fuel tax  
 2 fund for each fiscal year of the biennium beginning July 1, 1971 and  
 3 ending June 30, 1973 to the state comptroller the following amounts,  
 4 or so much thereof as may be necessary, to be used for the following  
 5 purposes:

	1971-72	1972-73
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
6		
7		
8		
9		
10		
11		
	\$ 20,000.00	\$ 20,000.00

1 SEC. 2. Notwithstanding the provisions of section eight point  
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-  
 3 ances of appropriations made by this Act for the first fiscal year of  
 4 the biennium commencing July 1, 1971 shall, on September 30, 1972,  
 5 revert to the state treasury and to the credit of the fund from which

6 appropriated. The state comptroller may make application to the  
7 appropriation committees for the reappropriation of any funds that  
8 revert on September 30, 1972 and the respective appropriation com-  
9 mittees or a subcommittee thereof shall hold a hearing upon such  
10 application while the general assembly is in session. In all other  
11 respects the provisions of section eight point thirty-three (8.33) of  
12 the Code shall apply to appropriations made for the first fiscal year  
13 of such biennium. Unencumbered or unobligated balances of appro-  
14 priations made for the second fiscal year of such biennium shall be  
15 subject to section eight point thirty-three (8.33) of the Code.

Approved February 11, 1972.

## CHAPTER 1003

### GEOLOGICAL SURVEY APPROPRIATION

S. F. 1213

AN ACT relating to the appropriation of the office of the geological survey.

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

1 SECTION 1. Chapter fourteen (14), section three (3), Acts of the  
2 Sixty-fourth General Assembly, First Session, is amended to read as  
3 follows:

4 SEC. 3. Notwithstanding the provisions of section eight point  
5 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-  
6 ances of appropriations made by this Act for the first fiscal year of  
7 the biennium commencing July 1, 1971 shall, on September 30, 1972,  
8 revert to the state treasury and to the credit of the fund from which  
9 appropriated, *provided however, the sum of twenty-one thousand*  
10 *(21,000) dollars appropriated by section one (1), subsection one (1),*  
11 *paragraph a of this Act shall not revert and shall be carried over for*  
12 *use during the fiscal year commencing July 1, 1972.* The state agen-  
13 cies to which this appropriation is made may make application to the  
14 appropriation committee for the reappropriation of any funds that  
15 do revert, or probably will revert upon the dates herein set and the  
16 respective appropriation committee or a subcommittee thereof shall  
17 hold a hearing upon such application while the general assembly is  
18 in regular session. In all other respects the provisions of section eight  
19 point thirty-three (8.33) of the Code shall apply to appropriations  
20 made for the first fiscal year of such biennium. Unencumbered or  
21 unobligated balances of appropriations made for the second fiscal year  
22 of such biennium shall be subject to section eight point thirty-three  
23 (8.33) of the Code.

Approved March 22, 1972.

## CHAPTER 1004

## PURCHASE OF GMC BUILDING

H. F. 1279

AN ACT authorizing exercise of a purchase-option by the executive council and appropriating funds therefor.

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

1 SECTION 1. There is appropriated from any funds available under  
2 section twenty-one point seven (21.7) of the Code to the executive  
3 council the sum of three hundred sixty thousand dollars (\$360,000),  
4 or so much thereof as may be necessary, to be used by the executive  
5 council to pay the balance due to complete the purchase on the pur-  
6 chase-option lease and addendum with Trailer Owners Service Corpo-  
7 ration, currently known as the Capitol Industries, Incorporated, for  
8 the building known as the GMC building, and all, or such portions of  
9 the adjacent parking lot at East Seventh and Walnut streets in the  
10 city of Des Moines, as the executive council may determine upon, in-  
11 cluding expenses incident to fees, abstracting costs, and appraisal  
12 fees.

1 SEC. 2. Any unencumbered balance of the funds appropriated by  
2 this Act remaining as of June 30, 1973, shall revert to the general  
3 fund of the state.

Approved April 21, 1972.

## CHAPTER 1005

## HIGHWAY COMMISSION APPROPRIATIONS

S. F. 1201

AN ACT to appropriate funds to the state highway commission for designated capital improvement programs.

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

1 SECTION 1. There is appropriated from the primary road fund to  
2 the state highway commission the sum of four million six hundred  
3 seventeen thousand nine hundred (4,617,900) dollars, or so much  
4 thereof as may be necessary, to be used in the following manner:  
5 1. Land and improvements for field operation facilities...\$4,000,000  
6 2. Field operation offices at Storm Lake, Mason City, and  
7 Chariton, Iowa ..... 239,000  
8 3. Ames, Iowa, Area Improvement..... 104,000  
9 4. Traffic weight operations..... 274,000  
10 Grand total of all appropriations for all purposes of this  
11 Act for the state highway commission.....\$4,617,900

1 SEC. 2. The state highway commission may obtain and accept any  
2 federal grants and funds to the state to be used in connection with  
3 the funds appropriated by this Act.



1 SEC. 3. Any unencumbered balance remaining as of June 30, 1975  
 2 of the appropriation made by this Act shall revert to the primary  
 3 road fund as of such date.

1 SEC. 4. When the state highway commission has approved a proj-  
 2 ect to be financed with funds authorized in this Act, a description of  
 3 said project and estimated cost shall be reported to the governor and  
 4 state comptroller for allocation of funds.

Approved March 17, 1972.

## CHAPTER 1006

### ELECTION LAWS ADMINISTRATION APPROPRIATION

H. F. 1213

AN ACT making an appropriation to the office of secretary of state to defray expenses relating to the administration of election laws.

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

1 SECTION 1. There is appropriated from the general fund of the  
 2 state to the office of secretary of state for the fiscal year beginning  
 3 July 1, 1971 and ending June 30, 1972, the sum of eight thousand  
 4 (8,000) dollars, and for the fiscal year beginning July 1, 1972 and  
 5 ending June 30, 1973, the sum of seventeen thousand (17,000) dollars,  
 6 or so much thereof as may be necessary, for the purpose of paying the  
 7 expenses of administering the division of elections created pursuant  
 8 to House File 1147 as approved and enacted by the Sixty-fourth Gen-  
 9 eral Assembly, Second Session. The funds appropriated by this Act  
 10 may be expended for paying the salary of a person appointed to be  
 11 in charge of the division of elections and any other necessary salaries  
 12 and expenses incurred in administering a division of elections. The  
 13 funds appropriated by this Act shall be in addition to any other funds  
 14 appropriated by the general assembly for use of the secretary of state  
 15 in administering his office and carrying out his duties in relation to  
 16 the administration of election laws and procedures, and this Act shall  
 17 not be construed as prohibiting the use for such purpose of any funds  
 18 appropriated to the office of secretary of state.

1 SEC. 2. This Act, being deemed of immediate importance, shall  
 2 take effect and be in force from and after its publication in The DeWitt  
 3 Observer, a newspaper published in DeWitt, Iowa, and in The Gutten-  
 4 berg Press, a newspaper published in Guttenberg, Iowa.

Approved March 15, 1972.

I hereby certify that the foregoing Act, House File 1213, was published in The DeWitt Observer, DeWitt, Iowa, March 23, 1972, and in The Guttenberg Press, Guttenberg, Iowa, March 22, 1972.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 1007

## BUILDING CODE APPROPRIATION

H. F. 1299

AN ACT making an appropriation for the purpose of implementing and administering a state building code.

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

1 SECTION 1. There is appropriated from the general fund of the  
2 state to the office for planning and programming, division of municipal  
3 affairs, for the fiscal year beginning July 1, 1972 and ending June  
4 30, 1973 the sum of sixty thousand (60,000) dollars, or so much  
5 thereof as is necessary, for the purposes of carrying out the provisions  
6 of House File 6 as approved and enacted by the Sixty-fourth General  
7 Assembly, Second Session.

1 SEC. 2. The state building code commissioner shall make a report  
2 to the respective committees on appropriations of the Sixty-fourth  
3 General Assembly regarding the expenditure of funds appropriated  
4 by this Act, the collection of fees pursuant to the provisions of House  
5 File 6, and the application for or receipt of any federal funds which  
6 may have been applied for or received pursuant to the provisions of  
7 House File 6.

Approved April 21, 1972.

## CHAPTER 1008

## MEDICAL SCHOOL AID

S. F. 593

AN ACT to make an appropriation to the executive council for the acquisition of land and buildings, and the remodeling, construction and equipping of a medical school in counties having a population of over two hundred thousand.

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

1 SECTION 1. There is appropriated from the general fund of the  
2 state to the executive council for the biennium commencing July 1,  
3 1971 and ending June 30, 1973 the sum of five hundred thousand  
4 (500,000) dollars, to be paid by the executive council to an existing  
5 medical school to acquire land and buildings and for the development  
6 of plans and the construction and equipping of a new medical school  
7 within any county with two hundred thousand (200,000) or more  
8 population and which school grants a degree of doctor of medicine and  
9 surgery or osteopathic medicine and surgery recognized pursuant to  
10 the laws of the state of Iowa.

1 SEC. 2. The executive council shall require, as a condition prece-  
2 dent to payment of this appropriation that the existing medical school  
3 shall enter into an agreement with the state of Iowa to insure that  
4 in the event the said existing medical school shall be unable, or un-

5 willing, to complete the construction of the said new medical school,  
 6 the state of Iowa shall have a first lien in the principal amount of five  
 7 hundred thousand (500,000) dollars without interest on the premises,  
 8 subject only to the rights, if any, of the United States of America.  
 9 Upon completion of the acquisition of land and construction of the  
 10 said new medical school, the said executive council shall by appropri-  
 11 ate resolution and execution of the necessary instruments discharge  
 12 and satisfy said lien in full.

Approved March 17, 1972.

## CHAPTER 1009

### MENTAL HEALTH INSTITUTES

H. F. 1297

AN ACT relating to continuation of the study of the state mental health institutes and the existing institutions for juveniles under the department of social services.

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

1 SECTION 1. Chapter sixty-five (65), section two (2), Acts of the  
 2 Sixty-fourth General Assembly, First Session, is amended to read as  
 3 follows:

4 There is hereby appropriated from the general fund of the state to  
 5 the Iowa legislative council for the fiscal year ~~period~~ beginning July 1,  
 6 1971 and ending ~~June 30, 1972~~ *January 1, 1973* the sum of twenty-five  
 7 thousand (25,000) dollars to be used for the purpose of conducting a  
 8 study regarding the present and future roles and adequacy of the  
 9 mental health institutes and the existing institutions for juveniles  
 10 under the department of social services, and to project future expan-  
 11 sion, consolidation, or closing of these facilities.

12 The study shall be conducted by a study committee appointed by the  
 13 Iowa legislative council from among members of the appropriate  
 14 standing committees of the house of representatives and the senate,  
 15 and shall include such citizen members as are deemed to be appro-  
 16 priate. Four members shall be chosen from the house of representa-  
 17 tives and four from the senate and shall consist of representatives of  
 18 the two political parties.

19 The study committee shall report its findings and recommendations,  
 20 including legislative bill drafts implementing same, to the ~~Sixty-~~  
 21 ~~fourth~~ *Sixty-fifth* General Assembly meeting in January, ~~1972~~ *1973*.

Approved April 21, 1972.

## CHAPTER 1010

## CRIME COMMISSION APPROPRIATION

S. F. 1182

AN ACT to appropriate funds from the general fund of the state of Iowa to the Iowa crime commission for the purpose of matching federal funds to support certain activities within local government units and creating a legislative advisory committee.

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

1 SECTION 1. There is appropriated from the general fund of the  
2 state to the Iowa crime commission for the fiscal year commencing  
3 July 1, 1972 and ending June 30, 1973, the sum of one hundred thou-  
4 sand (100,000) dollars, or so much thereof as may be necessary, to  
5 be used for the purpose of matching federal funds available to the  
6 Iowa crime commission through the Omnibus Crime Control and Safe  
7 Streets Act of 1968 as amended by the Omnibus Crime Control Act  
8 of 1970.

1 SEC. 2. The funds appropriated in this Act constitute a portion  
2 of the federal statutory requirement to provide in the aggregate not  
3 less than one-fourth of the nonfederal funding for projects conducted  
4 by units of general local government or combinations of such units  
5 for the development and implementation of programs and projects  
6 for the improvement of law enforcement.

1 SEC. 3. Unencumbered or unobligated balances of this appropria-  
2 tion as of June 30, 1975, shall revert to the general fund of the state.

1 SEC. 4. Any funds allocated from this appropriation shall be  
2 approved by the state comptroller and the governor.

1 \* [SEC. 5. There is hereby created a legislative advisory com-  
2 mittee to the Iowa crime commission composed of six members. Three  
3 members shall be appointed from the senate by the lieutenant gov-  
4 ernor and three members from the house of representatives by the  
5 speaker of the house. The Iowa crime commission, prior to imple-  
6 menting any program, subsequent to July 1, 1972, shall consult with  
7 and receive the advice of the legislative advisory committee. The  
8 commission does not have to accept any advice offered by the com-  
9 mittee. Prior to consulting with its legislative advisory committee  
10 the Iowa crime commission shall submit to such committee, in writing,  
11 a concise statement of the guidelines used to implement such program  
12 and the objectives to be obtained or accomplished by such program;  
13 what portion of its appropriation and allocation of federal funds will  
14 be utilized to accomplish each guideline and objective; the unit cost  
15 basis for implementing the guidelines and objectives; and any other  
16 information the committee may request.]

1 \* [SEC. 6. If federal guidelines permit and the Iowa crime com-  
2 mission allocates the necessary funds, the legislative advisory com-  
3 mittee shall establish a post audit evaluation of selected programs of  
4 the crime commission. The committee shall utilize the services of the  
5 legislative fiscal director who shall employ such additional personnel  
6 as is needed and supervise such personnel in accomplishing the post

7 audit evaluation of the programs designated by the committee. Such  
8 personnel shall be the employees of the fiscal director.]

1 \* [SEC. 7. The individual performing the post audit evaluation  
2 shall, in respect to each program to be evaluated, determine the  
3 number of individuals who have participated in and benefited from  
4 such program; establish a unit cost basis for accomplishing the  
5 guidelines and objectives reported pursuant to section five (5) of  
6 this Act; determine the amount spent for planning, administrative  
7 salaries, office salaries, office space, equipment, overhead, and sup-  
8 port and the allocation thereof to each guideline and objective; deter-  
9 mine the amount of any state and federal funds actually reaching the  
10 persons to be benefited in the form of a direct service or benefit; and  
11 determine any other criteria which will indicate if the benefits to be  
12 derived from the program are justified by the costs of such program.]

1 \* [SEC. 8. The individual performing the post audit evaluation  
2 shall file a written report with the committee concerning all of his  
3 examinations and audits required in sections five (5) and seven (7) of  
4 this Act and also send a copy thereof to the Iowa crime commission  
5 and local government or combination of such units who after receiv-  
6 ing, examining, and studying such report shall file, within a reason-  
7 able period of time, with the committee its written response thereto  
8 specifically answering any alleged illegal expenditures, unbusinesslike  
9 practices, excessive personnel, excessive personnel positions, inefficient  
10 and uneconomical implementation of a program, and any other speci-  
11 fic criticisms and recommendations made in the report. All such  
12 reports and responses thereto shall be a public record.]

1 \* [SEC. 9. The legislative advisory committee shall meet to con-  
2 sider the reports filed and the responses filed thereto and when there  
3 has been reported any illegal expenditures, unbusinesslike practices,  
4 utilization of excessive personnel or personnel positions, inefficient or  
5 uneconomical implementation of a program, or a program which is  
6 not accomplishing its purpose, the committee shall hold a public hear-  
7 ing thereon where the sworn testimony of the individual performing  
8 the post audit evaluation and personnel of the Iowa crime commission  
9 and local government or combination of such units involved shall be  
10 received, and the committee may request any other evidence or testi-  
11 mony it deems relevant and material.]

1 \* [SEC. 10. The legislative advisory committee shall submit to the  
2 general assembly within thirty days of its next convening a written  
3 report of its audits and public hearings and any recommendations  
4 it may have based thereon.]

1 \* [SEC. 11. Any general local government, a unit thereof, and com-  
2 binations of such units that receive any federal or state funds pursu-  
3 ant to action of the Iowa crime commission shall, upon request of the  
4 legislative advisory committee to the Iowa crime commission, cooper-  
5 ate in the conducting of any such post audit evaluation and appear and  
6 testify upon request.]

\* Approved April 22, 1972, except sections 5, 6, 7, 8, 9, 10 and 11  
contained herein which I hereby disapprove.

s/ROBERT D. RAY, Governor.

## **GENERAL LAWS**

## GENERAL LAWS

### CHAPTER 1011

#### DESIGNATION OF ASSEMBLY

S. F. 1087

AN ACT relating to the designation of the general assembly and acts thereof.

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

1 SECTION 1. Section two point two (2.2), Code 1971, is amended by  
2 striking the section and inserting in lieu thereof the following:

3 Each regular session of the general assembly shall be designated by  
4 the year in which it convenes and by a number with a new consecu-  
5 tive number assigned with the session beginning in each odd-num-  
6 bered year.

7 A special session of the general assembly shall be designated as an  
8 extraordinary session in the particular year of a numbered general  
9 assembly.

1 SEC. 2. Section fourteen point ten (14.10), Code 1971, subsection  
2 two (2), is amended by adding the following new subsection:

3 "Chapters of the first regular session shall be numbered from one  
4 (1) and chapters of the second regular session shall be numbered  
5 from one thousand one (1001)."

1 SEC. 3. Section fourteen point eighteen (14.18), Code 1971, is  
2 amended by striking the section and inserting in lieu thereof the fol-  
3 lowing:

4 14.18 Citation of session laws. The session laws of each general  
5 assembly shall be known and cited as "..... Session of the  
6 ..... General Assembly, Chapter (or File No.) ....., Section  
7 ....." (inserting the appropriate number).

Approved March 9, 1972.

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### CHAPTER 1012

#### SALARY REVIEW COMMISSION

H. F. 1242

AN ACT to establish a commission on compensation, expenses, and salaries for elective state officials and constitutional judicial officers.

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

1 SECTION 1. There is established a commission to be known as the  
2 commission on compensation, expenses, and salaries for elected state

3 officials, hereinafter referred to as "the commission". The commis-  
4 sion shall be composed of fifteen members, five of whom shall be  
5 appointed by the governor, five of whom shall be appointed by the  
6 president of the senate, and five of whom shall be appointed by the  
7 speaker of the house of representatives. Members of the commission  
8 shall be appointed without regard to political affiliation and shall not  
9 be state officials or employees, employees of any state department,  
10 board, commission, or agency or of any political subdivision of the  
11 state.

1 SEC. 2. Members of the commission shall serve for a term of office  
2 of five years, and for the initial commission, one member appointed by  
3 each shall be appointed to serve for five years, one for four years, one  
4 for three years, one for two years, and one for one year. Vacancies  
5 on the commission shall be filled for the unexpired term in the same  
6 manner as the original appointment.

1 SEC. 3. Members of the commission shall serve without compensa-  
2 tion, but shall receive actual and necessary expenses, including travel  
3 at the state rate. Payment shall be made from funds available pursu-  
4 ant to section two point twelve (2.12) of the Code; however, members  
5 appointed by the governor shall be paid from funds appropriated to  
6 the office of the governor.

1 SEC. 4. The commission shall elect its own chairman from among  
2 its membership and shall meet on the call of the chairman to review  
3 compensation and expenses received by members of the general assem-  
4 bly and salaries of the other elective state officials. The commission  
5 shall review compensation and expenses paid to members of the gen-  
6 eral assembly and salaries paid to other elective state officials, and  
7 constitutional judicial officers, and shall review compensation, ex-  
8 penses, and salaries paid for comparable positions in other states, the  
9 federal government, and private enterprise. Based on such review  
10 and other factors deemed relevant, the commission shall make its  
11 determination as to compensation and expense levels for members of  
12 the general assembly and as to salary levels for other elective state  
13 officials to be recommended to the governor and the members of the  
14 general assembly. No later than February 1, 1973, and each two  
15 years thereafter, the commission shall report to the governor and to  
16 the general assembly its recommendations for compensation and ex-  
17 penses for members of the general assembly and for salaries for other  
18 elective state officials.

1 SEC. 5. The general assembly shall consider the recommendations  
2 of the commission in determining compensation and expenses for mem-  
3 bers of the general assembly and salaries for other elective state offi-  
4 cials.

Approved April 21, 1972.



## CHAPTER 1013

## OMNIBUS CORRECTIONS

S. F. 1132

AN ACT correcting erroneous, inconsistent, and obsolete sections of the Code of Iowa, including some penalty sections.

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

1 SECTION 1. Section four point one (4.1), subsection twenty-six  
2 (26), Code 1971, is amended to read as follows:

3 26. Population. The word "population", where used in this Code or  
4 any statute hereafter passed, shall be taken to be that as shown by  
5 the last preceding national census, unless otherwise specially pro-  
6 vided. However the population figure disclosed for any city or town  
7 as the result of a special federal census as modified as the result of  
8 consolidation or annexation in the manner provided in sections 312.3  
9 and 123.50, shall be considered for no other purposes than the appli-  
10 cation of sections 123.50 and\* ~~312.3~~ 312.3 and chapter 165, division IV,  
11 *Acts of the Sixty-fourth General Assembly, First Session.*

1 SEC. 2. Section sixteen point twenty-four (16.24), Code 1971, as  
2 amended by chapter eighty (80), section two (2), and chapter eighty-  
3 four (84), section sixty-four (64), Acts of the Sixty-fourth General  
4 Assembly, First Session, is amended by striking subsection fifteen  
5 (15) and inserting in lieu thereof the following:

6 15. To the following offices such number of copies as will enable  
7 them to perform the duties of their respective offices.

- 8 a. Code editor.
- 9 b. Attorney general.
- 10 c. Legislative service bureau.
- 11 d. Legislative fiscal director.
- 12 e. Court administrator.

1 SEC. 3. Section twenty-four point fourteen (24.14), Code 1971, is  
2 amended to read as follows:

3 24.14 Tax limited. No greater tax than that so entered upon the  
4 record shall be levied or collected for the municipality proposing such  
5 tax for the purpose or purposes indicated; and thereafter no greater  
6 expenditure of public money shall be made for any specific purpose  
7 than the amount estimated and appropriated therefor, except as  
8 provided in sections 24.6, 24.15 and subsection 4 of section 343.11.  
9 All budgets set up in accordance with the statutes shall take such  
10 funds (allocations made by sections 123.50 and\* ~~324.79~~, 324.79 and  
11 *chapter 165, division IV, Acts of the Sixty-fourth General Assembly,*  
12 *First Session*) into account, and all such funds, regardless of their  
13 source, shall be considered in preparing the budget, all as is pro-  
14 vided in this chapter.

1 SEC. 4. Section twenty-six point six (26.6), Code 1971, as amended  
2 by chapter one hundred sixty-five (165), section forty-five (45), Acts  
3 of the Sixty-fourth General Assembly, First Session, is amended to  
4 read as follows:

\*According to enrolled Act.

5     **26.6 Population of counties, townships, cities, and towns.** When-  
6 ever the population of any county, township, city, or town is referred  
7 to in any law of this state, it shall be determined by the last certified,  
8 or certified and published, official census unless otherwise provided.  
9 However, the population figure disclosed for any city or town as the  
10 result of a special federal census as modified as the result of con-  
11 solidation or annexation in the manner provided in sections 312.3,  
12 and 123.50, shall be considered for no other purposes than the appli-  
13 cation of sections 123.50, 312.3 and the provisions of this division.  
14 Whenever a special federal census is hereafter taken by any city or  
15 town, the mayor and council shall certify the said census as soon  
16 as possible to the secretary of state and to the treasurer of state as  
17 otherwise herein provided, and failing to do so, the treasurer of  
18 state shall, after six months from the date of said special census,  
19 ~~turn over such moneys as authorized by sections 123.50 and 312.3~~  
20 ~~to the general fund of the state withhold allocation of such moneys~~  
21 ~~from the city,~~ and continue to do so until such time as certification  
22 by said mayor and council is made, or until the next decennial  
23 federal census. If there be a difference between the original certified  
24 record in the office of the secretary of state and the published census  
25 the former shall prevail.

1     SEC. 5. Section twenty-eight B point one (28B.1), unnumbered  
2 paragraph four (4), Code 1971, is amended to read as follows:

3     The director of the legislative ~~research~~ *service* bureau shall serve  
4 as secretary of the commission.

1     SEC. 6. Section seventy-nine point one (79.1), Code 1971, as  
2 amended by chapter eighty-four (84), section eighty-one (81), and  
3 chapter one hundred five (105), section one (1), Acts of the Sixty-  
4 fourth General Assembly, First Session, is amended by striking un-  
5 numbered paragraph five (5) and inserting in lieu thereof the follow-  
6 ing:

7     "Leave of absence of two and one-half working days each month  
8 with pay may be granted in the discretion of the head of any depart-  
9 ment, agency or commission to employees of such department, agency  
10 or commission when necessary by reason of sickness or injury; un-  
11 used portions of such leave for any one year may be accumulative  
12 to a total of ninety working days. Provided, however, that notwith-  
13 standing the foregoing limitations, state highway commission main-  
14 tenance employees, uniformed members of the division of highway  
15 safety and uniformed force and members of the division of criminal  
16 investigation and bureau of identification and the division of drug  
17 law enforcement, except clerical workers, of the department of public  
18 safety may upon the recommendation of the commissioner with the  
19 approval of the executive council, be granted additional leave of ab-  
20 sence with pay, for injuries sustained in line of duty. It is further  
21 provided that employees of institutions under the state board of  
22 regents who are employed for nine months or more in any twelve-  
23 month period shall be entitled, in the discretion of the board, to a  
24 leave of absence with pay of two and one-half working days for  
25 each month of employment when necessary by reason of sickness or  
26 injury, and such portion as is unused may be accumulated to a total of  
27 ninety working days."

1 SEC. 7. Section eighty point eight (80.8), unnumbered paragraph  
2 one (1), Code 1971, is amended to read as follows:

3 The commissioner, with the approval of the governor, shall appoint  
4 such deputies, inspectors, officers, clerical workers and other em-  
5 ployees as may be required to properly discharge the duties of this  
6 department, provided, however, that all members in good standing of  
7 what was heretofore known as the Iowa highway safety patrol shall,  
8 upon the enactment of this chapter, immediately become members of  
9 this department without appointment and the rank of all members of  
10 the Iowa highway safety patrol shall remain the same as heretofore.

1 SEC. 8. Section eighty-four point twenty-two (84.22), unnum-  
2 bered paragraph four (4), Code 1971, is amended to read as follows:

3 Subscribed and sworn to before me, a Notary Public in and for  
4 \_\_\_\_\_ County, the State of Iowa, this \_\_\_\_\_ day of \_\_\_\_\_,  
5 19.....

6 \_\_\_\_\_  
7 Notary Public

8 My commission expires \_\_\_\_\_

9 AFFIDAVIT OF THE BANKER

10 State of \_\_\_\_\_ )  
11 ) ss.

12 County of \_\_\_\_\_ )

13 I, \_\_\_\_\_, (Cashier) (President) of the \_\_\_\_\_ Bank of  
14 \_\_\_\_\_, being first duly sworn, upon my oath hereby declare that  
15 there has not been deposited to the credit of \_\_\_\_\_ in the \_\_\_\_\_  
16 Bank of \_\_\_\_\_, by \_\_\_\_\_ or any other party, any sum of money  
17 whatsoever, in payment of rental under the terms of said oil and gas  
18 mining lease herein referred to.

19 Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19.....

20 \_\_\_\_\_  
21 (Cashier) (President) of \_\_\_\_\_ Bank

22 Subscribed and sworn to before me, a Notary Public in and for  
23 said County and the State of Iowa on the \_\_\_\_\_ day of \_\_\_\_\_,  
24 19.....

25 \_\_\_\_\_  
26 Notary Public

27 My commission expires \_\_\_\_\_

1 SEC. 9. Section one hundred eighteen point one (118.1), Code  
2 1971, is amended by striking the section and inserting in lieu thereof  
3 the following:

4 **118.1 Appointment of board—removal.** There is created a board  
5 of architectural examiners hereinafter called the board. Appoint-  
6 ments to the board shall be for terms of five years to begin on July  
7 first of the year of appointment. Such appointees shall have been in  
8 active practice in the state of Iowa for not less than ten years. Each  
9 member shall file with the secretary of state the constitutional oath of  
10 office and shall hold office until his successor is appointed and has  
11 qualified. The governor may remove any member of the board for  
12 misconduct, incapacity or neglect of duty.

1 SEC. 10. Section one hundred ninety-two point fifty-two (192.52),  
2 Code 1971, is amended to read as follows:

3 **192.52 Ownership of certification mark.** The ownership of the

4 Iowa butter certification mark is hereby vested and lodged in the  
5 Iowa certification mark butter association and said association may  
6 own and hold said certification mark for the benefit of its members.  
7 The Iowa butter control board shall retain all supervision and control  
8 over the manufacture and sale of all butter to be sold under said  
9 ~~trademark certification mark.~~

1 SEC. 11. Section one hundred ninety-two point fifty-seven  
2 (192.57), Code 1971, is amended to read as follows:

3 192.57 **Milk bottles to be marked.** Bottles or jars used for the sale  
4 of milk shall have clearly blown or permanently marked in the side of  
5 the bottle, the capacity of the bottle, and on the bottom of the bottle  
6 the name, initials, or ~~trademark certification mark~~ of the manu-  
7 facturer. The designating number shall be furnished by the depart-  
8 ment on request.

1 SEC. 12. Section two hundred twenty-seven point twelve (227.12),  
2 Code 1971, is amended to read as follows:

3 227.12 **Difference of opinion.** When a difference of opinion exists  
4 between the state director and the authorities in charge of any private  
5 or county hospital in regard to the removal of a patient or patients  
6 as herein provided, the matter shall be submitted to the district court  
7 of the county in which such hospital is situated and shall be sum-  
8 marily tried as an equitable action, and the judgment of the district  
9 court ~~or judge~~ shall be final.

1 SEC. 13. Section two hundred forty-eight point six (248.6), Code  
2 1971, is amended to read as follows:

3 248.6 **Conditions prerequisite to a pardon.** After conviction for a  
4 felony, no pardon or commutation of sentence shall be granted by  
5 the governor until he shall have presented the matter to, and obtained  
6 the advice of, the board of parole, ~~but he may commute a death sen-~~  
7 ~~tence to imprisonment in the penitentiary for life, without making~~  
8 ~~such reference or obtaining such advice.~~

1 SEC. 14. Section six hundred eighty-seven point two (687.2),  
2 Code 1971, is amended to read as follows:

3 687.2 **"Felony" defined.** A felony is a public offense ~~which may be~~  
4 ~~punished with death, or~~ which is, or in the discretion of the court may  
5 be, punished by imprisonment in the penitentiary or men's reforma-  
6 tory.

1 SEC. 15. Section twenty-nine C point fourteen (29C.14), Code  
2 1971, is repealed.

Approved April 22, 1972.

## CHAPTER 1014

## METHOD OF PAYING STATE EMPLOYEES

S. F. 1206

AN ACT relating to the method of paying state employees.

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

1 SECTION 1. Section eight point fifteen (8.15), Code 1971, is  
2 amended to read as follows:

3 8.15 Vouchers. Before a warrant *or equivalent* shall be issued for  
4 any claim payable from the state treasury, there shall be filed an  
5 itemized, certified voucher which shall show in detail the items of  
6 service, expense, thing furnished, or contract upon which payment is  
7 sought.

8 Vouchers for postage, stamped envelopes, and postal cards may be  
9 audited as soon as an order therefor is entered.

Approved April 22, 1972.

## CHAPTER 1015

## EDUCATIONAL RADIO AND TELEVISION

H. F. 1247

AN ACT making appropriations to the educational radio and television facility board for the purpose of making capital improvements.

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

1 SECTION 1. There is appropriated from the general fund of the  
2 state to the educational radio and television facility board, the follow-  
3 ing amounts or so much thereof as may be necessary, for the purpose  
4 of purchasing land, equipment, and other material necessary for capi-  
5 tal improvements and services necessary to provide educational radio  
6 and television communications for the entire state:

7 1. For the fiscal year commencing July 1, 1972 and ending June 30,  
8 1973 the sum of eight hundred thousand (800,000) dollars allocated as  
9 provided in section three (3) of this Act.

10 2. For the fiscal year commencing July 1, 1973 and ending June 30,  
11 1974 the sum of eight hundred thousand (800,000) dollars allocated as  
12 provided in section three (3) of this Act.

13 3. For the fiscal year commencing July 1, 1974 and ending June 30,  
14 1975 the sum of eight hundred thousand (800,000) dollars allocated as  
15 provided in section three (3) of this Act.

16 4. For the fiscal year beginning July 1, 1972 and ending June 30,  
17 1973 the sum of ten thousand (10,000) dollars, or so much thereof as  
18 is necessary, to be used as program acquisition costs to aid in defray-  
19 ing costs of making available programs having educational value to  
20 young children to commercial television stations which will carry such  
21 programs and which provide television coverage within areas of the

22 state which do not receive coverage from the Iowa educational broad-  
23 casting network.

1 SEC. 2. The educational radio and television facility board, the  
2 governor, and the state comptroller may accept federal or private  
3 grants to the state or accept as a gift any facilities or real property  
4 to be used in connection with the funds appropriated by this Act.

1 SEC. 3. The educational radio and television facility board shall  
2 develop plans and expend funds appropriated by section one (1) of  
3 this Act as follows:

4 1. Funds appropriated by subsection one (1) of section one (1) of  
5 this Act shall be expended for the extension of state communications  
6 and educational radio and television to the northeast and northwest  
7 areas of the state and the sum of not exceeding three hundred eighty-  
8 seven thousand five hundred (387,500) dollars shall be used for each  
9 such area except that a special appropriation of twenty-five thousand  
10 (25,000) dollars is made to the Mason City area for a translator  
11 facility.

12 2. Funds appropriated by subsection two (2) of section one (1) of  
13 this Act shall be expended for the extension of state communications  
14 and educational radio and television to the southwest area of the state.

15 3. Funds appropriated by subsection three (3) of section one (1) of  
16 this Act shall be expended for the extension of state communications  
17 and educational radio and television to the northwest central and  
18 northeast central areas of the state and the sum of not exceeding four  
19 hundred thousand (400,000) dollars shall be used for each such area.

1 SEC. 4. Any unencumbered balance of appropriations provided by  
2 section one (1) of this Act remaining as of the following dates shall  
3 revert to the general fund as indicated:

4 1. Unencumbered funds appropriated by subsection one (1) of sec-  
5 tion one (1) of this Act shall revert on June 30, 1976.

6 2. Unencumbered funds appropriated by subsection two (2) of sec-  
7 tion one (1) of this Act shall revert on June 30, 1977.

8 3. Unencumbered funds appropriated by subsection three (3) of sec-  
9 tion one (1) of this Act shall revert on June 30, 1978.

1 SEC. 5. When the educational radio and television facility board  
2 has approved a project to be financed with funds appropriated by this  
3 Act, a description of said project and estimated cost shall be reported  
4 to the governor and state comptroller for allocation of funds.

1 SEC. 6. No moneys appropriated by this Act shall be used for oper-  
2 ating expenses.

1 SEC. 7. Section eight A point three (8A.3), Code 1971, is amended  
2 by adding thereto the following:

3 Before any obligations for expenditures shall be incurred from ap-  
4 propriations made under the provisions of this chapter the same shall  
5 be approved by the state comptroller.

1 SEC. 8. Section eight A point twenty (8A.20), Code 1971, is re-  
2 pealed.

Approved April 20, 1972.

## CHAPTER 1016

## SCHOOL DISTRICTS AND SCHOOL CORPORATIONS

## S. F. 517

AN ACT to revise, update, and correct certain sections of the Code of Iowa relating to school districts and school corporations.

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

1 SECTION 1. Section eleven point eighteen (11.18), unnumbered  
2 paragraph one (1), Code 1971, is amended as follows:

3 The financial condition and transactions of all cities and city offices,  
4 merged areas, and all school offices in ~~independent and community~~  
5 school districts ~~maintaining high schools~~, shall be examined at least  
6 once each year. The financial condition and transactions of all  
7 towns having a population of seven hundred or more shall be exam-  
8 ined at least once every four years. Such examination shall cover  
9 the fiscal year next preceding the year in which the audit is conducted.  
10 The examination of school offices shall include an audit of activity  
11 funds. Examinations may be made by the auditor of state, or in lieu  
12 of the examination by state accountants the local governing body  
13 whose accounts are to be examined, in case it elects so to do, may con-  
14 tract with, or employ, certified or registered public accountants, cer-  
15 tified and registered in the state of Iowa, and pay the same from the  
16 proper public funds. If the city, merged area or school district elect  
17 to have the audit made by certified or registered public accountants,  
18 they must so notify the auditor of state within sixty days after the  
19 close of the fiscal year to be examined and towns electing to have their  
20 audit made by a certified public accountant must so notify the state  
21 auditor by resolution of the council designating the name of the person  
22 or firm to be employed at least ninety days prior to the end of a fiscal  
23 year. Such notification and designation shall remain in effect until  
24 rescinded or modified by a subsequent resolution of the town council  
25 filed with the state auditor. For town audits to be conducted by  
26 certified public accountants, the state auditor shall notify the desig-  
27 nated person or firm of the year to be examined at least sixty days  
28 prior to the end of the year to be examined. If any city, town, merged  
29 area or school district does not file such notification with the auditor of  
30 state within the required period, the auditor of state is authorized  
31 to make the examination and cover any period which has not been  
32 previously examined.

1 SEC. 2. Section twenty point five (20.5), subsection three (3),  
2 Code 1971, is amended as follows:

3 3. Enter into contract with or sell to any township, county, city,  
4 towns, and ~~independent and consolidated school districts~~ *district* or  
5 any local governmental unit or the state, its departments, commis-  
6 sions, boards or agencies, any equipment, property, and supplies that  
7 the board has purchased from the federal government, provided, how-  
8 ever, that the township, county, city, towns, and ~~independent or con-~~  
9 ~~solidated school districts~~ *district* or any local governmental unit, the  
10 state, its departments, commissions, boards or agencies, reimburses  
11 the board for the purchase price and expense connected with acquiring  
12 said equipment, property, and supplies.

1 SEC. 3. Section seventy point one (70.1), Code 1971, is amended  
2 as follows:

3 **70.1 Appointments and promotions.** In every public department  
4 and upon all public works in the state, and of the counties, cities,  
5 towns, and school ~~districts~~ *corporations* thereof, honorably discharged  
6 men and women from the military or naval forces of the United States  
7 in any war in which the United States was or is now engaged, includ-  
8 ing the Philippine insurrection, China relief expedition, and the Ko-  
9 rean conflict at any time between June 27, 1950 and July 27, 1953,  
10 both dates inclusive, and the Vietnam conflict beginning August 5,  
11 1964, and ending on the date the armed forces of the United States  
12 are directed by formal order of the government of the United States  
13 to cease hostilities, both dates inclusive, who are citizens and residents  
14 of this state shall be entitled to preference in appointment, employ-  
15 ment, and promotion over other applicants of no greater qualifications.  
16 For the purposes of this section World War II shall mean service in  
17 the armed forces of the United States between December 7, 1941,  
18 and September 2, 1945, both dates inclusive.

1 SEC. 4. Section seventy-two point four (72.4), Code 1971, is  
2 amended as follows:

3 **72.4 Penalty.** A violation of the provisions of section 72.3 shall,  
4 in addition to criminal liability, render the violator liable, personally  
5 and on his bond, if any, to liquidated damages in the sum of one  
6 thousand dollars for each violation, to inure to and be collected by  
7 the state, county, city, town, school ~~district~~ *corporation*, or other  
8 municipal corporation of which the violator is an officer or deputy.

1 SEC. 5. Section seventy-three point ten (73.10), Code 1971, is  
2 amended as follows:

3 **73.10 Exceptions.** The provisions of sections 73.6 to 73.9, inclu-  
4 sive, shall not apply to municipally owned and operated public utilities  
5 ~~nor to school townships and rural independent districts.~~

1 SEC. 6. Section two hundred fifty-seven point twelve (257.12),  
2 Code 1971, is amended as follows:

3 **257.12 Qualifications of superintendent.** The superintendent shall  
4 hold a master's degree in education or some related field; he shall have  
5 had at least five years' experience in educational administration. He  
6 shall hold or be eligible to hold a regular Iowa superintendent's cer-  
7 tificate based upon training. ~~Assistant superintendents~~ *The deputy*  
8 *superintendent* shall have the same qualifications.

1 SEC. 7. Section two hundred fifty-seven point thirteen (257.13),  
2 Code 1971, is amended as follows:

3 **257.13 Oath.** The superintendent and ~~assistant superintendents~~  
4 *deputy superintendent* shall take the oath of office prescribed by sec-  
5 tion 63.10.

1 SEC. 8. Section two hundred seventy-three point twenty-two  
2 (273.22), Code 1971, is amended by striking subsection fourteen (14).

1 SEC. 9. Section two hundred seventy-seven point twenty-seven  
2 (277.27), Code 1971, is amended as follows:

3 **277.27 Qualification.** A school officer or member of the board  
4 shall, at the time of election or appointment, be a qualified voter of



5 the corporation or subdistrict. *Notwithstanding any contrary pro-*  
 6 *vision of the Code, no member of the board of directors of any school*  
 7 *district, or his or her spouse, shall receive compensation directly from*  
 8 *the school board. No director or spouse affected by this provision on*  
 9 *the effective date of this Act, whose term of office for which elected*  
 10 *has not expired, or whose contract of employment has a fixed date of*  
 11 *expiration and has not expired, shall be affected by this provision until*  
 12 *the expiration of the term of office to which elected, or the expiration*  
 13 *date of the contract for which employed.*

1 SEC. 10. Section two hundred seventy-eight point one (278.1),\*  
 2 Code 1971, is amended by striking subsection eleven (11).

1 SEC. 11. Section two hundred seventy-eight point two (278.2),  
 2 Code 1971, is amended as follows:

3 278.2 **Submission of proposition.** The board may, and upon the  
 4 written request of twenty-five voters of any ~~city or town community~~  
 5 ~~or independent~~ district having a population of five thousand or less,  
 6 or of fifty voters of any other ~~city community or independent~~ district  
 7 or of any district in which registration of any of the voters is required,  
 8 shall provide in the notice for the regular election for submitting  
 9 any proposition authorized by law to the voters. All propositions  
 10 shall be voted upon by ballot, or by voting machine where required,  
 11 in substantially the form indicated in sections 49.45 and 49.47; and  
 12 the voter shall indicate his vote in the manner designated in section  
 13 49.46, or indicate it on the voting machine, as the case may be.

1 SEC. 12. Section two hundred seventy-nine point fourteen (279.14),  
 2 Code 1971, is amended as follows:

3 279.14 **Superintendent—term.** The board of directors of any ~~com-~~  
 4 ~~munity or independent~~ school district or ~~school township~~ where there  
 5 is a ~~township high school~~ shall have power to employ a superintendent  
 6 of schools for one year. After serving at least seven months, he may  
 7 be employed for a term of not to exceed three years. He shall be the  
 8 executive officer of the board and have such powers and duties as may  
 9 be prescribed by rules adopted by the board or by law. Boards of  
 10 directors may jointly exercise the powers conferred by this section.

1 SEC. 13. Section two hundred seventy-nine point thirty-two  
 2 (279.32), Code 1971, is amended as follows:

3 279.32 **Financial statement—publication.** In each ~~consolidated dis-~~  
 4 ~~trict and in each community or independent~~ city or town school dis-  
 5 trict, the board shall, during the second week of July of each year,  
 6 publish by one insertion in at least one newspaper, if there is a news-  
 7 paper published in said district, a summarized statement verified by  
 8 affidavit of the secretary of the board showing the receipts and dis-  
 9 bursements of all funds for the preceding school year. In all such  
 10 districts of more than one hundred twenty-five thousand population,  
 11 the statement of disbursements is to show the names of the persons,  
 12 firms, or corporations, and the total amount paid to each during the  
 13 school year.

1 SEC. 14. Section two hundred seventy-nine point thirty-three  
 2 (279.33), Code 1971, is amended as follows:

\*See also ch. 1019, §2.

3     **279.33 Other districts—filing statement.** In every other school  
4 district, and in every school district wherein no newspaper is pub-  
5 lished, the president and secretary of the board of directors thereof  
6 shall file the above statement with the county superintendent of schools  
7 during the second week of July of each year and shall post copies  
8 thereof in three conspicuous places in the district.

1     SEC. 15. Section two hundred seventy-nine point thirty-four  
2 (279.34), Code 1971, is amended as follows:

3     **279.34 Summary of warrants published.** In each consolidated dis-  
4 trict and in each independent or community city or town school dis-  
5 trict, except districts of over one hundred twenty-five thousand popu-  
6 lation, the board shall quarterly publish by one insertion in at least  
7 one newspaper published in the district, if there is a newspaper pub-  
8 lished in the district, a statement verified by affidavit of the secretary  
9 of the board showing a summary of the proceedings of the board  
10 pertaining to financial matters or expenses to the district for the  
11 previous quarter, including the list of all warrants issued by the  
12 board, the names of the persons, firms or corporations receiving same,  
13 the amount thereof and the reason therefor; except that warrants  
14 issued to persons regularly employed by the school district for services  
15 regularly performed by them need be listed not oftener than annually.  
16 The fee for publication of the statement provided for herein shall not  
17 exceed three-fifths of the legal publication fee provided by statute  
18 for the publication of legal notices.

1     SEC. 16. Section two hundred seventy-nine point thirty-six  
2 (279.36), Code 1971, is amended as follows:

3     **279.36 Industrial exposition.** The board of any school corporation,  
4 or the director of any subdistrict deeming it expedient, may, under  
5 the direction of the county superintendent, hold and maintain an in-  
6 dustrial exposition in connection with the schools of such district,  
7 such exposition to consist in the exhibit of useful articles invented,  
8 made, or raised by the pupils, by sample or otherwise, in any of the  
9 departments of mechanics, manufacture, art, science, agriculture, and  
10 the kitchen, such exposition to be held in the schoolroom, on a school  
11 day, as often as once during a term, and not oftener than once a  
12 month, at which the pupils participating therein shall be required to  
13 explain, demonstrate, or present the kind and plan of the article  
14 exhibited, or give its method of culture; and work in these several  
15 departments shall be encouraged, and patrons of the school invited to  
16 be present at each exhibition.

1     SEC. 17. Section two hundred eighty point eleven (280.11), Code  
2 1971, is amended as follows:

3     **280.11 Dental clinics.** Boards of school directors in all school dis-  
4 tricts containing one thousand or more inhabitants are hereby author-  
5 ized to establish and maintain in connection with the schools of such  
6 districts, a dental clinic for children attending such schools, and to  
7 offer courses of instruction on mouth hygiene. Said boards are hereby  
8 empowered to employ such legally qualified dentists and dental hy-  
9 gienists as may be necessary to accomplish the purpose of this section,  
10 and pay the expense of the same out of the general fund.

1 SEC. 18. Section two hundred eighty point seventeen (280.17),  
2 Code 1971, is amended as follows:

3 280.17 **Higher and graded schools.** The board may establish graded  
4 and high schools and determine what branches shall be taught there-  
5 in, but the course of study shall be subject to the approval of the  
6 state board of public instruction. ~~Whenever the board in a school~~  
7 ~~township establishes a high school, such high school can be discon-~~  
8 ~~tinued only by an affirmative vote of a majority of the votes cast for~~  
9 ~~and against such proposition at an election which may be called by~~  
10 ~~the county superintendent of schools upon a petition for such election~~  
11 ~~being presented signed by twenty-five percent of the electors in such~~  
12 ~~township.~~

1 SEC. 19. Section two hundred eighty-two point eighteen (282.18),  
2 Code 1971, is amended as follows:

3 282.18 **Children from charitable institution or state institution.**  
4 Children who are residents of a charitable institution organized under  
5 the laws of this state or residents of any institution under the juris-  
6 diction of a director of a division of the department of social services  
7 and who have completed a course of study for the eighth grade as  
8 ~~required by section 282.19~~ shall be permitted to enter any approved  
9 public high school in Iowa that will receive them and the tuition and  
10 transportation when required by law shall be paid by the treasurer of  
11 state from any money in his hands not otherwise appropriated and  
12 upon warrants drawn and signed by the state comptroller on requi-  
13 sition issued by the superintendent of public instruction. The super-  
14 intendent of public instruction is hereby empowered to require  
15 such reports, from such institution and from the high school such  
16 pupils attend, as are necessary properly to carry out the provisions of  
17 this section.

1 SEC. 20. Section two hundred eighty-five point one (285.1), sub-  
2 section one (1), paragraph "c", Code 1971, is amended as follows:

3 c. Elementary pupils residing in a ~~rural independent district, a~~  
4 ~~rural township district, or a consolidated district not operating a~~  
5 ~~central school, when the school in the district or subdistrict is in opera-~~  
6 ~~tion, must live more than two miles from the school in their own~~  
7 ~~district or subdistrict to be entitled to transportation.~~

8 Boards at their discretion may provide transportation for resident  
9 elementary children attending public school who live less than the  
10 distance at which transporation is required.

1 SEC. 21. Section two hundred eighty-five point ten (285.10), Code  
2 1971, is amended by striking subsection eight (8) and inserting in lieu  
3 thereof the following:

4 8. Boards in school districts which have sufficient resident pupils  
5 they are required to transport to warrant the purchase of transporta-  
6 tion equipment may purchase buses needed to provide the transporta-  
7 tion.

1 SEC. 22. Section two hundred eighty-eight point one (288.1), Code  
2 1971, is amended as follows:

3 288.1 **Evening schools authorized.** The board of any school ~~corpe-~~  
4 ~~ration district~~ may establish and maintain public evening schools as

5 a branch of the public schools when deemed advisable for the public  
6 convenience and welfare.

1 SEC. 23. Section two hundred eighty-eight point two (288.2),  
2 Code 1971, is amended as follows:

3 **288.2 When establishment mandatory.** When ten or more persons  
4 over sixteen years of age residing in any school ~~corporation~~ *district*  
5 shall, in writing, express a desire for instruction in the common  
6 branches at an evening school, the school board shall establish and  
7 maintain an evening school for such instruction for not less than two  
8 hours each evening for at least two evenings each week during the  
9 period of not less than three months of each school year.

1 SEC. 24. Section two hundred eighty-eight point three (288.3),  
2 Code 1971, is amended as follows:

3 **288.3 Supervision—who admitted.** ~~If such evening school is a~~  
4 ~~branch of a city or town school, the same shall be under the super-~~  
5 ~~vision of the superintendent of such city or town school; if not, the~~  
6 ~~same shall be under the supervision of the county superintendent.~~  
7 Such evening school shall be available to all persons over sixteen  
8 years of age who for any cause are unable to attend the public day  
9 schools of such school ~~corporation~~ *district*.

1 SEC. 25. Section two hundred ninety-two point two (292.2), un-  
2 numbered paragraph one (1), Code 1971, is amended as follows:

3 **292.2 Purchase of books—distribution.** Between the first Monday  
4 of July and the first day of October in each year, the county board of  
5 education shall expend all money withheld by the auditor, as provided  
6 in section 292.1, in the purchase of books for the use of the school  
7 district. The county board of education may distribute the books thus  
8 purchased to the librarians of the several school districts in the pro-  
9 portion that the number of persons of school age living in the school  
10 district bears to the number of such persons living in the county, or  
11 may entrust the custody of such books to the county superintendent  
12 of schools to be loaned by him to schools of the county in the manner  
13 of a circulating library; provided that if the circulating library method  
14 is adopted, in whole or in part, any ~~independent district, community~~  
15 ~~district, or any consolidated~~ district maintaining a high school shall,  
16 upon request of its board of directors, be excluded therefrom and be  
17 allowed its distributive share of such books on the basis first above  
18 mentioned in this section.

1 SEC. 26. Section two hundred ninety-six point one (296.1), Code  
2 1971, is amended as follows:

3 **296.1 Indebtedness authorized.** Subject to the approval of the  
4 voters thereof, school ~~corporations~~ *districts* are hereby authorized to  
5 contract indebtedness and to issue general obligation bonds to provide  
6 funds to defray the cost of purchasing, building, furnishing, recon-  
7 structing, repairing, improving or remodeling a schoolhouse or school-  
8 houses and additions thereto, gymnasium, stadium, field house, school  
9 bus garage, teachers' or superintendent's home or homes, and pro-  
10 curing a site or sites therefor, or purchasing land to add to a site  
11 already owned, or procuring and improving a site for an athletic field,  
12 or improving a site already owned for an athletic field, and for any  
13 one or more of such purposes. Taxes for the payment of said bonds

14 shall be levied in accordance with chapter 76, and said bonds shall  
 15 mature within a period not exceeding twenty years from date of  
 16 issue, shall bear interest at a rate or rates not exceeding seven percent  
 17 per annum and shall be of such form as the board of directors of  
 18 such school ~~corporation~~ *district* shall by resolution provide, but the  
 19 aggregate indebtedness of any school ~~corporation~~ *district* shall not  
 20 exceed five percent of the actual value of the taxable property within  
 21 said school ~~corporation~~ *district*, as ascertained by the last preceding  
 22 state and county tax lists.

1 SEC. 27. Section two hundred ninety-seven point one (297.1),  
 2 Code 1971, is amended as follows:

3 **297.1 Location.** The board of each school ~~corporation~~ *district* may  
 4 fix the site for each schoolhouse, which shall be upon some public  
 5 highway already established or procured by such board and not in any  
 6 public park, and except in cities, towns, and villages, not less than  
 7 thirty rods from the residence of any landowner who objects thereto.  
 8 In fixing such site, the board shall take into consideration the  
 9 number of scholars residing in the various portions of the school  
 10 ~~corporation~~ *district* and the geographical location and convenience  
 11 of any proposed site.

1 SEC. 28. Section two hundred ninety-seven point two (297.2),  
 2 Code 1971, is amended as follows:

3 **297.2 Ten-acre limitation.** Except as hereinafter provided, any  
 4 school ~~corporation~~ *district* may take and hold so much real estate as  
 5 may be required for such site, for the location or construction thereon  
 6 of schoolhouses, and the convenient use thereof, but not to exceed ten  
 7 acres exclusive of public highway.

1 SEC. 29. Section two hundred ninety-seven point three (297.3),  
 2 Code 1971, is amended as follows:

3 **297.3 Thirty-acre limitation.** Any school ~~corporation~~ *district* in-  
 4 cluding a city, town, or village, may take and hold an area equal to  
 5 two blocks exclusive of the street or highway, for a schoolhouse site,  
 6 and not exceeding thirty acres for school playground, stadium, or  
 7 field house, or other purposes for each such site.

1 SEC. 30. Section two hundred ninety-seven point nine (297.9),  
 2 Code 1971, is amended as follows:

3 **297.9 Use for other than school purposes.** The board of directors  
 4 of any school ~~corporation~~ *district* may authorize the use of any school-  
 5 house and its grounds within such ~~corporation~~ *district* for the purpose  
 6 of meetings of granges, lodges, agricultural societies, and similar  
 7 rural secret orders and societies, for parent-teacher associations, for  
 8 community recreational activities, for public forums and similar  
 9 community purposes; provided, however, that the board may not grant  
 10 such permission to any organization known or believed to hold views  
 11 that are in conflict with the republican form of government as set  
 12 forth in the Constitution of the United States; and for election pur-  
 13 poses, and for other meetings of public interest; provided that such  
 14 use shall in no way interfere with school activities; such use to be  
 15 for such compensation and upon such terms and conditions as may  
 16 be fixed by said board for the proper protection of the schoolhouse  
 17 and the property belonging therein, including that of pupils.

1 SEC. 31. Section two hundred ninety-seven point eleven (297.11),  
2 Code 1971, is amended as follows:

3 297.11 **Use forbidden.** If at any time the voters of such ~~corpora-~~  
4 ~~tion~~ *district* at a regular election forbid such use of any such school-  
5 house or grounds, the board shall not thereafter permit such use until  
6 the said action of such voters shall have been rescinded by the voters  
7 at a regular election, or at a special election called for that purpose.

1 SEC. 32. Section two hundred ninety-seven point fifteen (297.15),  
2 unnumbered paragraph one (1), Code 1971, is amended as follows:

3 Any real estate, owned by a school ~~corporation~~ *district*, containing  
4 less than two acres, situated wholly outside of a city or town, and not  
5 adjacent thereto, and heretofore used as a schoolhouse site shall revert  
6 to the then owner of the tract from which the same was taken, pro-  
7 vided that said owner of the tract last aforesaid shall, within the  
8 time hereinafter prescribed, pay the value thereof to such school  
9 ~~corporation~~ *district*.

1 SEC. 33. Section two hundred ninety-seven point sixteen (297.16),  
2 Code 1971, is amended as follows:

3 297.16 **Appraisers.** In case the school ~~corporation~~ *district* and said  
4 owner of the tract from which such school site was taken, do not  
5 agree as to the value of such site, the county superintendent of the  
6 county in which the greater part of such school ~~corporation~~ *district*  
7 is situated, shall, on the written application of either party, appoint  
8 three disinterested voters of the county to appraise said site.

1 SEC. 34. Section two hundred ninety-seven point nineteen  
2 (297.19), Code 1971, is amended as follows:

3 297.19 **Public sale.** If the owner of the tract from which said site  
4 was taken fails to pay the amount of such appraisement to such  
5 school ~~corporation~~ *district* within twenty days after the filing of same  
6 with the county superintendent, the school ~~corporation~~ *district* may  
7 sell said site to any other person at the appraised value, or may sell  
8 the same at public sale to the highest bidder.

1 SEC. 35. Section two hundred ninety-seven point twenty-two  
2 (297.22), unnumbered paragraph two (2), Code 1971, is amended  
3 as follows:

4 The board of directors of other school ~~corporations~~ *districts* may  
5 sell, lease, or dispose of, in whole or in part, any schoolhouse or site  
6 or other property belonging to the ~~corporation~~ *district* of a value not  
7 to exceed the following amounts:

1 SEC. 36. Section two hundred ninety-seven point twenty-two  
2 (297.22), unnumbered paragraph four (4), Code 1971, is amended  
3 as follows:

4 Before the board of directors may sell, lease or dispose of any  
5 property belonging to the school ~~corporation~~ *district* it shall comply  
6 with the requirements set forth in sections 297.15 to 297.20, inclusive  
7 and sections 297.23 and 297.24. Any real estate proposed to be sold  
8 shall be appraised by three disinterested freeholders residing in the  
9 school district and appointed by the county superintendent of schools  
10 of the county in which said real estate is located.

1 SEC. 37. Section two hundred ninety-seven point thirty-two  
2 (297.32), Code 1971, is amended as follows:

3 **297.32 Equipment and supplies.** If there is any school equipment,  
4 supplies, or other usable school materials, such as desks, blackboards,  
5 playground equipment, or the like, in or on said buildings or grounds,  
6 the superintendent of public instruction may remove the same and  
7 divert their use to other public school ~~corporations~~ *districts*.

1 SEC. 38. Section two hundred ninety-eight point one (298.1),  
2 unnumbered paragraph one (1), Code 1971, is amended as follows:

3 The board of each school ~~corporation~~ *district* shall estimate the  
4 amount of the proposed expenditures and proposed receipts for the  
5 general school purposes at a time and in a manner to effectuate the  
6 provisions of chapter 442. Compliance with chapter 24 shall be  
7 observed.

1 SEC. 39. Section two hundred ninety-nine point three (299.3),  
2 Code 1971, is amended as follows:

3 **299.3 Reports from private schools.** Within ten days from receipt  
4 of notice from the secretary of the school ~~corporation~~ *district* within  
5 which any private school is conducted, the principal of such school  
6 shall, once during each school year, and at any time when requested  
7 in individual cases, furnish to such secretary a certificate and report  
8 in duplicate of the names, ages, and number of days attendance of  
9 each pupil of such school over seven and under sixteen years of age,  
10 the course of study pursued by each such child, the texts used, and the  
11 names of the teachers, during the preceding year and from the time  
12 of the last preceding report to the time at which a report is required.  
13 The secretary shall retain one of the reports and file the other in the  
14 office of the county superintendent.

1 SEC. 40. Section two hundred ninety-nine point four (299.4), Code  
2 1971, is amended as follows:

3 **299.4 Reports as to private instruction.** Any person having the  
4 control of any child over seven and under sixteen years of age, who  
5 shall place such child under private instruction, not in a regularly  
6 conducted school, upon receiving notice from the secretary of the  
7 school ~~corporation~~ *district*, shall furnish a certificate stating the name  
8 and age of such child, the period of time during which such child has  
9 been under said private instruction, the details of such instruction,  
10 and the name of the instructor.

1 SEC. 41. Section two hundred ninety-nine point ten (299.10), un-  
2 numbered paragraph one (1), Code 1971, is amended as follows:

3 The board of each school ~~corporation~~ *district* may, and in school  
4 ~~corporations~~ *districts* having a population of twenty thousand shall,  
5 appoint a truancy officer.

1 SEC. 42. Section two hundred ninety-nine point eleven (299.11),  
2 unnumbered paragraph one (1), Code 1971, is amended as follows:

3 The truancy officer shall take into custody without warrant any  
4 apparently truant child and place him in the charge of the teacher in  
5 charge of the public school designated by the board of directors of  
6 the school ~~corporation~~ *district* in which said child resides, or of any  
7 private school designated by the person having legal control of the

8 child; but if it is other than a public school, the instruction and main-  
9 tenance of the child therein shall be without expense to the school  
10 ~~corporation~~ district.

1 SEC. 43. Section three hundred one point one (301.1), Code 1971,  
2 is amended as follows:

3 **301.1 Adoption—purchase and sale.** The board of directors of each  
4 and every school ~~corporation~~ district is hereby authorized and empow-  
5 ered to adopt textbooks for the teaching of all branches that are now  
6 or may hereafter be authorized to be taught in the public schools of  
7 the state, and to contract for and buy said books and any and all other  
8 necessary school supplies at said contract prices, and to sell the same  
9 to the pupils of their respective districts at cost, loan such textbooks  
10 to such pupils free, or rent them to such pupils at such reasonable fee  
11 as the board shall fix, and said money so received shall be returned to  
12 the general fund.

1 SEC. 44. Section three hundred one point three (301.3), Code  
2 1971, is amended as follows:

3 **301.3 Annual settlement by board of directors.** At the close of  
4 each school year the board of directors in each school ~~corporation~~ dis-  
5 trict shall cause a complete settlement to be made with each deposi-  
6 tory agent. A complete inventory of the textbooks on hand, with a  
7 statement itemized to show the expenses authorized and paid by the  
8 board, and the amount of money collected from each such depository  
9 agent during the year from the sale or rental of textbooks, shall be  
10 made in duplicate, signed by the secretary of the board and the deposi-  
11 tory agent and one copy filed with the secretary and one with the  
12 depository agent.

1 SEC. 45. Section three hundred one point nineteen (301.19), Code  
2 1971, is amended as follows:

3 **301.19 Rental or free textbooks purchased through county board.**  
4 The board of directors of each and every school ~~corporation~~ district  
5 that is a part of the county school system shall have authority to pur-  
6 chase through the county board of education at the regular contract  
7 price textbooks adopted by the county board of education and pay for  
8 the same from the general fund of the school district and loan them  
9 free or rent such textbooks to the pupils of their respective schools  
10 in the manner provided in sections 301.1, 301.2, and 301.3. The money  
11 so received shall be returned to the general fund of such district at  
12 the end of each calendar month.

1 SEC. 46. Section three hundred one point twenty-four (301.24),  
2 Code 1971, is amended as follows:

3 **301.24 Petition—election.** Whenever a petition signed by ten per-  
4 cent of the qualified voters, to be determined by the school board of  
5 any school ~~corporation~~ district, shall be filed with the secretary thirty  
6 days or more before the regular election, asking that the question of  
7 providing free textbooks for the use of pupils in the public schools  
8 thereof be submitted to the voters at the next regular election, he  
9 shall cause notice of such proposition to be given in the notice of  
10 such election.



1 SEC. 47. Section three hundred one point twenty-five (301.25),  
2 Code 1971, is amended as follows:

3 301.25 **Loaning books.** If, at such election, a majority of the legal  
4 voters present and voting by ballot thereon shall authorize the board  
5 of directors of said school ~~corporation~~ *district* to loan textbooks to  
6 the pupils free of charge, then the board shall procure such books as  
7 shall be needed, in the manner provided by law for the purchase of  
8 textbooks, and loan them to the pupils.

1 SEC. 48. Section three hundred two point three (302.3), unnum-  
2 bered paragraph two (2), Code 1971, is amended as follows:

3 These several funds shall be payable to the county treasurer of the  
4 several counties in which they arise, accounted for to the board of  
5 supervisors, and apportioned by it among the several school town-  
6 ships and independent districts of the county as provided by law.

Approved April 22, 1972.

## CHAPTER 1017

### ADMINISTRATIVE RULES DEFINED

#### H. F. 412

AN ACT relating to administrative rules of departments of the state.

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

1 SECTION 1. Section seventeen A point one (17A.1), subsection  
2 three (3), Code 1971, is amended by striking the subsection and  
3 inserting in lieu thereof the following:

4 3. "Rule" means any rule, regulation, order or standard of general  
5 application that implements or interprets law or policy, or the amend-  
6 ment, supplement, repeal, rescission, or revision of any rule, regula-  
7 tion, order, or standard of general application.

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

1 SEC. 2. The rules review committee shall at the request of any  
2 standing committee of the general assembly, or may on its own  
3 motion, require a department to meet with the rules review committee  
4 to discuss and review rules already promulgated and in force and  
5 thereafter render to such department an advisory opinion requesting  
6 that such rules be amended or revised.

Approved March 2, 1972.

## CHAPTER 1018

## DEPARTMENTAL RULES FILED WITHOUT APPROVAL

S. F. 203

AN ACT relating to administrative rules and regulations.

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

1 SECTION 1. Chapter seventeen A (17A), Code 1971, is amended  
2 by adding the following new section:

3 "1. In the event any departmental rule, except internal operation  
4 rules or temporary rules, does not have an advisory opinion by the  
5 attorney general, or unless the attorney general failed to render an  
6 opinion as provided by section seventeen A point six (17A.6) of the  
7 Code or it does not have the approval of the departmental rules review  
8 committee, then the department or agency prescribing, promulgating,  
9 or enforcing such rule shall have the burden of proof to establish that  
10 such rule is not arbitrary, illegal, or capricious.

11 2. If the department or agency fails to meet the proof, as provided  
12 in subsection one (1) of this section, or the court finds that such rule  
13 is arbitrary, illegal, or capricious, judgment shall be rendered against  
14 the department or agency for court costs which will include a reason-  
15 able attorney fee to be fixed by the court hearing such action, payable  
16 by the state comptroller from the support appropriations to the  
17 department or agency making the rule."

Approved February 17, 1972.

## CHAPTER 1019

## CODE CORRECTIONS

H. F. 1203

AN ACT relating to erroneous and obsolete references in the Code of Iowa.

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

1 SECTION 1. Section twenty-one point four (21.4), Code 1971, as  
2 amended by chapter eighty-seven (87), section one (1) and chapter  
3 eighty-four (84), section seventy-five (75), Acts of the Sixty-fourth  
4 General Assembly, First Session, is amended to read as follows:

5 21.4 **Private use—rate for state business.** No state officer or em-  
6 ployee shall use any state-owned motor vehicle for his own personal  
7 private use, nor shall he be compensated for driving his own motor  
8 vehicle except if such is done on state business with the approval of  
9 the state ~~car~~ vehicle dispatcher, and in such case he shall not receive  
10 more than ten cents per mile. However, the state ~~car~~ vehicle dis-  
11 patcher may delegate authority to officials of the state, and depart-  
12 ment heads, for the use of private vehicles on state business up to six  
13 thousand miles per year. When a state ~~car~~ motor vehicle has been  
14 assigned to a state officer or employee he shall not collect mileage for

15 the use of his personal vehicle unless the state vehicle assigned to him  
16 is not useable.

17 This section shall not apply to elected officers of the state, judges of  
18 the district court, judges of the supreme court, or officials and em-  
19 ployees of the state whose mileage is paid by other than state agencies.

1 SEC. 2. Section two hundred seventy-eight point one (278.1),\*  
2 Code 1971, as amended by chapter one hundred sixty-three (163), sec-  
3 tion one (1), Acts of the Sixty-fourth General Assembly, First Session,  
4 is amended by striking subsection eleven (11).

1 SEC. 3. Section three hundred twenty-one point one hundred sixty-  
2 five (321.165), Code 1971, is amended to read as follows:

3 321.165 **Manufacture by state.** In lieu of purchasing under com-  
4 petitive bids the *The* commissioner shall have authority to arrange  
5 with the director of the division of corrections of the department of  
6 social services to furnish such supplies as may be made at the state  
7 institutions.

1 SEC. 4. Section five hundred fifteen A point fourteen (515A.14),  
2 Code 1971, is amended to read as follows:

3 515A.14 **False or misleading information.** No person or organiza-  
4 tion shall willfully withhold information from, or knowingly give  
5 false or misleading information to, the commissioner, any statistical  
6 agency designated by the commissioner, any rating organization, or  
7 any insurer, which will affect the rates or premiums chargeable under  
8 this chapter. A violation of this section shall subject the one guilty  
9 of such violation to the penalties provided in section ~~515A.16~~ 515A.17.

1 SEC. 5. Section four hundred four point eight (404.8), Code 1971,  
2 is amended by striking subsection six (6).

1 SEC. 6. Section six hundred thirty-three point two hundred ninety-  
2 five (633.295), the last unnumbered paragraph, Code 1971, is amended  
3 to read as follows:

4 Subscribed and sworn to before me this ..... day of .....,  
5 19.....

6  
7 .....  
8 (Seal) Notary Public in and for the  
9 County of .....  
State of .....

1 SEC. 7. Sections three hundred twenty-one point one hundred  
2 sixty-four (321.164), three hundred twenty-one point two hundred  
3 forty-seven (321.247), four hundred thirty-two point five (432.5),  
4 four hundred thirty-two point eight (432.8), four hundred seventy-  
5 nine point eighty-nine (479.89), four hundred seventy-nine point  
6 ninety (479.90), and four hundred seventy-nine point ninety-two  
7 (479.92), Code 1971, are repealed.

Approved April 1, 1972.

\*See also ch. 1016, §10.

## CHAPTER 1020

## FISCAL YEAR OF POLITICAL SUBDIVISIONS

S. F. 1125

AN ACT to change the fiscal year of cities and towns, counties, and other political subdivisions.

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

1     **SECTION 1. Purpose and effective date.** The purpose of this Act  
2 is to change the budget year of cities, counties, and all other political  
3 subdivisions of the state from a calendar year beginning January first  
4 and ending December thirty-first to a fiscal year beginning July first  
5 and ending the following June thirtieth. The provisions of sections  
6 twelve (12) through ninety-four (94) of this Act, except sections fifty-  
7 three (53) through sixty (60), inclusive, and sections ninety-two (92)  
8 and ninety-three (93) of this Act, shall become effective July 1, 1975  
9 except that budget procedures necessary for implementation of the  
10 fiscal year budget shall be in effect as otherwise provided in sections  
11 twelve (12) through ninety-four (94) of this Act. Sections fifty-three  
12 (53) through sixty (60), inclusive, and sections ninety-two (92) and  
13 ninety-three (93) of this Act, shall become effective December 1, 1974,  
14 with respect to all special assessments levied after December 1, 1974,  
15 or bonds issued in anticipation of the payment of such assessments.  
16 In order to implement the provisions of this Act there shall be an  
17 extended calendar budget year commencing January 1, 1974 and end-  
18 ing June 30, 1975. Budgets for this period of time shall be as pro-  
19 vided in section three (3) of this Act. For the purpose of this Act,  
20 the term school district, when applicable, shall apply to merged area  
21 schools and joint county systems.

1     **SEC. 2. Rules and regulations.** The state appeal board, as defined  
2 in chapter twenty-four (24) of the Code may adopt rules and regula-  
3 tions for the administration of this Act.

1     **SEC. 3. Extended fiscal year.** The fiscal year of cities, counties,  
2 and other political subdivisions of the state shall begin July first and  
3 end the following June thirtieth commencing July 1, 1975. For the  
4 purpose of implementing the provisions of this Act, the fiscal year be-  
5 ginning January 1, 1974 and ending December 31, 1974, shall be ex-  
6 tended to include the six-month period beginning January 1, 1975 and  
7 ending June 30, 1975; therefore, the period of time for budgetary  
8 appropriations, and administration of cities, counties, and other politi-  
9 cal subdivisions of the state shall begin January 1, 1974 and end June  
10 30, 1975. Thereafter, the fiscal year shall begin July first and end on  
11 the following June thirtieth.

12     The provisions relating to the budget for the extended fiscal year  
13 shall apply to only those cities and towns, counties, and other political  
14 subdivisions which are on the effective date of this Act operating on  
15 a calendar year budget. If any cities and towns, counties, or other  
16 political subdivisions are operating on a budget for a fiscal year com-  
17 mencing on July first and ending on the following June thirtieth, the  
18 extended fiscal year budget shall not apply.

19     For the extended fiscal year, budgets shall be prepared in the same  
20 manner as prepared for a calendar year, except that they shall include

21 estimated expenditures for the extended year of eighteen months.  
22 The amounts certified by the various taxing districts to the county  
23 auditor shall be for the extended year of eighteen months. The coun-  
24 ty auditor shall cause the taxes to be levied for the extended eigh-  
25 teen-month period in the same manner as previously accomplished  
26 under a twelve-month period, and based on the property tax valua-  
27 tions of January 1, 1973. Any annual millage limitation, including  
28 those for emergency levies, applicable to the taxing districts other-  
29 wise provided by law shall for this extended period be increased by  
30 fifty percent.

31 The county treasurers for the period beginning January 1, 1974 and  
32 ending June 30, 1975, shall cause the levy received from the county  
33 auditor for cities, counties, and other political subdivisions budgeted  
34 on a calendar year period but which will levy for the extended year  
35 beginning January 1, 1974, to be paid in three equal installments, on  
36 the dates provided in section four hundred forty-five point thirty-seven  
37 (445.37) of the Code in effect prior to July 1, 1975, for the calendar  
38 year 1974 and the first six-month period in the year 1975.

39 All statutes relating to delinquencies, liens, tax sales, and the like  
40 shall be in full force and effect, except that applicable dates shall be  
41 extended in the same manner as the payment dates.

1 **SEC. 4. School fiscal year.** The budget preparation and certifica-  
2 tion for school districts for the fiscal year commencing July 1, 1974  
3 shall be carried out pursuant to chapters twenty-four (24) and two  
4 hundred ninety-eight (298) of the Code. Taxes for the fiscal year  
5 commencing July 1, 1974 shall be payable as follows:

6 1. One-half of the amount of taxes due for each school district, cer-  
7 tified in December, 1974 for the fiscal year beginning July 1, 1974,  
8 shall be due and payable before April 1, 1975 as provided in chapter  
9 four hundred forty-five (445) of the Code.

10 2. The second half of the amount of taxes due for each school dis-  
11 trict, certified in December, 1974 for the school year beginning July  
12 1, 1974, shall be cancelled, void, not spread, and never collected.

1 **SEC. 5. General fund balance.** Any school district which closes  
2 the fiscal year ending June 30, 1975 with a deficit balance remaining  
3 on hand in the general fund may obtain funds pursuant to one of the  
4 following methods:

5 1. The school district may make application to the state appeal  
6 board for a loan from the permanent school fund of the state, estab-  
7 lished in section three hundred two point one (302.1) of the Code,  
8 equal to the amount necessary to bring the balance remaining on hand  
9 in the general fund to zero on June 30, 1975. The provisions of sec-  
10 tion four hundred seven point two (407.2) of the Code shall not apply  
11 to this subsection.

12 The loan to the school district shall be payable by the school dis-  
13 trict in nine equal payments, plus interest, to the permanent school  
14 fund, commencing July 1, 1976. Interest on the loan shall be paid  
15 as follows:

16 a. For the period commencing July 1, 1976 and ending June 30,  
17 1978, no interest shall be charged or collected.

18 b. For the period commencing July 1, 1978 and ending June 30,  
19 1981, the rate of interest shall be two percent per year computed on  
20 the unpaid balance of the loan, as computed by the state comptroller.

21 c. For the period commencing July 1, 1981 and ending June 30,  
22 1984, the rate of interest shall be four percent per year computed on  
23 the unpaid balance of the loan, as computed by the state comptroller.

24 All applications for loans shall be made upon forms prepared by the  
25 state comptroller. The application forms, and any other forms neces-  
26 sary to complete the loan, shall be approved by the attorney general.  
27 Upon approval of the loan by the state appeal board, the state comp-  
28 troller shall cause the loan to be made from the permanent school  
29 fund. However, if the total amount of loans approved by the state  
30 appeal board exceeds eighty percent of the amount deposited in the  
31 permanent school fund, the state comptroller shall reduce the amount  
32 of each school district's approved loan proportionately so that the  
33 total amount loaned shall not exceed eighty percent of the permanent  
34 school fund.

35 2. The school district may utilize the provisions of sections two hun-  
36 dred ninety-eight point fifteen (298.15), two hundred ninety-eight  
37 point sixteen (298.16), and two hundred ninety-eight point seventeen  
38 (298.17) of the Code. The provisions of section four hundred seven  
39 point two (407.2) of the Code shall not apply to this subsection.

1 **SEC. 6. Homestead tax credit.** The millage credit of not to exceed  
2 twenty-five mills, provided in section four hundred twenty-five point  
3 one (425.1) of the Code, shall be increased to not to exceed thirty-  
4 seven and one-half mills for the extended fiscal year commencing Jan-  
5 uary 1, 1974 and ending June 30, 1975.

1 **SEC. 7. Homestead credit for elderly or disabled.** The homestead  
2 credit for low income persons over sixty-five years of age or totally  
3 disabled, provided in section four hundred twenty-five point one  
4 (425.1), subsection five (5), of the Code, as amended by chapter one  
5 hundred sixty-five (165), section thirty-nine (39), Acts of the Sixty-  
6 fourth General Assembly, First Session, of one hundred twenty-five  
7 dollars shall be increased to one hundred eighty-seven dollars and  
8 fifty cents for the fiscal year commencing January 1, 1974 and ending  
9 June 30, 1975.

1 **SEC. 8. Personal property tax credit.** The amounts due each tax-  
2 ing district for personal property tax credit, provided in section four  
3 hundred twenty-seven A point seven (427A.7) of the Code, shall be  
4 paid in three equal payments by the state comptroller by March 15,  
5 1974, September 15, 1974, and March 15, 1975 for cities and towns,  
6 counties and other political subdivisions operating under the extended  
7 fiscal year commencing January 1, 1974 and ending June 30, 1975.  
8 Where necessary the personal property tax credit shall be computed  
9 separately for school districts.

1 **SEC. 9. Existing obligations.** No state aid, grant or reimburse-  
2 ment of moneys paid or required to be paid shall be eliminated or  
3 changed irrespective of the extended fiscal year. No money owed to  
4 any political subdivision for any improvement shall be eliminated or  
5 changed, irrespective of the extended fiscal year.

1 **SEC. 10.** In the event that funds are not available during the ex-  
2 tended fiscal year for cities, counties, and other political subdivisions  
3 to make their legal and timely payments upon the principal or inter-  
4 est of any special assessment or general obligation bonds as due by

5 reason of the tax collection periods established in this Act, then the  
6 affected city, county, or other political subdivision shall transfer funds  
7 from any other source to meet this obligation, notwithstanding any  
8 other statute. Any such funds so transferred shall be repayable from  
9 the general tax collections or applicable special assessment collections,  
10 when received. This section shall not be printed as a permanent part  
11 of the Code and shall be printed in the session laws only.

1 SEC. 11. Any new construction or reconstruction or additions to  
2 existing structures that are started, partial or additional construction  
3 accomplished thereon, or completed after January 1, 1973 shall be  
4 valued, assessed, and placed upon the tax rolls during the extended  
5 fiscal year and the initial fiscal year thereafter upon January 1, 1974,  
6 July 1, 1974, and January 1, 1975 and thereafter as provided by law.  
7 Any taxpayer who desires to contest or protest the valuations so  
8 placed upon his property, shall pay the tax due thereon upon the valu-  
9 ation and assessment as made, under protest. Such taxpayer shall,  
10 thereafter, have the right to file a protest or appeal of such valuations  
11 or assessments with the appropriate tax review board during the cal-  
12 endar year 1974 or 1975, as provided by law, any other statute limit-  
13 ing the time limit for such appeal or protest to the contrary notwith-  
14 standing. If the appropriate review board or court reduces or elimi-  
15 nates the valuation or assessment in favor of the taxpayer, the tax-  
16 ing body or bodies that received the increased revenue or revenues by  
17 reason of the increased valuation or assessment, shall repay to the  
18 taxpayer the difference between the revenue actually raised and that  
19 which would have been raised upon the basis of the lower or eliminated  
20 valuation. In the event that the appropriate board of review or court  
21 raises the valuation previously set by the assessor, the taxpayer shall  
22 immediately pay to the treasurer for distribution to the appropriate  
23 taxing bodies the difference between what the taxpayer actually paid  
24 and what he should have paid by reason of the increased valuation  
25 or assessment. This section granting additional time to a taxpayer  
26 to appeal or protest the valuation or assessment of his property shall  
27 be effective for the calendar years 1974 and 1975, only. The taxing  
28 bodies to which the extended fiscal year applies shall take into consid-  
29 eration the growth of their tax base which reasonably will occur by  
30 reason of this section and shall determine their levy accordingly. This  
31 section shall not be printed as a permanent part of the Code and shall  
32 be printed in the session laws only.

1 SEC. 12. Section eight point six (8.6), subsection thirteen (13),  
2 Code 1971, is amended to read as follows:

3 13. Certification for levy. On ~~August 1~~ *February first* the state  
4 comptroller shall, for each year of the biennium, certify to the de-  
5 partment of revenue, the amount of money to be levied for general  
6 state taxes.

1 SEC. 13. Section twenty-four point two (24.2), subsection four  
2 (4), Code 1971, is amended by striking the subsection and inserting  
3 in lieu thereof the following:

4 4. The words "fiscal year" shall mean the period of twelve months  
5 beginning on July first and ending on the thirtieth day of June.

1 SEC. 14. Section twenty-four point three (24.3), unnumbered par-  
2 agraph one (1) and subsection three (3), Code 1971, are amended to  
3 read as follows:

4 No municipality shall certify or levy in any *fiscal* year any tax on  
5 property subject to taxation unless and until the following estimates  
6 have been made, filed, and considered, as hereinafter provided:

7 3. The amount proposed to be expended in each and every fund and  
8 for each and every general purpose during the fiscal year next ensu-  
9 ing, which in the case of ~~school corporations~~ *municipalities* shall be  
10 the period of twelve months beginning on the first day of July of the  
11 current calendar year.

1 SEC. 15. Section twenty-four point seventeen (24.17), unnumbered  
2 paragraph one (1), Code 1971, is amended to read as follows:

3 The local budgets of the various municipalities shall be certified by  
4 the chairman of the certifying board or the levying board, as the case  
5 may be, in duplicate to the county auditor not later than ~~the fifteenth~~  
6 ~~day of August~~ *February fifteenth* each year and school districts ~~the~~  
7 ~~fifteenth day of July~~ *December fifteenth* each year, on blanks pre-  
8 scribed by the state board, and according to rules and instructions  
9 which shall be furnished all certifying and levying boards in printed  
10 form by said state board.

1 SEC. 16. Section twenty-four point nineteen (24.19), Code 1971,  
2 is amended to read as follows:

3 **24.19 Levying board to spread tax.** At the time required by law  
4 the levying board shall spread the tax rates necessary to produce the  
5 amount required for the various funds of the municipality as certified  
6 by the certifying board, for the next succeeding *fiscal* year, as shown  
7 in the approved budget in the manner provided by law. One copy of  
8 said rates shall be certified to the state board.

1 SEC. 17. Section twenty-four point twenty (24.20), Code 1971, is  
2 amended to read as follows:

3 **24.20 Tax rates final.** The several tax rates and levies of the  
4 municipalities thus determined and certified in the manner provided  
5 in the preceding sections, except such as are authorized by a vote of  
6 the people, shall stand as the tax rates and levies of said municipality  
7 for the ensuing *fiscal* year for the purposes set out in the budget.

1 SEC. 18. Section twenty-four point twenty-five (24.25), subsec-  
2 tions one (1) and two (2), Code 1971, are amended to read as follows:

3 1. On or before ~~the January first day of July~~ of each year, each elec-  
4 tive or appointive officer or board, except tax certifying boards as de-  
5 fined in subsection 3 of section 24.2, having charge of any county  
6 office or department shall prepare and submit to the county auditor  
7 the following:

8 a. An estimate of the actual expenditures of such office or depart-  
9 ment during the current *fiscal* year;

10 b. A statement of the requested expenditures to be budgeted for  
11 such office for the next ~~calendar~~ *fiscal* year;

12 c. An estimate of the revenues, except property tax, to be collected  
13 for the county by such office during the current *fiscal* year;

14 d. An estimate of the revenues, except property tax, to be col-  
15 lected for the county by such office during the next ~~calendar~~ *fiscal* year.



16 Such estimates and statements shall be itemized in the same manner  
 17 as the various expenditures and revenues are itemized in the records  
 18 of the auditor.

19 2. On or before ~~the January tenth day of July~~ of each year, the  
 20 auditor shall submit to the board of supervisors, a compilation of the  
 21 various office and department estimates in as much detail as they  
 22 were submitted to him. With this compilation, the auditor shall show  
 23 the itemized expenditures and revenues for the two years preceding  
 24 the current *fiscal* year and an estimate of the cash *and unencumbered*  
 25 balances of each county fund at the end of the current *fiscal* year.

1 SEC. 19. Section twenty-four point twenty-seven (24.27), Code  
 2 1971, is amended to read as follows:

3 **24.27 Protest to budget.** Not later than the first Tuesday in  
 4 ~~September~~ *March*, a number of persons in any municipality equal to  
 5 one-fourth of one percent of those voting for the office of governor at  
 6 the last general election in said municipality, but in no event less than  
 7 ten, who are affected by any proposed budget, expenditure or tax levy,  
 8 or by any item thereof, may appeal from any decision of the certify-  
 9 ing board or the levying board, as the case may be, by filing with the  
 10 county auditor of the county in which such municipal corporation is  
 11 located, a written protest setting forth their objections to such budget,  
 12 expenditure or tax levy, or to one or more items thereof, and the  
 13 grounds for such objections; provided that at least three of such  
 14 persons shall have filed a joint written objection, at or before the time  
 15 of the meeting contemplated in section 24.11 which shall include a  
 16 detailed statement of the objections to said budget, expenditures or  
 17 tax levy for each and every fund, or the items therein to which objec-  
 18 tion is taken and an analysis of the fund or funds, or items therein  
 19 showing grounds for such objections or shall have appeared and made  
 20 objection, either general or specific, as provided by section 24.11.  
 21 Upon the filing of any such protest, the county auditor shall immedi-  
 22 ately prepare a true and complete copy of said written protest, to-  
 23 gether with the budget, proposed tax levy or expenditure to which  
 24 objections are made, and shall transmit the same forthwith to the  
 25 state board, and shall also send a copy of such protest to the certify-  
 26 ing board or to the levying board, as the case may be.

1 SEC. 20. Section twenty-four point thirty-two (24.32), Code 1971,  
 2 is amended to read as follows:

3 **24.32 Decision certified to county.** After a hearing upon such  
 4 appeal, the state board shall certify its decision with respect thereto  
 5 to the county auditor, and such decision shall be final. The county  
 6 auditor shall make up his records in accordance with such decision  
 7 and the levying board shall make its levy in accordance therewith.  
 8 Upon receipt of such decision, the county auditor shall immediately  
 9 notify both parties thereof, whereupon the certifying board shall  
 10 correct its records accordingly, if necessary. Final disposition of all  
 11 such appeals shall be made by the state board on or before ~~October 15~~  
 12 *April fifteenth* of each year.

1 SEC. 21. Section seventy-six point two (76.2), unnumbered para-  
 2 graph two (2), Code 1971, is amended to read as follows:

3 If the resolution is so filed prior to ~~the April first day of October~~,  
 4 said annual levy shall begin with the tax levy of the year of filing. If

5 the resolution is filed after the *April first day of October* in any year,  
 6 such levy shall begin with the levy of the *ealendar fiscal* year succeed-  
 7 ing the year of the filing of such resolution. *However, the governing*  
 8 *authority of a political subdivision may adjust any levy of taxes made*  
 9 *under the provisions of this section prior to July 1, 1975, for the pur-*  
 10 *pose of adjusting the annual levies and collections in accordance with*  
 11 *the provisions of this Act and the extended fiscal year provided herein.*

1 SEC. 22. Section seventy-nine point seven (79.7), Code 1971, is  
 2 amended to read as follows:

3 **79.7 Report of fees.** All officers required by the provisions of this  
 4 Code to collect and pay over fines and fees shall, except as otherwise  
 5 provided, on the first Monday in ~~January~~ *July* in each year, make re-  
 6 port thereof under oath to the board of supervisors of the proper  
 7 county, showing the amount of fines assessed, and the amount of  
 8 fines and fees collected, together with vouchers for the payment of  
 9 all sums collected to the proper officer.

1 SEC. 23. Section one hundred seventy-six A point eight (176A.8),  
 2 subsections nine (9) and seventeen (17), Code 1971, are amended to  
 3 read as follows:

4 9. To prepare annually on or before ~~July 31~~ *January thirty-first* a  
 5 budget for the fiscal year beginning ~~January 1~~ *July first* and ending  
 6 ~~December 31~~ *the following June thirtieth* in accordance with the pro-  
 7 visions of chapter 24 and certify the same to the board of supervisors  
 8 of the county of their extension district as required by law.

9 17. To file with the county auditor and to publish in two newspa-  
 10 pers of general circulation in the district before ~~February 1~~ *August*  
 11 *first* full and detailed reports under oath of all receipts and expendi-  
 12 tures of such county agricultural extension education fund showing  
 13 from whom received, to whom paid and for what purpose for the last  
 14 fiscal year.

1 SEC. 24. Section one hundred seventy-six A point ten (176A.10),  
 2 Code 1971, is amended to read as follows:

3 **176A.10 County agricultural extension education tax.** The exten-  
 4 sion council of each extension district shall, at a regular or special  
 5 meeting held in ~~July~~ *January* in each year, estimate the amount of  
 6 money required to be raised by taxation for financing the county agri-  
 7 cultural extension education program authorized in this chapter. The  
 8 amount so estimated shall not exceed the amount of money which the  
 9 following millage rate will produce, based on the assessed value of  
 10 the taxable property in the extension district: For the "county agri-  
 11 cultural extension education fund" annually not to exceed one-half  
 12 mill on the dollar of assessed valuation, except in districts having a  
 13 population of less than forty thousand the tax levied shall not exceed  
 14 three-fourths mill, provided, however, that no extension council in an  
 15 extension district shall make an estimate or certify an amount in any  
 16 one year in excess of forty thousand dollars in districts having a pop-  
 17 ulation of fifty thousand or more, in excess of thirty-three thousand  
 18 dollars in districts having a population under fifty thousand popula-  
 19 tion, which shall be the maximum amount that any such extension  
 20 district shall be entitled to receive annually from the county. The  
 21 extension council in every extension district shall in every respect  
 22 comply with chapter 24.

1 SEC. 25. Section two hundred seventy-three point thirteen  
2 (273.13), subsection ten (10), Code 1971, is amended to read as fol-  
3 lows:

4 10. At the regular or special meeting held between ~~July 1~~ *January*  
5 *first* and ~~July 15~~ *January fifteenth*, consider the budget as submitted  
6 by the county superintendent, and certify to the county auditor the  
7 estimates of the amounts needed. Such estimates shall follow the  
8 budget procedure under chapter 24. The boards or board of super-  
9 visors of the county or counties, territory which comprises the terri-  
10 tory of the county school system, shall levy a tax on all the taxable  
11 property in the county school system for the amount certified.

1 SEC. 26. Section two hundred seventy-three point eighteen  
2 (273.18), subsection fifteen (15), Code 1971, is amended to read as  
3 follows:

4 15. Prepare and submit a detailed itemized budget, for approval of  
5 the county board of education prior to ~~the~~ *January first day of* ~~July~~  
6 of each year.

1 SEC. 27. Section three hundred ten point twenty-seven (310.27),  
2 unnumbered paragraph one (1), Code 1971, is amended to read as  
3 follows:

4 The farm-to-market road fund allotted to any county as provided  
5 in this chapter shall remain available for expenditure in said county  
6 for three years after the close of the ~~calendar~~ *fiscal* year during which  
7 said sums respectively were allocated. Any sum remaining unex-  
8 pended at the end of the period during which it is available for ex-  
9 penditure, shall be reapportioned among all the counties as provided  
10 in section 312.5 for original allocations.

1 SEC. 28. Section three hundred twelve point twelve (312.12), Code  
2 1971, is amended to read as follows:

3 **312.12 Program submitted.** Cities which receive allotments of  
4 funds from road use tax funds which have a population of at least five  
5 thousand shall prepare and submit annually by ~~December 10~~ *June*  
6 *tenth* in each year to the state highway commission for examination  
7 and review, a program of street construction and reconstruction on  
8 both the arterial street system and the local street system of such city  
9 for a period of three years subsequent to the year in which the pro-  
10 gram is submitted. Such cities and towns which have a population  
11 of less than five thousand shall prepare and submit annually by ~~De-~~  
12 ~~ember 10~~ *June tenth* each year to the state highway commission for  
13 examination and review, a program of proposed street construction  
14 and reconstruction for its arterial streets and local streets for the  
15 ensuing ~~calendar~~ *fiscal* year.

1 SEC. 29. Section three hundred twelve point thirteen (312.13),  
2 Code 1971, is amended to read as follows:

3 **312.13 Cities to submit budget.** Cities and towns which receive  
4 allotments of funds from road use tax funds shall prepare and sub-  
5 mit by ~~December 10~~ *June tenth* each year to the state highway com-  
6 mission for examination and review, a budget showing all proposed  
7 street receipts and expenditures for the city or town for the ensuing  
8 ~~calendar~~ *fiscal* year.

1 SEC. 30. Section three hundred twelve point fourteen (312.14),  
2 Code 1971, is amended to read as follows:

3 **312.14 Cities to submit report.** Cities and towns in the state  
4 which receive allotments of funds from road use tax funds shall pre-  
5 pare and submit by ~~March 10~~ *September tenth* each year to the state  
6 highway commission an annual report showing all street receipts and  
7 expenditures for the city or town for the previous ~~calendar~~ *fiscal* year.

1 SEC. 31. Section three hundred seventeen point twenty-one  
2 (317.21), subsections one (1), two (2), and three (3), Code 1971, are  
3 amended to read as follows:

4 1. Annually, after the weed commissioner has completed his pro-  
5 gram of destruction of weeds by reason of noncompliance by per-  
6 sons responsible therefor, the board of supervisors shall determine as  
7 to each tract of real estate the actual cost of labor and materials used  
8 by the commissioner in cutting, burning or otherwise destroying said  
9 weeds, the cost of serving notice and special meetings or proceedings,  
10 if any. To the total of all such sums expended, they shall add an  
11 amount equal to twenty-five percent thereof to compensate for the  
12 cost of supervision and administration and assess the resulting sum  
13 against said tract of real estate by a special tax, which shall be cer-  
14 tified to the county auditor and county treasurer by the clerk of the  
15 board of supervisors, and shall be placed upon the tax books, and col-  
16 lected, together with interest and penalty after due, in the same man-  
17 ner as other unpaid taxes. Such tax shall be due on ~~March 1~~ *Septem-*  
18 *ber first* after such assessment, and shall be delinquent after ~~March 31~~  
19 *September thirtieth*. When collected, said funds shall be paid into  
20 the fund from which said costs were originally paid.

21 2. Before making any such assessment, the board of supervisors  
22 shall prepare a plat or schedule showing the several lots, tracts of  
23 land or parcels of ground to be assessed which shall be in accord with  
24 the assessor's records and the amount proposed to be assessed against  
25 each of the same for destroying or controlling weeds during the ~~calen-~~  
26 *dar fiscal* year.

27 3. Such board shall thereupon fix a time for the hearing on such  
28 proposed assessments, which time shall not be later than ~~December 15~~  
29 *June fifteenth* of the year, and at least twenty days prior to the time  
30 thus fixed for such hearing shall give notice thereof to all concerned  
31 that such plat or schedule is on file, and that the amounts as shown  
32 therein will be assessed against the several lots, tracts of land or par-  
33 cels of ground described in said plat or schedule at the time fixed for  
34 such hearing, unless objection is made thereto. Notice of such hear-  
35 ing shall be given by one publication in official county newspapers in  
36 the county in which the property to be assessed is situated; or by  
37 posting a copy of such notice on the premises affected and by mailing  
38 a copy by certified mail to the last known address of the person own-  
39 ing or controlling said premises. At such time and place the owner  
40 of said premises or anyone liable to pay such assessment, may appear  
41 with the same rights given by law before boards of review, in refer-  
42 ence to assessments for general taxation.

1 SEC. 32. Section three hundred thirty-three point eleven (333.11),  
2 unnumbered paragraph one (1), Code 1971, is amended to read as  
3 follows:

4 The county auditor shall, during the month of ~~January~~ *July* of each  
5 year, compile and prepare a financial report, which shall contain sched-  
6 ules showing:

1 SEC. 33. Section three hundred thirty-seven point fifteen (337.15),  
2 Code 1971, is amended to read as follows:

3 **337.15 Condemnation funds.** On or before ~~the July~~ *the first day of*  
4 ~~January~~ in each year the sheriff of each county having any condemna-  
5 tion funds in his possession shall make a detailed report under oath  
6 of all funds in his possession received from condemnation proceed-  
7 ings of any kind that have been finally adjudicated, reciting therein  
8 the names of the parties to whom said funds belong, when received,  
9 and describing the property condemned, which report shall be filed  
10 with the county treasurer, and the sum so shown due from such sheriff  
11 paid over to the county treasurer, who shall make a detailed receipt  
12 therefor.

1 SEC. 34. Section three hundred thirty-seven point eighteen  
2 (337.18), Code 1971, is amended to read as follows:

3 **337.18 Record of funds.** Any sheriff receiving funds as provided  
4 in section 337.16 shall list the same in detail in a book kept for that  
5 purpose, and pay the same to the parties entitled thereto, upon final  
6 adjudication of such cases, or if held, after final adjudication until the  
7 end of the ~~calendar~~ *fiscal* year to the county treasurer as provided in  
8 section 337.15.

1 SEC. 35. Section three hundred forty point three (340.3), Code  
2 1971, as amended by chapter one hundred ninety-eight (198), section  
3 one (1), Acts of the Sixty-fourth General Assembly, First Session, is  
4 amended to read as follows:

5 **340.3 Salary schedule set by supervisors annually.** In ~~December~~  
6 *June* of each year, the board of supervisors shall, by resolution, com-  
7 pute the salaries of all county officers whose salaries are based on pop-  
8 ulation or taxable valuation of the county, or both, for the ensuing  
9 year. In no case shall the salary be less than salaries established in  
10 December, 1969. The latest current report of the bureau of census,  
11 United States department of commerce and the valuation certified by  
12 the department of revenue shall be used. In any year in which the  
13 compensation is changed by a change in the law the said computation  
14 shall also be made in the month the law becomes effective for the sal-  
15 aries paid for the remainder of said year from the effective date of  
16 the new law. If a vacancy occurs in any office, the person who is  
17 appointed or elected to fill the unexpired term in the office vacated,  
18 shall receive the same salary as the person vacating the office.

19 *For the extended fiscal year commencing January 1, 1974 and end-*  
20 *ing June 30, 1975, the board of supervisors may in December, 1974,*  
21 *by resolution, compute the salaries of all county officers whose salaries*  
22 *are based on population or taxable valuation of the county, or both,*  
23 *and effect any changes so indicated commencing January 1, 1975.*

1 SEC. 36. Section three hundred forty-four point one (344.1), Code  
2 1971, is amended to read as follows:

3 **344.1 Annual itemized estimates.** On or before ~~the thirty-first day~~  
4 ~~of December~~ *June thirtieth* of each year, each elective or appointive  
5 officer of any county having charge of any county office or department

6 shall prepare and submit to the board of supervisors a detailed esti-  
7 mate itemized in the same manner that the various expenditures of  
8 such office or department are itemized on the records of the county  
9 auditor, showing the proposed expenditures of his office or depart-  
10 ment for the following ~~calendar~~ *fiscal* year. If the estimated expendi-  
11 tures show an increase over those for the current year, a statement in  
12 writing of the reason for such estimated increase must also be sub-  
13 mitted.

1 SEC. 37. Section three hundred forty-four point two (344.2), Code  
2 1971, is amended to read as follows:

3 **344.2 Appropriation.** On or before the ~~thirty-first of January~~  
4 *July thirty-first* of every year, the board of supervisors shall appro-  
5 priate, by resolution, such amounts as are deemed necessary for each  
6 of the different county officers and departments during the ensuing  
7 *fiscal* year, and shall specify from which of the different county funds  
8 created by law the appropriated sums shall be derived. The appro-  
9 priations to each separate county office or department shall be item-  
10 ized in the same manner that the accounts are itemized on the rec-  
11 ords of the county auditor.

12 *For the extended fiscal year commencing January 1, 1974 and end-*  
13 *ing June 30, 1975, the board of supervisors no later than January 31,*  
14 *1974, shall appropriate by resolution such amounts as are deemed*  
15 *necessary for each of the different county officers and departments,*  
16 *and shall specify from which of the different county funds established*  
17 *by law the appropriated sums shall be derived. The appropriations*  
18 *to each separate county office or department shall be itemized in the*  
19 *manner that the accounts are itemized on the records of the county*  
20 *auditor.*

1 SEC. 38. Section three hundred forty-four point three (344.3),  
2 Code 1971, is amended to read as follows:

3 **344.3 Contingent fund.** The board of supervisors may also appro-  
4 priate to a contingent account for one or each of the county funds, a  
5 sum which may be spent for purposes which cannot be anticipated at  
6 the beginning of the *fiscal* year, but said contingent appropriation to-  
7 gether with other appropriations shall not exceed the anticipated rev-  
8 enues.

1 SEC. 39. Section three hundred forty-three point eleven (343.11),  
2 Code 1971, is amended by adding the following new subsection:

3 Contracts let on the basis of the budget submitted pursuant to  
4 section three hundred nine point ninety-three (309.93) of the Code.

1 SEC. 40. Section three hundred forty-four point seven (344.7),  
2 Code 1971, is amended to read as follows:

3 **344.7 Report of unexpended balances.** On the fifteenth *day* of  
4 *October, January, and April, July, and October* of each *fiscal* year, the  
5 county auditor shall furnish to each county office or department, a  
6 statement showing the various original appropriations to each office  
7 or department, expenditures of the office or department from its dif-  
8 ferent appropriation accounts during the expired portion of the year,  
9 together with a statement of the balance of the appropriations for  
10 said office remaining unexpended.

1 SEC. 41. Section three hundred forty-seven point thirteen (347.13),  
 2 subsections nine (9) and ten (10), Code 1971, as amended by chapter  
 3 two hundred two (202), section three (3), Acts of the Sixty-fourth  
 4 General Assembly, First Session, are amended to read as follows:  
 5 9. Fix at its regular ~~August~~ *February* meeting in each year, the  
 6 amount necessary for the improvement and maintenance of the hospi-  
 7 tal during the ensuing *fiscal* year, and cause the president and the sec-  
 8 retary to certify the same to the county auditor before ~~September 1~~  
 9 *March first* of each year, subject to the provisions of chapter two hun-  
 10 dred two (202), section one (1), Acts of the Sixty-fourth General  
 11 Assembly, First Session.

12 10. File with the board of supervisors during the fourth week in  
 13 ~~January~~ *July* of each year, a report covering their proceedings with  
 14 reference to such hospital, and a statement of all receipts and expendi-  
 15 tures during the preceding ~~calendar~~ *fiscal* year.

1 SEC. 42. Section three hundred fifty-two point four (352.4), Code  
 2 1971, is amended to read as follows:

3 352.4 Warrants and payment. Warrants for allowed claims shall  
 4 be payable ~~January 1~~ *July first* following their issuance and only from  
 5 the domestic animal fund.

1 SEC. 43. Section three hundred fifty-two point five (352.5), Code  
 2 1971, is amended to read as follows:

3 352.5 Certified list of warrants. The auditor shall, on ~~January 1~~  
 4 *July first* of each year, certify to the treasurer an itemized list of all  
 5 warrants issued during the preceding *fiscal* year on the domestic ani-  
 6 mal fund, except warrants issued to pay fees of assessors. If said  
 7 fund be sufficient, the treasurer shall pay said warrants on presenta-  
 8 tion. If said fund be not sufficient, said warrants shall be paid pro  
 9 rata.

1 SEC. 44. Section three hundred fifty-eight point eighteen (358.18),  
 2 unnumbered paragraphs one (1) and two (2), Code 1971, are amended  
 3 to read as follows:

4 The board of trustees of any sanitary district organized under this  
 5 chapter shall have the power by ordinance to levy annually for the  
 6 purpose of paying the administrative costs of such district, or for the  
 7 payment of deficiencies in special assessments, or for both, a tax  
 8 upon property within the territorial limits of such sanitary district  
 9 not exceeding two mills on the dollar of the adjusted taxable valuation  
 10 of the property within such district for the preceding ~~calendar~~ *fiscal*  
 11 year.

12 All taxes thus levied by the board shall be certified by the clerk on  
 13 or before ~~the March first day of September~~ to the county auditor of  
 14 each county wherein any of the property included within the terri-  
 15 torial limits of said sanitary district is located, and shall by said audi-  
 16 tor or auditors be placed upon the tax list for the current *fiscal* year;  
 17 and the county treasurer, or treasurers, of more than one county, shall  
 18 collect all taxes so levied in the same manner as other taxes, and when  
 19 delinquent they shall draw the same interest and penalties. All taxes  
 20 so levied and collected shall be paid over by the officer collecting the  
 21 same to the treasurer of the sanitary district.

1 SEC. 45. Section three hundred fifty-eight B point thirteen  
 2 (358B.13), Code 1971, is amended to read as follows:

3     **358B.13 Maintenance expense on proportionate basis.** The mainte-  
4 nance of a county library shall be on a proportionate population basis  
5 whereby each taxing unit as hereinafter defined shall bear its share  
6 in proportion to its population to the whole of said county library  
7 district. The board of library trustees shall on or before ~~July 10~~  
8 *January tenth* of each year make an estimate of the amount it deems  
9 necessary for the maintenance of the county library and shall trans-  
10 mit said estimate in dollars to the board or boards of supervisors and  
11 to the city and town councils within the district. The entire rural  
12 area of each county in the library district shall be considered as a  
13 separate taxing unit. Each city and town which is a part of the county  
14 library district shall be considered as a separate taxing unit. The  
15 board of supervisors and the council of each city and town composing  
16 said county library district shall make the necessary millage levies  
17 accordingly for library maintenance purposes of not to exceed two  
18 mills. Any unexpended balance in the library maintenance fund at  
19 the end of the fiscal year shall remain in said fund and be available  
20 without reappropriation.

1     SEC. 46. Section three hundred fifty-eight B point sixteen  
2 (358B.16), Code 1971, as amended by chapter two hundred five (205),  
3 section one (1), Acts of the Sixty-fourth General Assembly, First Ses-  
4 sion, is amended to read as follows:

5     **358B.16 Withdrawal of city or town from district.** Whenever any  
6 incorporated city or town, having maintained a library pursuant to  
7 the provisions of chapter 378 for at least ten years and having levied  
8 a tax of its own for the same purpose, shall decide to withdraw from  
9 the county library district, it may do so by giving notice by certified  
10 mail to the board of library trustees of said county library and the  
11 county auditor prior to ~~July 10~~ *January tenth*, by the governing body  
12 of said incorporated city or town, of its withdrawal from the county  
13 library district, and shall cease to be a part of or included in said  
14 county library district.

1     SEC. 47. Section three hundred fifty-nine point thirty (359.30),  
2 Code 1971, is amended to read as follows:

3     **359.30 Cemetery and park tax.** They shall, at the regular meeting  
4 in ~~April~~ *October*, levy a tax sufficient to pay for any lands so con-  
5 demned or purchased, or for the necessary improvement and mainte-  
6 nance of cemeteries thus established, and for the necessary improve-  
7 ment and the maintenance of public parks acquired by gift, devise, or  
8 bequest under section 359.29, or for the maintenance and improve-  
9 ment of cemeteries so established in adjoining townships, in case  
10 they deem such action advisable.

1     SEC. 48. Section three hundred sixty-three point twenty-nine  
2 (363.29), Code 1971, is amended to read as follows:

3     **363.29 The fiscal year.** The fiscal year for all municipal corpora-  
4 tions for which taxes are collected through the office of the county  
5 treasurer and for all departments, boards, and commissions thereof  
6 shall begin on ~~the July first day of January~~ each year and shall end on  
7 ~~December 31~~ *June thirtieth* following.

1     SEC. 49. Section three hundred sixty-eight A point twelve  
2 (368A.12), Code 1971, is amended to read as follows:



3     **368A.12 Report to state auditor.** On or before ~~the~~ *August* first  
 4 ~~secular day in February~~ of each year, the official making the report  
 5 for each city or town shall forward to the auditor of state a certified  
 6 copy of the annual report. If such official fails to file his report with  
 7 the auditor of state within the time prescribed, the auditor may send  
 8 an examiner or examiners to make the report and the expenses thereof  
 9 shall be charged against the delinquent city or town.

1     SEC. 50. Section three hundred seventy point six (370.6), Code  
 2 1971, is amended to read as follows:

3     **370.6 Tax levy.** The board shall, on or before ~~the~~ *February* first  
 4 ~~day of August~~ of each year, determine and fix the amount or rate not  
 5 exceeding one mill on the dollar in all cities and towns on the tax-  
 6 able valuation of such city or town, to be levied, collected, and appro-  
 7 priated for the ensuing year for general park purposes, and shall  
 8 cause the same to be certified to the city council, which shall levy such  
 9 tax or so much thereof as it may deem necessary to promote park  
 10 interests, and certify the percent thereof to the county auditor with  
 11 the other taxes for said year; provided, however, that in cities acting  
 12 under special charter and in cities having a population in excess of  
 13 seven thousand and less than fifteen thousand, having two hundred  
 14 or more acres devoted to and set apart for park purposes, said board  
 15 may in the manner herein provided, determine and fix an additional  
 16 amount or rate for general park purposes not exceeding three-eighths  
 17 of a mill on the dollar to be levied, collected, and appropriated for the  
 18 ensuing year for general park purposes and the said city council, upon  
 19 certification thereto by said board, may levy such additional tax or so  
 20 much thereof as it may deem necessary to promote park interests and  
 21 certify the total percent thereof as hereinbefore provided.

1     SEC. 51. Section three hundred seventy-two point ten (372.10),  
 2 Code 1971, is amended to read as follows:

3     **372.10 Additional powers—annual report—tax.** Said commission  
 4 may acquire real estate and riparian and other rights within such city  
 5 in the vicinity of such stream by donation or purchase, or by con-  
 6 demnation for the public uses herein authorized in the manner pro-  
 7 vided by law for the taking of private property for public use, and  
 8 shall take the title to property in the name of the commission and its  
 9 successors, in trust for the public, and hold the same exempt from  
 10 taxation. It may sell and convey or lease or exchange any property  
 11 acquired by it, by virtue of this chapter and otherwise. It shall have  
 12 exclusive control of all the lands acquired by it, and of the banks and  
 13 waters of such stream for carrying out the purposes of this chapter;  
 14 may make contracts, and sue and be sued. It shall keep a record of  
 15 all its transactions, which shall during ordinary business hours be  
 16 open to inspection by the public, and shall, immediately after the close  
 17 of each municipal fiscal year, make an annual report of all moneys  
 18 received and expended by it and for what general purposes, and of  
 19 all moneys owing to it and by it and for what general purposes, to the  
 20 city council at the regular ~~November~~ *May* meeting, and publish such  
 21 report in some newspaper in the city. The commission shall, subject  
 22 to the approval of the city council, in each year determine and fix the  
 23 amount or rate, not exceeding three-quarters of one mill on the dol-  
 24 lar, on the taxable value of the taxable property of such city, to be

25 levied, collected, and appropriated for the ensuing year for the pur-  
 26 pose of paying for real estate, including the channel or bed of any  
 27 stream acquired by the commission pursuant to section 372.7, riparian  
 28 and other rights, for improvements, and for accomplishing the pur-  
 29 poses of the creation of said commission, and to provide for the pay-  
 30 ment of interest upon bonds and to retire such bonds, if any, and  
 31 to meet the necessary expenses incident to the business of said com-  
 32 mission. Said commission shall, on or before the first Monday in Sep-  
 33 ~~tember~~ *March* of each year, certify to the county auditor the amount  
 34 or rate of taxes so fixed, to be known as river-front improvement  
 35 fund, and when collected, the same is to be paid over to the city trea-  
 36 surer, and by him paid out on its orders, and the board of supervisors  
 37 of the county in which said city is situated shall levy said tax as fixed  
 38 by said commission.

1 SEC. 52. Section three hundred seventy-eight point fourteen  
 2 (378.14), Code 1971, is amended to read as follows:

3 378.14 **Township tax.** The board of trustees of any township  
 4 which has entered into such a contract shall at the ~~April~~ *October* meet-  
 5 ing levy a tax not exceeding one-fourth mill on the dollar on all tax-  
 6 able property in the township to create a fund to fulfill its obligation  
 7 under the contract.

1 SEC. 53. Section three hundred eighty-nine point thirty-three  
 2 (389.33), Code 1971, is amended to read as follows:

3 389.33 **Payment under waiver.** Unless the owner of any lot or  
 4 parcel of land against which an assessment for permanent sidewalk  
 5 is made shall within thirty days from the date of assessment file writ-  
 6 ten objections to the legality or regularity of the assessment or levy  
 7 of such tax upon and against his property, such owner shall be deemed  
 8 to have waived objections on these grounds, and shall have the right  
 9 to pay said assessment with interest thereon not exceeding seven per-  
 10 cent per annum in seven equal annual installments, the first of which  
 11 shall mature and be payable on the date of said assessment and the  
 12 others, with interest on the whole amount unpaid, annually there-  
 13 after, at the same time and in the same manner as the ~~March~~ *Septem-*  
 14 *ber* semiannual payment of ordinary taxes, provided that if the aggre-  
 15 gate of all assessments against the property of an owner is twenty-  
 16 five dollars or less, such assessments shall be paid in one installment  
 17 and within thirty days following the levy.

1 SEC. 54. Section three hundred eighty-nine point thirty-four  
 2 (389.34), Code 1971, is amended to read as follows:

3 389.34 **Delinquent tax.** Each installment of such taxes, with inter-  
 4 est, shall become delinquent on the ~~September~~ *first day of March* next  
 5 after its maturity and shall bear the same rate of interest, with the  
 6 same penalties as ordinary taxes.

1 SEC. 55. Section three hundred eighty-nine point thirty-eight  
 2 (389.38), Code 1971, is amended to read as follows:

3 389.38 **Replace or reconstruct.** Cities and towns shall have power  
 4 to require the abutting property owner to repair, replace, or recon-  
 5 struct sidewalks, but in the event that such work is not completed  
 6 within thirty days of date of deposit in the mails of notice to the  
 7 property owner as shown in the records of the county auditor, by cer-

8 tified mail, then the council may cause such work to be done, and as-  
 9 sess the expense thereof on the property in front of which such work  
 10 is done, and the same shall be certified and collected as other taxes.  
 11 If the cost exceeds fifty dollars the same shall be certified for payment  
 12 in three equal annual installments with interest from date of certifi-  
 13 cation on each installment at seven percent per annum until paid and  
 14 shall be collected as other taxes with the ~~March~~ *September* semi-  
 15 annual payment thereof.

1 SEC. 56. Section three hundred ninety-one point sixty (391.60),  
 2 Code 1971, is amended to read as follows:

3 **391.60 Installments — payment — delinquency.** The first install-  
 4 ment, or total amount of assessment if less than twenty-five dollars,  
 5 shall mature and be payable thirty days from the date of such levy  
 6 without interest, and the other assessments, with interest, from the  
 7 date of levy by the council, on the whole amount unpaid, annually  
 8 thereafter at the same time and in the same manner as the ~~March~~  
 9 *September* semiannual payment of ordinary taxes. However, the total  
 10 assessments may be paid without interest thirty days after levy by the  
 11 council.

12 Any or all installments not yet paid together with accrued interest  
 13 thereon may be paid on the due date of any installment.

14 All such taxes with interest shall become delinquent on the first  
 15 day of ~~March~~ *September* next after their maturity, and shall bear the  
 16 same interest with the same penalties as ordinary taxes, and when  
 17 collected the said interest and penalties shall be credited to the same  
 18 fund as the said special assessment.

19 Upon the payment of any installment, there shall be computed and  
 20 collected interest on the whole assessment remaining unpaid up to ~~the~~  
 21 *December first day of June* following.

1 SEC. 57. Section three hundred ninety-one A point thirty  
 2 (391A.30), Code 1971, is amended to read as follows:

3 **391A.30 Installments—payment—delinquency.**

4 1. First installment. The first installment of each assessment, or  
 5 total amount thereof if it be less than twenty-five dollars, with interest  
 6 on the whole assessment from date of acceptance of the work by the  
 7 council, shall become due and payable on ~~January~~ *July first* next  
 8 succeeding the date of such levy unless the assessment is filed with  
 9 the county auditor less than thirty days prior to such next succeeding  
 10 ~~January~~ *July first* after the date of levy.

11 2. Annual installments. The succeeding annual installments, with  
 12 interest on the whole unpaid amount, shall respectively become due on  
 13 ~~January~~ *July first* annually thereafter and shall be paid at the same  
 14 time and in the same manner as the ~~March~~ *September* semiannual  
 15 payment of ordinary taxes.

16 3. Outstanding balance—payments. All future installments of an  
 17 assessment may be paid on any date by payment of the then outstand-  
 18 ing balance plus interest to the succeeding ~~June~~ *December first*.

19 4. Delinquency. All such assessments with interest shall become  
 20 delinquent after ~~the thirty-first day of March~~ *September thirtieth*  
 21 next after their due date, and shall bear the same interest with the  
 22 same penalties as ordinary taxes, and when collected the said interest  
 23 and penalties shall be credited to the same fund as the said special  
 24 assessment.

25 5. Interest period. Upon the payment of any assessment or install-  
 26 ment thereof interest shall be computed and collected as aforesaid to  
 27 the *December first day of June* following the date of such payment.

28 6. Lien of assessment. All assessments shall constitute liens on the  
 29 lots assessed from the date they are certified to the county auditor  
 30 and such liens shall have the same preference and priorities as liens  
 31 for ordinary taxes; provided, that in no case shall the owner of any  
 32 lot be liable for an assessment greater than provided for in sections  
 33 391A.26 and 391A.27.

1 SEC. 58. Section three hundred ninety-one A point thirty-three  
 2 (391A.33), subsection two (2), Code 1971, is amended to read as  
 3 follows:

4 2. Form. All such bonds shall be negotiable and shall recite on  
 5 their face that they have been issued under the provisions of this  
 6 chapter and are payable as to both principal and interest from the  
 7 proceeds of the special assessments levied for account of the public  
 8 improvement. Such bonds shall bear interest at a rate not exceeding  
 9 seven percent and shall mature serially on *June 1 December first*  
 10 of the years in which any of such principal is scheduled to become due  
 11 and shall contain a provision that the municipality reserves the right  
 12 and option of calling and redeeming any or all of the bonds on or be-  
 13 fore *July 15 January fifteenth* of each year prior to maturity upon  
 14 such terms as are specified therein.

1 SEC. 59. Section three hundred ninety-five point thirty-two  
 2 (395.32), Code 1971, is amended to read as follows:

3 395.32 Levy and collection. All special assessments for the pur-  
 4 pose of providing funds for the operation and maintenance of a flood  
 5 control system shall be levied at one time by resolution of the council  
 6 on property affected thereby. The provisions of section 391.61, shall  
 7 apply to the certification of such levy. The provisions of sections  
 8 391.58, 391.60, and 391.62 to 391.68, inclusive, shall apply to the collec-  
 9 tion of such assessments, provided, in the case of special assessments  
 10 for maintenance and operation of any flood control system, such as-  
 11 sessments shall be due and payable within thirty days after the certifi-  
 12 cation of such levy if the amount of the assessment is ten dollars or  
 13 less, and the entire amount of such assessment if in excess of ten  
 14 dollars shall be due and payable at the same time and in the same  
 15 manner as the ~~March~~ *September* semiannual payment of ordinary  
 16 taxes. The provisions of sections 404.20 and 404.22 shall apply to  
 17 special assessments as provided by this section.

1 SEC. 60. Section three hundred ninety-six point ten (396.10), Code  
 2 1971, is amended to read as follows:

3 396.10 Maturity—name of street—interest. Each series of bonds  
 4 shall mature on the first day of either ~~April, May, or June~~ *October,*  
 5 *November, or December*, as may be determined by the council, in the  
 6 years in which the installments of said special taxes come due, shall  
 7 bear the name of the street, avenue, highway, alley, or district in  
 8 which said street improvement or sewer is located, and shall bear in-  
 9 terest at a rate not exceeding seven percent per annum, payable an-  
 10 nually or semiannually, and coupons for said interest shall be attached  
 11 thereto.

1 SEC. 61. Section three hundred ninety-eight point ten (398.10),  
 2 Code 1971, is amended to read as follows:  
 3 398.10 Fixing rates. The board of trustees shall from time to time  
 4 fix the water rentals or rates to be charged for the furnishing of  
 5 water, and such rates, with the proceeds of the one and one-fourth  
 6 mill water levy and the sinking fund levy of one-half mill, shall be  
 7 sufficient for the maintenance and operation of such works and the  
 8 proper and necessary extension thereof, for all repairs, and for the  
 9 payment of the purchase price or cost, principal and interest, incurred  
 10 in the purchase or erection of such works, as the same falls due, ac-  
 11 cording to the tenor of the mortgage and bonds given to secure the  
 12 payment of such purchase price or cost. The board shall make quar-  
 13 terly statements giving full and complete reports of the receipts and  
 14 disbursements of the board for the first three quarters of the fiscal  
 15 year. Said reports shall be filed in the office of the city clerk on the  
 16 second Monday in *October, January, and April, July, and October*, for  
 17 the quarters preceding the first day of said months. The reports shall  
 18 be audited by the city council.

1 SEC. 62. Section three hundred ninety-nine point twenty-four  
 2 (399.24), Code 1971, is amended to read as follows:  
 3 399.24 Payment by city. The sums payable by the city for water  
 4 furnished as herein provided shall hereafter be paid by the city in  
 5 May of each year for the ~~last~~ *first* six months of the ~~preceding~~ *current*  
 6 *fiscal* year, and in November of each year for the ~~first~~ *last* six months  
 7 of ~~that current~~ *the preceding* fiscal year.

1 SEC. 63. Section four hundred three point fifteen (403.15), sub-  
 2 section five (5), Code 1971, is amended to read as follows:  
 3 5. The mayor shall designate a chairman and vice-chairman from  
 4 among the commissioners. An agency may employ an executive direc-  
 5 tor, technical experts and such other agents and employees, perma-  
 6 nent and temporary, as it may require, and the agency may determine  
 7 their qualifications, duties and compensation. For such legal service  
 8 as it may require, an agency may employ or retain its own counsel  
 9 and legal staff. An agency authorized to transact business and exer-  
 10 cise powers under this chapter shall file, with the local governing  
 11 body, on or before ~~March 31~~ *September thirtieth* of each year, a re-  
 12 port of its activities for the preceding ~~calendar~~ *fiscal* year, which re-  
 13 port shall include a complete financial statement setting forth its as-  
 14 sets, liabilities, income and operating expense as of the end of such  
 15 ~~calendar~~ *fiscal* year. At the time of filing the report, the agency shall  
 16 publish in a newspaper of general circulation in the community a  
 17 notice to the effect that such report has been filed with the municipal-  
 18 ity, and that the report is available for inspection during business  
 19 hours in the office of the city clerk and in the office of the agency.

1 SEC. 64. Section four hundred three A point five (403A.5), un-  
 2 numbered paragraph six (6), Code 1971, is amended to read as fol-  
 3 lows:  
 4 The mayor shall designate a chairman and vice-chairman from  
 5 among the commissioners. An agency may employ an executive di-  
 6 rector, technical experts and such other agents and employees, per-  
 7 manent and temporary, as it may require, and the agency may deter-  
 8 mine their qualifications, duties and compensation. For such legal

9 service as it may require, an agency may employ or retain its own  
 10 counsel and legal staff. An agency authorized to transact business  
 11 and exercise powers under this chapter shall file, with the local govern-  
 12 ing body, on or before ~~March 31~~ *September thirtieth* of each year,  
 13 a report of its activities for the preceding ~~calendar~~ *fiscal* year, which  
 14 report shall include a complete financial statement setting forth its  
 15 assets, liabilities, income and operating expense as of the end of such  
 16 ~~calendar~~ *fiscal* year. At the time of filing the report, the agency shall  
 17 publish in a newspaper of general circulation in the community a no-  
 18 tice to the effect that such report has been filed with the municipality,  
 19 and that the report is available for inspection during business hours  
 20 in the office of the city clerk and in the office of the agency.

1 SEC. 65. Section four hundred four point four (404.4), unnum-  
 2 bered paragraph one (1), Code 1971, is amended to read as follows:  
 3 Municipal corporations shall, at the first meeting of the council  
 4 after ~~January 1~~ *July first*, allocate by resolution the estimated revenue  
 5 from all levies to the purposes authorized by law and shall allocate  
 6 sufficient revenue to the debt service fund to pay all bonds and inter-  
 7 est thereon as they become due. Said allocations shall also include  
 8 receipts from sources other than taxes caused to be levied under the  
 9 provisions of this chapter, estimated unencumbered balances from the  
 10 previous *fiscal* year, and any contemplated transfers of funds. The  
 11 books of the corporation shall reflect at all times:

1 SEC. 66. Section four hundred four point ten (404.10), subsection  
 2 four (4), Code 1971, is amended to read as follows:  
 3 4. For the maintenance of a free public library. The board of  
 4 library trustees shall, on or before the ~~February first day of August~~  
 5 in each year, make an estimate of the amount it deems necessary for  
 6 the improvement, operation, and maintenance of the library and shall  
 7 transmit said estimate together with a statement of the amount neces-  
 8 sary for the purposes authorized by subsection 3 to the council. In  
 9 no event shall the amount of tax allocated for maintenance purposes  
 10 exceed the amount that would be derived from a three-mill levy at  
 11 current valuations, nor shall the amount allocated for purposes of sub-  
 12 section 3 exceed the amount that would be derived from a levy of  
 13 three-fourths mill at current valuations.

1 SEC. 67. Section four hundred twenty point two hundred forty-  
 2 eight (420.248), Code 1971, is amended to read as follows:  
 3 **420.248 Penalty or interest on unpaid taxes.** Cities which act  
 4 under special charters and which levy and collect their own taxes shall  
 5 not collect any further penalty or interest on general taxes remain-  
 6 ing unpaid four years or more after ~~September 30~~ *March thirty-first*  
 7 of the year for which such general taxes are levied.

1 SEC. 68. Section four hundred forty-one point sixteen (441.16),  
 2 unnumbered paragraphs two (2) and four (4), Code 1971, are amended  
 3 to read as follows:  
 4 Not later than ~~July 1~~ *January first* of each year the assessor, the  
 5 examining board, and the board of review, shall each prepare a pro-  
 6 posed budget of all expenses for the ensuing *fiscal* year. The assessor  
 7 shall include in his proposed budget the probable expenses for defend-  
 8 ing assessment appeals. Said budgets shall be combined by the asses-

9 sor and copies thereof forthwith filed by him in triplicate with the  
10 chairman of the conference board.

11 Each *fiscal* year the chairman of the conference board shall, by  
12 written notice, call a meeting to consider such proposed budget and  
13 shall fix and adopt a consolidated budget for the ensuing year not  
14 later than ~~July 15~~ *January fifteenth*.

1 SEC. 69. Section four hundred forty-three point two (443.2), Code  
2 1971, is amended to read as follows:

3 443.2 **Tax list.** Before the first day of ~~January~~ *July* in each year,  
4 the county auditor shall transcribe the assessments of the several  
5 townships, towns, or cities into a book or record, to be known as the  
6 tax list, properly ruled and headed, with separate columns, in which  
7 shall be entered the names of the taxpayers, descriptions of lands,  
8 number of acres and value, numbers of town lots and value, value of  
9 personal property and each description of tax, with a column for polls  
10 and one for payments, and shall complete the same by entering the  
11 amount due on each installment, separately, and carrying out the  
12 total of both installments. The total of all columns of each page of  
13 each book or other record shall balance with the tax totals. In any  
14 case where in transcribing such assessments any county auditor has  
15 heretofore failed or hereafter fails to enter the actual value opposite  
16 each item of taxable property on the tax list, then the aggregate actual  
17 value, as well as the aggregate taxable value, of all such taxable  
18 property within such county and each political or municipal corpora-  
19 tion therein shall be transcribed from such books and records of assess-  
20 ment onto such tax list in order that the actual value of the taxable  
21 property within each county or other political or municipal corpora-  
22 tion therein may be ascertained and shown by the tax list for the pur-  
23 pose of computing the debt-incurring capacity of such county or other  
24 political or municipal corporation therein.

1 SEC. 70. Section four hundred forty-three point four (443.4),  
2 Code 1971, is amended to read as follows:

3 443.4 **Tax list delivered—informality and delay.** He shall make an  
4 entry upon the tax list showing what it is, for what county and year,  
5 and deliver it to the county treasurer on or before the ~~thirty-first day~~  
6 ~~of December~~ *June thirtieth*, taking his receipt therefor; and such list  
7 shall be a sufficient authority for the treasurer to collect the taxes  
8 therein levied. No informality therein, and no delay in delivering the  
9 same after the time above specified, shall affect the validity of any  
10 taxes, sales, or other proceedings for the collection of such taxes.

1 SEC. 71. Section four hundred forty-four point one (444.1), Code  
2 1971, is amended to read as follows:

3 444.1 **Basis for amount of tax.** In all taxing districts in the state,  
4 including townships, school districts, cities, towns, and counties, when  
5 by law then existing the people are authorized to determine by vote,  
6 or officers are authorized to estimate or determine, a rate of taxation  
7 required for any public purpose, such rate shall in all cases be esti-  
8 mated and based upon the adjusted taxable valuation of such taxing  
9 district for the preceding ~~calendar~~ *fiscal* year.

1 SEC. 72. Section four hundred forty-four point two (444.2), Code  
2 1971, is amended to read as follows:

3     **444.2 Amounts certified in dollars.** When any authorized tax rate  
 4 within any taxing district, including townships, school districts, cities,  
 5 towns, and counties, shall have been thus determined as provided by  
 6 law, the officer or officers charged with the duty of certifying said  
 7 authorized rate to the county auditor or board of supervisors shall,  
 8 before certifying the same, compute upon the adjusted taxable valuation  
 9 of such taxing district for the preceding ~~calendar~~ *fiscal* year (not  
 10 including moneys and credits, and other moneyed capital taxed at a  
 11 flat rate as provided in section 429.2), the amount of tax said rate will  
 12 raise, stated in dollars, and shall certify said computed amount in dol-  
 13 lars and not by rate, to the county auditor and board of supervisors.

1     **SEC. 73.** Section four hundred forty-four point nine (444.9), un-  
 2 numbered paragraph one (1), Code 1971, is amended to read as fol-  
 3 lows:

4     The board of supervisors of each county shall, annually, at its ~~Sep-~~  
 5 ~~tember~~ *March* session, levy the following taxes upon the assessed  
 6 value of the taxable property in the county:

1     **SEC. 74.** Section four hundred forty-five point one (445.1), Code  
 2 1971, is amended to read as follows:

3     **445.1 Duty of treasurer.** The treasurer, after making the entry  
 4 provided in section 445.10, shall proceed to collect the taxes, and the  
 5 list shall be his authority and justification against any illegality in  
 6 the proceedings prior to receiving the list; and he is also authorized  
 7 and required to collect, as far as practicable, the taxes remaining un-  
 8 paid on the tax books or other records approved by the state auditor  
 9 of previous years, his efforts to that end to include the sending by  
 10 mail of a statement to each delinquent taxpayer not later than ~~the~~  
 11 *May first day of November* of each *fiscal* year.

1     **SEC. 75.** Section four hundred forty-five point eight (445.8), sub-  
 2 sections one (1) and two (2), Code 1971, are amended to read as fol-  
 3 lows:

4     1. The treasurer shall, after ~~October 1~~ *April first*, and before ~~De-~~  
 5 ~~cember 31~~ *June thirtieth*, of each year, enter in a book or other record  
 6 to be kept in his office as a part of the records thereof, to be known  
 7 as the delinquent personal tax list, all delinquent personal taxes and  
 8 delinquent poll taxes of any preceding year which do not appear  
 9 thereon; if the tax list maintained by said treasurer is such that all  
 10 delinquent personal taxes and delinquent taxes of any preceding year  
 11 are at all times therein recorded, then he shall not be required to keep  
 12 in his office, as a part of the records thereof, a separate delinquent  
 13 personal tax list.

14     2. The treasurer shall cause to be compiled a list of all delinquent  
 15 personal property taxes for the current assessment year, as shown by  
 16 the delinquent personal property tax list. Such list shall show the  
 17 amount of the taxes delinquent when the amount of the tax is more  
 18 than five dollars and the amount of penalty, interest and costs thereon,  
 19 the name of the owner, if known, or the person, if any, to whom it is  
 20 taxed, and shall be published in some newspaper in the county once  
 21 each week for two consecutive weeks, the last of which shall be not  
 22 more than two weeks before the first Monday in ~~December~~ *June*, and  
 23 by immediately posting a copy of the first publication thereof at the  
 24 door of the courthouse, if there be one, if not, at the door of the place



25 where the last term of district court was held. The provisions of  
 26 sections 446.10 and 446.11 shall prevail in connection with the publi-  
 27 cation of such notice. The treasurer shall obtain a copy of the notice  
 28 as published, and a certificate of the publication thereof from the  
 29 printer or publisher, and file it in the office of the auditor.

1 SEC. 76. Section four hundred forty-five point thirteen (445.13),  
 2 Code 1971, is amended to read as follows:

3 445.13 **Entries—delivery to treasurer—informalities.** Said county  
 4 auditor shall make an entry upon the special assessment tax list show-  
 5 ing what it is, for what county, and deliver it to the county treasurer  
 6 on or before ~~the thirty-first day of December~~ *June thirtieth*, taking  
 7 his receipt therefor; such list shall be a sufficient authority for the  
 8 county treasurer to collect the taxes therein levied. No informality  
 9 therein and no delay in delivering the same after the time above speci-  
 10 fied, shall affect the validity of any special assessment taxes, sales or  
 11 other proceeding for the collection of such special assessment taxes.

1 SEC. 77. Section four hundred forty-five point twenty (445.20),  
 2 Code 1971, is amended to read as follows:

3 445.20 **Penalty and interest limited—unavailable taxes.** No penalty  
 4 or interest, except for the first four years, shall be collected upon taxes  
 5 remaining unpaid four years or more from ~~the thirty-first day of~~  
 6 ~~December~~ *June thirtieth* of the year in which the tax books containing  
 7 the same were first placed in the hands of the county treasurer, and  
 8 the board of supervisors at the ~~January~~ *July* meeting may declare such  
 9 tax unavailable, and when so declared by the board, the amount  
 10 shall be credited to the treasurer by the auditor as unavailable and he  
 11 shall apportion such tax among the funds to which it belongs.

1 SEC. 78. Section four hundred forty-five point twenty-nine  
 2 (445.29), Code 1971, is amended to read as follows:

3 445.29 **Lien of personal taxes.** All poll taxes and taxes due from  
 4 any person upon personal property shall, for a period of one year fol-  
 5 lowing ~~December 31~~ *June thirtieth* of the year of levy, be a lien upon  
 6 any and all real estate owned by such person or to which he may ac-  
 7 quire title and situated in the county in which the tax is levied. From  
 8 and after the expiration of said one year said taxes shall be a lien on  
 9 all such real estate for an additional period of nine years provided  
 10 said taxes are entered upon the delinquent personal tax list as pro-  
 11 vided by law. But in no instance shall said taxes be a lien after the  
 12 expiration of ten years from ~~December 31~~ *June thirtieth* of the year  
 13 in which levied. This section shall apply to all poll taxes and to all  
 14 taxes on personal property whether levied prior or subsequent to the  
 15 time this section takes effect. Personal property taxes, together with  
 16 any interest, penalty, or costs, shall be a lien in favor of the county  
 17 upon all the taxable personal property and rights to property belong-  
 18 ing to the taxpayer, such lien to relate back to and exist from ~~the~~  
 19 *July first day of January* of the year in which such personal property  
 20 is assessed. Such a lien shall not be effective or applicable, however,  
 21 as against the rights of purchasers or mortgagees who acquired an  
 22 interest in or lien against real estate owned by the resident against  
 23 whom such tax is assessed before the date that the treasurer files  
 24 notice of such lien.

1 SEC. 79. Section four hundred forty-five point thirty (445.30),  
2 Code 1971, is amended to read as follows:

3 445.30 **Lien between vendor and purchaser.** As against a pur-  
4 chaser, such liens shall attach to real estate on and after the thirty-  
5 first day of ~~December~~ *June thirtieth* in each year.

1 SEC. 80. Section four hundred forty-five point thirty-six (445.36),  
2 Code 1971, is amended to read as follows:

3 445.36 **Payment—installments.** No demand of taxes shall be  
4 necessary, but it shall be the duty of every person subject to taxation  
5 to attend at the office of the treasurer, at some time between the first  
6 Monday in ~~January~~ *July* and the ~~September~~ first day of ~~March~~ follow-  
7 ing, and pay his taxes in full, or one-half thereof before the ~~September~~  
8 first day of ~~March~~ succeeding the levy, and the remaining half before  
9 the ~~March~~ first day of ~~September~~ following.

1 SEC. 81. Section four hundred forty-five point thirty-seven  
2 (445.37), Code 1971, is amended to read as follows:

3 445.37 **When delinquent.** In all cases where the half of any taxes  
4 has not been paid before the ~~October~~ first day of ~~April~~ succeeding the  
5 levy, the amount thereof shall become delinquent from the ~~October~~  
6 first day of ~~April~~ after due; and in case the second installment is not  
7 paid before the ~~April~~ first day of ~~October~~ succeeding its maturity, it  
8 shall become delinquent from the ~~April~~ first day of ~~October~~ after due.

1 SEC. 82. Section four hundred forty-five point thirty-nine (445.39),  
2 Code 1971, is amended to read as follows:

3 445.39 **Interest as penalty.** If the first installment of taxes shall  
4 not be paid by ~~April~~ *October first*, said installment shall become due  
5 and draw interest, as a penalty, of three-fourths of one percent per  
6 month until paid, from the ~~October~~ first day of ~~April~~ following the  
7 levy; and if the last half shall not be paid by ~~October~~ *April first*  
8 following such levy, then a like interest shall be charged from the  
9 date such last half became delinquent.

1 SEC. 83. Section four hundred forty-five point forty (445.40),  
2 Code 1971, is amended to read as follows:

3 445.40 **Penalty on personal taxes.** On all personal taxes not paid  
4 on or before the first Monday in ~~December~~ *June* a penalty of five  
5 percent shall be added and collected in addition to the three-fourths  
6 of one percent per month penalty herein provided; and the tax with  
7 all penalties shall be collected at the same time and in the same man-  
8 ner.

1 SEC. 84. Section four hundred forty-five point forty-three (445.43),  
2 Code 1971, is amended to read as follows:

3 445.43 **Lien on migratory personal property—maturity of tax.** A  
4 lien for the tax upon said property as herein provided shall relate back  
5 to and exist from the ~~July~~ first day of ~~January~~ of the year for which  
6 it is assessed, and if anyone seeks to remove the said property from  
7 the county before the tax for said year shall be paid, the tax shall  
8 immediately become due and collectible.

1 SEC. 85. Section four hundred forty-five point fifty-one (445.51),  
2 Code 1971, is amended to read as follows:

3 445.51 **Current taxes—when delivered for collection.** In no case  
4 shall delinquent taxes of the current *fiscal* year be turned over for  
5 collection, whether designated by the board or otherwise, before the  
6 ~~May first day of November~~. The provisions of this section shall not  
7 apply to counties having a population of eighty thousand or more.

1 SEC. 86. Section four hundred forty-six point seven (446.7), un-  
2 numbered paragraph one (1), Code 1971, is amended to read as fol-  
3 lows:

4 Annually, on the first Monday in ~~December~~ *June* the treasurer shall  
5 offer at his office at public sale all lands, town lots, or other real prop-  
6 erty on which taxes of any description for the preceding *fiscal* year or  
7 years are delinquent, which sale shall be made for the total amount  
8 of taxes, interest, and costs due and unpaid thereon, including all  
9 prior suspended taxes, provided, however, that no property, against  
10 which the county holds a tax sale certificate, shall be offered or sold.  
11 No interest or penalty on suspended taxes shall be included in the sale  
12 price, except that six percent interest per annum from the date of  
13 suspension shall be included as to taxes suspended under the provi-  
14 sions of section 427.8.

1 SEC. 87. Section four hundred forty-six point twenty-eight  
2 (446.28), Code 1971, is amended to read as follows:

3 446.28 **Subsequent sale.** If, from neglect of officers to make  
4 returns, or other good cause, real estate cannot be advertised and  
5 offered for sale on the first Monday of ~~December~~ *June*, the treasurer  
6 shall make the sale on the first Monday of the next succeeding month  
7 in which the required notice can be given.

1 SEC. 88. Section four hundred forty-seven point two (447.2), Code  
2 1971, is amended to read as follows:

3 447.2 **Nonallowable penalties.** The penalty for nonpayment of  
4 taxes of any subsequent year or years shall not attach, unless the same  
5 shall have remained unpaid until the *October* first day of ~~April~~ after  
6 they become due and have become delinquent, nor shall said penalties  
7 apply to taxes voted in aid of the construction of any railroad.

1 SEC. 89. Section four hundred forty-eight point two (448.2), un-  
2 numbered paragraph two (2), Code 1971, is amended to read as fol-  
3 lows:

4 KNOW ALL MEN BY THESE PRESENTS, that the following described  
5 real estate, viz.: (Here follows the description), situated in the county  
6 of ..... and state of Iowa, was subject to taxation for the year  
7 (or years) A.D. ...., and the taxes assessed thereon for the year  
8 (or years) aforesaid remained due and unpaid at the date of the sale  
9 hereinafter named; and the treasurer of said county, having on the  
10 ..... day of ....., A.D. ...., by virtue of the authority  
11 in him vested by law, at (an adjournment of) the sale begun and  
12 publicly held on the first Monday of ~~December~~ *June*, A.D. ....,  
13 exposed to public sale at the office of the county treasurer in the  
14 county aforesaid, in substantial conformity with all the requirements  
15 of the statute, the real property above described, for the payment of  
16 the taxes, interest and costs then due and remaining unpaid on said  
17 property, and at the time and place aforesaid A..... B.....,  
18 of the county of ..... and state of ....., having offered to

19 pay the sum of ..... dollars and ..... cents, being the whole  
 20 amount of taxes, interest and costs then due and remaining unpaid  
 21 on said property, for (here follows the description of the property  
 22 sold) which was the least quantity bid for, and payment of said sum  
 23 having been made by him to said treasurer, the property was stricken  
 24 off to him at that price; and the said A..... B..... did, on  
 25 the ..... day of ....., A.D. ...., duly assign the certifi-  
 26 cate of the sale of the property as aforesaid and all his right, title  
 27 and interest to said property to E..... F..... of the county  
 28 of ..... and state of .....; and by the affidavit of .....,  
 29 filed in said treasurer's office on the ..... day of ....., A.D.  
 30 ....., it appears that notice has been given more than ninety days  
 31 before the execution of these presents to ..... and ..... of  
 32 the expiration of the time of redemption allowed by law; and three  
 33 years having elapsed since the date of said sale, and said property  
 34 having not been redeemed therefrom:

1 SEC. 90. Section four hundred fifty-two point six (452.6), Code  
 2 1971, as amended by chapter two hundred nineteen (219), section one  
 3 (1), Acts of the Sixty-fourth General Assembly, First Session, is  
 4 amended to read as follows:

5 **452.6 Settlement with treasurer.** At the meetings in ~~January~~  
 6 ~~July~~ and ~~July~~ *January* of each year, the board of supervisors shall  
 7 make a full and complete settlement with the treasurer, and shall  
 8 certify to the state comptroller all credits to him for double or er-  
 9 roneous assessments and unavailable taxes, and all dues for state  
 10 revenue, interest, or delinquent taxes, sales of land, peddlers' licenses,  
 11 and other dues, the amounts collected therefor, and revenues still  
 12 delinquent, each year to itself, which reports shall be forwarded by  
 13 mail.

1 SEC. 91. Section four hundred fifty-five point sixty-one (455.61),  
 2 Code 1971, is amended to read as follows:

3 **455.61 Funds — disbursement — interest.** Such taxes when col-  
 4 lected shall be kept in a separate fund known as the county drainage  
 5 or levee fund and shall be paid out only for purposes properly con-  
 6 nected with and growing out of the county drainage and levee dis-  
 7 tricts on order of the board. The auditor shall continue to keep a  
 8 record of each of the drainage and levee district's funds so as to  
 9 accurately reflect the financial condition of each such district account.  
 10 The treasurer, on order of the board of supervisors, shall invest such  
 11 funds not immediately needed for current operating expenses in  
 12 United States government bonds, in time certificates of deposit, in  
 13 savings accounts in such banks as the board shall approve, in the  
 14 interest bearing obligations of the drainage and levee districts of the  
 15 county, or as provided by chapter 453. Interest collected by the trea-  
 16 surer on the funds so invested shall be deposited in the county drain-  
 17 age or levee fund, and on ~~January 1~~ *July first* of each year the auditor  
 18 shall apportion and credit such interest to each drainage or levee dis-  
 19 trict account in the proportion which the average credit balance of  
 20 each district bears to the average balance of the county drainage or  
 21 levee fund. The averages to be ascertained shall be the averages of  
 22 the balances existing on the first of each month during the ~~calendar~~  
 23 *fiscal* year immediately preceding. Interest and penalties collected on

24 drainage or levee district taxes shall be credited to the district for  
 25 which the taxes are being collected. This section shall not be con-  
 26 strued so as to permit expenditures in behalf of any district in excess  
 27 of its share of the county drainage or levee fund. The provisions of  
 28 this section shall not apply to drainage and levee districts under  
 29 trustee management unless the trustees consent thereto, and in the  
 30 absence of such consent section 462.29 shall apply.

1 SEC. 92. Section four hundred fifty-five point sixty-four (455.64),  
 2 subsection two (2), Code 1971, is amended to read as follows:

3 2. To pay such assessments in not less than ten nor more than  
 4 twenty equal installments, the number to be fixed by the board and  
 5 interest at the rate fixed by the board, not exceeding seven percent  
 6 per annum. One such installment shall be payable at the ~~March~~  
 7 ~~September~~ semiannual taxpaying date in each year; provided, how-  
 8 ever, that the county treasurer shall, at the ~~March~~ ~~September~~ semi-  
 9 annual taxpaying date, require only the payment of a sufficient por-  
 10 tion of the assessments to meet the interest and the amount maturing  
 11 on bonds or certificates prior to the regular time for the payment of  
 12 the second installment of taxes and the balance shall be collected with  
 13 such second installment and without penalty.

1 SEC. 93. Section four hundred fifty-five point sixty-seven (455.67),  
 2 Code 1971, is amended to read as follows:

3 455.67 **Lien of deferred installments.** No deferred installment of  
 4 the amount assessed as between vendor and vendee, mortgagor and  
 5 mortgagee shall become a lien upon the property against which it is  
 6 assessed and levied until the ~~thirty-first day of December~~ ~~June thir-~~  
 7 ~~tieth of the year next~~ ~~preceding that~~ *fiscal year* in which it is due and  
 8 payable.

1 SEC. 94. Chapter one hundred sixty-five (165), section twenty-  
 2 two (22), Acts of the Sixty-fourth General Assembly, First Session,  
 3 is repealed.

Approved March 9, 1972.

## CHAPTER 1021

### SCHOOL BUDGET CERTIFICATION

H. F. 1045

AN ACT changing the local budget certification date of school districts.

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

1 SECTION 1. Section twenty-four point seventeen (24.17), Code  
 2 1971, is amended to read as follows:

3 24.17 **Budgets certified.** The local budgets of the various munici-  
 4 palities shall be certified by the chairman of the certifying board or  
 5 the levying board, as the case may be, in duplicate to the county  
 6 auditor not later than the fifteenth day of August each year ~~and~~

7 school districts the fifteenth day of July each year, on blanks pre-  
 8 scribed by the state board, and according to rules and instructions  
 9 which shall be furnished all certifying and levying boards in printed  
 10 form by said state board.

11 One copy of said budget shall be retained on file in his office by the  
 12 county auditor, and the other shall be certified by him to the state  
 13 board.

Approved March 24, 1972.

## CHAPTER 1022

### PUBLIC DEFENSE APPROPRIATION

S. F. 1203

AN ACT making an appropriation from the general fund of the state to the department of public defense for various capital improvements, and providing for emergency helicopter ambulance service.

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

1 SECTION 1. There is appropriated from the general fund of the  
 2 state of Iowa to the department of public defense, the sum of one hun-  
 3 dred twenty-eight thousand, two hundred sixty (128,260) dollars, or  
 4 so much thereof as may be necessary, to be used by the state to match  
 5 federal funds available under the armory construction program for  
 6 the acquisition, construction, expansion, rehabilitation and conversion  
 7 of facilities for the administration and training units of the national  
 8 guard and state guard and as a site for the operation of an emergency  
 9 helicopter ambulance service.

1 SEC. 2. Before any of the funds appropriated by this Act shall be  
 2 expended, it shall be determined by the department of public defense  
 3 with the approval of the governor and the state comptroller that the  
 4 expenditures shall be for the best interests of the state.

1 SEC. 3. The department of public defense, the governor and the  
 2 state comptroller may obtain federal grants to the state to be used in  
 3 connection with the funds appropriated by this Act. All federal  
 4 grants to the state obtained by the department of public defense, the  
 5 governor and the state comptroller are appropriated for the purpose  
 6 set forth in the federal grants.

1 SEC. 4. Any unencumbered balance of funds appropriated by this  
 2 Act remaining as of June 30, 1975, shall revert to the general fund of  
 3 the state as of June 30, 1975.

1 SEC. 5. The adjutant general shall develop a plan within the Iowa  
 2 national guard for an emergency helicopter ambulance service to  
 3 transport persons who require emergency medical treatment or require  
 4 emergency transfer between hospitals and to transport emergency  
 5 medical supplies, equipment or personnel.

6 The Iowa national guard shall be requested to provide the emer-  
 7 gency helicopter ambulance service from its available manned helicop-

8 ters when the plan is implemented on order of the governor at the  
 9 request of the Iowa highway safety patrol, or the administrative  
 10 heads of the hospitals located in Iowa, unless the Iowa national guard  
 11 does not have a manned helicopter available or is in active service  
 12 under the armed forces of the United States.

13 The adjutant general shall establish policies and procedures to carry  
 14 out the provisions of this section. The policies and procedures shall  
 15 provide that the emergency helicopter ambulance service shall be  
 16 coordinated and supplemental to, and not competitive with conven-  
 17 tional ambulance services. In determining whether an emergency  
 18 exists the policies and procedures shall give reasonable consideration  
 19 to the risk of death or permanent injury due to delayed treatment  
 20 resulting from; remoteness of an area from any hospital, the absence  
 21 or unavailability of conventional ambulance services, and the distance  
 22 to be traveled in a transfer between hospitals.

Approved April 22, 1972.

## CHAPTER 1023

### CHILDREN OF PRISONERS OF WAR

S. F. 1136

AN ACT providing financial benefits for the education of children of persons classified as prisoners of war or missing in action in Viet Nam.

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

1 SECTION 1. Chapter thirty-five (35), Code 1971, is amended by  
 2 adding the following new section:

3 "In addition to the duties enumerated in sections thirty-five point  
 4 one (35.1) through thirty-five point eleven (35.11) of the Code, the  
 5 bonus board shall be responsible for administering the program cre-  
 6 ated by this section.

7 The state shall provide funds from moneys appropriated to the  
 8 bonus board, sufficient when coupled with other state and federal  
 9 grants and aids, to pay all fees, including fees designated as tuition  
 10 and fees for books, for attendance at any institution of higher educa-  
 11 tion, or any post-high school, vocational school, technical school, trade  
 12 school, or professional school located within this state by a child who  
 13 shall have lived in the state for two years preceding application for  
 14 such benefits and who is the child of a person classified as a prisoner  
 15 of war or missing in action during the Viet Nam conflict as defined in  
 16 section thirty-five point nine (35.9) of the Code. The benefits provided  
 17 by this section shall be for a term not exceeding thirty-six months of  
 18 full time enrollment, whether continuous or non-continuous, in the  
 19 course of study undertaken, however if the parent of the person  
 20 receiving benefits is released from a prison or is no longer classified  
 21 as missing in action, the education benefits provided by this section  
 22 shall terminate at the end of the current school year of the school in  
 23 which the person receiving benefits is attending."

Approved April 22, 1972.

## CHAPTER 1024

## PRIMARY ELECTION POSTPONED

H. F. 1265

AN ACT relating to the 1972 primary election.

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

1 SECTION 1. The provisions of this Act which are in conflict with  
2 the provisions of chapters forty-three (43) and fifty-three (53) of  
3 the Code shall govern for the primary election to be held on August  
4 1, 1972.

1 SEC. 2. The primary election for the year 1972 shall be held on  
2 August 1, 1972.

1 SEC. 3.

2 1. Notwithstanding the provisions of section forty-nine point four  
3 (49.4), Code 1971, as amended by chapter ninety-nine (99), section one  
4 (1), and chapter ninety-eight (98), section twenty-one (21), Acts of  
5 the Sixty-fourth General Assembly, First Session, a board of super-  
6 visors required to establish new election precincts with a population  
7 of three thousand five hundred or less by December thirty-first of the  
8 year immediately following the year in which the last federal decennial  
9 census was taken, shall not be required to establish such new election  
10 precincts until a new apportionment plan has been adopted in the  
11 year 1972 and made public by the Iowa supreme court. Upon the  
12 adoption of the new apportionment plan by the Iowa supreme court,  
13 the board of supervisors shall cause new election precincts to be drawn  
14 pursuant to the provisions of section forty-nine point four (49.4) of  
15 the Code as amended by chapter ninety-nine (99), section one (1),  
16 and chapter ninety-eight (98), section twenty-one (21), Acts of the  
17 Sixty-fourth General Assembly, First Session. The board of super-  
18 visors shall issue an order establishing the new election precincts and  
19 defining the boundaries of such precincts not more than forty-seven  
20 days from the date the Iowa supreme court adopts a new apportion-  
21 ment plan. The board of supervisors shall file a copy of the order  
22 with the secretary of state.

23 2. If any board of supervisors fails to fix election precinct boun-  
24 daries as required under the provisions of this Act, the secretary of  
25 state may file an action in mandamus in the district court of Polk  
26 county to compel the board of supervisors to perform its duties as re-  
27 quired by this Act or he may fix the boundaries of the election pre-  
28 cincts in the county as soon as possible. Any expenses incurred by  
29 the secretary of state shall be assessed to the county and paid by the  
30 county to the secretary of state.

31 3. The secretary of state shall remit such expense funds to the  
32 treasurer of state who shall deposit them in the general fund of the  
33 state. Such expense funds are appropriated to the secretary of state  
34 for the purpose of reimbursing the office of the secretary of state for  
35 any expenses incurred in the administration of this section.

36 4. The secretary of state may request the attorney general to assist  
37 him in enforcing the provisions of this section and the attorney gen-  
38 eral shall provide such assistance as is requested.

39 5. The secretary of state may request the services of personnel of



40 the legislative service bureau and other persons and material available  
41 to the legislative service bureau and other persons for the purpose of  
42 fixing the boundaries of election precincts as provided in this section.

1 SEC. 4.

2 1. Notwithstanding the provisions of section forty-nine point five  
3 (49.5), Code 1971, as amended by chapter ninety-nine (99), section  
4 two (2), and chapter ninety-eight (98), section twenty-two (22), Acts  
5 of the Sixty-fourth General Assembly, First Session, the city council  
6 of any city required to establish new election precincts with a popula-  
7 tion of three thousand five hundred or less by December thirty-first of  
8 the year immediately following the year in which the last federal  
9 decennial census was taken, shall not be required to establish new  
10 election precincts until a new apportionment plan has been adopted in  
11 the year 1972 and made public by the Iowa supreme court. Upon the  
12 adoption of the new apportionment plan by the Iowa supreme court,  
13 the council of each city shall cause new election precincts to be drawn  
14 pursuant to the provisions of section forty-nine point five (49.5) of  
15 the Code, as amended by chapter ninety-nine (99), section two (2),  
16 and chapter ninety-eight (98), section twenty-two (22), Acts of the  
17 Sixty-fourth General Assembly, First Session. The city council of  
18 each city shall issue an order establishing the new election precincts  
19 and defining the boundaries of such precincts not more than forty  
20 days from the date the Iowa supreme court adopts a new appor-  
21 tionment plan.

22 2. The city clerk of each city shall, not more than fifteen days from  
23 the date the Iowa supreme court adopts a new apportionment plan,  
24 file a report with the secretary of state of the progress made in re-  
25 precincting and the date on which the city clerk expects to complete  
26 the reprecincting of the city.

27 3. At the end of thirty days from the date the Iowa supreme court  
28 adopts a new apportionment plan, the city clerk shall file a report  
29 with the secretary of state stating the progress of reprecincting and  
30 whether the city will be reprecincted at the end of forty days.

31 4. Each city clerk shall file a report with the secretary of state  
32 upon the completion of the reprecincting and the adoption of the  
33 reprecincting plan by the city council.

34 5. If the council of any city fails to fix election precinct boundaries  
35 as required under the provisions of this Act, the secretary of state  
36 may file an action in mandamus in the district court of Polk county  
37 to compel the city to perform its duties as required by this Act or he  
38 may fix the boundaries of the election precincts in such city as soon  
39 as possible. Any expenses incurred by the secretary of state shall be  
40 assessed to the city and paid by the city to the secretary of state.

41 6. The secretary of state shall remit such expense funds to the  
42 treasurer of state who shall deposit them in the general fund of the  
43 state. Such expense funds are appropriated to the secretary of state  
44 for the purpose of reimbursing the office of the secretary of state for  
45 any expenses incurred in the administration of this section.

46 7. The secretary of state may request the attorney general to as-  
47 sist him in enforcing the provisions of this section and the attorney  
48 general shall provide such assistance as requested.

49 8. The secretary of state may request the services of personnel of  
50 the legislative service bureau and other persons and material available

51 to the legislative service bureau and other persons for the purpose of  
52 fixing the boundaries of election precincts as provided in this section.

1 SEC. 5. The board of supervisors or city council shall approve the  
2 reprecincting plan within seven days from the date the plan is sub-  
3 mitted to the board or council and the precincts established shall be  
4 legal upon the approval of the board or council. The board of super-  
5 visors and the city council shall publish a map of the new precincts  
6 not later than July 24, 1972.

1 SEC. 6. Upon adoption of reprecincting plan by the city council or  
2 promulgation of the reprecincting plan by the secretary of state, the  
3 commissioner of registration shall commence the changing of the voter  
4 registration records.

1 SEC. 7. For the year 1972 only, nomination petitions in behalf of  
2 any candidate for an elective county office shall not be filed in the  
3 office of the county auditor later than June 9, 1972.

1 SEC. 8. For the year 1972 only, nomination petitions in behalf of  
2 a candidate for United States senator, representative in Congress,  
3 elective state office, and a member of the general assembly shall not  
4 be filed in the office of the secretary of state later than May 30, 1972.

1 SEC. 9. For the year 1972 only, the secretary of state shall, not  
2 later than June 9, 1972, furnish to each county auditor a certificate  
3 under his hand and seal, which certificate shall show:

4 1. The name and post office address of each person for whom a nom-  
5 ination paper has been filed in his office, and for whom the voters of  
6 said county have the right to vote at said election.

7 2. The office for which such person is a candidate.

8 3. The political party from which such person seeks a nomination.

1 SEC. 10. The county auditor shall have all ballots for the primary  
2 election to be held August 1, 1972 printed and ready for delivery not  
3 later than June 23, 1972.

1 SEC. 11. For the year 1972 only, any person under circumstances  
2 prescribed under section fifty-three point one (53.1) of the Code may  
3 vote by absentee ballot for the 1972 primary election from June 23,  
4 1972 up to and including July 31, 1972.

1 SEC. 12. For the year 1972 only, the county auditor shall deliver  
2 an absentee ballot to any qualified elector applying in person at the  
3 office of the county auditor and filing an application for an absentee  
4 ballot as required under the provisions of chapter fifty-three (53) of  
5 the Code, after July 16, 1972, if the ballot is immediately marked, en-  
6 closed in the ballot envelope with the proper affidavit thereon, and  
7 returned to the county auditor.

1 SEC. 13. For the year 1972 only, any qualified voter in the armed  
2 forces of the United States may personally appear in the office of the  
3 county auditor of the county of his residence and cast an absentee  
4 ballot at any time beginning June 23, 1972, up to and including July  
5 31, 1972.

1 SEC. 14. Acts and proceedings of elections relating to party com-  
2 mitteemen conducted pursuant to law at the precinct caucuses of a

3 political party subsequent to January 1, 1972 and preceding August  
4 1, 1972 are hereby declared to be legal and the two party committee-  
5 men elected in each precinct shall begin their term of office as pro-  
6 vided in section forty-three point ninety-nine (43.99) of the Code and  
7 their term of office shall expire on August 15, 1972. Upon the ex-  
8 piration of the terms of office of the precinct party committeemen on  
9 August 15, 1972, the chairman of each political party's state central  
10 committee shall determine the method of selection of new party com-  
11 mitteemen to serve a term commencing on August 16, 1972 until his  
12 successor is elected and qualified or he is removed as provided in sec-  
13 tion forty-three point ninety-nine (43.99) of the Code. However, the  
14 term of office of party committeemen elected prior to August 1, 1972,  
15 shall be for a full term if the boundaries of the precinct from which  
16 they were elected are not changed by August 1, 1972.

1 SEC. 15. Acts and proceedings of elections relating to delegates to  
2 the county convention of a political party conducted at the precinct  
3 caucuses pursuant to section forty-three point four (43.4) of the Code  
4 subsequent to January 1, 1972 and preceding August 1, 1972 are here-  
5 by declared to be legal. If any political party holds more than one  
6 precinct caucus in any precinct, and the delegates to the county con-  
7 vention are contested, the legal delegates to the county convention  
8 shall be determined by a credentials committee of the political party  
9 at the county convention. The credentials committee shall be ap-  
10 pointed pursuant to the bylaws of the political party. Delegates to  
11 the county convention of a political party who were selected as pro-  
12 vided by law and the acts and proceedings of elections at the precinct  
13 caucuses are hereby declared to be legal.

1 SEC. 16. Duties performed and proceedings conducted in the year  
2 1972 prior to the effective date of this Act by any political party as  
3 required pursuant to chapter forty-three (43) of the Code are hereby  
4 declared to be legal.

1 SEC. 17. The provisions of this Act shall be printed in the session  
2 laws only, and shall not be made a permanent part of the Code of Iowa.

1 SEC. 18. For the year 1972 only, nomination papers in the form  
2 prescribed by section forty-three point fourteen (43.14) of the Code  
3 shall be legal and valid notwithstanding the fact that they refer to  
4 the primary election to be held in June, 1972, or the reference to June,  
5 1972, is struck through or is changed.

1 SEC. 19. For the year 1972 only, nomination papers otherwise  
2 meeting the requirements of sections forty-three point fifteen (43.15)  
3 and forty-three point seventeen (43.17) of the Code shall be legal and  
4 valid, notwithstanding the fact that they were signed before the su-  
5 preme court established new election districts so long as the place  
6 shown as the residence of the persons signing the nomination papers is  
7 in the new district established by the supreme court, and notwithstand-  
8 ing the fact that the election district may be described on the nomina-  
9 tion paper by a number different from that assigned to the new district  
10 created by the supreme court.

1 SEC. 20. Affidavits of candidacy otherwise meeting the require-  
2 ments of section forty-three point eighteen (43.18) of the Code shall

3 be legal and valid notwithstanding the fact that a candidate filing the  
 4 same describes the legislative district from which he is seeking office  
 5 by a number other than that assigned to the new district by the  
 6 supreme court.

1 SEC. 21. This Act, being deemed of immediate importance, shall  
 2 take effect and be in force from and after its publication in The Mus-  
 3 catine Journal, a newspaper published in Muscatine, Iowa, and in  
 4 Times-Democrat, a newspaper published in Davenport, Iowa.

Approved March 31, 1972.

I hereby certify that the foregoing Act, House File 1265, was published in The Musca-  
 tine Journal, Muscatine, Iowa, April 7, 1972, and in the Times-Democrat, Davenport,  
 Iowa, April 10, 1972.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 1025

### ELECTION LAWS

H. F. 1147

AN ACT relating to the election laws and providing penalties for violations thereof.

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

1 SECTION 1. **State commissioner of elections.** The secretary of  
 2 state is designated as the state commissioner of elections and shall  
 3 supervise the activities of the county commissioners of elections.  
 4 There is established within the office of the secretary of state a divi-  
 5 sion of elections which shall be under the direction of the state com-  
 6 missioner of elections. The state commissioner of elections may  
 7 appoint a person to be in charge of the division of elections who shall  
 8 perform such duties as may be assigned to him by the state commis-  
 9 sioner of elections. The state commissioner of elections shall prescribe  
 10 uniform election practices and procedures and shall prescribe the  
 11 necessary forms required for voter registration and the conduct of  
 12 elections. The state commissioner of elections may adopt rules and  
 13 regulations, pursuant to chapter seventeen A (17A) of the Code, to  
 14 carry out the provisions of this section.

1 SEC. 2. **County commissioner of elections.** The county auditor of  
 2 each county is designated as the county commissioner of elections in  
 3 each county. The county commissioner of elections shall conduct voter  
 4 registration pursuant to chapter forty-eight (48) of the Code and  
 5 conduct all elections within the county. All election and registration  
 6 duties prior to the effective date of this Act imposed upon other public  
 7 officials within the county are transferred to the county commissioner  
 8 of elections. All of the present records of registration, precinct books,  
 9 and all other documents and papers pertaining to the registration of  
 10 electors or those electors who are currently registered that are upon  
 11 the effective date of this Act, in the care, custody, and control of a  
 12 city subject to the provisions of chapter forty-eight (48) of the Code

13 shall be under the jurisdiction of the county commissioner of regis-  
 14 tration who shall designate the location of such records. Such records  
 15 that establish that an elector is currently registered and all precinct  
 16 pollbooks shall be valid, and may be used by the county commissioner  
 17 of registration in all subsequent elections as provided in this Act.  
 18 An elector who is validly registered to vote upon the effective date of  
 19 this Act, shall remain so registered and shall be entitled to vote in all  
 20 subsequent elections as provided in this Act.

21 If a political subdivision is located in more than one county, the  
 22 county commissioner of elections of the county having the greatest  
 23 taxable base within the political subdivision shall conduct the election.  
 24 The county commissioners of elections of the other counties in which  
 25 the political subdivision is located shall cooperate with the county  
 26 commissioner of elections who is conducting the election.

1 SEC. 3. **Election expenses.** The costs of conducting a special elec-  
 2 tion, general election, and the primary election held prior to the gen-  
 3 eral election shall be paid by the county.

4 The cost of conducting other elections shall be paid by the political  
 5 subdivision for which the election is held. The county commissioner  
 6 of elections shall certify to the county board of supervisors a state-  
 7 ment of cost for an election. The cost shall be assessed by the county  
 8 board of supervisors against the political subdivision for which the  
 9 election was held.

10 Costs of registration shall not be charged as a part of the election  
 11 costs.

1 SEC. 4. **Voter qualifications.**

2 1. Every citizen of the United States of the age of eighteen years  
 3 of age or older is presumed to have a residence some place in the  
 4 United States for the purpose of voting for president and vice presi-  
 5 dent of the United States.

6 2. Every citizen of the United States of the age of eighteen years  
 7 or older who shall have been a resident of this state for thirty days  
 8 next preceding the election shall be entitled to vote, subject to the  
 9 provisions of chapter forty-eight (48), if applicable, and chapter  
 10 forty-nine (49) of the Code, at all elections which may now or here-  
 11 after be authorized by law.

12 3. Every qualified voter of the state of the age of eighteen years  
 13 or older shall have only one voting residence some place in this state  
 14 or any other state for the purposes of voting in any given election.

15 4. A person's residence, for voting purposes only, is the place which  
 16 he maintains as\* his home with the intent to remain there permanently  
 17 or for a definite or an indefinite or undeterminable length of time.

18 If a person who meets the above requirements moves to a new resi-  
 19 dence, within or without the state, and does not meet the voter resi-  
 20 dency requirements at his new residence, he may vote at his former  
 21 place of residence in Iowa until he meets the voter residency require-  
 22 ments of his new residence.

1 SEC. 5. Section forty-three point eleven (43.11), subsection one  
 2 (1), Code 1971, is amended to read as follows:

\*According to enrolled Act.

3 1. For an elective county office, in the office of the county ~~auditor~~  
4 *commissioner of elections* at least fifty-five days prior to the day  
5 fixed for holding the primary election.

1 SEC. 6. Section forty-three point eleven (43.11), Code 1971, is  
2 amended by striking subsection three (3).

1 SEC. 7. Section forty-three point twenty-six (43.26), Code 1971,  
2 is amended by striking the section and inserting in lieu thereof the  
3 following:

4 43.26 **Ballot—form.** The official primary election ballot shall be  
5 prepared, arranged, and printed substantially in the following form:

6 PRIMARY ELECTION BALLOT

7 (Name of Party)

8 of

9 ..... Township or Precinct, ..... Ward, City or Town of  
10 ....., County of ....., State of Iowa.

11 Primary election held on the ..... day of June, 19.....

12 FOR UNITED STATES SENATOR

13 (Vote for one.)

14 ..... Sally K. Brown

15 ..... J. R. Wayne

16 ..... .....

17 FOR UNITED STATES REPRESENTATIVE

18 (Vote for one.)

19 ..... Betty Williams

20 ..... William Sanders

21 ..... .....

22 FOR GOVERNOR

23 (Vote for one.)

24 ..... Patricia Collins

25 ..... William Longley

26 ..... .....

27 (Followed by other elective state and district officers in order.)

28 FOR COUNTY AUDITOR

29 (Vote for one.)

30 ..... Gladys Strong

31 ..... Robert Thompson

32 ..... .....

33 (Followed by other elective county officers in order.)

34 FOR TOWNSHIP CLERK

35 (Vote for one.)

36 ..... Dolores Black

37 ..... John Raymond

38 ..... .....

39 FOR TOWNSHIP TRUSTEES

40 (Vote for two.)

41 ..... Margaret Jones

42 ..... William Jones

43 ..... H. S. Wilson

44 ..... .....

1 SEC. 8. Section forty-three point twenty-nine (43.29), subsection  
2 one (1), Code 1971, is amended to read as follows:

3 1. The county ~~auditor~~ *commissioner of elections* shall, prior to the  
4 day of primary election, publish a list of candidates for each political  
5 party to be voted for at such election, except township, city or town  
6 officers. Such publication shall be, as near as may be, in the form in  
7 which such candidates will appear on the official ballot, with the names  
8 of the candidates arranged alphabetically. Such publication shall be  
9 in not less than two newspapers within the county, representing, if  
10 possible, the political parties which cast at the preceding general elec-  
11 tion the largest and the next largest number of votes.

1 SEC. 9. Section forty-three point one hundred twenty (43.120),  
2 subsection four (4), Code 1971, is amended by striking the subsection  
3 and inserting in lieu thereof the following:

4 4. Willfully voting or offering to vote at a primary election by a  
5 person who has not met the qualifications to vote.

1 SEC. 10. Section forty-eight point one (48.1), Code 1971, is  
2 amended by striking the section and inserting in lieu thereof the  
3 following new section:

4 **48.1 Commissioner of registration.** The office of commissioner of  
5 registration is hereby created in all cities having a population of more  
6 than ten thousand and in counties having a population of more than  
7 fifty thousand. The county auditor is hereby constituted the commis-  
8 sioner of registration. A branch office of registration may be located  
9 in the office of city clerk. The commissioner of registration shall reg-  
10 ister electors of a city having a population of more than ten thou-  
11 sand and of a county having a population of more than fifty thousand.

1 SEC. 11. Section forty-eight point four (48.4), Code 1971, is  
2 amended to read as follows:

3 **48.4 Commissioner of registration—duties.** The said commission-  
4 er of registration shall have complete charge of the registration of  
5 all qualified voters within such city or county. He shall appoint such  
6 deputies and clerks as may be necessary, from the two political parties  
7 receiving the highest vote at the last general election. Notwithstand-  
8 ing the provisions of this section, the commissioner of registration  
9 may also appoint a city clerk as a deputy. The number of such dep-  
10 uties and clerks for all precinct registration places, and the central  
11 registration office, shall be equally divided between the members of  
12 the two said political parties. These appointments shall be subject to  
13 the approval of the city council or county board of supervisors as the  
14 case may be. The commissioner of registration shall provide such  
15 printed forms and blanks as may be necessary, together with such  
16 other supplies and equipment as are necessary to properly carry out  
17 the provisions of this chapter. Subject to the provisions of this chap-  
18 ter, the city council or board shall prescribe by ordinance such reason-  
19 able rules and regulations as to office hours and places and manner of  
20 registration as may be necessary. Registration places shall be estab-  
21 lished throughout the city or county *cities and counties* in the propor-  
22 tion of one to each precinct which shall be open for registration as  
23 provided under this chapter during not less than two nor more than  
24 four days between July 1 and up to and including the tenth day prior  
25 to the next election following the adoption of the plan for registration

26 provided in this chapter. Such registration places shall be selected by  
 27 the commissioner of registration and shall be open between seven  
 28 o'clock a.m. and nine o'clock p.m. The commissioner of registration  
 29 shall appoint the two clerks of election for each precinct, who shall  
 30 have charge of the election register.

1 SEC. 12. Section forty-eight point five (48.5), Code 1971, is  
 2 amended by striking the section and inserting in lieu thereof the fol-  
 3 lowing new section:

4 **48.5 Registration records.** The county commissioner of registra-  
 5 tion shall safely maintain at his office or other designated locations  
 6 the original registration records of all qualified electors in his county.  
 7 The original registration records shall not be removed from his office  
 8 or other designated locations except upon court order. One copy of  
 9 the original registration records which includes the elector's name,  
 10 address, precinct, and party affiliation shall be prepared before the  
 11 primary election preceding the general election, upon request and  
 12 without charge, for the county chairman of each political party. A  
 13 list of electors who have registered between the primary and the gen-  
 14 eral election shall be prepared, upon demand and without charge on  
 15 August first prior to the general election and at least every two weeks  
 16 thereafter until the close of registration, for the county chairman of  
 17 each political party polling in excess of two percent of the popular  
 18 vote in the county in the last preceding general election. If the county  
 19 commissioner of registration maintains a computerized list of quali-  
 20 fied electors by precinct, he shall, upon demand and without charge,  
 21 on August first prior to the general election, provide the county chair-  
 22 man for each political party, a complete list of all qualified electors,  
 23 by precinct, within the county. The county commissioner of registra-  
 24 tion, if computerized lists of qualified electors are maintained shall,  
 25 each week, upon demand and without charge, from August first until  
 26 October first, prior to the general election and each day, or on each  
 27 day thereafter that the computerized list is updated, until the close of  
 28 registration, provide the county chairman of each political party a  
 29 list of electors who have registered since the last such list was pro-  
 30 vided. Additional copies may be provided to political parties at  
 31 cost. Duplicate registration records shall be open to inspection by  
 32 the public at reasonable times.

33 Such lists shall not be used for any commercial purpose, advertis-  
 34 ing, or solicitation, of any kind or nature, other than to request such  
 35 person's vote at a primary or general election, or any other bona fide  
 36 political purpose. The commission shall keep a list of the name, ad-  
 37 dress, telephone number, and social security number of each person  
 38 who copies or duplicates such lists. Any person, firm, or corporation  
 39 that uses such lists in violation of this section shall, upon conviction,  
 40 be imprisoned in the county jail, not to exceed one year, or be fined  
 41 not to exceed one thousand dollars, or by both such fine and imprison-  
 42 ment, for each violation.

1 SEC. 13. Section forty-eight point six (48.6), Code 1971, as  
 2 amended by chapter ninety-eight (98), section three (3), Acts of the  
 3 Sixty-fourth General Assembly, First Session, is amended by striking  
 4 subsection ten (10) and inserting in lieu thereof the following new  
 5 subsection:



6 10. An affidavit in such form as prescribed by the state commis-  
7 sioner of elections which states that the registrant will be a qualified  
8 elector on the day of the next known election.

1 SEC. 14. Section forty-eight point eight (48.8), Code 1971, as  
2 amended by chapter ninety-eight (98), section five (5), Acts of the  
3 Sixty-fourth General Assembly, First Session, is amended by striking  
4 the section and inserting in lieu thereof the following new section:

5 48.8 **Election registers.** The county commissioner of registration  
6 shall prepare an election register for each county precinct between  
7 the time of the closing of registration and election day. The election  
8 register shall be a copy of the list of all qualified electors of the pre-  
9 cinct and shall be in a form prescribed by the state commissioner of  
10 elections.

11 If the name of a registered elector does not appear in the election  
12 register, the county commissioner of elections may authorize a cor-  
13 rection to the election register by the judges of election at the pre-  
14 cinct. Authorization to correct the election register need not be in  
15 writing and may be transmitted by telephone. The authorization  
16 must verify the registration in question and be made by the county  
17 commissioner of elections who shall make a written record verifying  
18 every authorized correction.

1 SEC. 15. Section forty-eight point eleven (48.11), Code 1971, as  
2 amended by chapter ninety-eight (98), section eight (8), Acts of the  
3 Sixty-fourth General Assembly, First Session, is amended by striking  
4 the section and inserting in lieu thereof the following new section:

5 48.11 **Registration time limits.** The county commissioner of regis-  
6 tration shall register, on forms prescribed by the state commissioner  
7 of elections, electors for elections in a precinct until the close of reg-  
8 istration in the precinct. An elector may register during the time  
9 registration is closed in the elector's precinct but the registration shall  
10 not become effective until registration opens again in his precinct.

11 Registration shall close in a precinct ten days before an election.

1 SEC. 16. Section forty-eight point fifteen (48.15), Code 1971, is  
2 amended to read as follows:

3 48.15 **Challenges.** Any person may challenge a registration at any  
4 time by filing a written challenge with the commissioner of registra-  
5 tion. The commissioner of registration shall immediately give five  
6 days notice of a hearing by registered or certified mail to the chal-  
7 lenger and the person challenged. If the person challenged fails to  
8 appear, his name shall be removed from the registration list. How-  
9 ever, if the person challenged notifies the commissioner prior to the  
10 date set for the hearing that he is unable to appear on the date speci-  
11 fied, the commissioner may reschedule the hearing. At such hearing  
12 the commissioner shall hear such evidence as he deems to have proba-  
13 tive value. The person challenged shall be required to sign an affi-  
14 davit as provided in section ~~48.11~~ 48.6, subsection 10, of the Code and  
15 may then be questioned concerning his voting residence and qualifica-  
16 tions. In all cases the commissioner shall decide the right to the entry  
17 under the evidence. Either party may appeal to the district court of  
18 the county in which the challenge is made, and a date for the hearing  
19 shall be fixed and the decision of such court shall be final.

1 SEC. 17. Section forty-eight point twenty-seven (48.27), Code  
2 1971, is amended to read as follows:  
3 48.27 **Mobile deputy registrars.** The commissioner of registration  
4 shall appoint at least six persons for each ten thousand inhabitants,  
5 or major fraction thereof, within his jurisdiction as mobile deputy  
6 registrars. An equal number of these appointees shall be appointed  
7 from lists supplied for that purpose from the county chairmen of the  
8 two political parties polling the highest vote in the jurisdiction in the  
9 last preceding general election. *The list shall be filed with the com-*  
10 *missioner of registration not later than August first of each year and*  
11 *the commissioner of registration shall make the appointments from*  
12 *these lists no later than thirty days from the date of filing.* Said list  
13 of appointees as submitted to the commissioner of registration shall  
14 be made available to the party chairmen of the two parties receiving  
15 the highest votes at the preceding election for secretary of state. *If*  
16 *a county chairman of a political party does not submit a list of ap-*  
17 *pointees, the county commissioner of registration shall appoint, be-*  
18 *fore September first, persons known to be members of that political*  
19 *party.* Mobile deputy registrars are authorized to secure registration  
20 of eligible voters anywhere in the jurisdiction of the commissioner of  
21 registration and shall make such reports of new registrations and  
22 changes as the commissioner of registration requests and shall take  
23 an oath of office administered by the commissioner of registration.  
24 ~~Mobile deputy registrars shall be appointed before the first of August~~  
25 ~~preceding any general election and the~~ *The* appointments shall expire  
26 when registration closes for that election ~~the commissioner of regis-~~  
27 ~~tration makes new appointments.~~ Mobile deputy registrars shall  
28 serve without compensation from any source. The commissioner of  
29 registration shall furnish to each mobile deputy registrar proper reg-  
30 istration forms which shall be numbered and accounted for by the  
31 mobile deputy registrar to the commissioner of registration. There  
32 shall be provided on said form a space for the signature of the mobile  
33 deputy registrar who shall sign same and identify himself with appro-  
34 priate identity papers or badge provided by the commissioner of reg-  
35 istration in the presence of the voter and a copy of said voter regis-  
36 tration form shall be given to the voter as a receipt\* of the fact that  
37 he signed by the mobile deputy registrar stating that such person is  
38 duly registered. The mobile deputy registrar shall be a person of  
39 known good character who has reached the age of majority *is at least*  
40 *eighteen years of age* and who is familiar with the registration laws  
41 of the state and shall be trained by the commissioner of registration  
42 in a manner he deems adequate. It shall be unlawful for any mobile  
43 deputy registrar or any registrar to refuse to register any eligible  
44 voter and any such refusal is a criminal offense punishable as pro-  
45 vided by law. The mobile deputy registrar must be a resident of  
46 the county wherein he is appointed. It shall be the duty of the secre-  
47 tary of state to designate a suitable voter registration form for the  
48 purpose of this section. A list of the persons registered under this  
49 section shall be made available weekly to the county chairman of each  
50 of the two major political parties for the purpose of challenge.

\*According to enrolled Act.

1 SEC. 18. Chapter forty-eight (48), Code 1971, is amended by add-  
2 ing the following new sections:

3 1. **"Removal of registration.** The county commissioner of registra-  
4 tion who registers an elector who has changed his residence shall  
5 notify the county commissioner of registration of the registrant's  
6 former residence that the registrant has become a qualified elector at  
7 his present residence. The registrant shall execute an authorization  
8 to the county commissioner of registration of his former residence to  
9 remove the registrant's registration. The county commissioner of  
10 registration of the former residence shall cause the registrant's  
11 record to be removed from his file of valid registrations."

12 2. **"Notification of changes in registration.** The clerk of the dis-  
13 trict court shall promptly notify the county commissioner of registra-  
14 tion of changes of name and of convictions of infamous crimes or  
15 felonies, of legal declarations of mental incompetence and of diagnosis  
16 of severe or profound mental retardation, or of severe psychiatric ill-  
17 ness of persons of voting age. The clerk of the district court shall also  
18 notify the county commissioner of registration of the restoration of  
19 citizenship of a person who has been convicted of an infamous crime  
20 or felony and of the finding that a person is of good mental health.  
21 The notice will not restore voter registration. The county commis-  
22 sioner of registration shall notify the person whose citizenship has  
23 been restored or who has been declared to be in good mental health  
24 that his registration to vote was canceled and he must register again  
25 to become a qualified elector."

26 3. **"Cancellation of registration.** The registration of a qualified  
27 elector shall be canceled in any of the following instances:

28 1. The elector fails to vote once in the last preceding four consecu-  
29 tive calendar years.

30 2. The elector registers to vote in another place.

31 3. The elector does not record a change of address.

32 4. The elector dies.

33 5. The clerk of district court sends notification of an elector's con-  
34 viction of an infamous crime or felony.

35 6. The clerk of district court sends notification of a legal deter-  
36 mination that the elector is severely or profoundly mentally retarded,  
37 or has been diagnosed as ill for severe psychiatric reasons, or under  
38 conservatorship or guardianship by reason of incompetency. Cer-  
39 tification by the superintendent of a mental health hospital or other  
40 institution upon the discharge of any such person that he is, at that  
41 time, restored to good mental health shall qualify such person to again  
42 be an elector, subject to the other provisions of this chapter. Termi-  
43 nation by the court of any such conservatorship or guardianship shall  
44 qualify any such ward to again be an elector, subject to the other  
45 provisions of this chapter.

46 7. The elector does not record a change of name.

47 8. When first class mail, which is designated 'not to be forwarded',  
48 was addressed to the elector at the address shown on the registration  
49 records and is returned by the postal service.

50 Whenever a registration is canceled, notice of the cancellation shall  
51 be sent to the registrant at his last known address shown upon the  
52 registration records. However, notice is not necessary when the can-  
53 cellation is due to death or if an authorization for the removal of his  
54 registration is received as provided in this chapter."

55 4. "Annual report. The county commissioner of elections shall  
56 make reports as required by the state commissioner of elections. On  
57 August first of each year the state commissioner of elections shall  
58 report the number of persons registered in each political party in each  
59 county."

1 SEC. 19. Section forty-nine point five (49.5), Code 1971, as  
2 amended by chapter ninety-eight (98), section twenty-two (22) and  
3 chapter ninety-nine (99), section two (2), Acts of the Sixty-fourth  
4 General Assembly, First Session, is amended to read as follows:

5 49.5 City precincts. The council of a city may, from time to time,  
6 by ordinance definitely fixing the boundaries, divide the city into such  
7 number of election precincts as will best serve the convenience of the  
8 voters.

9 Election precincts shall be of as nearly equal population as possible  
10 within the limitations of reliable data on the populations of various  
11 parts of such city, and the boundaries of each precinct shall follow the  
12 boundaries of areas for which official population figures are available  
13 from the most recent federal decennial census. *A city having a popu-*  
14 *lation of more than three thousand five hundred shall cause the federal*  
15 *decennial census to be taken on a block-by-block basis and shall pre-*  
16 *serve block statistics.* Every precinct shall be contained wholly within  
17 an existing legislative district. No election precinct shall have a total  
18 population in excess of three thousand five hundred, as shown by the  
19 most recent federal decennial census, except that:

20 1. If in any area of the city it is not possible to devise a contiguous  
21 precinct having a population of less than three thousand five hundred  
22 by the most recent federal decennial census, because one or more of  
23 the smallest population units for which census data are available are  
24 composed of noncontiguous territory, the city council may utilize other  
25 reliable and documented indicators of population distribution in estab-  
26 lishing precincts within that area.

27 2. Where an unavoidable conflict arises between the requirements  
28 of this section relating to population of precincts and the requirement  
29 that each precinct be contained wholly within an existing legislative  
30 district, the latter requirement shall take precedence.

31 The council shall make any changes necessary to comply with this  
32 section no earlier than July first and not later than December thirty-  
33 first of each year immediately following a year in which the federal  
34 decennial census is taken, unless the general assembly by joint reso-  
35 lution establishes different dates for such compliance. Any or all of  
36 the publications required by section 49.11 may be made after December  
37 thirty-first if necessary.

38 *If the council fails to fix election precinct boundaries by the dead-*  
39 *lines established pursuant to this section, the state commissioner of*  
40 *elections shall fix or cause to be fixed the boundaries as soon as pos-*  
41 *sible. Expenses incurred by the state commissioner of elections shall*  
42 *be assessed to the city and paid by the city.*

43 *The state commissioner of elections may request the services of*  
44 *personnel of the legislative service bureau and material available to*  
45 *the legislative service bureau for the purpose of fixing the boundaries*  
46 *of election precincts as provided in this section.*

47 Nothing in this section shall prohibit a city council which has com-  
48 plied with the applicable requirements of this section by December

49 thirty-first of any year following a year in which the federal decen-  
 50 nial census is taken, from thereafter changing the boundaries of any  
 51 precinct in the manner and within the limitations provided by this  
 52 section, at any time prior to or during the year in which the next  
 53 federal decennial census is taken, if the council concludes that the  
 54 changes in precinct boundaries are necessary to best serve the voters  
 55 affected.

56 The ~~secretary~~ of state *commissioner of elections* shall be notified  
 57 when precinct boundary lines are changed and a map delineating the  
 58 new boundary lines supplied.

1 SEC. 20. Section forty-nine point forty-two (49.42), Code 1971, is  
 2 amended by striking the section and inserting in lieu thereof the fol-  
 3 lowing:

4 49.42† **Form of official ballot.** Said ballot shall be substantially in  
 5 the following form:

6 *__REPUBLICAN	*__DEMOCRATIC	*__PROHIBITION	*__UNION LABOR
7 For President	For President	For President	For President
8 A..... B.....,	N..... O.....,	A..... B.....,	N..... O.....,
9 of Ohio.	of Virginia.	of Maine.	of Idaho.
10 For Vice-Pres-	For Vice-Pres-	For Vice-Pres-	For Vice-Pres-
11 ident,	ident,	ident,	ident,
12 C..... B**.....,	P..... Q.....,	C..... D.....,	P..... Q.....,
13 of New York.	of Indiana.	of Illinois.	of Ohio.
14 For	For	For	For
15 United States	United States	United States	United States
16 Senator.	Senator.	Senator.	Senator.
17 E..... F.....,	R..... S.....,	E..... F.....,	R..... S.....,
18 of ..... County.	of ..... County.	of ..... County.	of ..... County.
19 For	For	For	For
20 United States	United States	United States	United States
21 Representative,	Representative,	Representative,	Representative,
22 G..... H.....,	T..... U.....,	G..... H.....,	T..... U.....,
23 of ..... County.	of ..... County.	of ..... County.	of ..... County.
24 For Governor,	For Governor,	For Governor,	For Governor,
25 I..... J.....,	V..... W.....,	I..... J.....,	V..... W.....,
26 of ..... County.	of ..... County.	of ..... County.	of ..... County.
27 For Lieutenant	For Lieutenant	For Lieutenant	For Lieutenant
28 Governor,	Governor,	Governor,	Governor,
29 K..... L.....,	X..... Y.....,	K..... L.....,	X..... Y.....,
30 of ..... County.	of ..... County.	of ..... County.	of ..... County.

1 SEC. 21. Section forty-nine point seventy-seven (49.77), Code 1971,  
 2 is amended to read as follows:

3 49.77 **Ballot furnished to voter.**

4 The judges of election of their respective precincts shall have charge  
 5 of the ballots and furnish them to the voters. Any person desiring to  
 6 vote shall give his name and address to the judges, and shall sign a

†This section is printed here exactly as it appears in the enrolled Act.

\*According to enrolled Act.

\*\*According to enrolled Act.

7 voter's declaration provided by the judges of the election, in sub-  
8 stantially the following form:

9 **VOTER'S DECLARATION OF ELIGIBILITY**

10 I do solemnly swear or affirm that I am a resident of the .....  
11 precinct, ..... ward or township, city or town of .....  
12 county of ....., Iowa.

13 I have been a resident of the state of Iowa for at least six months,  
14 of said county for at least sixty days, and of said precinct for at least  
15 ten days. I am lawfully eligible to vote in said precinct and county in  
16 the ..... election to be held on ....., 19..... am a qualified  
17 elector. I have not voted and will not vote in any other precinct in  
18 said election.

19 (For primary election only:) I am affiliated with the .....  
20 party.

21 I understand that any false statement in this declaration is a crimi-  
22 nal offense punishable as provided by law.

23 .....  
24 Signature of Voter

25 .....  
26 Address

27 Approved:

28 .....  
29 Judge or Clerk of the Election

30 In precincts where the judges of the election are furnished com-  
31 puterized registration lists, the person desiring to vote, except a  
32 person legally blind, shall also provide some form of an election judge  
33 may require of an elector unknown to the judge, identification upon  
34 which the elector's signature or mark of such person appears. If  
35 identification is established to the satisfaction of the judges of the  
36 election, the person may then be allowed to vote.

37 If the voter has no identification, his identity may be attested to by  
38 a judge of the election.

39 All voters' declarations may then be seen by the challengers of each  
40 political party, at the request of such challengers.

1 SEC. 22. Section forty-nine point eighty-one (49.81), Code 1971, as  
2 amended by chapter ninety-eight (98), section fourteen (14), Acts of  
3 the Sixty-fourth General Assembly, First Session, is amended by  
4 striking the section and inserting in lieu thereof the following new  
5 section:

6 **49.81 Oath in case of challenge.** If the elector is challenged when  
7 offering to vote in a precinct where registration is not required, if the  
8 elector insists that he is qualified to vote, and if the challenge is not  
9 withdrawn, one of the election judges shall tender to the challenged  
10 elector an affidavit prescribed by the state commissioner of elections  
11 which reaffirms the challenged elector's eligibility.

1 SEC. 23. Chapter forty-nine (49), Code 1971, is hereby amended  
2 by adding the following new section thereto:

3 In case of all challenges of electors at the time he is offering to vote  
4 in a precinct, an election judge may place such person under oath and  
5 question him as, (1) where he maintains his home; (2) how long he  
6 has maintained his home at such place; (3) if he maintains a home at

7 any other location; (4) his age. The election judge may permit the  
 8 challenger to participate in such questions. The challenged elector  
 9 shall be allowed to present to the judge such evidence and facts that  
 10 he feels sustains the fact that he is qualified to vote. Upon completion  
 11 thereof, the election judge hearing the challenge shall determine if  
 12 the challenged elector shall be allowed to vote.

1 SEC. 24. Section fifty-three point two (53.2), Code 1971, is  
 2 amended to read as follows:

3 **53.2 Application for ballot.** Any voter, under the circumstances  
 4 specified in section 53.1, may, on any day not Sunday, election day,  
 5 or a holiday and not more than forty days prior to the date of elec-  
 6 tion, make *written* application *in person or by mail* to the county audi-  
 7 tor, or to the city or town clerk, as the case may be, for an official  
 8 ballot to be voted at such election. ~~Such application may be made in~~  
 9 ~~person or in writing as provided in section 53.10~~ *commissioner of elec-*  
 10 *tions on forms prescribed by the state commissioner of elections. Each*  
 11 *application form shall have a serial number and shall have postage*  
 12 *prepaid.*

13 *The county commissioner of elections shall keep a list of all appli-*  
 14 *cation forms distributed, to whom each application was distributed,*  
 15 *and the date on which the application was distributed.*

1 SEC. 25. Section fifty-three point seven (53.7), Code 1971, is  
 2 amended by striking the section and inserting in lieu thereof the fol-  
 3 lowing new section:

4 **53.7 Penalty.** It shall be unlawful for any employee of the state  
 5 or any political subdivision thereof to solicit any application or re-  
 6 quest for application for an absentee ballot, or to administer an oath  
 7 or take an affidavit in connection with any absentee ballot. However,  
 8 any such employee may administer such oath and take such affidavit in  
 9 connection with an absentee ballot which is cast by the voter in person  
 10 in the office where such employee is employed in accordance with sec-  
 11 tion fifty-three point eleven (53.11) of the Code. This section shall  
 12 not apply to any elected official.

13 Wherever used in this chapter the words "absentee ballot" include  
 14 any ballot authorized by this chapter.

1 SEC. 26. Section fifty-three point thirteen (53.13), Code 1971, is  
 2 amended by striking the section and inserting in lieu thereof the fol-  
 3 lowing new section:

4 **53.13 Voter's affidavit on envelope.** On the unsealed envelope shall  
 5 be printed an affidavit form prescribed by the state commissioner of  
 6 elections.

1 SEC. 27. Section fifty-three point twenty-five (53.25), Code 1971,  
 2 is amended by adding the following new paragraph:

3 "If the absentee ballot is rejected prior to the opening of the ballot  
 4 envelope, the voter casting the ballot shall be notified by an election  
 5 judge by the time the canvass is completed of the reason for the rejec-  
 6 tion on a form prescribed by the state commissioner of elections."

1 SEC. 28. Section fifty-three point forty-nine (53.49), Code 1971,  
 2 is amended by adding the following new paragraph:

3 "Notwithstanding the provisions of this section, servicemen's bal-  
 4 lots may be counted in the same manner as absentee ballots under

5 section twenty-nine (29) of this Act in counties, cities or towns, or  
6 school districts adopting this plan.”

1 SEC. 29. Chapter fifty-three (53), Code 1971, is amended by add-  
2 ing the following new section:

3 “**Absentee ballot counting boards.** There is created a special pre-  
4 cinct in each county in which all absentee ballots cast at any general  
5 election in this state shall be counted. The county commissioner of  
6 elections may create a special precinct for counting absentee ballots  
7 in any other election.

8 The election board of the special precinct shall be known as the  
9 absentee ballot counting board. The county board of supervisors  
10 shall appoint the absentee ballot counting board in the manner pre-  
11 scribed in sections forty-nine point twelve (49.12) and forty-nine  
12 point fifteen (49.15) of the Code.

13 The county commissioner of elections shall set the convening time  
14 for the absentee ballot counting board allowing a reasonable amount  
15 of time to complete counting the absentee ballots prior to closing of  
16 the polls.

17 The board’s powers and duties shall be the same as provided in this  
18 chapter for judges and clerks in polling places, except that the board  
19 shall receive and count all absentee ballots for all precincts in the  
20 county upon receipt from the county auditor.

21 The room occupied by the absentee ballot counting board shall be  
22 policed in such manner as to prevent any person from obtaining in-  
23 formation regarding the progress of the count before the polls are  
24 closed. No person shall be admitted into the room where such ballots  
25 are being counted until the polls are closed except the absentee ballot  
26 counting board, one challenger representing each political party, and  
27 the county commissioner of elections, or his designee.

28 The tally list shall be recorded on forms prescribed by the state  
29 commissioner of elections.

30 Within thirty days from the date of the official canvass of the votes,  
31 the county commissioner of elections shall correct the registration  
32 lists to indicate that the persons casting absentee ballots have voted  
33 in the preceding election.

34 In nonregistration areas, not later than thirty days from the date  
35 of the official canvass, the affidavits of absentee voters shall be cross-  
36 checked with the precinct pollbooks to insure that no one has voted  
37 twice, in violation of law.

38 The absentee ballot counting board shall not release the results of  
39 the balloting until the polls have been closed.”

1 SEC. 30. Section sixty-nine point twelve (69.12), Code 1971, is  
2 amended by striking the section and inserting in lieu thereof the fol-  
3 lowing:

4 **69.12 Officers elected to fill vacancies—tenure.** If a vacancy occurs  
5 in an elective office ten days or more before the filing date prior to a  
6 general election, it shall be filled at such election if the remainder of  
7 the term of office is greater than ninety days after the date of the  
8 election. If the unexpired term is less than ninety days after the elec-  
9 tion day at which the vacancy is filled, the person elected to the office  
10 for the next regular term shall take office as soon as he qualifies.



1 SEC. 31. Section four hundred forty-four point nine (444.9), sub-  
2 section two (2), Code 1971, is amended by striking unnumbered para-  
3 graph two (2).

1 SEC. 32. Chapter four hundred forty-four (444), Code 1971, is  
2 amended by adding the following new section:

3 **Election expense fund.** There is created in the office of the county  
4 treasurer of each county a fund to be known as the election expense  
5 fund. Annually, the board of supervisors shall levy an amount suffi-  
6 cient to pay the costs of elections and voter registration, pursuant to  
7 chapter forty-eight (48) of the Code, incurred by the county. The  
8 funds deposited in this account shall be used to pay election and voter  
9 registration costs and shall not be appropriated for any other pur-  
10 poses or transferred into any other county fund. Any moneys budgeted  
11 by any county for the conducting of elections in the year 1972, shall  
12 be transferred to this fund. If additional funds are needed to register  
13 voters, pursuant to chapter forty-eight (48) of the Code, after the  
14 effective date of this Act, and until July 1, 1973, such costs shall be  
15 certified by the county commissioner of registration to the board of  
16 supervisors, who shall, after approving the costs thereof, authorize  
17 the issuance of anticipatory warrants pursuant to section three hun-  
18 dred thirty-four point five (334.5) of the Code, to pay such addi-  
19 tional costs. The moneys necessary to redeem such warrants shall be  
20 part of the levy for the next year.

1 SEC. 33. Section seven hundred thirty-eight point seven (738.7),  
2 Code 1971, is amended to read as follows:

3 **738.7 Voting more than once.** If any elector unlawfully vote more  
4 than once at any election which may be held by virtue of any law of  
5 this state, he shall be fined not exceeding ~~two~~ *three* hundred dollars,  
6 or be imprisoned in the county jail not exceeding one year.

1 SEC. 34. Section seven hundred thirty-eight point eight (738.8),  
2 Code 1971, is amended to read as follows:

3 **738.8 Voting when not qualified.** If any person, knowing himself  
4 not to be qualified, votes at any election authorized by law, he shall be  
5 fined not exceeding ~~two~~ *three* hundred dollars, or be imprisoned in the  
6 county jail not exceeding ~~six months~~ *one year*.

1 SEC. 35. Sections forty-eight point nine (48.9), as amended by  
2 chapter ninety-eight (98), section six (6), Acts of the Sixty-fourth  
3 General Assembly, forty-eight point thirteen (48.13), forty-eight point  
4 fourteen (48.14), forty-eight point eighteen (48.18), forty-eight point  
5 twenty-one (48.21), forty-eight point twenty-six (48.26), forty-eight  
6 point twenty-eight (48.28), forty-nine point **seventy-eight (49.78)**,  
7 forty-nine point one hundred eighteen (49.118), fifty-three point three  
8 (53.3), fifty-three point four (53.4), fifty-three point five (53.5), fifty-  
9 three point six (53.6), fifty-three point nine (53.9), fifty-three point  
10 ten (53.10), fifty-six point eight (56.8), sixty-nine point thirteen  
11 (69.13), seven hundred thirty-eight point nine (738.9), seven hundred  
12 thirty-eight point ten (738.10), and chapter forty-nine A (49A), Code  
13 1971, and chapter ninety-eight (98), section seventeen (17), Acts of  
14 the Sixty-fourth General Assembly, First Session, are repealed.

1 SEC. 36. This Act, being deemed of immediate importance, shall  
2 take effect and be in force from and after its publication in the Times-

3 Democrat, a newspaper published in Davenport, Iowa, and in The  
4 Muscatine Journal, a newspaper published in Muscatine, Iowa.

Approved March 29, 1972.

I hereby certify that the foregoing Act, House File 1147, was published in the Times-Democrat, Davenport, Iowa, April 4, 1972, and in The Muscatine Journal, Muscatine, Iowa, April 7, 1972.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 1026

### CONSERVATION OFFICERS

H. F. 680

AN ACT to clarify the status of law-enforcement officers appointed by the state conservation commission.

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

1 SECTION 1. Section sixty-four point six (64.6), subsection sixteen  
2 (16), Code 1971, is amended as follows:

3 16. ~~State conservation officers~~ *Officers appointed by state conserva-*  
4 *tion commission*, one thousand dollars.

1 SEC. 2. Section eighty B point three (80B.3), subsection three (3),  
2 Code 1971, is amended as follows:

3 3. "Law-enforcement officer" means ~~a conservation~~ *an officer ap-*  
4 *pointed by the state conservation commission*, a member of a police  
5 force or other agency or department of the state, county, city or town  
6 regularly employed as such and who is responsible for the prevention  
7 and detection of crime and the enforcement of the criminal laws of  
8 this state and all individuals, as determined by the council, who by  
9 the nature of their duties may be required to perform the duties of a  
10 peace officer.

1 SEC. 3. Section eighty-five point sixty-two (85.62), unnumbered  
2 paragraph one (1), Code 1971, is amended as follows:

3 Any policeman (except those pensioned under the policemen's pen-  
4 sion fund created by law), any sheriff, marshal, constable, state high-  
5 way patrolman, ~~eenservation~~ *officer appointed by the state conserva-*  
6 *tion commission*, and any and all of their deputies and any and all  
7 other legally appointed or elected law-enforcing officers, who shall  
8 sustain an injury while performing the duties of a law-enforcing  
9 officer and from causes arising out of and in the course of his official  
10 duty, or employment as a law-enforcing officer, become temporarily  
11 or permanently physically disabled or if said injury results in death  
12 shall be entitled to compensation for all such injuries or disability  
13 together with statutory medical, nursing, hospital, surgery and funeral  
14 expenses, and where the officer is paid from public funds said com-  
15 pensation shall be paid out of the general fund of the state.

1 SEC. 4. Section one hundred six point nineteen (106.19), Code  
2 1971, is repealed.

1 SEC. 5. Section one hundred six point twenty (106.20), unnum-  
2 bered paragraph three (3), Code 1971, is amended as follows:

3 ~~Boat inspectors, conservation officers and water safety patrolmen~~  
 4 *Officers appointed by the commission* shall have the power and author-  
 5 ity to determine whether such vessel is safe for the transportation of  
 6 passengers or cargo and upon what waters it may be used. They may  
 7 determine and designate the number of passengers or cargo, including  
 8 crew, that may be carried and determine whether the machinery,  
 9 equipment and all appurtenances are such as to make said vessels sea-  
 10 worthy, where used, and such other matters as are pertinent.

1 SEC. 6. Section one hundred six point twenty-one (106.21), un-  
 2 numbered paragraphs five (5) and seven (7), Code 1971, are amended  
 3 as follows:

4 The provisions of this section shall be applicable to all vessels which  
 5 are rented to the public for hire, including vessels furnished with  
 6 leased cottages. If such vessels are found to be in satisfactory con-  
 7 dition, the ~~boat inspector~~ *inspecting officer* shall attach thereto a small  
 8 plate or inspection seal, indicating the date of inspection and the  
 9 passenger-carrying capacity. The owner of such vessel shall not offer  
 10 it for hire or allow it to be so used until such inspection has been made  
 11 and the vessel found to be in satisfactory condition.

12 The ~~boat inspector or conservation~~ *inspecting officer* shall collect all  
 13 inspection fees and forward them to the commission.

1 SEC. 7. Section one hundred six point twenty-two (106.22), un-  
 2 numbered paragraph two (2), Code 1971, is amended as follows:

3 Any person desiring a pilot's or engineer's license shall file an appli-  
 4 cation with the commission upon forms prepared and furnished by the  
 5 commission. Such license may be issued by the commission only upon  
 6 recommendation of a ~~boat inspector, water safety patrolman or con-~~  
 7 ~~serva~~ *tion* officer duly authorized by the commission. Before the  
 8 ~~boat inspector, water safety patrolman or conservation~~ officer recom-  
 9 mends such a license, he shall investigate the competency of the appli-  
 10 cant, his acquaintance with and experience in boat work, his habits  
 11 as to sobriety, his mental and physical qualifications for the work, his  
 12 acquaintance with the waters for which application to operate upon  
 13 is made, his familiarity with the laws and regulations pertaining to  
 14 the vessel operation and all other pertinent matters. Such license shall  
 15 not be issued to anyone under eighteen years of age.

1 SEC. 8. Section one hundred six point twenty-three (106.23), sub-  
 2 section one (1), Code 1971, is amended as follows:

3 1. The ~~boat inspector, water safety patrolman or conservation~~ *Any*  
 4 *officer appointed by the commission* may, for cause, temporarily sus-  
 5 pend the registration certificate of any vessel and the license of a pilot  
 6 or engineer, that has been issued under this chapter, and the commis-  
 7 sion, after a due hearing on the matter at its next session, shall make  
 8 final determination in the matter.

1 SEC. 9. Section one hundred seven point six (107.6), Code 1971, is  
 2 amended as follows:

3 **107.6 Expenses generally.** The members and employees of the  
 4 commission, the conservation director and ~~conservation~~ officers shall  
 5 be reimbursed for all actual and necessary expenses incurred by them  
 6 in the discharge of their official duties when absent from their usual  
 7 place of abode, unless said appointees or employees are serving under  
 8 a contract which requires them to defray their own expenses.

1 SEC. 10. Section one hundred seven point thirteen (107.13), Code  
2 1971, is amended by striking the section and inserting in lieu thereof  
3 the following:

4 "107.13 **Officers and employees.** The director shall, with the con-  
5 sent of the commission, employ the number of assistants, including a  
6 professionally trained state forester, that are necessary to carry out  
7 the duties imposed on the commission; and, under the same conditions,  
8 the director shall appoint the number of officers and supervisory per-  
9 sonnel that are necessary to enforce the laws and rules and regula-  
10 tions, the enforcement of which are imposed on the commission. The  
11 officers and supervisory personnel shall have the same powers that are  
12 conferred by law on peace officers in the enforcement of the laws of  
13 the state of Iowa and the apprehension of violators. Any person  
14 appointed as a full-time officer shall be at least twenty-two years of  
15 age, but not more than thirty-one years of age, on the date of his  
16 appointment. Officer means any person appointed by the state con-  
17 servation commission to enforce the laws of this state under the juris-  
18 diction of the commission."

1 SEC. 11. Section one hundred seven point fourteen (107.14), Code  
2 1971, is amended by striking the section and inserting in lieu thereof  
3 the following:

4 "107.14 **Temporary appointments.** The commission may appoint  
5 temporary officers for a period not to exceed six months. The com-  
6 mission may adopt minimum physical, educational, mental, and moral  
7 requirements for the temporary officers. The provisions of chapter  
8 eighty B (80B) of the Code shall not apply to the temporary officers."

1 SEC. 12. Section one hundred seven point fifteen (107.15), Code  
2 1971, is repealed.

1 SEC. 13. Section one hundred seven point twenty-one (107.21),  
2 Code 1971, is amended as follows:

3 107.21 **Divisions of department.** The department of conservation,  
4 herein created, shall consist of the following divisions:

5 1. A division of fish and game which shall include matters relating  
6 to fish and fisheries, waterfowl, game, fur-bearing and other animals,  
7 birds, and other wildlife resources, *and enforcement.*

8 2. A division of lands and waters which shall include matters relat-  
9 ing to state waters, state parks, forests and forestry, and lakes and  
10 streams, including matters relating to scenic, scientific, historical,  
11 archaeological, and recreational matters, *and enforcement.*

12 3. A division of administration which shall include matters relating  
13 to accounts, records, ~~enforcement~~, technical service, and public rela-  
14 tions.

1 SEC. 14. Section one hundred seven point twenty-four (107.24),  
2 subsection seven (7), Code 1971, is amended as follows:

3 7. Pay the salaries, wages, compensation, traveling and other neces-  
4 sary expenses of the state conservation commissioners, state conserva-  
5 tion director, ~~state conservation~~ officers and other employees of the  
6 commission, and to expend money for necessary supplies and equip-  
7 ment, and to make such other expenditures as may be necessary for  
8 the carrying into effect the purposes of this chapter.

1 SEC. 15. Section one hundred nine point eleven (109.11), Code  
2 1971, is repealed.

1 SEC. 16. Section one hundred nine point twelve (109.12), Code  
2 1971, is amended as follows:

3 **109.12 Seizure of unlawful game.** It shall be the duty of the direc-  
4 tor, ~~conservation officers, and police officers of the state, or any peace~~  
5 *officer* to seize with or without warrant and take possession of any  
6 fish, furs, birds, or animals, or mussels, clams, and frogs, except for  
7 bait which have been caught, taken, or killed at a time, in a manner,  
8 or for a purpose, or had in possession or under control, or offered for  
9 shipment, or illegally transported in the state or to a point beyond the  
10 borders thereof, contrary to the provisions of this chapter.

1 SEC. 17. Section one hundred nine point thirty-five (109.35), Code  
2 1971, is amended as follows:

3 **109.35 Attorney general and county attorneys.** It shall be the duty  
4 of the attorney general, when requested by the director, to give his  
5 opinion in writing upon any question of law arising under this chap-  
6 ter; and it shall be the duty of all county attorneys in this state when  
7 requested by the director or any ~~conservation~~ *officer appointed by the*  
8 *commission*, to prosecute all criminal actions brought in their respec-  
9 tive counties for violations of the provisions of this chapter. Nothing  
10 in this chapter shall be construed as prohibiting any person from insti-  
11 tuting legal proceedings for the enforcement of any of the provisions  
12 thereof.

1 SEC. 18. Section one hundred nine point fifty-two (109.52), Code  
2 1971, is amended as follows:

3 **109.52 Exhibiting catch to officer.** Any person who shall have in  
4 his possession any game bird or game animal, fish or fur or part  
5 thereof shall upon request of the director or any ~~conservation officer~~  
6 ~~or any peace officer appointed by the commission~~ exhibit the same to  
7 him, and a refusal to do so shall constitute a violation of this chapter.

1 SEC. 19. Section one hundred nine point seventy-three (109.73),  
2 Code 1971, is amended as follows:

3 **109.73 Trotlines.** It shall be unlawful for any person to use in the  
4 inland waters of the state open to the use of trotlines or throw lines,  
5 more than five trotlines or throw lines. Such trotlines or throw lines  
6 shall not have in the aggregate more than fifteen hooks. Each separate  
7 line when in use shall have attached a tag plainly labeled with the  
8 owner's name and address, shall be checked at least once each twenty-  
9 four hours, and no person shall use such throw lines or trotlines in  
10 any stocked lake or within three hundred feet of any dam or spillway  
11 or in any stream or portion of stream, closed or posted against the use  
12 of such tackle. One end of such throw lines or trotlines shall be set  
13 from the shore and be visible above the shore water line, but no such  
14 throw line or trotline shall be set entirely across a stream or body of  
15 water. Any untagged lines when found in use shall be confiscated by  
16 ~~a conservation~~ *any officer appointed by the commission.*

1 SEC. 20. Section one hundred nine point ninety (109.90), unnum-  
2 bered paragraph one (1), Code 1971, is amended as follows:

3 It shall be unlawful for any person to molest or disturb, in any  
4 manner, any muskrat house, beaver dam, skunk, mink, or raccoon den  
5 except by permission of a ~~conservation~~ *any officer appointed by the*  
6 *commission.*

1 SEC. 21. Section one hundred nine point ninety-two (109.92), un-  
2 numbered paragraphs one (1) and three (3), Code 1971, are amended  
3 as follows:

4 Except as otherwise provided in this chapter no person shall at any  
5 time, use or attempt to use any colony or box trap including figure  
6 four box traps, in taking, capturing, trapping or killing any game bird  
7 or animal or fur-bearing animals, except cottontail rabbits and squir-  
8 rels. Box traps capable of capturing more than one rabbit or one  
9 squirrel at each setting are prohibited. A valid hunting license is  
10 required for box trapping except as otherwise provided. All box traps  
11 shall have a metal tag attached plainly labeled with the owner's name  
12 and address. ~~Conservation~~ *Any officers appointed by the commission*  
13 shall have authority to confiscate such traps when found in use that  
14 are not properly labeled.

15 All licensed traps shall have a metal tag attached plainly labeled  
16 with the owner's name and address. ~~Conservation~~ *Any officers ap-*  
17 *pointed by the commission* shall have authority to confiscate such traps  
18 when found in use that are not properly labeled.

1 SEC. 22. Section one hundred nine point one hundred seven  
2 (109.107), unnumbered paragraph three (3), Code 1971, is amended  
3 as follows:

4 All licensed nets, seines, wooden basket traps or trotlines shall have  
5 attached a metal tag identifying the equipment and license for its use.  
6 Tags must at all times be attached to commercial fishing gear and  
7 ~~conservation~~ *officers appointed by the commission* shall have authority  
8 to confiscate any such commercial fishing gear when found in use with-  
9 out such tags attached. Identification tags shall be furnished by the  
10 commission and a charge of ten cents shall be made for each tag and  
11 such tags shall be renewed annually.

1 SEC. 23. Section one hundred ten point twelve (110.12), Code 1971,  
2 is amended as follows:

3 **110.12 Showing license to officer.** Every person shall, while fish-  
4 ing, hunting or trapping, show his license, certificate or permit, to any  
5 ~~conservation officer, constable, sheriff, deputy sheriff, police officer,~~  
6 ~~peace officer,~~ or the owner or person in lawful control of the land or  
7 water upon which licensee may be hunting, fishing or trapping when  
8 requested by said persons to do so. Any failure to so carry or refusal  
9 to show or so exhibit his license, certificate or permit, shall be a viola-  
10 tion of this chapter.

1 SEC. 24. Section seven hundred forty point five (740.5), Code 1971,  
2 is amended as follows:

3 **740.5 Falsely assuming to be officer.** If a person falsely assume to  
4 be a judge, justice of the peace, magistrate, sheriff, deputy sheriff,  
5 peace officer, special agent of the Iowa department of public safety,  
6 ~~conservation~~ *officer appointed by the state conservation commission,*  
7 or constable, and take upon himself to act as such, or require anyone  
8 to aid or assist him in any matter pertaining to the duty of any such  
9 officer, he shall be imprisoned in the county jail not more than one  
10 year, or be fined not exceeding three hundred dollars.

Approved March 15, 1972.

## CHAPTER 1027

## AGE OF MAJORITY

## H. F. 1011

AN ACT relating to the attainment of the age of majority.

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

1 SECTION 1. Section sixty-eight B point nine (68B.9), Code 1971, is  
2 amended to read as follows:

3 **68B.9 Actions commenced.** Actions to enforce the provisions of  
4 this chapter may be commenced by any legal resident of the state of  
5 Iowa who is ~~twenty-one~~ *nineteen* years of age or more at the time of  
6 commencing the action or by the attorney general.

1 SEC. 2. Section eighty A point five (80A.5), subsection one (1),  
2 Code 1971, is amended to read as follows:

3 1. That the applicant is at least ~~twenty-one~~ *nineteen* years of age.

1 SEC. 3. Section ninety point one (90.1), Code 1971, is amended to  
2 read as follows:

3 **90.1 Petition for appointment.** When any dispute arises between  
4 any person, firm, corporation, or association of employers and their  
5 employees or association of employees, of this state, except employers  
6 or employees having trade relations directly or indirectly based upon  
7 interstate trade relations operating through or by state or interna-  
8 tional boards of conciliation, which has or is likely to cause a strike  
9 or lockout, involving ten or more wage earners, and which does or is  
10 likely to interfere with the due and ordinary course of business, or  
11 which menaces the public peace, or which jeopardizes the welfare of  
12 the community, and the parties thereto are unable to adjust the same,  
13 either or both parties to the dispute, or the mayor of the city, or the  
14 chairman of the board of supervisors of the county in which said  
15 employment is carried on, or on petition of any twenty-five citizens  
16 thereof over the age of ~~twenty-one~~ *nineteen* years, or the labor com-  
17 missioner, after investigation, may make written application to the  
18 governor for the appointment of a board of arbitration and concilia-  
19 tion, to which board such dispute may be referred under the provisions  
20 of this chapter; and the manager of the business of any person, firm,  
21 corporation, or association of such employers, or any organization  
22 representing such employees, or if such employees are not members  
23 of any organization, then a majority of such employees affected may  
24 make the application as provided in this chapter, but in no case shall  
25 more than twenty employees be required to join in such application.

1 SEC. 4. Section ninety-six point nineteen (96.19), subsection seven  
2 (7), paragraph "g", subparagraph six (6), Code 1971, is amended to  
3 read as follows:

4 (6) Service performed by an individual in the employ of his son,  
5 daughter, or spouse, and service performed by a child under the age  
6 of ~~twenty-one~~ *nineteen* in the employ of his father or mother.

1 SEC. 5. Section one hundred sixteen point nine (116.9), unnum-  
2 bered paragraph one (1), Code 1971, is amended to read as follows:

3 Every applicant for the examination provided for in section 116.8

4 must be over ~~twenty-one~~ *nineteen* years of age, a resident of this state,  
 5 a citizen of the United States or have declared his or her intention to  
 6 become such, of good moral character, a graduate of a high school  
 7 having at least a four-year course of study or its equivalent as deter-  
 8 mined by the board of accountancy, or shall pass a preliminary exami-  
 9 nation to be given by the board at least thirty days before the regular  
 10 examination; and a graduate of a college or university commerce  
 11 course majoring in accounting, or an undergraduate student majoring  
 12 in accounting in his or her final semester immediately preceding  
 13 graduation and upon the recommendation of the appropriate college  
 14 or university officials.

1 SEC. 6. Section one hundred seventeen point fifteen (117.15), un-  
 2 numbered paragraph one (1), Code 1971, is amended to read as fol-  
 3 lows:

4 Licenses shall be granted only to persons who are trustworthy and  
 5 competent to transact the business of a real estate broker or salesman  
 6 in such manner as to safeguard the interests of the public and only  
 7 after satisfactory proof has been presented to the commission. The  
 8 applicant must be a person whose application has not been rejected in  
 9 this or any other state within six months prior to the date of applica-  
 10 tion, or whose real estate license has not been revoked in this or any  
 11 other state within two years prior to date of application. Every appli-  
 12 cant for a license as a real estate broker or salesman shall be of the  
 13 age of ~~twenty-one~~ *nineteen* years or over and a citizen of the United  
 14 States. Provided, however, that any person not a citizen of the United  
 15 States may be eligible for a license if due proof is made to the com-  
 16 mission that he has declared his intention to become a citizen of the  
 17 United States.

1 SEC. 7. Section one hundred eighteen point eight (118.8), unnum-  
 2 bered paragraph one (1), Code 1971, is amended to read as follows:

3 Any person, being at least ~~twenty-one~~ *nineteen* years of age and of  
 4 good moral character, may apply for a certificate of registration or  
 5 for such examination as shall be requisite for such certification under  
 6 this chapter; but before receiving such certificate, this applicant shall  
 7 submit satisfactory evidence of having completed the course in a high  
 8 school or the equivalent thereto, and of having subsequently thereto  
 9 completed such courses in mathematics, history and languages as may  
 10 be prescribed by the board.

1 SEC. 8. Section one hundred twenty-three B point fourteen  
 2 (123B.14), Code 1971, is amended to read as follows:

3 **123B.14 Collection of lien postponed.** In the case of the death of  
 4 either spouse the estate of the deceased shall not be settled or the  
 5 homestead sold until the surviving spouse shall die or cease to occupy  
 6 the homestead or while it is occupied by the ~~minor children of an~~  
 7 ~~alcoholic deceased alcoholic's child, as defined in section 234.1.~~ How-  
 8 ever, no lien shall be enforced against any homestead so long as it be  
 9 occupied by an alcoholic, his spouse or ~~minor children child, as defined~~  
 10 ~~in section 234.1.~~

1 SEC. 9. Section one hundred forty-two A point two (142A.2),  
 2 subsection one (1), Code 1971, is amended to read as follows:

3 1. Any individual of sound mind and ~~twenty-one~~ *nineteen* years of



4 age or more may give all or any part of his body for any purposes  
5 specified in section 142A.3, the gift to take effect upon death.

1 SEC. 10. Section one hundred forty-six point thirteen (146.13),  
2 Code 1971, is amended to read as follows:

3 **146.13 Applicants—qualifications.** No person shall be eligible for  
4 examination for a certificate of proficiency in the basic sciences  
5 until he shall have furnished satisfactory evidence to the board that  
6 he has attained the age of ~~twenty-one~~ *nineteen* years, is of good moral  
7 character and is a graduate of an accredited high school or possesses  
8 the educational qualifications equivalent to those required for gradu-  
9 ation by an accredited high school, to be determined by the board.

1 SEC. 11. Section one hundred forty-seven point three (147.3),  
2 Code 1971, is amended to read as follows:

3 **147.3 Qualifications.** No person shall be licensed to practice a pro-  
4 fession under this title until he shall have furnished satisfactory evi-  
5 dence to the department that he has attained the age of ~~twenty-one~~  
6 *nineteen* years and is of good moral character, except that women may  
7 be licensed as dental hygienists, or men or women may be licensed as  
8 barbers, or as cosmetologists, upon attaining the age of eighteen years.

1 SEC. 12. Section one hundred forty-seven point one hundred  
2 twenty (147.120), subsection one (1), Code 1971, is amended to read  
3 as follows:

4 1. He is at least ~~twenty-one~~ *nineteen* years of age, of good moral  
5 character and unless he is of sound mental health and physically able  
6 to perform the duties.

1 SEC. 13. Section one hundred forty-eight A point four (148A.4),  
2 subsection one (1), Code 1971, is amended to read as follows:

3 1. Have attained the age of ~~twenty-one~~ *nineteen* years.

1 SEC. 14. Section one hundred fifty-five point five (155.5), subsec-  
2 tion one (1), Code 1971, is amended to read as follows:

3 1. Be not less than ~~twenty-one~~ *nineteen* years of age, and of good  
4 moral character, and of temperate habits.

1 SEC. 15. Section one hundred sixty-nine point ten (169.10), sub-  
2 section one (1), Code 1971, is amended to read as follows:

3 1. Present satisfactory evidence that he is at least ~~twenty-one~~  
4 *nineteen* years of age, and of good character.

1 SEC. 16. Section two hundred nineteen point fifteen (219.15),  
2 Code 1971, is amended to read as follows:

3 **219.15 Payment to dependents.** Each member of the home who  
4 receives a pension or compensation and who has a dependent wife or  
5 ~~minor children~~ *child, as defined in section 234.1*, shall deposit with the  
6 commandant forthwith on receipt of his pension or compensation check  
7 one-half of the amount thereof, which shall be sent at once to the wife  
8 if she be dependent upon her own labor or others for support, or, if  
9 there be no wife, to the guardian of the ~~minor children~~ *child, as defined*  
10 *in section 234.1*, if dependent upon others for support. The comman-  
11 dant, if satisfied that the wife has deserted her husband, or is of bad  
12 character, or is not dependent upon others for support, may pay the  
13 money deposited as herein provided to the guardian of the dependent  
14 ~~minor children~~ *child, as defined in section 234.1*.

1 SEC. 17. Section two hundred thirty point twenty-eight (230.28),  
2 Code 1971, is amended to read as follows:

3 **230.28 Closing estates—homestead.** In the case of the death of  
4 either the husband or wife the estate of the deceased shall not be  
5 settled or the homestead sold until the surviving spouse shall die or  
6 cease to occupy the homestead as such or while it is occupied by the  
7 ~~minor children of such persons deceased's child, as defined in section~~  
8 *234.1.* Provided, however, no lien shall be enforced against any home-  
9 stead so long as it be occupied by such person, his or her spouse or  
10 ~~minor children child.~~

1 SEC. 18. Section two hundred thirty-two point two (232.2), sub-  
2 sections four (4) and five (5), Code 1971, are amended to read as  
3 follows:

4 4. "Minor" means a person less than ~~twenty-one~~ *nineteen* years of  
5 age or a person *who is at least nineteen years of age but less than*  
6 *twenty-one years of age who is regularly attending an approved school*  
7 *in pursuance of a course of study leading to a high school diploma or*  
8 *its equivalent, or regularly attending a course of vocational or tech-*  
9 *nical training either as a part of a regular school program or under*  
10 *special arrangements adapted to the individual person's needs.*

11 5. "Adult" means a person ~~twenty-one~~ *nineteen* years of age or  
12 older.

1 SEC. 19. Section two hundred thirty-two point thirty-six (232.36),  
2 Code 1971, is amended to read as follows:

3 **232.36 Orders continue to majority of child.** All orders for super-  
4 vision, custody, or commitment shall be enforced until the minor  
5 reaches the age of ~~twenty-one~~ *nineteen* years unless otherwise speci-  
6 fied by the court. All orders shall be reviewed by the court at least  
7 annually unless the court's jurisdiction has been terminated. The  
8 court may make on its own motion or on the motion of an interested  
9 party and after notice to the parties and a hearing some other dis-  
10 position of the case so long as the court retains jurisdiction.

1 SEC. 20. Section two hundred thirty-two point sixty-seven  
2 (232.67), Code 1971, is amended to read as follows:

3 **232.67 Limited jurisdiction.** Jurisdiction obtained by the court in  
4 the case of a minor shall be retained by the court until the minor  
5 becomes ~~twenty-one~~ *nineteen* years of age unless terminated prior  
6 thereto by order of court or provision of law. ~~When a minor eighteen~~  
7 ~~years of age or over under the jurisdiction of the court is convicted~~  
8 ~~of an indictable offense in a criminal court, the conviction shall ter-~~  
9 ~~minate the jurisdiction of the juvenile court. If a child is referred to~~  
10 ~~the juvenile court because of alleged delinquency by reason of the~~  
11 ~~commission of an indictable offense, the court may withhold an adjudi-~~  
12 ~~cation of delinquency, retain jurisdiction of the child, and place the~~  
13 ~~child on probation until he is nineteen years of age at which time he~~  
14 ~~shall be discharged. If the terms of the probation are violated before~~  
15 ~~the person reaches the age of nineteen years, the court may enter an~~  
16 ~~order referring the alleged commission of an indictable offense to the~~  
17 ~~appropriate prosecuting authority for the proper action under the~~  
18 ~~criminal law.~~

1 SEC. 21. Section two hundred thirty-four point one (234.1), Code  
2 1971, is amended to read as follows:

3     **234.1 Definitions.** As used in this chapter: "Division" or "state  
4 division" means the division of child and family services of the depart-  
5 ment of social services; "director" or "state director" means the direc-  
6 tor of the division of child and family services of the department of  
7 social services; "county board" means the county board of social wel-  
8 fare. "*Child*" means a person less than eighteen years of age or a  
9 person who is at least eighteen years of age but less than twenty-one  
10 years of age who is regularly attending an approved school in pur-  
11 suance of a course of study leading to a high school diploma or its  
12 equivalent, or regularly attending a course of vocational or technical  
13 training either as a part of a regular school program or under special  
14 arrangements adapted to the individual person's needs.

1     **SEC. 22.** Section two hundred thirty-five point one (235.1), Code  
2 1971, is amended to read as follows:

3     **235.1 Definitions.** The terms "state division", "state director",  
4 "county department", and "county board", and "*child*" are used in  
5 this chapter and chapters 236, 237, and 238 as said terms are defined  
6 in section 234.1.

7     "Child welfare services" means social welfare services for the pro-  
8 tection and care of children who are homeless, dependent or neglected,  
9 or in danger of becoming delinquent, including when necessary care  
10 and maintenance in a foster care facility.

1     **SEC. 23.** Section two hundred thirty-eight point thirty-two  
2 (238.32), subsection two (2), Code 1971, is amended to read as fol-  
3 lows:

4     2. Receive neglected, dependent, and delinquent children under  
5 ~~twenty-one and over eighteen~~ *nineteen* years of age, under commit-  
6 ment from the juvenile court, and control and dispose of them as in  
7 this chapter provided.

1     **SEC. 24.** Section two hundred forty-two point eight (242.8), Code  
2 1971, is amended to read as follows:

3     **242.8 Articles of agreement.** Such children shall be so placed  
4 under articles of agreement, approved by the state director and signed  
5 by the person or persons taking them and by the superintendent. Said  
6 articles shall provide for the custody, care, education, maintenance,  
7 and earnings of said children for a time to be fixed in said articles,  
8 which shall not extend beyond the time when the persons bound shall  
9 attain the age of ~~twenty-one~~ *nineteen* years.

1     **SEC. 25.** Section two hundred forty-two point thirteen (242.13),  
2 Code 1971, is amended to read as follows:

3     **242.13 Binding out or discharge.** The binding out or the discharge  
4 of an inmate as reformed, or having arrived at the age of ~~twenty-one~~  
5 *nineteen* years, shall be a complete release from all penalties incurred  
6 by the conviction for the offense upon which the child was committed  
7 to the school.

1     **SEC. 26.** Section two hundred forty-four point ten (244.10), Code  
2 1971, is amended to read as follows:

3     **244.10 Placing child under contract.** Any child received in said  
4 homes, unless adopted, may, under written contract approved by the  
5 state director, be placed by the superintendent in the custody and care  
6 of any proper person or family. Such contract shall provide for the

7 custody, care, education, maintenance, and earnings of the child for a  
 8 fixed time which shall not extend beyond the age of majority, *except*  
 9 *that the time may extend beyond the child's eighteenth birthday until*  
 10 *he is twenty-one years of age if he is regularly attending an approved*  
 11 *school in pursuance of a course of study leading to a high school*  
 12 *diploma or its equivalent, or regularly attending a course of voca-*  
 13 *tional technical training either as a part of a regular school program*  
 14 *or under special arrangements adapted to the individual person's*  
 15 *needs. Such contract shall be signed by the superintendent and by the*  
 16 *person taking the child.*

1 SEC. 27. Section two hundred forty-seven point twenty-seven  
 2 (247.27), Code 1971, is amended to read as follows:

3 247.27 **Violation of court probation.** If the suspended sentence be  
 4 an order for commitment to the training school, the fact that the  
 5 defendant first violated his or her probation after reaching the age  
 6 of eighteen years, and before reaching the age of ~~twenty-one~~ *nineteen*  
 7 years, shall not prevent the enforcement of such sentence.

1 SEC. 28. Section two hundred forty-nine A point six (249A.6),  
 2 Code 1971, is amended to read as follows:

3 249A.6 **Claims against estate.** On the death of a person receiving  
 4 or who has received assistance under this chapter, and of the survivor  
 5 of a married couple, either or both of whom were so assisted and dur-  
 6 ing which time such recipient was sixty-five years of age or older, the  
 7 total amount paid as assistance to either shall be allowed as a claim  
 8 of the sixth class against the estate of such decedent or the surviving  
 9 spouse. Neither the homestead nor the proceeds therefrom of such  
 10 decedent, or the survivor, shall be exempt from the payment of such  
 11 claim, any Act or statute notwithstanding. An action may be brought  
 12 in the name of the state to recover the same at any time within five  
 13 years after the death of the person receiving aid and after the death  
 14 of the survivor of the married couple, either or both of whom have  
 15 received assistance under the provisions of this chapter. No such  
 16 claim shall be allowed, however, until the death of the surviving  
 17 spouse nor shall such claim be allowed if a child under ~~twenty-one~~  
 18 *nineteen* years of age, or a child who is blind or is permanently and  
 19 totally disabled, survives a surviving spouse or a recipient who has  
 20 no surviving spouse. The right to a claim existing on July 1, 1969  
 21 against the estate of any person who had, prior to said date, received  
 22 medical assistance pursuant to chapter 249A, shall be preserved and  
 23 continued under this chapter.

1 SEC. 29. Section two hundred fifty-two point fourteen (252.14),  
 2 Code 1971, is amended to read as follows:

3 252.14 **Homestead—when liable.** When expenditures have been  
 4 made for and on behalf of a poor person and his family, as contem-  
 5 plated by section 252.13, the homestead of such poor person is liable  
 6 for such expenditures when such poor person dies without leaving a  
 7 surviving husband or wife, or ~~minor children~~ *child, as defined in*  
 8 *section 234.1.*

1 SEC. 30. Section two hundred fifty-two A point two (252A.2), sub-  
 2 section three (3), Code 1971, is amended to read as follows:

3 3. "Child" includes a stepchild, foster child or legally adopted child

4 and means a child actually or apparently under ~~seventeen~~ *eighteen*  
5 years of age, and a child over ~~seventeen~~ *eighteen* years of age who is  
6 unable to maintain himself and is likely to become a public charge.

1 SEC. 31. Section two hundred fifty-two A point three (252A.3),  
2 subsections one (1), two (2), and three (3), Code 1971, are amended  
3 to read as follows:

4 1. A husband in one state is hereby declared to be liable for the  
5 support of his wife and any child or children under ~~seventeen~~ *eighteen*  
6 years of age and any other dependent residing or found in the same  
7 state or in another state having substantially similar or reciprocal  
8 laws, and, if possessed of sufficient means or able to earn such means,  
9 may be required to pay for their support a fair and reasonable sum  
10 according to his means, as may be determined by the court having  
11 jurisdiction of the respondent in a proceeding instituted under this  
12 chapter.

13 2. A mother in one state is hereby declared to be liable for the  
14 support of her child or children under ~~seventeen~~ *eighteen* years of age  
15 residing or found in the same state or in another state having substan-  
16 tially similar or reciprocal laws, whenever the father of such child or  
17 children is dead, or cannot be found, or is incapable of supporting  
18 such child or children, and, if she is possessed of sufficient means or  
19 able to earn such means, she may be required to pay for the support  
20 of such child or children a fair and reasonable sum according to her  
21 means, as may be determined by the court having jurisdiction of the  
22 respondent in a proceeding instituted under this chapter.

23 3. The parents in one state are hereby declared to be severally liable  
24 for the support of a child ~~seventeen~~ *eighteen* years of age or older  
25 residing or found in the same state or in another state having sub-  
26 stantially similar or reciprocal laws, whenever such child is unable  
27 to maintain himself and is likely to become a public charge.

1 SEC. 32. Section two hundred sixty-one point seven (261.7), Code  
2 1971, is amended to read as follows:

3 **261.7 Obligations made by minors.** Any contract, promissory note,  
4 or other written obligation made by any minor to repay or secure  
5 payment of a loan made under sections 261.5 through 261.8, payment  
6 of which is guaranteed by the commission, or which forms part of the  
7 same transaction as the making of such loan shall notwithstanding  
8 any provision of law to the contrary be as valid and binding as if the  
9 person were ~~twenty-one~~ *nineteen* years of age or older at the time the  
10 obligation was made and executed. Obligations may be enforced in  
11 any action or proceeding by or against such person in the person's  
12 own name and shall be valid without the consent thereto of the parent  
13 or guardian of such person. Such person shall not in any action or pro-  
14 ceeding arising out of any such loan disaffirm such instrument because  
15 of his age nor shall any person interpose the defense that he is, or  
16 was, a minor at the time of making and executing the instrument.

1 SEC. 33. Section three hundred twenty-one point one hundred  
2 seventy-nine (321.179), Code 1971, is amended to read as follows:

3 **321.179 Special restrictions on chauffeurs.** No person who is under  
4 the age of ~~twenty-one~~ *nineteen* years shall drive any motor vehicle  
5 while in use as a carrier of flammables or combustibles, or as a public  
6 or common carrier of persons, except a school bus.

1 SEC. 34. Section three hundred twenty-one point one hundred  
2 eighty (321.180), Code 1971, is amended to read as follows:

3 **321.180 Instruction permits.** Any person who is at least fourteen  
4 years of age and who, except for his lack of instructions in operating  
5 a motor vehicle, would otherwise be qualified to obtain an operator's  
6 license, shall upon meeting the requirements of section 321.186 other  
7 than driving demonstration, and upon paying the required fee, be  
8 issued a temporary instruction permit by the department, entitling  
9 the permittee while having such permit in his immediate possession  
10 to drive a motor vehicle upon the highways for a period of two years  
11 from the date of issuance when accompanied by a licensed operator  
12 or chauffeur who is at least ~~twenty-one~~ *nineteen* years of age, or an  
13 approved driver education instructor, or a prospective driver educa-  
14 tion instructor who is enrolled in and has been specifically designated  
15 by a teacher education institution with a safety education program  
16 approved by the department of public instruction, and who is actually  
17 occupying a seat beside the driver; except that any instruction permit  
18 issued to a person who is less than sixteen years of age shall entitle  
19 such permittee to drive a motor vehicle upon the highways only when  
20 accompanied by a parent or guardian, or an approved driver educa-  
21 tion instructor, or a prospective driver education instructor, who is  
22 enrolled in and has been specifically designated by a teacher education  
23 institution with a safety education program approved by the depart-  
24 ment of public instruction, or by any person who is twenty-five years  
25 of age or more if written permission is granted by the parent or  
26 guardian, who is a holder of a valid operator's or a chauffeur's license,  
27 and who is actually occupying a seat beside the driver.

1 SEC. 35. Section three hundred twenty-five point twenty-nine  
2 (325.29), Code 1971, is amended to read as follows:

3 **325.29 Driver of vehicle.** Every driver employed by a motor car-  
4 rier shall be at least ~~twenty-one~~ *nineteen* years of age; in good physi-  
5 cal condition; of good moral character; shall be fully competent to  
6 operate the motor vehicle under his charge, and shall hold a regular  
7 chauffeur's license from the department of public safety.

1 SEC. 36. Section three hundred twenty-seven A point seven  
2 (327A.7), Code 1971, is amended to read as follows:

3 **327A.7 Drivers requirements.** Every driver employed by a liquid  
4 transport carrier shall be at least ~~twenty-one~~ *nineteen* years of age;  
5 in good physical condition; of good moral character; shall be fully  
6 competent to operate the vehicle under his charge, and shall hold a  
7 regular chauffeur's license from the department of public safety.

1 SEC. 37. Section three hundred fifty-eight point nine (358.9), un-  
2 numbered paragraph one (1), Code 1971, is amended to read as fol-  
3 lows:

4 Within thirty days after the organization of a sanitary district  
5 under this chapter, the board of supervisors which had jurisdiction  
6 of the proceedings for its establishment, together with the board of  
7 supervisors of any other county, if any, in which any part of said  
8 district is located, shall order an election to be held in the district on  
9 a date not more than sixty days after the date of the order for the  
10 purpose of electing a board of trustees, consisting of three members,  
11 except as otherwise provided in this section, for the government,

12 control and management of the affairs and business of such sanitary  
13 district. Said board, or boards, shall cause notice of said election to  
14 be posted and published, and shall perform all other acts with refer-  
15 ence to such election, and conduct the same, in like manner, as nearly  
16 as may be, as provided in this chapter for the election on the question  
17 of establishing such district. Each trustee shall be a citizen of the  
18 United States, not less than ~~twenty-one~~ *nineteen* years of age, and a  
19 resident within said sanitary district. Each voter at said election may  
20 write in upon the ballot the names of not more than three persons  
21 whom he desires for trustees and may cast not more than one vote for  
22 each of said three persons, and the three persons receiving the highest  
23 number of votes cast shall constitute the first board of trustees of the  
24 district. The term of office of the first board of trustees shall be for  
25 the period extending to the second secular day of January following  
26 the next regular biennial election. Three trustees to succeed the first  
27 board of trustees shall be nominated and elected at the next primary  
28 and regular biennial elections following establishment of the district,  
29 in the same manner as provided by the primary and general election  
30 laws of this state for the nomination and election for offices to be  
31 filled by the voters of any subdivision of a county. Said trustees shall  
32 be elected for terms of two, four, and six years respectively, and their  
33 terms shall commence on the second secular day of January next  
34 thereafter. At each succeeding biennial election one trustee shall be  
35 nominated and elected in the manner herein provided for a six-year  
36 term to succeed the trustee whose term next expires. In all elections  
37 for trustees each qualified voter resident within the district may vote  
38 one vote for each office of trustee to be filled at the election. At all  
39 elections for trustees subsequent to the election of the first board the  
40 names of all candidates for trustees of such sanitary district shall be  
41 printed on the same ballot with candidates for other offices to be filled  
42 at such election. In case a regular election precinct includes territory  
43 lying partly within and partly without the sanitary district, it shall  
44 be the duty of the officers charged with the printing and furnishing  
45 of ballots to furnish to the election judges of such precinct two sets  
46 of official ballots, one set including the names of candidates for trus-  
47 tees of such sanitary district, and one set without such names. All  
48 provisions of the primary and general election laws of Iowa shall  
49 govern the nomination and election of trustees hereunder, so far as  
50 applicable and except as modified hereby.

1 SEC. 38. Section three hundred fifty-eight point nine (358.9), un-  
2 numbered paragraph three (3), Code 1971, is amended to read as  
3 follows:

4 In cases where the state of Iowa owns at least four hundred acres  
5 of land contiguous to lakes within said district, then and only then  
6 the Iowa natural resources council shall appoint two members of said  
7 board of trustees in addition to the three members hereinbefore pro-  
8 vided in this section. The additional two members shall be qualified  
9 as follows: They shall be United States citizens, not less than ~~twenty-~~  
10 ~~one~~ *nineteen* years of age, and shall be property owners within said  
11 district. In such cases the two additional appointive members shall  
12 have equal vote and authority with other members of trustees and  
13 shall hold office at the pleasure of the Iowa natural resources council.

1 SEC. 39. Section three hundred seventy-eight point five (378.5),  
2 Code 1971, is amended to read as follows:

3 **378.5 Qualifications.** Bona fide citizens and residents of the city  
4 or town, except as qualified by sections 378.2 and 378.3, male or  
5 female, ~~over the age of twenty-one~~ *nineteen* years of age or over, are  
6 alone eligible to membership.

1 SEC. 40. Section three hundred seventy-nine point six (379.6),  
2 Code 1971, is amended to read as follows:

3 **379.6 Qualification.** Only bona fide citizens and residents of the  
4 city or town, male or female, ~~over the age of twenty-one~~ *nineteen*  
5 years of age or over, shall be eligible to membership.

1 SEC. 41. Section four hundred sixty-two point seven (462.7), Code  
2 1971, is amended to read as follows:

3 **462.7 Eligibility of trustees.** Each trustee shall be a citizen of the  
4 United States not less than ~~twenty-one~~ *nineteen* years of age, a resi-  
5 dent of the county, and the bona fide owner of agricultural land in  
6 the election district for which he is elected.

1 SEC. 42. Section four hundred twenty-five point fifteen (425.15),  
2 Code 1971, is amended to read as follows:

3 **425.15 Disabled veteran tax credit.** In the event the owner of the  
4 homestead, allowed a credit under this chapter, is a veteran of any  
5 of the military forces of the United States who acquired the homestead  
6 under the provisions of the United States Code, title 38, chapter 21,  
7 sections 801 and 802, the credit allowed on said homestead from the  
8 homestead credit fund herein provided shall be the entire amount of  
9 the tax levied on said homestead. The credit herein allowed shall be  
10 continued to the estate of such veteran who is deceased or the sur-  
11 viving spouse and ~~children~~ *any child, as defined in section 234.1* who  
12 are the beneficiaries thereof so long as the surviving spouse remains  
13 unmarried and until ~~any surviving unmarried children reach the age~~  
14 ~~of twenty-one years.~~ The provisions of this section shall not be appli-  
15 cable to the holder of title to any such homestead whose annual in-  
16 come, together with that of his spouse, if any, for the last preceding  
17 twelve-month income tax accounting period exceeds five thousand  
18 dollars. For the purpose of this section "income" means taxable  
19 income for federal income tax purposes plus income from securities  
20 of state and other political subdivisions exempt from federal income  
21 tax. Any veteran or his beneficiary who elects to secure the credit  
22 provided in this section shall not be eligible for any other real prop-  
23 erty tax exemption provided by law for veterans of military service.

1 SEC. 43. Section four hundred sixty-two point eleven (462.11),  
2 Code 1971, is amended to read as follows:

3 **462.11 Qualifications of voters.** Each landowner ~~over twenty-one~~  
4 *nineteen* years of age or over without regard to sex and any railway  
5 or other corporation owning land in said district assessed for benefits  
6 shall be entitled to one vote only, except as provided in section 462.12.

1 SEC. 44. Section five hundred twelve point nine (512.9), Code  
2 1971, is amended to read as follows:

3 **512.9 Qualifications for membership.** A society may admit to  
4 benefit membership any person not less than fifteen years of age,  
5 nearest birthday, who has furnished evidence of insurability accept-



6 able to the society. Any such member who shall apply for additional  
7 benefits more than six months after becoming a benefit member shall  
8 furnish additional evidence of insurability acceptable to the society.

9 Any person admitted prior to attaining the full age of ~~twenty-one~~  
10 *nineteen* years shall be bound by the terms of the application and cer-  
11 tificate and by all the laws and rules of the society and shall be en-  
12 titled to all the rights and privileges of membership therein to the  
13 same extent as though the age of majority had been attained at the  
14 time of application. A society may also admit general or social mem-  
15 bers who shall have no voice or vote in the management of its insur-  
16 ance affairs.

1 SEC. 45. Section five hundred twenty-four point three hundred  
2 one (524.301), Code 1971, is amended to read as follows:

3 **524.301 Incorporators.** A state bank may be incorporated under  
4 this chapter by not less than five individuals ~~over the age of twenty-~~  
5 ~~one~~ *nineteen years of age or older*, a majority of whom shall be citi-  
6 zens of this state and all of whom shall be citizens of the United States.

1 SEC. 46. Section five hundred twenty-four point six hundred one  
2 (524.601), subsection one (1), Code 1971, is amended to read as fol-  
3 lows:

4 1. The business and affairs of a state bank shall be managed by a  
5 board of five or more directors ~~over the age of twenty-one~~ *nineteen*  
6 *years of age or older*, a majority of whom shall be citizens of this  
7 state and all of whom shall be citizens of the United States. No indi-  
8 vidual shall be eligible to serve as a director of any state bank unless  
9 he is the owner, in his own right, free of any lien and encumbrance,  
10 of common shares in the state bank of which he is a director having  
11 a par value of not less than five hundred dollars.

1 SEC. 47. Section five hundred ninety-five point three (595.3), sub-  
2 section two (2), Code 1971, is amended to read as follows:

3 2. Where ~~the male is a minor, or the female either party~~ is under  
4 ~~eighteen~~ *nineteen* years of age, unless a certificate of the consent of  
5 the parents is filed. If one of the parents is dead such certificate may  
6 be executed by the survivor. *If either parent is incompetent or his*  
7 *presence is unknown, the judge of the district court having jurisdic-*  
8 *tion in the county may, after hearing, upon proper cause shown, exe-*  
9 *cute such certificate.* If both parents are dead the guardian of such  
10 minor may execute such certificate but if such minor has no guardian  
11 then the judge of the district court having jurisdiction in the county  
12 may, after hearing, upon proper cause shown, execute such certificate.  
13 If the parents are divorced, the parent having legal custody may exe-  
14 cute such certificate.

1 SEC. 48. Section five hundred ninety-eight point one (598.1), sub-  
2 section two (2), Code 1971, is amended to read as follows:

3 2. "Support" or "support payments" means any amount which the  
4 court may require either of the parties to pay under a temporary order  
5 or a final judgment or decree, and may include alimony, child support,  
6 maintenance, and any other term used to describe such obligations.  
7 *Such obligations may include support for a child who is between the*  
8 *ages of eighteen and twenty-two years who is regularly attending an*  
9 *approved school in pursuance of a course of study leading to a high*

10 *school diploma or its equivalent, or regularly attending a course of*  
 11 *vocational technical training either as a part of a regular school pro-*  
 12 *gram or under special arrangements adapted to the individual per-*  
 13 *son's needs; or is, in good faith, a full-time student in a college, uni-*  
 14 *versity, or area school; or has been accepted for admission to a col-*  
 15 *lege, university, or area school and the next regular term has not yet*  
 16 *begun; or a child of any age who is dependent on the parties to the*  
 17 *dissolution proceedings because of physical or mental disability.*

1 SEC. 49. Section five hundred ninety-nine point one (599.1), Code  
 2 1971, is amended to read as follows:

3 **599.1 Period of minority.** The period of minority extends to the  
 4 age of ~~twenty-one~~ *nineteen* years, but all minors attain their majority  
 5 by marriage, and females, after reaching the age of eighteen years,  
 6 ~~may make valid contracts for marriage the same as adults.~~

1 SEC. 50. Section six hundred ten point two (610.2), Code 1971, is  
 2 amended to read as follows:

3 **610.2 Qualifications for admission.** Every applicant for such ad-  
 4 mission must be at least ~~twenty-one~~ *nineteen* years of age, of good  
 5 moral character, and an inhabitant of this state, and must have actu-  
 6 ally and in good faith pursued a regular course of study of the law  
 7 for at least three full years, either in the office of a member of the bar  
 8 in regular practice of this state or other state, or of a judge of a  
 9 court of record thereof, or in some reputable law school in the United  
 10 States, or partly in such office and partly in such law school; but, in  
 11 reckoning such period of study, the school year of any such law school,  
 12 consisting of not less than thirty-six weeks exclusive of vacations,  
 13 shall be considered equivalent to a full year. Every such applicant  
 14 for admission must also have actually and in good faith acquired a  
 15 general education substantially equivalent to that involved in the  
 16 completion of a high school course of study of at least four years in  
 17 extent.

1 SEC. 51. Section six hundred thirty-three point three (633.3), sub-  
 2 section eighteen (18), Code 1971, is amended to read as follows:

3 18. Full age—the state of legal majority attained through arriving  
 4 at the age of ~~twenty-one~~ *nineteen* years or through having married  
 5 even though such marriage is terminated by divorce.

1 SEC. 52. Section six hundred thirty-three point three hundred  
 2 seventy-six (633.376), Code 1971, is amended to read as follows:

3 **633.376 Allowance to minor children who do not reside with sur-**  
 4 **viving spouse.** The court may also make an allowance to the ~~minor~~  
 5 ~~children~~ *a child of the decedent, who is less than eighteen years of age*  
 6 *or who is between the ages of eighteen and twenty-two years who is*  
 7 *regularly attending an approved school in pursuance of a course of*  
 8 *study leading to a high school diploma or its equivalent, or regularly*  
 9 *attending a course of vocational technical training either as a part of*  
 10 *a regular school program or under special arrangements adapted to*  
 11 *the individual person's needs; or is, in good faith, a full-time student*  
 12 *in a college, university, or area school; or has been accepted for ad-*  
 13 *mission to a college, university, or area school and the next regular*  
 14 *term has not yet begun; or a child of any age who is dependent on*  
 15 *the parties to the dissolution proceedings because of physical or men-*

16 *tal disability*; who ~~de~~ *does* not reside with the surviving spouse, of  
 17 such an amount as it deems reasonable in the light of the assets and  
 18 condition of the estate, to provide for their proper support during  
 19 such period of twelve months.

1 SEC. 53. Section six hundred ninety-five point eighteen (695.18),  
 2 Code 1971, is amended to read as follows:

3 **695.18 Sale of dangerous weapons prohibited.** It shall be unlawful  
 4 to sell, to keep for sale, or offer for sale, loan, or give away, dirk,  
 5 dagger, stiletto, metallic knuckles, sandbag, or skull cracker, silencer,  
 6 and no pistol or revolver shall be sold to any person under the age of  
 7 ~~twenty-one~~ *nineteen* years. The provisions of this section shall not  
 8 prevent the selling or keeping for sale of hunting and fishing knives.

1 SEC. 54. Chapter one hundred thirty-one (131), section three (3),  
 2 subsection thirty-three (33), Acts of the Sixty-fourth General Assem-  
 3 bly, First Session, is amended to read as follows:

4 33. "Legal age" means ~~twenty-one~~ *nineteen* years of age or more.

Approved April 19, 1972.

## CHAPTER 1028

### OCCUPATIONAL SAFETY AND HEALTH

#### S. F. 1218

AN ACT relating to occupational safety and health, providing appropriations to carry out the provisions of this Act, and providing penalties for violations.

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

1 SECTION 1. Chapters eighty-eight (88) and eighty-eight A (88A),  
 2 Code 1971, are repealed. The provisions of this Act will prevail  
 3 wherever the same conflicts with any other chapter of the Code.

1 SEC. 2. **Public policy.** It is the policy of this state to assure so  
 2 far as possible every working man and woman in the state safe and  
 3 healthful working conditions and to preserve human resources by:

4 1. Encouraging employers and employees in their efforts to reduce  
 5 the number of occupational safety and health hazards at their places  
 6 of employment, and to stimulate employers and employees to insti-  
 7 tute new and perfect existing programs for providing safe and  
 8 healthful working conditions.

9 2. Providing that employers and employees have separate but  
 10 dependent responsibilities and rights with respect to achieving safe  
 11 and healthful working conditions.

12 3. Authorizing the labor commissioner to set mandatory occupa-  
 13 tional safety and health standards applicable to businesses, and by  
 14 creating an occupational safety and health review commission for  
 15 carrying out adjudicatory functions under the Act.

16 4. Building upon advances already made through employer and  
 17 employee initiative for providing safe and healthful working condi-  
 18 tions.

19 5. Providing for research in the field of occupational safety and  
20 health, including the psychological factors involved, and by develop-  
21 ing innovative methods, techniques, and approaches for dealing with  
22 occupational safety and health problems.

23 6. Exploring ways to discover latent diseases, establishing causal  
24 connections between diseases and work in environmental conditions,  
25 and conducting other research relating to health problems, in recog-  
26 nition of the fact that occupational health standards present problems  
27 often different from those involved in occupational safety.

28 7. Providing medical criteria which will assure insofar as prac-  
29 ticable that no employee will suffer diminished health, functional  
30 capacity or life expectancy as a result of his work experience.

31 8. Providing for training programs to increase the number and  
32 competence of personnel engaged in the field of occupational safety  
33 and health.

34 9. Providing for the development and promulgation of occupa-  
35 tional safety and health standards.

36 10. Providing an effective enforcement program which shall in-  
37 clude a prohibition against giving advance notice of any inspection  
38 and sanctions for an individual violating this prohibition.

39 11. Providing for appropriate reporting procedures with respect to  
40 occupational safety and health which procedures will help achieve  
41 the objectives of this Act and accurately describe the nature of the  
42 occupational safety and health problem.

43 12. Encouraging joint labor-management efforts to reduce injuries  
44 and disease arising out of employment.

45 13. Devoting adequate funds to the administration and enforce-  
46 ment of occupational safety and health standards and rules promul-  
47 gated by the labor commissioner.

1 **SEC. 3. General.**

2 1. The bureau of labor, established in chapter ninety-one (91) of  
3 the Code, is designated to administer this Act.

4 2. The necessary legal authority and qualified personnel shall be  
5 provided for the administration and enforcement of this Act and such  
6 standards adopted pursuant to this Act.

7 3. Personnel administering the Act shall be employed pursuant to  
8 chapter nineteen A (19A) of the Code.

9 4. In carrying out his responsibilities under this Act, the commis-  
10 sioner is authorized to enter into contracts with any state agency,  
11 with or without reimbursement, for the purpose of obtaining the  
12 services, facilities, and personnel of such agency and with the con-  
13 sent of any state agency or any political subdivision of the state,  
14 accept and use the services, facilities, and personnel of any agency  
15 of the state or political subdivision, and employ experts and consult-  
16 ants or organizations, in order to expeditiously, efficiently and eco-  
17 nomically effectuate the purposes of this Act. The provisions of this  
18 subsection are subject to approval of the executive council where  
19 required by law.

20 5. The commissioner, the governor, and the state comptroller are  
21 hereby authorized to obtain and accept federal grants to the state to  
22 be used in connection with the funds appropriated for the adminis-  
23 tration of this Act and federal funds in addition thereto.

1     **SEC. 4. Definitions.** Wherever used in this chapter, unless the  
2 context clearly requires a different meaning:

3     1. "Commissioner" means the labor commissioner of the state of  
4 Iowa.

5     2. "Commission" means the occupational safety and health review  
6 commission established under this Act.

7     3. "Person" means one or more individuals, partnerships, associa-  
8 tions, corporations, business trusts, legal representatives, or any  
9 organized group of persons.

10    4. "Employer" means a person engaged in a business who has one  
11 or more employees and also includes the state of Iowa, its various  
12 departments and agencies, and any political subdivision of the state.

13    5. "Employee" means an employee of an employer who is employed  
14 in a business of his employer.

15    6. "Emergency temporary standards" means any occupational  
16 safety and health standard or modification thereof which has been  
17 adopted and promulgated by a nationally recognized standards-  
18 producing organization under procedures whereby it can be deter-  
19 mined by the commissioner that persons interested and affected by the  
20 scope or provisions of the standard have reached substantial agree-  
21 ment on its adoption, and was formulated in a manner which afforded  
22 an opportunity for diverse views to be considered or is an emergency  
23 temporary standard provided by the secretary pursuant to and in  
24 conformance with the provisions of the federal law.

25    7. "Occupational safety and health standard" means a standard  
26 which requires conditions or the adoption or use of one or more  
27 practices, means, methods, operations, or processes, reasonably neces-  
28 sary or appropriate to provide safety or healthful employment and  
29 places of employment.

30    8. "Imminent danger" means a condition or practice in any place  
31 of employment which is such that a danger exists which will reason-  
32 ably be expected to cause death or serious physical harm immediately  
33 or before the imminence of such danger can be eliminated through  
34 the enforcement procedures of this Act, exclusive of the procedures  
35 set forth in section twelve (12) of this Act.

36    9. "Secretary" means the secretary of labor of the United States.

37    10. "Federal law" means the Act of Congress approved December  
38 29, 1970, 84 Stat. 1590, officially cited as the "Occupational Safety  
39 and Health Act of 1970 (29 USC 651-678)."

1     **SEC. 5. Duties.**

2     Each employer shall furnish to each of his employees employment  
3 and a place of employment which is free from recognized hazards  
4 that are causing or are likely to cause death or serious physical harm  
5 to his employees and comply with occupational safety and health  
6 standards promulgated under this Act.

7     Each employee shall comply with occupational safety and health  
8 standards and all rules, regulations and orders issued pursuant to  
9 this Act which are applicable to his own actions and conduct.

1     **SEC. 6. Occupational safety and health standards.**

2     1. Promulgation of rules.

3     a. As soon as practicable following the effective date of this Act,  
4 the commissioner shall by rule, adopt and promulgate those occupa-

5 tional safety and health standards, which would result in improved  
6 safety or health for employees; provided, that the commissioner shall  
7 adopt no such standard unless the same has been adopted and pro-  
8 mulgated as a permanent standard by the secretary in accordance  
9 with the procedures set forth in the federal law. In the event that  
10 any such federal standard is subsequently amended, modified, re-  
11 pealed, or substituted by a new standard, the commissioner shall,  
12 within ninety days, review such amendment, modification, repeal or  
13 substitution, and take such action with respect to the state standards,  
14 including the repeal or substitution of the same, as will conform the  
15 state standards to those federal standards then in effect.

16 b. Before promulgating, modifying, or revoking any standard pur-  
17 suant to this section, the commissioner shall hold a public hearing  
18 on the subject matter of the proposed promulgation, modification,  
19 or revocation. Any interested person may appear and be heard at  
20 such hearing, in person or by agent or counsel. The commissioner  
21 shall maintain a mailing list for hearings, and at least thirty days  
22 before the hearing the commissioner shall mail a notice of the hear-  
23 ing by ordinary mail to each person on the mailing list. Such notice  
24 shall include a copy of the proposed promulgation, modification, or  
25 revocation. When the commissioner receives a written request from  
26 any person to be placed on the mailing list for hearings, the com-  
27 missioner shall add such person to the mailing list. At the end of  
28 each calendar year, the commissioner may remove any person from  
29 the mailing list if the commissioner has not received from such  
30 person during the last three months of such calendar year a written  
31 request to be placed on the mailing list for the following year. The  
32 commissioner shall cause to be published a notice of each hearing in  
33 one or more newspapers in the state having a statewide circulation.  
34 The provisions of this section are in addition to the requirements of  
35 chapter seventeen A (17A) of the Code.

36 c. Notwithstanding other provisions of this section, upon or fol-  
37 lowing the effective date of this Act, the commissioner may adopt  
38 as interim standards those standards adopted by the secretary in  
39 conformance with section six (a) (6(a)) of the federal law, pro-  
40 vided that any such standard so adopted shall cease to be effective  
41 on April 28, 1973 unless the commissioner shall have initiated the  
42 procedures for adopting a permanent standard in conformance with  
43 and following the procedures set forth in this section, in which case  
44 the interim standard shall remain in effect pending the adoption of  
45 the permanent standard. In the event that any such federal interim  
46 standard is subsequently amended, modified, repealed, or substituted  
47 by a new interim standard, the commissioner shall, within thirty  
48 days, review such amendment, modification, repeal or substitution,  
49 and take such action with respect to the state interim standards,  
50 including the repeal or substitution of the same, as will conform the  
51 state interim standards to those federal interim standards then in  
52 effect.

53 2. Toxic materials and other harmful physical agents. The com-  
54 missioner, in promulgating standards dealing with toxic materials or  
55 harmful physical agents under this subsection, shall set the standard  
56 which most adequately assures, to the extent feasible, on the basis  
57 of the best available evidence, that no employee will suffer material  
58 impairment of health or functional capacity even if such employee

59 has regular exposure to the hazard dealt with by such standard for  
60 the period of his working life. Development of standards under this  
61 subsection shall be based upon research, demonstrations, experi-  
62 ments, and such other information as may be appropriate, but in  
63 any event shall conform with the provisions of section six (6), sub-  
64 section one (1), of this Act. In addition to the attainment of the  
65 highest degree of health and safety protection for the employee,  
66 other considerations shall be the latest available scientific data in the  
67 field, the feasibility of the standards, and experience gained under  
68 this and other health and safety laws. Whenever practicable, a  
69 standard promulgated shall be expressed in terms of objective cri-  
70 teria and of the performance desired.

71 3. Temporary variances.

72 a. Any employer may apply to the commissioner notwithstanding  
73 the requirements of chapter seventeen A (17A) of the Code, for a  
74 temporary order granting a variance from a standard or any pro-  
75 vision thereof promulgated under this section. Such temporary order  
76 shall be granted only if the employer files an application which meets  
77 the requirements of paragraph b of this subsection and establishes  
78 that he is unable to comply with the standard by its effective date  
79 because of unavailability of professional or technical personnel or  
80 of materials and equipment needed to come into compliance with the  
81 standards or because necessary construction or operation of the  
82 facilities cannot be completed by the effective date, that he is taking  
83 all available steps to safeguard his employees against the hazards  
84 that are covered by the standard, and that he has an effective pro-  
85 gram for coming into compliance with this standard as quickly as  
86 practicable. Any temporary order issued under this paragraph shall  
87 prescribe the practices, means, methods, operations, and processes  
88 which the employer must adopt and use while the order is in effect  
89 and state in detail his program for coming into compliance with the  
90 standard. Such a temporary order may be granted only after notice  
91 to employees and an opportunity for a hearing, provided that the  
92 commissioner may issue one interim order to be effective until a  
93 decision is made on the basis of the hearing. No temporary order  
94 may be in effect longer than the period needed by the employer to  
95 achieve compliance with the standard, or one year, whichever is  
96 shorter except that such an order may be renewed not more than  
97 twice so long as the requirements of this paragraph are met and an  
98 application for renewal is filed at least ninety days prior to the  
99 expiration date of the order. No interim renewal of an order may  
100 remain in effect for longer than one hundred and eighty days.

101 b. An application for a temporary order under this subsection  
102 shall contain:

103 (1) A specification of the standard or portion thereof from which  
104 the employer seeks a variance.

105 (2) A representation by the employer, supported by representa-  
106 tions from qualified persons having firsthand knowledge of the fact  
107 represented, that he is unable to comply with the standard or portion  
108 thereof and a detailed statement of those reasons therefor.

109 (3) A statement of the steps he has taken and will take (with  
110 specific dates) to protect employees against the hazard covered by  
111 the standard.

112 (4) A statement of when he expects to be able to comply with the  
113 standard and what steps he has taken and what steps he will take  
114 (with dates specified) to come into compliance with the standard.

115 (5) A certification that he has informed his employees of any  
116 application by giving a copy thereof to their authorized employee  
117 representative, posting a statement giving a summary of the appli-  
118 cation and specifying where a copy may be examined at the place or  
119 places where notices to employees are normally posted, and by other  
120 reasonably appropriate means as may be directed by the commis-  
121 sioner.

122 (6) A description of how employees have been informed shall be  
123 contained in the certification. The information to employees shall  
124 also inform them of their right to petition the commissioner for a  
125 hearing.

126 4. Labels, warnings, protective equipment. Any standard promul-  
127 gated under this section shall prescribe the use of labels or other  
128 appropriate forms of warning as are necessary to insure that em-  
129 ployees are appraised of all hazards to which they are exposed,  
130 relevant symptoms and appropriate emergency treatment, and proper  
131 conditions and precautions of safe use or exposure. Where appro-  
132 priate, such standard shall also prescribe suitable protective equip-  
133 ment and control or technological procedures to be used in connection  
134 with such hazards and shall provide for monitoring or measuring  
135 employee exposure at such locations and intervals, and in such man-  
136 ner as may be necessary for the protection of employees. In addition,  
137 where appropriate, any such standard shall prescribe the type and  
138 frequency of medical examinations or other tests which shall be made  
139 available, by the employer or at his cost, to employees exposed to such  
140 hazard in order to most effectively determine whether the health of  
141 such employee is adversely affected by such exposure. The results  
142 of such examinations or tests, if released by the employee, shall be  
143 furnished to the employee's physician, the employer's physician, and  
144 the commissioner.

145 5. Emergency temporary standards. The commissioner shall pro-  
146 vide, notwithstanding the requirements of chapter seventeen A (17A)  
147 of the Code, for an emergency temporary standard to take immediate  
148 effect if he determines that employees are exposed to grave danger  
149 from exposure from substances or agents determined to be toxic or  
150 physically harmful or from new hazards and if such emergency  
151 temporary standard is necessary to protect the employees from such  
152 danger. Such emergency standard shall cease to be effective and  
153 shall no longer be applicable after the lapse of six months following  
154 the effective date thereof unless the commissioner has initiated the  
155 procedures provided for under this Act, for the purpose of promul-  
156 gating a permanent standard as provided in subsection one (1) of  
157 this section in which case the emergency temporary standard will  
158 remain in effect until the permanent standard is adopted and becomes  
159 effective. Abandonment of the procedure for such promulgation by  
160 the commissioner shall terminate the effectiveness and applicability  
161 of the emergency temporary standard.

162 6. Permanent variance. Notwithstanding chapter seventeen A  
163 (17A) of the Code, any affected employer may apply to the commis-  
164 sioner for a rule or order for a permanent variance from a standard  
165 promulgated under this section. Affected employees shall be given



166 notice of each such application and an opportunity to participate in  
167 a hearing. The commissioner shall issue such rule or order if he  
168 determines on the record, after opportunity for an inspection where  
169 appropriate and a hearing, that the proponent of the variance has  
170 demonstrated by a preponderance of the evidence that the conditions,  
171 practices, means, methods, operations, or processes used or proposed  
172 to be used by an employer will provide employment and places of  
173 employment to his employees which are as safe and healthful as those  
174 which would prevail if he complied with the standard. The rule or  
175 order so issued shall prescribe the conditions the employer must  
176 maintain, and the practices, means, methods, operations, and proces-  
177 ses which he must adopt and utilize to the extent that they differ  
178 from the standard in question. Such a rule or order may be modified  
179 or revoked upon application by an employer, employees, or by the  
180 commissioner on his own motion, in the manner prescribed for its  
181 issuance under this subsection at any time after six months from its  
182 issuance.

183 7. Special variance. Where there are conflicts with standards,  
184 rules or regulations promulgated by any federal agency other than  
185 the United States department of labor, special variances from stan-  
186 dards, rules or regulations promulgated under this Act shall be  
187 granted to avoid such regulatory conflicts. Such variances shall take  
188 into consideration the safety of the employees involved. Notwith-  
189 standing any other provision of this chapter, and with respect to this  
190 paragraph, any employer seeking relief under this provision must  
191 file an application therefor with the commissioner and the commis-  
192 sioner shall forthwith hold a hearing at which employees or other  
193 interested persons, including representatives of the federal regula-  
194 tory agencies involved, may appear and upon the showing that such  
195 a conflict indeed exists the commissioner shall issue a special vari-  
196 ance until the conflict is resolved.

197 8. Priority for setting standards. In determining the priorities  
198 for establishing standards under this section, the commissioner shall  
199 give due regard to the urgency of the need for mandatory safety and  
200 health standards for particular industries, trades, crafts, occupa-  
201 tions, businesses, workplaces or work environments.

202 9. Product safety. Standards promulgated under this Act shall  
203 not be different from federal standards applying to products dis-  
204 tributed or used in interstate commerce unless such standards are  
205 required by compelling local conditions and do not unduly burden  
206 interstate commerce. This provision does not apply to customized  
207 products or parts not normally available on the open market, or to  
208 optional parts or additions to products which are ordinarily avail-  
209 able with such optional parts or additions.

210 10. Judicial review before enforcement. Any person who may be  
211 adversely affected by a standard issued under this section may at any  
212 time prior to the sixtieth day after such standard becomes effective  
213 file a petition challenging the validity of such standard with the  
214 district court of the county wherein such person resides or has a  
215 principal place of business, for a judicial review of such standard.  
216 A copy of the petition shall be forthwith transmitted by the clerk  
217 of the court to the commissioner. The filing of such petition shall  
218 not, unless otherwise ordered by the court, operate as a stay of the  
219 standard. The determinations of the commissioner shall be conclu-

220 sive if supported by substantial evidence in the record considered  
221 as a whole.

1     **SEC. 7. Inspections, investigations, and recordkeeping.**

2     1. Entrance and inspections. In order to carry out the purposes  
3 of this Act, the commissioner or his representative, upon presenting  
4 appropriate credentials to the owner, operator, or agent in charge,  
5 is authorized:

6     a. To enter without delay and at reasonable times any factory,  
7 plant, establishment, construction site, or other area, workplace or  
8 environment where work is performed by an employee of an em-  
9 ployer.

10     b. To inspect and investigate during regular working hours and  
11 at other reasonable times, and within reasonable limits and within a  
12 reasonable manner, any such place of employment and all pertinent  
13 conditions, structures, machines, apparatus, devices, equipment, and  
14 materials therein, and to question privately any such employer,  
15 owner, operator, agent or employee.

16     2. Subpoena of witness and evidence. In making his inspections  
17 and investigations under this Act, the commissioner may require the  
18 attendance and testimony of witnesses and the production of evi-  
19 dence under oath. Witnesses shall be paid the same fees and mileage  
20 that are paid witnesses in the district courts of this state. In case of  
21 contumacy, failure, or refusal of any person to obey such an order,  
22 any appropriate district court within the jurisdiction of which such  
23 person is found, or resides, or transacts business, upon the applica-  
24 tion by the commissioner, shall have jurisdiction to issue to such  
25 person an order requiring such person to appear, to produce evi-  
26 dence, if, as, and when so ordered and to give testimony relating to  
27 the matter under investigation or in question, and any failure to obey  
28 such order of the court may be punished by said court as a contempt  
29 thereof.

30     3. Accident and illness records.

31     a. Each employer shall make, keep and preserve, and make avail-  
32 able to the commissioner such records regarding his activities relat-  
33 ing to this Act as the commissioner may prescribe by regulation as  
34 necessary or appropriate for the enforcement of this Act or for  
35 developing information regarding the causes and prevention of occu-  
36 pational accidents and illnesses. In order to carry out the provisions  
37 of this paragraph such regulations may include provisions requiring  
38 employers to conduct periodic inspections. The commissioner shall  
39 also issue regulations requiring that employers, through posting of  
40 notices or other appropriate means, keep their employees informed  
41 of their protection and obligations under this Act, including the  
42 provisions of applicable standards.

43     b. The commissioner shall prescribe regulations requiring an em-  
44 ployer to maintain accurate records of, and to make periodic reports  
45 on, work related deaths, injuries, and illnesses other than minor  
46 injuries requiring only first aid treatment and which do not involve  
47 medical treatment, loss of consciousness, restriction of work or  
48 motion, or transfer to another job.

49     c. The commissioner shall issue regulations requiring employers to  
50 maintain accurate records of employee exposures to potentially toxic  
51 materials or harmful physical agents which are required to be moni-

52 tored or measured under section six (6), subsection two (2), of this  
53 Act. Such regulations shall provide employees or their authorized  
54 employee representative with an opportunity to observe such moni-  
55 toring or measuring, and to have access to the records thereof.  
56 Such regulations shall also make appropriate provisions for each  
57 employee or former employee to have access to such records that will  
58 indicate his own exposure to toxic materials or harmful physical  
59 agents. Each employer shall promptly notify any employee who has  
60 been or is being exposed to toxic materials or harmful physical agents  
61 in concentrations or at levels which exceed those prescribed by an  
62 applicable occupational safety and health standard promulgated  
63 under section six (6), subsection two (2), of this Act and shall  
64 inform any employee who is being thus exposed of the corrective  
65 action being taken.

66 d. All employers in the state of Iowa are required to make all  
67 reports to the secretary required by federal law as if this Act were  
68 not in effect.

69 e. The commissioner will make such reports to the secretary in  
70 such form and containing such information, as the secretary shall  
71 from time to time require pursuant to federal law.

72 f. The regulations referred to in this subsection shall not prescribe  
73 requirements different from those provided by the federal law and  
74 regulations.

75 4. Representatives of employers and employees. Subject to regu-  
76 lations issued by the commissioner, a representative of the employer  
77 and an authorized employee representative shall be given an oppor-  
78 tunity to accompany the commissioner or his authorized representa-  
79 tive during the physical inspection of any workplace under subsec-  
80 tion one (1) of this section, for the purpose of aiding such inspection.  
81 Where there is no authorized employee representative, the commis-  
82 sioner or his authorized representative shall consult with a reason-  
83 able number of employees concerning matters of health and safety  
84 in the workplace.

85 5. Special inspections. Any employees or authorized employee  
86 representative who believes that a violation of a safety or health  
87 standard exists that threatens physical harm, or that an imminent  
88 danger exists, may request an inspection by giving notice to the  
89 commissioner or his authorized representative of such violation or  
90 danger. Any such notice shall be reduced to writing, shall set forth  
91 with reasonable particularity the grounds for the notice, and shall  
92 be signed by the employees or authorized employee representative,  
93 and a copy shall be provided the employer or his agent no later than  
94 at the time of inspection, except that upon the request of the person  
95 giving such notice his name and the names of individual employees  
96 referred to therein shall not appear in such copy or on any record  
97 published, released, or made available pursuant to this section. If,  
98 upon receipt of such notification, the commissioner determines that  
99 there are reasonable grounds to believe that such violation or danger  
100 exists, he shall make a special inspection in accordance with the  
101 provisions of this section as soon as practicable, to determine if such  
102 violation or danger exists. If the commissioner determines that there  
103 is no reasonable grounds to believe that a violation or danger exists,  
104 he shall notify the employees or authorized employee representative  
105 in writing of such determination.

106 6. Notice of violations. During any inspection of a workplace, any  
107 employee or representative of employees employed in such workplace  
108 may notify the commissioner or any representative of the commis-  
109 sioner responsible for conducting the inspection, in writing, of any  
110 violation of this Act which they have reason to believe exists in such  
111 workplace. The commissioner shall, by regulation, establish proce-  
112 dures for an informal review of any refusal by a representative of  
113 the commissioner to issue a citation with respect to any such alleged  
114 violation and shall furnish the employees or authorized employee  
115 representative requesting such review a written statement of the  
116 reason for the commissioner's final disposition of the case.

117 7. General. Any information obtained by the commissioner under  
118 this Act shall be obtained with a minimum burden upon employers.  
119 Except for the purpose of administration of this Act, no information  
120 received by the commissioner or his representative from an employer,  
121 in compliance with and pursuant to this Act, shall be admissible in  
122 any action brought by or for the benefit of any person. Unnecessary  
123 duplication of efforts in obtaining information shall be reduced to the  
124 maximum extent feasible.

1 SEC. 8. Citations.

2 1. Issuance by commissioner.

3 a. If, upon inspection or investigation, the commissioner or his  
4 authorized representative believes that an employer has violated the  
5 requirements of section five (5) of this Act, of any standard, rule or  
6 rules promulgated pursuant to section six (6) of this Act, or of any  
7 regulations prescribed pursuant to this Act, he shall with reasonable  
8 promptness issue a citation to the employer. Each citation shall be  
9 in writing and shall describe with particularity the nature of the  
10 violation, including a reference to the provision of the Act, stan-  
11 dard, rules, regulations or order alleged to have been violated. In  
12 addition, the citation shall fix a reasonable time for the abatement  
13 of the violation. The commissioner shall prescribe procedures for  
14 the issuance of a notice in lieu of a citation with respect to de mini-  
15 mus violations which have no direct or immediate relationship to  
16 safety and health.

17 b. If, upon inspection or investigation, the commissioner or his  
18 authorized representative believes that an employee, under his own  
19 volition, has violated the requirements of section five (5) of this Act,  
20 of any standard, rule or rules promulgated pursuant to section six  
21 (6) of this Act, or of any regulations prescribed pursuant to this  
22 Act, he shall with reasonable promptness issue a citation to the  
23 employee. Each citation shall be in writing and shall describe with  
24 particularity the nature of the violation, including a reference to  
25 the provision of the Act, standard, rules, regulations or order al-  
26 leged to have been violated. The commissioner shall prescribe proce-  
27 dures for the issuance of a notice in lieu of a citation with re-  
28 spect to de minimus violations which have no direct or immediate  
29 relationship to safety and health.

30 2. Posting of citation. Each citation issued under this section, or  
31 a copy or copies thereof, shall be prominently posted, as prescribed  
32 in regulations issued by the commissioner, at or near each place a  
33 violation referred to in the citation occurred.

34 3. Statute of limitations. No citation may be issued under this  
35 section after the expiration of six months following the occurrence  
36 of any violation.

1 SEC. 9. Procedure for enforcement.

2 1. Post-inspection penalty notice. If, after an inspection or an  
3 investigation, the commissioner issues a citation under section eight  
4 (8) of this Act, he shall within a reasonable time after the termi-  
5 nation of such inspection or investigation notify the employer by  
6 certified mail of the penalty, if any, proposed to be assessed under  
7 section fifteen (15) of this Act and that the employer has fifteen  
8 working days within which to notify the commissioner that he  
9 wishes to contest the citation or proposed assessment of penalties.  
10 If, within fifteen working days from the receipt of the notice issued  
11 by the commissioner, the employer fails to notify the commissioner  
12 that he intends to contest the citation or proposed assessment of  
13 penalty, and no notice is filed by any employees or authorized em-  
14 ployee representative under subsection three (3) of this section  
15 within such time, the citation and the assessment, as proposed, shall  
16 be deemed a final order of the commission and not subject to review  
17 by any court or agency.

18 2. Noncompliance notice. If the commissioner has reason to be-  
19 lieve that an employer has failed to correct the violation for which  
20 a citation has been issued within the period permitted for its cor-  
21 rection (which period shall not begin to run until the entry of a  
22 final order by the commission in the case of any review proceedings  
23 under this section initiated by the employer in good faith and not  
24 solely for delay or avoidance of penalties), the commissioner shall  
25 notify the employer by certified mail of such failure and of the pen-  
26 alty proposed to be assessed under section fifteen (15) of this Act  
27 by reason of such failure, and that the employer has fifteen working  
28 days within which to notify the commissioner that he wishes to  
29 contest the commissioner's notification or the proposed assessment  
30 of penalty. If, within fifteen working days from the receipt of noti-  
31 fication issued by the commissioner, the employer fails to notify the  
32 commissioner that he intends to contest the notification or proposed  
33 assessment of penalty, the notification and assessment, as proposed,  
34 shall be deemed the final order of the commission and not subject to  
35 review by any court or agency.

36 3. Contested notice. If an employer notifies the commissioner that  
37 he intends to contest a citation issued under section eight (8) of this  
38 Act or notification issued under subsection one (1) or two (2) of  
39 this section or if, within fifteen working days of the issuance of a  
40 citation under section eight (8) of this Act, any employee or author-  
41 ized employee representative files a notice with the commissioner  
42 alleging that the period of time fixed in the citation for the abate-  
43 ment of the violation is unreasonable, the commissioner shall imme-  
44 diately advise the commission of such notification, and the commis-  
45 sion shall afford an opportunity for a hearing. The commission shall  
46 thereafter issue an order, based on findings of fact, affirming, modi-  
47 fying, or vacating the commissioner's citation or proposed penalty  
48 or directing other appropriate relief, and such order shall become  
49 final thirty days after its issuance. Upon a showing by an employer

50 of a good faith effort to comply with the abatement requirements of  
51 a citation, and that abatement has not been completed because of  
52 factors beyond his reasonable control, the commissioner, after an  
53 opportunity for a hearing shall issue an order affirming or modify-  
54 ing the abatement requirements in such citation. The rules of pro-  
55 cedure prescribed by the commission shall provide affected employees  
56 or representatives of affected employees an opportunity to partici-  
57 pate as parties to hearings under this subsection, and shall conform  
58 to rules of procedure promulgated and adopted under the federal law  
59 by federal authorities insofar as the same do not conflict with state  
60 law.

1     **SEC. 10. Judicial review.**

2     1. Aggrieved persons. Any person adversely affected or aggrieved  
3 by an order of the commission issued under section nine (9), sub-  
4 section three (3), of this Act may obtain a review of such order  
5 in the district court of the county in which the violation is alleged  
6 to have occurred or where the employer has its principal office by  
7 filing in such court within sixty days following the issuance of such  
8 order a written petition that the order be modified or set aside. A  
9 copy of such petition shall be forthwith transmitted by the clerk of  
10 the court to the commission and to the other parties, and thereupon  
11 the commission shall promptly file in the court the transcript of rec-  
12 ord in the proceedings. Upon such filing, the court shall have juris-  
13 diction of the proceeding and of the question determined therein,  
14 and shall have power to grant such temporary relief or restraining  
15 order as it deems just and proper, and to make and enter upon the  
16 pleadings, testimony, and proceedings set forth in such record a de-  
17 cree affirming, modifying, or setting aside in whole or in part, the  
18 order of the commission and enforcing the same to the extent that  
19 such order is affirmed or modified. The commencement of proceed-  
20 ings under this subsection shall not, unless ordered by the court,  
21 operate as a stay of the order of the commission. No objection  
22 which has not been urged before the commission shall be considered  
23 by the court, unless the failure or neglect to urge such objection shall  
24 be excused because of extraordinary circumstances. The findings  
25 of the commission with respect to questions of fact, if supported by  
26 substantial evidence on the record considered as a whole, shall be  
27 conclusive. If any party shall apply to the court for leave to ad-  
28 duce additional evidence and shall show to the satisfaction of the  
29 court that such additional evidence is material and that there were  
30 reasonable grounds for the failure to adduce such evidence in the  
31 hearing before the commission, the court may order such additional  
32 evidence to be taken before the commission and to be made a part  
33 of the record. The commission may modify its findings as to the  
34 facts, or make new findings by reason of additional evidence so taken  
35 and filed, and it shall file such modified or new findings with the  
36 court, which findings with respect to questions of fact, if supported  
37 by substantial evidence on the record considered as a whole, shall  
38 be conclusive, and its recommendations, if any, for the modification  
39 or setting aside of its original order. The commission's copy of the  
40 testimony shall be available to all parties for examination at all rea-  
41 sonable times, without cost, and for the purpose of judicial review

42 of the commission's orders. Upon the filing of the record with it,  
43 the jurisdiction of the court shall be exclusive and its judgment and  
44 decree shall be final, except that the same shall be subject to review  
45 by the state supreme court. Petitions filed under this subsection  
46 shall be heard expeditiously, and determined upon the transcript filed  
47 without requirement for printing.

48 2. Uncontested commission orders. The commissioner may also  
49 obtain review or enforcement of any final order of the commission  
50 by filing a petition for such relief in the district court of the county  
51 in which the alleged violation occurred or in which the employer  
52 has its principal office and the provisions of subsection one (1) of  
53 this section shall govern such proceedings to the extent applicable.  
54 If no petition for review, as provided in subsection one (1), is filed  
55 within sixty days after service of the commission's order, the com-  
56 mission's findings of fact and order shall be conclusive in connection  
57 with any petition for enforcement which is filed by the commissioner  
58 after the expiration of such sixty-day period. In any such case, as  
59 well as in the case of a noncontested citation or notification by the  
60 commissioner which has become a final order of the commission un-  
61 der section nine (9), subsection one (1) or two (2), of this Act, the  
62 clerk of court, unless otherwise ordered by the court, shall forth-  
63 with enter a decree enforcing the order and shall transmit a copy of  
64 such decree to the commission and the employer named in the peti-  
65 tion. In any contempt proceeding brought to enforce a decree of a  
66 district court entered pursuant to this subsection or subsection one  
67 (1) of this section, the district court may assess the penalties pro-  
68 vided in section fifteen (15) of this Act in addition to invoking any  
69 other available remedies.

70 3. Discrimination and discharge. No person shall discharge or  
71 in any manner discriminate against any employee because such em-  
72 ployee has filed any complaint or instituted or caused to be instituted  
73 any proceeding under or related to this Act or has testified or is  
74 about to testify in any such proceeding or because of the exercise by  
75 such employee on behalf of himself or others of any right afforded  
76 by this Act. Any employee who believes that he has been discharged  
77 or otherwise discriminated against by any person in violation of this  
78 subsection may, within thirty days after such violation occurs, file  
79 a complaint with the commissioner alleging such discrimination.  
80 Upon receipt of such complaint, the commissioner shall cause such  
81 investigation to be made as he deems appropriate. If upon such  
82 investigation, the commissioner determines that the provisions of  
83 this subsection have been violated, he shall bring an action in the  
84 appropriate district court against such person. In any such action,  
85 that district court shall have jurisdiction, for cause shown to re-  
86 strain violations of this subsection and order all appropriate relief  
87 including rehiring or reinstatement of the employee to his former  
88 position with back pay. Within ninety days of the receipt of a com-  
89 plaint filed under this subsection the commissioner shall notify the  
90 complainant of his determination under this subsection.

1 **SEC. 11. Occupational safety and health review commission.**

2 1. The occupational safety and health review commission is here-  
3 by established. The commission shall be composed of three members

4 who shall be appointed by the governor, as soon as practicable fol-  
5 lowing the effective date of this Act, with the approval of two-thirds  
6 of the members of the senate, which shall include among its members  
7 one member qualified by experience and affiliation to represent the  
8 employers, one member similarly qualified to represent labor, and one  
9 representative who shall be impartial and represent the public. The  
10 governor shall designate one of the members of the commission to  
11 serve as chairman.

12 2. Terms of office. The terms of members of the commission shall  
13 be six years, except that the members of the commission first taking  
14 office shall serve, as designated by the governor at the time of ap-  
15 pointment, one for a term of two years, one for a term of four years,  
16 and one for a term of six years. A vacancy caused by the death,  
17 resignation, or removal of a member prior to the expiration of the  
18 term for which he was appointed shall be filled only for the re-  
19 mainder of such unexpired term. A member of the commission may  
20 be removed by the governor for inefficiency, neglect of duty, or mal-  
21 feasance in office.

22 3. Principal office. The commission shall have an office at the seat  
23 of government. The executive council shall provide suitable office  
24 space, necessary furniture, equipment, and supplies. The commis-  
25 sion is authorized to employ necessary personnel for the carrying  
26 out of its functions and duties as provided under this Act. The com-  
27 mission may hold meetings and hearings anywhere in the state.

28 4. Compensation. Members of the commission shall be compen-  
29 sated at the rate of forty dollars per diem and shall be paid their  
30 actual and necessary expenses.

31 5. Quorum requirements. For the purpose of carrying out its  
32 functions under this Act, two members of the commission shall con-  
33 stitute a quorum and official action can be taken only on the affirma-  
34 tive vote of at least two members.

35 6. Public hearings. Every official act of the commission shall be  
36 entered of record, and its hearings and records shall be open to the  
37 public. The commission is authorized to make such rules as are  
38 necessary for the orderly transaction of its proceedings. Unless the  
39 commission has adopted a different rule, its proceedings shall be in  
40 accordance with the Iowa rules of civil procedure.

41 7. Depositions and testimony. The commission may order testi-  
42 mony to be taken by deposition in any proceedings pending before it  
43 at any state of such proceeding. Any person may be compelled to  
44 appear and depose and to produce books, papers or documents in the  
45 same manner as witnesses may be compelled to appear and testify  
46 and produce like documentary evidence before district courts of any  
47 county. Witnesses whose depositions are taken under this subsec-  
48 tion, the persons taking such depositions, shall be entitled to the  
49 same fees as are paid for like services in the district courts of any  
50 county.

51 8. Appeals heard expeditiously. Appeals to the commission shall  
52 be heard expeditiously.

1 **SEC. 12. Procedures to counteract imminent dangers.**

2 1. Imminent danger orders. The district court of the county in  
3 which the imminent danger is alleged to exist shall have jurisdiction,



4 upon petition of the commissioner, to restrain any conditions or prac-  
5 tices in any place of employment which are such that a danger exists  
6 which will reasonably be expected to cause death or serious physical  
7 harm immediately or before the imminence of such danger can be  
8 eliminated through the enforcement procedures otherwise provided  
9 by this Act. In the event the appropriate trial judge is not avail-  
10 able, any judge of the judicial district in which such county is located  
11 shall have authority to issue orders under this section. Any order  
12 issued under this section may require such steps to be taken as may  
13 be necessary to avoid, correct, or remove such imminent danger and  
14 prohibit the employment or presence of any individual in locations  
15 or under conditions where such imminent danger exists, except indi-  
16 viduals whose presence is necessary to avoid, correct or remove such  
17 imminent danger or to maintain the capacity of a continuous process  
18 operation to resume normal operations without a complete cessation  
19 of operations, or where a cessation of operations is necessary, to  
20 permit such to be accomplished in a safe and orderly manner.

21 2. Imminent danger proceedings. Upon the filing of any such peti-  
22 tion the said district court shall have jurisdiction to grant such in-  
23 junctive relief or temporary restraining order pending the outcome  
24 of an enforcement proceeding pursuant to this Act. The proceed-  
25 ings shall be as provided by the Iowa rules of civil procedure. No  
26 temporary restraining order issued without notice shall be effective  
27 for a period longer than five days.

28 3. Notification. Whenever and as soon as an inspector concludes  
29 that the conditions or practices described in subsection one (1) of  
30 this section exist in any place of employment, he shall inform the  
31 affected employees and employers of the danger and that he is rec-  
32 ommending to the commissioner that relief be sought. The commis-  
33 sioner shall adopt rules and regulations prescribing the procedures  
34 in enforcing imminent danger orders which procedures shall reason-  
35 ably conform to those promulgated under the federal law insofar as  
36 the same do not conflict with state law.

37 4. Employee's rights. If the commissioner arbitrarily or capri-  
38 ciously fails to seek relief under this section, any employee who may  
39 be injured by reason of such failure, or the authorized employee rep-  
40 resentative, may bring an action against the said commissioner in  
41 the district court of the county in which the imminent danger is al-  
42 leged to exist or the employer has his principal office, for a writ of  
43 mandamus to compel the commissioner to seek such an order and  
44 for such further relief as may be appropriate.

1 SEC. 13. Confidentiality of trade secrets. Notwithstanding any  
2 provisions of this Act, all information reported to or otherwise ob-  
3 tained by the commissioner or his representative in connection with  
4 any inspection or proceeding under this Act which contains or might  
5 reveal a trade secret shall be considered confidential, except that such  
6 information may be disclosed to other officers or employees concerned  
7 with carrying out this Act or when relevant to any proceeding under  
8 this Act. In any such proceeding the commissioner, the commission,  
9 or the court shall issue such orders as may be appropriate to protect  
10 the confidentiality of trade secrets.

1     **SEC. 14. Variations, tolerances and exemptions.** When the sec-  
2 retary grants variations, tolerances, and exemptions to avoid serious  
3 impairment of the national defense as provided under authority of  
4 section sixteen (16) of the federal law, the commissioner shall grant  
5 the same variations, tolerances, and exemptions in the Iowa law,  
6 rules, regulations and standards to be effective immediately.

1     **SEC. 15. Penalties.**

2     **1. Willful violations.** Any employer who willfully or repeatedly  
3 violates the requirements of section five (5) of this Act, any stand-  
4 ard, rule, or order promulgated pursuant to section six (6) of this  
5 Act, or regulations prescribed pursuant to this Act, may be assessed  
6 a civil penalty of not more than ten thousand dollars for each viola-  
7 tion.

8     **2. Serious violations.** Any employer who has received a citation  
9 for a serious violation of the requirements of section five (5) of this  
10 Act, of any standard, rule, or order promulgated pursuant to section  
11 six (6) of this Act, or of any regulations prescribed pursuant to this  
12 Act, shall be assessed a civil penalty of up to one thousand dollars  
13 for each such violation.

14     **3. Nonserious violations.** Any employer who has received a cita-  
15 tion for a violation of the requirements of section five (5) of this  
16 Act, of any standard, rule or order promulgated pursuant to section  
17 six (6) of this Act or of regulations prescribed pursuant to this Act  
18 and such violation is specifically determined not to be of a serious  
19 nature, may be assessed a civil penalty of up to one thousand dollars  
20 for each such violation, but no penalty shall be assessed for a vio-  
21 lation of each such standard, rule or regulation found during the  
22 first inspection.

23     **4. Failure to correct.** Any employer who fails to correct a viola-  
24 tion for which a citation has been issued under section eight (8),  
25 subsection one (1), of this Act within the period permitted for its  
26 correction (which period shall not begin to run until the date of the  
27 final order of the commission in the case of any review proceeding  
28 under section nine (9) of this Act initiated by the employer in good  
29 faith and not solely for delay or avoidance of penalties), may be  
30 assessed a civil penalty of not more than one thousand dollars for  
31 each day during which such failure or violation continues.

32     **5. Willful violations causing death.** Any employer who willfully  
33 violates any standard, rule, or order promulgated pursuant to sec-  
34 tion six (6) of this Act, or of any regulations prescribed pursuant  
35 to this Act, and that violation caused death to any employee, shall,  
36 upon conviction, be punished by a fine of not more than ten thousand  
37 dollars or by imprisonment for not more than six months or by both  
38 such fine and imprisonment; except that if the conviction is for a  
39 violation committed after a first conviction of such person, punish-  
40 ment shall be by a fine of not more than twenty thousand dollars or  
41 by imprisonment of not more than one year, or by both such fine  
42 and imprisonment.

43     **6. Advance notice of inspections.** Any person who gives advance  
44 notice of any inspection to be conducted under this Act, without au-  
45 thority from the commissioner or his designees, shall, upon convic-  
46 tion, be punished by a fine of not more than one thousand dollars or

47 by imprisonment for not more than six months, or by both such fine  
48 and imprisonment.

49 7. Filing false documents. Whoever knowingly makes any false  
50 statement, representation, or certification in any application, record,  
51 report, plan, or other document filed or required to be maintained  
52 pursuant to this Act shall, upon conviction, be punished by a fine of  
53 not more than ten thousand dollars, or by imprisonment of not more  
54 than six months, or by both such fine and imprisonment.

55 8. Disclosure of confidential information. Whoever violates the  
56 provisions of section thirteen (13) of this Act shall be fined not more  
57 than one thousand dollars, or imprisoned not more than one year,  
58 or both such fine and imprisonment; and shall be removed from  
59 office or employment.

60 9. Violation of posting requirements. Any employer who violates  
61 any of the posting, reporting or recordkeeping requirements as pre-  
62 scribed under the provisions of this Act, shall be assessed a civil  
63 penalty of up to one thousand dollars for each violation.

64 10. Assessment of penalties. The commission shall have the au-  
65 thority to assess all civil penalties provided in this section, giving  
66 due consideration to the appropriateness of the penalty with respect  
67 to the size of the business of the employer being charged, the grav-  
68 ity of the violation, the good faith of the employer, and the history  
69 of previous violations.

70 11. Definition of serious violation. For purposes of this section,  
71 a serious violation shall be deemed to exist in a place of employment  
72 if there is a substantial probability that death or serious physical  
73 harm could result from a condition which exists, or from one or more  
74 practices, means, methods, operations, or processes which have been  
75 adopted or are in use, in such place of employment unless the em-  
76 ployer did not, and could not with the exercise of reasonable dili-  
77 gence, know of the presence of the violation.

78 12. Collection of penalties. Civil penalties owed under this Act  
79 shall be paid to the commissioner for deposit with the treasurer of  
80 state and shall accrue to the state and may be recovered in a civil  
81 action in the name of the state brought in the district court of the  
82 county where the violation is alleged to have occurred or where the  
83 employer has its principal office.

1 SEC. 16. **Appeal procedures for employees.** In the event an em-  
2 ployee is issued a citation as provided in section eight (8) of this  
3 Act, the procedures for appeal as provided for employers in this Act  
4 shall apply.

1 SEC. 17. **Training and employee and employer education.**

2 1. The commissioner shall conduct directly or by contract, educa-  
3 tional programs to provide an adequate supply of qualified personnel  
4 to administer this Act and informational programs on the impor-  
5 tance of and proper use of adequate safety and health equipment.

6 2. The commissioner is authorized to conduct directly or by grants  
7 or contracts, short term training of personnel engaged in work re-  
8 lated to his responsibilities under this Act.

9 3. The commissioner shall provide for the establishment and super-  
10 vision of programs for the education and training of employers  
11 and employees in the recognition, avoidance, and prevention of un-

12 safe or unhealthful working conditions in employments covered by  
13 this Act, and consult with and advise employers, employees, and or-  
14 ganizations representing employers and employees, as to effective  
15 means of preventing occupational injuries and illnesses.

1     **SEC. 18. Representation in civil litigation.** The attorney general  
2 of the state shall upon request by the commissioner represent the  
3 commissioner in any civil litigation brought under this Act.

1     **SEC. 19. Statistics.** In order to further the purposes of this Act,  
2 the commissioner shall develop and maintain an effective program of  
3 collection, compilation, and analysis of occupational safety and health  
4 statistics. Such program may cover all employments whether or  
5 not subject to any other provisions of this Act. The commissioner  
6 shall compile accurate statistics on work injuries and illnesses which  
7 shall include all disabling, serious, or significant injuries and ill-  
8 nesses, whether or not involving loss of time from work, other than  
9 minor injuries requiring only first aid treatment and which do not  
10 involve medical treatment, loss of consciousness, restriction of work  
11 or motion, or transfer to another job.

1     **SEC. 20. Annual report.** Within one hundred twenty days follow-  
2 ing the convening of each session of each general assembly, the  
3 commissioner shall prepare and submit to the governor for trans-  
4 mittal to the general assembly a report upon the subject matter of  
5 this Act, the progress toward achievement of the purpose of this Act,  
6 the needs and requirements in the field of occupational safety and  
7 health, and any other relevant information. Such reports may in-  
8 clude information regarding occupational safety and health stan-  
9 dards, and criteria for such standards, developed during the preced-  
10 ing year; evaluation of standards and criteria previously developed  
11 under this Act, defining areas of emphasis for new criteria and stan-  
12 dards; an evaluation of the degree of observance of applicable occu-  
13 pational safety and health standards, and a summary of inspection  
14 and enforcement activity undertaken; analysis and evaluation of  
15 research activities for which results have been obtained under gov-  
16 ernmental and nongovernmental sponsorship; an analysis of major  
17 occupational diseases; evaluation of available control and measure-  
18 ment technology for hazards for which standards or criteria have  
19 been developed during the preceding year; description of coopera-  
20 tive efforts undertaken between government agencies and other  
21 interested parties in the implementation of this Act during the  
22 preceding year; a progress report on the development of an adequate  
23 supply of trained manpower in the field of occupational safety and  
24 health, including estimates of future needs and the efforts being made  
25 by government and others to meet those needs; listing of all toxic  
26 substances in industrial usage for which labeling requirements, cri-  
27 teria, or standards have not yet been established; and such recom-  
28 mendations for additional legislation as are deemed necessary to  
29 protect the safety and health of the worker and improve the admin-  
30 istration of this Act.

1     **SEC. 21.** Nothing in this Act shall be construed to supersede or  
2 in any manner affect any workmen's compensation law or to enlarge  
3 or diminish or affect in any other manner the common law or statu-

4 tory rights, duties, or liabilities of employers and employees under  
5 any law with respect to injuries, diseases, or death of employees  
6 arising out of, or in the course of, employment.

1 SEC. 22. **Severability.** If any provision of this Act, or the appli-  
2 cation of such provision to any person or circumstance, shall be held  
3 invalid, the remainder of this Act, or the application of such provi-  
4 sions to persons or circumstances other than those as to which it is  
5 held invalid, shall not be affected thereby.

1 SEC. 23. There is appropriated from the general fund of the state  
2 of Iowa to the Iowa bureau of labor for the fiscal year beginning July  
3 1, 1972 and ending June 30, 1973, an additional sum of forty-one  
4 thousand four hundred forty (41,440) dollars, or so much thereof  
5 as may be necessary, to carry out the provisions of this Act.

1 SEC. 24. There is appropriated from the general fund of the state  
2 of Iowa to the occupational safety and health review commission for  
3 the fiscal year beginning July 1, 1972, and ending June 30, 1973, a  
4 sum of fourteen thousand six hundred fifty (14,650) dollars, or so  
5 much thereof as may be necessary, to carry out the provisions of this  
6 Act.

Approved April 20, 1972.

## CHAPTER 1029

### SAFETY INSPECTION OF AMUSEMENT RIDES

#### H. F. 1001

AN ACT relating to the safety inspection and regulation of amusement rides, devices, and related electrical equipment, providing for the imposition and collection of inspection fees, and providing penalties for violations.

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

1 SECTION 1. As used in this Act, unless the context otherwise  
2 requires:

3 1. "Commissioner" means the labor commissioner or his designee.

4 2. "Bureau" means bureau of labor.

5 3. "Amusement device" means any equipment or piece of equip-  
6 ment, appliance or combination thereof designed or intended to enter-  
7 tain or amuse a person.

8 4. "Amusement ride" means any mechanized device or combination  
9 of devices which carries passengers along, around, or over a fixed  
10 or restricted course for the purpose of giving its passengers amuse-  
11 ment, pleasure, thrills, or excitement.

12 5. "Carnival" means an enterprise offering amusement or enter-  
13 tainment to the public in, upon, or by means of amusement devices  
14 or rides or concession booths.

15 6. "Fair" means an enterprise principally devoted to the exhibition  
16 of products of agriculture or industry in connection with the opera-  
17 tion of amusement rides or devices or concession booths.

18 7. "Concession booth" means a structure, or enclosure, located at  
19 a fair or carnival from which amusements are offered to the public.

20 8. "Related electrical equipment" means any electrical apparatus  
21 or wiring used at a carnival or fair.

22 9. "Operator" means a person, or the agent of a person, who owns  
23 or controls or has the duty to control the operation of an amusement  
24 device or ride, a concession booth, or related electrical equipment at  
25 a carnival or fair. "Operator" includes an agency of the state or any  
26 of its political subdivisions.

1 SEC. 2. No amusement device or ride, concession booth, or any  
2 related electrical equipment shall be operated at a carnival or fair  
3 in this state without a permit having been issued by the commissioner  
4 to an operator of such equipment. On or before the first of May of  
5 each year, any person required to obtain a permit by this Act shall  
6 apply to the bureau for a permit on a form furnished by the commis-  
7 sioner which form shall contain such information as the commis-  
8 sioner may require. The commissioner may waive the requirement  
9 that an application for a permit must be filed on or before the first  
10 of May of each year if the applicant gives satisfactory proof to the  
11 commissioner that he could not reasonably comply with the date  
12 requirement and if the applicant immediately applies for a permit  
13 after the need for a permit is first determined. For the purpose of  
14 determining if an amusement ride, amusement device, concession  
15 booth, or any related electrical equipment is in safe operating condi-  
16 tion and will provide protection to the public using such ride, device,  
17 booth, or related electrical equipment, each amusement ride, amuse-  
18 ment device, concession booth, or related electrical equipment shall  
19 be inspected by the commissioner before it is initially placed in  
20 operation in this state, and shall thereafter be inspected at least once  
21 each year.

22 If, after inspection, an amusement device or ride, concession booth,  
23 or related electrical equipment is found to comply with the rules and  
24 regulations adopted under this Act, the commissioner shall, upon  
25 payment of the permit fee and the inspection fee, permit the opera-  
26 tion of the amusement device or ride or concession booth or to use  
27 any related electrical equipment.

28 If, after inspection, additions or alterations are contemplated which  
29 change a structure, mechanism, classification or capacity, the operator  
30 shall notify the commissioner of his intentions in writing and provide  
31 any plans or diagrams requested by the commissioner.

1 SEC. 3. The commissioner shall adopt and issue rules and regula-  
2 tions for the safe installation, repair, maintenance, use, operation, and  
3 inspection of amusement devices, amusement rides, concession booths,  
4 and related electrical equipment at carnivals and fairs to the extent  
5 necessary for the protection of the public. The rules and regulations  
6 shall be based upon generally accepted engineering standards and  
7 shall be concerned with, but not necessarily limited to, engineering  
8 force stresses, safety devices, and preventive maintenance. Whenever  
9 such standards are available in suitable form they may be incorporated  
10 by reference. The rules and regulations shall provide for the reporting  
11 of accidents and injuries incurred from the operation of amusement  
12 devices or rides, concession booths, or related electrical equipment.

13 The commissioner may modify or repeal any rule or regulation  
14 adopted under the provisions of this Act.

15 Before adopting, modifying or amending any rule or regulation  
16 consistent with and necessary for the enforcement of this chapter,  
17 the commissioner shall hold a public hearing on the proposed regula-  
18 tion, modification or amendment to a rule or regulation. Any inter-  
19 ested person may appear and be heard at the hearing, in person or  
20 by agent or counsel. The commissioner shall give the news media  
21 notice of each hearing at least thirty days in advance of the hearing  
22 date and shall make available a copy of the proposed rule or regula-  
23 tion, or modification or amendment to a rule or regulation to any  
24 person requesting same. The provisions of this section are in addition  
25 to the requirements of chapter seventeen A (17A) of the Code.

1 SEC. 4.

2 1. The permit fee shall be five dollars per annum.

3 2. The commissioner shall specify by rule, subject to chapter seven-  
4 teen A (17A) of the Code, an annual inspection fee which shall not  
5 exceed the actual cost of inspection or ten dollars per amusement  
6 device, ride, concession booth, or related electrical equipment in-  
7 spected, whichever sum is less. The commissioner may charge the  
8 same inspection fee as determined under this subsection for each in-  
9 spection requested by a permittee.

1 SEC. 5. There is created in the state treasury an amusement  
2 inspection fund, the proceeds of which are to be used by the bureau  
3 solely to carry out the provisions of this Act.

4 There is appropriated from the general fund of the state to the  
5 amusement inspection fund the sum of thirty-seven thousand (37,000)  
6 dollars or so much thereof as may be necessary, to be used by the  
7 bureau of labor to carry out the provisions of this Act. On January  
8 1, 1973, the sum of thirty-seven thousand (37,000) dollars shall revert  
9 from the amusement inspection fund to the general fund of the state.

10 All permit and inspection fees collected by the bureau under the  
11 provisions of this Act shall be transmitted to the treasurer of state  
12 and credited by him to the amusement inspection fund.

1 SEC. 6. The commissioner may employ inspectors and any other  
2 personnel deemed necessary to carry out the provisions of this Act,  
3 subject to the provisions of chapter nineteen A (19A) of the Code.

1 SEC. 7. The commissioner may order, in writing, a temporary  
2 cessation of operation of any amusement device or ride, concession  
3 booth, or related electrical equipment if it has been determined after  
4 inspection to be hazardous or unsafe. Operation of the amusement  
5 device or ride, concession booth or related electrical equipment shall  
6 not resume until the unsafe or hazardous condition is corrected to the  
7 satisfaction of the commissioner.

1 SEC. 8. Any person aggrieved by an order of the commissioner  
2 may appeal the order to the district court.

1 SEC. 9. No person shall be issued a permit under this Act unless  
2 he first obtains an insurance policy in an amount of not less than one  
3 hundred thousand dollars for bodily injury to or death of one person  
4 in any one accident, and, subject to the limit for one person, in an

5 amount of not less than three hundred thousand dollars for bodily in-  
6 jury to or death of two or more persons in any one accident, and in an  
7 amount of not less than five thousand dollars for injury to or destruc-  
8 tion of property of others in any one accident, insuring the operator  
9 against liability for injury or death suffered by a person attending a  
10 fair or carnival.

1 SEC. 10.

2 1. Any person who operates an amusement device or ride, con-  
3 cession booth or related electrical equipment at a carnival or fair  
4 without having obtained a permit from the commissioner or who vio-  
5 lates any order, rule or regulation issued by the commissioner under  
6 this Act is guilty of a misdemeanor and, upon conviction, shall be  
7 subject to imprisonment in the county jail for not more than one year,  
8 or be subject to a fine not to exceed ten thousand dollars, or be subject  
9 to both such imprisonment and fine.

10 2. Any person who interferes with, impedes, or obstructs in any  
11 manner the commissioner or any authorized representative of the  
12 bureau in the performance of his duties under this Act is guilty of a  
13 misdemeanor. Any person who bribes or attempts to bribe the com-  
14 missioner or his designee shall be subject to section seven hundred  
15 thirty-nine point one (739.1) of the Code.

1 SEC. 11. The following amusement devices or rides or concession  
2 booths are exempt from the provisions of this Act:

3 1. Nonmechanized playground equipment including, but not limited  
4 to, swings, seesaws, stationary spring-mounted animal features, rider-  
5 propelled merry-go-rounds, climbers, slides, trampolines, swinging  
6 gates and physical fitness devices except where an admission fee is  
7 charged for usage or an admission fee is charged to areas where such  
8 equipment is located.

9 2. A concession booth, amusement device or ride which is owned and  
10 operated by a nonprofit religious, educational or charitable institution  
11 or association if such booth, device or ride is located within a building  
12 subject to inspection by the state fire marshal or by any political sub-  
13 divisions of the state under its building, fire, electrical, and related  
14 public safety ordinances.

15 3. The commissioner may exempt amusement devices from the  
16 provisions of this Act that have self-contained wiring installed by the  
17 manufacturer, that are operated manually by the use of hands or feet,  
18 that operate on less than one hundred twenty volts of electrical power,  
19 and that are fixtures within or part of a structure subject to the build-  
20 ing code of this state or any political subdivision of this state.

21 4. The commissioner may exempt playground equipment owned,  
22 maintained, and operated by any political subdivision of this state.

1 SEC. 12. Nothing contained in this Act shall prevent any political  
2 subdivision of this state from licensing or regulating any amusement  
3 ride or device, concession booth, electrical equipment, carnival, or cir-  
4 cus as otherwise provided by law.

1 SEC. 13. The commissioner may waive the requirement that an  
2 amusement device or ride or any part thereof be inspected before  
3 being operated in this state if an operator gives satisfactory proof to  
4 the commissioner that the amusement device or ride or any part



5 thereof has passed an inspection conducted by a public or private  
6 agency whose inspection standards and requirements are at least equal  
7 to those requirements and standards established by the commissioner  
8 under the provisions of this Act. The annual permit and inspection  
9 fees shall be paid before the commissioner may waive this require-  
10 ment.

1 SEC. 14. This Act, being deemed of immediate importance, shall  
2 take effect and be in force from and after its publication in the Lee  
3 Town News, a newspaper published in Des Moines, Iowa, and in The  
4 Daily Gate City, a newspaper published in Keokuk, Iowa.

Approved April 20, 1972.

I hereby certify that the foregoing Act, House File 1001, was published in the Lee Town News, Des Moines, Iowa, May 4, 1972, and in The Daily Gate City, Keokuk, Iowa, May 5, 1972.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 1030 STATE BUILDING CODE

### H. F. 6

AN ACT to establish a state building code, provide for its administration, provide for the setting of fees, and provide a penalty for violation of the code or orders issued thereunder.

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

1 SECTION 1. **Establishment.** This Act shall be known as the "State  
2 Building Code Act".

1 SEC. 2. **Statement of policy.** It is found and declared that some  
2 governmental subdivisions do not have building codes and that the  
3 building codes which do exist in the governmental subdivisions of this  
4 state, as enacted and applied, are not uniform and impede the utiliza-  
5 tion of new and improved technology, techniques, methods, and mate-  
6 rials in the manufacture and construction of buildings and structures.

7 Therefore, it is the policy of the state of Iowa to insure the health,  
8 safety, and welfare of its citizens through the promulgation and en-  
9 forcement of a state building code.

1 SEC. 3. **Definitions.** As used in this Act, unless the context other-  
2 wise requires:

3 1. "Commissioner" means the state building code commissioner  
4 created by this Act.

5 2. "Council" means the state building code advisory council created  
6 by this Act.

7 3. "Board of review" or "board" means the state building code  
8 board of review created by this Act.

9 4. "Governmental subdivision" means any city, town, county, or  
10 combination thereof.

11 5. "Building regulations" means any law, bylaw, rule, resolution,  
12 regulation, ordinance, or code or compilation enacted or adopted, by  
13 the state or any governmental subdivision, including departments,  
14 boards, bureaus, commissions or other agencies, relating to the con-  
15 struction, reconstruction, alteration, conversion, repair or use of  
16 buildings and installation of equipment therein. The term shall not  
17 include zoning ordinances or subdivision regulations.

18 6. "Local building regulations" means building regulations adopted  
19 by a governmental subdivision.

20 7. "Local building department" means an agency of any govern-  
21 mental subdivision charged with the administration, supervision, or  
22 enforcement of building regulations, approval of plans, inspection of  
23 buildings, or the issuance of permits, licenses, certificates and similar  
24 documents, prescribed or required by state or local building regula-  
25 tions.

26 8. "State agency" means a state department, board, bureau, com-  
27 mission, or agency of the state of Iowa.

28 9. "Building" means a combination of any materials, whether port-  
29 able or fixed, to form a structure affording facilities or shelter for  
30 persons, animals or property. The word "building" includes any part  
31 of a building unless the context clearly requires a different meaning.

32 10. "Structure" means that which is built or constructed, an edi-  
33 fice or building of any kind, or any piece of work artificially built up  
34 or composed of parts joined together in some definite manner except  
35 transmission and distribution structures of public utilities. The word  
36 "structure" includes any part of a structure unless the context clearly  
37 requires a different meaning.

38 11. "Equipment" means plumbing, heating, electrical, ventilating,  
39 conditioning, refrigerating equipment, elevators, dumb waiters, esca-  
40 lators, and other mechanical facilities or installations.

41 12. "Factory-built structure" means any structure which is, wholly  
42 or in substantial part, made, fabricated, formed, or assembled in man-  
43 ufacturing facilities for installation or assembly and installation, on  
44 a building site.

45 13. "Manufacture" is the process of making, fabricating, construct-  
46 ing, forming, or assembling a product from raw, unfinished, or semi-  
47 finished materials.

48 14. "Installation" means the assembly of factory-built structures  
49 on site and the process of affixing factory-built structures to land, a  
50 foundation, footings, or an existing building.

51 15. "Construction" means the construction, erection, reconstruc-  
52 tion, alteration, conversion, repair, equipping of buildings, structures  
53 or facilities, and requirements or standards relating to or affecting  
54 materials used in connection therewith, including provisions for safety  
55 and sanitary conditions.

56 16. "Owner" means the owner of the premises, a mortgagee or ven-  
57 dee in possession, an assignee of rents, or a receiver, executor, trust-  
58 tee, lessee or other person in control of a building or structure.

59 17. "State building code" or "code" means the state building code  
60 provided for in section seven (7) of this Act.

61 18. "Performance objective" establishes design and engineering  
62 criteria without reference to specific methods of construction.

1     **SEC. 4. Commissioner.** The director of the division of municipal  
2 affairs, in the office for planning and programming shall, in addition  
3 to his other duties, serve as the state building code commissioner, or  
4 may designate a building code commissioner.

1     **SEC. 5. Commissioner—duties.** The commissioner shall:

2     1. Employ the necessary staff and assistants, within the limit of  
3 available funds, to assist in carrying out the provisions of this Act.

4     2. Appoint necessary consultants and advisors to assist the com-  
5 missioner in carrying out the provisions of this Act.

6     3. Study the operation of the state building code, local building  
7 regulations, and other laws relating to the construction of buildings  
8 or structures to ascertain their effects upon the cost of building con-  
9 struction and the effectiveness of their provisions for health, safety,  
10 and welfare.

11    4. Do all things necessary or desirable to further and effectuate  
12 the general purposes and specific objectives of this Act.

13    5. Administer and enforce the provisions of chapter one hundred  
14 four A (104A), Code 1971.

1     **SEC. 6. Merit system.** Employees of the commissioner shall,  
2 where required by federal statutes, be covered by the provisions of  
3 chapter nineteen A (19A), Code 1971.

1     **SEC. 7. State building code.** The state building code commissioner  
2 with the approval of the advisory council is hereby empowered and  
3 directed to formulate and adopt and from time to time amend or revise  
4 and to promulgate, in conformity with and subject to the conditions  
5 set forth in this Act, reasonable rules designed to establish minimum  
6 safeguards in the erection and construction of buildings and struc-  
7 tures, to protect the human beings who live and work in them from  
8 fire and other hazards, and to establish regulations to further protect  
9 the health, safety and welfare of the public.

10    The rules shall include reasonable provisions for the following:

11    1. The installation of equipment.

12    2. The standards or requirements for materials to be used in con-  
13 struction.

14    3. The manufacture and installation of factory-built structures.

15    4. Protection of the health, safety, and welfare of occupants and  
16 users.

17    5. The accessibility and use by physically handicapped and elderly  
18 persons, of buildings, structures, and facilities which are constructed  
19 in whole or part with public funds.

20    These rules and regulations shall comprise and be known as the  
21 state building code and shall not be subject to the provisions of chap-  
22 ter seventeen A (17A) of the Code.

1     **SEC. 8. Standards.** The state building code shall as far as prac-  
2 tical:

3     1. Provide uniform standards and requirements for construction,  
4 construction materials, and equipment through the adoption by refer-  
5 ence of applicable national codes where appropriate and providing  
6 exceptions when necessary. The rules adopted shall include provi-  
7 sions imposing requirements reasonably consistent with or identical

8 to recognized and accepted standards contained in performance cri-  
9 teria as developed by nationally recognized model codes such as the  
10 model codes prepared by the Building Officials Conference of America,  
11 the International Conference of Building Officials, the Southern Build-  
12 ing Codes Congress, the National Fire Protection Association, the  
13 American National Standards Institute, the American Insurance Asso-  
14 ciation, the United States Department of Housing and Urban Devel-  
15 opment, the American Standards Association, and the International  
16 Association of Plumbing and Mechanical Officials.

17 2. Establish such standards and requirements in terms of perform-  
18 ance objectives.

19 3. Establish as the test of acceptability, adequate performance for  
20 the intended use.

21 4. Permit the use of modern technical methods, devices, and im-  
22 provements which tend to reduce the cost of construction without sub-  
23 stantially affecting reasonable requirements for the health, safety,  
24 and welfare of the occupants or users of buildings and structures.

25 5. Encourage the standardization of construction practices, meth-  
26 ods, equipment, material, and techniques.

27 6. Eliminate restrictive, obsolete, conflicting, and unnecessary reg-  
28 ulations and requirements which tend to unnecessarily increase con-  
29 struction costs or retard unnecessarily the use of new materials, or  
30 provide unwarranted preferential treatment to types or classes of  
31 materials or products or methods of construction.

1 SEC. 9. **Factory-built structures.** The state building code shall  
2 contain provisions relating to the manufacture and installation of fac-  
3 tory-built structures.

4 1. Factory-built structures manufactured in Iowa, after the effec-  
5 tive date of the code, shall be manufactured in accordance with the  
6 code, unless the commissioner determines the structure is manufac-  
7 tured for installation outside the state.

8 2. Factory-built structures manufactured outside the state of Iowa,  
9 after the effective date of the code, and brought into Iowa for installa-  
10 tion must, prior to installation, comply with the code.

11 3. Factory-built structures manufactured prior to the effective date  
12 of the code, which prior to that date have never been installed, must  
13 comply with the code prior to installation.

14 4. All factory-built structures, without regard to manufacture date,  
15 shall be installed in accordance with the code in the governmental  
16 subdivisions which have adopted the state building code or any other  
17 building code.

18 5. Factory-built structures required to comply with the code pro-  
19 visions on manufacture, shall not be modified in any way prior to or  
20 during installation, unless prior approval is obtained from the com-  
21 missioner.

22 6. The commissioner shall establish an insignia of approval and  
23 provide that factory-built structures required to comply with code  
24 provisions on manufacture bear an insignia of approval prior to in-  
25 stallation. The insignia may be issued for other factory-built struc-  
26 tures which meet code standards and which were manufactured prior  
27 to the effective date of the state building code.

28 7. The commissioner may contract with local government agencies

29 for enforcement of the code relating to manufacture of factory-built  
30 structures. Code provisions relating to installation of factory-built  
31 structures shall be enforced by the local building departments only  
32 in those governmental subdivisions which have adopted the state  
33 building code or any other building code.

1     **SEC. 10. Effect and application.**

2     1. The state building code shall, for the buildings and structures to  
3 which it is applicable, constitute a lawful local building code.

4     2. The state building code shall be applicable:

5       a. To all buildings and structures owned by the state or an agency  
6 of the state.

7       b. In each governmental subdivision where the governing body has  
8 adopted a resolution accepting the application of the code.

9     3. Provisions of the state building code relating to the manufacture  
10 and installation of factory-built structures shall apply throughout the  
11 state. Factory-built structures approved by the commissioner shall  
12 be deemed to comply with all building regulations applicable to its  
13 manufacture and installation and shall be exempt from any local  
14 building regulations.

1     **SEC. 11. Rules—public hearing.**

2     1. After the formulation of any proposed rule or regulation, includ-  
3 ing any modification of an existing rule or regulation, the commis-  
4 sioner shall hold public hearings within the state and at reasonable  
5 hours. Notice of the hearings, together with a brief general descrip-  
6 tion of the proposed rules or regulations, shall be provided by publi-  
7 cation in at least five newspapers of general circulation within sep-  
8 arate geographic areas of this state and by any other means the com-  
9 missioner determines will afford adequate public notice. Public notice  
10 shall be given at least seven days prior to the hearings.

11     2. The text of any proposed rule or regulation shall be made avail-  
12 able for inspection at the office of the commissioner and shall be dis-  
13 tributed to the governmental subdivisions which have adopted the  
14 state building code, and to any other person who requests a copy.

15     3. Every rule or regulation adopted by the commissioner shall  
16 state the date on which it takes effect.

17     4. Every rule or regulation shall, immediately after adoption, be  
18 certified by the commissioner and transmitted to the secretary of state  
19 for filing in his office and shall then become a part of the state build-  
20 ing code. Copies shall be sent by the commissioner to all govern-  
21 mental subdivisions which have adopted the state building code.

22     5. The provisions of this section shall not apply to any rule or reg-  
23 ulation relating solely to the internal operations of the office of the  
24 commissioner and council.

1     **SEC. 12. Adoption and withdrawal—procedure.**

2     The state building code shall be applicable in each governmental subdivision of the state  
3 in which the governing body has adopted or enacted a resolution or  
4 ordinance accepting the applicability of the code and shall have filed  
5 a certified copy of the resolution or ordinance in the office of the com-  
6 missioner and in the office of the secretary of state. The state build-  
7 ing code shall become effective in the governmental subdivision upon  
8 the date fixed by the governmental subdivision resolution or ordi-

9 nance, if the date is not more than six months after the date of adop-  
10 tion of the resolution or ordinance.

11 A governmental subdivision in which the state building code is ap-  
12 plicable may by resolution or ordinance, at any time after one year  
13 has elapsed since the code became applicable, withdraw from the ap-  
14 plication of the code, if before the resolution or ordinance shall be  
15 voted upon, the local governing body shall hold a public hearing after  
16 giving not less than twenty nor more than thirty days' public notice,  
17 together with written notice to the commissioner of the time, place,  
18 and purpose of the hearing. A certified copy of the vote of the local  
19 governing body shall be transmitted within ten days after the vote is  
20 taken to the commissioner and to the secretary of state for filing. The  
21 resolution or ordinance shall become effective at a time to be specified  
22 therein, which shall be not less than one hundred eighty days after  
23 the date of adoption. Upon the effective date of the resolution or or-  
24 dinance, the state building code shall cease to apply to the govern-  
25 mental subdivision except that construction of any building or struc-  
26 ture pursuant to a permit previously issued shall not be affected by  
27 the withdrawal.

28 A governmental subdivision which has withdrawn from the appli-  
29 cation of the state building code may, at any time thereafter, restore  
30 the application of the code in the same manner as specified in this  
31 section.

1 SEC. 13. **Alternate materials and methods of construction.** The  
2 provisions of the state building code shall not prevent the use of any  
3 material or method of construction not specifically prescribed therein,  
4 provided any such alternate has been approved by the building code  
5 commissioner.

6 The commissioner may approve any alternate if he finds that the  
7 proper design is satisfactory and that the material, method, or work  
8 offered is, for the purpose intended, at least the equivalent of that  
9 prescribed in the state building code in quality, strength, effectiveness,  
10 fire resistance, durability, and safety.

11 The commissioner shall require that sufficient evidence or proof be  
12 submitted to substantiate any claim that may be made regarding alter-  
13 nate use.

1 SEC. 14. **Advisory council.** There is hereby established a seven  
2 member council to be known as the state building code advisory coun-  
3 cil. The council shall elect from its membership a chairman. The  
4 members of the council shall be appointed by the governor and shall  
5 hold office commencing July 1, 1972, for four years and until their  
6 successors are appointed, except that three initial appointees shall be  
7 appointed for two-year terms and four initial appointees shall be  
8 appointed for four-year terms. The members of the council shall be  
9 persons who are qualified by experience or training to provide a broad  
10 or specialized expertise on matters pertaining to building construc-  
11 tion. At least one of the members shall be a journeyman member of  
12 the building trades. Vacancies shall be filled in the same manner as  
13 the original appointments.

14 1. The council shall advise and confer with the commissioner in  
15 matters relating to the state building code.

16 2. The council members shall, at the request of the commissioner,  
17 hold public hearings and perform such other functions as the com-  
18 missioner requests.

19 3. The council shall approve or disapprove the rules and regula-  
20 tions referred to in section seven (7) of this Act and shall approve  
21 or disapprove any alternate materials or methods of construction ap-  
22 proved by the commissioner as provided in section thirteen (13) of  
23 this Act. A majority vote of the council membership shall be re-  
24 quired for these functions.

25 4. Any member of the council may be removed by the governor for  
26 inefficiency, neglect of duty, misconduct or malfeasance in office, after  
27 being given a written statement of the charges and an opportunity to  
28 be heard thereon.

29 5. Each member of the council shall receive per diem compensa-  
30 tion at the rate of forty dollars per day for each day spent in the per-  
31 formance of his duties, but not to exceed twenty-five hundred dollars  
32 per year. All members of the council shall receive necessary expenses  
33 incurred in the performance of their duties.

34 6. Four members of the council shall constitute a quorum. For  
35 the purpose of conducting business a majority vote of the council shall  
36 be required.

37 7. Meetings of the council may be called by the commissioner.

1 SEC. 15. Board of review. The commissioner shall establish a state  
2 building code board of review.

3 1. The board shall be composed of three members of the council.

4 2. Members of the board of review shall serve at the pleasure of  
5 the commissioner.

6 3. No member of the board shall pass upon any question in which  
7 he or any corporation in which he is a stockholder is interested.

8 4. The commissioner may appoint alternate board members from  
9 the membership of the advisory council.

1 SEC. 16. Board of review—appeal. Any aggrieved person may  
2 appeal to the board for:

3 1. A reversal, modification, or annulment of any ruling, direction,  
4 determination, or order of any state agency or local building depart-  
5 ment affecting or relating to the construction of any building or struc-  
6 ture, the construction of which is pursuant or purports to be pursuant  
7 to the provisions of the state building code.

8 2. Review of the disapproval or failure to approve within sixty  
9 days after submission of:

10 a. An application for permission to construct pursuant to the code,  
11 or

12 b. Plans or specifications for construction pursuant to the code.

1 SEC. 17. Board of review—procedure. The board shall establish  
2 procedures pursuant to which an aggrieved person may appeal to the  
3 board.

4 1. The board shall fix a reasonable time and place for a hearing  
5 and shall give due notice of a hearing to:

6 a. The applicant.

7 b. The state agency or local building department involved.

8 c. Any other person at the board's discretion.

- 9 2. Notice shall be by registered mail and shall:  
10 a. Name the applicant.  
11 b. State the time and place of the hearing.  
12 c. State the general nature of the appeal.  
13 3. The following may appear and be heard at an appeal hearing:  
14 a. The applicant, or his agent.  
15 b. The state agency or local building department involved.  
16 c. Any other person, at the board's discretion.  
17 4. The board, in hearings conducted under this section, shall not  
18 be bound by common law or statutory rules of evidence or by techni-  
19 cal or formal rules of procedure.  
20 5. Applications shall be decided promptly. In every case the board  
21 shall state generally the reason for its decision.  
22 6. The decision of the board shall state the date on which it takes  
23 effect, which shall be no earlier than five days subsequent to issuance  
24 of such decision, and a copy of the decision, duly certified by the  
25 chairman of the board, shall be filed in the office of the commissioner,  
26 and a copy shall be sent to the parties and any state agency or local  
27 building department affected.  
28 7. The decision of the board of review may be appealed to the ad-  
29 visory council by any party by filing a petition with the advisory  
30 council at any time prior to the effective date of such decision. The  
31 advisory council shall consider all questions of fact and law involved  
32 and issue its decision pertaining to the same not later than ten days  
33 after receipt of the appeal. Any party to the proceedings aggrieved  
34 by the decision of the advisory council may, within ten days after re-  
35 ceipt of the decision, appeal the decision to the district court.  
36 8. A record of all decisions of the board and advisory council shall  
37 be properly indexed and filed in the office of the commissioner, and  
38 shall be public records as defined in chapter sixty-eight A (68A) of  
39 the Code.  
40 9. The board may subpoena all of the papers and documents consti-  
41 tuting the record upon which the application for the use of alternate  
42 materials or methods of construction, modification, reversal, annul-  
43 ment, or review is based, and the state, county, or municipal officer  
44 in charge thereof shall, upon receipt of the subpoena, transmit the  
45 papers and documents to the board.  
46 10. All decisions of the board shall require the concurrence of at  
47 least two of its members.

1 **SEC. 18. Court proceedings.**

- 2 1. An appeal shall stay all proceedings on the matter appealed un-  
3 less there is a showing by the state agency or a local building depart-  
4 ment that a stay would involve imminent peril to life or property.  
5 2. No court shall entertain an action based on the state building  
6 code unless all administrative remedies have been exhausted, except:  
7 a. When the action is instituted by the state or a governmental sub-  
8 division; or  
9 b. When there is good cause for the failure to exhaust administra-  
10 tive remedies.  
11 3. Subject to subsection one (1) of this section, where the con-  
12 struction of a building or structure or use of a building is in violation  
13 of any code provision or lawful order of a local building department,



14 the district court may on petition order removal of the building, abate-  
15 ment as a public nuisance, or enjoin further construction.

16 4. Judicial review may be obtained by commencing an action in the  
17 county where the cause of action or some part thereof arose. The  
18 district court shall hear and decide the matter de novo.

19 5. An appeal from a decision of the district court may be taken to  
20 the supreme court as in other cases.

1 SEC. 19. **Administration and enforcement.** The examination and  
2 approval or disapproval of plans and specifications, the issuance and  
3 revocation of building permits, licenses, certificates, and similar docu-  
4 ments, the inspection of buildings or structures, and the administra-  
5 tion and enforcement of building regulations shall be the responsibil-  
6 ity of the governmental subdivisions of the state and shall be adminis-  
7 tered and enforced in the manner prescribed by local law or ordi-  
8 nance. All provisions of law relating to the administration and en-  
9 forcement of local building regulations in any governmental subdivi-  
10 sion shall be applicable to the administration and enforcement of  
11 the state building code in the governmental subdivision. An applica-  
12 tion made to a local building department or to a state agency for per-  
13 mission to construct a building or structure pursuant to the provisions  
14 of the state building code shall, in addition to any other requirement,  
15 be signed by the owner or his authorized agent, and shall contain the  
16 address of the owner, and a statement that the application is made for  
17 permission to construct in accordance with the provisions of the code.

18 In aid of administration and enforcement of the state building code,  
19 and in addition to and not in limitation of powers vested in them by  
20 law, each governmental subdivision of the state may:

21 1. Examine and approve or disapprove plans and specifications for  
22 the construction of any building or structure, the construction of  
23 which is pursuant or purports to be pursuant to the provisions of the  
24 state building code, and to direct the inspection of buildings or struc-  
25 tures during the course of construction.

26 2. Require that the construction of any building or structure shall  
27 be in accordance with the applicable provisions of the state building  
28 code, subject, however, to the powers granted to the board of review  
29 in section sixteen (16) of this Act.

30 3. Order in writing any person to remedy any condition found to  
31 exist in, or about any building or structure in violation of the state  
32 building code. Orders may be served upon the owner or his author-  
33 ized agent personally or by certified mail at the address set forth in  
34 the application for permission to construct a building or structure.  
35 Any local building department may grant in writing such time as may  
36 be reasonably necessary for achieving compliance with an order.

37 4. Issue certificates of occupancy or use, permits, licenses, and other  
38 documents in connection with the construction of buildings or struc-  
39 tures as may be required by ordinance.

40 A certificate of occupancy or use for a building or structure con-  
41 structed in accordance with the provisions of the state building code  
42 shall certify that the building or structure conforms to the require-  
43 ments of the code. The certificate shall be in the form the govern-  
44 ing body of the governmental subdivision prescribes.

45 Every certificate of occupancy or use shall, until set aside or va-  
46 cated by the board of review, director, or a court of competent juris-  
47 diction, be binding and conclusive upon all state and local agencies,  
48 as to all matters set forth and no order, direction, or requirement at  
49 variance therewith shall be made or issued by any other state or  
50 local agency.

51 5. Make, amend, and repeal rules for the administration and en-  
52 forcement of the provisions of this section, and for the collection of  
53 reasonable fees in connection therewith.

54 6. Prohibit the commencement of construction until a permit has  
55 been issued by the local building department after a showing of com-  
56 pliance with the requirements of the applicable provisions of the state  
57 building code.

1 **SEC. 20. Permits—duty to issue.**

2 1. If the plans and specifications accompanying an application for  
3 permission to construct a building or structure fail to comply with  
4 the provisions of building regulations applicable to the governmental  
5 subdivision where the construction is planned, the state or govern-  
6 mental subdivision official charged with the duty shall nevertheless  
7 issue a permit, certificate, authorization, or other required document,  
8 as the case may be, for the construction, if the plans and specifications  
9 comply with the applicable provisions set forth in the state building  
10 code, whenever such code is operative in such governmental subdivi-  
11 sion.

12 2. Any building or structure constructed in conformance with the  
13 provisions of the state building code, shall be deemed to comply with  
14 all state, county, and municipal building regulations, and the owner,  
15 builder, architect, lessee, tenant, or their agents, or other interested  
16 person shall be entitled, upon a showing of compliance with the code,  
17 to demand and obtain, upon proper payment being made in appropri-  
18 ate cases, any permit, certificate, authorization, or other required docu-  
19 ment, the issuance of which is authorized pursuant to any state or  
20 local buildings or structure regulation, and it shall be the duty of the  
21 appropriate state or local officer having jurisdiction over the issuance  
22 to issue the permit, certificate, authorization, or other required docu-  
23 ment, as provided herein, whenever the code is operative in the gov-  
24 ernmental subdivision.

1 **SEC. 21. Penalty.**

2 1. Any person served with an order pursuant to the provisions of  
3 subsection three (3) of section nineteen (19) of this Act, who fails  
4 to comply with the order within thirty days after service or within  
5 the time fixed by the local building department for compliance, which-  
6 ever is longer, and any owner, builder, architect, tenant, contractor,  
7 subcontractor, construction superintendent or their agents, or any  
8 other person taking part or assisting in the construction or use of  
9 any building or structure who shall knowingly violate any of the ap-  
10 plicable provisions of the state building code or any lawful order of  
11 a local building department made thereunder, shall be punishable by  
12 a fine of not more than one hundred dollars, or thirty days in jail, or  
13 by both fine and imprisonment.

14 2. Violation of this Act shall not impose any disability upon or

15 affect or impair the credibility as a witness, or otherwise, of any per-  
16 son.

17 Violations of this section shall be misdemeanors, and municipal,  
18 police, or mayors' courts shall have exclusive jurisdiction to originally  
19 hear and determine charges of violations.

20 3. As an alternative to filing criminal charges as provided in this  
21 section, the commissioner may file a petition in the district court and  
22 obtain injunctive relief for any violation of this Act.

1 **SEC. 22. Construction of statute.**

2 1. Nothing in this Act shall be construed as prohibiting any gov-  
3 ernmental subdivision from adopting or enacting any building regu-  
4 lations relating to any building or structure within its limits, but a  
5 governmental subdivision in which the state building code has been  
6 accepted and is applicable shall not have the power to supersede, void,  
7 or repeal or make more restrictive any of the provisions of this Act  
8 or of the rules and regulations adopted by the commissioner.

9 2. Nothing in this Act shall be construed as abrogating or impair-  
10 ing the power of any governmental subdivision or local building de-  
11 partment to enforce the provisions of any building regulations, or  
12 the applicable provisions of the state building code, or to prevent vio-  
13 lations or punish violators except as otherwise expressly provided in  
14 this Act.

15 3. The powers enumerated in this Act shall be interpreted liberally  
16 to effectuate the purposes thereof and shall not be construed as a  
17 limitation of powers.

1 **SEC. 23. Chapter one hundred (100), Code 1971, is amended by**  
2 **adding the following new section:**

3 "Provisions of this chapter in conflict with the state building code  
4 shall not apply where the state building code has been adopted or  
5 when the state building code applies throughout the state."

1 **SEC. 24. Chapter one hundred three (103), Code 1971, is amended**  
2 **by adding the following new section:**

3 "Provisions of this chapter in conflict with the state building code  
4 shall not apply where the state building code has been adopted or  
5 when the state building code applies throughout the state."

1 **SEC. 25. Chapter one hundred thirty-five (135), Code 1971, is**  
2 **amended by adding the following new section:**

3 "Provisions of this chapter in conflict with the state building code  
4 shall not apply where the state building code has been adopted or  
5 when the state building code applies throughout the state."

1 **SEC. 26. Chapter one hundred thirty-five B (135B), Code 1971, is**  
2 **amended by adding the following new section:**

3 "Provisions of this chapter in conflict with the state building code  
4 shall not apply where the state building code has been adopted or  
5 when the state building code applies throughout the state."

1 **SEC. 27. Chapter one hundred thirty-five C (135C), Code 1971, is**  
2 **amended by adding the following new section:**

3 "Provisions of this chapter in conflict with the state building code  
4 shall not apply where the state building code has been adopted or  
5 when the state building code applies throughout the state."

1 SEC. 28. Section one hundred sixty-seven point eleven (167.11),  
2 Code 1971, is amended by adding the following new paragraph:

3 "This section shall not apply where the state building code has  
4 been adopted or when the state building code applies throughout the  
5 state."

1 SEC. 29. Chapter one hundred seventy (170), Code 1971, is  
2 amended by adding the following new section:

3 "Provisions of this chapter in conflict with the state building code  
4 shall not apply where the state building code has been adopted or  
5 when the state building code applies throughout the state."

1 SEC. 30. Section three hundred thirty-two point three (332.3),  
2 subsection twenty-two (22), Code 1971, is amended as follows:

3 22. ~~In counties having a population of over thirty thousand, to~~ To  
4 adopt a building code and to provide for the regulation and inspection  
5 of all construction, major repairs and remodeling, and the installation  
6 of electrical, heating, ventilating, air conditioning, and plumbing fix-  
7 tures, apparatus, and equipment and provide for the manner in which  
8 such regulations and inspection shall be determined, established and  
9 enforced, and from time to time amended, supplemented or changed.  
10 However, no such regulation shall become effective until after a  
11 public hearing in relation thereto at which parties in interest and  
12 citizens shall have an opportunity to be heard. At least fifteen days  
13 notice of the time and place of such hearing shall be published in a  
14 paper of general circulation in such county. Upon compliance with  
15 the provisions of this chapter, the regulation shall become effective,  
16 the provisions of any other statute to the contrary notwithstanding.  
17 The state building code or any other code adopted shall not be con-  
18 strued to apply within the limits of any incorporated city or town  
19 which has the power to adopt a building code under the provisions of  
20 section 368.9 or to farm houses or other farm buildings which are  
21 primarily adapted, by reason of nature and area, for use for agri-  
22 cultural purposes, while so used or while under construction for such  
23 use.

1 SEC. 31. Section three hundred sixty-six point seven (366.7), sub-  
2 section seven (7), Code 1971, is amended by adding the following new  
3 paragraph:

4 "Provisions of this section in conflict with the state building code  
5 shall not apply where the state building code has been adopted or  
6 when the state building code applies throughout the state."

1 SEC. 32. Chapter three hundred sixty-eight (368), Code 1971, is  
2 amended by adding the following new section:

3 "Provisions of this chapter in conflict with the state building code  
4 shall not apply where the state building code has been adopted or  
5 when the state building code applies throughout the state."

1 SEC. 33. Chapter four hundred thirteen (413), Code 1971, is  
2 amended by adding the following new section:

3 "Provisions of this chapter in conflict with the state building code  
4 shall not apply where the state building code has been adopted or  
5 when the state building code applies throughout the state."

1     **SEC. 34. Fees.** For the purpose of obtaining revenue to defray the  
 2 costs of administering the provisions of this Act, the commissioner  
 3 shall establish by rule and regulation a schedule of fees based upon  
 4 the costs of administration which fees shall be collected from per-  
 5 sons whose manufacture, installation or construction is subject to the  
 6 provisions of the state building code.  
 7     All fees collected by the commissioner shall be deposited in the  
 8 state treasury to the credit of the general fund.  
 9     All federal grants to and federal receipts of the office of state build-  
 10 ing code commissioner are appropriated for the purpose set forth in  
 11 the federal grants or receipts.

Approved April 21, 1972.

## CHAPTER 1031

### CIVIL RIGHTS OF PHYSICALLY AND MENTALLY HANDICAPPED PERSONS

S. F. 1148

AN ACT relating to the civil rights of physically and mentally handicapped persons.

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

1     **SECTION 1.** Section one hundred five A point two (105A.2), Code  
 2 1971, is amended by adding the following new subsection:  
 3     “‘Disability’ means the physical or mental condition of a person  
 4 which constitutes a substantial handicap. In reference to employ-  
 5 ment, under this chapter, ‘disability’ also means the physical or mental  
 6 condition of a person which constitutes a substantial handicap, but is  
 7 unrelated to such person’s ability to engage in a particular occupa-  
 8 tion.”

1     **SEC. 2.** Section one hundred five A point six (105A.6), subsection  
 2 one (1), paragraphs “a” and “b”, Code 1971, are amended to read as  
 3 follows:

4     a. To refuse or deny to any person because of race, creed, color,  
 5 sex, national origin, ~~or~~ religion, *or disability* the accommodations,  
 6 advantages, facilities, services, or privileges thereof, or otherwise to  
 7 discriminate against any person because of race, creed, color, sex, na-  
 8 tional origin, ~~or~~ religion, *or disability* in the furnishing of such ac-  
 9 commodations, advantages, facilities, services, or privileges.  
 10     b. To directly or indirectly advertise or in any other manner indi-  
 11 cate or publicize that the patronage of persons of any particular race,  
 12 creed, color, sex, national origin, ~~or~~ religion, *or disability* is unwel-  
 13 come, objectionable, not acceptable, or not solicited.

1     **SEC. 3.** Section one hundred five A point seven (105A.7), subsec-  
 2 tion one (1), Code 1971, is amended to read as follows:

3     1. It shall be an unfair or discriminatory practice for any:  
 4     a. Person to refuse to hire, accept, register, classify, or refer for  
 5 employment, to discharge any employee, or to otherwise discriminate  
 6 in employment against any applicant for employment or any employee

7 because of the race, creed, color, sex, national origin, or religion, or  
 8 *disability* of such applicant or employee, unless based upon the nature  
 9 of the occupation. *If a disabled person is qualified to perform a par-*  
 10 *ticular occupation, by reason of training or experience, the nature of*  
 11 *that occupation shall not be the basis for exception to the unfair or*  
 12 *discriminating practices prohibited by this subsection.*

13 b. Labor organization or the employees, agents, or members there-  
 14 of to refuse to admit to membership any applicant, to expel any mem-  
 15 ber, or to otherwise discriminate against any applicant for member-  
 16 ship or any member in the privileges, rights, or benefits of such mem-  
 17 bership because of the race, creed, color, sex, national origin, or relig-  
 18 ion, or *disability* of such applicant or member.

19 c. Employer, employment agency, labor organization, or the em-  
 20 ployees, agents, or members thereof to directly or indirectly advertise  
 21 or in any other manner indicate or publicize that individuals of any  
 22 particular race, creed, color, sex, national origin, or religion, or *dis-*  
 23 *ability* are unwelcome, objectionable, not acceptable, or not solicited  
 24 for employment or membership unless based on the nature of the  
 25 occupation. *If a disabled person is qualified to perform a particular*  
 26 *occupation by reason of training or experience, the nature of that*  
 27 *occupation shall not be the basis for exception to the unfair or dis-*  
 28 *criminating practices prohibited by this subsection.*

29 *An employer, employment agency, or their employees, servants, or*  
 30 *agents may offer employment or advertise for employment to only the*  
 31 *disabled, when other applicants have available to them, other employ-*  
 32 *ment compatible with their ability which would not be available to*  
 33 *the disabled because of their handicap. Any such employment or*  
 34 *offer of employment shall not discriminate among the disabled on the*  
 35 *basis of race, color, creed, sex, or national origin.*

1 SEC. 4. Section one hundred five A point eight (105A.8), subsec-  
 2 tion two (2), Code 1971, is amended to read as follows:

3 2. Any person to discriminate against another person in any of the  
 4 rights protected against discrimination on the basis of race, creed,  
 5 color, sex, national origin, or religion, or *disability* by this chapter  
 6 because such person has lawfully opposed any practice forbidden un-  
 7 der this chapter, obeys the provisions of this chapter, or has filed a  
 8 complaint, testified, or assisted in any proceeding under this chapter.  
 9 *An employer, employment agency, or their employees, servants, or*  
 10 *agents may offer employment or advertise for employment to only the*  
 11 *disabled, when other applicants have available to them other employ-*  
 12 *ment compatible with their ability which would not be available to*  
 13 *the disabled because of their handicap. Any such employment or*  
 14 *offer of employment shall not discriminate among the disabled on the*  
 15 *basis of race, color, creed, sex, or national origin.*

1 SEC. 5. Section one hundred five A point thirteen (105A.13), sub-  
 2 sections one (1), two (2), and three (3), Code 1971, are amended to  
 3 read as follows:

4 1. To refuse to sell, rent, lease, assign, or sublease any real prop-  
 5 erty or housing accommodation or part, portion or interest therein,  
 6 to any person because of the race, color, creed, religion, or national  
 7 origin, or *disability* of such person.

8 2. To discriminate against any person because of his race, color,  
9 creed, religion ~~or~~ national origin, *or disability*, in the terms, conditions  
10 or privileges of the sale, rental, lease assignment or sublease of any  
11 real property or housing accommodation or any part, portion or  
12 interest therein.

13 3. To directly or indirectly advertise, or in any other manner indi-  
14 cate or publicize that the purchase, rental, lease, assignment, or sub-  
15 lease of any real property or housing accommodation or any part,  
16 portion or interest therein, by persons of any particular race, color,  
17 creed, religion, ~~or~~ national origin, *or disability* is unwelcome, objec-  
18 tionable, not acceptable or not solicited.

1 SEC. 6. Chapter one hundred five A (105A), Code 1971, is  
2 amended by adding thereto the following section:

3 After a handicapped individual is employed, the employer shall not  
4 be required under this chapter to promote or transfer such handi-  
5 capped person to another job or occupation, unless, prior to such trans-  
6 fer, such handicapped person by training or experience is qualified for  
7 such job or occupation. Any collective bargaining agreement between  
8 an employer and labor organization shall contain this section as a  
9 part of such agreement.

1 SEC. 7. Section one hundred five A point five (105A.5), subsec-  
2 tions five (5) and seven (7), Code 1971, are amended to read as fol-  
3 lows:

4 5. To issue such publications and reports of investigations and re-  
5 search as in the judgment of the commission shall tend to promote  
6 good will among the various racial, religious, and ethnic groups of the  
7 state and which shall tend to minimize or eliminate discrimination in  
8 public accommodations, employment, apprenticeship and on-the-job  
9 training programs, vocational schools, or housing because of race,  
10 creed, color, sex, national origin, religion, ~~or~~ ancestry, *or disability*.

11 7. To make recommendations to the general assembly for such fur-  
12 ther legislation concerning discrimination because of race, creed,  
13 color, sex, national origin, religion, ~~or~~ ancestry, *or disability* as it may  
14 deem necessary and desirable.

Approved March 22, 1972.

## CHAPTER 1032

### AGE DISCRIMINATION IN EMPLOYMENT

S. F. 274

AN ACT relating to age discrimination in employment.

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

1 SECTION 1. Section one hundred five A point seven (105A.7), sub-  
2 section one (1), Code 1971, is amended as follows:

- 3 1. It shall be an unfair or discriminatory practice for any:  
 4 a. Person to refuse to hire, accept, register, classify, or refer for  
 5 employment, to discharge any employee, or to otherwise discriminate  
 6 in employment against any applicant for employment or any em-  
 7 ployee because of the *age*, race, creed, color, sex, national origin, or  
 8 religion of such applicant or employee, unless based upon the nature  
 9 of the occupation.  
 10 b. Labor organization or the employees, agents, or members thereof  
 11 to refuse to admit to membership any applicant, to expel any member,  
 12 or to otherwise discriminate against any applicant for membership  
 13 or any member in the privileges, rights, or benefits of such member-  
 14 ship because of the *age*, race, creed, color, sex, national origin, or re-  
 15 ligious of such applicant or member.  
 16 c. Employer, employment agency, labor organization, or the em-  
 17 ployees, agents, or members thereof to directly or indirectly advertise  
 18 or in any other manner indicate or publicize that individuals of any  
 19 particular *age*, race, creed, color, sex, national origin, or religion are  
 20 unwelcome, objectionable, not acceptable, or not solicited for employ-  
 21 ment or membership unless based on the nature of the occupation.

1 SEC. 2. Section one hundred five A point eight (105A.8), subsec-  
 2 tion two (2), Code 1971, is amended as follows:

3 2. Any person to discriminate against another person in any of the  
 4 rights protected against discrimination on the basis of *age*, race,  
 5 creed, color, sex, national origin, or religion by this chapter because  
 6 such person has lawfully opposed any practice forbidden under this  
 7 chapter, obeys the provisions of this chapter, or has filed a complaint,  
 8 testified, or assisted in any proceeding under this chapter.

1 SEC. 3. Section one hundred five A point fifteen (105A.15), Code  
 2 1971, is amended as follows:

3 105A.15 **Sex provisions not applicable to retirement plans.** The  
 4 provisions of this chapter relating to discrimination because of sex *or*  
 5 *age* shall not be construed to apply to any retirement plan or benefit  
 6 system of any employer unless such plan or system is a mere subter-  
 7 fuge adopted for the purpose of evading the provisions of this chapter.

Approved March 17, 1972.

## CHAPTER 1033

### CONSERVATION COMMISSION AUTHORITY

S. F. 1172

AN ACT relating to the authority of the state conservation commission and providing  
 a penalty.

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

1 SECTION 1. Section one hundred nine point one (109.1), Code 1971,  
 2 is amended by adding the following new subsection:

3 " 'Commission' means the state conservation commission."



1 SEC. 2. Section one hundred nine point four (109.4), Code 1971,  
2 is amended to read as follows:

3 **109.4 Fish hatcheries—game farms.** ~~The state conservation direc-~~  
4 ~~tor shall have the right to~~ *commission may* establish and control the  
5 state hatcheries and game farms, which shall be used for the purpose  
6 of stocking the waters of the state with fish and the natural covers  
7 with game birds to the extent of the means provided for that purpose;  
8 and impartially and equitably distribute all birds, eggs, and fry  
9 raised by or furnished to the state, or for it through other sources,  
10 in the streams, lakes, and natural covers of the state.

1 SEC. 3. Section one hundred nine point five (109.5), Code 1971,  
2 is amended by striking the section and inserting in lieu thereof the  
3 following new section:

4 **109.5 State game refuges.**

5 1. The commission may establish state game refuges or sanctuaries  
6 on any land owned by the state of Iowa suitable for this purpose when  
7 necessary for the preservation of biological balance pursuant to the  
8 provisions of section one hundred nine point thirty-nine (109.39) of  
9 the Code, for the protection of public parks, for the protection of the  
10 public health, safety and welfare, or to effect sound wildlife manage-  
11 ment.

12 2. In emergency situations when the maintenance of the biological  
13 balance as provided in section one hundred nine point thirty-nine  
14 (109.39) of the Code is threatened, the director may establish tempo-  
15 rary state game refuges in conformity with sound wildlife manage-  
16 ment. The establishment of a temporary refuge shall be accomplished  
17 by posting notices in conspicuous places around the refuge. The estab-  
18 lishment of a temporary refuge by the director shall be effective until  
19 five days after the next meeting of the commission or for such longer  
20 time as the commission may determine is necessary to maintain a bio-  
21 logical balance as provided in section one hundred nine point thirty-  
22 nine (109.39) of the Code and to effect sound wildlife management.

1 SEC. 4. Section one hundred nine point six (109.6), Code 1971, is  
2 amended to read as follows:

3 **109.6 Game management area.** ~~Whenever the~~ *The* commission  
4 ~~shall may~~ establish and ~~create~~ a game management area upon any  
5 public lands or waters, or with the consent of the owner thereof upon  
6 any private lands or waters, ~~it when necessary to maintain a biologi-~~  
7 ~~cal balance as provided in section 109.39 or to provide for public hunt-~~  
8 ~~ing, fishing, or trapping in conformity with sound wildlife manage-~~  
9 ~~ment; and when a game management area is established, the commis-~~  
10 ~~sion shall with the consent of such owner, if any, have the right to~~  
11 ~~post and prohibit, and to regulate or limit such lands or waters against~~  
12 ~~trespassing, and/or against~~ hunting, fishing, or trapping, and any  
13 violation thereof shall be unlawful ~~and punishable as provided in sec-~~  
14 ~~tion 109.32.~~

1 SEC. 5. Section one hundred nine point seven (109.7), unnum-  
2 bered paragraph two (2), Code 1971, is amended to read as follows:

3 ~~The director shall have the authority to~~ *commission may* specify the  
4 distance from a state game refuge where shooting ~~may be~~ *is* prohib-  
5 ited, and shall have notice of same ~~published in one newspaper in the~~

6 ~~county so affected~~ posted at such distance in conspicuous places around  
 7 the refuge, provided, however, this prohibition shall not apply to own-  
 8 ers or tenants hunting on their own land outside of a state game  
 9 refuge. The commission may prohibit shooting at any reasonable dis-  
 10 tance from a state game refuge deemed necessary to accomplish the  
 11 purposes for which the refuge is established.

1 SEC. 6. Section one hundred nine point eight (109.8), Code 1971,  
 2 is amended to read as follows:

3 109.8 Notice of establishment. ~~Whenever~~ When any such refuge  
 4 or preserve is established by the director, ~~he~~ commission, it shall pub-  
 5 lish one notice of such establishment in an official newspaper in the  
 6 county in which the refuge is located and shall post notices of such  
 7 establishment in conspicuous places around the said refuge.

1 SEC. 7. Section one hundred nine point nine (109.9), Code 1971,  
 2 is amended to read as follows:

3 109.9 Spawning grounds. The director shall have the right to To  
 4 effect sound wildlife management and maintain biological balance as  
 5 provided in section 109.39, the commission may set aside certain por-  
 6 tions of any state waters for spawning grounds where the same are  
 7 suitable for this purpose for such length of time as he it may deem  
 8 advisable by the ~~placing~~ posting of notices in conspicuous places  
 9 around such area, and it shall be unlawful for any person to fish or  
 10 to in any manner interfere with the spawning of fish in this area.  
 11 Any person violating any of the provisions of this section shall be  
 12 guilty of a misdemeanor and punished as provided in section 109.32.

1 SEC. 8. Section one hundred nine point thirty-two (109.32), un-  
 2 numbered paragraph one (1), Code 1971, is amended to read as fol-  
 3 lows:

4 Whoever shall take, catch, kill, injure, destroy, have in possession,  
 5 buy, sell, ship, or transport any frogs, fish, mussels, birds, their nests,  
 6 eggs, or plumage, fowls, game, or animals in violation of the provi-  
 7 sions of this chapter or of administrative ~~orders~~ rules of the state  
 8 conservation commission or whoever shall use any device, equipment,  
 9 seine, trap, net, tackle, firearm, drug, poison, explosive, or other sub-  
 10 stance or means, the use of which is prohibited by this chapter, or  
 11 use the same at a time, place or in a manner or for a purpose prohib-  
 12 ited, or do any other act in violation of ~~such~~ the provisions of this  
 13 chapter or of administrative rules of the commission for which no  
 14 other punishment is provided, shall be fined not less than ten dollars  
 15 nor more than one hundred dollars or be imprisoned in the county jail  
 16 not more than thirty days.

1 SEC. 9. Section one hundred nine point thirty-nine (109.39), un-  
 2 numbered paragraph one (1), Code 1971, is amended to read as follows:

3 The open seasons, closed seasons, bag limits, size limits, catch limits,  
 4 possession limits and territorial limitations set forth herein pertain-  
 5 ing to fish, game and various species of wildlife are based upon a  
 6 proper biological balance as hereinafter defined being maintained for  
 7 each species or kind. The seasons, catch limits, bag limits, size limits,  
 8 possession limits and territorial limitations set forth herein shall pre-  
 9 vail and be in force and effect for each and every species of wildlife

10 to which they pertain as long as the biological balance for each spe-  
 11 cies or kind remain such as to assure the maintenance of an adequate  
 12 supply of such species. The commission is hereby designated the sole  
 13 agency to determine the facts as to whether such biological balance  
 14 does or does not exist. If the commission, after investigation finds  
 15 that the number ~~and/or~~ *or the number and* sex of each or any species  
 16 or kind of wildlife is at variance to aforesaid condition, the commis-  
 17 sion shall, by administrative ~~order~~ *rule*, extend, shorten, open or close  
 18 seasons ~~and/or~~ *change and set, increase, or reduce* catch limits, bag  
 19 limits, size limits, ~~and/or~~ possession limits, or ~~areas~~ *territorial limi-*  
 20 *tations* in accordance with said findings. For the purpose of this sec-  
 21 tion, biological balance is defined as that condition when all losses to  
 22 population are compensated by natural reproductive activity or artifi-  
 23 cial replenishment, replacement or stocking.

Approved March 17, 1972.

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CHAPTER 1034  
 UNDESIRABLE FISH  
 H. F. 1219

AN ACT related to the destruction of undesirable fish.

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

1 SECTION 1. Section one hundred nine point seventeen (109.17),  
 2 Code 1971, is amended by striking unnumbered paragraphs two (2)  
 3 and three (3) and inserting in lieu thereof the following:

4 "The commission may issue to any person a permit authorizing him  
 5 to remove undesirable or injurious fish from the inland waters of the  
 6 state. The person receiving such a permit shall comply with the pro-  
 7 visions enumerated in chapter one hundred ten (110) and section one  
 8 hundred nine point one hundred fifteen (109.115) of the Code and all  
 9 fishing equipment shall be properly licensed and tagged as specified  
 10 by the commission.

11 The commission shall determine the season, territorial limitations,  
 12 method of take, and size limits for the removal of undesirable or inju-  
 13 rious fish in accordance with the provisions of section one hundred  
 14 seven point twenty-four (107.24) of the Code."

Approved April 21, 1972.

## CHAPTER 1035

## TROUT FISHING

S. F. 1134

AN ACT relating to the regulation of trout fishing.

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

1 SECTION 1. Section one hundred nine point thirty-eight (109.38),  
 2 subsection one (1), Code 1971, is amended to read as follows:  
 3 1. The commission may upon its own motion and after an investiga-  
 4 tion, alter, limit, or restrict the methods or means employed and the  
 5 instruments or equipment used in taking deer, raccoon, *trout*, or rough  
 6 fish, if the investigation reveals that such action would be desirable or  
 7 beneficial in promoting the interests of conservation, or the commis-  
 8 sion may, after an investigation when it is found there is imminent  
 9 danger of loss of fish through natural causes, authorize the taking of  
 10 fish by such means as they may deem advisable to salvage such im-  
 11 periled fish populations.

Approved April 22, 1972.

## CHAPTER 1036

## HUNTING RESTRICTIONS

S. F. 431

AN ACT relating to hunting restrictions.

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

1 SECTION 1. Section one hundred nine point forty-eight (109.48),  
 2 Code 1971, is amended by striking the section and inserting in lieu  
 3 thereof the following:

4 **109.48 Restrictions.** No person, except as otherwise provided by  
 5 law, shall willfully disturb, pursue, shoot, kill, take or attempt to take  
 6 or have in possession any of the following game birds or animals ex-  
 7 cept within the open season established by the commission: gray or  
 8 fox squirrel, bobwhite quail, cottontail or jack rabbit, duck, snipe,  
 9 pheasant, goose, woodcock, partridge, coot, rail, ruffed grouse, wild  
 10 turkey, or deer. The seasons, bag limits, possession limits and local-  
 11 ity shall be established by the commission under the authority of sec-  
 12 tions one hundred seven point twenty-four (107.24), one hundred nine  
 13 point thirty-eight (109.38), and one hundred nine point thirty-nine  
 14 (109.39) of the Code.

15 Subject to annual approval of the commission by departmental rule,  
 16 no person shall take, possess, transport or use migratory game birds  
 17 except during the periods of time and in the manner and numbers  
 18 established under the provisions of the federal "Migratory Bird Treaty  
 19 Act" and the "Migratory Bird Stamp Hunting Act".

Approved March 22, 1972.

## CHAPTER 1037

## OBSOLETE HUNTING, FISHING AND TRAPPING RECORDS

H. F. 1015

AN ACT relating to disposition of obsolete copies of hunting, fishing and trapping licenses.

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

- 1 SECTION 1. Chapter one hundred ten (110), Code 1971, is amended  
 2 by adding the following new section:  
 3 "The board of supervisors may order the county recorder to destroy  
 4 all triplicate copies of hunting, fishing and trapping licenses which  
 5 have been on file in the recorder's office for five years or more."

Approved February 11, 1972.

## CHAPTER 1038

## MIGRATORY WATERFOWL

H. F. 1207

AN ACT relating to the hunting of migratory waterfowl, the issuance of stamps, and the collection of fees.

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

- 1 SECTION 1. As used in this Act, unless the context otherwise re-  
 2 quires:  
 3 1. "Migratory waterfowl" means any wild goose, brant, or wild  
 4 duck.  
 5 2. "Department" means department of conservation.  
 6 3. "Commission" means state conservation commission.  
 7 4. "Stamp" means the state migratory waterfowl stamp furnished  
 8 by the department.

- 1 SEC. 2. No person shall hunt or take any migratory waterfowl  
 2 within this state without first procuring a state migratory waterfowl  
 3 stamp and having such stamp in his possession while hunting or tak-  
 4 ing any migratory waterfowl. Each stamp shall be validated by the  
 5 signature of the licensee written across the face of such stamp. The  
 6 department shall determine the form of the stamp and shall furnish  
 7 the stamps to the county recorders and their designated depositaries  
 8 for issuance or sale in the same manner as hunting licenses are issued  
 9 or sold under chapter one hundred ten (110) of the Code.

- 1 SEC. 3. A stamp shall be issued to each hunting license applicant  
 2 upon written request on forms furnished by the department and the  
 3 payment of a fee of one dollar. Each stamp shall expire on Decem-  
 4 ber thirty-one following its issuance.

- 1 SEC. 4. All revenue shall be used for projects approved by the  
 2 commission for the purpose of protecting and propagating migratory

3 waterfowl and for the development, restoration, maintenance or pres-  
 4 ervation of wetlands, except for that part which is specified by the  
 5 commission for use in paying administrative expenses as provided in  
 6 section one hundred seven point seventeen (107.17) of the Code.  
 7 The commission may enter into contracts with nonprofit organiza-  
 8 tions for the use of one-half of such funds outside the United States  
 9 if the commission finds that such contracts are necessary for carrying  
 10 out the purposes of this Act.

1 SEC. 5. Before approving and allocating funds for a proposed  
 2 project to be undertaken outside this state or outside the United  
 3 States, the commission shall obtain evidence that the project is ac-  
 4 ceptable to the government agency having jurisdiction over the lands  
 5 and waters affected by the project.

Approved March 23, 1972.

## CHAPTER 1039

### BEER AND LIQUOR CONTROL

H. F. 1133

AN ACT making corrective amendments to the "Iowa beer and liquor control Act" by defining the phrase "intoxicating liquor"; changing the term of office of council members; allowing certain special permit holders to buy alcohol direct from distiller or wholesaler; amending the qualifications for the holding of certain special liquor permits; defining the authority of local issuing bodies upon initial issuance of liquor licenses and retail beer permits; changing the license fees for hotels and motels located outside corporate limits of cities and towns; correcting the omission of the words "and tax" in provisions relating to air common carriers; providing that certain refund provisions apply to all classes of retail beer permittees; providing notification of the transfer of location of the licensed premises for the retail sale of beer and liquor to the department and establishing a transfer fee by regulation; redefining areas in which retail licenses and permits may be granted; redefining the term "grocery store"; eliminating a conflict in population factors; making uniform the time a penalty of license suspension might last for all classes of beer permit holders and the holders of certificates of compliance by brewers and importers of malt beverages; and, by providing that books of accounts and records of beer permittees shall be open to inspection by the enforcement division of beer and liquor department of public safety during normal business hours.

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

1 SECTION 1. Chapter one hundred thirty-one (131), section three  
 2 (3), subsection eight (8), Acts of the Sixty-fourth General Assembly,  
 3 First Session, is amended to read as follows:  
 4 8. "Alcoholic liquor" ~~or~~, "alcoholic beverage" or "intoxicating  
 5 liquor" includes the three varieties of liquor defined in subsections five  
 6 (5), six (6), and seven (7) of this section, except beer as defined in  
 7 subsection nine (9) of this section but including all beverages made  
 8 as described in such subsection which contain more than four percent  
 9 of alcohol by weight, and every liquid or solid, patented or not, con-  
 10 taining alcohol, spirits, or wine, and susceptible of being consumed  
 11 by a human being, for beverage purposes.

1 SEC. 2. Chapter one hundred thirty-one (131), section six (6),  
2 Acts of the Sixty-fourth General Assembly, First Session, is amended  
3 to read as follows:

4 Sec. 6. **Appointment — term — qualifications — compensation.** The  
5 governor shall appoint the initial members of the council for respec-  
6 tive terms of ~~one, two, three, four, and five~~ *one and one-half, two and*  
7 *one-half, three and one-half, four and one-half, and five and one-half*  
8 years, all of which shall commence January 1, 1972. Appointments  
9 thereafter shall be for five years and shall be made by the governor,  
10 subject to confirmation by two-thirds of the senate, within sixty days  
11 after the convening of the general assembly each year for the member  
12 whose term is to expire on the following July 1. Members of the coun-  
13 cil shall be chosen on the basis of managerial ability and experience as  
14 business executives. Members may be reappointed for one additional  
15 term. Each member appointed shall receive full compensation for  
16 their services of two thousand five hundred dollars per annum in addi-  
17 tion to reasonable and necessary expenses while attending meetings.

1 SEC. 3. Chapter one hundred thirty-one (131), section twenty-  
2 nine (29), subsections one (1) and two (2), Acts of the Sixty-fourth  
3 General Assembly, First Session, are amended to read as follows:

4 1. To a physician, pharmacist, dentist, or veterinarian, entitling the  
5 holder to purchase ~~liquor~~ *and import alcohol from distillers and whole-*  
6 *salers or from the state liquor stores for use medicinally and in com-*  
7 *ounding prescriptions and to sell the same for use medicinally in the*  
8 *compounded prescription only upon the prescription of a licensed phy-*  
9 *sician or surgeon, or to use such liquor alcohol in manufacturing or*  
10 *compounding lotions, compounds, and like commodities not susceptible*  
11 *for beverage purposes, and to sell the same for public use.*

12 2. To a soldiers home, sanitarium, hospital, college, or home for the  
13 aged which will entitle the holder to purchase ~~liquor~~ *and import alcohol*  
14 *from distillers and wholesalers or from the state liquor stores for use*  
15 *for medicinal, laboratory, and scientific purposes only.*

1 SEC. 4. Chapter one hundred thirty-one (131), section twenty-nine  
2 (29), subsection four (4), paragraph "c", Acts of the Sixty-fourth  
3 General Assembly, First Session, is amended to read as follows:

4 c. That *neither* the applicant, if he is an individual, ~~or~~ *nor* any mem-  
5 bers of the firm or officers of the corporation, if the applicant is not  
6 an individual, has been convicted of any violation of the laws of this  
7 state with reference to the sale of alcoholic liquors *or beer* within the  
8 three years preceding the date of the affidavit.

1 SEC. 5. Chapter one hundred thirty-one (131), section thirty-two  
2 (32), subsection two (2), Acts of the Sixty-fourth General Assembly,  
3 First Session, is amended to read as follows:

4 2. Action by local authorities. The local authority shall either  
5 approve or disapprove the issuance of a liquor control license or retail  
6 beer permit, and shall endorse such approval or disapproval on the  
7 application and forward same along with the required fee and bond to  
8 the department. ~~The~~ *Upon the initial issuance of a liquor control*  
9 *license or retail beer permit, the fact that the local authority deter-*  
10 *mines that no liquor control license or retail beer permit shall be*  
11 *issued shall not be held to be arbitrary, capricious, or without reason-*  
12 *able cause. There shall be no limit upon the number of liquor control*

13 licenses or retail beer permits which may be approved for issuance  
14 by local authorities.

1 SEC. 6. Chapter one hundred thirty-one (131), section thirty-six  
2 (36), subsection three (3), paragraph "d", Acts of the Sixty-fourth  
3 General Assembly, First Session, is amended to read as follows:

4 d. Hotels and motels located outside the corporate limits of any  
5 city or town, ~~one thousand three hundred dollars a sum equal to that~~  
6 *charged in the incorporated city or town located nearest the premises*  
7 *to be licensed, and in case there is doubt as to which of two or more*  
8 *differing corporate limits is the nearest, the license fee which is the*  
9 *largest shall prevail.*

1 SEC. 7. Chapter one hundred thirty-one (131), section thirty-six  
2 (36), subsection five (5), paragraph "c", Acts of the Sixty-fourth  
3 General Assembly, First Session, is amended to read as follows:

4 c. For air common carriers, each company shall pay a base annual  
5 fee of five hundred dollars and, in addition, shall quarterly remit to  
6 the department an amount equal to seven dollars for each gallon of  
7 alcoholic liquor sold, given away, or dispensed in or over this state  
8 during the preceding calendar quarter. The class "D" license fee *and*  
9 *tax* for air common carriers shall be in lieu of any other fee or tax  
10 collected from such carriers in this state for the possession and sale  
11 of alcoholic liquor and beer.

1 SEC. 8. Chapter one hundred thirty-one (131), section thirty-  
2 eight (38), unnumbered paragraphs two (2) and three (3), Acts  
3 of the Sixty-fourth General Assembly, First Session, is amended to  
4 read as follows:

5 Any such licensee or permittee, or his executor, administrator, or  
6 any person duly appointed by the court to take charge of and admin-  
7 ister the property or assets of the licensee or permittee for the bene-  
8 fit of his creditors, may voluntarily surrender such license or permit  
9 to the department and when so surrendered the department shall  
10 notify the local authority, and the department and such local author-  
11 ity, or the local authority by itself in the case of a class "~~B~~" retail  
12 beer permit, shall refund to the person so surrendering the license  
13 or permit a proportionate amount of the fee paid for such license or  
14 permit as follows: If surrendered during the first three months of  
15 the period for which said license or permit was issued the refund shall  
16 be three-fourths of the amount of the fee; if surrendered more than  
17 three months but not more than six months after issuance the refund  
18 shall be one-half of the amount of the fee; if surrendered more than  
19 six months but not more than nine months after issuance the refund  
20 shall be one-fourth of the amount of the fee. No refund shall be  
21 made, however, for any special liquor permit, nor for a liquor con-  
22 trol license or beer permit surrendered more than nine months after  
23 issuance. No refund shall be made to any licensee or permittee, upon  
24 the surrender of his license or permit, if there is at the time of said  
25 surrender a complaint filed with the department or local authority,  
26 charging him with a violation of the provisions of this Act. If upon  
27 hearing on any such complaint the license or permit is not revoked  
28 or suspended, then the licensee or permittee shall be eligible, upon  
29 surrender of his license or permit, to receive a refund as herein pro-



30 vided. But if his license or permit is revoked or suspended upon such  
31 hearing he shall not be eligible for the refund of any portion of his  
32 license or permit fee.

33 The local authority may in its discretion authorize a licensee or  
34 permittee to transfer the license or permit from one location to  
35 another within the same incorporated city or town, or within a county  
36 outside the corporate limits of a city or town, provided that the  
37 premises to which the transfer is to be made would have been eligible  
38 for a license or permit in the first instance and such transfer will not  
39 result in the violation of any law. *All transfers authorized, and the*  
40 *particulars of same, shall be reported to the director by the local*  
41 *authority. The director may by rule establish a uniform transfer fee*  
42 *to be assessed by all local authorities upon licensees or permittees to*  
43 *cover the administrative costs of such transfers, such fee to be re-*  
44 *tained by the local authority involved.*

1 SEC. 9. Chapter one hundred thirty-one (131), section one hun-  
2 dred twenty-eight (128), subsection one (1), paragraph "b", Acts of  
3 the Sixty-fourth General Assembly, First Session, is amended to read  
4 as follows:

5 b. That the premises for which the permit is sought is and will  
6 continue to be equipped with sufficient tables and seats to accommodate  
7 twenty-five persons at one time, and is ~~located within a business~~  
8 ~~district or an area now or hereafter zoned as a business district, in~~  
9 ~~areas where such business is permitted by any valid zoning ordinance~~  
10 ~~or will be so permitted on the effective date of the permit.~~

1 SEC. 10. Chapter one hundred thirty-one (131), section one hun-  
2 dred twenty-nine (129), unnumbered paragraph two (2), Acts of the  
3 Sixty-fourth General Assembly, First Session, is amended to read as  
4 follows:

5 "Grocery store" means any retail establishment, the ~~principal~~ busi-  
6 ness of which consists of the sale of food, ~~or~~ food products ~~or~~ *bever-*  
7 *ages* for consumption off the premises.

1 SEC. 11. Chapter one hundred thirty-one (131), section one hun-  
2 dred thirty-four (134), subsection two (2), paragraphs "a" and "b",  
3 Acts of the Sixty-fourth General Assembly, First Session, is amended  
4 to read as follows:

5 a. For premises located within the corporate limits of cities with a  
6 population of ~~over~~ ten thousand *and over*, three hundred dollars.

7 b. For premises located within the corporate limits of cities or  
8 towns *with a population of over at least* fifteen hundred but less than  
9 ten thousand, two hundred dollars.

1 SEC. 12. Chapter one hundred thirty-one (131), section one hun-  
2 dred thirty-five (135), subsection five (5), Acts of the Sixty-fourth  
3 General Assembly, First Session, is amended to read as follows:

4 5. Notwithstanding any other penalties provided by this Act, any  
5 holder of a certificate of compliance or any class "A" permit holder  
6 who shall violate any of the provisions of this section shall be subject  
7 to a fine not to exceed one thousand dollars or suspension of his cer-  
8 tificate or permit for a period not to exceed ~~sixty days~~ *one year* or both  
9 such fine and suspension.

1 SEC. 13. Chapter one hundred thirty-one (131), section one hun-  
 2 dred thirty-eight (138), Acts of the Sixty-fourth General Assembly,  
 3 First Session, is amended to read as follows:

4 Sec. 138. **Books of account required.** Each class "A" permittee  
 5 shall keep proper books of account and records showing the amount  
 6 of beer sold by him, which books of account shall be at all times open  
 7 to inspection by the director. Each class "B" and class "C" permittee  
 8 shall keep proper books of account and records showing each purchase  
 9 of beer made by him, and the date and the amount of each purchase  
 10 and the name of the person from whom each purchase was made,  
 11 which books of account and records shall be ~~at all times~~ open to in-  
 12 spection by the director *and agents of the division of beer and liquor*  
 13 *law enforcement of the department of public safety during normal*  
 14 *business hours of the permittee.*

1 SEC. 14. This Act, being deemed of immediate importance, shall  
 2 take effect and be in force from and after its publication in The Belle-  
 3 vue Herald-Leader, a newspaper published in Bellevue, Iowa, and in  
 4 Lee Town News, a newspaper published in Des Moines, Iowa.

Approved April 21, 1972.

I hereby certify that the foregoing Act, House File 1133, was published in The Belle-  
 vue Herald-Leader, Bellevue, Iowa, May 4, 1972, and in the Lee Town News, Des Moines,  
 Iowa, May 4, 1972.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 1040

### ALCOHOLIC BEVERAGES ON SCHOOL PROPERTY

H. F. 1127

AN ACT relating to a penalty for the possession or consumption of alcoholic liquors or  
 beer on public school property or while attending school-related functions.

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

1 SECTION 1. Chapter one hundred thirty-one (131), section forty-  
 2 six (46), Acts of the Sixty-fourth General Assembly, First Session, is  
 3 amended to read as follows:

4 Sec. 46. **Consumption in public places—intoxication.** It is unlaw-  
 5 ful for any person to use or consume alcoholic liquors or beer upon  
 6 the public streets or highways, or alcoholic liquors in any public  
 7 place, except premises covered by a liquor control license, *or to*  
 8 *possess or consume alcoholic liquors or beer on any public school*  
 9 *property or while attending any public or private school related*  
 10 *functions, and no person shall be intoxicated nor simulate intoxi-*  
 11 *cation in a public place. As used in this section "school" means a*  
 12 *school or that portion thereof, which provides teaching for any grade*  
 13 *from kindergarten through grade twelve. Any person violating any*  
 14 *provisions of this section shall be fined not to exceed one hundred*  
 15 *dollars or sentenced not to exceed thirty days in the county jail.*

1 SEC. 2. Section two hundred seventy-nine point nine (279.9), Code  
 2 1971, as amended by chapter one hundred forty-nine (149), section ten

3 (10), Acts of the Sixty-fourth General Assembly, First Session, is  
4 further amended to read as follows:

5 279.9 Use of tobacco. Such rules shall prohibit the use of tobacco  
6 and the use or possession of alcoholic liquor or beer or any controlled  
7 substance as defined in senate file 1, section 101, subsection 6, Acts  
8 of the Sixty-fourth General Assembly, First Session, by any student  
9 of such schools and the board may suspend or expel any student for  
10 any violation of such rule.

Approved April 21, 1972.

## CHAPTER 1041

### EYEGLASS LENSES

H. F. 1104

AN ACT relating to protective eyeglass lenses.

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

1 SECTION 1. Chapter two hundred seventy-five (275), section one  
2 (1), Acts of the Sixty-fourth General Assembly, First Session, is  
3 amended to read as follows:

4 Section 1. No person shall fabricate, distribute, sell, exchange or  
5 deliver, or have in his possession with the intent to distribute, sell,  
6 exchange or deliver, any eyeglasses or sunglasses unless they are fitted  
7 with plastic lenses or laminated lenses or heat-treated glass lenses,  
8 or glass lenses made impact resistant by other methods except in those  
9 cases where a duly-licensed physician or optometrist, having found  
10 that such lenses will not fulfill the visual requirements of a particular  
11 patient, directs in writing the use of other lenses, and gives written  
12 notification thereof to the patient. Glass lenses shall have an optical  
13 center of not less than two millimeters, with an average thickness  
14 between the center and the thinnest edge of not less than one point  
15 seven millimeters and with an edge thickness of not less than one  
16 millimeter at the thinnest point of the edged lens. Before they are  
17 mounted in frames, all plastic and heat-treated glass lenses shall be  
18 capable of withstanding an impact test of a five-eighths inch steel ball  
19 dropped fifty inches. This test to be conducted at room temperature,  
20 with the lens supported by a plastic tube one inch inside diameter,  
21 one and one-fourth inch outside diameter, with a one-eighth inch by  
22 one-eighth inch neoprene gasket on top edge.

23 *The state department of health shall adopt standards and rules*  
24 *which specify impact resistance for lenses and which provide the*  
25 *method of testing lenses to determine if the lenses comply with such*  
26 *standards and rules.*

27 No person shall fabricate, distribute, sell, exchange or deliver, or  
28 have in his possession with intent to distribute, sell, exchange or  
29 deliver any eyeglass frame or sunglass frame containing any form of  
30 cellulose nitrate or other highly flammable materials.

31 Any person violating either provision of this law shall upon conviction  
32 be punished by a fine of not less than five hundred dollars for each  
33 violation.

Approved March 2, 1972.

## CHAPTER 1042

## RENAL DISEASE PROGRAM

S. F. 590

AN ACT relating to a renal disease program and to provide an appropriation therefor.

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

1 SECTION 1. Chapter one hundred thirty-five (135), Code 1971, is  
2 amended by adding the following new sections:

3 1. "The commissioner or his designee shall establish within the  
4 department a program for the care and treatment of persons suffer-  
5 ing from chronic renal diseases. This program shall assist persons  
6 suffering from chronic renal diseases who require lifesaving care and  
7 treatment for such renal disease, but who are unable to pay for such  
8 service on a continuing basis."

9 2. "The commissioner or his designee shall appoint a renal disease  
10 advisory committee to consult with the commissioner in the adminis-  
11 tration of this Act. The committee shall be composed of eleven per-  
12 sons selected as follows:

13 (1). Three members from a list submitted by the kidney foundation  
14 of Iowa, inc.\*

15 (2). One member from a list submitted by the Iowa regional medi-  
16 cal program, but not a member of the nominating groups named in  
17 subsections one (1), three (3), four (4), or six (6) of this section.

18 (3). One member from a list submitted by the Iowa nurses' asso-  
19 ciation.

20 (4). One member from a list submitted by the Iowa hospital asso-  
21 ciation.

22 (5). Three members representing the at-large consumers of health  
23 care in Iowa.

24 (6). Two members representing the Iowa medical profession in-  
25 volved in renal dialysis and transplantation.

26 Each member shall hold office for a term of four years or until his  
27 successor is appointed and qualifies, except that the terms of the mem-  
28 bers first taking office shall expire, as designated at the time of ap-  
29 pointment, two at the end of the first year, three at the end of the  
30 second year, three at the end of the third year, and three at the end  
31 of the fourth year, after the date of appointment. Any person ap-  
32 pointed to fill a vacancy occurring prior to the expiration of the term  
33 for which his predecessor was appointed shall be appointed for the  
34 remainder of the term. The committee shall meet as frequently as  
35 the commissioner deems necessary, but not less than once each year.  
36 The committee members shall receive no compensation but shall be  
37 reimbursed for actual expenses incurred in carrying out their duties  
38 as members of this committee."

39 3. "The commissioner, in consultation with the renal disease advis-  
40 ory committee, shall:

41 (1). Establish financial criteria for participation in this program  
42 based on the resources of the individual patient with due regard to  
43 all sources of funds, including, but not limited to, insurance policies,

\*According to enrolled Act.

44 private foundations, medicare, welfare, veterans' benefits, and voca-  
45 tional rehabilitation programs.

46 (2). Establish fees charged to the state for services rendered un-  
47 der approved programs.

48 (3). Extend financial assistance to provide medical, nursing, phar-  
49 maceutical, and technical services to persons suffering from chronic  
50 renal failure and requiring dialysis treatment or a kidney transplant  
51 as determined by qualified physicians.

52 (4). Lease dialysis machines to the patient or to the existing ap-  
53 proved dialysis treatment center. No patient residing in Iowa and  
54 able to participate in a home dialysis program shall cease to be gain-  
55 fully employed nor forced to become an indigent or a transient due to  
56 insufficient funds for the continuance of dialysis treatment within the  
57 patient's home.

58 (5). Institute within existing approved dialysis treatment centers  
59 a training program for home dialysis patients and for technical as-  
60 sistants, and investigate the availability of funds through regional  
61 medical funding and other sources in order to carry out the provisions  
62 of this subsection.

63 (6). Adopt necessary rules and regulations regarding the residency  
64 requirements for dialysis patients and, in consultation with the de-  
65 partment of social services, determine policies affecting indigent pa-  
66 tients who are not residents of the state of Iowa."

1 SEC. 2. There is appropriated from the general fund of the state  
2 for the fiscal year beginning July 1, 1972, and ending June 30, 1973,  
3 to the state department of health the sum of thirty thousand (30,000)  
4 dollars, or so much thereof as may be necessary, to be used to carry  
5 out the purposes of this Act.

1 SEC. 3. Any unused balance of the funds herein appropriated re-  
2 maining at the end of the biennium shall revert to the general fund  
3 of the state.

Approved March 9, 1972.

## CHAPTER 1043

### FIRE EXTINGUISHERS IN LABOR CAMPS

H. F. 219

AN ACT relating to the use of carbon tetrachloride fire extinguishers in migratory labor camps.

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

1 SECTION 1. Section one hundred thirty-eight point thirteen  
2 (138.13), subsection eleven (11), paragraph "e", subparagraph (3),  
3 Code 1971, is repealed.

Approved March 17, 1972.

## CHAPTER 1044

## ANATOMICAL GIFT ACTIONS

H. F. 556

AN ACT relating to actions arising out of the rendition of services under the uniform anatomical gift Act.

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

1 SECTION 1. Section one hundred forty-two A point eight (142A.8),  
 2 Code 1971, is amended as follows:  
 3 142A.8 **Service but not a sale.** The procurement, processing, dis-  
 4 tribution or use of whole blood, plasma, blood products, blood deriva-  
 5 tives and other human tissues such as corneas, bones or organs for  
 6 the purpose of injecting, transfusing or transplanting any of them  
 7 into the human body is declared to be, for all purposes, the rendition  
 8 of a service by every person participating therein and, whether or  
 9 not any remuneration is paid therefor, is declared not to be a sale  
 10 of such whole blood, plasma, blood products, blood derivatives or  
 11 other tissues, for any purpose, subsequent to enactment of this sec-  
 12 tion. *However, any person or entity that renders such service war-*  
 13 *rants only under this section that due care has been exercised and*  
 14 *that acceptable professional standards of care in providing such ser-*  
 15 *vice according to the current state of the medical arts have been*  
 16 *followed. Strict liability, in tort, shall not be applicable to the rendi-*  
 17 *tion of such service.*

Approved April 21, 1972.

## CHAPTER 1045

## PHYSICIANS' ASSISTANTS FUND

H. F. 1282

AN ACT relating to the creation of a physicians' assistants fund and making an appropriation therefor.

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

1 SECTION 1. Chapter one hundred thirty-seven (137), section seven  
 2 (7), Acts of the Sixty-fourth General Assembly, First Session, is  
 3 amended to read as follows:  
 4 Sec. 7. **Fees.** A fee of ten dollars shall be charged for each appli-  
 5 cation to the board by a physician to supervise each physician's assist-  
 6 ant. A fee of fifty dollars shall be charged for each approval initially  
 7 granted by the board. Approval shall be limited to one year. The  
 8 board may renew an application, and a fee of twenty-five dollars shall  
 9 be paid for such renewal. A fee of fifty dollars shall be charged to  
 10 each applicant seeking program approval by the board.  
 11 Fees required by this section shall be remitted by one department  
 12 in the name of the board to the treasurer of state and deposited by  
 13 him in the state board of medical examiners fund a special fund

14 *within the state treasury, hereby created, to be known as the physi-*  
 15 *cians' assistants fund.* Such fees shall be used to finance the provi-  
 16 sions of this Act and shall be subject to the provisions of section one  
 17 hundred forty-seven point one hundred three (147.103) of the Code.  
 18 However, the fees required by this Act shall not be included in com-  
 19 puting the remainder in excess of twenty-five thousand dollars in the  
 20 state board of medical examiners fund as provided in section one hun-  
 21 dred forty-seven point one hundred three (147.103) of the Code, and  
 22 such fees shall not revert to the general fund of the state *Funds depos-*  
 23 *ited in the physicians' assistants fund shall be subject to appropriation*  
 24 *by the general assembly.*

1 SEC. 2. There is appropriated from the state board of medical  
 2 examiners fund for the fiscal year beginning July 1, 1972 and ending  
 3 June 30, 1973 the sum of twelve thousand five hundred (12,500) dol-  
 4 lars, or so much thereof as may be necessary, which sum shall be  
 5 deposited in the physicians' assistants fund and used to carry out the  
 6 provisions of chapter one hundred thirty-seven (137), Acts of the  
 7 Sixty-fourth General Assembly, First Session. Fees collected pursu-  
 8 ant to section seven (7) of chapter one hundred thirty-seven (137),  
 9 Acts of the Sixty-fourth General Assembly, First Session, shall be  
 10 held in trust during the fiscal year commencing July 1, 1972 for the  
 11 purpose of reimbursing the board of medical examiners fund for funds  
 12 appropriated by this section. The board of medical examiners in  
 13 making its report to the governor and the general assembly as re-  
 14 quired by section six (6) of chapter one hundred thirty-seven (137),  
 15 Acts of the Sixty-fourth General Assembly, First Session, shall include  
 16 within the report a complete accounting of all fees collected and funds  
 17 expended. This information shall be forwarded to the committees on  
 18 appropriations of each house of the general assembly for review and  
 19 for the purpose of aiding such committees in determining the proper  
 20 appropriation required to carry out the physicians' assistants pro-  
 21 gram.

Approved March 24, 1972.

## CHAPTER 1046

### SWINE DISEASES

S. F. 392

AN ACT relating to the eradication of hog cholera and the control and eradication of the swine diseases.

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

1 SECTION 1. Section one hundred sixty-three point twenty-six  
 2 (163.26), subsection three (3), Code 1971, is amended as follows:  
 3 3. "Garbage" means putrescible animal and vegetable wastes re-  
 4 sulting from the handling, preparation, cooking, and consumption of  
 5 foods including animal carcasses or parts thereof, and shall include

6 all waste material, by-products of a kitchen, restaurant, hotel, or  
7 slaughterhouse, every refuse accumulation of animal, fruit, or vege-  
8 table matter, liquids or otherwise, except grain not consumed, that is  
9 collected from hog sales pen floors in public stockyards and fed under  
10 the control of the department of agriculture. Animals or parts of  
11 animals, which are processed by slaughterhouses or rendering estab-  
12 lishments, and which as part of such processing are heated to not  
13 less than 212° degrees F. for thirty minutes, shall not be deemed  
14 garbage for purposes of this chapter. ~~Where cattle slaughtering~~  
15 ~~operations are completely separate from any other slaughter opera-~~  
16 ~~tions, the rumen content taken from cattle slaughtered need not be~~  
17 ~~cooked and shall not be considered garbage for the purposes of this~~  
18 ~~chapter.~~

1 SEC. 2. Section one hundred sixty-three point thirty (163.30),  
2 Code 1971, is amended by striking the section and inserting in  
3 lieu thereof the following:

4 1. This section shall apply to all swine moved interstate and in-  
5 trastate, except swine moved directly to slaughter or to a livestock  
6 market for sale directly to a slaughtering establishment for immedi-  
7 ate slaughter.

8 2. When used in this chapter:

9 a. "Dealer" means any person who is engaged in the business of  
10 buying for resale, or selling, or exchanging swine as a principle or  
11 agent or who holds himself out as so engaged, but does not include  
12 the owner or operator of a farm who does not hold himself out as so  
13 engaged, and who sells or exchanges only those swine which have  
14 been kept by him solely for feeding or breeding purposes.

15 b. "Separate and apart" means a manner of holding swine so as  
16 not to have physical contact with other swine on the premises.

17 c. "Swine moved" means any physical relocation of swine to dif-  
18 ferent premises, except that it does not include movement of swine  
19 when their ownership does not change, and both their prior and new  
20 locations, and the movement between such locations, are within the  
21 state of Iowa.

22 3. No person shall act as a dealer without first securing a dealer's  
23 license from the department. The fee for a dealer's license shall be  
24 five dollars per annum and all licenses shall expire on the first day  
25 of July following date of issue. Licenses shall be numbered and  
26 the dealer shall retain his number from year to year. To secure a  
27 license, the applicant must file with the department a bond in the  
28 sum of ten thousand dollars with the secretary named as trustee,  
29 for the use and benefit of anyone damaged by a violation of this  
30 section, except that the bond shall not be required for dealers who  
31 are bonded in the same or a greater amount than required pursuant  
32 to the federal Packers and Stockyards Act.

33 Each employee or agent doing business by buying for resale, sell-  
34 ing or exchanging feeder swine in the name of a licensed dealer, shall  
35 be required to secure a permit and identification card issued by the  
36 department showing he is employed by or represents a licensed deal-  
37 er. All such permits and identification cards shall be issued upon  
38 application forms furnished by the department at a cost of three  
39 dollars per annum, and shall expire on the first day of July follow-  
40 ing the date of issue.



41 No permittee shall represent more than one dealer. Failure of  
42 any such licensee or permittee to comply with the provisions of this  
43 chapter or any rule or regulation made pursuant to this chapter is  
44 cause for revocation by the secretary of the permit or license after  
45 notice to the alleged offender and the holding of a hearing thereon  
46 by the secretary. Such rules and regulations shall be made in ac-  
47 cordance with chapter 17A, Code 1971. Any rule or regulation, the  
48 violation of which is made the basis for revocation, except temporary  
49 emergency rules, shall first have been approved after public hearing  
50 as provided in section seventeen A point sixteen (17A.16) of the  
51 Code after giving twenty days notice of such hearing as fol-  
52 lows:

53 By mailing notice, by ordinary mail, to every person filing a re-  
54 quest for notice accompanied by an addressed envelope with prepaid  
55 postage. Any person may file such a request to be listed with any  
56 agency for notice for the time and place for all hearings on proposed  
57 rules, which request shall be accompanied by a remittance of five  
58 dollars. Such fee shall be added to the operating fund of the de-  
59 partment. The listing shall expire semiannually on January 1 and  
60 July 1.

61 4. All swine moved shall be individually identified with a distinc-  
62 tive and easily discernible ear tag affixed in either ear of the animal  
63 or other identification acceptable to the department, which has been  
64 specified by rule promulgated under the department's rule-making  
65 authority. The department shall make ear tags available at conve-  
66 nient locations within each county and shall sell such tags at a price  
67 not exceeding the cost to producers and others to comply with this  
68 section.

69 Every seller, dealer and market operator shall keep a record of  
70 the ear tag numbers, or other approved identification, and the farm  
71 of origin of swine moved by or through him, which records shall be  
72 made available by him to any appropriate representative of the de-  
73 partment or the United States department of agriculture.

74 5. All swine moved shall be accompanied by an official health cer-  
75 tificate or veterinarian inspection certificate issued by the state of  
76 origin and prepared and signed by a veterinarian. The health cer-  
77 tificate or veterinarian inspection certificate shall show the point of  
78 origin, the point of destination, individual identification, immuniza-  
79 tion status, and, when required, any movement permit number as-  
80 signed to the shipment by the department. All such movement of  
81 swine shall be completed within seventy-two hours unless an exten-  
82 sion of time for movement is granted by the department.

83 However, swine may be moved intrastate directly to an approved  
84 state, federal or auction market without such identification or cer-  
85 tification, there to be identified and certificated.

86 However, registered swine for exhibition or breeding purposes  
87 which can be individually identified by an ear notch or tattoo or  
88 other method approved by the department are excepted from this  
89 identification requirement. In addition, native Iowa swine moved  
90 from farm to farm may be excepted from the identification require-  
91 ment if the seller and purchaser sign a statement providing that  
92 feeder pigs will not be commingled for a period of thirty days and  
93 such fact is stated on the health certificate.

94 6. The department may require issuance of movement permits on  
 95 certain categories of swine moved, prior to their movement, pursu-  
 96 ant to departmental rule. The rule shall be promulgated when in  
 97 the judgment of the secretary, such movements would otherwise  
 98 threaten or imperil the eradication of hog cholera in Iowa.

99 7. All swine moved shall be quarantined separate and apart from  
 100 other swine located at the Iowa farm of destination for thirty days  
 101 beginning with their arrival at such premises, or if such incoming  
 102 swine are not held separate and apart, all swine on such premises  
 103 shall be thus quarantined, except animals moving from such prem-  
 104 ises directly to slaughter.

105 There can only be one transfer by a dealer, involving not more  
 106 than two markets, prior to quarantine.

107 8. The use of anti-hog cholera serum or antibody concentrate shall  
 108 be in accordance with rules and regulations issued by the depart-  
 109 ment.

110 9. All swine found by a registered veterinarian to have any infec-  
 111 tious, contagious, or communicable swine disease after delivery to  
 112 any livestock sale barn or auction market for resale other than for  
 113 slaughter, shall be immediately returned to the consignor's premises  
 114 to be quarantined separate and apart for fifteen days. Such swine  
 115 may not be moved from such premises for any purpose unless an  
 116 official health certificate or veterinarian inspection certificate ac-  
 117 companies the movement or unless they are sent to slaughter. This  
 118 subsection shall in no way supersede the requirements of sections  
 119 one hundred sixty-three A point two (163A.2) and one hundred sixty-  
 120 three A point three (163A.3) of the Code.

1 SEC. 3. Section one hundred sixty-six B point three (166B.3),  
 2 Code 1971, is amended by striking the section and inserting in lieu  
 3 thereof the following:

4 The department of agriculture shall appraise any swine destroyed  
 5 or order\* destroyed pursuant to this chapter at not to exceed current  
 6 market value and shall indemnify the owner of such swine in an  
 7 amount not to exceed two hundred dollars for purebred, inbred or  
 8 hybrid or breeding swine; and not to exceed one hundred dollars for  
 9 all other swine, provided that fifty percent or more of all such indem-  
 10 nities are paid by the United States department of agriculture.

1 SEC. 4. Sections one hundred sixty-three point thirty-one  
 2 (163.31), one hundred sixty-three point thirty-two (163.32), and one  
 3 hundred sixty-three point thirty-three (163.33), Code 1971, are re-  
 4 pealed.

Approved March 6, 1972.

\*According to enrolled Act.

## CHAPTER 1047

## SWINE BRUCELLOSIS

S. F. 1200

AN ACT relating to control of swine brucellosis.

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

1 SECTION 1. Section one hundred sixty-three A point three  
 2 (163A.3), unnumbered paragraph two (2), Code 1971, is amended to  
 3 read as follows:

4 If an animal is added to a validated brucellosis-free herd, it must  
 5 be a negative animal that either comes from another validated brucel-  
 6 losis-free herd or has been negative to *at least one brucellosis test, or*  
 7 *if required by rules of the department, to two brucellosis tests con-*  
 8 *ducted not less than thirty days nor more than sixty days apart, the*  
 9 *last test being within thirty days prior to the introduction of the ani-*  
 10 *mal into the herd.*

1 SEC. 2. Chapter one hundred sixty-three A (163A), Code 1971, is  
 2 amended by adding the following new section:

3 "If the owner requests the department to inspect and test his breed-  
 4 ing swine for brucellosis, and agrees to comply with the rules and reg-  
 5 ulations made by the department under section one hundred sixty-  
 6 three A point nine (163A.9) of the Code, the department may desig-  
 7 nate a veterinarian to make an inspection and test, with the expense  
 8 to be paid as provided in section one hundred sixty-four point six  
 9 (164.6) of the Code for cattle brucellosis testing, but only to the extent  
 10 the funds provided in that section are not required for the cattle  
 11 testing program. The board of supervisors shall reimburse the de-  
 12 partment for the expense of the inspection and testing program for  
 13 swine brucellosis, from the 'County Brucellosis Eradication Fund' es-  
 14 tablished in section one hundred sixty-four point twenty-four (164.24)  
 15 of the Code, but only to the extent that the moneys in the fund are  
 16 not required for expenses incurred under chapter one hundred sixty-  
 17 four (164) of the Code."

1 SEC. 3. Section one hundred sixty-four point twenty-three  
 2 (164.23), Code 1971, is amended to read as follows:

3 164.23 Tax levy. In each county in the state, the board of super-  
 4 visors shall each year, when it makes the levy for taxes, levy a tax  
 5 sufficient to provide a fund to pay the indemnity, as set out in section  
 6 164.21, and other expenses provided in this chapter, *and expenses of*  
 7 *the inspection and testing program provided in chapter 163A, and*  
 8 *such levy shall not exceed one-half mill in any year upon the taxable*  
 9 *value of all the property in the county.*

1 SEC. 4. Section one hundred sixty-four point twenty-four (164.24),  
 2 Code 1971, is amended to read as follows:

3 164.24 Collection of tax. Such levy shall be placed upon the tax  
 4 list by the county auditor and collected by the county treasurer in the  
 5 same manner and at the same time as other taxes of the county. The  
 6 money derived from such levy shall be placed in a fund to be known  
 7 as the "County Brucellosis Eradication Fund", and shall be used only  
 8 for the payment of claims as provided in this chapter, *and for pay-*

9 *ment of the expenses of the inspection and testing program provided*  
10 *in chapter 163A.*

1 SEC. 5. Section one hundred sixty-four point twenty-eight  
2 (164.28), Code 1971, is amended to read as follows:

3 164.28 **Certification of claims.** All claims presented under author-  
4 ity of this chapter *and chapter 163A* shall be certified by the depart-  
5 ment and filed with the county auditor, who shall present them to the  
6 board of supervisors, and such board shall allow and pay the same **as**  
7 other claims against the county.

Approved April 1, 1972.

## CHAPTER 1048

### SALE OF FOOD FROM VEHICLES

S. F. 1171

AN ACT related to licensing of vehicles from which food and dairy products are sold.

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

1 SECTION 1. Section one hundred seventy point two (170.2), Code  
2 1971, is amended to read as follows:

3 170.2 **License required.** No person shall maintain a food establish-  
4 ment, tavern, motor inn, hotel, or restaurant until he has obtained a  
5 license from the department of agriculture. However, cigar stores,  
6 drug stores, egg, cream, or poultry buying stations, or any other estab-  
7 lishment selling or offering for sale only candy or gum, schools selling  
8 or offering for sale refreshments at athletic contests, band festivals,  
9 or similar events, and children selling or offering for sale lemonade  
10 or other soft drinks and candy or gum on lawns, curbsings, sidewalks,  
11 or any other property shall not be required to obtain a license. Each  
12 license shall expire September 1 following the date of issue except a  
13 hotel license which shall expire on the last day of December following  
14 the date of issue and a restaurant license which shall expire one year  
15 from date of issue. This section shall not be construed to require the  
16 licensing of establishments or persons involved in a hot-lunch program  
17 in any public or parochial school of the state of Iowa ~~or to vehicles~~  
18 ~~selling only milk and dairy products licensed as required by section~~  
19 ~~192.3~~ or to those persons or establishments exclusively engaged in the  
20 processing of meat and poultry licensed as required under section  
21 189A.3.

1 SEC. 2. Section one hundred seventy point five (170.5), subsection  
2 seven (7), Code 1971, is amended to read as follows:

3 7. For each vehicle from which food is sold directly to the public,  
4 ~~ten~~ *five* dollars per year.

1 SEC. 3. Section one hundred ninety-one point two (191.2), subsec-  
2 tion six (6), Code 1971, is amended to read as follows:

3 6. All vehicles and transport tanks containing milk or milk prod-  
4 ucts, ~~except those referred to in section 192.6,~~ shall be legibly marked

5 with the name and address of the milk plant or hauler in possession  
6 of the contents.

1 SEC. 4. Section one hundred ninety-two point two (192.2), sub-  
2 section two (2), Code 1971, is amended to read as follows:

3 2. To persons who ~~do not~~ sell milk or cream from a ~~store or~~ vehicle.

1 SEC. 5. Section one hundred ninety-two point three (192.3), Code  
2 1971, shall be amended to read as follows:

3 192.3 **Fee.** The fee for said license shall be three dollars for each  
4 place ~~and for each vehicle~~ from which sales are made. The license  
5 shall expire on July 4 after the date of issue and shall not be trans-  
6 ferable.

1 SEC. 6. Section one hundred ninety-two point four (192.4), Code  
2 1971, is amended to read as follows:

3 192.4 **Contents of license.** Such license shall be issued only to the  
4 person owning or leasing the ~~vehicle or~~ place from which sales are to  
5 be made; and each license shall contain the name, residence, and place  
6 of business of the licensee.

1 SEC. 7. Section one hundred ninety-two point six (192.6), Code  
2 1971, is repealed.

Approved April 22, 1972.

## CHAPTER 1049

### BONDING SLAUGHTERHOUSES

H. F. 391

AN ACT relating to the bonding of operators of slaughterhouses buying cattle, hogs, or sheep, and the bonding of agents, dealers, or brokers of such operators, and providing a penalty.

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

1 SECTION 1. When used in this Act, unless the context otherwise  
2 requires:

3 1. "Animals" or "livestock" includes cattle, calves, swine, or sheep.

4 2. "Person" means an individual, partnership, association or cor-  
5 poration, or any other business unit.

6 3. "Dealer" or "broker" means any person determined by the  
7 department of agriculture to be engaged in the business of slaugh-  
8 tering live animals or receiving or buying live animals for slaughter.

9 4. "Agent" means a person engaged in the business of buying  
10 livestock for slaughter on behalf of any dealer or broker.

11 5. "Department" means the department of agriculture of this  
12 state.

1 SEC. 2. No person shall act as a dealer or broker without first  
2 being licensed. No agent shall act for any dealer or broker unless  
3 such dealer or broker is licensed, has designated such agent to act  
4 in his behalf, and has notified the department of the designation in

5 his application for license or has given official notice in writing of  
6 the appointment of the agent and requested the department to issue  
7 to the agent an agent's license. A dealer or broker shall be account-  
8 able and responsible for contracts made by an agent in the course  
9 of his employment. The license of an agent whose services are ter-  
10 minated by or with the dealer or broker shall be void on the date  
11 written notice of termination is received by the department. The  
12 license of a dealer, broker, or agent, unless revoked, shall expire on  
13 the last day of June following the date of issue. The annual fee for  
14 the license of a dealer or broker is twenty-five dollars. The annual  
15 fee for an agent's license is ten dollars.

1 SEC. 3. Application for a license as a dealer or broker or as an  
2 agent shall be made in writing to the department. The application  
3 shall state the nature of the business, the municipal corporation,  
4 township and county, the post office address at which the business  
5 is to be conducted, and such additional information as the depart-  
6 ment may prescribe.  
7 The applicant upon satisfying the department of his character and  
8 good faith in seeking to engage in such business and upon complying  
9 with such other requirements specified in this Act, shall be issued  
10 by the department a license to conduct the business of a dealer,  
11 broker, or agent at the place named in the application.

1 SEC. 4. No license shall be issued by the department to a dealer  
2 or broker until the applicant has furnished proof of financial respon-  
3 sibility. The proof of financial responsibility shall be approved by  
4 the department. The proof may be in the following forms:  
5 1. A bond of a surety company authorized to do business in the  
6 state of Iowa in the form prescribed by and to the satisfaction of  
7 the department, conditioned for the payment of a judgment against  
8 the applicant furnishing the bond because of nonpayment of obliga-  
9 tions in connection with the purchase of animals.

10 The amount of bond for an established dealer or broker shall not  
11 be less than the nearest multiple of five thousand dollars above twice  
12 the average daily value of purchases of livestock, handled by such  
13 applicant during the preceding twelve months or such parts thereof  
14 as the applicant was purchasing livestock. For the purpose of this  
15 computation, two hundred sixty is deemed the number of business  
16 days in a year.

17 If a new dealer or broker not previously covered by this Act  
18 applies for a license, the amount of bond shall be based on twice the  
19 estimated average daily value of purchases of livestock.

20 At such time as the daily purchases of livestock by the dealer or  
21 broker exceed twice the estimated average daily value of purchases  
22 of livestock by more than five percent of the amount of his bond,  
23 the dealer or broker shall adjust the amount of the bond to cover  
24 livestock purchases.

25 Whenever the amount of the bond as calculated in this subsection  
26 exceeds two hundred thousand dollars, the amount of the bond shall  
27 be two hundred thousand dollars plus ten percent of the average  
28 daily valuation in excess of two hundred thousand dollars. In no  
29 case shall the amount of bond be less than five thousand dollars.

30 2. A deposit with the department of the required amount in money  
31 or negotiable bonds of the United States or of the state of Iowa or a  
32 political subdivision of the state of Iowa of that par or face value,  
33 for the purpose of securing the payment of a judgment against the  
34 applicant furnishing the deposit because of nonpayment of obliga-  
35 tions in connection with the purchase of animals. The deposit shall  
36 be made under a deposit agreement prescribed by the department.  
37 The amount of the deposit shall be calculated in the exact manner  
38 as the amount of a bond as provided in subsection one (1) of this  
39 section. The deposit shall not be subject to attachment for any other  
40 claim or levy of execution upon a judgment based on any other  
41 claims.

42 Any person damaged by nonpayment of obligations or by any  
43 misrepresentation or fraud on the part of a broker or dealer may  
44 maintain an action against the broker or dealer and the sureties on  
45 the bonds provided for in this section or for the application of the  
46 deposit furnished the department. The aggregate liability of the  
47 sureties for all such damage shall not exceed the amount of bond.  
48 In the event that the aggregate judgments on the bond or the deposit  
49 exceed the total amount of such bond or deposit, the amount payable  
50 on account of any judgment shall be in the same proportion to the  
51 bond or deposit as the individual judgment bears to the aggregate  
52 judgments.

53 Unless the person damaged files his claim with the dealer or broker  
54 and the sureties and the department within ninety days from the  
55 date of the alleged violation, or within ninety days after the discov-  
56 ery of nonpayment of obligations, fraud, or misrepresentation on the  
57 part of the person complained against, the claimant shall be barred  
58 from maintaining an action on the bond or for the application of the  
59 deposit.

60 Whenever the department determines that the business volume of  
61 the applicant or licensee is such as to render the bond or deposit  
62 inadequate, the amount of the bond or deposit shall be, upon notice,  
63 adjusted. All bonds or deposit agreements shall contain a provision  
64 requiring that at least thirty days' prior notice in writing be given  
65 to the department by the party terminating the bonds or deposit  
66 agreements in order to effect termination.

67 The termination of a bond shall not release the parties from any  
68 liability arising out of the facts or transactions occurring prior to  
69 the termination date.

70 The termination of a deposit agreement shall neither release the  
71 party furnishing the deposit from any liability arising out of acts  
72 or transactions occurring prior to the termination date, nor shall the  
73 department permit the withdrawal of the deposit until after ninety  
74 days of the termination date, and then only if no claims under the  
75 agreement have been filed with the department. If any claims have  
76 been filed with the department, the withdrawal of the deposit shall  
77 not be permitted until the claims have been satisfied or released and  
78 evidence of the satisfaction or release filed with the department.

79 All moneys and securities deposited with the department shall be  
80 handled in the following manner:

81 a. All securities deposited with the department shall remain in its  
82 custody.

83 b. All moneys shall be delivered to the treasurer of state and  
84 invested in the manner set forth in section four hundred fifty-two  
85 point ten (452.10) of the Code, and he shall not relinquish the moneys  
86 except upon the written orders of the department.

87 The owner shall be entitled to receive all income from moneys and  
88 securities so deposited and the department shall issue a receipt for  
89 each deposit setting forth this fact.

90 3. In lieu of a bond or deposit, the applicant may file an annual  
91 sworn financial statement certified by a certified public accountant  
92 showing all assets and liabilities. The statement shall show the appli-  
93 cant's current net worth to be not less than five times the amount  
94 of the bond or deposit otherwise required by this section. If upon  
95 examination of any financial statement the department considers  
96 that the applicant has furnished insufficient proof of financial respon-  
97 sibility, a written order may be issued directing the applicant to  
98 provide the bond or deposit required by this section. Failure to  
99 comply with an order shall be cause for revocation or suspension of  
100 license. It shall be unlawful for any officer or employee of the state  
101 of Iowa to divulge or to make known in any manner whatever not  
102 provided by law to any person the information contained in any  
103 financial statement.

1 SEC. 5. Any dealer or broker who has a bond required by the  
2 United States department of agriculture under the Packers and  
3 Stockyards Act of 1921 as amended, Title seven (VII), sections one  
4 hundred eighty-one (181) through two hundred thirty-one (231),  
5 inclusive, United States Code, shall be exempt from the provisions  
6 of this Act.

1 SEC. 6. The licensing provisions of this Act shall not apply to  
2 any dealer or broker who has a license issued by the department to  
3 conduct a food establishment or locker plant and who purchases  
4 livestock for slaughter valued at less than an average daily value of  
5 one thousand five hundred dollars during the preceding twelve months  
6 or such part thereof as the dealer or broker was purchasing livestock.  
7 Said licensees are made subject to this Act as to the regulatory and  
8 penal provisions hereof. All other provisions of this Act shall apply  
9 to said dealers or brokers.

1 SEC. 7. Every dealer or broker shall during all reasonable times  
2 permit an authorized representative of the department to examine  
3 all records relating to his business necessary in the enforcement of  
4 this Act.

1 SEC. 8. The department shall have the power and authority to  
2 enter into reciprocal agreements with the authorized representatives  
3 of other federal or state jurisdictions for the exchange of informa-  
4 tion and audit reports on a cooperative basis which may assist the  
5 department in the proper administration of this Act.

1 SEC. 9. Any person violating any provision of this Act shall be  
2 punished by a fine of not less than five hundred dollars nor more  
3 than two thousand five hundred dollars, or imprisonment in the  
4 county jail for not more than six months, or be punished by both  
5 such fine and imprisonment.

Approved March 2, 1972.



## CHAPTER 1050

## EXCISE TAX ON TURKEY SALES

H. F. 145

AN ACT to provide an excise tax on the sale of turkeys and providing a penalty for certain violations of this Act.

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

1 SECTION 1. As used in this Act, unless the context indicates other-  
2 wise:

3 1. "Producer" means any person doing business within this state  
4 who grows more than two hundred turkeys for slaughter each year.  
5 The word "producer" may include where applicable, an integrator,  
6 who is a person who both produces and processes turkeys.

7 2. "Processor" means any person who purchases more than one  
8 thousand turkeys for slaughter each year. The word "processor"  
9 may include where applicable, an integrator, who is a person who  
10 both produces and processes turkeys.

11 3. "Turkeys" means turkeys raised for slaughter.

12 4. "Treasurer" means the person appointed as treasurer by the  
13 Iowa turkey marketing council from the membership of the council.

14 5. "Secretary" means a person employed by the Iowa turkey mar-  
15 keting council to perform duties specified by this Act or the council.

16 6. "Market development" means research and education programs  
17 directed toward better and more efficient production, marketing and  
18 utilization of turkey and turkey products produced for resale, and  
19 methods and means, including, but not limited to, public relations  
20 and other promotion techniques, for the maintenance of present mar-  
21 kets, for the development of new or larger domestic or foreign mar-  
22 kets, for the sale of turkeys, and for prevention, modification, or  
23 elimination of trade barriers which obstruct the free flow of such  
24 agricultural commodities to market. Market development includes  
25 providing promotion and research funds for Iowa's participation in  
26 activities such as the national turkey federation, the eat more turkey  
27 campaign, the national turkey federation research fund and other  
28 activities as may be authorized by the council.

29 7. "Iowa turkey marketing council" or "council" means the council  
30 administrating promotion and research funds. The council shall con-  
31 sist of the following seven members:

32 a. The Iowa secretary of agriculture or his representative.

33 b. The chairman of the poultry science department of the Iowa  
34 state university of science and technology.

35 c. The president of the Iowa turkey federation.

36 d. Four representatives selected from a list of eight names sub-  
37 mitted by the Iowa turkey federation by the secretary of agriculture  
38 who shall represent the Iowa turkey industry.

1 SEC. 2. If approved by a majority of the voters at a referendum  
2 as provided in section ten (10) of this Act, there is hereby imposed  
3 a fee upon each turkey delivered for processing in the state of Iowa.  
4 The rate of the fee imposed shall be one-half cent for each turkey  
5 weighing less than ten pounds live weight and one cent for each  
6 turkey weighing ten or more pounds live weight.

7 The fee shall be imposed on the producer and collected at the time  
8 of delivery of a turkey to the processing plant and shall be deducted  
9 by the processor at the time of delivery from the price paid to the  
10 producer at the time of the sale to the producer.

1 SEC. 3. At the time of delivery to the processing plant, the pro-  
2 cessor shall sign and deliver to the producer separate invoices for  
3 each purchase or such other records which will expedite collection  
4 of the fee. The invoices shall show:

- 5 1. The name and address of the producer and the seller, if different  
6 from the producer.
  - 7 2. The name and address of the processor.
  - 8 3. The quantity of turkeys sold.
  - 9 4. The date of the delivery.
- 10 Invoices shall be legibly written and shall not be altered.

1 SEC. 4. The fee imposed by this Act shall be paid by the processor  
2 to the Iowa turkey marketing council. Amounts collected from the  
3 fees shall be deposited with the treasurer of state in a separate  
4 special fund to be known as the Iowa turkey account.

1 SEC. 5. The fee imposed by this Act shall be remitted by a proces-  
2 sor to the treasurer monthly.

1 SEC. 6. After payment of expenses, in accordance with section  
2 nine (9) of this Act, all moneys in the Iowa turkey account may be  
3 used by the Iowa turkey marketing council for payment of claims  
4 based upon obligations incurred in market development on behalf of  
5 the turkey industry and such moneys are hereby appropriated for  
6 such purposes.

1 SEC. 7. The Iowa turkey account shall be subject at all times  
2 to warrant by the state comptroller, upon the written requisition of  
3 the chairman of the Iowa turkey marketing council, attested to by  
4 the secretary.

1 SEC. 8. Any producer who makes written application to the coun-  
2 cil, on forms provided by it, within sixty days after the date of  
3 delivery of turkeys to a processor, shall receive a refund of the  
4 amount of fee which was deducted.

1 SEC. 9. Moneys collected under authority of this Act shall be  
2 subject to audit by the auditor of state and shall be used by the  
3 council first for the payment of collection expenses and for payment  
4 of the costs and expenses arising in connection with conducting any  
5 required referendums, and secondly by the turkey marketing council  
6 for market development.

1 SEC. 10. Upon receipt of a petition signed by at least twenty-five  
2 producers requesting an initial referendum election to determine  
3 whether to impose the fee as provided in section two (2) of this  
4 Act, the secretary shall call and conduct an initial referendum.

1 SEC. 11. Notice of a referendum on the question of whether to  
2 impose the fee shall be given by the secretary by publishing the notice  
3 for a period of not less than five days in a newspaper of general

4 circulation in the state, and for a similar period in such other news-  
5 papers as the secretary prescribes. No referendum shall be com-  
6 menced prior to five days after the last day of the period of publica-  
7 tion. The notice of referendum shall set forth the period and voting  
8 places for the referendum, and the amount of the fee. Each producer,  
9 upon signing a statement certifying that he is a bona fide producer,  
10 as defined in this Act, shall be entitled to one vote.

1 SEC. 12. At the close of the referendum period, the secretary shall  
2 count and tabulate the ballots cast during the period. If the secretary  
3 finds that the majority of voters favor imposing the fee, the fee  
4 shall be imposed within ninety days following the referendum and  
5 shall continue for a period of five years unless extended. If the  
6 majority of voters do not favor imposing the fee, the fee will not  
7 be imposed until another referendum is held and a majority of voters  
8 favor imposing the fee.

9 If the majority of voters do not favor imposing the fee, a second  
10 referendum may be called by the secretary if petitioned by twenty-  
11 five producers and conducted within one hundred eighty days after  
12 the referendum. If a majority of voters do not favor imposition of  
13 the fee at the second referendum, an initial referendum shall not be  
14 conducted within a period of two years.

15 Subsequent referendums to extend the imposition of the fee shall  
16 be held at least thirty days prior to the termination of the period for  
17 which the fee is imposed. If the majority of voters do not favor  
18 extending the imposition of the fee, the moneys remaining in the Iowa  
19 turkey account shall continue to be expended in accordance with the  
20 provisions of this Act until exhausted.

1 SEC. 13. Every administrator, employee, or other person occupy-  
2 ing a position of trust under this Act shall give bond in the amount  
3 required by the secretary, and the premiums for bonds shall be part  
4 of the costs of collecting the fee.

1 SEC. 14. Any person subject to the provisions of this Act shall  
2 furnish, on forms provided by the council, any information needed  
3 to enable the council and secretary to effectuate the policies of this  
4 Act. For the purpose of ascertaining the correctness of any report  
5 made to the council or secretary under the provisions of this Act,  
6 the secretary may examine books, papers, records, copies of tax  
7 returns, accounts, correspondence, contracts, or other documents and  
8 memoranda it deems relevant which are in the control of any person  
9 and which are not otherwise confidential as provided by law. The  
10 secretary may hold hearings, take testimony, administer oaths, sub-  
11 poena witnesses, and issue subpoenas duces tecum in connection with  
12 the administration of this Act.

1 SEC. 15. It is a misdemeanor for any person to willfully violate  
2 any provision of this Act, or for any person to willfully render or  
3 furnish a false or fraudulent report, statement, or record required  
4 by the council or secretary.

1 SEC. 16. The secretary may enter into agreements with processors  
2 from outside Iowa for payment of the fee.

1 SEC. 17. During the period of imposition of the fee, the secretary,  
2 in cooperation with the auditor of state, shall make an annual report,  
3 on or before March 1 of each year, showing all income, expenses,  
4 and other relevant information. Such reports shall be available to  
5 the public.

1 SEC. 18. Section one hundred fifty-nine point twenty-five (159.25),  
2 Code 1971, is amended as follows:

3 **159.25 Marketing board.** There is hereby established an agricul-  
4 ture marketing board, to be thus known and designated.

5 The agriculture marketing board shall be composed of the secretary  
6 of agriculture and the dean of agriculture at Iowa state university of  
7 science and technology who shall serve as members of the advisory  
8 board without vote, and a producer member from each of the follow-  
9 ing statutory associations: Iowa swine producers association, *Iowa*  
10 *turkey federation*, Iowa beef cattle producers association, Iowa state  
11 sheep association, Iowa poultry and hatchery association, Iowa state  
12 dairy association, Iowa crop improvement association, Iowa soybean  
13 association, Iowa corn growers association, and state horticulture  
14 society. The names of three persons shall be certified to the secretary  
15 of agriculture by the presidents of the Iowa swine producers associa-  
16 tion, *Iowa turkey federation*, Iowa beef cattle producers association,  
17 Iowa poultry and hatchery association, and state horticulture society  
18 by June 1 of each odd-numbered year. The secretary of agriculture  
19 shall appoint by July 1 one of these three from each organization to  
20 the agriculture marketing board. Such an appointee shall serve for  
21 a period of two years beginning on July 1 of the year of his appoint-  
22 ment and until his successor is appointed or qualified. Three names  
23 shall be submitted and appointments made in the same manner in  
24 even-numbered years for representation from the Iowa state dairy  
25 association, Iowa soybean association, Iowa corn growers association,  
26 Iowa state sheep association, and Iowa crop improvement association.  
27 Any vacancy occurring in the agriculture marketing board shall be  
28 filled within two months of the vacancy in the manner provided in this  
29 section.

30 Appointive members of the board shall receive actual necessary  
31 expenses and mileage at the rate of seven cents per mile incurred while  
32 engaged in the business of the agriculture marketing board.

1 SEC. 19. The Iowa turkey marketing council shall not be a state  
2 agency.

1 SEC. 20. This Act shall not be construed to authorize the Iowa  
2 turkey marketing council to operate with a deficit or use deficit financ-  
3 ing for administration of this Act.

Approved April 21, 1972.

## CHAPTER 1051

## FOOD VENDING MACHINES

S. F. 334

AN ACT relating to the vending of foods and beverages and providing a penalty.

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

1 SECTION 1. For the purpose of this Act:

2 1. "Commissary" or "vending machine commissary" means a ca-  
3 tering establishment or restaurant or any other place in which food,  
4 food containers, or food supplies are kept, handled, prepared, pack-  
5 aged, or stored, and any place directly from which vending machines  
6 are serviced, but shall not mean a place of temporary storage at a  
7 vending machine location.

8 2. "Food" means any articles used by man or domestic animals for  
9 food, drink confectionery, or condiment, or which enters into compo-  
10 sition of the same, whether simple, blended, mixed, or compound.

11 3. "Machine location" means the room, enclosure, space, or area  
12 where one or more vending machines are installed and operated.

13 4. "Operator" means any person who by contract, agreement, or  
14 ownership takes responsibility for furnishing, installing, servicing,  
15 operating, or maintaining one or more vending machines.

16 5. "Potentially hazardous food" means any perishable food which  
17 consists in whole or in part of milk or milk products, eggs, meat, poul-  
18 try, fish, shellfish, or other ingredients capable of supporting rapid  
19 and progressive growth of infectious or toxigenic microorganisms.

20 6. "Vending machine" means any self-service device which, upon  
21 insertion of a coin or token, or by other similar means, dispenses unit  
22 servings of food, either in bulk or in packages without the necessity  
23 of replenishing the device between each vending operation.

24 7. "Perishable food" means any food of a type or in a condition  
25 which may spoil.

26 8. "Department" means the state department of agriculture of  
27 Iowa.

28 9. "Secretary" means the secretary of agriculture of the state of  
29 Iowa.

1 SEC. 2. No person shall operate one or more vending machines  
2 until he has obtained a vending machine operator's license from the  
3 department of agriculture. The license shall expire one year from  
4 the date of original issuance and be renewed annually. Vending ma-  
5 chines dispensing only ball gum, or similar nonperishable snacks as  
6 prescribed and defined by regulation of the secretary, or bottled or  
7 canned soft drinks shall not require a license or be subject to the fee  
8 schedule provided in this Act, but may be inspected pursuant to sec-  
9 tion eight (8) of this Act.

1 SEC. 3. Every application for a vending machine operator's license  
2 shall be made upon a form furnished by the department. The appli-  
3 cation form shall provide for obtaining information relating to own-  
4 ership of commissaries, location of commissaries, location of shops and  
5 other servicing centers, and the total number of licensable vending  
6 machines by general product type owned and operated by the appli-

7 cant and such other information required by the secretary. The  
 8 operator shall agree in the application to maintain within the juris-  
 9 diction of the department a complete list of all vending machines and  
 10 machine locations operated by the applicant and to make the list avail-  
 11 able to the department at the time of inspection or auditing.

1 SEC. 4. The department shall collect the following fees for a vend-  
 2 ing machine operator's license:

3	Number of	
4	Machines Operated	Fee Required
5	1- 3	\$ 5.00
6	4- 10	\$ 25.00
7	11- 25	\$ 35.00
8	26- 50	\$ 50.00
9	51-100	\$100.00
10	101-200	\$150.00
11	201-300	\$200.00
12	301-400	\$250.00
13	401-500	\$300.00
14	501 and over	\$400.00

15 Fees for a vending machine commissary shall be the same as those  
 16 for a restaurant or food establishment, whichever is applicable, as  
 17 set forth in section one hundred seventy point five (170.5) of the Code.

18 The vending machine operator's license shall not be transferable  
 19 from one person to another, but shall require an immediate application  
 20 and the payment of a new fee.

1 SEC. 5. All fees collected by the department under the require-  
 2 ments of this Act shall be paid into the hotel and restaurant fund es-  
 3 tablished in section one hundred seventy point seven (170.7) of the  
 4 Code, and shall be expended as authorized in such section.

1 SEC. 6. Each vending machine licensed under the provisions of  
 2 this Act shall bear a readily visible identification tag or decal pro-  
 3 vided by the licensee, containing his business address and phone num-  
 4 ber, and a company permit number assigned by the department.

1 SEC. 7. Any license issued under this Act may be revoked by the  
 2 department for violation by the licensee of any provision of this Act  
 3 or any applicable rules or regulations of the department. In lieu of  
 4 license revocation, the department may require the immediate discon-  
 5 tinuance of operation of any vending machine or commissary when-  
 6 ever the department finds unsanitary conditions or any other condi-  
 7 tions which constitute a substantial hazard to the public health. The  
 8 order shall apply only to the vending machines, commissary, or prod-  
 9 uct involved. Any person whose license is revoked, or who is ordered  
 10 to discontinue the operation of any vending machine or commissary,  
 11 may appeal such decision to the secretary. The secretary or his des-  
 12 ignee shall schedule and hold a hearing upon the appeal not later  
 13 than thirty days from the time of revocation or the order of discon-  
 14 tinuance, and shall issue his decision immediately following the hear-  
 15 ing. Any person aggrieved by the decision of the secretary or his  
 16 designee may appeal such decision to the district court.

1 SEC. 8. The department shall inspect all vending machine commis-  
 2 saries at least once each calendar year, and shall inspect representative  
 3 vending machines and vehicles as often as deemed necessary to deter-  
 4 mine compliance with this Act and applicable rules and regulations of  
 5 the department. Section one hundred seventy point forty-seven  
 6 (170.47) of the Code shall be applicable to the operation of vending  
 7 machines.

1 SEC. 9. The provisions of sections one hundred seventy point forty-  
 2 six (170.46), one hundred seventy point fifty (170.50), and one hun-  
 3 dred seventy point fifty-one (170.51) of the Code shall apply in the  
 4 enforcement of this Act.

1 SEC. 10. The department shall promulgate rules and regulations  
 2 governing requirements for sanitation of vended foods and beverages  
 3 not inconsistent with the terms of this Act nor federal standards gov-  
 4 erning the requirements for sanitation of vended foods and beverages.  
 5 Such regulations shall set forth:  
 6 1. Materials and type of interior and exterior construction of com-  
 7 missaries and vending machines.  
 8 2. Machine location and operation.  
 9 3. Water supply.  
 10 4. Waste disposal.  
 11 5. Other factors affecting the purity of food or beverage processed  
 12 or dispensed.

1 SEC. 11.  
 2 1. Vending machines licensed under this Act dispensing only pack-  
 3 aged milk or cream, shall not be required to be licensed with a retail  
 4 milk dealer license under section one hundred ninety-two point one  
 5 (192.1) of the Code.  
 6 2. The food establishment license or the restaurant license required  
 7 by section one hundred seventy point two (170.2) of the Code shall  
 8 not be required for the area where vending machines licensed under  
 9 this Act are located.

1 SEC. 12. **Penalty.** Any person who violates any provision of this  
 2 Act shall, upon conviction, be fined not exceeding one hundred dol-  
 3 lars or imprisoned in the county jail not exceeding thirty days.

1 SEC. 13. Section one hundred seventy point seven (170.7), Code  
 2 1971, is amended as follows:  
 3 **170.7 Hotel and restaurant fund.** All restaurant, hotel, motor inn,  
 4 and tavern license fees shall upon receipt thereof by the depart-  
 5 ment be paid to and receipted for by the treasurer of state and shall  
 6 be kept by him in a separate fund to be known as the "hotel and res-  
 7 taurant fund". Such hotel and restaurant fund shall be continued  
 8 from year to year and the treasurer shall keep a separate account  
 9 thereof showing receipts and disbursements as authorized by law. No  
 10 part of such fund shall be used for any other purpose than the admin-  
 11 istration and enforcement of the laws relating to hotels, and res-  
 12 taurants, *vending machines*, and *commissaries* and for conducting  
 13 educational programs and sanitary training courses and for providing  
 14 literature and suitable promotional work for the industries licensed  
 15 under this chapter. If on July 1 of any year there is a balance remain-

16 ing in said hotel and restaurant fund which, in the opinion of the  
 17 secretary of agriculture, is greater than is necessary for the proper  
 18 administration of such laws and for conducting and providing the  
 19 services authorized under this section, the treasurer of state is here-  
 20 by authorized, on the recommendation and with the approval of the  
 21 secretary of agriculture, to transfer to the general fund of the state  
 22 such portion of said hotel and restaurant fund as the secretary of  
 23 agriculture shall deem advisable to so transfer.

Approved March 17, 1972.

## CHAPTER 1052

### VIOLATIONS OF COMMERCIAL FEED LAW

S. F. 1019

AN ACT making the violation of the Iowa commercial feed law of 1964 a misdemeanor and providing a penalty therefor.

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

1 SECTION 1. Section one hundred ninety-eight point thirteen  
 2 (198.13), Code 1971, is amended by striking subsection one (1) and  
 3 inserting in lieu thereof the following:

4 1. Any person convicted of violating any of the provisions of this  
 5 chapter or the rules and regulations issued thereunder or who shall  
 6 impede, obstruct, hinder, or otherwise prevent or attempt to prevent  
 7 said secretary or his duly authorized agent in performance of his duty  
 8 in connection with the provisions of this chapter, shall be adjudged  
 9 guilty of a misdemeanor and shall be fined not less than twenty-five  
 10 dollars or more than one hundred dollars for the first violation, and  
 11 not less than fifty dollars or more than three hundred dollars for a  
 12 subsequent violation. In all prosecutions under this chapter involv-  
 13 ing the composition of a lot of commercial feed, a certified copy of the  
 14 official analysis signed by the secretary shall be accepted as prima  
 15 facie evidence of the composition.

1 SEC. 2. This Act, being deemed of immediate importance, shall  
 2 take effect and be in force from and after its publication in The Sioux  
 3 County Index-Reporter, a newspaper published in Hull, Iowa, and in  
 4 The Marion Sentinel, a newspaper published in Marion, Iowa.

Approved March 9, 1972.

I hereby certify that the foregoing Act, Senate File 1019, was published in The Sioux County Index-Reporter, Hull, Iowa, March 16, 1972, and in The Marion Sentinel, Marion, Iowa, March 23, 1972.

MELVIN D. SYNHORST, *Secretary of State.*



## CHAPTER 1053

## DRUGS AND PHARMACISTS

S. F. 1192

AN ACT relating to the control of dangerous substances and the board of pharmacy.

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

1 SECTION 1. Chapter one hundred forty-eight (148), section two  
2 hundred six (206), Acts of the Sixty-fourth General Assembly, First  
3 Session, is amended by adding the following new subsection:

4 "Unless listed in another schedule, any material, compound, mix-  
5 ture, or preparation which contains any quantity of the following sub-  
6 stances having a potential for abuse associated with a stimulant effect  
7 on the central nervous system:

8 a. Amphetamine, its salts, optical isomers, and salts of its optical  
9 isomers.

10 b. Methamphetamine, its salts, and salts of its isomers.

11 c. Phenmetrazine and its salts.

12 d. Methyphenidate."

1 SEC. 2. Chapter one hundred forty-eight (148), section two hun-  
2 dred eight (208), Acts of the Sixty-fourth General Assembly, First  
3 Session, is amended by striking subsection two (2).

1 SEC. 3. Section one hundred forty-seven point eighty (147.80),  
2 subsection one (1), Code 1971, is amended to read as follows:

3 1. For a license to practice dentistry ~~or pharmacy~~, issued upon the  
4 basis of an examination given by the dental examiners ~~or board of~~  
5 ~~pharmacy examiners~~, twenty-five dollars or, issued under a reciprocal  
6 agreement, fifty dollars. *For a license to practice pharmacy issued*  
7 *upon the basis of an examination given by the board of pharmacy*  
8 *examiners, fifty dollars or, issued under a reciprocal agreement, sev-*  
9 *enty-five dollars.*

1 SEC. 4. Section one hundred forty-seven point ninety-eight  
2 (147.98), Code 1971, is amended to read as follows:

3 147.98 **Secretary of pharmacy examiners.** The pharmacy exam-  
4 iners shall have the right to employ a full-time secretary, who shall  
5 not be a member of the examining board, at such compensation as  
6 may be fixed ~~from time to time in the biennial salary act pursuant to~~  
7 ~~chapter 19A and~~ but the provisions of section 147.22 providing for  
8 a secretary for each examining board shall not apply to the pharmacy  
9 examiners.

1 SEC. 5. Section one hundred fifty-five point three (155.3), subsec-  
2 tions five (5) and six (6), Code 1971, are amended to read as follows:

3 5. The term "wholesaler" shall mean any person operating or main-  
4 taining a manufacturing plant, wholesale distribution center, whole-  
5 sale business or any other business in which *prescription* drugs, medic-  
6 inal chemicals, medicines or poisons, are sold, manufactured, com-  
7 pounded, dispensed, stocked, exposed or offered for sale at wholesale  
8 to a ~~pharmacy in this state~~. The term "wholesaler" shall not include  
9 those wholesalers who sell only the products defined in subsection 7.  
10 *Nothing contained in this subsection shall in any way affect the exemp-*

11 *tions provided in section one hundred fifty-five point twenty-five*  
 12 *(155.25) of the Code.*

13 6. The term "wholesale salesman" includes any individual who takes  
 14 a purchase order from a pharmacy in this state for any prescription  
 15 drug, medicinal chemical, medicines or poisons. The term "wholesale  
 16 salesman" shall not apply to those salesmen who sell only the products  
 17 defined in subsection 7. *Nothing contained in this subsection shall in*  
 18 *any way affect the exemptions provided in section one hundred fifty-*  
 19 *five point twenty-five (155.25) of the Code.*

1 SEC. 6. Section one hundred fifty-five point five (155.5), subsec-  
 2 tion four (4), Code 1971, is amended to read as follows:

3 4. File proof, satisfactory to the board, of a ~~minimum of one year~~  
 4 *practical experience in a pharmacy for a period of time not exceeding*  
 5 *one year as fixed by the board of pharmacy examiners, substantiated*  
 6 *by proper affidavits; said experience to be under the supervision of a*  
 7 *licensed pharmacist and not concurrent with time of college attend-*  
 8 *ance.*

1 SEC. 7. Section one hundred fifty-five point nine (155.9), Code  
 2 1971, is amended to read as follows:

3 155.9 **Approved colleges.** No college of pharmacy shall be approved  
 4 by the pharmacy examiners as a college of ~~recognized standing~~ unless  
 5 the entrance and graduation requirements are equivalent to those pre-  
 6 scribed *college is accredited by the American association of colleges of*  
 7 *pharmacy council on pharmaceutical education.*

1 SEC. 8. This Act, being deemed of immediate importance, shall  
 2 take effect and be in force from and after its publication in the Times-  
 3 Democrat, a newspaper published in Davenport, Iowa, and in the Lee  
 4 Town News, a newspaper published in Des Moines, Iowa.

Approved April 22, 1972.

I hereby certify that the foregoing Act, Senate File 1192, was published in the Times-  
 Democrat, Davenport, Iowa, April 28, 1972, and in the Lee Town News, Des Moines,  
 Iowa, May 4, 1972.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 1054

## PAROLE BOARD

H. F. 217

AN ACT relating to the board of parole.

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

1 SECTION 1. Section two hundred forty-seven point three (247.3),  
 2 Code 1971, is amended by striking the section and inserting in lieu  
 3 thereof the following:

4 247.3. The board of parole shall appoint an executive secretary and  
 5 employ a clerical staff sufficient to carry on the necessary duties of  
 6 the board. The board of parole shall employ not less than two per-  
 7 sons who shall serve as liaison personnel between the board, inmates  
 8 and staff at the state's penal and correctional facilities and who shall  
 9 perform other duties designated by the board of parole. The board  
 10 shall submit to the state comptroller an estimate of the funds needed  
 11 for salaries, maintenance, and office supplies at the time and in the  
 12 manner provided by section eight point twenty-three (8.23) of the  
 13 Code.

1 SEC. 2. Section two hundred forty-seven A point three (247A.3),  
 2 Code 1971, is amended to read as follows:

3 247A.3 **Committee.** A committee shall be designated by the de-  
 4 partment consisting of one ~~representative~~ *member* of the parole board  
 5 *or its designee*, one representative of the division of ~~rehabilitation~~  
 6 *services corrections*, and one representative of the institution in which  
 7 the inmate is confined at the time of application.

Approved March 17, 1972.

## CHAPTER 1055

## PAROLE TIME

H. F. 1042

AN ACT relating to time served on parole.

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

1 SECTION 1. Section two hundred forty-seven point twelve (247.12),  
 2 Code 1971, is amended to read as follows:

3 247.12 **Parole time not counted.** The time when a prisoner is on  
 4 parole ~~or absent~~ from the institution shall ~~not~~ be held to apply upon  
 5 the sentence against the parolee *even if the parole be is subsequently*  
 6 *revoked, except that the time when the parolee is in violation of the*  
 7 *terms of his parole agreement shall not apply upon the sentence.*  
 8 *The time when a prisoner is absent from the institution by reason*  
 9 *of an escape shall not apply upon the sentence against the prisoner.*

Approved March 17, 1972.

## CHAPTER 1056

## COMMISSION OF VETERAN AFFAIRS

H. F. 544

AN ACT relating to the soldiers relief commission.

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

1 SECTION 1. Section two hundred fifty point two (250.2), Code  
2 1971, is amended as follows:

3 **250.2 Control of fund.** Said fund shall be expended for the pur-  
4 poses aforesaid by the joint action and control of the board of super-  
5 visors and the relief commission of *veteran affairs* hereinafter pro-  
6 vided for.

1 SEC. 2. Section two hundred fifty point three (250.3), Code 1971,  
2 is amended as follows:

3 **250.3 Relief commission.** The ~~soldiers relief~~ commission of *vet-*  
4 *eran affairs* shall consist of three persons, all of whom shall be honor-  
5 ably discharged men or women of the United States who served in the  
6 military or naval forces of the United States in any war, including the  
7 Korean Conflict at any time between June 27, 1950, and July 27, 1953,  
8 both dates inclusive, and including the Vietnam Conflict at any time  
9 between August 5, 1964 and ending on the date the armed forces of  
10 the United States are directed by formal order of the government of  
11 the United States to cease hostilities, both dates inclusive. Said mem-  
12 bership shall at all times, as near as possible, be equally divided among  
13 the men and women who served in the Spanish American War, World  
14 War I and World War II.

1 SEC. 3. Section two hundred fifty point eight (250.8), Code 1971,  
2 is amended as follows:

3 **250.8 Accounting system.** The state auditor shall prepare sample  
4 copies of a system of accounting and case records for the use of all  
5 county ~~soldiers relief~~ commissions of *veteran affairs*, and this uniform  
6 system of accounting and case records shall be used by the several  
7 counties.

1 SEC. 4. Section two hundred fifty point ten (250.10), unnumbered  
2 paragraph one (1), Code 1971, is amended as follows:

3 On the first Monday in each month, all claims certified shall be  
4 reviewed by the board of supervisors and the county auditor shall  
5 issue his warrants in payment of same drawn upon the soldiers relief  
6 fund. All applications, investigation reports and case records shall be  
7 privileged communications and held confidential, subject to use and  
8 inspection only by persons authorized by law in connection with their  
9 official duties relating to financial audits and the administration of the  
10 provisions of this chapter. Provided, however, that the county ~~soldiers~~  
11 ~~relief~~ commission of *veteran affairs* shall prepare and file in the office  
12 of the county auditor on or before the thirtieth day of each January,  
13 April, July and October a report showing the names and addresses of  
14 all recipients receiving assistance under this chapter, together with  
15 the amount paid to each during the preceding quarter. Each report  
16 so filed shall be securely fixed in a record book to be used only for  
17 such reports made under this chapter.

1 SEC. 5. Section two hundred fifty point eleven (250.11), Code  
2 1971, is amended as follows:

3 **250.11 Data furnished bonus board.** The ~~soldiers relief~~ commis-  
4 sion of *veteran affairs* of each county shall obtain for and transmit to  
5 the state bonus board, created by chapter 35, at such time and in such  
6 manner as the board shall specify, such information as said board may  
7 request concerning any person having or claiming to have any right  
8 to award from the additional bonus and disability fund created by  
9 said chapter.

1 SEC. 6. Section two hundred fifty point twelve (250.12), Code  
2 1971, is amended as follows:

3 **250.12 Relief information confidential.** It shall be unlawful for the  
4 board of supervisors of any county or the ~~soldiers relief~~ commission  
5 of *veteran affairs* of any county to place the administration of the  
6 duties of the ~~soldiers relief~~ commission of *veteran affairs* under any  
7 other relief agency of any county, or to publish the names of the  
8 veterans or their families who receive relief under the provisions of  
9 this chapter.

1 SEC. 7. Section two hundred fifty point sixteen (250.16), Code  
2 1971, is amended as follows:

3 **250.16 Markers for graves.** The ~~soldiers relief~~ commission of  
4 *veteran affairs* in any county shall, upon the petition of five reputable  
5 freeholders of any township or municipality in their county, procure  
6 for and furnish to said petitioners some suitable and appropriate  
7 metal marker, at a cost not exceeding three and one-half dollars each,  
8 for the grave of each honorably discharged man or woman of the  
9 United States, who served in the military or naval forces of the United  
10 States during any war, including the Korean Conflict at any time  
11 between June 27, 1950, and July 27, 1953, both dates inclusive, and  
12 including the Vietnam Conflict at any time between August 5, 1964,  
13 and ending on the date the armed forces of the United States are  
14 directed by formal order of the government of the United States to  
15 cease hostilities, both dates inclusive, who is buried within the limits  
16 of said township or municipality, to be placed at his grave to perma-  
17 nently mark and designate said grave for memorial purposes. The  
18 expenses thereof shall be paid from any funds raised as provided in  
19 this chapter.

1 SEC. 8. Section two hundred fifty point nineteen (250.19), Code  
2 1971, is amended as follows:

3 **250.19 Burial records.** The ~~soldiers relief~~ commission of *veteran*  
4 *affairs* of each county shall be charged with securing the information  
5 requested by the adjutant general's office of every person having a  
6 service record buried in that county. Such information shall be  
7 secured from the undertaker in charge of the burial and shall be  
8 transmitted by him to the ~~soldiers relief~~ commission of *veteran affairs*  
9 of the county where burial is made and shall be recorded alphabetically  
10 and by description of location in the cemetery where buried, in a book  
11 as prescribed by the adjutant general and kept for that purpose in the  
12 office of the commission.

Approved March 17, 1972.

## CHAPTER 1057

## UNIVERSITY HOSPITAL AMBULANCE

H. F. 1253

AN ACT relating to the use of ambulance services at university hospital.

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

- 1 SECTION 1. Section two hundred fifty-five point nineteen (255.19),  
 2 unnumbered paragraph one (1), Code 1971, is amended to read as  
 3 follows:  
 4 The university hospital authorities may at their discretion receive  
 5 into the hospital for medical, obstetrical or surgical treatment or hos-  
 6 pital care, patients not committed thereto under the provisions of this  
 7 chapter; but the treatment or care of such patients shall not in any  
 8 way interfere with the proper medical or surgical treatment or hos-  
 9 pital care of committed patients. *The university hospital ambulances*  
 10 *and ambulance personnel may be used for the transportation of such*  
 11 *patients at a reasonable charge if specialized equipment is required*  
 12 *and is not otherwise available and if such use does not interfere with*  
 13 *the ambulance transportation of patients committed to the hospital.*

Approved March 17, 1972.

## CHAPTER 1058

## ELECTRONIC DATA PROCESSING IN SCHOOLS

S. F. 1070

AN ACT relating to the approval, coordination, and supervision over electronic data processing for educational purposes.

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

- 1 SECTION 1. Section two hundred fifty-seven point ten (257.10),  
 2 Code 1971, is amended by adding the following new subsection:  
 3 "Approve, coordinate, and supervise the use of electronic data proc-  
 4 essing by local school districts, county or joint county school systems  
 5 and merged areas. A committee, consisting of the state superintend-  
 6 ent of public instruction, the director of the department of general  
 7 services, the state comptroller, or their designees, and two persons  
 8 knowledgeable in the area of administrative-instructional computer  
 9 systems to be appointed by the governor, shall assist and advise the  
 10 state board of public instruction in approving, coordinating and super-  
 11 vising the use of electronic data processing computers by local school  
 12 districts, county or joint county school systems and merged areas.  
 13 The committee shall further inventory current practice and prepare  
 14 and recommend a statewide plan for the use of electronic data proc-  
 15 essing computers in order to prevent the unnecessary proliferation  
 16 of computers. These recommendations shall be submitted to the  
 17 General Assembly by December 1, 1972 and annually thereafter by  
 18 December 1 of each year. For purposes of this Act the term "elec-  
 19 tronic data processing computers" shall refer to equipment having as  
 20 a component thereof a memory core to store information."

Approved March 17, 1972.

## CHAPTER 1059

## COUNTY SUPERINTENDENT OF SCHOOLS

S. F. 1069

AN ACT relating to terms of office of county superintendents of schools.

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

1 SECTION 1. Section two hundred seventy-three point fourteen  
 2 (273.14), Code 1971, is amended to read as follows:  
 3 273.14 **County superintendent—joint action of county boards.** In  
 4 each county of the state, the county board of education shall appoint  
 5 a county superintendent whose term of office shall be for three years,  
 6 from the first secular day in August following his election and until  
 7 his successor is elected and qualified. The first regular term under  
 8 the provisions of this chapter shall begin the first secular day in  
 9 August in 1948 one year and shall commence on August first follow-  
 10 ing his appointment. The first regular term shall commence August  
 11 1, 1972. The president of the board shall certify the appointment to  
 12 the county auditor and to the state superintendent of public instruc-  
 13 tion; provided, however, that county boards of education may, in  
 14 any two or more adjacent counties, by mutual agreement, act as a  
 15 joint board to appoint one county superintendent for all such counties,  
 16 to employ professional and clerical assistants, and to provide such  
 17 services as can be carried on jointly and will operate to their mutual  
 18 benefit. Such agreement shall be written and entered in their respec-  
 19 tive minutes. Prior to the adoption of any such agreement it shall be  
 20 approved by the state department of public instruction. The super-  
 21 intendent appointed under such an agreement shall be the official  
 22 county superintendent for each of the respective boards and shall be  
 23 appointed for a term of years, one to three, but in no event longer  
 24 than the period of time that the mutual agreement between the boards  
 25 is to be in effect one year. The first regular term shall commence  
 26 August 1, 1972. The written agreement providing for joint action by  
 27 the boards shall provide for the determination of the cost of such joint  
 28 program and the manner of allocation of such cost to each board for  
 29 inclusion in the respective budgets. For payment of salaries and  
 30 other costs of such joint program, the boards by mutual agreement  
 31 shall designate one board to make such payments and be reimbursed  
 32 by the other board or boards pursuant to their joint agreement. Such  
 33 boards are hereby authorized to meet together for the transaction of  
 34 joint business and at such joint meetings the individual boards may  
 35 also separately transact their own business.

1 SEC. 2. This Act, being deemed of immediate importance, shall  
 2 take effect and be in force from and after its publication in The Rec-  
 3 ord, a newspaper published in Cedar Falls, Iowa, and in the Waterloo  
 4 Daily Courier, a newspaper published in Waterloo, Iowa.

Approved March 9, 1972.

I hereby certify that the foregoing Act, Senate File 1069, was published in The Record, Cedar Falls, Iowa, March 14, 1972, and in the Waterloo Daily Courier, Waterloo, Iowa, March 15, 1972.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 1060

## SCHOOL BOARD MEMBERS

H. F. 1032

AN ACT relating to resignations of school board members.

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

1 SECTION 1. Section two hundred seventy-nine point six (279.6),  
 2 Code 1971, is amended to read as follows:  
 3 **279.6 Vacancies filled by board—qualification—tenure.** Vacancies  
 4 occurring among the officers or members of a school board shall be  
 5 filled by the board by appointment. A person so appointed to fill a  
 6 vacancy in an elective office shall hold until the organization of the  
 7 board the third Monday in September immediately following the next  
 8 regular election and until his successor is elected and qualified. A  
 9 person appointed to fill a vacancy in an appointive office shall hold such  
 10 office for the residue of the unexpired term and until his successor is  
 11 appointed and qualified. Any person so appointed shall qualify within  
 12 ten days thereafter in the manner required by section 277.28.

13 *However, if a member of a school board resigns from the board*  
 14 *prior to the time for filing nomination papers for office as a school*  
 15 *board member, as provided in section 277.4, and he specifies in his res-*  
 16 *ignation that the resignation will be effective on the date the next*  
 17 *term of office for elective school officials begins, the president of the*  
 18 *board shall declare the office vacant as of that date and nomination pa-*  
 19 *pers shall be received for the unexpired term of the resigning mem-*  
 20 *ber. The person elected at the next regular school election to fill the*  
 21 *vacancy shall take office at the same time and place as the other elected*  
 22 *school board members.*

Approved March 24, 1972.

## CHAPTER 1061

## MERGED SCHOOL AREAS

S. F. 1059

AN ACT relating to the authority of merged areas to borrow money in anticipation of the collection of a voted tax for school facilities.

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

1 SECTION 1. Section two hundred eighty A point twenty-two  
 2 (280A.22), Code 1971, is amended to read as follows:  
 3 **280A.22 Additional tax.** In addition to the tax authorized under  
 4 section 280A.17, the voters in any merged area may at the annual  
 5 school election vote a tax not exceeding three-fourths mill on the dollar  
 6 in any one year for a period not to exceed five years for the purchase  
 7 of grounds, construction of buildings, payment of debts contracted for  
 8 the construction of buildings, purchase of buildings and equipment for  
 9 buildings, and the acquisition of libraries, and for the purpose of



10 maintaining, remodeling, improving, or expanding the area vocational  
11 school or area community college of the merged area *which tax shall be*  
12 *collected by the county treasurers and remitted to the treasurer of the*  
13 *merged area as other taxes are collected and remitted, and the pro-*  
14 *ceeds of said tax shall be deposited in a separate and distinct fund to*  
15 *be known as the voted tax fund, to be paid out upon warrants drawn*  
16 *by the president and secretary of the board of directors of the merged*  
17 *area district for the payment of costs incurred in providing the school*  
18 *facilities for which the tax was voted.*

19 *In order to make immediately available to the merged area the pro-*  
20 *ceeds of the voted tax hereinbefore authorized to be levied, the board*  
21 *of directors of any such merged area is hereby authorized, without the*  
22 *necessity for any further election, to borrow money and enter into loan*  
23 *agreements in anticipation of the collection of such tax, and such*  
24 *board shall, by resolution, provide for the levy of an annual tax, within*  
25 *the limits of the special voted tax hereinbefore authorized, sufficient*  
26 *to pay the amount of any such loan and the interest thereon to matu-*  
27 *urity as the same becomes due. A certified copy of this resolution shall*  
28 *be filed with the county auditors of the counties in which such merged*  
29 *area is located, and the filing thereof shall make it a duty of such*  
30 *auditors to enter annually this levy for collection until funds are*  
31 *realized to repay the loan and interest thereon in full. Said loan must*  
32 *mature within the number of years for which the tax has been voted*  
33 *and shall bear interest at a rate or rates not exceeding seven percent*  
34 *per annum. Any loan agreement entered into pursuant to authority*  
35 *herein contained shall be in such form as the board of directors shall*  
36 *by resolution provide and the loan shall be payable as to both prin-*  
37 *cipal and interest from the proceeds of the annual levy of the voted*  
38 *tax hereinbefore authorized, or so much thereof as will be sufficient*  
39 *to pay the loan and interest thereon. In furtherance of the foregoing*  
40 *the board of directors of such merged area may, with or without*  
41 *notice, negotiate and enter into a loan agreement or agreements with*  
42 *any bank, investment banker, trust company, insurance company, or*  
43 *group thereof, whereunder the borrowing of the necessary funds may*  
44 *be assured and consummated. The proceeds of such loan shall be*  
45 *deposited in a special fund, to be kept separate and apart from all*  
46 *other funds of the merged area, and shall be paid out upon warrants*  
47 *drawn by the president and secretary of the board of directors to pay*  
48 *the cost of acquiring the school facilities for which the tax was voted.*

49 *Nothing herein contained shall be construed to limit the authority*  
50 *of the board of directors to levy the full amount of the voted tax, but*  
51 *if and to whatever extent said tax is levied in any year in excess of*  
52 *the amount of principal and interest falling due in such year under*  
53 *any loan agreement, the first available proceeds thereof, to an amount*  
54 *sufficient to meet maturing installments of principal and interest*  
55 *under the loan agreement, shall be paid into the sinking fund for such*  
56 *loan before any of such taxes are otherwise made available to the*  
57 *merged area for other school purposes, and the amount required to be*  
58 *annually set aside to pay the principal of and interest on the money*  
59 *borrowed under such loan agreement shall constitute a first charge*  
60 *upon all of the proceeds of such annual special voted tax, which tax*  
61 *shall be pledged to pay said loan and the interest thereon.*

62 *This law shall be construed as supplemental and in addition to exist-*  
63 *ing statutory authority and as providing an independent method of*

64 *financing the cost of acquiring school facilities for which a tax has*  
 65 *been voted under this section and for the borrowing of money and*  
 66 *execution of loan agreements in connection therewith and shall not be*  
 67 *construed as subject to the provisions of any other law. The fact that*  
 68 *a merged area may have previously borrowed money and entered into*  
 69 *loan agreements under authority herein contained shall not prevent*  
 70 *such merged area from borrowing additional money and entering into*  
 71 *further loan agreements provided that the aggregate of the amount*  
 72 *payable under all of such loan agreements does not exceed the proceeds*  
 73 *of the voted tax. All acts and proceedings heretofore taken by the*  
 74 *board of directors or by any official of any merged area for the exer-*  
 75 *cise of any of the powers granted by this section are hereby legalized*  
 76 *and validated in all respects.*

1 SEC. 2. This Act, being deemed of immediate importance, shall  
 2 take effect and be in force from and after its publication in The Sioux  
 3 City Journal, a newspaper published in Sioux City, Iowa, and in The  
 4 Denison Bulletin, a newspaper published in Denison, Iowa.

Approved April 22, 1972.

I hereby certify that the foregoing Act, Senate File 1059, was published in The Sioux City Journal, Sioux City, Iowa, April 28, 1972, and in The Denison Bulletin, Denison, Iowa, May 2, 1972.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 1062

### PUBLIC INSTRUCTION DEPARTMENT APPROPRIATION

S. F. 1091

AN ACT making an appropriation to the department of public instruction for the purpose of participating in certain federal programs.

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

1 SECTION 1. There is appropriated from the general fund of the  
 2 state to the department of public instruction for the fiscal year com-  
 3 mencing July 1, 1972, and ending June 30, 1973 the sum of five hun-  
 4 dred seventy-five thousand (575,000) dollars, or so much thereof as  
 5 may be necessary, for the purpose of providing assistance to the school  
 6 districts of the state in the breakfast, lunch, and minimal equipment  
 7 programs.

1 SEC. 2. The funds appropriated by this Act shall be used as state  
 2 matching funds for federal programs and shall be disbursed according  
 3 to federal regulations.

1 SEC. 3. Any unencumbered or unobligated balance of funds appro-  
 2 priated by this Act existing on July 1, 1973 shall revert to the general  
 3 fund of the state on December 31, 1973.

1 SEC. 4. Section two hundred eighty-three A point two (283A.2),  
 2 Code 1971, is amended to read as follows:  
 3 283A.2 School boards. School boards shall have power to operate  
 4 or provide for the operation of school lunch programs in schools under

5 their jurisdiction, and may use therefor funds disbursed to them un-  
 6 der the provisions of this chapter, gifts, funds received from sale of  
 7 school lunches under such programs, and any other funds legally avail-  
 8 able.

9 *Beginning with the school year 1973-74, and continuing each school*  
 10 *year thereafter, all school districts shall operate or provide for the*  
 11 *operation of school lunch programs at all public schools in each dis-*  
 12 *trict, which programs shall be operated in compliance with the rules,*  
 13 *of the department of public instruction and pertinent federal rules,*  
 14 *for all students in each district who attend public school four or more*  
 15 *hours each school day and wish to participate in a school lunch pro-*  
 16 *gram, and school districts may provide such programs for other stu-*  
 17 *dents.*

Approved April 1, 1972.

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## CHAPTER 1063

### SCHOOL LUNCH BY SENIOR CITIZENS

H. F. 107

AN ACT relating to the use of school lunch facilities by senior citizen organizations.

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

1 SECTION 1. Boards of directors of school corporations may author-  
 2 ize the use by senior citizen organizations of school lunch facilities  
 3 subject to reasonable rules and regulations of the board. Such use  
 4 shall not interfere with the use of the facilities for public school pur-  
 5 poses. The board may charge for such use an amount not to exceed  
 6 the cost to the district.

Approved April 1, 1972.

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## CHAPTER 1064

### SCHOOL PROPERTY SOLD

H. F. 1286

AN ACT relating to the sale of real property owned by a school district.

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

1 SECTION 1. Chapter one hundred sixty-seven (167), section one  
 2 (1), Acts of the Sixty-fourth General Assembly, First Session, amend-  
 3 ing section two hundred ninety-seven point twenty-two (297.22), Code  
 4 1971, as amended by chapter one hundred sixty-three (163), section  
 5 two (2), Acts of the Sixty-fourth General Assembly, First Session, is  
 6 amended by adding the following new paragraph:  
 7 "The property value limitations listed in this section shall not apply  
 8 to the sale, lease, or disposition of real estate upon which a structure  
 9 has been erected by students as part of a regular course of study."

1 SEC. 2. Any sales of property described by section one (1) of this  
 2 Act made prior to the effective date of this Act, which were made in  
 3 the manner authorized by section one (1) of this Act shall be deemed  
 4 to have been made in compliance with the provisions of this Act, and  
 5 to this extent the provisions of this Act are retroactive.

1 SEC. 3. This Act, being deemed of immediate importance, shall  
 2 take effect and be in force from and after its publication in The Cas-  
 3 cade Pioneer-Advertiser, a newspaper published in Cascade, Iowa, and  
 4 in The Telegraph-Herald, a newspaper published in Dubuque, Iowa.

Approved April 21, 1972.

I hereby certify that the foregoing Act, House File 1286, was published in The Cas-  
 cade Pioneer-Advertiser, Cascade, Iowa, May 4, 1972, and in The Telegraph-Herald,  
 Dubuque, Iowa, April 28, 1972.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 1065

### BLIND, DEAF AND HANDICAPPED PERSONS

S. F. 1030

AN ACT relating to the recording of blind, deaf and handicapped persons by the  
 assessor.

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

1 SECTION 1. Section two hundred ninety-nine point seventeen  
 2 (299.17), Code 1971, is repealed.

Approved March 9, 1972.

## CHAPTER 1066

### ARCHAEOLOGIST REPORTS

S. F. 1188

AN ACT relating to the publication of educational and scientific reports by the state  
 archaeologist.

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

1 SECTION 1. Section three hundred five A point two (305A.2), Code  
 2 1971, is amended to read as follows:

3 305A.2 **Duties.** The state archaeologist shall have the primary re-  
 4 sponsibility for the discovery, location and excavation of archaeologi-  
 5 cal sites and for the recovery, restoration and preservation of archaeo-  
 6 logical remains in and for the state of Iowa, and shall co-ordinate all  
 7 such activities through co-operation with the state highway commis-  
 8 sion, state conservation commission, and other state agencies con-  
 9 cerned with archaeological salvage or the products thereof. *The state*  
 10 *archaeologist may publish educational and scientific reports relating*  
 11 *to the responsibilities and duties of his office.*

Approved March 17, 1972.

## CHAPTER 1067

## MAINTENANCE OF ACCESS ROADS

## H. F. 10

AN ACT relating to the maintenance of access roads.

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

1 SECTION 1. Section three hundred six point nineteen (306.19),  
2 Code 1971, is amended by striking the section and inserting in lieu  
3 thereof the following:

4 **306.19 Purchase or condemnation of right of way—procedure—**  
5 **closing driveway—alternative access.**

6 1. In the maintenance, relocation, establishment, or improvement of  
7 any road, including the extension of such road within cities and towns,  
8 the commission or board having jurisdiction and control of such road  
9 shall have authority to purchase or to institute and maintain proceed-  
10 ings for the condemnation of the necessary right of way therefor.  
11 Such board or commission shall likewise have power to purchase or  
12 institute and maintain proceedings for the condemnation of land  
13 necessary for highway drainage, or land containing gravel or other  
14 suitable material for the improvement or maintenance of highways,  
15 together with the necessary road access or right of access thereto.

16 2. Whenever the board or commission condemns or purchases prop-  
17 erty access rights or alters by lengthening any existing driveway to a  
18 road from abutting property, except during the time required for con-  
19 struction and maintenance of the road or highway, the board or com-  
20 mission shall:

21 a. Compensate the owner for any diminution in the market value  
22 of the property by the denial or alteration by lengthening the drive-  
23 way; however, in computing such diminution in value no considera-  
24 tion shall be given to the additional maintenance expense for main-  
25 taining the additional length of driveway, but in lieu thereof, both in  
26 condemnation proceedings or negotiated purchases, the board or com-  
27 mission shall pay to the owner the sum of five dollars for every lineal  
28 foot of additional length of driveway located on said owner's prop-  
29 erty. This payment shall represent just compensation to said prop-  
30 erty owner for the additional driveway maintenance caused by rea-  
31 son of the highway or road project.

32 b. If in the opinion of the board or commission it would be more  
33 economical to purchase the entire tract of the property owner than  
34 to provide and pay the maintenance expense required under the pro-  
35 visions of this section, proceed with the acquisition of the entire tract  
36 of land; or

37 c. If mutually agreeable, move buildings from an existing location  
38 to a location requiring an equal or lesser length of driveway and pro-  
39 vide an adequate driveway to a public road.

40 3. None of the foregoing requirements shall prohibit the property  
41 owner and the board or commission from entering into a mutually  
42 acceptable agreement for the replacement, relocation, construction, or  
43 maintenance of any alternate driveway on the owner's property.

44 4. Compensation for any property rights taken in the establishment  
45 of any alternative temporary or permanent access shall be paid as in  
46 any other purchase or condemnation of property. Proceedings for

47 the condemnation of land for any highway shall be under the provi-  
 48 sions of chapter 471 and chapter 472 or as said chapters may be  
 49 amended. Provided that, in the condemnation of right of way for  
 50 secondary roads, the board of supervisors may proceed as provided in  
 51 sections three hundred six point twenty-eight (306.28) to three hun-  
 52 dred six point thirty-seven (306.37), both inclusive, of the Code.  
 53 5. For the purposes of this section, the term "driveway" shall mean  
 54 a way of ingress and egress located entirely on private property, con-  
 55 sisting of a lane or passageway leading from a residence to a public  
 56 roadway or highway.

Approved April 22, 1972.

## CHAPTER 1068

### IOWA JUNKYARD BEAUTIFICATION AND BILLBOARD CONTROL

#### H. F. 734

AN ACT relating to the state's compliance with the federal Highway Beautification Act regarding junkyard and billboard standards, and providing penalties.

A. **SHORT TITLE.** This Act may be cited as "Iowa Junkyard Beautification and Billboard Control Act."

B. **PURPOSES OF ACT.** For the purpose of promoting the public safety, health, welfare, convenience, and enjoyment of public travel, to protect the public investment in public highways and to preserve and enhance the scenic beauty of lands bordering public highways, it is declared to be in the public interest to regulate and restrict the establishment, operation, and maintenance of junkyards and to control outdoor advertising in areas adjacent to the interstate and primary systems within this state.

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

- 1     **SECTION 1. Definitions.** For the purposes of sections one (1)  
 2 through nine (9), inclusive, of this Act, unless the context otherwise  
 3 requires:  
 4     1. "Junk" means old or scrap copper, brass, rope, rags, batteries,  
 5 paper, trash, rubber debris, waste, or junked, dismantled, or wrecked  
 6 automobiles, or parts of automobiles, or iron, steel, or other old  
 7 or scrap ferrous or nonferrous material.  
 8     2. "Junkyard" means an establishment or place of business which  
 9 is maintained, operated, or used primarily for storing, keeping, buy-  
 10 ing, or selling junk; and the term includes garbage dumps, sanitary  
 11 fills, and automobile graveyards.  
 12     3. "Interstate highway" includes "interstate road" and "inter-  
 13 state system" and means any highway of the primary system at  
 14 any time officially designated as a part of the national system of  
 15 interstate and defense highways by the commission and approved  
 16 by the appropriate authority of the federal government.  
 17     4. "Primary highway" means the federal aid primary system.  
 18     5. "Commission" means the state highway commission.

1     **SEC. 2. Junkyards prohibited—exceptions.** A person shall not  
2 establish, operate, or maintain a junkyard, any portion of which is  
3 within one thousand feet of the nearest edge of the right-of-way of  
4 any interstate or primary highway, except:  
5     1. Those which are screened by natural objects, plantings, fences,  
6 or other appropriate means obscuring them from view from the main-  
7 traveled portion of the highway.  
8     2. Those located within areas which are zoned for industrial use  
9 under authority of law.  
10    3. Those located within unzoned industrial areas which areas shall  
11 be determined from actual land uses and defined by regulations to  
12 be promulgated by the commission under the provisions of chapter  
13 seventeen A (17A) of the Code in accordance with the standards,  
14 criteria, and rules and regulations promulgated under authority  
15 of Title twenty-three (23), United States Code.  
16    4. Those which are not visible from the main-traveled portion of  
17 the highway.

1     **SEC. 3. Junkyards lawfully in existence.** Any junkyard located  
2 outside a zoned or unzoned industrial area lawfully in existence on  
3 the effective date of this Act which is within one thousand feet of  
4 the nearest edge of the right-of-way and visible from the main-  
5 traveled portion of any highway on the interstate or primary system  
6 shall be screened, if feasible, by the commission or the owner under  
7 rules and direction of the commission, at locations on the highway  
8 right-of-way or in areas acquired for such purposes outside the right-  
9 of-way in order to obscure the junkyard from the main-traveled way  
10 of such highways.

1     **SEC. 4. Requirements as to screening.** The commission may  
2 adopt rules and regulations pursuant to chapter seventeen A (17A)  
3 of the Code governing the location, planting, construction, and main-  
4 tenance of screening or fencing required by this Act including ma-  
5 terials to be used. However, such rules and regulations shall be in  
6 accordance with the standards, criteria, rules, and regulations pro-  
7 mulgated under authority of Title twenty-three (23), United States  
8 Code.

1     **SEC. 5. Acquisition of land for screening or removal.** When the  
2 commission determines that it is in the best interests of the state,  
3 it may acquire by gift, purchase, exchange, or condemnation, as  
4 provided by law, such property or rights or interests in property as  
5 may be necessary to provide adequate screening for junkyards. When  
6 the commission determines that the topography of the land adjoining  
7 the highway will not permit adequate screening, or screening would  
8 not be economically feasible, the commission may acquire such prop-  
9 erty or rights or interests in property as may be necessary to secure  
10 the relocation, removal, or disposal of the junkyard, and shall pay  
11 the cost of such relocation, removal, or disposal, with federal partici-  
12 pation. However, no plan for relocation, removal, or disposal which  
13 qualifies for federal participation shall be undertaken unless the  
14 commission has received notification from the federal government  
15 that the federal share to be paid is immediately available for that  
16 purpose.

1     **SEC. 6. Nuisance—injunction.** Any junkyard which does not  
2 conform to the requirements of sections one (1) through nine (9),  
3 inclusive, of this Act, and which is not excepted under sections two  
4 (2) or three (3) of this Act, is a public nuisance. The commission  
5 may apply for an injunction to abate any nuisance arising from a  
6 violation of the provisions of sections one (1) through nine (9),  
7 inclusive, of this Act, or rules and regulations adopted pursuant to  
8 sections one (1) through nine (9), inclusive, of this Act.

1     **SEC. 7. Interpretation.** Nothing in this Act shall be construed  
2 to abrogate or affect the provisions of any lawful ordinance, regula-  
3 tion, or resolution, which are more restrictive than the provisions of  
4 sections one (1) through nine (9), inclusive, of this Act.

1     **SEC. 8. Agreements with the United States authorized.** The  
2 commission may enter into agreements with the United States sec-  
3 retary of transportation as provided by Title twenty-three (23),  
4 United States Code, relating to control of junkyards in areas adja-  
5 cent to the interstate and primary systems, and take action in the  
6 name of the state to comply with the terms of such agreements.

1     **SEC. 9.** Nothing in sections one (1) through nine (9), inclusive,  
2 of this Act shall be construed as permitting the taking of private prop-  
3 erty or the restriction of the reasonable and existing uses of such  
4 property without just compensation and in accordance with the pro-  
5 visions of chapter four hundred seventy-two (472) of the Code and  
6 Title twenty-three (23), United States Code.

1     **SEC. 10. Definitions.** For the purposes of sections ten (10)  
2 through twenty-two (22), inclusive, of this Act, unless the context  
3 otherwise requires:

4     1. "Commission" means the state highway commission of the  
5 state of Iowa.

6     2. "Interstate highway" includes "interstate road" and "inter-  
7 state system" and means any highway of the primary system at  
8 any time officially designated as a part of the national system of  
9 interstate and defense highways by the commission and approved by  
10 the appropriate authority of the federal government.

11     3. "Bonus interstate highways" includes all interstate highways  
12 except those interstate highways adjacent to areas excepted from  
13 control under chapter three hundred six B (306B) by authority of  
14 section three hundred six B point two (306B.2), subsection five (5)  
15 of the Code.

16     4. "Primary highways" includes the entire primary system as  
17 officially designated, or as may hereafter be so designated, by the  
18 commission.

19     5. "Freeway primary highway" means those primary highways  
20 which have been constructed as a fully controlled access facility  
21 with no access to the facility except at established interchanges.

22     6. "Main-traveled way" means the portion of the roadway for  
23 movement of vehicles on which through traffic is carried exclusive  
24 of shoulders and auxiliary lanes. In the case of a divided highway,  
25 the main-traveled way includes each of the separated roadways for  
26 traffic in opposite directions, exclusive of frontage roads, turning  
27 roadways, or parking areas.



28 7. "Advertising device" includes any outdoor sign, display, device,  
29 figure, painting, drawing, message, placard, poster, billboard, or any  
30 other device designed, intended, or used to advertise or give infor-  
31 mation in the nature of advertising, and having the capacity of  
32 being visible from the traveled portion of any interstate or primary  
33 highway.

34 8. "Structure" means any sign supporting device including but  
35 not limited to buildings.

36 9. "Erect" means to construct, reconstruct, build, raise, assemble,  
37 place, affix, attach, create, paint, draw, or in any other way bring  
38 into being or establish; however, it shall not include any of the fore-  
39 going activities when performed incidental to the customary main-  
40 tenance of an advertising device.

41 10. "Maintain" means to cause to remain in a state of good repair  
42 but does not include reconstruction.

43 11. "Reconstruction" means any repair to the extent of sixty per-  
44 cent or more of the replacement cost of the structure, excluding  
45 buildings.

46 12. "Visible" means capable of being read or comprehended with-  
47 out visual aid by a person of normal visual acuity.

48 13. "Adjacent area" means an area which is contiguous to and  
49 within six hundred and sixty feet of the nearest edge of the right-  
50 of-way of any interstate, freeway primary, or primary highway.

51 14. "Right-of-way" means land area dedicated to public use for the  
52 highway and its maintenance, and includes land acquired in fee  
53 simple or by permanent easement for highway purposes, but does not  
54 include temporary easements or rights for supplementary highway  
55 appurtenances.

56 15. "Information center" means a site, either with or without  
57 structures or buildings, established and maintained at a rest area  
58 for the purpose of providing "information of specific interest to the  
59 traveling public", as that phrase is defined in section eleven (11),  
60 subsection five (5), of this Act.

61 16. "Rest area" means an area or site established and maintained  
62 under authority of section three hundred thirteen point sixty-seven  
63 (313.67) of the Code within the right-of-way of an interstate, free-  
64 way primary, or primary highway under supervision and control of  
65 the commission for the safety, recreation, and convenience of the  
66 traveling public.

67 17. "Commercial or industrial zone" means those areas zoned  
68 commercial or industrial under authority of a law, regulation, or  
69 ordinance of this state, its subdivisions, or a municipality.

70 18. "Commercial or industrial activities" means those activities  
71 generally recognized as commercial or industrial by zoning authori-  
72 ties in this state, except that none of the following activities shall  
73 be considered commercial or industrial:

74 a. Outdoor advertising structures.

75 b. Agricultural, forestry, grazing, farming, and related activities,  
76 including, but not limited to, wayside fresh produce.

77 c. Activities in operation less than three months per year.

78 d. Activities conducted in a building principally used as a residence.

79 e. Railroad tracks and minor spurs.

80 f. Activities outside of adjacent areas, as defined by sections ten  
81 (10) through twenty-two (22), inclusive, of this Act.

- 82 g. Activities which have been used in defining and delineating an  
83 unzoned area but which have since been discontinued or abandoned.
- 84 h. Residential housing developments.
- 85 i. Mobile home parks.
- 86 j. Institutions of learning.
- 87 k. State, county and charitable institutions.
- 88 l. State and county conservation and recreation areas, public parks,  
89 forests, playgrounds, or other areas of historic interest or areas  
90 designated as scenic beautification areas under section three hundred  
91 thirteen point sixty-seven (313.67) of the Code.
- 92 19. "Unzoned commercial or industrial area" means those areas  
93 not zoned by state or local law, regulation, or ordinance, which are  
94 occupied by one or more commercial or industrial activities, and the  
95 land along the interstate highways and primary highways for a  
96 distance of seven hundred fifty feet immediately adjacent to the  
97 activities. All measurements shall be from the outer edge of the  
98 regularly used buildings, parking lots, storage, or processing areas  
99 of the activities and shall be parallel to the edge of pavement of  
100 the highway. Measurements shall not be from the property line of  
101 the activities unless that property line coincides with the limits of  
102 the activities. Unzoned commercial or industrial areas shall not in-  
103 clude land on the opposite side of the highway from the commercial  
104 or industrial activities.

1 SEC. 11. Subject to the provision made in section thirteen (13) of  
2 this Act regarding control of bonus interstate highways, no adver-  
3 tising device shall be erected or maintained within any adjacent  
4 area as defined in section ten (10) of this Act, or on the right-of-way  
5 of any primary highway, except the following:

6 1. Advertising devices concerning the sale or lease of property  
7 upon which they are located.

8 2. Advertising devices concerning activities conducted on the prop-  
9 erty on which they are located, nor shall the property upon which  
10 they are located be construed to mean located upon any contiguous  
11 area having inconsistent use, size, shape, or ownership.

12 3. Advertising devices within the adjacent area located in com-  
13 mercial or industrial zones or in unzoned commercial or industrial  
14 areas in compliance with the regulatory standards of sections ten  
15 (10) through twenty-two (22), inclusive, of this Act and rules and  
16 regulations promulgated by the commission.

17 4. Official directional or other traffic control devices or signs. Ad-  
18 vertising devices and notices which shall include, but not be limited  
19 to, advertising devices and notices pertaining to natural wonders,  
20 scenic and historic attractions, recreational attractions and municipal  
21 recognition signs, which shall conform with rules and regulations  
22 promulgated by the commission, provided that such rules shall be  
23 consistent with national standards promulgated from time to time by  
24 the appropriate authority of the federal government, pursuant to  
25 Title twenty-three (23), section one hundred thirty-one (131), para-  
26 graph c of the United States Code.

27 5. Signs, displays, and devices giving specific information of inter-  
28 est to the traveling public, shall be erected by the commission and  
29 maintained within the right-of-way in such areas, and at appropriate  
30 distances from interchanges on the interstate system and freeway

31 primary highways as shall conform with the rules and regulations  
32 promulgated by the commission. Such rules shall be consistent with  
33 national standards promulgated from time to time by the appropriate  
34 authority of the federal government pursuant to Title twenty-three  
35 (23), section one hundred thirty-one (131), paragraph f of the  
36 United States Code. For purposes of sections ten (10) through  
37 twenty-two (22), inclusive, of this Act, "specific information of in-  
38 terest to the traveling public", means only information about public  
39 places for outdoor recreation, camping, lodging, eating, and gas and  
40 associated services which means the business shall be in continuous  
41 operation sixteen hours per day, seven days per week, with tele-  
42 phones and restroom facilities, motor fuel, oil, and water, including  
43 trade names.

44 Commercial vendors using informational signs shall furnish and  
45 maintain informational panels to the commission and the commercial  
46 vendor shall pay an annual fee of twenty-five dollars for each infor-  
47 mational panel to the commission for posting such informational  
48 panels. There is created in the office of the treasurer of state a fund  
49 to be known as the "highway beautification fund" and all funds  
50 received for the posting of informational panels shall be deposited in  
51 the "highway beautification fund". Information on gas and associ-  
52 ated services may include vehicle service and repair where the same  
53 is available.

1 SEC. 12. An advertising device shall not be constructed or recon-  
2 structed beyond the adjacent area in unincorporated areas of the state  
3 if it is visible from the main-traveled way of any interstate or pri-  
4 mary highway except for advertising devices permitted in section  
5 eleven (11), subsections one (1) and two (2) of this Act and municip-  
6 al recognition signs erected by any city or town. Any advertising  
7 device permitted beyond an adjacent area in unincorporated areas of  
8 the state shall be subject to the applicable permit provisions of sec-  
9 tion eighteen (18) of this Act.

1 SEC. 13. The commission shall control the erection and mainte-  
2 nance of advertising devices authorized by section eleven (11), sub-  
3 section three (3) of this Act in accord with the following criteria,  
4 except that in the case of bonus interstate highways the commission  
5 shall maintain the controls required under chapter three hundred  
6 six B (306B) of the Code or the controls required by sections ten  
7 (10) through twenty-two (22) of this Act, whichever controls are  
8 stricter:

9 1. Advertising devices located within the adjacent area of inter-  
10 state highways and freeway primary highways shall not be erected  
11 or maintained closer to another advertising device facing in the same  
12 direction than five hundred feet outside of cities and towns, and  
13 within two hundred fifty feet if inside of cities and towns. An adver-  
14 tising device may not be located within two hundred fifty feet of an  
15 interchange, or rest area. The measurement shall be from the nearest  
16 widening constructed for the purpose of acceleration or deceleration  
17 of traffic movement to or from the main-traveled way to the advertis-  
18 ing device.

19 2. Advertising devices located within the adjacent area of primary  
20 highways shall not be erected or maintained closer to another adver-

21 tising device facing in the same direction than one hundred feet if  
22 inside the corporate limits of a municipality. No advertising device,  
23 other than as excepted or permitted by subsections four (4), five  
24 (5), or six (6) of this section, shall be located within the triangular  
25 area formed by the line connecting two points each fifty feet back  
26 from the point where the street right-of-way lines of the main-  
27 traveled way and the intersecting street meet, or would meet, if  
28 extended.

29 3. Advertising devices located within the adjacent area of primary  
30 highways shall not be erected or maintained closer to another adver-  
31 tising device facing in the same direction than three hundred feet  
32 if outside the corporate limits of a municipality. No advertising de-  
33 vice, other than those excepted or permitted by subsections four (4),  
34 five (5), or six (6) of this section, shall be located within the tri-  
35 angular area formed by a line connecting two points each one hun-  
36 dred feet back from the point where the street right-of-way lines of  
37 the main-traveled way and the intersecting street meet, or would  
38 meet, if extended.

39 4. The distance spacing measurements fixed by subsections two  
40 (2) and three (3) of this section shall not apply to advertising de-  
41 vices which are separated by a building in such a manner that only  
42 one advertising device located within the minimum spacing distance  
43 is visible from a highway at any one time.

44 5. Within a triangular area, as defined by subsections two (2) and  
45 three (3) of this section, occupied by a building or structure, no  
46 advertising device shall be erected or maintained closer to the inter-  
47 section than the building or structure itself, except that a wall adver-  
48 tising device may be attached to said building or structure not to  
49 protrude more than twelve inches.

50 6. Official advertising devices and advertising devices concerning  
51 the sale or lease of the property or activities conducted upon the  
52 property as specified in Title twenty-three (23), section one hundred  
53 thirty-one (131), paragraph c of the United States Code, shall not  
54 be taken into consideration in determining compliance with spac-  
55 ing requirements.

56 7. The minimum distance between two advertising devices facing  
57 the same direction shall apply without regard to the side of the  
58 highway on which the advertising devices may be located and shall  
59 be measured along the center line of the highway between points  
60 directly opposite the advertising devices.

61 8. Advertising devices shall not be erected, maintained, or illumi-  
62 nated:

63 a. In a manner to obscure or otherwise physically interfere with  
64 an official traffic sign, signal, or device, or to obstruct or physically  
65 interfere with any driver's view of approaching, merging, or inter-  
66 secting traffic.

67 b. Unless effectively shielded to prevent light from being directed  
68 at any portion of the traveled highway with such intensity or bril-  
69 liance as to cause glare or to impair the vision of the driver of any  
70 motor vehicle.

71 c. Which contain, include, or are illuminated by any flashing, inter-  
72 mittent, or moving light or lights, except those giving public service  
73 information such as, but not limited to time, date, temperature,  
74 weather, news and similar information.

75 d. Which imitate or resemble an official sign or signal or device  
76 or which are erected or maintained within or closer than three hun-  
77 dred feet from scenic areas, as defined and determined by the com-  
78 mission, or which are located or maintained upon trees, or painted  
79 or drawn upon rocks or natural features, or which are structurally  
80 unsafe or in substantial disrepair.

81 e. Which exceed one thousand two hundred square feet in area or  
82 in the case of back-to-back or V-type advertising device, with a  
83 maximum of two facings per advertising device, seven hundred fifty  
84 square feet in area, including border and trim but excluding base or  
85 apron, support, and other structural members.

86 f. Which do not comply with all applicable state or local laws,  
87 regulations and ordinances, including but not limited to zoning,  
88 building, and sign codes as locally interpreted and applied and en-  
89 forced, or which violate chapter three hundred nineteen (319) of  
90 the Code; however, nothing in sections ten (10) through twenty-two  
91 (22), inclusive, of this Act shall prevent or restrict county or local  
92 zoning authorities from making a determination of customary use  
93 concerning size, lighting, and spacing of advertising devices in zoned  
94 commercial or industrial adjacent areas, and such determinations  
95 will be accepted in lieu of the standards of sections ten (10) through  
96 twenty-two (22), inclusive, of this Act. The provisions of sections  
97 ten (10) through twenty-two (22), inclusive, of this Act shall not  
98 prevent or restrict county or local zoning authorities within their  
99 respective jurisdictions from establishing standards imposing con-  
100 trols stricter than those required by sections ten (10) through  
101 twenty-two (22), inclusive, of this Act.

102 g. The standards contained in this section pertaining to size,  
103 lighting, and spacing shall not apply to advertising devices erected  
104 or maintained within six hundred sixty feet of the right-of-way of  
105 those portions of the interstate highway system exempted from  
106 control under chapter three hundred six B (306B) of the Code by  
107 authority of section three hundred six B point two (306B.2), sub-  
108 section five (5) of the Code, nor to advertising devices erected and  
109 maintained within adjacent areas along primary highways within  
110 zoned and unzoned commercial and industrial areas, unless said  
111 advertising devices were erected subsequent to the effective date of  
112 sections ten (10) through twenty-two (22), inclusive, of this Act.

1 SEC. 14. Any advertising device lawfully in existence in an  
2 adjacent area on the effective date of sections ten (10) through  
3 twenty-two (22), inclusive, of this Act, which does not conform with  
4 the provisions of sections ten (10) through twenty-two (22), inclu-  
5 sive, of this Act, shall be required to be brought into conformity or  
6 removed within six years after the effective date of sections ten (10)  
7 through twenty-two (22), inclusive, of this Act. Any advertising  
8 device lawfully erected after the effective date of sections ten (10)  
9 through twenty-two (22), inclusive, of this Act which subsequently  
10 becomes nonconforming, shall be required to be brought into con-  
11 formity or removed within five years after the date the nonconform-  
12 ity occurs. However, no advertising device shall be acquired or  
13 be required to be removed pursuant to sections ten (10) through  
14 twenty-two (22), inclusive, of this Act unless the commission has  
15 received notification from the federal government that the federal

16 share of "just compensation" to be paid is immediately available to  
17 contribute to the cost of acquisition or removal; this requirement  
18 shall not apply to the acquisition or removal of advertising devices  
19 for which no federal share is payable.

1 SEC. 15. The commission shall acquire by purchase, gift, or con-  
2 demnation, and shall pay "just compensation" upon the removal of  
3 any of the following advertising devices which are not in conform-  
4 ity with the provisions of sections ten (10) through twenty-two  
5 (22), inclusive, of this Act:

6 1. Advertising devices lawfully in existence on the effective date  
7 of sections ten (10) through twenty-two (22), inclusive, of this Act.

8 2. Advertising devices lawfully in existence on land adjoining any  
9 highway made an interstate, freeway primary, or primary highways  
10 after the effective date of sections ten (10) through twenty-two (22),  
11 inclusive, of this Act.

12 3. Advertising devices lawfully erected on or after the effective  
13 date of sections ten (10) through twenty-two (22), inclusive, of this  
14 Act, but which subsequently become nonconforming.

15 4. Any advertising device erected on the mistaken or negligent  
16 advice of any official or employee of the state of Iowa as to the  
17 interpretation, effect, or operation of sections ten (10) through  
18 twenty-two (22), inclusive, of this Act, chapter three hundred six B  
19 (306B) of the Code, or rules and regulations promulgated by the  
20 commission.

1 SEC. 16. Compensation required by section fifteen (15) of this  
2 Act shall be paid for the following:

3 1. The taking from the owner of such advertising device of all  
4 right, title, leasehold, and interest in such advertising device.

5 2. The taking from the owner of real property on which an adver-  
6 tising device is located, of the right to erect and maintain such  
7 advertising devices upon that real property.

1 SEC. 17. The provisions of chapters four hundred seventy-one  
2 (471) and four hundred seventy-two (472) of the Code shall be appli-  
3 cable to any such condemnation commenced pursuant to sections ten  
4 (10) through twenty-two (22), inclusive, of this Act, and the com-  
5 mission may take immediate possession of and remove such adver-  
6 tising devices under the procedures of section four hundred seventy-  
7 two point twenty-five (472.25) of the Code.

1 SEC. 18. Within thirty days from the effective date of this Act,  
2 the owner of every advertising device regulated by the provisions  
3 of this Act, except signs and advertising devices excepted by sub-  
4 sections one (1), two (2), four (4) and five (5) of section eleven  
5 (11) of this Act, shall be required to make application to the com-  
6 mission for a permit.

7 The application for a permit shall be on a form provided by the  
8 commission and shall contain the name and address of the owner of  
9 the advertising device and the name and address of the owner of the  
10 real property on which it is located; the date of its erection; a  
11 description of its location; its dimensions; and such other infor-  
12 mation required by the commission, together with a permit fee as  
13 provided in this section.

14 After the effective date of this Act, no new advertising device for  
 15 which an application for a permit is required may be erected without  
 16 first obtaining a permit from the commission, except in the case of  
 17 advertising devices lawfully in existence in areas adjacent to any  
 18 highway made an interstate, freeway primary, or primary highway  
 19 after the effective date of this Act. The owner shall be required to  
 20 make application for a permit as provided for in this section within  
 21 thirty days after the date the said highway acquired said design-  
 22 nation.

23 Upon receipt of an application containing all the required infor-  
 24 mation in due form and properly executed together with the fee  
 25 required, the commission shall issue a permit to be affixed to the  
 26 advertising device if the advertising device will not violate any pro-  
 27 vision of sections ten (10) through twenty-two (22), inclusive, of  
 28 this Act, or any rule or regulation promulgated by the commission,  
 29 provided that in the case of advertising devices to be acquired pur-  
 30 suant to section fifteen (15) of this Act a provisional permit shall be  
 31 issued.

32 The fee for both types of permits shall be five dollars for the  
 33 initial fee and three dollars for each annual renewal. The fees col-  
 34 lected for the above permits shall be credited to a special account  
 35 entitled the "highway beautification fund" and all salaries and ex-  
 36 penses incurred in administering this Act shall be paid from this  
 37 fund or from specific appropriations for this purpose, except that  
 38 surveillance of, and removal of, advertising devices performed by  
 39 regular maintenance personnel are not to be charged against the  
 40 account.

1 SEC. 19. Any advertising device erected or maintained after the  
 2 effective date of sections ten (10) through twenty-two (22), inclusive,  
 3 of this Act, in violation of sections ten (10) through twenty-two (22),  
 4 inclusive, of this Act, or the rules and regulations promulgated by  
 5 the commission, is a public nuisance and may be removed by the com-  
 6 mission upon thirty days' notice, by certified mail, to the owner of  
 7 the advertising device and to the owner of the land on which the  
 8 advertising device is located. The notice shall require such owners  
 9 to remove the advertising device if it is prohibited, or to cause it to  
 10 conform to sections ten (10) through twenty-two (22), inclusive, of  
 11 this Act or rules and regulations promulgated by the commission if  
 12 it is not prohibited.

13 1. If the landowner or owner of the advertising device fails to  
 14 act within thirty days as required in the notice, the commission may  
 15 enter upon the land and remove the advertising device. Such entry  
 16 after notice, shall not be deemed a trespass and the commission may  
 17 be aided by injunction to abate the nuisance and to insure peaceful  
 18 entry.

19 2. The cost of removal, including any fees and costs or expenses  
 20 as may arise out of any action brought by the commission to insure  
 21 peaceful entry and removal, shall be assessed against the owner of  
 22 the advertising device. Should the owner of the advertising device  
 23 fail to promptly pay such fees, costs, or expenses, the commission  
 24 shall proceed to advertise and sell the advertising device for pur-  
 25 poses of collecting the same. Any balance from the total receipts of  
 26 the sale after deducting all fees, costs, and expenses, including those

27 of the sale, shall be paid to the owner of the advertising device;  
28 however, if in the opinion of the commission the proceeds of the  
29 sale will not be sufficient to justify the expense involved, the advertis-  
30 ing device may be used, scrapped, dismantled, or otherwise destroyed  
31 or disposed of by the commission as it sees fit.

1     SEC. 20. The commission shall enter into agreements with the  
2 duly constituted federal authorities in order to secure for the state all  
3 bonus federal funds allotted and appropriations to the state and to  
4 avoid loss or reduction, under Title twenty-three (23), section one  
5 hundred thirty-one (131), of the United States Code, of federal aid  
6 funds apportioned or to be apportioned to the state under Title  
7 twenty-three (23), section one hundred four (104) of the United  
8 States Code. The commission may accept funds from whatever  
9 source, including any allotment of funds by the United States, or  
10 any of its departments or agencies, appropriated to carry out the  
11 purposes of Title twenty-three (23), section one hundred thirty-one  
12 (131) of the United States Code. The commission shall take such  
13 steps as may be necessary to obtain from the United States or any  
14 of its departments or agencies, funds allotted and appropriated for  
15 the purpose of paying the federal share of just compensation to be  
16 paid to advertising device owners and owners of the real property  
17 under the terms of this Act and Title twenty-three (23), section one  
18 hundred thirty-one (131), paragraph g of the United States Code.  
19 All moneys received pursuant to the provisions of this Act shall be  
20 deposited in the "highway beautification fund".

1     SEC. 21. The commission may establish or enter into agreements  
2 with private persons, firms, or corporations for the establishment of  
3 information centers in rest areas on the interstate, freeway primary,  
4 and primary highways, subject to the approval of the appropriate  
5 authority of the federal government.

1     SEC. 22. Section three hundred six B point five (306B.5), Code  
2 1971, is amended to read as follows:  
3     **306B.5 Nuisance declared.** Any advertising device erected adja-  
4 cent to any interstate system after May 21, 1965, which violates the  
5 provisions of this chapter or fails to comply with the rules and regu-  
6 lations promulgated by the state highway commission is a public  
7 nuisance. The state highway commission shall give thirty days'  
8 notice, by certified mail, to the owner of the device and to the owner  
9 of the land on which said device is located to remove such advertis-  
10 ing device if it is a prohibited device or cause it to conform to rules  
11 and regulations if it is an authorized device. If the landowner or  
12 owner of the device fails to act within thirty days as required in the  
13 notice, the state highway commission may file a petition in the dis-  
14 trict court of the county where such advertising device is located to  
15 abate the nuisance. If the court finds that a violation exists as  
16 alleged in the petition, the court shall enter an order of abatement  
17 against the person or persons erecting or maintaining such advertis-  
18 ing device and against the person or persons owning the land on  
19 which such advertising device is located. *If the landowner or owner*  
20 *of the sign fails to act within the time required in the order of abate-*  
21 *ment, the state highway commission may give thirty days' notice*



22 to the landowner or owner of the sign and at the end of thirty days  
23 the commission may enter upon the land and remove the sign. Such  
24 entry after notice, shall not be deemed a trespass and the commission  
25 may be aided by injunction to abate the nuisance and to insure peace-  
26 ful entry. The cost of removal, including any fees and costs or ex-  
27 penses as may arise out of any action brought by the commission  
28 to insure peaceful entry and removal, shall be assessed against the  
29 owner of the sign. Should the owner of the sign fail to promptly  
30 pay such fees, costs or expenses, the commission shall proceed to ad-  
31 vertise and sell the sign for purposes of collecting the same. Any  
32 balance from the total receipts of the sale after deducting the fees,  
33 costs and expenses, including those of the sale, shall be paid to the  
34 owner of the sign; however, if in the opinion of the commission, the  
35 proceeds of the sale will not be sufficient to justify the expense in-  
36 volved, the sign may be used, scrapped, dismantled, or otherwise  
37 destroyed or disposed of by the commission as it sees fit.

Approved March 29, 1972.

## CHAPTER 1069

### INSTITUTIONAL AND PARK ROADS

#### H. F. 1292

AN ACT to increase the allocation for construction of state institutional roads and state park roads.

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

1 SECTION 1. Section three hundred twelve point two (312.2), sub-  
2 section five (5), Code 1971, is amended to read as follows:  
3 5. The treasurer of state shall before making the above allotments  
4 credit annually to the highway grade crossing safety fund the sum of  
5 two hundred forty thousand dollars, credit annually to the primary  
6 road fund the sum of one million *four hundred thousand* dollars for  
7 carrying out subsection 12 of section 307.5, the last paragraph of sec-  
8 tion 313.4 and section 307.10, and credit annually to the primary road  
9 fund the sum of five hundred thousand dollars to be used for paying  
10 expenses incurred by the secondary and urban road departments of  
11 the commission other than expenses incurred for extensions of pri-  
12 mary roads in cities and towns. All unobligated funds provided by  
13 this subsection at the end of each year shall revert to the road use  
14 tax fund.

Approved March 24, 1972.

## CHAPTER 1070

## TRANSFER OF ROADS FROM PRIMARY SYSTEM

H. F. 494

AN ACT relating to the transfer of portions of the primary road system into the secondary road system.

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

1 SECTION 1. Section three hundred thirteen point two (313.2),  
2 Code 1971, is amended by inserting after unnumbered paragraph two  
3 (2) the following:

4 Whenever the board of supervisors of a county and the state high-  
5 way commission mutually determine that a portion of a highway  
6 under the jurisdiction of either party should be transferred to the  
7 jurisdiction of the other party, the board and commission may enter  
8 into an agreement to effect such transfer. Such agreement may pro-  
9 vide that each party may undertake or share responsibility for im-  
10 proving said road with the costs of such improvement to be borne  
11 entirely by either the county or the commission or equitably divided  
12 between the two jurisdictions. All such improvements shall be com-  
13 pleted and all actual costs thereof paid or reimbursed prior to the  
14 time transfer of the road is made. In carrying out such agreement,  
15 the board of supervisors may expend secondary road funds of the  
16 county and the highway commission may expend primary road funds.

17 However, prior to entering into the agreement, a notice of intent  
18 to execute such agreement shall be published in a newspaper of gen-  
19 eral circulation within the county and the cost of such notice shall be  
20 jointly borne by the state highway commission and the board of super-  
21 visors. If one hundred or more residents of the county request by  
22 petition or in writing that a hearing be held in regard to such agree-  
23 ment within ten days after the publication of the notice, the board  
24 of supervisors and the state highway commission shall hold such a  
25 hearing not more than seven days after receiving the petition or  
26 written instrument, and based upon evidence presented at such hear-  
27 ing shall reexamine the merits of executing such agreement and make  
28 a decision in regard to it.

Approved March 2, 1972.

## CHAPTER 1071

## VEHICLE EQUIPMENT

S. F. 376

AN ACT relating to vehicle equipment requirements.

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

1 SECTION 1. Section three hundred twenty-one point twenty-three  
2 (321.23), Code 1971, is amended by adding the following new subsection:  
3

4 "Any vehicle which does not meet the equipment requirements of  
5 this chapter due to the particular use for which it is designed or intended,  
6 may be registered and titled by the department upon payment  
7 of appropriate fees and after inspection and certification by the department  
8 that the vehicle is not in an unsafe condition and will not  
9 endanger any person.

10 If the department's inspection reveals that that vehicle may be  
11 safely operated only under certain conditions or on certain types of  
12 roadways, the department may restrict the registration to limit operation  
13 of the vehicle to the appropriate conditions or roadways.

14 This subsection shall not apply to snowmobiles as defined in section  
15 three hundred twenty-one G point one (321G.1) of the Code."

Approved April 22, 1972.

## CHAPTER 1072

## REGISTRATION APPLIED FOR CARDS

H. F. 1259

AN ACT relating to the use of motor vehicle "registration applied for" cards.

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

1 SECTION 1. Section three hundred twenty-one point twenty-five  
2 (321.25), Code 1971, is amended to read as follows:

3 321.25 **Application for registration and title—cards attached.** Upon  
4 the sale of a motor vehicle by a manufacturer or dealer, the vendee  
5 shall within five days make application by mail or otherwise, for registration  
6 and certificate of title thereof, after which he may operate  
7 the same upon the public highway without its individual number plate  
8 thereon for a period of not more than ~~ten~~ *twenty* days after the purchase  
9 date of the vehicle, provided that during such period the motor  
10 vehicle shall have attached thereto, in accordance with the provisions  
11 hereof, on the rear of such vehicle, a pasteboard card bearing the  
12 words, "registration applied for" and the registration number of the  
13 dealer from whom the vehicle was purchased together with the date of  
14 purchase plainly stamped or stenciled thereon.

Approved April 21, 1972.

## CHAPTER 1073

## DISPOSAL OF MOTOR VEHICLES

H. F. 671

AN ACT relating to the disposal or transfer of abandoned, repairable, or stolen motor vehicles, and providing a penalty.

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

1 SECTION 1. Chapter three hundred twenty-one (321), Code 1971,  
2 is amended by adding sections two (2) through ten (10) of this Act.

1 SEC. 2. **Definitions.** As used in sections three (3) through ten  
2 (10) of this Act unless the context otherwise requires:

3 1. "Police authority" means the Iowa highway safety patrol or  
4 any law enforcement agency of a county, city, or town.

5 2. "Abandoned vehicle" means any of the following:

6 a. A motor vehicle that has been left unattended on public property  
7 for more than forty-eight hours and lacks current registration plates  
8 or two or more wheels or other structural parts which renders the  
9 vehicle totally inoperable, or

10 b. A motor vehicle that has remained illegally on public property  
11 for more than fifteen days, or

12 c. A motor vehicle that has been unlawfully parked on private  
13 property or has been placed on private property without the consent  
14 of the owner or person in control of the property for more than  
15 twenty-four hours, or

16 d. A motor vehicle that has been legally impounded by order of a  
17 police authority and has not been reclaimed for a period of thirty  
18 days.

19 3. "Demolisher" means any city or public agency organized for the  
20 disposal of solid waste, or any person whose business it is to convert  
21 a motor vehicle to junk, processed scrap or scrap metal, or otherwise  
22 to wreck, or dismantle vehicles.

1 SEC. 3. **Authority to take possession of abandoned motor vehicles.**  
2 A police authority may, and on the request of any other authority hav-  
3 ing the duties of control of highways or traffic, shall take into custody  
4 any abandoned motor vehicle on public property and may take into  
5 custody any abandoned motor vehicle on private property. The police  
6 authority may employ its own personnel, equipment and facilities or  
7 hire other personnel, equipment and facilities for the purpose of  
8 removing, preserving, storing, or disposing abandoned motor vehicles.

1 SEC. 4. **Notification of owner and lienholders.**

2 1. A police authority which takes into custody an abandoned motor  
3 vehicle shall notify, within ten days, by certified mail, the last known  
4 registered owner of the motor vehicle and all lienholders of record,  
5 addressed to their last known address of record, that the abandoned  
6 motor vehicle has been taken into custody. Notice shall be deemed  
7 given when mailed. The notice shall describe the year, make, model,  
8 and serial number of the motor vehicle, set forth the location of the  
9 facility where it is being held, inform the owner and any lienholders  
10 of their right to reclaim the motor vehicle within fourteen days after  
11 the effective date of the notice upon payment of all towing, preserva-

12 tion, and storage charges resulting from placing the motor vehicle  
13 in custody. The notice shall also state that the failure of the owner  
14 or lienholders to exercise their right to reclaim the motor vehicle  
15 within the time provided shall be deemed a waiver by the owner and  
16 all lienholders of all right, title, claim and interest in the motor vehicle  
17 and that such failure to reclaim the motor vehicle is deemed consent  
18 to the sale of the motor vehicle at a public auction or disposal of  
19 the motor vehicle to a demolisher. If the owner and lienholders do  
20 not exercise their right to reclaim such motor vehicle within the four-  
21 teen-day reclaiming period, such owner and lienholders shall no  
22 longer have any right, title, claim, or interest in or to such motor  
23 vehicle. No court in any case in law or equity shall recognize any  
24 right, title, claim, or interest of any such owner and lienholders after  
25 the expiration of the fourteen-day reclaiming period.

26 2. If the identity of the last registered owner cannot be deter-  
27 mined, or if the registration contains no address for the owner, or  
28 if it is impossible to determine with reasonable certainty the identity  
29 and addresses of all lienholders, notice by one publication in one  
30 newspaper of general circulation in the area where the motor vehicle  
31 was abandoned shall be sufficient to meet all requirements of notice  
32 under this Act. The published notice may contain multiple listings of  
33 abandoned motor vehicles but shall be published within the same time  
34 requirements and contain the same information as prescribed for  
35 mailed notice in subsection one (1) of this section.

36 3. The owner or any lienholders may, by written request delivered  
37 to the police authority prior to the expiration of the fourteen-day  
38 reclaiming period, obtain an additional fourteen days within which  
39 the motor vehicle may be reclaimed.

1 SEC. 5. Auction of abandoned motor vehicles. If an abandoned  
2 motor vehicle has not been reclaimed as provided for in section four  
3 (4) of this Act, the police authority shall make a determination as  
4 to whether or not the motor vehicle shall be sold for use upon the  
5 highways. If it is to be sold as a motor vehicle for use upon the  
6 highways, it shall first be inspected as required by chapter one hun-  
7 dred eighty-three (183), Acts of the Sixty-fourth General Assembly,  
8 First Session, and have a valid certificate of inspection affixed. If  
9 the motor vehicle is not sold for use upon the highways, it shall only  
10 be sold to a dealer licensed under chapter three hundred twenty-two  
11 (322) of the Code or to a demolisher for junk, or demolished and  
12 sold as scrap or sold as provided in section thirteen (13) of this Act  
13 with a restricted certificate of title and not for use upon the highways.  
14 The police authority shall sell the motor vehicle at public auction.  
15 Notwithstanding any other provision of this Act, any police authority,  
16 which has taken into possession any abandoned motor vehicle which  
17 lacks an engine or two or more wheels or other structural part which  
18 renders the vehicle totally inoperable may dispose of such motor  
19 vehicle to a demolisher for junk without the notification procedures  
20 enumerated in section four (4) of this Act and without public auc-  
21 tion. The purchaser of the motor vehicle shall take title free and  
22 clear of all liens and claims of ownership, shall receive a sales receipt  
23 from the police authority, and shall be entitled to register the motor  
24 vehicle and receive a certificate of title if sold for use upon the high-

25 ways or a restricted certificate of title as the case may be; however,  
26 if the motor vehicle is sold or disposed of to a demolisher for junk,  
27 the sales receipt by itself shall be sufficient title only for purposes of  
28 transferring the motor vehicle to such demolisher for demolition,  
29 wrecking, or dismantling and, when so transferred, no further titling  
30 of the motor vehicle shall be permitted. From the proceeds of the  
31 sale of an abandoned motor vehicle the police authority shall reim-  
32 burse itself for the expenses of the auction, the costs of towing,  
33 preserving, and storing which resulted from placing the abandoned  
34 motor vehicle in custody, all notice and publication costs incurred  
35 pursuant to section four (4) of this Act, the cost of inspection, and  
36 any other costs incurred except costs of bookkeeping and other admin-  
37 istrative costs. Any remainder from the proceeds of a sale shall be  
38 held for the owner of the motor vehicle or entitled lienholder for  
39 ninety days, and shall then be deposited in the reimbursement fund  
40 received by the department of public safety pursuant to section three  
41 hundred twenty-one point one hundred forty-five (321.145), subsec-  
42 tion two (2), of the Code. The costs to police authorities of auction,  
43 towing, preserving, storage, and all notice and publication costs,  
44 inspection costs and all other costs which result from placing other  
45 abandoned vehicles in custody, whenever the proceeds from a sale of  
46 such other abandoned motor vehicles are insufficient to meet these  
47 expenses and costs, shall be paid from the reimbursement fund of the  
48 department of public safety under section three hundred twenty-  
49 one point one hundred forty-five (321.145), subsection two (2), of  
50 the Code. In the event the reimbursement fund is temporarily  
51 exhausted, payment shall be deferred until the reimbursement fund  
52 contains sufficient funds to meet the claims.

53 The state comptroller shall establish by rule a claims procedure  
54 to be followed by police authorities in obtaining expenses and costs  
55 from the fund.

1 **SEC. 6. Garagekeepers and abandoned motor vehicles.** Any motor  
2 vehicle left in a garage operated for commercial purposes after the  
3 period for which the vehicle was to remain on the premises shall,  
4 after notice by certified mail to the last known registered owner of  
5 the vehicle addressed to his last known address of record to reclaim  
6 the vehicle within ten days of the date of the notice, be deemed an  
7 abandoned motor vehicle unless reclaimed by the owner within such  
8 ten-day period or the owner notifies the garagekeeper in writing  
9 within such period of time that such vehicle is not an abandoned  
10 motor vehicle and shall be reported by the garagekeeper to the police  
11 authority. If the identity or address of the last registered owner of  
12 the motor vehicle cannot be determined, the vehicle shall be deemed  
13 an abandoned motor vehicle on the eleventh day after the period for  
14 which the vehicle was to remain on the premises unless reclaimed  
15 by the owner within the ten-day period or the owner notifies the  
16 garagekeeper in writing within such period of time that such vehicle  
17 is not an abandoned motor vehicle and shall be reported by the garage-  
18 keeper to the police authority. All abandoned motor vehicles left in  
19 garages may be taken into custody by a police authority upon the  
20 request of the garagekeeper and sold in accordance with the pro-  
21 cedures set forth in this Act unless the motor vehicle is reclaimed.

22 The proceeds of the sale shall be first applied to the garagekeeper's  
23 charges for towing and storage, and any surplus proceeds shall be  
24 distributed in accordance with section five (5) of this Act. Nothing  
25 in this section shall be construed to impair any lien of a garage-  
26 keeper under the laws of this state, or the right of a garagekeeper  
27 to foreclose his lien, provided that a garagekeeper shall be deemed  
28 to have abandoned his artisan lien when such vehicle is taken into  
29 custody by the police authority. For the purposes of this section  
30 "garagekeeper" means any operator of a parking place or establish-  
31 ment, motor vehicle storage facility, or establishment for the servic-  
32 ing, repair, or maintenance of motor vehicles.

1       **SEC. 7. Disposal to demolisher.**

2       1. Any person, firm, corporation, or unit of government upon whose  
3 property or in whose possession is found any abandoned motor vehicle,  
4 or any person being the owner of a motor vehicle whose title certifi-  
5 cate is faulty, lost, or destroyed and is thereby unable to transfer title  
6 to the motor vehicle, may apply to the police authority of the juris-  
7 diction in which the motor vehicle is situated for authority to sell,  
8 give away, or otherwise dispose of the motor vehicle to a demolisher.

9       2. The application shall set out the name and address of the appli-  
10 cant, the year, make, model, and serial number of the motor vehicle,  
11 if ascertainable, together with any other identifying features, and  
12 shall contain a concise statement of the facts surrounding the aban-  
13 donment, or a statement that the title of the motor vehicle is lost  
14 or destroyed, or the reasons for the defect of title in the owner. The  
15 applicant shall execute an affidavit stating that the facts alleged are  
16 true and that no material fact has been withheld.

17       3. If the police authority finds that the application is executed  
18 in proper form, and shows that the motor vehicle has been abandoned  
19 upon the property of the applicant, or if it shows that the motor  
20 vehicle is not abandoned but that the applicant appears to be the  
21 rightful owner, the police authority shall follow appropriate notifica-  
22 tion procedures as set forth in section four (4) of this Act.

23       4. If the abandoned motor vehicle is not reclaimed in accordance  
24 with section four (4) of this Act, or no lienholder objects to the dis-  
25 posal in the case of an owner-applicant, the police authority shall  
26 give the applicant a certificate of authority to dispose of the motor  
27 vehicle to any demolisher for demolition, wrecking, or dismantling.  
28 The demolisher shall accept such certificate in lieu of the certificate of  
29 title to the motor vehicle.

30       5. Notwithstanding any other provisions of this Act, any person,  
31 firm, corporation, or unit of government upon whose property or in  
32 whose possession is found any abandoned motor vehicle, or any person  
33 being the owner of a motor vehicle whose title certificate is faulty,  
34 lost, or destroyed, may dispose of such motor vehicle to a demolisher  
35 for junk without his title and without the notification procedures of  
36 section four (4) of this Act if the motor vehicle lacks an engine or  
37 two or more wheels or other structural part which renders the vehicle  
38 totally inoperable.

39       6. The owner of an abandoned motor vehicle and all lienholders  
40 shall no longer have any right, title, claim, or interest in or to such  
41 motor vehicle; and no court in any case in law or equity shall recog-

42 nize any right, title, claim, or interest of any such owner and lien-  
43 holders after the disposal of such motor vehicle to a demolisher.

44 7. Any proceeds from the sale of an abandoned motor vehicle to  
45 a demolisher under this section, by one other than the owner of the  
46 vehicle, shall first be applied to that person's expenses in effecting  
47 the sale, including storage, towing, and disposal charges, and any  
48 surplus shall be distributed in accordance with section five (5) of  
49 this Act.

1 **SEC. 8. Duties of demolishers.**

2 1. Any demolisher who purchases or otherwise acquires an aban-  
3 doned motor vehicle for junk under the provisions of this Act shall  
4 junk, scrap, wreck, dismantle, or demolish such motor vehicle. How-  
5 ever, if the vehicle is acquired under the provisions of subsection  
6 five (5), section seven (7), of this Act, the demolisher shall apply  
7 to the police authority of the jurisdiction from which the vehicle was  
8 acquired for a certificate of authority to demolish the vehicle. In  
9 making the application the demolisher shall describe the motor vehicle  
10 as required by subsection two (2), section seven (7), of this Act.  
11 The police authority shall issue the certificate of authority upon  
12 complying with subsection three (3), section seven (7), of this Act,  
13 but shall be excused from following the notification procedures as  
14 required therein. No further titling of the motor vehicle shall be  
15 permitted. After the motor vehicle has been demolished, processed,  
16 or changed so that it physically is no longer a motor vehicle, the  
17 demolisher shall surrender the auction sales receipt or certificate of  
18 authority to dispose of or demolish a motor vehicle to the department  
19 of public safety for cancellation. The department of public safety  
20 shall issue such forms, rules, and regulations governing the surrender  
21 of auction sales receipts, certificates of title, and certificates of author-  
22 ity to dispose of or demolish motor vehicles, and the cancellation and  
23 surrender of the registrations and certificates of title for such motor  
24 vehicles as are appropriate.

25 2. A demolisher shall keep an accurate and complete record of all  
26 motor vehicles purchased or received by him in the course of his  
27 business. These records shall contain the name and address of the  
28 person from whom each such motor vehicle was purchased or received  
29 and the date when such purchases or receipts occurred. Such records  
30 shall be open for inspection by any police authority at any time during  
31 normal business hours. Any record required by this section shall be  
32 kept by the demolisher for at least one year after the transaction to  
33 which it applies.

1 **SEC. 9.** No person, firm, corporation, unit of government, garage-  
2 keeper or police authority upon whose property an abandoned motor  
3 vehicle is found or who disposes of such abandoned vehicle in accord-  
4 ance with this Act shall be liable for damages by reason of the  
5 removal, sale, or disposal of such motor vehicle.

1 **SEC. 10.** Any person who abandons a motor vehicle shall be  
2 guilty of a misdemeanor.

1 **SEC. 11.** Chapter three hundred twenty-one (321), Code 1971,  
2 is amended by adding the following new section:



3 "Notwithstanding the provisions of chapter three hundred twenty-  
4 two (322) of the Code, and any other statute to the contrary, the  
5 title to a motor vehicle may be transferred without a certificate of  
6 inspection as prescribed by chapter one hundred eighty-three (183),  
7 Acts of the Sixty-fourth General Assembly, First Session, where such  
8 motor vehicle is materially damaged, inoperable, or unsafe for use  
9 upon the highway upon compliance with the following conditions:

10 1. That the registration fee of the vehicle is not delinquent.

11 2. That the vehicle was obtained for the purpose of restoring,  
12 rebuilding or repairing and not for use upon the highway and such  
13 facts are evidenced by an affidavit signed by both the transferor and  
14 the transferee on a form provided by the department.

15 3. The transferor shall surrender the registration plates, registra-  
16 tion card and the certificate of title, or if a foreign vehicle from a  
17 nontitle state, such evidence of foreign registration and ownership  
18 as may be prescribed by the department, unless the vehicle is sold  
19 or transferred pursuant to the provisions of sections two (2) through  
20 ten (10) of this Act, for the vehicle together with the application of  
21 the transferee for a restricted certificate of title, the affidavit as  
22 provided in subsection two (2) of this section and the fee for transfer  
23 to the county treasurer of the residence of the transferor who shall  
24 transmit the application of the transferee for a restricted certificate  
25 of title, the affidavit as provided in subsection two (2) of this section,  
26 and the fee for transfer to the county treasurer of the county of resi-  
27 dence of the transferee. No refund of fees previously paid for the  
28 registration of such motor vehicle shall be allowed.

29 4. The county treasurer of the county of residence of the trans-  
30 feree upon receipt of the application for a new certificate of title, fee  
31 therefor, and the affidavit as provided in subsection two (2) of this  
32 section, and when satisfied as to the genuineness and regularity  
33 thereof, shall issue a restricted certificate of title to the applicant but  
34 shall not issue registration plates or a registration card. A restricted  
35 certificate of title shall be red in color and shall have conspicuously  
36 imprinted thereon in bold print, in a manner prescribed by the  
37 department, the words 'RESTRICTED CERTIFICATE OF TITLE—CANNOT  
38 BE REGISTERED AND OPERATED ON THE HIGHWAYS WITHOUT A VALID  
39 APPROVED CERTIFICATE OF INSPECTION.' At such time as the trans-  
40 feree surrenders a valid approved certificate of inspection and the  
41 restricted certificate of title to the county treasurer of the county  
42 of his residence, the county treasurer, upon payment of the appro-  
43 priate fees, shall issue a certificate of title that is not restricted for  
44 the vehicle and shall also issue a registration card and registration  
45 plates for the vehicle to the applicant, however if the registration  
46 fee for the vehicle has been paid for the current year, the county  
47 treasurer shall issue a registration card and registration plates for  
48 the vehicle to the applicant upon payment of an additional registra-  
49 tion fee of five dollars.

50 5. A motor vehicle which has a restricted certificate of title may  
51 be sold or otherwise transferred as provided in this section, except  
52 provisions pertaining to the surrender of current registration plates  
53 and registration card shall not apply; however, such motor vehicle  
54 may be sold or otherwise transferred pursuant to section three hun-  
55 dred twenty-one point forty-eight (321.48) of the Code to a dealer

56 licensed under chapter three hundred twenty-two (322) of the Code  
57 without compliance with the provisions of this section.

58 6. No vehicle sold or otherwise transferred pursuant to the pro-  
59 visions of this section shall be driven upon the highway until a valid  
60 official certificate of inspection has been affixed thereto and an unre-  
61 stricted certificate of title, a registration card, and registration plates  
62 for the vehicle have been issued to the purchaser or transferee.

63 7. The provisions of this section, except provisions pertaining to  
64 the surrender of current registration plates and registration card,  
65 shall also be applicable to the insurer of any vehicle who obtains  
66 ownership of the vehicle as a result of settlement resulting from the  
67 theft of a motor vehicle which has not been recovered, provided the  
68 vehicle has been reported stolen as provided in section three hundred  
69 twenty-one point eighty-five (321.85) of the Code and written proof  
70 of payment to the insured, resulting from such theft, is submitted  
71 by the applicant. Proof of payment for loss due to theft shall  
72 be submitted on forms prescribed or provided by the department."

1 SEC. 12. Section three hundred twenty-one point eighty-five  
2 (321.85), Code 1971, is amended to read as follows:

3 321.85 ~~Stolen or abandoned vehicles.~~ Whenever any motor vehicle  
4 is seized under section 321.84 or whenever any motor vehicle is  
5 stolen or embezzled, and is not claimed by the owner before the date  
6 on which the person charged with the stealing or embezzling of same  
7 is convicted, ~~or if the motor vehicle be abandoned and is not claimed~~  
8 ~~by the owner within three days,~~ then the officer having ~~same the~~  
9 *motor vehicle* in his custody must, on such date by certified mail,  
10 notify the department that he has such a motor vehicle in his pos-  
11 session, giving a full and complete description of same, including all  
12 marks of identification, factory and serial numbers.

1 SEC. 13. Section three hundred twenty-one point eighty-eight  
2 (321.88), Code 1971, as amended by chapter one hundred eighty-  
3 three (183), section five (5), Acts of the Sixty-fourth General  
4 Assembly, First Session, is amended by striking the section and  
5 inserting in lieu thereof the following:

6 321.88 ~~Failure of owner to claim.~~ If the owner does not appear  
7 within forty days, the motor vehicle shall be deemed abandoned and  
8 the officer having possession of the motor vehicle shall proceed as  
9 provided in sections four (4) and five (5) of this Act.

1 SEC. 14. Sections three hundred twenty-one point eighty-nine  
2 (321.89), three hundred twenty-one point ninety (321.90), and three  
3 hundred twenty-one point ninety-one (321.91), Code 1971, are  
4 repealed.

Approved April 21, 1972.

## CHAPTER 1074

## MOTOR VEHICLE REGISTRATION FEES

## S. F. 1023

AN ACT relating to county motor vehicle registration fees.

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

1 SECTION 1. Section three hundred twenty-one point one hundred  
2 fifty-two (321.152), Code 1971, as amended by chapter one hundred  
3 seventy-six (176), section fourteen (14), Acts of the Sixty-fourth  
4 General Assembly, First Session, is amended to read as follows:  
5 321.152 Fee for county. Each county treasurer shall be allowed  
6 to retain for deposit in the county general fund, seventy-five cents  
7 for each annual *or semiannual* vehicle registration and each duplicate  
8 registration card or plate issued; sixty-five percent of all fees collected  
9 for certificates of title and notations of lien or encumbrance; and one  
10 dollar for each duplicate certificate of title. The moneys retained shall  
11 be deducted, and reported to the department, when the county trea-  
12 surer transfers the money collected under the provisions of this chap-  
13 ter; provided, however, that no such deduction shall be lawful unless  
14 the county treasurer has complied with the provisions of sections  
15 321.24 and 321.153.

Approved February 17, 1972.

## CHAPTER 1075

## MOTOR VEHICLE INSPECTION

## H. F. 1258

AN ACT to amend chapter 183, Acts of the Sixty-fourth General Assembly relating to motor vehicle inspection to extend the time within which a vehicle failing inspection must be repaired, to require inspection upon the transfer of a motor vehicle, to lengthen the period within which a motor vehicle must be inspected prior to transfer, to provide for administrative appeal, and to permit the regrooving of specially designed tires.

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

1 SECTION 1. Chapter one hundred eighty-three (183), section one  
2 (1), subsections eleven (11), twelve (12), and eighteen (18), Acts  
3 of the Sixty-fourth General Assembly, First Session, are amended to  
4 read as follows:  
5 11. "If an inspection discloses the necessity for repairs, the owner  
6 of the vehicle or person having custody thereof shall be so notified.  
7 Repairs and adjustments need not be made at the inspection station  
8 which has made the inspection and if the owner or person having cus-  
9 tody of the vehicle elects not to have the repairs or adjustments made  
10 at that time a certificate of rejection shall be affixed to the vehicle.  
11 If an official certificate of inspection has been affixed to the vehicle  
12 which is valid on the date of rejection, the certificate of inspection  
13 shall no longer be valid even though the period for which it was issued

14 has not expired and the inspection station shall remove the certificate.  
15 After correction of the stated defects, the inspection station which  
16 made the inspection shall reinspect the vehicle once without additional  
17 charge if requested so to do within ~~fifteen~~ *thirty* days after its issu-  
18 ance of the rejection certificate.

19 The owner or other person having custody of the vehicle shall have  
20 such repairs made or defects corrected as are required by the rejection  
21 certificate within ~~fifteen~~ *thirty* days from the date of the rejection  
22 certificate. A vehicle for which the repairs are not made or defects  
23 not corrected, shall not thereafter be operated on the streets or high-  
24 ways until a valid certificate of inspection has been obtained and  
25 affixed to the vehicle.

26 *The owner or person having custody of the vehicle to which a cer-*  
27 *tificate of rejection has been affixed may appeal the rejection to the*  
28 *department of public safety. The appeal shall be in writing and shall*  
29 *be filed with the department of public safety within ten days of the*  
30 *rejection. The department of public safety shall hold a hearing on the*  
31 *appeal within ten days of receipt of the appeal and shall issue a deci-*  
32 *sion affirming the rejection or disallowing the rejection, in whole or*  
33 *in part, within seven days of the hearing."*

34 12. "After December 31, 1971, every motor vehicle subject to regis-  
35 tration under the laws of this state, except motor vehicles registered  
36 under section three hundred twenty-one point one hundred fifteen  
37 (321.115) of the Code, when first registered in this state or when sold  
38 at retail within or without this state, *or otherwise transferred, except*  
39 *transfers by operation of law as set out in section three hundred*  
40 *twenty-one point forty-seven (321.47) of the Code, shall be inspected*  
41 *at an authorized inspection station unless there is affixed to the motor*  
42 *vehicle a valid certificate of inspection which was issued for such*  
43 *motor vehicle not more than ~~thirty~~ *sixty* days prior to the date on*  
44 *which such vehicle was sold. If the motor vehicle is subject to inspec-*  
45 *tion, the authorized inspection station shall issue and affix a valid*  
46 *certificate of inspection or certificate of rejection, as the case may be,*  
47 *in accordance with the results of the inspection. The applicant shall*  
48 *file with an application for title to the vehicle or for registration*  
49 *thereof under the provisions of subsection two (2) or three (3) of*  
50 *section three hundred twenty-one point twenty-three (321.23) of the*  
51 *Code, with the county treasurer of the county of his residence, a state-*  
52 *ment on a form provided by the commissioner, signed by an author-*  
53 *ized inspection station certifying the date that a certificate of inspec-*  
54 *tion was issued for and affixed to the vehicle. The county treasurer*  
55 *shall not issue a title to the vehicle to the applicant or register the*  
56 *vehicle unless such statement is filed with the application showing*  
57 *that the inspection of the vehicle was made not more than ~~thirty~~ *sixty**  
58 *days prior to the date of sale or transfer. The county treasurer shall*  
59 *mail the statement of inspection to the department at the time of*  
60 *mailing copies of the registration receipt."*

61 18. "A person shall not sell *or transfer* any motor vehicle, other  
62 than transfers to a dealer licensed under chapter three hundred  
63 twenty-two (322) of the Code *and other than transfers by operation*  
64 *of law as set out in section three hundred twenty-one point forty-seven*  
65 *(321.47) of the Code, unless there is a valid official certificate of*  
66 *inspection affixed to such vehicle at the time of sale. Any person*

67 violating the provisions of this section shall be subject to a fine of  
 68 one hundred dollars and shall be liable to the purchaser in damages  
 69 for all costs involved in obtaining a valid certificate of inspection for  
 70 such vehicle."

1 SEC. 2. Section three hundred twenty-one point four hundred forty  
 2 (321.440), subsection seven (7), Code 1971, as amended by chapter  
 3 one hundred eighty-three (183), section three (3), Acts of the Sixty-  
 4 fourth General Assembly, First Session, is amended to read as follows:

5 7. Been regrooved or recut below the original tread design depth,  
 6 excepting special ~~taxi~~ tires which have extra undertread rubber and  
 7 are identified as such; or

Approved April 21, 1972.

## CHAPTER 1076

### COURSE FOR DRINKING DRIVERS

H. F. 1082

AN ACT relating to a course for persons convicted of operating a motor vehicle while under the influence of an alcoholic beverage, providing for the revocation of drivers licenses, providing for fees and providing a penalty.

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

1 SECTION 1. **Definitions.** As used in this Act, unless the context  
 2 otherwise requires:

3 1. "Course for drinking drivers" means an approved course de-  
 4 signed to inform the offender about drinking and driving and encour-  
 5 age the offender to assess his own drinking and driving behavior in  
 6 order to select practical alternatives.

7 2. "Satisfactory completion of a course" means receiving at the  
 8 completion of a course a grade from the course instructor of "c" or  
 9 "2.0" or better.

10 3. "Drivers license" means a license to drive a motor vehicle as  
 11 an operator or chauffeur.

1 SEC. 2. After the conviction of a person for operating a motor  
 2 vehicle while under the influence of an alcoholic beverage, the court  
 3 in addition to its power to commit the defendant for treatment of  
 4 alcoholism under section three hundred twenty-one point two hundred  
 5 eighty-one (321.281) of the Code, may in lieu of, or prior to or after  
 6 the imposition of punishment for a first offense or prior to or after  
 7 the imposition of punishment for any subsequent offense, order the  
 8 defendant, at his own expense, to enroll, attend and successfully com-  
 9 plete a course for drinking drivers. A copy of the order shall be  
 10 forwarded to the department of public safety.

1 SEC. 3. After any conviction for operating a motor vehicle while  
 2 under the influence of an alcoholic beverage under section three hun-  
 3 dred twenty-one point two hundred eighty-one (321.281) of the Code,  
 4 the court may refer the defendant for treatment at a facility as defined

5 in chapter one hundred twenty-three B (123B) of the Code. The court  
6 may prescribe the length of time for treatment or it may be left to  
7 the discretion of the facility to which the defendant was referred.  
8 A person referred under this section shall be considered a state  
9 patient.

1 SEC. 4. When the court orders a person to enroll, attend and  
2 successfully complete a course for drinking drivers, the court shall  
3 also order that the revocation of the person's drivers license shall be  
4 for an indefinite period and until the required course is successfully  
5 completed and proof of completion has been filed with the department  
6 of public safety and the provisions of chapter three hundred twenty-  
7 one A (321A) of the Code have been complied with.

1 SEC. 5. No person shall have his drivers license revoked indefin-  
2 itely under this Act for failure to enroll in a course where the required  
3 course is not taught within a radius of one hundred miles from his  
4 usual residence.

1 SEC. 6. Any person required to attend a course by the provisions  
2 of this Act, who is subject to a drivers license suspension or revoca-  
3 tion, may be issued a temporary driving permit by the department  
4 of public safety restricted to driving to and from his home, place of  
5 employment, in his employment and the location of the required  
6 course. Any person who does not receive a temporary driving permit  
7 may after the period of license suspension or revocation under section  
8 three hundred twenty-one point two hundred eighty-one (321.281) of  
9 the Code have his drivers license reissued subject to suspension for  
10 failure to comply with the provisions of this Act. This section shall  
11 not permit the issuance of a temporary driving permit or reissuance  
12 of a drivers license where the provisions of chapter three hundred  
13 twenty-one A (321A) of the Code have not been complied with.

14 Successful completion of a course required by this Act shall not  
15 reverse a drivers license suspension or revocation or reduce the length  
16 of a suspension or revocation under section three hundred twenty-one  
17 point two hundred eighty-one (321.281) of the Code; however, the  
18 commissioner of public safety may reduce the length of a suspension  
19 or revocation contingent upon successful completion of a course for  
20 drinking drivers.

1 SEC. 7. The course provided in this Act shall be offered on a regu-  
2 lar basis at each area school as defined in section two hundred eighty  
3 A point two (280A.2) of the Code.

4 Enrollment in the courses shall not be limited to persons ordered  
5 to enroll, attend and successfully complete the course under the pro-  
6 visions of section two (2) of this Act, and any person convicted of  
7 operating a motor vehicle while under the influence of an alcoholic  
8 beverage who was not ordered to enroll, shall be allowed to enroll and  
9 attend a course for drinking drivers.

10 The course required by this Act shall be taught by the area schools  
11 under the department of public instruction and approved by the de-  
12 partment of public safety.

13 The department of public instruction shall establish reasonable  
14 fees to defray the expense of obtaining classroom space, instructor

15 salaries, and class materials. No person shall be denied enrollment  
16 in a course by reason of his indigency.

1 SEC. 8. No employer shall discharge a person from his employment  
2 solely for the reason of work absence to attend a course required by  
3 this Act. Any employer who violates this section shall be liable for  
4 triple damages occasioned by the unlawful discharge from employ-  
5 ment.

1 SEC. 9. The course required by this Act shall, within the limit of  
2 available funds and instructors, be open for enrollment not later than  
3 one year after the effective date of this Act.

1 SEC. 10. Upon written request the department of public safety  
2 shall afford a person having his drivers license revoked indefinitely  
3 under the provisions of this Act an opportunity for a hearing before  
4 the commissioner or his duly authorized agent, within twenty days  
5 after receipt of the request and in the county where the licensee  
6 resides unless another county is mutually agreed upon. Following the  
7 hearing the revocation may be rescinded if the commissioner or his  
8 agent determines the revocation is not authorized by this Act.

1 SEC. 11. The department of public instruction shall prepare a list  
2 of the locations of the courses taught under this Act, the dates and  
3 times taught, the procedure for enrollment, and the schedule of course  
4 fees. The list shall be kept current and a copy of the list shall be sent  
5 to each court having jurisdiction over offenses provided in chapter  
6 three hundred twenty-one (321) of the Code.

1 SEC. 12. The department of public instruction shall maintain en-  
2 rollment, attendance, successful and nonsuccessful completion data  
3 on the persons ordered to enroll, attend and successfully complete a  
4 course for drinking drivers. This data shall be regularly forwarded  
5 to the department of public safety.

1 SEC. 13. The fee for a temporary driving permit under section six  
2 (6) of this Act shall be three dollars. The temporary driving permit  
3 must be in the permittee's immediate possession while operating a  
4 motor vehicle and shall be invalid when the permittee is issued a  
5 drivers license. The temporary driving permit shall be cancelled upon  
6 conviction for a moving traffic violation.

1 SEC. 14. Any person violating a restriction of a temporary driving  
2 permit issued under section six (6) of this Act shall be guilty of a  
3 misdemeanor.

Approved April 20, 1972.

## CHAPTER 1077

## SNOWMOBILES

## H. F. 711

AN ACT relating to liability arising out of the use of snowmobiles, to registration and safety regulations for snowmobiles and providing a penalty for the violation thereof.

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

1 SECTION 1. **Declaration of policy.** It is the policy of this state to  
2 promote safety for persons, property, and the environment relating  
3 to the use, operation and equipment of snowmobiles and to promote  
4 uniformity of laws and rules relating thereto.

1 SEC. 2. Section three hundred twenty-one G point one (321G.1),  
2 Code 1971, is amended by striking the section and inserting in lieu  
3 thereof the following:

4 **321G.1 Definitions.** As used in this Act, unless the context other-  
5 wise requires:

6 1. "Commission" means the state conservation commission.

7 2. "Snowmobiles" means any self-propelled vehicle weighing less  
8 than one thousand pounds which utilizes wheels with low pressure  
9 tires and is designed to operate on land or ice or is equipped with  
10 sled-type runners or skis, endless belt-type tread, or any combina-  
11 tion thereof, and is designed for travel upon snow, land or ice, except  
12 any vehicle registered as a motor vehicle under chapter three hundred  
13 twenty-one (321) of the Code.

14 3. "Person" means an individual, partnership, firm, corporation,  
15 association, and the state, its agencies, and political subdivisions.

16 4. "Owner" means a person, other than a lien holder, having the  
17 property right in or title to a snowmobile. The term includes a  
18 person entitled to the use or possession of a snowmobile subject  
19 to an interest in another person, reserved or created by agreement  
20 and securing payment or performance of an obligation, but the term  
21 excludes a lessee under a lease not intended as security.

22 5. "Operate" means to ride in or on, other than as a passenger,  
23 use or control the operation of a snowmobile in any manner, whether  
24 or not the snowmobile is moving.

25 6. "Operator" means every person who operates or is in actual  
26 physical control of a snowmobile.

27 7. "Dealer" means every person engaged in the business of buying,  
28 selling, or exchanging snowmobiles required to be registered under  
29 this Act and who has an established place of business for that  
30 purpose in this state.

31 8. "Manufacturer" means every person engaged in the business  
32 of constructing or assembling snowmobiles required to be registered  
33 under this Act and who has an established place of business for that  
34 purpose in this state.

35 9. "Established place of business" means the place actually occu-  
36 pied either continuously or at regular periods by a dealer or manu-  
37 facturer where his books and records are kept and his business is  
38 primarily transacted.

39 10. "Special event" means an organized race, exhibition, or  
40 demonstration of limited duration which is conducted according to



41 a prearranged schedule and in which general public interest is mani-  
42 fested.

43 11. "Roadway" means that portion of a highway improved,  
44 designed, or ordinarily used for vehicular travel.

45 12. "Street" or "highway" means the entire width between prop-  
46 erty lines of every way or place of whatever nature when any part  
47 thereof is open to the use of the public, as a matter of right, for  
48 purposes of vehicular travel, except in public areas in which the  
49 boundary shall be thirty-three feet each side of the center line of  
50 the roadway.

51 13. "Railroad right-of-way" shall mean the full width of property  
52 owned, leased or subject to easement for railroad purposes and shall  
53 not be limited to those areas on which tracks are located.

54 14. "'A' scale" means the physical scale marked "A" graduated  
55 in decibels on a sound level meter which meets the requirements of  
56 the American national standards institute, incorporated, publication  
57 S1.4-1961, general purpose sound level meters.

1 SEC. 3. Section three hundred twenty-one G point two (321G.2),  
2 Code 1971, is amended by adding the following new paragraph:

3 "In the promulgation of such rules and regulations, consideration  
4 shall be given to the need to protect the environment and the public  
5 health, safety and welfare; to protect private property, public parks  
6 and other public lands; to protect wildlife and the habitat thereof;  
7 and to promote uniformity of rules relating to the use, operation  
8 and equipment of snowmobiles. Such rules shall be in conformance  
9 with chapter seventeen A (17A) of the Code."

1 SEC. 4. Section three hundred twenty-one G point three  
2 (321G.3), Code 1971, is amended by adding the following new para-  
3 graph:

4 "A registration number shall be assigned, without payment of  
5 fee, to snowmobiles owned by the state of Iowa or its political sub-  
6 divisions upon application therefor, and the assigned registration  
7 number shall be displayed on the snowmobile as required under  
8 section three hundred twenty-one G point five (321G.5) of the Code."

1 SEC. 5. Section three hundred twenty-one G point five (321G.5),  
2 Code 1971, is amended by adding the following new paragraph:

3 "The owner of any snowmobile which is used as a watercraft  
4 and is required to be numbered as a watercraft may display the  
5 watercraft number on the forward half of the snowmobile in lieu of  
6 the snowmobile identification number, but the current snowmobile  
7 registration decal shall also be affixed aft of the current watercraft  
8 registration decal."

1 SEC. 6. Section three hundred twenty-one G point six (321G.6),  
2 unnumbered paragraphs one (1), two (2) and three (3), Code 1971,  
3 are amended to read as follows:

4 Every registration certificate and number issued shall expire at  
5 midnight ~~April 30~~ *December 31*, unless sooner terminated or dis-  
6 continued in accordance with the provisions of this chapter. *Provided*  
7 *that registration of any snowmobile prior to the effective date of*  
8 *this Act shall be valid for the time specified on that registration.*  
9 After the first day of ~~January~~ *September* each year, any unregis-

10 tered snowmobile and renewals of registration may be so registered  
11 for the subsequent year beginning ~~May~~ *January* 1.

12 After the first day of ~~January~~ *September* any unregistered snow-  
13 mobile may be registered for the remainder of the current registra-  
14 tion period and for the subsequent registration period in one trans-  
15 action. The fee shall be three dollars for the remainder of the cur-  
16 rent period, in addition to the registration fee of six dollars for  
17 the subsequent year beginning ~~May~~ *January* 1, and a writing fee  
18 of fifty cents. Registration certificates and numbers may be re-  
19 newed upon application of the owner in the same manner as provided  
20 for in securing the original registration. *The snowmobile registra-*  
21 *tion fee shall be in lieu of personal property tax for the calendar year*  
22 *of said registration.*

23 If the application for registration for the subsequent year is not  
24 made before ~~May~~ *January* 1 of each year the applicant shall be  
25 charged a penalty of one dollar for each six month's delinquency,  
26 or any portion thereof.

1 SEC. 7. Section three hundred twenty-one G point eight (321G.8),  
2 subsection four (4), Code 1971, is amended as follows:

3 Snowmobiles not registered or licensed in another state or country  
4 being used in this state ~~during an organized race or exhibition while~~  
5 *engaged in a special event* and not remaining in the state for a  
6 period of more than ten days.

1 SEC. 8. Section three hundred twenty-one G point eleven  
2 (321G.11), Code 1971, is amended by striking the section and insert-  
3 ing in lieu thereof the following:

4 **321G.11 Mufflers.** On or after July 1, 1972, a snowmobile shall  
5 not be operated without suitable and effective muffling devices which  
6 limit engine noise to not more than eighty-six decibels as measured  
7 on the "A" scale at a distance of fifty feet; and a snowmobile,  
8 manufactured after July 1, 1973, which is sold, offered for sale or  
9 used in this state, except in an authorized special event, shall have  
10 a muffler system that limits engine noise to not more than eighty-two  
11 decibels as measured on the "A" scale at a distance of fifty feet.

12 The commission may adopt rules and regulations with respect  
13 to the inspection of snowmobiles and the testing of snowmobile  
14 mufflers.

15 On or after July 1, 1972, a separate placard shall be affixed, per-  
16 manently and conspicuously, to any new snowmobile sold or offered  
17 for sale in this state that does not meet the muffler requirements  
18 as stated above. The placard shall designate each snowmobile which  
19 does not meet the muffler requirements.

1 SEC. 9. Section three hundred twenty-one G point thirteen  
2 (321G.13), Code 1971, is amended by striking subsection six (6)  
3 and inserting in lieu thereof the following new subsections:

4 6. On any public land, ice, or snow, in violation of official signs  
5 of the commission prohibiting such operation in the interest of  
6 safety for persons, property, or the environment. Any officer ap-  
7 pointed by the commission may post an official sign in an emergency  
8 for the protection of persons, property, or the environment.

9 7. In or on any park or fish and game areas except on designated  
10 snowmobile trails.

11 8. Upon an operating railroad right-of-way. A snowmobile may  
12 be driven directly across a railroad right-of-way only at an estab-  
13 lished crossing and, notwithstanding any other provisions of law,  
14 may, where necessary, use the improved portion of such established  
15 crossing after yielding to all oncoming traffic. The provisions of  
16 this subsection shall not apply to any law enforcement officer or  
17 railroad employee in the lawful discharge of his duties.

1 SEC. 10. Section three hundred twenty-one G point fourteen  
2 (321G.14), Code 1971, is amended as follows:

3 321G.14 Penalty. Any person who shall violate any provision of  
4 this chapter or any regulation of the commission or commissioner  
5 of public safety shall be guilty of a misdemeanor and punished by  
6 a fine of not more than one hundred dollars, or by imprisonment  
7 for not more than ~~ninety~~ thirty days.

8 *Chapter two hundred thirty-two (232) of the Code shall have no*  
9 *application in the prosecution of offenses which are committed in*  
10 *violation of this chapter, and which are punishable by a fine of not*  
11 *more than one hundred dollars or by imprisonment for not more*  
12 *than thirty days.*

1 SEC. 11. Chapter three hundred twenty-one G (321G), Code 1971,  
2 is amended by adding the following new sections:

3 1. The commission may authorize the holding of organized special  
4 events as defined in this chapter within this state. The commission  
5 shall adopt and may amend rules and regulations relating to the  
6 conduct of special events held under commission permits and desig-  
7 nating the equipment and facilities necessary for safe operation of  
8 snowmobiles or for the safety of operators, participants, and  
9 observers in the special events. At least thirty days before the  
10 scheduled date of a special event in this state, an application shall  
11 be filed with the commission for authorization to conduct the special  
12 event. The application shall set forth the date, time and location of  
13 the proposed special event and any other information as the com-  
14 mission may require. The special event shall not be conducted with-  
15 out written authorization of the commission. Copies of such rules  
16 and regulations shall be furnished by the commission to any person  
17 making an application therefor.

18 2. It shall be unlawful for any person, after having received a  
19 visual or audible signal from any officer to come to a stop, to operate  
20 a snowmobile in willful or wanton disregard of such signal or inter-  
21 fere with or endanger the officer or any other person or vehicle, or  
22 increase his speed or attempt to flee or elude the officer.

23 3. The owner and operator of any snowmobile shall be liable for  
24 any injury or damage occasioned by the negligent operation of  
25 such snowmobile.

26 4. a. The owner of any rented snowmobile shall keep a record of  
27 the name and address of each person renting the snowmobile, its  
28 identification number, the departure date and time, and the expected  
29 time of return. The records shall be preserved for six months.

30 b. The owner of a snowmobile operated for hire shall not permit  
31 the use or operation of a rented snowmobile unless it shall have been

32 provided with all equipment required by this chapter or rules of  
33 the commission or the commissioner of public safety, properly in-  
34 stalled and in good working order.

35 5. No owner or operator of any snowmobile having an engine  
36 rating of three hundred cubic centimeters or more shall permit any  
37 person under twelve years of age to operate the snowmobile except  
38 when accompanied by a responsible person of at least eighteen years  
39 of age who is experienced in snowmobile operation.

40 6. a. A manufacturer, distributor, or dealer owning any snow-  
41 mobile required to be registered under this chapter may operate  
42 the snowmobile for purposes of transporting, testing, demonstrating,  
43 or selling it without the snowmobile being registered, except that a  
44 special identification number issued to the owner as provided in  
45 this chapter shall be displayed on the snowmobile. The special  
46 identification number may not be used on any snowmobile offered  
47 for hire or for any work or service performed by a manufacturer,  
48 distributor, or dealer.

49 b. Any manufacturer, distributor, or dealer may, upon payment  
50 of a fee of fifteen dollars, make application to the commission, upon  
51 forms prescribed by the commission, for a special registration cer-  
52 tificate containing a general identification number and for one or  
53 more duplicate special registration certificates. The applicant shall  
54 submit reasonable proof of his status as a bona fide manufacturer,  
55 distributor or dealer as may be required by the commission.

56 c. The commission, upon granting an application, shall issue to  
57 the applicant a special registration certificate containing the appli-  
58 cant's name and address, the general identification number assigned  
59 to the applicant, the word "manufacturer", "dealer" or "distributor",  
60 and such other information as the commission may prescribe. The  
61 manufacturer, distributor, or dealer shall have the assigned number  
62 printed upon or attached to a removable sign or signs which may be  
63 temporarily but firmly mounted or attached to the snowmobile being  
64 used. The display shall meet the requirements of this chapter and  
65 the rules and regulations of the commission.

66 d. The commission shall also issue duplicate special registration  
67 certificates which shall have displayed thereon the general identifi-  
68 cation number assigned to the applicant. Each duplicate registra-  
69 tion certificate so issued shall contain a number or symbol identify-  
70 ing it from every other duplicate special registration certificate  
71 bearing the same general identification number. The fee for each  
72 additional duplicate special registration certificate shall be two dol-  
73 lars.

74 e. Each special registration certificate issued hereunder shall ex-  
75 pire on December 31 of each year, and a new special registration  
76 certificate for the ensuing twelve months may be obtained upon  
77 application to the commission and payment of the fee provided by  
78 law.

79 f. Every manufacturer, distributor, or dealer shall keep a written  
80 record of the snowmobiles upon which special registration certificates  
81 are used, which record shall be open to inspection by any law-enforce-  
82 ment officer or any officer or employee of the commission.

83 g. If a manufacturer, distributor, or dealer has an established  
84 place of business in more than one location, he shall secure a separate

85 and distinct special registration certificate and general identification  
86 number for each place of business.

87 7. The state, its political subdivisions, and the owners of property  
88 adjoining the right-of-way of a public highway and their agents and  
89 employees owe no duty of care to keep the ditches or land contiguous  
90 to a highway or roadway under the control of the state or a political  
91 subdivision safe for entry or use by persons operating a snowmobile,  
92 or to give any warning of a dangerous condition, use, structure, or  
93 activity on such premises to persons entering for such purposes  
94 except in the case of willful or malicious failure to guard or warn  
95 against a dangerous condition, use, structure, or activity. This  
96 section shall not be construed to create a duty of care or ground  
97 of liability on behalf of the state, its political subdivisions, or the  
98 owners of property adjoining the right-of-way of a public highway  
99 and their agents and employees for injury to persons or property in  
100 the operation of snowmobiles in a ditch or on land contiguous to a  
101 highway or roadway under the control of the state or a political  
102 subdivision. The state, its political subdivisions and the owners of  
103 property adjoining the right-of-way of a public highway and their  
104 agents and employees shall, in no event, be liable for the operation  
105 of a snowmobile in violation of the provisions of this chapter.

Approved April 21, 1972.

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## CHAPTER 1078

### MOTOR FUEL TAX LAW ENFORCEMENT

H. F. 684

AN ACT relating to enforcement of the motor fuel tax laws.

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

1 SECTION 1. Section three hundred twenty-four point seventy-six  
2 (324.76), Code 1971, is amended as follows:

3 324.76 **Enforcement authority.** Authority is hereby given to the  
4 department of revenue to enforce the provisions of this chapter *except*  
5 *sections three hundred twenty-four point fourteen (324.14) and*  
6 *three hundred twenty-four point fifty-two (324.52) of the Code and*  
7 *employees.* Employees of the department of revenue designated as  
8 enforcement officers shall have the power of peace officers in the  
9 performance of such duties.

10 *Authority to enforce sections three hundred twenty-four point*  
11 *fourteen (324.14) and three hundred twenty-four point fifty-two*  
12 *(324.52) of the Code, is given to the state highway commission.*  
13 *Employees of the commission designated enforcement officers shall*  
14 *have the power of peace officers in the performance of their duties;*  
15 *however, they shall not be considered members of the Iowa highway*  
16 *safety patrol. The commission shall furnish enforcement officers with*  
17 *necessary equipment and supplies in the same manner as provided in*  
18 *section eighty point eighteen (80.18) of the Code, including uniforms*

19 *which are distinguishable in color and design from those of the Iowa*  
 20 *highway safety patrol. Enforcement officers shall be furnished and*  
 21 *shall conspicuously display badges of authority.*

22 It is hereby made the duty of all sheriffs, deputy sheriffs, con-  
 23 stables, and all other peace officers to see that the provisions of this  
 24 chapter are not violated, and to respond to the call of the department  
 25 of revenue *and state highway commission* to make investigations in  
 26 their respective counties and report to the department of revenue  
 27 *and state highway commission* and said officers are authorized to  
 28 stop conveyance suspected to be illegally transporting motor fuel on  
 29 the highways, and to investigate the cargo for that purpose and to  
 30 seize and impound said cargo and conveyance where it appears that  
 31 said conveyance is being operated in violation of the provisions of  
 32 this chapter.

1 SEC. 2. Any employee of the department of revenue whose duty  
 2 assignments will be terminated because of this Act may be reassigned  
 3 to other duties or may be transferred to the state highway commis-  
 4 sion. The Iowa merit employment commission shall promulgate rules  
 5 and regulations to carry out any reassignment or transfer and shall  
 6 arbitrate and decide any written appeal made by any employee con-  
 7 cerning any transfer, reassignment or reclassification made necessary  
 8 by this Act. No employee shall lose any benefits he may have accrued,  
 9 including but not limited to salary, retirement, vacation, sick leave,  
 10 or longevity, because of the reassignment provided for in this section.

Approved March 2, 1972.

## CHAPTER 1079

### COMMERCE COMMISSION FEES

#### H. F. 1052

AN ACT relating to the deposit and use of fees collected by the Iowa state commerce commission.

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

1 SECTION 1. Section three hundred twenty-five point thirty-six  
 2 (325.36), Code 1971, is amended to read as follows:

3 325.36 Use of fees. All moneys received under the provisions of  
 4 this chapter, or so much thereof as may be necessary, shall be used  
 5 for the administration and enforcement of the provisions of this chap-  
 6 ter and the regulation of certificated motor carriers, and shall be paid  
 7 to the commission by warrant drawn from time to time by the state  
 8 comptroller upon the treasurer of state. Unexpended balances on  
 9 June 30 of each year shall be remitted to the treasurer of state and  
 10 credited to the general fund of the state by December 31 following.

1 SEC. 2. Section three hundred twenty-seven point thirteen  
 2 (327.13), Code 1971, is amended to read as follows:

3     **327.13 Expenditure of funds.** All moneys received under the pro-  
 4 visions of this chapter or so much thereof as may be necessary shall  
 5 be used for the administration and enforcement of the provisions of  
 6 this chapter and the regulation of truck operators, and shall be paid  
 7 to the commission by warrant drawn from time to time by the state  
 8 comptroller upon the treasurer of state. Unexpended balances on  
 9 June 30 of each year shall be *remitted monthly to the treasurer of*  
 10 *state and credited to the general fund of the state by December 31*  
 11 *following.*

1     SEC. 3. Section three hundred twenty-seven A point nineteen  
 2 (327A.19), Code 1971, is amended to read as follows:

3     **327A.19 Fee for operation.** No certificate of convenience and  
 4 necessity shall be issued nor continued in force until the holder thereof  
 5 shall have paid to the commission for the administration of this chap-  
 6 ter an annual certificate fee for each motor vehicle operated there-  
 7 under in the amount of five dollars, except that the fee for a tractor  
 8 or truck tractor shall be fifteen dollars, and except that the fee herein  
 9 provided shall not be imposed on any trailer or semitrailer. *Fees*  
 10 *collected pursuant to the provisions of this section shall be remitted*  
 11 *to the treasurer of state and credited to the general fund of the state.*

1     SEC. 4. Section three hundred twenty-seven B point three  
 2 (327B.3), Code 1971, is amended to read as follows:

3     **327B.3 Fees—use.** All fees paid under the provisions of this chap-  
 4 ter or so much thereof as may be necessary shall be used for the  
 5 administration of this chapter and shall be paid to the commission by  
 6 warrant drawn from time to time upon the treasurer of state. Unex-  
 7 pended balances on June 30 of each year shall be *remitted to the*  
 8 *treasurer of state and credited to the general fund of the state by*  
 9 *December 31 following.*

1     SEC. 5. Section four hundred ninety point seventeen (490.17),  
 2 Code 1971, is amended to read as follows:

3     **490.17 Use of funds.** All moneys received under the provisions of  
 4 this chapter or so much thereof as may be necessary shall be used for  
 5 the administration and enforcement of the provisions of this chapter  
 6 and the regulation of pipe-line companies and shall be paid to the com-  
 7 mission by warrant drawn from time to time by the comptroller of  
 8 state upon the treasurer of state. Unexpended balances on December  
 9 31 of each year shall be *remitted monthly to the treasurer of state and*  
 10 *credited to the general fund of the state by June 30 following.*

1     SEC. 6. Sections three hundred twenty-seven point twelve  
 2 (327.12) and four hundred ninety point sixteen (490.16), Code 1971,  
 3 are repealed.

1     SEC. 7. The provisions of this Act shall become effective July 1,  
 2 1973.

Approved March 2, 1972.

## CHAPTER 1080

## BOARD OF SUPERVISORS MILEAGE

H. F. 1129

AN ACT relating to a maximum mileage payment for members of the board of supervisors in counties of forty thousand population or less.

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

1 SECTION 1. Section three hundred thirty-one point twenty-two  
2 (331.22), unnumbered paragraph three (3), Code 1971, is amended to  
3 read as follows:

4 In counties of forty thousand population or less the board of super-  
5 visors may on their own motion elect to receive their compensation on  
6 a per diem basis. If they so elect, the members of the board of super-  
7 visors shall each receive twenty-five dollars per day for each day  
8 actually in session or employed on committee service or as a ditch or  
9 drainage board considering drainage matters. No such member shall  
10 receive per diem pay in excess of five thousand dollars in any one  
11 calendar year. In addition, he shall receive ten cents for every mile  
12 traveled in going to and from sessions and in going to and from the  
13 place of performing committee service *however, such mileage payment*  
14 *shall not exceed one thousand dollars per year.*

Approved April 22, 1972.

## CHAPTER 1081

## COUNTY OFFICERS' ERRORS AND OMISSIONS INSURANCE

H. F. 69

AN ACT relating to errors and omissions insurance for county officers and employees.

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

1 SECTION 1. There is created in the office of the treasurer of state  
2 a fund to be known as "the county indemnification fund" to be used  
3 to indemnify and pay on behalf of any county treasurer, recorder,  
4 auditor, attorney, clerk of court, sheriff, and engineer on matters relat-  
5 ing to road and bridge design only, and any deputies, assistants or  
6 employees in such offices, all sums that such officers, deputies, assist-  
7 ants or employees are legally obligated to pay because of their negli-  
8 gent acts, errors or omissions in the performance of their official  
9 duties, except that the first five hundred dollars of each such claim  
10 shall not be paid from this fund.

1 SEC. 2. The establishment of the fund provided by this Act shall  
2 not relieve any insurer issuing insurance under the provisions of  
3 section six hundred thirteen A point seven (613A.7) of the Code  
4 from paying any loss incurred thereunder; nor shall any such insurer  
5 be subrogated to any of the assets of the fund established by this Act  
6 regardless of any provisions in such policy of insurance.



1 SEC. 3. The board of supervisors of each county shall levy in 1972  
2 and annually thereafter for three consecutive years a tax of two-hun-  
3 dredths of a mill against the assessed value of the taxable property of  
4 the county, to be collected at the same time and in the same manner  
5 as other property taxes and the proceeds of the levy shall be deposited  
6 in the county indemnification fund.

7 Thereafter, if the balance in the fund on March 30 of any year is  
8 less than three hundred thousand dollars, the treasurer of state shall  
9 notify the board of supervisors of each county to again levy for that  
10 year a two-hundredths mill levy to be collected with other taxes in the  
11 next calendar year.

1 SEC. 4. Not later than the fifteenth of June or the fifteenth day  
2 of December of each year in which the tax is collected, the county  
3 auditor shall transmit the amount of the tax levied and collected, by  
4 warrant, to the treasurer of state who shall credit it to the county  
5 indemnification fund. The treasurer of state shall invest any moneys  
6 in the fund in the same manner as other public funds and shall credit  
7 any interest received from that investment to the county indemnifica-  
8 tion fund.

1 SEC. 5. Any claim for any negligent act, error, or omission of a  
2 county treasurer, recorder, auditor, attorney, clerk of court, sheriff,  
3 engineer on matters relating to bridge or road design only, or any  
4 deputy, assistant or employee in such offices relating to such matters,  
5 committed after July 1, 1973, shall be processed and paid from such  
6 fund in accordance with the provisions of chapter twenty-five A (25A)  
7 of the Code, except that any payment of a claim, except a final judg-  
8 ment, in excess of fifteen hundred dollars shall have the unanimous  
9 approval of all members of the state appeal board, the attorney gen-  
10 eral, and the district court of Polk county.

1 SEC. 6. If a final judgment is obtained against the county treas-  
2 urer, recorder, auditor, attorney, clerk of court, sheriff, or engineer in  
3 matters relating to bridge or road design only, or any deputies, assist-  
4 ants, or employees in such offices indemnified by such fund for an act  
5 committed subsequent to July 1, 1973, which is payable from the  
6 county indemnification fund, the county attorney shall ascertain if  
7 any insurance policy exists indemnifying such persons against such  
8 judgment or any part thereof. If no insurance exists, or if the judg-  
9 ment exceeds the limits of such insurance the county attorney shall  
10 submit a claim to the state comptroller against the county indemnifi-  
11 cation fund on behalf of the plaintiff to the action for the amount of  
12 the judgment exceeding the amount recoverable by reason of such  
13 insurance. The state comptroller shall promptly issue a warrant pay-  
14 able to the plaintiff for such amount, and the treasurer of state shall  
15 pay the warrant. Such payment shall forever discharge such persons  
16 from any and all liability therefor.

1 SEC. 7. The board of supervisors may purchase insurance insur-  
2 ing any other county officers and their employees in the performance  
3 of their official duties not specified in section one (1) of this Act,  
4 against personal liability as a result of negligent acts, errors or omis-  
5 sions. The premiums for the insurance shall be paid from the general  
6 fund of the county. If the liability of any county officer or his em-

7 ployees in the performance of their official duties, not specified in sec-  
 8 tion one (1) of this Act, is not fully indemnified by insurance, the  
 9 board of supervisors shall pay any such loss, for which the county  
 10 officer or his employees shall be found liable, from the general fund  
 11 of the county. Any county board of supervisors may compromise and  
 12 settle any such claim.

1 SEC. 8. The board of supervisors may purchase an individual or  
 2 a blanket surety bond insuring the fidelity of county officers and county  
 3 employees who are accountable for county funds or property subject  
 4 to the minimum surety bond requirements of chapter sixty-four (64)  
 5 of the Code. The board of supervisors may also purchase an individ-  
 6 ual or a blanket general liability insurance policy insuring county offi-  
 7 cers or county employees from liability for any negligent act, error  
 8 or omission in the performance of their official duties.

9 Any elected county officer shall be deemed to have furnished surety  
 10 if he is covered by a blanket bond purchased as provided in this sec-  
 11 tion.

1 SEC. 9. Section sixty-four point eight (64.8), Code 1971, is  
 2 amended to read as follows:

3 **64.8 County officers.** The bonds of the following county officers,  
 4 viz.: Clerks of the district courts, county attorneys, recorders, audi-  
 5 tors, superintendents of schools, sheriffs, justices of the peace, and  
 6 constables, and assessors shall each be in a penal sum ~~to be fixed by~~  
 7 ~~the board of supervisors~~ *of not less than ten thousand dollars each*  
 8 *per annum.*

1 SEC. 10. Section sixty-four point nine (64.9), Code 1971, is  
 2 amended to read as follows:

3 **64.9 Minimum bonds of county officers.** Bonds of members of the  
 4 board of supervisors, clerks of the district courts, county auditors,  
 5 sheriffs, and county attorneys shall not be in less sum than ~~five~~ *ten*  
 6 *thousand dollars each, and those of justices and constables, not less*  
 7 *than five hundred dollars each.*

1 SEC. 11. Section sixty-four point ten (64.10), Code 1971, is  
 2 amended to read as follows:

3 **64.10 Bond of county treasurer.** The bond of the county treasurer  
 4 shall be in the sum of ~~ten~~ *twenty-five* thousand dollars *per annum.*

1 SEC. 12. Effective July 1, 1973, section three hundred thirty-two  
 2 point thirty-five (332.35), Code 1971, is repealed.

Approved April 21, 1972.

## CHAPTER 1082

## MILITARY RECORDS OF VETERANS

S. F. 1005

AN ACT relating to the military records of veterans.

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

- 1 SECTION 1. Section three hundred thirty-five point ten (335.10),  
 2 Code 1971, is amended to read as follows:  
 3 335.10 Free copies. When a certified copy or copies of any public  
 4 record in the state are required to perfect the a claim of any soldier,  
 5 sailor, or marine, in service or honorably discharged, or a claim of any  
 6 dependent of such soldier, sailor, or marine, for a United States pen-  
 7 sion, or other claim upon the government of the United States, they  
 8 shall, upon request, be furnished by the custodian of such records,  
 9 without requiring any fee or compensation therefor.

Approved March 2, 1972.

## CHAPTER 1083

## DESTROYING OBSOLETE RECORDS IN COUNTY

H. F. 1014

AN ACT relating to disposition of obsolete instruments in the county recorder's office.

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

- 1 SECTION 1. Chapter three hundred thirty-five (335), Code 1971,  
 2 is amended by adding the following new section:  
 3 "The county recorder may destroy, ten years after the maturity  
 4 date, or ten years after the maturity date of any extension thereof,  
 5 any chattel mortgage, conditional sales contract, or other instrument  
 6 or writing relating thereto, filed prior to July 4, 1966, provided such  
 7 destruction takes place in the presence of the county board of super-  
 8 visors, or a committee appointed by the board from its members to  
 9 supervise the destruction, and when so destroyed the date of destruc-  
 10 tion shall be entered on the index record under 'remarks'."

Approved February 11, 1972.

## CHAPTER 1084

## RURAL WATER DISTRICT BOND

H. F. 1012

AN ACT requiring posting of bond in conjunction with petition to establish a rural water district.

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

1 SECTION 1. Section three hundred fifty-seven A point two (357A.2),  
2 Code 1971, is amended by adding the following new unnumbered para-  
3 graph:

4 "There shall be filed with the petition a bond, certified check or cash  
5 in an amount and with sureties approved by the auditor, sufficient for  
6 the payment of all costs and expenses incurred in the proceedings if  
7 the district is not finally established."

Approved March 2, 1972.

## CHAPTER 1085

## PRIVATE SANITARY DISTRICT BOND

H. F. 1036

AN ACT requiring the posting of a bond in conjunction with a petition to establish a private sanitary district, and the funding of preliminary expenses of such district.

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

1 SECTION 1. Section three hundred fifty-eight point two (358.2),  
2 Code 1971, is amended by adding the following new unnumbered para-  
3 graphs:

4 "There shall be filed with the petition a bond, certified check or cash  
5 in an amount and with sureties approved by the auditor, sufficient for  
6 the payment of all costs and expenses incurred in the proceedings if  
7 the district is not finally established.

8 No preliminary expense shall be incurred before the establishment  
9 of the proposed sanitary district by the board in excess of the amount  
10 of bond filed by the petitioners. In case it is necessary to incur any  
11 expense in addition to the amount of the bond, the board of super-  
12 visors shall require the filing of an additional security until the addi-  
13 tional bond is filed in sufficient amount to cover the expense."

1 SEC. 2. Section three hundred fifty-eight point eight (358.8), Code  
2 1971, is amended to read as follows:

3 358.8 **Expenses and costs of election.** All expenses incurred in  
4 carrying out the foregoing sections of this chapter, together with the  
5 costs of the election therein provided for, as determined by the board  
6 of supervisors, shall be paid by the county whose board is vested with  
7 jurisdiction of the proceedings those who will be benefited by the  
8 proposed sanitary district. If the district is not established, the  
9 expenses and costs shall be collected upon the bond or bonds of the  
10 petitioners.

Approved March 2, 1972.

## CHAPTER 1086

## WEATHER MODIFICATION

S. F. 260

AN ACT relating to weather modification in counties.

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

1 SECTION 1. As used in this Act, unless the context otherwise re-  
2 quires:

3 1. "Agricultural land" means any tract of land of ten acres or  
4 more used for agricultural or horticultural purposes.

5 2. "Public agency" means public agency as defined in section twenty-  
6 eight E point two (28E.2) of the Code.

7 3. "Private agency" means private agency as defined in section  
8 twenty-eight E point two (28E.2) of the Code.

1 SEC. 2. The county board of supervisors shall, upon receipt of a  
2 petition signed by at least one hundred owners and tenants of agri-  
3 cultural land located in the county, establish a weather modification  
4 board consisting of five members appointed by the board of supervi-  
5 sors for three-year terms, except that two members of the initial board  
6 shall be appointed for two-year terms. In the case of a vacancy,  
7 the appointment shall be made for the unexpired term. The members  
8 of the board shall organize annually by the election of a chairman and  
9 vice-chairman. Meetings shall be held at the call of the chairman or  
10 at the request of a majority of the members of the board. A major-  
11 ity vote of the members of the board shall be required to determine  
12 any matter relating to their duties.

1 SEC. 3. The weather modification board may:

2 1. Investigate and study the feasibility of artificial weather modi-  
3 fication for the county.

4 2. Develop and administer an artificial weather modification pro-  
5 gram.

6 3. Contract with any public or private agency as provided in chap-  
7 ter twenty-eight E (28E) of the Code to carry out an artificial weather  
8 modification program.

9 4. Request the county board of supervisors to conduct a referen-  
10 dum authorizing the levy and collection of a tax, not to exceed two  
11 cents per acre on agricultural land in the county, for the administra-  
12 tion of an artificial weather modification program.

13 5. Accept, receive, and administer grants, funds, or gifts from  
14 public or private agencies to develop or administer an artificial  
15 weather modification program.

1 SEC. 4. There is created in the office of county treasurer of each  
2 county having a weather modification board a weather modification  
3 fund. Any taxes or other funds received by the weather modification  
4 board shall be placed in the fund and used exclusively for the purpose  
5 of artificial weather modification as provided in this Act.

1 SEC. 5. Upon request of the weather modification board, the coun-  
2 ty board of supervisors shall submit to the owners and tenants of agri-  
3 cultural land in the county at any general election or special election

4 called for that purpose, the question of whether a tax not to exceed  
 5 two cents per acre shall be levied annually on agricultural land. No-  
 6 tice of the election shall be published each week for two consecutive  
 7 weeks in a newspaper of general circulation throughout the county.  
 8 The notice shall include the date and time of the election and the ques-  
 9 tion to be voted upon. A majority of the agricultural landowners and  
 10 tenants voting shall determine the question.

1 SEC. 6. The weather modification board shall annually submit a  
 2 budget request to the county board of supervisors. If the annual tax  
 3 levy is approved as provided in section five (5) of this Act, the  
 4 weather modification board shall determine the tax levy needed, not  
 5 to exceed two cents per acre on agricultural land, to meet the budget  
 6 request. The tax shall be levied by the board of supervisors and col-  
 7 lected at the same time and in the same manner as other property  
 8 taxes.

1 SEC. 7. If a tax levy has been authorized under section five (5)  
 2 of this Act, the county board of supervisors shall, upon receipt of a  
 3 petition signed by at least one hundred owners and tenants of agri-  
 4 cultural land located in the county, submit to the owners and tenants  
 5 of agricultural land at any general election or special election called  
 6 for that purpose the following question: "Shall the power to levy a tax  
 7 for the administration of an artificial weather modification program  
 8 be cancelled?" Notice of the date and time of election and the ques-  
 9 tion to be voted upon shall be published each week for two consecu-  
 10 tive weeks in a newspaper of general circulation throughout the coun-  
 11 ty. If a majority of the agricultural landowners and tenants voting  
 12 favor the question, no further tax levy as provided in section six (6)  
 13 of this Act shall be made.

Approved March 17, 1972.

## CHAPTER 1087

### CITY ANNEXATION AGREEMENTS

S. F. 1198

AN ACT to allow cities and towns to extend agreements to refrain from annexing specifically described territory.

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

1 SECTION 1. Section three hundred sixty-two point twenty-six  
 2 (362.26), Code 1971, is amended by adding the following new subsec-  
 3 tion:  
 4 "8. Agreements entered into between cities and towns to refrain  
 5 from annexing specifically described territory may be extended for  
 6 periods of not to exceed ten years by agreement between such cities  
 7 and towns."

Approved March 17, 1972.

## CHAPTER 1088

## HOME RULE FOR CITIES

## H. F. 574

AN ACT relating to home rule for cities; establishing the city code of Iowa which provides for powers and duties of cities including the power to impose penalties by ordinance, city development, organization of city government, city elections, city legislation, city finance including the power to issue bonds, city utilities, and administrative agencies of cities; coordinating the Code of Iowa with the city code of Iowa; repealing incompatible chapters in Title fifteen (15) and reenacting provisions from Title fifteen (15) which belong in other parts of the Code of Iowa; removing inconsistent references, incorrect provisions, limited grants of power, and restrictions based upon population; and providing for a state housing code and penalties for violation thereof, to be enforced in cooperation with city officials.

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

## DIVISION I. DEFINITIONS AND MISCELLANEOUS PROVISIONS

1 SECTION 1. Sections one (1) through one hundred ninety-eight  
2 (198) of this Act, inclusive, are entitled and may be cited as the "City  
3 Code of Iowa".

1 SEC. 2. As used in the City Code of Iowa, unless the context  
2 otherwise requires:

3 1. "City" means a municipal corporation including a town, but  
4 not including a county, township, school district, or any special-pur-  
5 pose district or authority. When used in relation to land area, "city"  
6 includes only the area within the city limits.

7 2. "Municipal" means pertaining to or characteristic of a city.

8 3. "Council" means the governing body of a city.

9 4. "Councilman" means a member of a council, including an alder-  
10 man.

11 5. "Clerk" means the recording and record-keeping officer of a  
12 city regardless of title.

13 6. "Secretary" of a utility board means the recording and record-  
14 keeping officer of the utility board regardless of title.

15 7. "Charter" means the form of government selected by a city as  
16 provided in division four (IV) of this Act.

17 8. "Officer" means a natural person elected or appointed to a fixed  
18 term and exercising some portion of the power of a city.

19 9. "Person" means an individual, firm, partnership, domestic or  
20 foreign corporation, company, association or joint stock association,  
21 trust, or other legal entity, and includes a trustee, receiver, assignee,  
22 or similar representative thereof, but does not include a government-  
23 tal body.

24 10. "Governmental body" means the United States of America or  
25 an agency thereof, a state, a political subdivision of a state, a school  
26 corporation, a public authority, a public district, or any other public  
27 body.

28 11. "Shall" imposes a duty.

29 12. "Must" states a requirement.

30 13. "May" confers a power.

31 14. "Property", "real property", and "personal property" have  
32 the same meaning as provided in section four point one (4.1) of the  
33 Code.

34 15. "Voter" means a person eligible to register to vote, or eligible  
35 to vote if registration is not required.

36 16. "Qualified voter" means a voter who is also registered if regis-  
37 tration is required.

38 17. "Measure" means an ordinance, amendment, resolution, or  
39 motion.

40 18. "Ordinance" means a city law of a general and permanent  
41 nature.

42 19. "Amendment" means a revision or repeal of an existing ordi-  
43 nance or city code.

44 20. "Resolution" or "motion" means a council statement of policy  
45 or a council order for action to be taken, but "motion" does not re-  
46 quire a recorded vote.

47 21. "Recorded vote" means a record, roll-call vote.

48 22. "City utility" means all or part of a waterworks, gasworks,  
49 sanitary sewage system, electric light and power plant and system,  
50 or heating plant any of which are owned by a city, including all land,  
51 easements, rights-of-way, fixtures, equipment, accessories, improve-  
52 ments, appurtenances, and other property necessary or useful for  
53 the operation of the utility.

54 23. "Administrative agency" means an agency established by a  
55 city for any city purpose or for the administration of any city facil-  
56 ity, as provided in division nine (IX) of this Act, except a board  
57 established to administer a municipal utility, a zoning commission  
58 and zoning board of adjustment, or any other agency which is con-  
59 trolled by state law. An administrative agency may be designated  
60 as a board, board of trustees, commission, or by another title. If an  
61 agency is advisory only, such a designation must be included in its  
62 title.

1 SEC. 3. Unless otherwise provided by state law:

2 1. If notice of an election, hearing, or other official action is re-  
3 quired by this Act, the notice must be published at least once, not  
4 less than ten nor more than twenty-five days before the date of the  
5 election, hearing, or other action.

6 2. A publication required by this Act must be in a newspaper pub-  
7 lished at least once weekly and having general circulation in the city.  
8 However, if the city has a population of two hundred or less, or in  
9 the case of ordinances and amendments to be published in a city in  
10 which no newspaper is published, a publication may be made by post-  
11 ing in three public places in the city which have been permanently  
12 designated by ordinance.

1 SEC. 4. If a petition of the voters is authorized by this Act, the  
2 petition is valid if signed by voters of the city equal in number to  
3 ten percent of the persons who voted at the last preceding regular  
4 city election, but not less than ten persons, unless otherwise pro-  
5 vided by state law.

1 SEC. 5. When used in this section, "contract" means any claim,  
2 account, or demand against or agreement with a city, express or  
3 implied.

4 A city officer or employee shall not have an interest, direct or in-  
5 direct, in any contract or job of work or material or the profits  
6 thereof or services to be furnished or performed for his city. A



7 contract entered into in violation of this section is void. The provi-  
8 sions of this section do not apply to:

9 1. The payment of lawful compensation of a city officer or em-  
10 ployee holding more than one city office or position, the holding of  
11 which is not incompatible with another public office or is not prohib-  
12 ited by law.

13 2. The designation of a bank or trust company as a depository,  
14 paying agent, or for investment of funds.

15 3. An employee of a bank or trust company, who serves as treas-  
16 urer of a city.

17 4. Contracts made by a city of less than three thousand population,  
18 upon competitive bid in writing, publicly invited and opened.

19 5. Contracts in which a city officer or employee has an interest  
20 solely by reason of employment, or a stock interest of the kind de-  
21 scribed in subsection nine (9) of this section, or both, if the con-  
22 tracts are made by competitive bid, publicly invited and opened, and  
23 if the remuneration of employment will not be directly affected as  
24 a result of the contract and the duties of employment do not directly  
25 involve the procurement or preparation of any part of the contract.  
26 The competitive bid requirement of this subsection shall not be re-  
27 quired for any contract for professional services not customarily  
28 awarded by competitive bid.

29 6. The designation of an official newspaper.

30 7. A contract in which a city officer or employee has an interest  
31 if the contract was made before the time he was elected or ap-  
32 pointed, but the contract may not be renewed.

33 8. Contracts with volunteer firemen or civil defense volunteers.

34 9. A contract with a corporation in which a city officer or em-  
35 ployee has an interest by reason of stockholdings when less than five  
36 percent of the outstanding stock of the corporation is owned or con-  
37 trolled directly or indirectly by the officer or employee or the spouse  
38 or immediate family of such officer or employee.

39 10. A contract made by competitive bid, publicly invited and  
40 opened, in which a member of a city board of trustees, commission,  
41 or administrative agency has an interest if he is not authorized by  
42 law to participate in the awarding of the contract. The competitive  
43 bid requirement of this subsection does not apply to any contract  
44 for professional services not customarily awarded by competitive bid.

1 SEC. 6. A measure voted upon is not invalid by reason of conflict  
2 of interest in an officer of a city, unless the vote of the officer was deci-  
3 sive to passage of the measure. If a specific majority or unanimous  
4 vote of a municipal body is required by statute, the majority or vote  
5 must be computed on the basis of the number of officers not disquali-  
6 fied by reason of conflict of interest. However, a majority of all  
7 members is required for a quorum. For the purposes of this section,  
8 the statement of an officer that he declines to vote by reason of con-  
9 flict of interest is conclusive and must be entered of record.

1 SEC. 7. A valid measure adopted by a city prior to the effective  
2 date of this Act remains valid unless the measure is irreconcilable  
3 with this Act.

1 SEC. 8. This Act, being necessary for the public safety and wel-  
2 fare, shall be liberally construed to effectuate its purposes. If any

3 provision of this Act, or the application of this Act to any person  
4 or circumstance is held invalid, except for section nine (9), subsec-  
5 tion two (2), of this Act, the invalidity does not affect other provi-  
6 sions or applications of the Act which can be given effect without  
7 the invalid provision or application, and to this end the provisions of  
8 this Act are severable.

1 SEC. 9.

2 1. The provisions of this Act take effect on July 1, 1972, except  
3 that sections one hundred ninety-nine (199) through three hundred  
4 fifty-two (352), inclusive, of this Act take effect on July 1, 1974.

5 2. Between July 1, 1972, and July 1, 1974, a city is not subject to  
6 the provisions of sections one (1) through one hundred ninety-eight  
7 (198), inclusive, of this Act, divisions one (I) through nine (IX) of  
8 the City Code of Iowa, unless the council, by resolution, elects to act  
9 under and be subject to one or more of the divisions or parts of a  
10 division of the City Code of Iowa, in which case conflicting provisions  
11 of law are not applicable to that city. Such an election is conclusive  
12 until rescinded by the council.

13 3. On and after July 1, 1974, the provisions of sections one (1)  
14 through one hundred ninety-eight (198), inclusive, of this Act, divi-  
15 sions one (I) through nine (IX) of the City Code of Iowa, are appli-  
16 cable to all cities.

DIVISION II. POWERS AND DUTIES OF CITIES

1 SEC. 10. A city may, except as expressly limited by the Constitu-  
2 tion, and if not inconsistent with the laws of the general assembly,  
3 exercise any power and perform any function it deems appropriate  
4 to protect and preserve the rights, privileges, and property of the  
5 city or of its residents, and to preserve and improve the peace, safety,  
6 health, welfare, comfort, and convenience of its residents. This  
7 grant of home rule powers does not include the power to enact pri-  
8 vate or civil law governing civil relationships, except as incident to  
9 an exercise of an independent city power.

1 SEC. 11.

2 1. A power of a city is vested in the city council except as other-  
3 wise provided by a state law.

4 2. The enumeration of a specific power of a city does not limit or  
5 restrict the general grant of home rule power conferred by the Con-  
6 stitution. A city may exercise its general powers subject only to  
7 limitations expressly imposed by a state or city law.

8 3. An exercise of a city power is not inconsistent with a state  
9 law unless it is irreconcilable with the state law.

10 4. a. A city may grant to any person a franchise to erect, main-  
11 tain, and operate plants and systems for electric light and power,  
12 heating, telephone, telegraph, cable television, district telegraph and  
13 alarm, motor bus, trolley bus, street railway or other public transit,  
14 waterworks, or gasworks, within the city for a term of not more  
15 than twenty-five years. The franchise may be granted, amended,  
16 extended, or renewed only by an ordinance, but no exclusive fran-  
17 chise shall be granted, amended, extended, or renewed.

18 b. No such ordinance shall become effective unless a majority of  
19 the persons voting thereon vote in favor thereof. The proposal may

20 be submitted by the council on its own motion to the voters at any  
 21 city election. Upon receipt of a valid petition as defined in section  
 22 four (4) of this Act, requesting that a proposal be submitted to the  
 23 voters, the council shall submit the proposal at the next regular  
 24 city election or at a special election called for that purpose prior to  
 25 the next regular city election. If a majority of those voting approves  
 26 the proposal the city may proceed as proposed.

27 c. Notice of the election shall be given by publication once each  
 28 week for four consecutive weeks in a newspaper of general circula-  
 29 tion in the city. The election shall be held on a day not less than  
 30 five nor more than twenty days after the last publication of notice.

31 d. The person asking for the granting, amending, extension, or  
 32 renewal of a franchise shall pay the costs incurred in holding the  
 33 election, including the costs of the notice. A franchise shall not be  
 34 finally effective until an acceptance in writing has been filed with the  
 35 council and payment of the costs has been made.

36 e. The franchise ordinance may regulate the conditions required  
 37 and the manner of use of the streets and public grounds of the city,  
 38 and it may, for the purpose of providing electrical, gas, heating,  
 39 or water service, confer the power to appropriate and condemn pri-  
 40 vate property upon the person franchised.

1 SEC. 12. The following are limitations upon the powers of a city:

2 1. A city council shall exercise a power only by the passage of a  
 3 motion, a resolution, an amendment, or an ordinance.

4 2. A city may not provide a penalty in excess of a one hundred  
 5 dollar fine or in excess of thirty days imprisonment for the violation  
 6 of an ordinance.

7 3. A city may not set standards and requirements which are lower  
 8 or less stringent than those imposed by state law, but may set stand-  
 9 ards and requirements which are higher or more stringent than  
 10 those imposed by state law, unless a state law provides otherwise.

11 4. A city may not levy a tax unless specifically authorized by a  
 12 state law.

1 SEC. 13. A city may:

2 1. Acquire, hold, and dispose of property outside the city in the  
 3 same manner as within.

4 2. By contract, extend services to persons outside the city.

5 3. Enact and enforce ordinances relating to city property and  
 6 city-extended services outside the city.

1 SEC. 14. A city or a board established to administer a city utility,  
 2 in the exercise of any of its powers, may act jointly with any public  
 3 or private agency as provided in chapter twenty-eight E (28E) of  
 4 the Code.

5 Cities may pay, out of the general fund, annual dues to the league  
 6 of Iowa municipalities, provided that the sum total of annual dues  
 7 collected by the league from cities shall not exceed ninety thousand  
 8 (90,000) dollars. In addition they may pay out of the general fund  
 9 the actual expenses of delegates to the annual conference of the  
 10 league. The league shall keep and make such accounts and reports  
 11 as shall be required by the state municipal accounting department,  
 12 and the same shall be annually checked by said department.

1 SEC. 15. A city shall substantially comply with a procedure es-  
2 tablished by a state law for exercising a city power. If a procedure  
3 is not established by state law, a city may determine its own pro-  
4 cedure for exercising the power.

1 SEC. 16. A city may not dispose of an interest in real property  
2 by sale, lease for a term of more than three years, or gift, except in  
3 accordance with the following procedure:

4 1. The council shall set forth its proposal in a resolution and shall  
5 publish notice as provided in section three (3) of this Act, of the  
6 resolution and of a date, time, and place of a public hearing on the  
7 proposal.

8 2. After the public hearing, the council may make a final determi-  
9 nation on the proposal by resolution.

10 3. A city may not dispose of real property by gift except to a  
11 governmental body for a public purpose.

1 SEC. 17. A city may by ordinance require a railroad company  
2 operating railroad tracks on or across a city street to construct or  
3 reconstruct, and maintain, an overpass or underpass to permit the  
4 street to pass over or under the tracks, and may establish specifica-  
5 tions for the construction or reconstruction of such an overpass or  
6 underpass, subject to the following:

7 1. The requirement may not be enforced until the Iowa state  
8 commerce commission approves the specifications for a construction  
9 or reconstruction, after examination and a determination that the  
10 overpass or underpass is necessary for public safety and convenience.

11 2. The council shall hold a hearing on the matter and shall give  
12 not less than twenty days notice of the hearing to the railroad com-  
13 panies involved, served in the same manner as an original notice.

14 3. A city may not require overpasses or underpasses of the same  
15 railroad company to be constructed closer than on every fourth par-  
16 allel street, nor require a company to construct or contribute to the  
17 construction of more than one overpass or underpass each year, nor  
18 require the construction of approaches longer than a total of eight  
19 hundred feet for a single overpass or underpass.

20 4. A city which requires construction or reconstruction of an  
21 overpass or underpass shall provide for appraisal and assessment  
22 of resulting damage to private property, and shall pay the damages  
23 assessed, all as provided in chapter four hundred seventy-two (472)  
24 of the Code.

25 5. A city shall pay one-half of all required maintenance costs, and  
26 may allocate costs between railroad companies whose tracks are to  
27 be crossed by an overpass or underpass.

28 6. A city may enforce a requirement made as provided in this sec-  
29 tion by an action in mandamus, to be conducted and enforced as  
30 provided in section four hundred seventy-four point twenty-five  
31 (474.25) of the Code for actions brought by the Iowa state com-  
32 merce commission. If the city prevails in the mandamus action, in  
33 addition to other remedies it may cause the required construction,  
34 reconstruction, or maintenance work to be done, and have judgment  
35 for the cost of the work against the companies.

1 SEC. 18. A city may require a railroad company to provide  
2 necessary structures, temporary and permanent, to carry its tracks

3 during and after construction of a diverted channel for flood control  
4 purposes, subject to the following:

5 1. The city shall give notice to the railroad company, served in  
6 the same manner as an original notice, stating:

7 a. The nature of the flood control project.

8 b. The place where the diverted channel will cross the company's  
9 right-of-way.

10 c. The specifications for construction of the diverted channel  
11 across the company's right-of-way.

12 d. Details of the city's requirement for the company to provide  
13 the necessary structures where the diverted channel crosses the  
14 right-of-way, including a designated period of time for construction,  
15 and a requirement that the construction be in a manner which does  
16 not interfere with the construction of the diverted channel or the  
17 free flow of water.

18 2. If the company does not comply with the requirement, the city  
19 may provide the necessary structures, and the railroad is liable for  
20 the cost of the construction, in addition to its liability for assessment  
21 for special benefits as other property is assessed. The cost of the  
22 construction may be collected by the city from the company by court  
23 action.

1 SEC. 19. A city may require a railroad company to place flag-  
2 men, or to construct, maintain, and operate suitable mechanical sig-  
3 nal devices or gates, at railroad crossings upon public streets. How-  
4 ever, the city or the railroad company may submit the matter to the  
5 Iowa state commerce commission for a hearing as provided in sec-  
6 tions four hundred seventy-eight point twenty-two (478.22) and four  
7 hundred seventy-eight point twenty-three (478.23) of the Code, and  
8 the commission's determination as to the necessity for crossing pro-  
9 tection, and the type of crossing protection required, may be appealed  
10 by either party to the district court. The court's review on appeal  
11 is limited to questions relating to jurisdiction, regularity of proceed-  
12 ings, and whether the decision appealed from is arbitrary, unrea-  
13 sonable, or without substantial supporting evidence.

1 SEC. 20. All railway companies shall construct and repair all  
2 street improvements between the rails of their tracks, and one foot  
3 outside, at their own expense, unless by ordinance the railway is re-  
4 quired to improve other portions of the street, and in that case the  
5 railway shall construct and repair the improvement of that part of  
6 the street specified by the ordinance, and the improvement or repair  
7 must be of the material and character ordered by the city, and must  
8 be done at the time the remainder of the improvement is constructed  
9 or repaired.

10 When an improvement is made, the company shall lay rail as re-  
11 quired by the council, and shall then keep up to grade that part of  
12 the improvement they are required to construct or maintain.

13 If a railway fails or refuses to comply with the order of the coun-  
14 cil to construct or repair an improvement, the work may be done by  
15 the city and the expense shall then be assessed upon the property of  
16 the railway company, for collection in the same manner as a property  
17 tax. A tax assessed under this section shall also be a debt due from  
18 the railway, and may be collected in an action at law in the same  
19 manner as other debts.

1     **SEC. 21.**

2     1. As used in this section, "property owner" means the contract  
3 purchaser if there is one of record, otherwise the record holder of  
4 legal title.

5     2. A city is responsible for the care, supervision, and control of  
6 public grounds, streets, sidewalks, alleys, bridges, culverts, over-  
7 passes, underpasses, grade crossing separations and approaches,  
8 except those lawfully required to be maintained by a railroad com-  
9 pany, and the city shall keep all public ways, squares, and com-  
10 mons open, in repair, and free from nuisance, with the following ex-  
11 ceptions:

12     a. Public ways and grounds may be temporarily closed by resolu-  
13 tion, and may be vacated by ordinance.

14     b. The abutting property owner is responsible for the prompt re-  
15 moval of snow, ice, and accumulations from the sidewalks.

16     c. The abutting property owner may be required by ordinance to  
17 maintain all property outside the lot and property lines and inside  
18 the curb lines upon the public streets, except that the property owner  
19 shall not be required to remove diseased trees or dead wood.

20     d. A city may serve notice on the abutting property owner, by cer-  
21 tified mail to the property owner as shown by the records of the  
22 county auditor, requiring him to repair, replace, or reconstruct side-  
23 walks.

24     e. If the abutting property owner does not perform an action re-  
25 quired under this subsection within a reasonable time, a city may  
26 perform the required action and assess the costs against the abutting  
27 property for collection in the same manner as a property tax.

28     3. A city may:

29     a. Require the abatement of a nuisance, public or private, in any  
30 reasonable manner.

31     b. Require the removal of diseased trees or dead wood, except as  
32 stated in section twenty-one (21), subsection two (2), paragraph c  
33 of this Act.

34     c. Require the removal, repair, or dismantling of a dangerous  
35 building or structure.

36     d. Require the numbering of buildings.

37     e. Require connection to public drainage systems from abutting  
38 property when necessary for public health or safety.

39     f. Require connection to public sewer systems from abutting prop-  
40 erty, and require installation of sanitary toilet facilities and removal  
41 of other toilet facilities on such property.

42     g. Require the cutting or destruction of weeds or other growth  
43 which constitutes a health, safety, or fire hazard.

44     h. If the property owner does not perform an action required  
45 under this subsection within a reasonable time after notice, a city  
46 may perform the required action and assess the costs against the  
47 property for collection in the same manner as a property tax. Notice  
48 may be in the form of an ordinance or by certified mail to the prop-  
49 erty owner as shown by the records of the county auditor, and shall  
50 state the time within which action is required. However, in an  
51 emergency a city may perform any action which may be required  
52 under this section without prior notice, and assess the costs as pro-  
53 vided in this subsection, after notice to the property owner and hear-  
54 ing.

1 SEC. 22. If any amount assessed against property under section  
2 twenty-one (21) of this Act will exceed one hundred dollars, a city  
3 may permit the assessment to be paid in up to ten annual install-  
4 ments, in the same manner and with the same interest rates pro-  
5 vided for assessments against benefited property under part four  
6 (4), division seven (VII) of this Act.

1 SEC. 23. When action is brought against a city for personal in-  
2 juries alleged to have been caused by its negligence, the city may  
3 notify in writing any person by whose negligence it claims the in-  
4 jury was caused. The notice shall state the pendency of the action,  
5 the name of the plaintiff, the name and location of the court where  
6 the action is pending, a brief statement of the alleged facts from  
7 which the cause arose, that the city believes that the person notified  
8 is liable to it for any judgment rendered against the city, and asking  
9 the person to appear and defend. A judgment obtained in the suit  
10 is conclusive in any action by the city against any person so notified,  
11 as to the existence of the defect or other cause of the injury or dam-  
12 age, as to the liability of the city to the plaintiff in the first named  
13 action, and as to the amount of the damage or injury. A city may  
14 maintain an action against the person notified to recover the amount  
15 of the judgment together with all the expenses incurred by the city  
16 in the suit.

1 SEC. 24. If a city has established the grade of a street or alley,  
2 and any person has made improvements on lots abutting the street  
3 or alley according to the established grade, and afterward the grade  
4 is altered in a manner to damage, injure, or diminish the value of  
5 the improved property, the city shall pay to the owner of the prop-  
6 erty the amount of such damage or injury.

7 If a city has opened a street or alley, and any person has made  
8 improvements on lots abutting the street or alley or uses such street  
9 or alley for ingress or egress, and afterward the street or alley is  
10 vacated causing damage or injury or loss of access, or diminishing  
11 the value of the improved property, the city shall pay to the owner  
12 of the property the amount of such damage or injury.

### DIVISION III. CITY DEVELOPMENT

#### PART 1. DEFINITIONS.

1 SEC. 25. As used in this division, unless the context otherwise re-  
2 quires:

3 1. "Board" means the city development board established in sec-  
4 tion thirty-three (33) of this Act.

5 2. "Committee" means the board members, and the local repre-  
6 sentatives appointed as provided in section thirty-eight (38) of this  
7 Act, to hear and make a decision on a petition or plan for city devel-  
8 opment.

9 3. "City development" means an incorporation, discontinuance,  
10 or boundary adjustment.

11 4. "Incorporation" means establishment of a new city.

12 5. "Discontinuance" means termination of a city.

13 6. "Boundary adjustment" means annexation, severance, or con-  
14 solidation.

15 7. "Annexation" means the addition of territory to a city.

16 8. "Severance" means the deletion of territory from a city.

17 9. "Consolidation" means the combining of two or more cities into  
18 one city.

19 10. "Territory" means the land area proposed to be incorporated,  
20 annexed, or severed.

21 11. "Adjoining" means having a common boundary for not less  
22 than two hundred feet. Land areas may be adjoining although sep-  
23 arated by a roadway or waterway.

24 12. "Urbanized area" means the land area within three miles of  
25 the boundaries of a city of fifteen thousand or more population.

#### PART 2. GENERAL PROVISIONS.

1 SEC. 26. A city may change its name as follows:

2 1. The council shall propose the name change and shall cause the  
3 question to be submitted at the next regular city election.

4 2. The council shall publish notice, as provided in section three (3)  
5 of this Act, of the proposed new name, and of the fact that the ques-  
6 tion will be submitted at the next regular city election.

7 3. If a majority of those voting on the question approves the pro-  
8 posed new name, the city clerk shall enter the new name upon the  
9 city records and file certified copies of the proceedings, including the  
10 council's proposal, proof of publication of notice, and certification of  
11 the election result, with the county recorder of each county which  
12 contains part of the city, and with the secretary of state. Upon  
13 proper filing the name change is complete and effective.

1 SEC. 27. A city is discontinued if, for a period of six years or  
2 more, it has held no city election and has caused no taxes to be levied.  
3 If the board receives knowledge of facts which cause an automatic  
4 discontinuance under this section, it shall make a determination that  
5 the city is discontinued, shall take control of the property of the  
6 discontinued city, and shall carry out all necessary procedures as if  
7 the city were discontinued under a petition or plan.

1 SEC. 28. A city may agree with another city or cities to refrain  
2 from annexing specifically described territory for a period not to  
3 exceed ten years. If such an agreement is in force, the board shall  
4 dismiss a petition or plan which violates the terms of the agreement.

1 SEC. 29. Territory owned by the state of Iowa may be annexed,  
2 but the attorney general must be served with notice of the hearing  
3 and a copy of the proposal.

1 SEC. 30. The right of the state highway commission to control  
2 access under the provisions of chapter three hundred six A (306A)  
3 of the Code is not affected by an annexation.

1 SEC. 31. All of the owners of land in a territory adjoining a  
2 city may apply in writing to the council of the adjoining city re-  
3 questing annexation of the territory. Territory comprising railroad  
4 right-of-way may be included in the application without the consent  
5 of the railroad if a copy of the application is mailed by certified mail  
6 to the owner of the right-of-way, at least ten days prior to the filing  
7 of the application with the city council. The application must con-  
8 tain a map of the territory showing its location in relationship to the  
9 city.



10 If the territory is within the urbanized area of a city other than  
 11 the city to which the request for annexation is directed, the applica-  
 12 tion must be approved by the board. The application must also be  
 13 approved by the council which receives the application. Upon re-  
 14 ceiving the required approval, the territory becomes a part of the  
 15 adjoining city.

1 SEC. 32. Any territory may be severed upon the unanimous con-  
 2 sent of all owners of the territory and approved by resolution of the  
 3 council of the city in which the territory is located. The council  
 4 shall provide in the resolution for the equitable distribution of assets  
 5 and equitable distribution and assumption of liabilities of the terri-  
 6 tory as between the city and the severed territory. The severance  
 7 shall be completed upon filing the resolution as provided in section  
 8 forty-four (44), subsection two (2) of this Act.

### PART 3. CITY DEVELOPMENT BOARD.

1 SEC. 33. A city development board is hereby created. The office  
 2 for planning and programming shall provide office space, staff assist-  
 3 ance, and shall budget funds to cover expenses and compensation of  
 4 the board and committees. The board consists of three members ap-  
 5 pointed by the governor with the approval of two-thirds vote of the  
 6 senate. The initial appointments must be for terms of two, four,  
 7 and six years. Successive appointments must be for six years, or  
 8 to fill an unexpired term in case of a vacancy. Members are eligible  
 9 for reappointment, but no member shall serve more than two com-  
 10 plete six-year terms.

11 Each member is entitled to receive from the state his actual and  
 12 necessary expenses and thirty dollars compensation for each day  
 13 spent in performance of board duties.

1 SEC. 34. The board shall conduct studies of city development,  
 2 and shall submit an annual report to the governor and the general  
 3 assembly.

4 The board may establish rules for the performance of its duties  
 5 and the conduct of proceedings before it. The board's rules are sub-  
 6 ject to chapter seventeen A (17A) of the Code, as applicable.

1 SEC. 35. A petition for incorporation, discontinuance, or bound-  
 2 ary adjustment may be filed with the board by a city council, a county  
 3 board of supervisors, a regional planning authority, or ten percent  
 4 of the voters of a city or territory, based upon the number of persons  
 5 who voted for governor at the last preceding general election. No-  
 6 tice of the filing, including a copy of the petition, must be served  
 7 upon the council of each city for which a discontinuance or bound-  
 8 ary adjustment is proposed, the board of supervisors for each county  
 9 which contains a portion of a city to be discontinued or territory to  
 10 be incorporated, annexed, or severed, and any regional planning  
 11 authority for the area involved.

12 Within ninety days of receipt of a petition, the board shall initiate  
 13 appropriate proceedings or dismiss the petition. The board may  
 14 combine for consideration petitions or plans which concern the same  
 15 territory or city.

16 The petition must include substantially the following information  
 17 as applicable:

- 18 1. A general statement of the proposal.
- 19 2. A map of the territory, city, or cities involved.
- 20 3. Assessed valuation of platted and unplatted land.
- 21 4. Names of property owners.
- 22 5. Population density.
- 23 6. Description of topography.
- 24 7. Plans for disposal of assets and assumption of liabilities.
- 25 8. Description of existing municipal services, including but not
- 26 limited to water supply, sewage disposal, and fire and police protec-
- 27 tion.
- 28 9. Plans for agreements with any existing special service districts.
- 29 10. In a case of annexation or incorporation, the petition must
- 30 state that none of the territory is within a city.
- 31 11. In a case of incorporation or consolidation, the petition must
- 32 state the name of the proposed city.

1 SEC. 36. The board may dismiss a petition only if it finds that  
 2 the petition does not meet the requirements of this part, or that  
 3 substantially the same incorporation, discontinuance, or boundary  
 4 adjustment has been disapproved by a committee formed to con-  
 5 sider the proposal, or by the voters, within the two years prior to  
 6 the date the petition is filed with the board. The board shall file  
 7 for record a statement of each dismissal and the reason for it, and  
 8 shall promptly notify the parties to the proceeding of its decision.

1 SEC. 37. Based on the results of its studies, the board may initi-  
 2 ate proceedings for the incorporation, discontinuance, or boundary  
 3 adjustment of a city. The board may request a city to submit a plan  
 4 for boundary adjustment, or may formulate its own plan for incor-  
 5 poration, discontinuance, or boundary adjustment. A plan sub-  
 6 mitted at the board's initiation must include the same information  
 7 as a petition and be filed and acted upon in the same manner as a  
 8 petition. A petition or plan may include any information relevant to  
 9 the proposal, including but not limited to results of studies and sur-  
 10 veys, and arguments.

1 SEC. 38. If a petition is not dismissed, the board shall direct the  
 2 appointment of local representatives to serve with board members as  
 3 a committee to consider the proposal. Each local representative is  
 4 entitled to receive from the state his actual and necessary expenses  
 5 spent in performance of committee duties. Two board members and  
 6 one local representative, or if the number of local representatives  
 7 exceeds one, two board members and at least one-half of the ap-  
 8 pointed local representatives, are required for a quorum of the com-  
 9 mittee. A local representative must be a qualified voter of the terri-  
 10 tory or city he represents, and must be selected as follows:

- 11 1. From a territory to be incorporated, one representative ap-  
 12 pointed by the county board of supervisors. If the territory is in  
 13 more than one county, the board shall direct the appointment of a  
 14 local representative from each county involved.
- 15 2. From a city to be discontinued, one representative appointed  
 16 by the city council.
- 17 3. From a territory to be annexed to or severed from a city, one  
 18 representative appointed by the county board of supervisors.

19 4. From a city to which territory is to be annexed or from which  
20 territory is to be severed, one representative appointed by the city  
21 council.

22 5. From each city to be consolidated, one representative appointed  
23 by each city council.

1 SEC. 39. The committee shall conduct a public hearing on a pro-  
2 posal as soon as practicable. Notice of the hearing must be served  
3 upon the council of each city for which a discontinuance or boundary  
4 adjustment is proposed, the county board of supervisors for each  
5 county which contains a portion of a city to be discontinued or ter-  
6 ritory to be incorporated, annexed, or severed, and any regional plan-  
7 ning authority for the area involved. A notice of the hearing, which  
8 includes a brief description of the proposal and a statement of where  
9 the petition or plan is available for public inspection, must be pub-  
10 lished as provided in section three (3) of this Act, except that  
11 there must be two publications in a newspaper having general circu-  
12 lation in each city and each territory involved in the proposal. Any  
13 person may submit written briefs, and in the committee's discretion,  
14 may be heard on the proposal. The board may subpoena witnesses  
15 and documents relevant to the proposal.

1 SEC. 40. Subject to section forty-one (41) of this Act, the com-  
2 mittee shall approve any proposal which it finds to be in the public  
3 interest. A committee shall base its finding upon all relevant infor-  
4 mation before the committee, including but not limited to the fol-  
5 lowing:

6 1. Statements in the petition or plan, and evidence supporting  
7 those statements.

8 2. Recommendations of the regional planning authority for the  
9 area.

10 3. Commercial and industrial development.

11 4. Potential growth in population.

12 5. Cost and adequacy of existing services and facilities.

13 6. Potential effect of the proposal and of possible alternative pro-  
14 posals on the cost and adequacy of services and facilities.

15 7. Potential effect of the proposal on adjacent areas, and on any  
16 unit of government directly affected, including but not limited to  
17 the potential effect on future revenues of any such unit of govern-  
18 ment.

1 SEC. 41. The committee may not approve:

2 1. An incorporation unless it finds that the city to be incorporated  
3 will be able to provide customary municipal services within a reason-  
4 able time.

5 2. A discontinuance or severance if the city to be discontinued or  
6 the territory to be severed will be surrounded by one or more cities  
7 unless a petition for annexation of the same area is also filed and  
8 approved.

9 3. A discontinuance or severance unless it finds that the county  
10 or another city will be able to provide necessary municipal services  
11 to the residents.

12 4. An annexation unless the territory is adjoining the city to  
13 which it will be annexed, and the committee finds that the city will  
14 be able to provide to the territory substantial municipal services and

15 benefits not previously enjoyed by such territory, and that the mo-  
16 tive for annexation is not solely to increase revenues to the city.

17 5. A consolidation unless the cities are contiguous.

18 6. An incorporation of territory, any part of which is within an  
19 urbanized area of a city, unless a petition for annexation of sub-  
20 stantially the same territory to such city has been dismissed, dis-  
21 approved, or voted upon unfavorably within the last five years.

1 SEC. 42. The committee may amend a petition or plan. If a peti-  
2 tion or plan is substantially amended, the committee shall continue  
3 the hearing to a later date and serve and publish a notice describing  
4 the amended petition or plan, as required in section thirty-nine (39)  
5 of this Act.

1 SEC. 43. The committee shall approve or disapprove the petition  
2 or plan as amended, within ninety days of the final hearing, and  
3 shall file its decision for record and promptly notify the parties to  
4 the proceeding of its decision. If a petition or plan is approved, the  
5 board shall set a date within ninety days for a special election on  
6 the proposal and shall appoint five election commissioners, except  
7 that in the case of a consolidation, the board shall appoint two elec-  
8 tion commissioners from each city involved. Election commission-  
9 ers must be voters of the territory, city, or cities involved. In a case  
10 of incorporation or discontinuance, qualified voters of the territory  
11 or city may vote, and the proposal is authorized if a majority of  
12 those voting approves it. In a case of annexation or severance, quali-  
13 fied voters of the territory and of the city may vote, and the pro-  
14 posal is authorized if a majority of the total number of persons vot-  
15 ing approves it. In a case of consolidation, qualified voters of each  
16 city to be consolidated may vote, and the proposal is authorized only  
17 if it receives a favorable majority vote in each city. The election  
18 commissioners shall serve and publish notice of the election as pro-  
19 vided in section thirty-nine (39) of this Act, and shall conduct the  
20 election in the same manner as other special city elections.

1 SEC. 44. If a proposal is authorized by the voters, and the elec-  
2 tion commissioners have certified the result, the board shall:

3 1. Serve and publish notice of the result as provided in section  
4 thirty-nine (39) of this Act.

5 2. File with the secretary of state, the clerk of each city incorpo-  
6 rated or involved in a boundary adjustment, and with the recorder  
7 of each county which contains a portion of any city or territory in-  
8 volved, copies of the proceedings including the original petition or  
9 plan and any amendments, the order of the board approving the  
10 petition or plan, proofs of service and publication of required notices,  
11 certification of the election result, and any other material deemed by  
12 the board to be of primary importance to the proceedings. Upon  
13 proper filing and expiration of time for appeal, or upon a subsequent  
14 date as provided in the proposal, the incorporation, discontinuance,  
15 or boundary adjustment is complete, except that if an appeal to any  
16 of the proceedings is pending, completion does not occur until the  
17 appeal is decided.

1 SEC. 45. When an incorporation, discontinuance, or boundary ad-  
2 justment is complete, the board shall supervise procedures necessary

3 to carry out the proposal. In the case of an incorporation, the elec-  
 4 tion commissioners shall conduct an election for mayor and council  
 5 of the city, who shall serve until their successors take office following  
 6 the next regular city election. In the case of a discontinuance, the  
 7 board shall publish two notices as provided in section thirty-nine  
 8 (39) of this Act that it will receive and adjudicate claims against  
 9 the discontinued city for a period of six months, and shall cause  
 10 necessary taxes to be levied against the property within the dis-  
 11 continued city to pay claims allowed. All records of a discontinued  
 12 city shall be deposited with the county auditor of the county desig-  
 13 nated by the board, except that court records shall be deposited with  
 14 the clerk of the district court of the county. In the case of boundary  
 15 adjustments, the proper city officials shall carry out procedures  
 16 necessary to implement the proposal.

1 SEC. 46. A city, or a resident or property owner in the territory  
 2 or city involved may appeal a decision of the board or a committee,  
 3 or the legality of an election, to the district court of a county which  
 4 contains a portion of any city or territory involved.

5 Appeal must be filed within thirty days of the filing of a decision  
 6 or the second publication of notice of the result of an election.

7 Appeal of an approval of a petition or plan does not stay the elec-  
 8 tion.

9 The court's review on appeal of a decision is limited to questions  
 10 relating to jurisdiction, regularity of proceedings, and whether the  
 11 decision appealed from is arbitrary, unreasonable, or without sub-  
 12 stantial supporting evidence. The court may reverse and remand a  
 13 decision of the board or a committee, with appropriate directions.

#### DIVISION IV. ORGANIZATION OF CITY GOVERNMENT

##### PART 1. FORMS OF GOVERNMENT.

1 SEC. 47. The forms of city government are:

- 2 1. Mayor-council, or mayor-council with appointed manager.
- 3 2. Commission.
- 4 3. Council-manager-at-large.
- 5 4. Council-manager-ward.
- 6 5. Home rule charter.
- 7 6. Special charter.

8 A city when first incorporated has the mayor-council form. A city  
 9 retains its form of government until it adopts a different form as  
 10 provided in this part.

11 Upon the effective date of this Act, a city shall adopt by ordinance  
 12 a charter embodying its existing form of government, which must  
 13 be one of the forms provided in this part, and shall file a copy of its  
 14 charter with the secretary of state, and maintain copies available  
 15 for public inspection.

1 SEC. 48. A city may adopt a different form of government not  
 2 oftener than once in a six-year period. A different form, other than  
 3 a home rule charter or special charter, must be adopted as follows:

4 1. Voters of the city, equal in number to at least twenty-five per-  
 5 cent of the persons who voted at the last regular city election, may  
 6 petition the mayor to adopt a different form of city government.

7 2. Within one week after receiving a valid petition, the mayor  
 8 shall proclaim a special city election to be held within sixty days

9 to determine whether the city shall change to a different form of  
10 government.

11 3. If a majority of the persons voting at the special election ap-  
12 proves the proposed form, it is adopted.

13 4. If a majority of the persons voting at the special election does  
14 not approve the proposed form, that form may not be resubmitted  
15 to the voters within the next four years.

16 5. If the proposed form is adopted:

17 a. The elective officers provided for in the adopted form are to  
18 be elected at the next regular city election held more than sixty  
19 days after the special election at which the form was adopted, and  
20 the adopted form becomes effective at the beginning of the fiscal  
21 year which follows such regular city election.

22 b. The change of form does not alter any right or liability of the  
23 city in effect at the time of the special election at which the form  
24 was adopted.

25 c. All departments and agencies shall continue to operate until  
26 replaced.

27 d. All measures in effect remain effective until amended or re-  
28 pealed, unless they are irreconcilable with the adopted form.

29 e. Upon the effective date of the adopted form, the city shall adopt  
30 by ordinance a new charter embodying the adopted form, and shall  
31 file a copy of its charter with the secretary of state, and maintain  
32 copies available for public inspection.

1 SEC. 49. The filing of a petition for appointment of a home rule  
2 charter commission stays the special election on adoption of another  
3 form of government until the charter proposed by the commission  
4 is filed, and both forms must be published as provided in section  
5 fifty-five (55) of this Act, and submitted to the voters at the special  
6 election.

1 SEC. 50. A city governed by the mayor-council form has a mayor  
2 and five councilmen elected at large, unless by ordinance a city so  
3 governed chooses to have a mayor elected at large and an odd num-  
4 ber of councilmen but not less than five, including at least two coun-  
5 cilmen elected at large and one councilman elected by and from each  
6 ward.

7 A city governed by the mayor-council form composed of a mayor  
8 and a council consisting of two councilmen elected at large, and one  
9 councilman from each of four wards, may continue until the form  
10 of government is changed as provided in section forty-eight (48)  
11 or section fifty-five (55) of this Act. While a city is thus operating  
12 with an even number of councilmen, the mayor may vote to break  
13 a tie vote on motions.

14 The mayor shall appoint a councilman as mayor pro tem, and a  
15 marshal or chief of police. Other officers must be selected as di-  
16 rected by the council. The mayor is not a member of the council  
17 and may not vote as a member of the council.

18 The council may by ordinance provide for a city manager, and  
19 prescribe his powers, duties, and compensation.

1 SEC. 51. A city governed by the commission form has five de-  
2 partments as follows:

- 3 1. Department of public affairs.
- 4 2. Department of accounts and finances.
- 5 3. Department of public safety.
- 6 4. Department of streets and public improvements.
- 7 5. Department of parks and public property.

8 A city governed by the commission form has a council composed  
9 of a mayor and four councilmen elected at large. The mayor admin-  
10 isters the department of public affairs and each other councilman is  
11 elected to administer one of the other four departments.

12 A city governed by the commission form and having a council  
13 composed of a mayor and two councilmen elected at large may con-  
14 tinue with a council of three until the form of government is changed  
15 as provided in section forty-eight (48) or section fifty-five (55) of  
16 this Act.

17 The mayor shall supervise the administration of all departments  
18 and report to the council all matters requiring its attention. The  
19 mayor is a member of the council and may vote on all matters before  
20 the council.

21 The councilman elected to administer the department of accounts  
22 and finances is mayor pro tem.

23 The council may appoint a city treasurer or may, by ordinance,  
24 provide for his election.

1 SEC. 52. A city governed by the council-manager-at-large form  
2 has five councilmen elected at large for staggered four-year terms.  
3 At the first meeting after each city election, the council shall elect  
4 one of the councilmen to serve as mayor, and one to serve as mayor  
5 pro tem. The mayor is a member of the council and may vote on  
6 all matters before the council. As soon as possible after each city  
7 election, the council shall appoint a manager.

8 The council may by ordinance provide that the city will be gov-  
9 erned by council-manager-ward form. The ordinance must provide  
10 for the election of the mayor and councilmen required under coun-  
11 cil-manager-ward form at the next regular city election.

1 SEC. 53. A city governed by council-manager-ward form has a  
2 council composed of a mayor and two councilmen elected at large,  
3 and one councilman elected from each of four wards. The mayor  
4 and other councilmen serve four-year staggered terms. The mayor  
5 is a member of the council and may vote on all matters before the  
6 council.

7 As soon as possible after each city election, the council shall ap-  
8 point a city manager, and a councilman to serve as mayor pro tem.

1 SEC. 54. When a city adopts a council-manager-at-large or coun-  
2 cil-manager-ward form of government:

- 3 1. The city manager is the chief administrative officer of the city.
- 4 2. The city manager shall:
  - 5 a. Supervise enforcement and execution of the city laws.
  - 6 b. Attend all meetings of the council.
  - 7 c. Recommend to the council any measures necessary or expedient
  - 8 for the good government and welfare of the city.
  - 9 d. Supervise the official conduct of all officers of the city whom
  - 10 he has appointed, and take active control of the police, fire, and engi-  
11 neering departments of the city.

- 12 e. Supervise the performance of all contracts for work to be done  
13 for the city, make all purchases of material and supplies, and see  
14 that such material and supplies are received, and are of the quality  
15 and character called for by the contract.
- 16 f. Supervise the construction, improvement, repair, maintenance,  
17 and management of all city property, capital improvements, and un-  
18 dertakings of the city, including the making and preservation of all  
19 surveys, maps, plans, drawings, specifications, and estimates for capi-  
20 tal improvements, except property, improvements, and undertakings  
21 managed by a utility board of trustees.
- 22 g. Cooperate with any administrative agency or utility board of  
23 trustees.
- 24 h. Be responsible for the cleaning, sprinkling, and lighting of  
25 streets, alleys, and public places, and the collection and disposal of  
26 waste.
- 27 i. Provide for and cause records to be kept of the issuance and  
28 revocation of licenses and permits authorized by city law.
- 29 j. Keep the council fully advised of the financial and other condi-  
30 tions of the city, and of its future needs.
- 31 k. Prepare and submit to the council annually the required budgets.
- 32 l. Conduct the business affairs of the city and cause accurate rec-  
33 ords to be kept by modern and efficient accounting methods.
- 34 m. Make to the council not later than the tenth day of each month  
35 an itemized financial report in writing, showing the receipts and  
36 disbursements for the preceding month. Copies of financial reports  
37 must be available at the clerk's office for public distribution.
- 38 n. Appoint a treasurer subject to the approval of the council.
- 39 o. Perform other duties at the council's direction.
- 40 3. The city manager may:
- 41 a. Appoint administrative assistants, with the approval of the  
42 council.
- 43 b. Employ, reclassify, or discharge all employees and fix their  
44 compensation, subject to civil service provisions and chapter seventy  
45 (70) of the Code, except the city clerk, deputy city clerk, and city  
46 attorneys.
- 47 c. Make all appointments not otherwise provided for.
- 48 d. Suspend or discharge summarily any officer, appointee, or em-  
49 ployee that he has power to appoint or employ, subject to civil serv-  
50 ice provisions and chapter seventy (70) of the Code.
- 51 e. Summarily and without notice investigate the affairs and con-  
52 duct of any department, agency, officer, or employee under his super-  
53 vision, and compel the production of evidence and attendance of wit-  
54 nesses.
- 55 f. Administer oaths.
- 56 4. The city manager shall not take part in any election for coun-  
57 cilmen, other than by casting his vote, and shall not appoint a coun-  
58 cilman to city office or employment, nor shall a councilman accept  
59 such appointment.

1 SEC. 55. A city to be governed by the home rule charter form  
2 shall adopt a home rule charter in which its form of government is  
3 set forth. A city may adopt a home rule charter only by the fol-  
4 lowing procedures:

- 5 1. A home rule charter may be proposed by:



6 a. The council, causing a charter to be prepared and filed and by  
7 resolution submitting it to the voters.

8 b. Voters of the city equal in number to at least twenty-five per-  
9 cent of the persons who voted at the last regular city election peti-  
10 tioning the council to appoint a charter commission to prepare a  
11 proposed charter. The council shall, within thirty days of the filing  
12 of a valid petition, appoint a charter commission composed of not  
13 less than five nor more than fifteen members. The charter commis-  
14 sion shall, within six months of its appointment, prepare and file  
15 with the council a proposed charter.

16 2. When a charter is filed, the council shall publish it at least twice  
17 in the manner provided in section three (3) of this Act, except that  
18 the publications must occur within sixty days of the filing of the  
19 home rule charter, with a two-week interval between each publica-  
20 tion. The council shall provide copies of a proposed charter for pub-  
21 lic distribution by the city clerk.

22 3. The proposed home rule charter must be submitted at a special  
23 city election on a date selected by the mayor. The date of the  
24 election must be not less than thirty nor more than sixty days after  
25 the last publication of the proposed home rule charter.

26 4. If a proposed home rule charter is rejected by the voters, it  
27 may not be resubmitted in substantially the same form to the voters  
28 within the next four years. If a proposed home rule charter is  
29 adopted by the voters, no other form of government may be sub-  
30 mitted to the voters for six years.

31 5. If a petition for the appointment of a charter commission is  
32 filed at any time within two weeks after the second publication of a  
33 charter proposed by the council, the submission to the voters of a  
34 charter proposed by the council must be delayed, a charter commis-  
35 sion appointed, and the council proposal and the charter proposed  
36 by the charter commission must be submitted to the voters at the  
37 same special election.

38 6. The ballot submitting a proposed charter or charters must also  
39 submit the existing form of government as an alternative.

40 7. If only two forms of government are being voted upon, the  
41 form of government which receives the highest number of votes is  
42 adopted.

43 If more than two forms are being voted upon and no form re-  
44 ceives a majority of the votes cast in the special election, there must  
45 be a run-off election between the two proposed forms which receive  
46 the highest number of votes in the special election. The run-off  
47 election must be held within thirty days following the special elec-  
48 tion and must be conducted in the same manner as a special city  
49 election.

50 8. If a home rule charter is adopted:

51 a. The elective officers provided for in the charter are to be elected  
52 at the next regular city election held more than sixty days after  
53 the special election at which the charter was adopted, and the adopted  
54 charter becomes effective at the beginning of the fiscal year which  
55 follows such regular city election.

56 b. The adoption of the charter does not alter any right or liability  
57 of the city in effect at the time of the special election at which the  
58 charter was adopted.

59 c. All departments and agencies shall continue to operate until  
60 replaced.

61 d. All measures in effect remain effective until amended or re-  
62 pealed, unless they are irreconcilable with the charter.

63 e. Upon the effective date of the home rule charter, the city shall  
64 adopt by ordinance the home rule charter, and shall file a copy of  
65 its charter with the secretary of state, and maintain copies available  
66 for public inspection.

1 SEC. 56. A home rule charter must contain and is limited to pro-  
2 visions for:

3 1. A council of an odd number of members, not less than five.

4 2. A mayor, who may be one of those council members.

5 3. Two-year or staggered four-year terms of office for the mayor  
6 and council members.

7 4. The powers and duties of the mayor and the council, consistent  
8 with the provisions of this Act.

1 SEC. 57. A home rule charter may be amended by one of the fol-  
2 lowing methods:

3 1. The council, by resolution, may submit a proposed amendment  
4 to the voters at a special city election, and the proposed amendment  
5 becomes effective if approved by a majority of those voting.

6 2. The council, by ordinance, may amend the charter. However,  
7 within thirty days of publication of the ordinance, if a petition valid  
8 under the provisions of section four (4) of this Act is filed with  
9 the council, the council must submit the ordinance amendment to the  
10 voters at a special city election, and the amendment does not become  
11 effective until approved by a majority of those voting.

12 3. If a petition valid under the provisions of section four (4) of  
13 this Act is filed with the council proposing an amendment to the  
14 charter, the council must submit the proposed amendment to the  
15 voters at a special city election, and the amendment becomes effec-  
16 tive if approved by a majority of those voting.

1 SEC. 58. A city may not adopt the special charter form but a  
2 city governed by a special charter on the effective date of this Act  
3 is considered to have the special charter form although it may utilize  
4 elements of the mayor-council form in conjunction with the provi-  
5 sions of its special charter. In adopting and filing its charter as  
6 required in section forty-seven (47) of this Act, a special charter city  
7 shall include the provisions of its charter and any provisions of the  
8 mayor-council form which are followed by the city on the effective  
9 date of this Act.

10 A special charter city may utilize the provisions of chapter four  
11 hundred twenty (420) of the Code in lieu of conflicting sections of  
12 this Act, until the city changes to one of the other forms of govern-  
13 ment as provided in this division.

#### PART 2. CITY OFFICERS.

1 SEC. 59. The council.

2 1. A majority of all councilmen is a quorum.

3 2. A vacancy in an elective city office during a term of office must  
4 be filled by the council for the period of time until the next regular  
5 city election.

6 3. The council shall appoint a city clerk to maintain city records  
7 and perform other duties prescribed by state or city law.

8 4. Except as otherwise provided by state or city law, the council  
9 may appoint and remove city officers and employees, and prescribe  
10 their powers, duties, compensation, and terms. The appointment  
11 of a city manager must be made on the basis of his qualifications and  
12 not on the basis of political affiliation.

13 5. The council shall determine its own rules and maintain records  
14 of its proceedings. City records and documents, or accurate repro-  
15 ductions thereof, must be maintained for at least ten years, except  
16 that ordinances, council proceedings, and records and documents re-  
17 lating to real property transactions or bond issues must be main-  
18 tained permanently.

19 6. Immediately following a regular or special meeting of the  
20 council, the clerk shall prepare a condensed statement of the pro-  
21 ceedings of the council, including the total expenditure from each  
22 city fund, and cause the statement to be published in a newspaper  
23 of general circulation in the city. The statement shall include a list  
24 of all claims allowed and a summary of all receipts, and shall show  
25 the gross amount of the claim. However, in cities having more than  
26 one hundred fifty thousand population the council shall each month  
27 print in pamphlet form a detailed itemized statement of all receipts  
28 and disbursements of the city, and a summary of its proceedings  
29 during the preceding month, and furnish copies to the city library,  
30 the daily newspapers of the city, and to persons who apply at the  
31 office of the city clerk, and the pamphlet shall constitute publication as  
32 required. Failure by the clerk to make publication is a misdemeanor.  
33 The provisions of this subsection are applicable in cities in which a  
34 newspaper is published, or in cities of two hundred population or  
35 over, but in all other cities, posting the statement in three public  
36 places in the city which have been permanently designated by ordi-  
37 nance is sufficient compliance with this subsection.

38 7. By ordinance, the council may divide the city into wards based  
39 upon population, change the boundaries of wards, or create new  
40 wards.

41 8. By ordinance, the council shall prescribe the compensation of  
42 the mayor, councilmen, and other elected city officers, but an increase  
43 in the compensation of the mayor or councilmen shall not become  
44 effective during the term in which the increase is adopted, and the  
45 council shall not adopt such an ordinance during the months of  
46 November and December immediately following a regular city elec-  
47 tion.

48 9. A councilman, during the term for which he is elected, is not  
49 eligible for appointment to any city office if the office has been cre-  
50 ated or the compensation of the office has been increased during the  
51 term for which he is elected. A person who resigns from an elec-  
52 tive office is not eligible for appointment to the same office during  
53 the time for which he was elected if during that time, the compensa-  
54 tion of the office has been increased.

1 SEC. 60. The mayor.

2 1. The mayor is the chief executive officer of the city and presid-  
3 ing officer of the council. Except for the supervisory duties which

4 have been delegated by law to a city manager, the mayor shall super-  
5 vise all city officers and departments.

6 2. The mayor may take command of the police and govern the  
7 city by proclamation when he determines a time of emergency or  
8 public danger exists. Within the city limits, he has all the powers  
9 conferred upon the sheriff to suppress disorders.

10 3. The mayor pro tem is vice-president of the council. When the  
11 mayor is absent or unable to act, the mayor pro tem shall perform  
12 the mayor's duties, except that the mayor pro tem may not appoint,  
13 employ, or discharge officers or employees without the approval of  
14 the council. Official actions of the mayor pro tem when the mayor  
15 is absent or unable to act are legal and binding to the same extent  
16 as if done by the mayor. The mayor pro tem retains all his powers  
17 as a councilman.

#### DIVISION V. CITY ELECTIONS

1 SEC. 61. A city shall hold a regular city election on the first Tues-  
2 day after the first Monday in November of each odd-numbered year.  
3 A city may hold general, special, primary, or run-off city elections  
4 as provided by state law.

1 SEC. 62. Terms of city officers begin and end at noon on the  
2 first day in January which is not a Sunday or legal holiday, follow-  
3 ing a regular city election.

4 Except as otherwise provided by state law or the city charter,  
5 terms for elective offices are two years. However, the term of an  
6 elective office may be changed to two or four years by petition and  
7 election. Upon receipt of a valid petition as defined in section four  
8 (4) of this Act, requesting that the term of an elective office be  
9 changed, the council shall submit the question at a special city election  
10 to be held within thirty days. If a majority of the persons voting at  
11 the special election approves the changed term, it becomes effective  
12 at the beginning of the term following the next regular city election.  
13 If a majority does not approve the changed term, the mayor shall  
14 not submit the same proposal to the voters within the next four  
15 years.

16 At the first regular city election after the terms of councilmen are  
17 changed to four years, terms shall be staggered as follows:

18 1. If an even number of councilmen are elected at large, the half  
19 of the elected councilmen who receive the highest number of votes  
20 are elected for four-year terms. The remainder are elected for  
21 two-year terms.

22 2. If an odd number of councilmen are elected at large, the major-  
23 ity of the elected councilmen who receive the highest number of votes  
24 are elected for four-year terms. The remainder are elected for two-  
25 year terms.

26 3. In case of a tie the mayor and clerk shall determine by lot  
27 which councilmen are elected for four-year terms.

28 4. If the councilmen are elected from wards, the councilmen  
29 elected from the odd-numbered wards are elected for four-year  
30 terms and the councilmen elected from even-numbered wards are  
31 elected for two-year terms.

1 SEC. 63. Candidates for elective city offices must be nominated  
2 as provided in sections sixty-four (64) through sixty-nine (69), in-

3 clusive, of this Act, unless by ordinance a city chooses the provisions  
4 of chapters forty-four (44) or forty-five (45) of the Code. How-  
5 ever, a special charter city may continue to hold partisan elections  
6 as provided in sections forty-three point one hundred twelve (43.112)  
7 through forty-three point one hundred eighteen (43.118), inclusive,  
8 and four hundred twenty point one hundred twenty-six (420.126)  
9 through four hundred twenty point one hundred thirty-eight  
10 (420.138), inclusive, of the Code.

1 SEC. 64. A voter of a city may become a candidate for an elec-  
2 tive city office by filing with the city clerk a valid petition requesting  
3 that his name be placed on the ballot for that office. The petition  
4 must be filed at least four weeks before the date of the election, and  
5 must be signed by voters equal in number to at least two percent of  
6 those who voted to fill the same office at the last regular city elec-  
7 tion, but not less than ten persons.

8 The petitioners for an individual seeking election from a ward  
9 must be residents of the ward at the time of signing the peti-  
10 tion. An individual is not eligible for election from a ward un-  
11 less he is a resident of the ward at the time he files the petition and  
12 at the time of election.

13 The petition must include the signature of the petitioners, a state-  
14 ment of their place of residence, and the date on which they signed  
15 the petition.

16 The petition must include the affidavit of at least one voter other  
17 than the petitioners and the individual for whom the petition is be-  
18 ing filed, stating the affiant's knowledge, information, and belief as  
19 to the residence of the petitioners.

20 The petition must include the affidavit of the individual for whom  
21 it is filed, stating his name, his residence, that he is a candidate and  
22 eligible for the office, and that if elected he will qualify for the office.

23 The city clerk shall accept the petition for filing if on its face it  
24 appears to have the requisite number of signatures and if it is timely  
25 filed.

1 SEC. 65. Notice and a copy of the ballot for each regular, special,  
2 primary, or run-off city election must be published as provided in  
3 section three (3) of this Act, except that notice of a regular, pri-  
4 mary, or run-off election may be published not less than five days  
5 before the date of the election. The published ballot must contain  
6 the names of all candidates, and may not contain any party designa-  
7 tions. The published ballot must contain any question to be sub-  
8 mitted to the voters.

1 SEC. 66. An individual for whom a valid petition is filed becomes  
2 a candidate in the regular city election for the office for which he has  
3 filed, except that a primary election must be held for offices for  
4 which the number of individuals for whom valid petitions are filed  
5 is more than twice the number of positions to be filled. However,  
6 the council may by ordinance choose to have a run-off election, as  
7 provided in section sixty-nine (69) of this Act, in lieu of a primary  
8 election.

1 SEC. 67. If a primary election is necessary, it must be held on  
2 the Tuesday two weeks before the date of the regular city election.

3 The names of those candidates who receive the highest number of  
4 votes in the primary, to the extent of twice the number of unfilled  
5 positions, must be placed on the ballot for the regular city election  
6 as candidates for the office for which they have filed.

1 SEC. 68. In a regular city election following a primary, the can-  
2 didates who receive the highest number of votes cast for the office  
3 for which they have filed are elected, to the extent necessary to fill  
4 the positions for which they have filed. In a regular city election  
5 when a council has chosen a run-off election in lieu of a primary, the  
6 candidates who receive the highest number of votes and a majority  
7 of the votes cast for the office for which they have filed are elected,  
8 to the extent necessary to fill the positions for which they have filed.

1 SEC. 69. A run-off election may be held only for positions un-  
2 filled because of failure of a sufficient number of candidates to re-  
3 ceive a majority vote in the regular city election. Candidates who  
4 do not receive a majority of the votes cast for the office for which  
5 they have filed, but who receive the highest number of votes cast  
6 for that office in the regular city election, to the extent of twice  
7 the number of unfilled positions, are candidates in the run-off elec-  
8 tion.

9 Run-off elections must be held two weeks after the date of the reg-  
10 ular city election and must be conducted in the same manner as  
11 regular city elections except that only voters qualified to vote in  
12 the last preceding regular city election are qualified to vote in the  
13 run-off.

14 Candidates in the run-off election who receive the highest number  
15 of votes cast for the office for which they have filed are elected to  
16 the extent necessary to fill the positions for which they have filed.

1 SEC. 70. A nomination or election to a city office may be con-  
2 tested in the manner provided in chapter sixty-two (62) of the Code  
3 for contesting elections to county offices, except that a statement of  
4 intent to contest must be filed with the city clerk within ten days  
5 after the nomination or election. The mayor is presiding officer of  
6 the court for the trial of a nomination or election contest, except that  
7 if the mayor's nomination or election is contested, the council shall  
8 elect one of its members other than the mayor to serve as presiding  
9 officer.

#### DIVISION VI. CITY LEGISLATION

1 SEC. 71. The subject matter of an ordinance or amendment must  
2 be generally described in its title.

1 SEC. 72. An amendment to an ordinance or to a city code must  
2 specifically repeal the ordinance or code, or the section or subsection  
3 to be amended, and must set forth in full the ordinance, code, sec-  
4 tion, or subsection as amended.

1 SEC. 73. A proposed ordinance or amendment must be received  
2 and placed on file at two council meetings prior to the meeting at  
3 which it is to be finally acted upon, unless this requirement is sus-  
4 pended by a recorded vote of not less than three-fourths of the coun-  
5 cil members.

6 However, if a summary of the proposed ordinance or amendment  
 7 is published as provided in section three (3) of this Act, prior  
 8 to its first filing, and copies are available at the time of publication  
 9 at the office of the city clerk, the ordinance or amendment must be  
 10 received and placed on file at one meeting prior to the meeting at  
 11 which it is to be finally acted upon, unless this requirement is sus-  
 12 pended by a recorded vote of not less than three-fourths of the  
 13 council members.

1 SEC. 74. Passage of an ordinance, amendment, or resolution re-  
 2 quires an affirmative vote of not less than a majority of the council  
 3 members. A motion to spend public funds in excess of ten thousand  
 4 dollars on any one project, or a motion to accept public improve-  
 5 ments and facilities upon their completion, also requires an affirma-  
 6 tive vote of not less than a majority of the council members. Each  
 7 councilman's vote on an ordinance, amendment, or resolution must  
 8 be recorded.

1 SEC. 75. The mayor may sign, veto, or take no action on an ordi-  
 2 nance, amendment, or resolution passed by the council.

1 SEC. 76. Measures passed by the council, other than motions, be-  
 2 come effective in one of the following ways:

3 1. If the mayor signs the measure, a resolution becomes effective  
 4 immediately upon signing and an ordinance or amendment becomes  
 5 a law when published, unless a subsequent effective date is pro-  
 6 vided within the measure.

7 2. If the mayor vetoes the measure, he shall explain his reasons  
 8 for the veto in a message to the council at the time of the veto. With-  
 9 in thirty days after the mayor's veto, the council may pass the meas-  
 10 ure again by a vote of not less than two-thirds of the council mem-  
 11 bers. If the mayor vetoes a measure and the council repasses the  
 12 measure after the mayor's veto, a resolution becomes effective imme-  
 13 diately upon repassage, and an ordinance or amendment becomes a  
 14 law when published, unless a subsequent effective date is provided  
 15 within the measure.

16 3. If the mayor takes no action on the measure, a resolution be-  
 17 comes effective fourteen days after the date of passage and an ordi-  
 18 nance or amendment becomes a law when published, but not sooner  
 19 than fourteen days after the date of passage, unless a subsequent  
 20 effective date is provided within the measure.

1 SEC. 77. The city clerk shall:

2 1. Promptly record each measure, with a statement, where appli-  
 3 cable, indicating whether the mayor signed, vetoed, or took no action  
 4 on the measure, and whether the measure was repassed after the  
 5 mayor's veto.

6 2. Publish all ordinances and amendments in the manner pro-  
 7 vided in section three (3) of this Act.

8 3. Authenticate all measures except motions with his signature  
 9 and certification as to time and manner of publication, if any. The  
 10 clerk's certification is presumptive evidence of the facts stated  
 11 therein.

12 4. Maintain for public use copies of all effective ordinances and  
 13 codes.

1 SEC. 78. At least once every five years, a city shall compile a  
2 city code containing all of the city ordinances in effect, except grade  
3 ordinances, bond ordinances, zoning ordinances, and ordinances  
4 vacating streets and alleys.

5 If a proposed city code contains only existing ordinances edited  
6 and compiled without change in substance, the council may adopt the  
7 code by ordinance.

8 If a proposed city code contains a proposed new ordinance or  
9 amendment, the council shall hold a public hearing on the proposed  
10 code before adoption. The clerk shall publish notice of the hearing  
11 as provided in section three (3) of this Act. Copies of the proposed  
12 city code must be available at the city clerk's office and the notice  
13 must so state. Within thirty days after the hearing, the council may  
14 adopt the proposed city code, which becomes law upon publication  
15 of the ordinance adopting it. If the council substantially amends the  
16 proposed city code after a hearing, notice and hearing must be re-  
17 peated.

18 Ordinances and amendments which become effective after adoption  
19 of a city code may be compiled as supplements to the code, and upon  
20 adoption of the supplement by ordinance, become part of the city  
21 code.

22 An adopted city code is presumptive evidence of the passage, publi-  
23 cation, and content of the ordinances therein as of the date of the  
24 clerk's certification of the ordinance adopting the code or supplement.

1 SEC. 79. The compensation paid to a newspaper for any publica-  
2 tion required by this division may not exceed three-fourths of the  
3 fee provided in section six hundred eighteen point eleven (618.11)  
4 of the Code.

1 SEC. 80. A city may adopt the provisions of any code or portions  
2 of any code by an ordinance which identifies the code by subject mat-  
3 ter, source, and date, and incorporates the provisions by reference  
4 without setting them forth in full. Such code or portion must be  
5 adopted in the manner provided in section seventy-eight (78) of this  
6 Act.

1 SEC. 81. Immediately after the effective date of a measure estab-  
2 lishing any zoning district, building lines, or fire limits, the city  
3 clerk shall certify the measure and a plat showing the district, lines,  
4 or limits, to the recorder of any county which contains part of the  
5 city. The county recorder shall record the measure and plat in the  
6 miscellaneous record or other book provided for special records, and  
7 shall index the record. The city shall pay the recording fee.

#### DIVISION VII. CITY FINANCE

##### PART 1. TAXES AND FUNDS.

1 SEC. 82. A city may certify taxes to be levied by the county on  
2 all taxable property within the city limits, for all city government  
3 purposes. However, the tax levied by a city on lots of more than  
4 ten acres and the personal property thereon, occupied and used for  
5 agricultural or horticultural purposes, may not exceed one and one-  
6 fourth mills in any year. A city's tax levy for the general fund may  
7 not exceed thirty mills on the dollar of taxable value in any tax year,



8 except for the levies authorized in section ninety-three (93) of this  
9 Act.

1 SEC. 83. Except as otherwise provided for special charter cities,  
2 a city's fiscal year and tax year is from January first through De-  
3 cember thirty-first, inclusive. All city property taxes must be certi-  
4 fied by a city to the county auditor on or before the fifteenth day of  
5 October of each year, unless otherwise provided by state law.

6 The county auditor shall place city taxes and assessments upon the  
7 tax list for the current year, and the county treasurer shall collect  
8 city taxes and assessments in the same manner as other taxes. De-  
9 linquent city taxes and assessments draw the same interest and pen-  
10 alties as other taxes. Sales for delinquent city taxes and assessments  
11 must be made in the manner provided in chapter four hundred forty-  
12 six (446) of the Code. The county treasurer shall combine in one  
13 tax sale all taxes and assessments due from the same person and col-  
14 lectible by the county.

1 SEC. 84. All moneys received for city government purposes from  
2 taxes and other sources must be credited to the general fund of the  
3 city, except that moneys received for the purposes of the debt serv-  
4 ice fund, the trust and agency fund, the capital improvements reserve  
5 fund, the emergency fund, and other funds established by state law  
6 must be deposited as otherwise required or authorized by state law.  
7 All moneys received by a city from the federal government must be  
8 reported to the office for planning and programming.

1 SEC. 85. A city shall establish a debt service fund and shall cer-  
2 tify taxes to be levied for the debt service fund in the amount nec-  
3 essary to pay:

4 1. Judgments against the city, except those authorized by state  
5 law to be paid from other funds.

6 2. Interest as it becomes due and the amount necessary to pay, or  
7 to create a sinking fund to pay, the principal at maturity of all gen-  
8 eral obligation bonds issued by the city.

9 Moneys pledged or available to service general obligation bonds,  
10 and received from sources other than property taxes, must be depos-  
11 ited in the debt service fund.

1 SEC. 86. A tax levied for the debt service fund is not invalid if  
2 it raises moneys in excess of those needed for a specific purpose.  
3 Only excess moneys remaining after retirement of all indebtedness  
4 payable from the fund may be transferred from the debt service  
5 fund to any other city fund, subject to the terms of the original bond  
6 issue, and as provided in rules promulgated by the city finance com-  
7 mittee created in section ninety-four (94) of this Act.

1 SEC. 87. A city may establish a trust and agency fund for the  
2 following purposes:

3 1. Accounting for pension and related employee benefit funds. A  
4 city may certify taxes to be levied for the trust and agency fund in  
5 the amount necessary to meet such obligations.

6 2. Accounting for gifts received by the city for a particular pur-  
7 pose.

8 3. Accounting for money and property received and handled by  
9 the city as trustee or custodian or in the capacity of an agent.

1 SEC. 88. A city may establish a capital improvements reserve  
2 fund, and may certify taxes not to exceed two and one-half mills on  
3 the dollar of taxable value each year to be levied for the fund  
4 for the purpose of accumulating moneys for the financing of speci-  
5 fied capital improvements, or carrying out a specific capital improve-  
6 ment plan.

7 The question of the establishment of a capital improvements re-  
8 serve fund, the time period during which a levy will be made for the  
9 fund, and the millage to be levied therefor is subject to approval by  
10 the voters, and may be submitted at any city election upon the coun-  
11 cil's motion, or shall be submitted at the next regular city election  
12 upon receipt of a valid petition as provided in section four (4) of  
13 this Act.

14 If a continuing capital improvements levy is established by elec-  
15 tion, it may be terminated in the same manner, upon the council's  
16 motion or upon petition. Balances in a capital improvements reserve  
17 fund are not unencumbered or unappropriated funds for the pur-  
18 pose of reducing tax levies. Transfers may be made between the  
19 capital improvements reserve fund, construction funds, and the gen-  
20 eral fund, as provided in rules promulgated by the city finance com-  
21 mittee created in section ninety-four (94) of this Act.

1 SEC. 89. A city may establish an emergency fund and may certify  
2 taxes not to exceed one mill on the dollar of taxable value each year  
3 to be levied for the fund. Transfers may be made from the emer-  
4 gency fund to the general fund as provided in rules promulgated by  
5 the city finance committee created in section ninety-four (94) of this  
6 Act.

1 SEC. 90. A city may establish other funds and may certify taxes  
2 to be levied for the funds as provided by state law. The status of  
3 each account or fund must be included in the annual report required  
4 in section one hundred three (103) of this Act.

1 SEC. 91. A city may negotiate short-term loans, and may issue  
2 warrants as provided in chapter seventy-four (74) of the Code, in  
3 anticipation of and not in excess of its estimated revenues for the  
4 current fiscal year, except that natural disaster loans from the state  
5 or federal government may be negotiated in anticipation of reve-  
6 nues for a period of time longer than the current fiscal year.

1 SEC. 92. On or before the third Monday of each month, the county  
2 treasurer shall pay to each city the tax revenues collected for each  
3 city fund up to the first day of that month, and the city shall credit  
4 the revenues to the proper fund and shall issue a receipt to the county  
5 treasurer.

1 SEC. 93. A city may certify, for the general fund levy, taxes  
2 which are not subject to the thirty-mill limit provided in section  
3 eighty-two (82) of this Act, and which are in addition to any other  
4 moneys the city may wish to spend for such purposes, as follows:

5 1. A tax not to exceed one-half mill for voting machines, as pro-  
6 vided in section fifty-two point three (52.3) of the Code.

7 2. A tax not to exceed one-half mill for the support of a municipi-  
8 pal band, subject to the following:

- 9 a. Upon receipt of a petition valid under the provisions of section  
10 four (4) of this Act, the council shall submit to the voters at the next  
11 regular city election the question of whether a tax shall be levied.
- 12 b. If a majority approves the levy, it may be imposed.
- 13 c. The levy can be eliminated by the same procedure of petition  
14 and election.
- 15 d. A tax authorized by an election held prior to the effective date  
16 of this Act may be continued until eliminated by the council, or by  
17 petition and election.
- 18 3. A tax not to exceed five mills for development, operation, and  
19 maintenance of a memorial building or monument, subject to the pro-  
20 cedure provided in subsection two (2) of this section.
- 21 4. A tax not to exceed one-eighth mill for support of a symphony or-  
22 chestra, subject to the provisions of subsection two (2) of this section.
- 23 5. A tax not to exceed one mill for the operation of cultural and  
24 scientific facilities, subject to the provisions of subsection two (2)  
25 of this section, except that the question may be submitted on the  
26 council's own motion.
- 27 6. A tax to aid in the construction of a county bridge, subject to  
28 the provisions of subsection two (2) of this section, except that the  
29 question must be submitted at a special election. The expense of a  
30 special election under this subsection must be paid by the county.  
31 The notice of the special election must include full details of the pro-  
32 posal, including the location of the proposed bridge, the rate of tax  
33 to be levied, and all other conditions.
- 34 7. A tax to aid a company incorporated under the laws of this  
35 state in the construction of a highway or combination bridge across  
36 any navigable boundary river of this state, commencing or terminat-  
37 ing in the city and suitable for use as highway, or for both highway  
38 and railway purposes. This tax levy is subject to the provisions of  
39 subsections two (2) and six (6) of this section. The levy is limited  
40 to one-half of one percent of the assessed value of taxable prop-  
41 erty in the city. The estimated cost of the bridge must be at least  
42 ten thousand dollars, and the city aid may not exceed one-half of the  
43 estimated cost. The notice of the special election must include the  
44 name of the corporation to be aided, and all conditions required of  
45 the corporation. Tax moneys received for this purpose may not be  
46 paid over by the county treasurer until the city has filed a statement  
47 that the corporation has complied with all conditions.
- 48 8. If a tax has been voted for aid of a bridge under subsection  
49 seven (7) of this section, a further tax may be voted for the purpose  
50 of purchasing the bridge, subject to the provisions of subsection two  
51 (2) of this section. The levy under this subsection is limited to one  
52 and one-fourth percent of the assessed value of the taxable property  
53 in the city, payable in not less than ten annual installments.
- 54 9. A tax for the purpose of carrying out the terms of a contract for  
55 the use of a bridge by a city situated on a river over which a bridge has  
56 been built. The tax may not exceed two and one-half mills each year.
- 57 10. A tax for aid to a public transportation company, subject to  
58 the procedure provided in subsection two (2) of this section, except  
59 the question must be submitted at a special election. The levy is  
60 limited to one-eighth mill. In addition to any other conditions the

61 following requirements must be met before moneys received for  
62 this purpose may be paid over by the county treasurer:

63 a. The public transportation company shall provide the city with  
64 copies of state and federal income tax returns for the five years pre-  
65 ceding the year for which payment is contemplated or for such lesser  
66 period of time as the company has been in operation.

67 b. The city shall, in any given year, be authorized to pay over only  
68 such sums as will yield not to exceed two percent of the public trans-  
69 portation company's investment as the same is valued in its tax depre-  
70 ciation schedule, provided that corporate profits and losses for the  
71 five preceding years or for such lesser period of time as the company  
72 has been in operation shall not average in excess of a two percent net  
73 return. Taxes levied under this subsection may not be used to sub-  
74 sidize losses incurred prior to the election required by this subsec-  
75 tion.

76 11. A tax for the operation and maintenance of a municipal tran-  
77 sit system, and for the creation of a reserve fund for the system, in  
78 an amount not to exceed two mills each year, when the revenues  
79 from the transit system are insufficient for such purposes, but pro-  
80 ceeds of the tax may not be used to pay interest and principal on  
81 bonds issued for the purposes of the transit system.

82 12. If a city has entered into a lease of a building or complex of  
83 buildings to be operated as a civic center, a tax sufficient to pay the  
84 installments of rent and for maintenance, insurance, and taxes not  
85 included in the lease rental payments.

86 13. A tax not to exceed one-half mill each year for operating and  
87 maintaining a civic center owned by a city.

88 14. A tax not to exceed one-fourth mill for planning a sanitary dis-  
89 posal project.

90 15. A tax not to exceed one mill each year for an aviation author-  
91 ity as provided in section three hundred thirty A point fifteen  
92 (330A.15) of the Code.

93 16. If a city has joined with the county to form an authority for  
94 a joint county-city building, as provided in section two hundred  
95 eighty-two (282) of this Act, and has entered into a lease with the  
96 authority, a tax sufficient to pay the annual rent payable under the  
97 lease.

98 17. A tax not to exceed one-fourth mill each year for a levee im-  
99 provement fund in special charter cities as provided in section four  
100 hundred twenty point one hundred fifty-five (420.155) of the Code.

101 18. A tax not to exceed one and one-fourth percent on the assessed  
102 value to aid a railway as provided in section four hundred eighty-  
103 three point one (483.1) of the Code.

104 19. A tax not to exceed three-fourths mill each year to maintain  
105 an institution received by gift or devise, as provided in section five  
106 hundred sixty-five point eight (565.8) of the Code.

107 20. A tax to pay the premium costs on tort liability insurance as  
108 provided in section six hundred thirteen A point seven (613A.7) of  
109 the Code.

#### PART 2. BUDGETING AND ACCOUNTING.

1 SEC. 94. As used in this part, unless the context otherwise re-  
2 quires, "committee" means the city finance committee. A nine-mem-

3 ber city finance committee is hereby created. Members of the com-  
4 mittee are:

5 1. The auditor of state or his designee.

6 2. The state comptroller or his designee.

7 3. A representative of the division of municipal affairs within the  
8 office for planning and programming, to be designated by the direc-  
9 tor of the office for planning and programming.

10 4. Four city officials who are regularly involved in budget prepa-  
11 ration. One official must be from a city with a population of at  
12 least two thousand but not over five thousand, one from a city with  
13 a population of over five thousand but not over fifteen thousand, one  
14 from a city with a population of over fifteen thousand but not over  
15 fifty thousand, and one from a city with a population of over fifty  
16 thousand. The governor shall select and appoint, with the approval  
17 of two-thirds of the members of the senate, the city officials.

18 5. One certified public accountant experienced in city accounting,  
19 to be selected and appointed by the governor, with the approval of  
20 two-thirds of the members of the senate.

21 6. One operations research analyst experienced in cost effective-  
22 ness analysis of city services to be selected by, and serve at the pleas-  
23 ure of, the budget and financial control committee of the general  
24 assembly.

25 City official members and the certified public accountant are ap-  
26 pointed for a four-year term, except that of the initial appointments,  
27 two city official members are to be appointed for a two-year term.  
28 When a city official member no longer holds the office which qualified  
29 him for appointment, he may no longer be a member of the commit-  
30 tee. Any person appointed to fill a vacancy during a term is ap-  
31 pointed to serve for the unexpired portion of the term. Any mem-  
32 ber is eligible for reappointment, but no member shall be appointed  
33 to serve more than two complete terms.

1 SEC. 95. The committee is located for administrative purposes  
2 within the office of the state comptroller. The comptroller shall pro-  
3 vide office space, staff assistance, and shall budget funds to cover  
4 expenses of the committee.

5 Each member is entitled to receive his actual and necessary ex-  
6 penses incurred in the performance of committee duties. Each mem-  
7 ber other than the state official members is also entitled to receive  
8 thirty dollars compensation for each day spent in performance of  
9 committee duties.

1 SEC. 96. The committee shall:

2 1. Promulgate rules relating to budget amendments and the pro-  
3 cedures for transferring moneys between funds, and other rules  
4 and regulations necessary or desirable in order to exercise its powers  
5 and perform its duties. The committee's rules are subject to chap-  
6 ter seventeen A (17A) of the Code, as applicable.

7 2. Select its officers, except that the state comptroller or his desig-  
8 nee shall serve as chairman.

9 3. Establish guidelines for program-performance budgeting and  
10 accounting and the preparation of capital improvement plans by  
11 cities. The guidelines should provide that budgets, accounts, and  
12 financial reports of cities account for all city receipts and expendi-

13 tures in terms of city government programs and anticipated or ac-  
14 tual performance levels within each program wherever practicable.  
15 The guidelines and the deadlines for initiation of program-perform-  
16 ance budgeting and accounting and for preparation of capital im-  
17 provement plans may be modified for different cities. However, as  
18 soon as practicable, the committee may require all cities of over two  
19 thousand population to prepare and adopt a tentative budget for a  
20 two-year or a three-year period and a capital improvement plan for  
21 a five-year period. The budget for the second and third following  
22 years may be less detailed than that for the next following year. A  
23 city shall hold a public hearing on its capital improvement plan be-  
24 fore adoption of the plan. The committee shall, where practicable,  
25 utilize recommendations from the national committee on govern-  
26 mental accounting.

27 4. Review and comment on the form of proposed budgets of  
28 selected cities, chosen as determined by its rules. The committee  
29 may require the submission of a city's form of budget presentation  
30 at any time. The committee shall not disapprove the form of any  
31 proposed budget which substantially meets the guidelines it has es-  
32 tablished, but may make recommendations to a city for improvement  
33 of its subsequent budgets at the earliest practicable time. If the  
34 committee disapproves the form of a proposed city budget, it shall  
35 notify the mayor as soon as possible, and shall specify in detail the  
36 changes recommended before future budgets will be acceptable. At  
37 the request of the council, at least two members of the committee  
38 shall meet with city officials to advise and assist them in complying  
39 with the recommendations of the committee.

40 5. Conduct studies of municipal revenues and expenditures, in-  
41 cluding comparative evaluations of the efficiency and effectiveness  
42 of programs of public service in comparable cities. Study areas  
43 may be selected each year by the committee. Cities must submit  
44 any information requested by the committee during the conduct of  
45 any of its studies. Forty-five days prior to the approval of any  
46 study by the committee, a draft report must be made available to  
47 each city mentioned in the study and written comments of any such  
48 city must be attached to the final report describing the study.

1 SEC. 97. Annually, a city shall prepare and adopt a budget, and  
2 shall certify taxes as follows:

3 1. A budget must be prepared for at least the following fiscal year.  
4 When required by rules of the committee, a tentative budget must be  
5 prepared for one or two ensuing years. A proposed budget must  
6 show estimates of the following:

7 a. Expenditures for each program.

8 b. Income from sources other than property taxation.

9 c. Amount to be raised by property taxation, and the property tax  
10 rate expressed in dollars per one thousand dollars assessed valuation.

11 A budget must show comparisons between the estimated expendi-  
12 tures in each program in the following year and the actual expendi-  
13 tures in each program during the two preceding years. Wherever  
14 practicable, as provided in rules of the committee, a budget must  
15 show comparisons between the levels of service provided by each  
16 program as estimated for the following year, and actual levels of  
17 service provided by each program during the two preceding years.

18 2. Not less than twenty days before the date that a budget must  
19 be certified to the county auditor, the clerk shall provide a sufficient  
20 number of copies of the budget to meet reasonable demands of tax-  
21 payers, and have them available for distribution at the offices of the  
22 mayor and clerk and at the city library, if any, or at three places  
23 designated by ordinance for posting notices.

24 3. The council shall set a time and place for public hearing on the  
25 budget before the final certification date and shall publish notice  
26 before the hearing as provided in section three (3) of this Act.  
27 Proof of publication must be filed with the county auditor.

28 4. At the hearing, any resident or taxpayer of the city may pre-  
29 sent to the council objections to any part of the budget for the fol-  
30 lowing fiscal year or arguments in favor of any part of the budget.

31 5. After the hearing, the council shall adopt a budget for at least  
32 the following fiscal year, and the clerk shall certify the necessary  
33 tax levy for the following year to the county auditor and the county  
34 board of supervisors. The tax levy certified may be less than but  
35 not more than the amount estimated in the proposed budget, unless  
36 an additional tax levy is approved at a city election. A copy of the  
37 complete budget as adopted must be transmitted to the county audi-  
38 tor and the state comptroller.

1 SEC. 98. At the time required by law, the county board of super-  
2 visors shall levy the taxes necessary for each city fund for the fol-  
3 lowing fiscal year. The levy must be as shown in the adopted city  
4 budget and as certified by the clerk, subject to any changes made  
5 after a protest hearing, and any additional tax rates approved at  
6 a city election. A city levy is not valid until proof of publication or  
7 posting of notice of a budget hearing is filed with the county auditor.

1 SEC. 99. A city budget as finally adopted for the following fiscal  
2 year becomes effective January first and constitutes the city appro-  
3 priation for each program and purpose specified therein until  
4 amended as provided in this section. A city budget for the current  
5 fiscal year may be amended for any of the following purposes:

6 1. To permit the appropriation and expenditure of unexpended,  
7 unencumbered cash balances on hand at the end of the preceding  
8 fiscal year which had not been anticipated in the budget.

9 2. To permit the appropriation and expenditure of amounts antici-  
10 pated to be available from sources other than property taxation, and  
11 which had not been anticipated in the budget.

12 3. To permit transfers from the debt service fund, the capital im-  
13 provements reserve fund, the emergency fund, or other funds estab-  
14 lished by state law, to any other city fund, unless specifically pro-  
15 hibited by state law.

16 4. To permit transfers between programs within the general fund.  
17 A budget amendment must be prepared and adopted in the same  
18 manner as the original budget, as provided in section ninety-seven  
19 (97) of this Act, and is subject to protest as provided in section one  
20 hundred (100) of this Act, except that the committee may by rule  
21 provide that amendments of certain types or up to certain amounts  
22 may be made without public hearing and without being subject to  
23 protest.

1     SEC. 100. Within a period of ten days after the final date that a  
2 budget or amended budget may be certified to the county auditor,  
3 persons affected by the budget may file a written protest with the  
4 county auditor, specifying their objections to the budget or any part  
5 of it. A protest must be signed by qualified voters equal in number  
6 to one-fourth of one percent of the votes cast for governor in the last  
7 preceding general election in the city, but not less than ten persons,  
8 and at least three of the signers must have filed a written objection  
9 or appeared and objected to the budget at the budget hearing held  
10 by the council.

11     Upon the filing of any such protest, the county auditor shall imme-  
12 diately prepare a true and complete copy of the written protest, to-  
13 gether with the budget to which the objections are made, and shall  
14 transmit the same forthwith to the state appeal board, and shall also  
15 send a copy of the protest to the council.

16     The state appeal board shall proceed to consider the protest in  
17 accordance with the same provisions that protests to budgets of  
18 municipalities are considered under chapter 24 of the Code, except  
19 that final disposition of appeals of city budgets shall be made on or  
20 before November 24 of each year. The state appeal board shall  
21 certify its decision with respect to the protest to the county auditor,  
22 and such decision shall be final.

23     The county auditor shall make up his records in accordance with  
24 such decision and the levying board shall make its levy in accordance  
25 therewith. Upon receipt of such decision, the county auditor shall  
26 immediately notify both parties thereof, whereupon the council  
27 shall correct its records accordingly, if necessary.

1     SEC. 101. A city shall keep separate accounts corresponding to  
2 the programs and items in its adopted or amended budget, as rec-  
3 ommended by the committee.

4     A city shall keep accounts which show an accurate and detailed  
5 statement of all public funds collected, received, or expended for  
6 any city purpose, by any city officer, employee, or other person, and  
7 which show the receipt, use, and disposition of all city property.  
8 Public moneys may not be expended or encumbered except under an  
9 annual or continuing appropriation.

1     SEC. 102. If a city has an encumbrance system and encumbrances  
2 are not liquidated by December thirty-first of the year in which obli-  
3 gations have been encumbered, such unliquidated encumbrances may  
4 be retained upon the books of the city until liquidated, all in accord-  
5 ance with generally accepted governmental accounting practices  
6 approved by the committee. Liquidated encumbrances must be re-  
7 ported in the same manner as expended funds.

1     SEC. 103. Not later than April first of each year, a city shall  
2 publish an annual report as provided in section three (3) of this  
3 Act containing a summary for the preceding fiscal year of all collec-  
4 tions and receipts, all accounts due the city, and all expenditures,  
5 the current public debt of the city, and the legal debt limit of the  
6 city for the current fiscal year. A copy of this report must be fur-  
7 nished to the auditor of state.



## PART 3. GENERAL OBLIGATION BONDS.

1 SEC. 104. As used in parts three (3) through six (6) inclusive,  
 2 of this division, the use of the conjunctive "and" includes the disjunctive  
 3 "or" and the use of the disjunctive "or" includes the conjunctive  
 4 "and", unless the context clearly indicates otherwise.

1 SEC. 105. As used in this part, unless the context otherwise re-  
 2 quires:

3 1. "General obligation bond" means a negotiable bond issued by  
 4 a city and payable from the levy of unlimited ad valorem taxes on  
 5 all the taxable property within the city through its debt service  
 6 fund which is required to be established by section eighty-five (85)  
 7 of this Act.

8 2. "City enterprise" means any of the following, including the  
 9 real estate, fixtures, equipment, accessories, appurtenances, and all  
 10 property necessary or useful for the operation of any of the follow-  
 11 ing:

12 a. Parking facilities systems, which may include parking lots and  
 13 other off-street parking areas, parking ramps and structures on,  
 14 above, or below the surface, parking meters, both on-street and off-  
 15 street, and all other fixtures, equipment, accessories, appurtenances,  
 16 and requisites useful for the successful operation of a parking facili-  
 17 ties system.

18 b. Civic centers or civic center systems, which may include audi-  
 19 toriums, music halls, theatres, sports arenas, armories, exhibit halls,  
 20 meeting rooms, convention halls, or combinations of these.

21 c. Recreational facilities or recreational facilities systems, in-  
 22 cluding, without limitation, real and personal property, water, build-  
 23 ings, improvements, and equipment useful and suitable for admin-  
 24 istering recreation programs, and also including without limitation,  
 25 zoos, museums, and centers for art, drama, and music, as well as  
 26 those programs more customarily identified with the term "recrea-  
 27 tion" such as public sports, games, pastimes, diversions, and amuse-  
 28 ment, on land or water, whether or not such facilities are located in  
 29 or as a part of any public park.

30 d. Port facilities or port facilities systems, including without lim-  
 31 itation, real and personal property, water, buildings, improvements  
 32 and equipment useful and suitable for taking care of the needs of  
 33 commerce and shipping, and also including without limitation,  
 34 wharves, docks, basins, piers, quay walls, warehouses, tunnels, belt  
 35 railway facilities, cranes, dock apparatus, and other machinery nec-  
 36 essary for the convenient and economical accommodation and hand-  
 37 ling of watercraft of all kinds and of freight and passengers.

38 e. Airport and airport systems.

39 f. Solid waste collection systems and disposal systems.

40 g. Bridge and bridge systems.

41 h. Hospital and hospital systems.

42 i. Transit systems.

43 j. Stadiums.

44 3. "Essential corporate purpose" means:

45 a. The opening, widening, extending, grading, and draining the  
 46 right-of-way of streets, highways, avenues, alleys, public grounds,  
 47 and market places, and the removal and replacement of dead or dis-  
 48 eased trees thereon; the construction, reconstruction, and repairing

49 of any street improvements; the acquisition, installation, and repair  
50 of traffic control devices; and the acquisition of real estate needed for  
51 any of the foregoing purposes.

52 b. The acquisition, construction, improvement, and installation  
53 of street lighting fixtures, connections, and facilities.

54 c. The construction, reconstruction, and repair of sidewalks and  
55 pedestrian underpasses and overpasses, and the acquisition of real  
56 estate needed for such purposes.

57 d. The acquisition, construction, reconstruction, extension, im-  
58 provement, and equipping of works and facilities useful for the col-  
59 lection, treatment, and disposal of sewage and industrial waste in  
60 a sanitary manner, for the collection and disposal of solid waste,  
61 and for the collection and disposal of surface waters and streams.

62 e. The acquisition, construction, reconstruction, enlargement, im-  
63 provement, and repair of bridges, culverts, viaducts, underpasses,  
64 grade crossing separations, and approaches thereto.

65 f. The settlement, adjustment, renewing, or extension of any part  
66 or all of the legal indebtedness of a city, whether evidenced by bonds,  
67 warrants, or judgments, or the funding or refunding of the same,  
68 whether or not such indebtedness was created for a purpose for  
69 which general obligation bonds might have been issued in the original  
70 instance.

71 g. The undertaking of any project jointly or in cooperation with  
72 any other governmental body which, if undertaken by the city alone,  
73 would be for an essential corporate purpose, including the joint pur-  
74 chase, acquisition, construction, ownership, or control of any real  
75 or personal property.

76 h. The acquisition, construction, reconstruction, improvement, and  
77 extension of works and facilities useful for the control and elimina-  
78 tion of any and all sources of air, water, and noise pollution, and the  
79 acquisition of real estate needed for such purposes.

80 i. The acquisition, construction, reconstruction, and improvement  
81 of all waterways, and real and personal property, useful for the pro-  
82 tection or reclamation of property situated within the corporate lim-  
83 its of cities from floods or high waters, and for the protection of  
84 property in cities from the effects of flood waters, including the deep-  
85 ening, widening, alteration, change, diversion, or other improvement  
86 or watercourses, within or without the city limits, the construction  
87 of levees, embankments, structures, impounding reservoirs, or con-  
88 duits, and the establishment, improvement, and widening of streets,  
89 avenues, boulevards, and alleys across and adjacent to the project,  
90 as well as the development and beautification of the banks and other  
91 areas adjacent to flood control improvements.

92 j. The equipping of fire, police, sanitation, street, and civil defense  
93 departments.

94 k. The acquisition and improvement of real estate for cemeteries,  
95 and the construction, reconstruction, and repair of receiving vaults,  
96 mausoleums, and other cemetery facilities.

97 l. The acquisition of ambulances and ambulance equipment.

98 4. "General corporate purpose" means:

99 a. The acquisition, construction, reconstruction, extension, im-  
100 provement, and equipping of city utilities, city enterprises, and pub-  
101 lic improvements as defined in section one hundred eighteen (118)

102 of this Act, other than those which are essential corporate purposes.  
 103 b. The acquisition, construction, reconstruction, enlargement, im-  
 104 provement, and equipping of community center houses, recreation  
 105 grounds, recreation buildings, juvenile playgrounds, swimming pools,  
 106 recreation centers, parks, and golf courses, and the acquisition of  
 107 real estate therefor.

108 c. The acquisition, construction, reconstruction, enlargement, im-  
 109 provement, and equipping of city halls, jails, police stations, fire sta-  
 110 tions, garages, libraries, and hospitals, including buildings to be  
 111 used for any combination of the foregoing purposes, and the acquisi-  
 112 tion of real estate therefor.

113 d. The acquisition, construction, reconstruction, and improvement  
 114 of dams.

115 e. The removal, replacement, and planting of trees, other than  
 116 those on public right-of-way.

117 f. The acquisition, purchase, construction, reconstruction, and im-  
 118 provement of greenhouses, conservatories, and horticultural centers  
 119 for growing, storing, and displaying trees, shrubs, plants, and flowers.

120 g. The aiding in the planning, undertaking, and carrying out of  
 121 urban renewal projects under the authority of chapter four hundred  
 122 three (403) of the Code, and all of the purposes set out in section  
 123 four hundred three point twelve (403.12) of the Code.

124 h. The undertaking of any project jointly or in cooperation with  
 125 any other governmental body which, if undertaken by the city alone,  
 126 would be for a general corporate purpose, including the joint pur-  
 127 chase, acquisition, construction, ownership, or control of any real  
 128 or personal property.

129 i. Any other facilities or improvements which are necessary for  
 130 the operation of the city or the health and welfare of its citizens.

131 5. The "cost" of any project for an essential corporate purpose or  
 132 general corporate purpose includes construction contracts and the  
 133 cost of engineering, architectural, technical, and legal services, pre-  
 134 liminary reports, property valuations, estimates, plans, specifica-  
 135 tions, notices, acquisition of real and personal property, consequen-  
 136 tial damages or costs, easements, rights-of-way, supervision, inspec-  
 137 tion, testing, publications, printing and sale of bonds, and provi-  
 138 sions for contingencies.

1 SEC. 106.

2 1. A city which proposes to carry out any essential corporate pur-  
 3 pose within or without its corporate limits, and to contract indebt-  
 4 edness and issue general obligation bonds to provide funds to pay  
 5 all or any part of the cost of a project must do so in accordance with  
 6 the provisions of this division.

7 2. Before the council may institute proceedings for the issuance  
 8 of bonds for an essential corporate purpose, a notice of the proposed  
 9 action, including a statement of the amount and purposes of the  
 10 bonds, and the time and place of the meeting at which the council  
 11 proposes to take action for the issuance of the bonds, must be pub-  
 12 lished as provided in section three (3) of this Act. At the meeting,  
 13 the council shall receive oral or written objections from any resident  
 14 or property owner of the city. After all objections have been re-  
 15 ceived and considered, the council may, at that meeting or any ad-  
 16 journment thereof, take additional action for the issuance of the

17 bonds or abandon the proposal to issue the bonds. Any resident or  
 18 property owner of the city may appeal the decision of the council  
 19 to take additional action to the district court of the county in which  
 20 any part of the city is located, within fifteen days after the additional  
 21 action is taken, but the additional action of the council is final and  
 22 conclusive unless the court finds that the council exceeded its author-  
 23 ity. The provisions of this subsection with respect to notice, hearing,  
 24 and appeal, are in lieu of the provisions contained in chapter twenty-  
 25 three (23) of the Code, or any other law.

1 SEC. 107.

2 1. A city which proposes to carry out any general corporate pur-  
 3 pose within or without its corporate limits, and to contract indebted-  
 4 ness and issue general obligation bonds to provide funds to pay all  
 5 or any part of the costs of a project, must do so in accordance with  
 6 the provisions of this division.

7 2. Before the council may institute proceedings for the issuance  
 8 of bonds for a general corporate purpose, it shall call a special city  
 9 election to vote upon the question of issuing the bonds. At the elec-  
 10 tion the proposition must be submitted in the following form:

11 "Shall the (insert the name of the city) issue its bonds in an  
 12 amount not exceeding the amount of \$..... for the purpose of  
 13 .....

14 3. Notice of the election must be given by publication once each  
 15 week for at least three consecutive weeks in a newspaper of general  
 16 circulation in the city. The notice must state the date of the elec-  
 17 tion, the hours of opening and closing the polls and the location  
 18 thereof, and the question to be submitted. The election must be held  
 19 on a date not less than five nor more than twenty days after the last  
 20 publication of the notice. Such notice is sufficient and is in lieu of  
 21 any other notice required by any other statute. At the election the  
 22 ballot used for the submission of the proposition must be in substan-  
 23 tially the form for submitting special questions at general elections.

24 4. The proposition of issuing general corporate purpose bonds is  
 25 not carried or adopted unless the vote in favor of the proposition is  
 26 equal to at least sixty percent of the total vote cast for and against  
 27 the proposition at the election. If the proposition of issuing the  
 28 general corporate purpose bonds is approved by the voters, the city  
 29 may proceed with the issuance of the bonds.

1 SEC. 108.

2 1. A city may sell general obligation bonds at public or private  
 3 sale in the manner prescribed by chapter seventy-five (75) of the  
 4 Code.

5 2. General obligation funding or refunding bonds issued for the  
 6 purposes specified in section one hundred five (105), subsection three  
 7 (3), paragraph f, of this Act may be exchanged for the evidences of  
 8 the legal indebtedness being funded or refunded, or such funding or  
 9 refunding bonds may be sold in the manner prescribed by chapter  
 10 seventy-five (75) of the Code and the proceeds applied to the pay-  
 11 ment of such indebtedness. Funding or refunding bonds may bear  
 12 interest at the same rate as, or at a higher or lower rate or rates  
 13 of interest than the indebtedness being funded or refunded.

1     SEC. 109. A city may issue general obligation bonds pursuant to  
2 a resolution adopted at a regular or special meeting by a majority  
3 of the total number of members to which the council is entitled.  
4 Each paragraph of section one hundred five (105), subsections three  
5 (3) and four (4), of this Act, describes a separate category. Sep-  
6 arate categories of essential corporate purposes and of general cor-  
7 porate purposes may be incorporated in a single notice of intention  
8 to institute proceedings for the issuance of bonds, or separate cate-  
9 gories may be incorporated in separate notices, and after an oppor-  
10 tunity has been provided for filing objections, or after a favorable  
11 election has been held, if required, the council may include in a sin-  
12 gle resolution and sell as a single issue of bonds, any number or  
13 combination of essential corporate purposes or general corporate pur-  
14 poses. If an essential corporate purpose is combined with a general  
15 corporate purpose in a single notice of intention to institute proceed-  
16 ings to issue bonds, then the entire issue is subject to the referendum  
17 requirement provided in section one hundred seven (107) of this Act.

1     SEC. 110. As provided by resolution of the council, general obli-  
2 gation bonds may:

- 3     1. Bear dates.
- 4     2. Bear interest at rates not exceeding the limitations imposed by  
5 chapter seventy-five (75) of the Code.
- 6     3. Mature in one or more installments.
- 7     4. Be in either coupon or registered form.
- 8     5. Carry registration and conversion privileges.
- 9     6. Be payable as to principal and interest at times and places.
- 10    7. Be subject to terms of redemption prior to maturity with or  
11 without premium.
- 12    8. Be in one or more denominations.
- 13    9. Be designated with a brief reference to purpose, or if issued  
14 for a combination of purposes, be designated "corporate purpose  
15 bond".
- 16    10. Contain other provisions not in conflict with the laws of the  
17 state of Iowa.

1     SEC. 111. General obligation bonds must be executed by the  
2 mayor and city clerk. If coupons are attached to the bonds, they  
3 must be executed with the original or facsimile signature of the clerk.  
4 A general obligation bond is valid and binding if it bears the sig-  
5 natures of the officers in office on the date of the execution of the  
6 bonds, notwithstanding that any or all such persons whose signa-  
7 tures appear thereon have ceased to be such officers prior to the  
8 delivery thereof.

1     SEC. 112. General obligation bonds issued pursuant to this part  
2 are negotiable instruments.

1     SEC. 113. Taxes for the payment of general obligation bonds  
2 must be levied in accordance with chapter seventy-six (76) of the  
3 Code, and the bonds are payable from the levy of unlimited ad va-  
4 lorem taxes on all the taxable property within the city through its  
5 debt service fund authorized by section eighty-five (85) of this Act.

1     SEC. 114. No action may be brought which questions the legal-  
2 ity of general obligation bonds or the power of the city to issue the

3 bonds or the effectiveness of any proceedings relating to the authori-  
4 zation and issuance of the bonds from and after sixty days from  
5 the time the bonds are ordered issued by the city.

1 SEC. 115. The provisions of chapter twenty-four (24) of the  
2 Code do not apply to any bonds issued pursuant to this part.

1 SEC. 116. The enumeration in this part of specified powers and  
2 functions is not a limitation of the powers of cities, but the provi-  
3 sions of this part and the procedures prescribed for exercising the  
4 powers and functions enumerated in this part shall control and gov-  
5 ern in the event of any conflict with the provisions of any other sec-  
6 tion, part, or division of this Act or with the provisions of any other  
7 law.

1 SEC. 117. Projects and proceedings for the issuance of general  
2 obligation bonds commenced before the effective date of this Act may  
3 be consummated and completed as required or permitted by any stat-  
4 ute or other law amended or repealed by this Act as though the repeal  
5 or amendment had not occurred, and the rights, duties, and interests  
6 flowing from such projects and proceedings remain valid and enforce-  
7 able. Without limiting the foregoing, projects commenced prior to  
8 the effective date may be financed by the issuance of general obli-  
9 gation bonds under any such amended or repealed law or by the issu-  
10 ance of general obligation bonds under this Act. For the purposes  
11 of this section, commencement of a project includes but is not lim-  
12 ited to action taken by the council or authorized officer to fix a date  
13 for a hearing in connection with any part of the project, and com-  
14 mencement of proceedings for the issuance of general obligation  
15 bonds includes but is not limited to action taken by the council to  
16 fix a date for either a hearing or a sale in connection with any part  
17 of the general obligation bonds, or to order any part thereof to be  
18 issued.

#### PART 4. SPECIAL ASSESSMENTS.

1 SEC. 118. As used in this part, unless the context otherwise re-  
2 quires:

- 3 1. "Public improvement" includes the principal structures, works,  
4 component parts, and accessories of any of the following:
  - 5 a. Sanitary, storm, and combined sewers.
  - 6 b. Drainage conduits, channels, and levees.
  - 7 c. Street grading, paving, graveling, macadamizing, curbing, gut-  
8 tering, and surfacing with oil, oil and gravel, or chloride.
  - 9 d. Street lighting fixtures, connections, and facilities.
  - 10 e. Sewage pumping stations, and disposal and treatment plants.
  - 11 f. Underground gas, water, heating, sewer, and electrical connec-  
12 tions located in streets for private property.
  - 13 g. Sidewalks and pedestrian underpasses or overpasses.
  - 14 h. Drives and driveway approaches located within the public right-  
15 of-way.
  - 16 i. Waterworks, water mains, and extensions.
  - 17 j. Plazas, arcades, and malls.
  - 18 k. Parking facilities.
  - 19 l. Removal of diseased or dead trees from any public place, pub-  
20 licly owned right-of-way, or private property.

21 2. "Construction" includes materials, labor, acts, operations, and  
22 services necessary to complete a public improvement.

23 3. "Repair" includes materials, labor, acts, operations, and serv-  
24 ices necessary for the repair, reconstruction, reconstruction by wid-  
25 ening, or resurfacing of a public improvement.

26 4. "Street" means a public street, highway, boulevard, avenue,  
27 alley, parkway, public place, plaza, mall, or publicly owned right-of-  
28 way or easement within the limits of the city.

29 5. "Lot" means a lot, part of lot, tract, or parcel of land under  
30 one ownership, including improvements. Two or more contiguous  
31 lots, tracts, or parcels upon which a single improvement has been  
32 erected by a common owner are one lot for purposes of this part if  
33 such lots bear common improvements.

34 6. "Total cost" or "cost" of a public improvement includes the  
35 cost of engineering, preliminary reports, property valuations, esti-  
36 mates, plans, specifications, notices, legal services, acquisition of  
37 land, consequential damages or costs, easements, rights-of-way, con-  
38 struction, repair, supervision, inspection, testing, notices and publi-  
39 cation, interest during construction and for not more than six months  
40 thereafter, and printing and sale of bonds.

41 7. "Gravel" includes gravel, crushed rock, cinders, shale, and  
42 similar materials suitable for street construction or repair.

43 8. "Oil" means any asphaltic or bituminous material suitable for  
44 street construction or repair.

45 9. "Sewer" means structures designed, constructed, and used for  
46 the purpose of controlling or carrying off streams, surface waters,  
47 waste, or sanitary sewage.

48 10. "Main sewer" means a sewer which serves as an outlet for  
49 two or more lateral sewers, and which is commonly referred to as  
50 an intercepting sewer, outfall sewer, or trunk sewer.

51 11. "Lateral sewer" means a sewer which contributes sewage, or  
52 surface or ground water from a local area to a main sewer or outlet.

53 12. "Sewer systems" are composed of the main sewers, sewage  
54 pumping stations, treatment and disposal plants, lateral sewers,  
55 drainage conduits or channels, and sewer connections in public streets  
56 for private property.

57 13. "District" means the lots or parts of lots within boundaries  
58 established by the council for the purpose of the assessment of the  
59 cost of a public improvement.

60 14. "Private property" means all property within the district ex-  
61 cept streets.

62 15. "Abutting lot" means a lot which abuts or joins the street in  
63 which the public improvement is located or which abuts the right-of-  
64 way of the public improvement.

65 16. "Adjacent lot" means a lot within the district which does not  
66 abut upon the street or right-of-way of the public improvement.

67 17. "Street improvement" means the construction or repair of a  
68 street by grading, paving, curbing, guttering, and surfacing with oil,  
69 oil and gravel, or chloride, and street lighting fixtures, connections,  
70 and facilities.

71 18. "Proposal" means a legal bid on work advertised for a public  
72 improvement under part six (6) of this division.

73 19. "Paving" means any kind of hard street surface, including,  
74 but not limited to, concrete, bituminous concrete, brick, stabilized  
75 gravel, or combinations of these, together with or without curb and  
76 gutter.

77 20. "Engineer" means a professional engineer, registered in the  
78 state of Iowa, authorized by the council to render services in connec-  
79 tion with the public improvement.

80 21. "Grade" means the longitudinal reference lines, as established  
81 by ordinance of the council, which designate the elevations at which  
82 a street or sidewalk is to be built.

83 22. "Final grade" means the grade to which the public improve-  
84 ment is proposed to be constructed or repaired as shown on the final  
85 plans adopted by the council.

86 23. "Railways" means all railways except street railways.

87 24. "Publication" means public notice given in the manner pro-  
88 vided in section three (3) of this Act.

89 25. "Property owner" or "owner" means the owner or owners of  
90 property, as shown by the transfer books in the office of the county  
91 auditor of the county in which the property is located.

92 26. "Parking facilities" means parking lots or other off-street  
93 areas for the parking of vehicles, including areas below or above the  
94 surface of streets.

1 SEC. 119. A city may assess to private property within the city  
2 the cost of construction and repair of public improvements within  
3 the city, and main sewers, sewage pumping stations, disposal and  
4 treatment plants, waterworks, water mains, extensions, and drainage  
5 conduits extending outside the city.

1 SEC. 120. Paving, curbing, guttering, or sidewalks may not be  
2 constructed unless the improvement, when completed, will be to  
3 grade.

1 SEC. 121. A city may include underground gas, water, heating,  
2 sewer, or electrical connections to the street or property line for pri-  
3 vate property as a part of the public improvement, or a city may  
4 order the property owner to make, repair, or relocate such connec-  
5 tions by publication of a notice once each week for two consecutive  
6 weeks in the manner provided by section three (3) of this Act, and  
7 if the order is not complied with at the end of thirty days after the  
8 date of the first publication, the city may cause the work to be done  
9 and assess the cost against the property served by the connection.

1 SEC. 122.

2 1. Property owners may initiate a plan for a public improvement  
3 to be paid for in whole or in part by special assessments, by written  
4 contract to be approved by the city and signed by all of the owners  
5 of record of all property affected by the proposed assessment. If  
6 all owners of record of all the property to be affected by the pub-  
7 lic improvement petition the council, said owners may, in their peti-  
8 tion, waive notice to property owners by publication and mailing, as  
9 provided in section one hundred thirty-one (131) of this Act, and  
10 the council may proceed to adopt a preliminary resolution, a plat,  
11 schedule and estimate, and resolution of necessity, and order prepa-  
12 ration of detailed plans and specifications. Special assessments initi-



13 ated without notice under this section are liens upon the property to  
 14 be affected by the assessment, to the same extent as provided in sec-  
 15 tion one hundred forty-six (146), subsection five (5), of this Act,  
 16 except that they shall be subordinate to any perfected lien unless  
 17 the holder of such perfected lien consents in writing to the initiation  
 18 of the public improvement.

19 2. A petition may be filed subsequent to the initiation by the coun-  
 20 cil of a plan for a public improvement, and if the petition is received  
 21 prior to advertising for bids, the public improvement petitioned for  
 22 may be added by amendment to the resolution of necessity. If the  
 23 petition is received subsequent to advertising for bids and prior to  
 24 the completion of the work under contract, the council may, in its  
 25 discretion, approve the petition and contract with the contractor at  
 26 a cost not to exceed the unit prices bid at public letting for the con-  
 27 struction of the public improvements petitioned for by property  
 28 owners.

29 3. This section does not limit the power of a city to initiate a pub-  
 30 lic improvement project on its own motion.

1 SEC. 123. To construct or repair a public improvement, the coun-  
 2 cil shall proceed as follows:

3 1. Arrange for engineering services to prepare the plats, sched-  
 4 ules, estimates of cost, plans, and specifications, and to supervise con-  
 5 struction of the proposed improvement.

6 2. Adopt a preliminary resolution by the vote of a majority of all  
 7 the members of the council. The preliminary resolution shall con-  
 8 tain the following:

9 a. A description of the types or alternate types of improvement  
 10 proposed.

11 b. The beginning and terminal points or general location of the  
 12 proposed improvement.

13 c. An order to the engineer to prepare preliminary plans and  
 14 specifications, estimated total cost of the work, and a plat and sched-  
 15 ule, and to file them with the clerk.

16 d. A general description of the property or a designation of the  
 17 lots which the council believes will be specially benefited by the im-  
 18 provement.

19 3. The preliminary resolution may also contain the following:

20 a. A statement of the proportion of the total cost which the coun-  
 21 cil proposes to assess against specially benefited property.

22 b. A short and convenient designation for the public improvement  
 23 by which it may be referred to in all subsequent proceedings.

24 4. A preliminary resolution may include more than one improve-  
 25 ment or class of improvement.

26 5. A single improvement may be in more than one locality or  
 27 street, and that portion of the street which has been improved by  
 28 any railway, or which the city may require the railway to improve  
 29 under franchise or contract, may be excluded.

1 SEC. 124. Preliminary plans and specifications must only be in  
 2 sufficient detail to advise any person interested of the general nature,  
 3 character, and type of the improvement.

1 SEC. 125. The estimated total cost of any public improvement  
 2 constructed under this part must include all of the items of cost

3 listed in section one hundred eighteen (118), subsection six (6), of  
 4 this Act, which the council proposes to include as a part of the cost  
 5 of the public improvement, and may include an item to be known  
 6 as the default fund amounting to not more than ten percent of the  
 7 portion of the total cost of the improvement which the council pro-  
 8 poses to assess against specially benefited property.

1 SEC. 126. The plat as prepared and filed by the engineer must  
 2 show the following information:

- 3 1. The boundaries of the district containing the lots proposed to  
 4 be assessed.
- 5 2. The location of each lot under separate ownership within the  
 6 district, including the property of all railways and utilities subject  
 7 to assessment.
- 8 3. The location of the improvement within the district, together  
 9 with the terminal points of all major parts proposed to be assessed.
- 10 4. The type and general details of the improvement.

1 SEC. 127. Upon completion of the plat, the council shall deter-  
 2 mine the valuation of each lot within the proposed assessment dis-  
 3 trict and shall report the valuations to the engineer, who shall show  
 4 such valuations on the schedule before it is filed with the clerk. A  
 5 valuation must be the present fair market value of the property with  
 6 the proposed public improvement completed. As an aid in determin-  
 7 ing valuations, the council may appoint a committee of three persons  
 8 skilled in the knowledge of real estate values within the city to ap-  
 9 praise the present fair market value of each lot within a district and  
 10 to file a written report of its appraisals with the council.

1 SEC. 128. The schedule, as prepared by the engineer, must show  
 2 the following information for each lot within the district:

- 3 1. A description of each lot and the name of the property owner.
- 4 2. The valuation of each lot as determined by the council.
- 5 3. The total amount proposed to be assessed to each lot, including  
 6 the assessment for the default fund, if any.
- 7 4. The amount of deficiency, if any, between the amount proposed  
 8 to be assessed and the proportion of the estimated total cost of the  
 9 public improvement allocated to each lot.

1 SEC. 129. When the plat, schedule, and estimate of cost have been  
 2 filed, the council may, before adopting a proposed resolution of neces-  
 3 sity, cause the estimate, valuation, or assessment of any lot or the  
 4 boundaries of the district as reported by the engineer to be amended,  
 5 and may adopt the plat, schedule, and estimate as amended or as filed.

1 SEC. 130. If, upon adoption of the plat, schedule, and estimate,  
 2 the council determines to proceed with all or any part of the public  
 3 improvement, it shall cause a proposed resolution of necessity to be  
 4 prepared and introduced.

- 5 1. The resolution of necessity must include all of the following:
  - 6 a. A brief description of the proposed public improvement.
  - 7 b. A statement that there is on file in the office of the clerk an  
 8 estimated total cost of the work, and a preliminary plat and sched-  
 9 ular showing the amount proposed to be assessed to each lot for the  
 10 improvement.

11 c. The date, time, and place the council will hear property owners  
12 subject to the assessment and interested parties for or against the  
13 improvement, its cost, the assessment, or the boundaries of the dis-  
14 trict.

15 2. A resolution of necessity may include:

16 a. Any number of streets or sewer lines for improvement.

17 b. All improvements which are included in the preliminary reso-  
18 lution.

19 c. A provision that unless a property owner files objections with  
20 the clerk at the time of hearing on the resolution of necessity, he is  
21 deemed to have waived all objections pertaining to the regularity  
22 of the proceeding and the legality of using the special assessment  
23 procedure.

1 SEC. 131. The clerk shall publish notice of the date, time, and  
2 place of the hearing once each week for two consecutive weeks in the  
3 manner provided by section three (3) of this Act, the first publication  
4 of which shall be not less than ten days before the date of the hear-  
5 ing. The notice must be in substantially the following form:

#### 6 NOTICE TO PROPERTY OWNERS

7 Notice is given that there is now on file for public inspection in the  
8 office of the clerk of ....., Iowa, a proposed resolution of neces-  
9 sity, an estimate of cost, and a plat and schedule showing the amounts  
10 proposed to be assessed against each lot and the valuation of each lot  
11 within a district approved by the council of ....., Iowa, for a  
12 ..... improvement of the type(s) and in the location(s) as  
13 follows: .....

14 The council will meet at ..... o'clock .....m., on .....,  
15 19....., at the ....., at which time the owners of property  
16 subject to assessment for the proposed improvement or any other  
17 person having an interest in the matter may appear and be heard  
18 for or against the making of the improvement, the boundaries of the  
19 district, the cost, the assessment against any lot, or the final adop-  
20 tion of a resolution of necessity. A property owner will be deemed  
21 to have waived all objections unless at the time of hearing he has  
22 filed objections with the clerk.

23 .....  
24 Clerk.

25 Not less than fifteen days before the hearing, the clerk shall send  
26 a copy of the notice by certified mail to each property owner whose  
27 property is subject to assessment for the improvement at the address  
28 as shown by the records of the county auditor. If a property is shown  
29 to be in the name of more than one owner at the same mailing ad-  
30 dress, a single notice may be mailed addressed to all owners at that  
31 address. Failure to receive a mailed notice is not a defense to the  
32 special assessment.

1 SEC. 132. The council shall meet as specified in the published  
2 notice, and after hearing all objections and endorsements from prop-  
3 erty owners and other persons having an interest in the matter, and  
4 after considering all filed, written objections, may adopt or amend  
5 and adopt the proposed resolution of necessity, or may defer action  
6 until a subsequent meeting. A resolution of necessity requires for

7 passage the vote of three-fourths of all the members of the council,  
8 or, in cities having but three members of the council, the vote of  
9 two members, and where a remonstrance has been filed with the  
10 clerk, signed by the owners subject to seventy-five percent of the  
11 amount of the proposed assessments for the entire public improve-  
12 ment included in the resolution of necessity, a resolution of necessity  
13 requires a unanimous vote of the council. An amendment which  
14 extends the boundaries of a district, increases the amount to be as-  
15 sessed against a lot, or adds additional public improvements, is not  
16 effective until an amended plat, schedule, and estimate have been  
17 prepared and adopted, a notice published and mailed by certified  
18 mail to all affected property owners, and hearing held in the same  
19 manner as the original proceedings, or until all affected property  
20 owners agree in writing to the change. The adoption of a resolution  
21 of necessity is a legislative determination that the improvement is  
22 expedient and proper and that property assessed will be specially  
23 benefited thereby and this determination of the council is conclusive.  
24 Ownership of property to be assessed by any improvement shall not,  
25 except for fraud or bad faith, disqualify a council member from vot-  
26 ing on any measure.

1 SEC. 133. After adopting a resolution of necessity, the council  
2 may, by resolution, order the engineer to prepare and file with the  
3 clerk detailed plans and specifications, and order the engineer and  
4 city attorney, or any attorney designated by the council, to prepare  
5 and file with the clerk a notice to bidders and form of contract.

1 SEC. 134. Contract letting procedures shall be as provided in part  
2 six (6) of this division. The council may award any number of con-  
3 tracts for construction of any public improvement.

1 SEC. 135. At any time after final adoption of the resolution of  
2 necessity, but before awarding the contract, the council may proceed  
3 as follows:

4 1. To direct the city attorney to file, in the district court of the  
5 county in which the property proposed to be assessed is located, a  
6 petition praying that the acts done by the council relative to the  
7 proposed public improvement be confirmed by decree.

8 2. The following must be filed with the petition in the office of  
9 the clerk of the court:

10 a. A copy of the resolution of necessity as adopted by the council.

11 b. A copy of the proposed schedule of assessments as adopted by  
12 the council under sections one hundred twenty-nine (129) and one  
13 hundred thirty-two (132) of this Act, which schedule shows the  
14 maximum amount that the council proposes to assess against any lot.

15 c. Preliminary plans and specifications, or, if available, detailed  
16 plans and specifications as prepared by the engineer.

17 d. A copy of the proposed contract if prepared.

18 3. Notice of the filing of the petition must be given in the same  
19 manner as is provided for service of original notice by publication by  
20 the rules of civil procedure, except as follows:

21 a. No affidavit of inability to obtain personal service within the  
22 state of Iowa is required.

23 b. The original notice must name as defendants those property  
24 owners who, on the date of filing the petition, have an interest in

25 the real property to be assessed as a part of the public improvement,  
26 and the original notice must state that a plat and schedule is on file  
27 in the office of the clerk of the district court where the action is pend-  
28 ing. No property owner is an indispensable party to the action.  
29 Publication of plat and schedule as part of the original notice is not  
30 required, nor shall reference in the original notice to specific descrip-  
31 tions of affected real property or the amounts of proposed assess-  
32 ments be necessary.

33 4. The petition must be given precedence over any other business  
34 of the court, except criminal cases. The court shall set the petition  
35 for hearing within thirty days from the date of final publication of  
36 notice. As a part of its order, the court may provide for a pretrial  
37 conference to be held not earlier than twenty days from the date of  
38 final publication of notice and require the appearance at the pre-  
39 trial conference of all interested parties. Failure to appear at the  
40 pretrial conference may be grounds for dismissing any objection.

41 5. If no person having an interest in property proposed to be as-  
42 sessed has entered an appearance or filed an answer within the time  
43 set for hearing on the petition, the court shall confirm the assess-  
44 ment, and order the clerk of court to certify its decree to the city  
45 clerk.

46 6. If any person having an interest in property proposed to be  
47 assessed has entered an appearance or filed an answer to the peti-  
48 tion, the court shall hear the cause as an action triable in equity.

49 7. Upon the hearing the court may correct any irregularities or  
50 inequalities in valuations or in the schedule of assessments, and shall  
51 consider any objections because of alleged illegal procedure or fraud.

52 8. The court shall render a decision upon the hearing as soon as  
53 practical after the final submission of the cause.

54 9. The clerk of the court shall certify to the city clerk the final  
55 action of the court, within three days from the date of the final  
56 decree upon the petition, showing assessments as confirmed in the  
57 schedule of assessments.

58 10. An appeal from the decree of the district court must be taken  
59 as in other equity cases.

60 11. A contract may or may not be let, in the discretion of the  
61 council, until appeals are finally determined, but the appeals need  
62 not delay the letting and execution of a contract for the work, if the  
63 council concludes the appeals were not taken in good faith.

64 12. An appeal does not, in the discretion of the council, delay the  
65 certification of an assessment or progress of an improvement, but  
66 upon decision of the appeal the assessment appealed from must be  
67 corrected and collected in the same manner as provided in section  
68 one hundred fifty-five (155) of this Act.

69 13. Corrections of assessments or valuations made by order of  
70 the district court are conclusive and not subject to review on ap-  
71 peal, or otherwise, except as provided in subsections ten (10) through  
72 twelve (12), inclusive, of this section. When court confirmation is  
73 obtained there is no right of appeal under the provisions of section  
74 one hundred forty-seven (147) of this Act.

75 14. If no contract is entered into within ninety days from the date  
76 of confirmation by the district court or within a further time allowed  
77 by the court on subsequent application, and if no appeal is pending,

78 the court shall cancel the assessment, upon application of the city  
79 attorney.

80 15. The cost of all court proceedings are a legitimate item of ex-  
81 pense in connection with a public improvement, and may be in-  
82 cluded within the final assessment against any property specially  
83 benefited in the assessment district.

84 Whenever on a hearing by the court, the amount of any assessment  
85 is reduced or canceled so that there is a deficiency in the total amount  
86 remaining assessed in the proceeding, the court may assess the defi-  
87 ciency to the city or distribute the deficiency upon the other prop-  
88 erty abutting upon or adjacent to the improvement or in the district  
89 assessed, in a manner the court finds to be just and equitable, not  
90 exceeding, however, the amount the property would be specially bene-  
91 fited by the improvement, and not exceeding twenty-five percent of  
92 the value of the lot as shown by the plat and schedule of assessments  
93 or as reduced by the court.

1 SEC. 136. In cities having a water utility under the management  
2 of a board of trustees and in which water connections are not in-  
3 stalled by the trustees at public expense, the council shall notify the  
4 board at the time of the adoption of a preliminary resolution, of any  
5 proposed street paving projects. The board shall report to the  
6 council the number of connections from water mains in streets to  
7 the curb lines of the proposed improvement necessary to serve pri-  
8 vate property dependent upon those particular mains for water sup-  
9 ply, and the numbers of the lots to be served by the connections, and  
10 the names of the owners. Notice must be given to property own-  
11 ers, at the same time and in the same manner as the notice pro-  
12 vided in section one hundred thirty-one (131) of this Act, to install  
13 the necessary connections within thirty days after hearing. For the  
14 purposes of the hearing, property owners who are notified to install  
15 water connections, but whose property is not within the proposed  
16 assessment district, may appear as interested parties. If upon hear-  
17 ing, the council determines to proceed with the improvement, and  
18 any property owner fails to make connections as required, the board  
19 of waterworks trustees shall cause them to be made and certify the  
20 cost to the council to be assessed against the property and collected  
21 in the same manner as provided in section one hundred twenty-one  
22 (121) of this Act for other underground connections.

1 SEC. 137.

2 1. Cities may assess the cost of a public improvement which ex-  
3 tends through, abuts upon, or is adjacent to lands owned by the  
4 state, and the executive council shall pay the assessable portion of  
5 the cost of the improvement through or along the lands as provided.  
6 The executive council shall pay assessments as provided in section  
7 three hundred seven point ten (307.10) of the Code.

8 2. When a state park or institutional road abutting on or adjacent  
9 to state lands on one side of the road is improved by paving, the  
10 state shall pay one-half the total assessed cost of the portion of the  
11 improvement abutting, or adjacent to state lands, lots, or portions  
12 thereof, but for any other type of improvement so constructed and  
13 located, the state shall pay, as provided in section three hundred  
14 seven point ten (307.10) of the Code, the portion of the cost which

15 would be assessable against state lands if they were privately owned.  
16 3. When any portion of the cost of a public improvement is to be  
17 paid by the state under this section, the clerk shall send, at the time  
18 of publication of the notice required by section one hundred thirty-  
19 one (131) of this Act, a copy of the notice to the secretary of the  
20 executive council by restricted certified mail.

21 4. Cities in which state buildings are located shall permit sewers  
22 for such buildings to be constructed through or under the streets of  
23 the city, and connections to be made to the sewer system of the city  
24 under the same regulations as for sewer connections to private prop-  
25 erty.

26 5. Subsections one (1) and three (3) of this section do not apply  
27 to lands under the jurisdiction and control of the state highway  
28 commission.

1 SEC. 138. The city may contract to pay not to exceed ninety per-  
2 cent of the engineer's estimated value of the acceptable work com-  
3 pleted during the month to the contractor at the end of each month.  
4 Payment may be made in warrants drawn on any fund or funds  
5 from which payment for the work may be made. The warrants,  
6 unless paid upon presentation, draw interest at a rate not to ex-  
7 ceed seven percent per annum from and after the date of presen-  
8 tation for payment. If such funds are depleted, anticipatory war-  
9 rants may be issued, which do not constitute a violation of section  
10 ninety-one (91) of this Act, even if the collection of taxes or special  
11 assessments or income from the sale of bonds applicable to the pub-  
12 lic improvement is after the end of the fiscal year in which the war-  
13 rants are issued. If the city arranges for the private sale of antici-  
14 patory warrants, they may be sold and the proceeds used to pay the  
15 contractor. Such warrants may also be used to pay other persons  
16 furnishing services constituting a part of the cost of the public im-  
17 provement.

1 SEC. 139.

2 1. The engineer for the city shall inspect all work done under this  
3 part, and within fifteen days of the final completion of the public  
4 improvement, he shall file a certificate with the clerk stating:

5 a. That he has inspected the completed work.

6 b. That the work has or has not been performed in compliance  
7 with the terms of the contract, and the particulars, if any, in which  
8 the work varies from the terms.

9 c. The total cost of the completed work.

10 2. Within fifteen days after the filing of the engineer's certificate,  
11 the council shall by resolution accept or reject the work.

12 3. Upon accepting the work, or within ten days thereafter, the  
13 council shall ascertain the total cost and by resolution determine the  
14 proportion or amount of the cost to be assessed against private prop-  
15 erty within the assessment district. If the council has elected to  
16 award more than one contract for the work, the council may elect  
17 to proceed separately with the acceptance and levy of assessments  
18 for the work done under each contract.

19 4. Upon accepting the work, the council may order payment of  
20 any amount due the contractor, to be made by warrants issued in  
21 the manner provided by section one hundred thirty-eight (138) of  
22 this Act.

1 SEC. 140. Within thirty days after the council adopts a resolution  
2 fixing the amount to be assessed against private property, the engi-  
3 neer shall file with the clerk an assessment schedule showing:  
4 1. A description of each lot to be assessed.  
5 2. The valuation of each lot as fixed by the council.  
6 3. The amount to be assessed against each lot, which shall in-  
7 clude the assessment for the default fund, if any. No special assess-  
8 ment against any lot shall be more than ten percent in excess of the  
9 estimated cost, as provided in the preliminary schedule required  
10 under section one hundred twenty-eight (128) of this Act.

1 SEC. 141. Within ten days after filing of the assessment schedule,  
2 the council shall meet, consider, and adopt or amend and adopt, by  
3 resolution, the final assessment schedule. The resolution must:  
4 1. Confirm and levy assessments.  
5 2. State the number of annual installments, not exceeding fifteen,  
6 into which assessments of fifty dollars or more are divided.  
7 3. Provide for interest on all unpaid installments at not more than  
8 seven percent per annum.  
9 4. State the time when assessments are payable.  
10 5. Direct the clerk to certify the final schedule to the auditor of  
11 the county or counties in which the assessed property is located,  
12 and to publish notice thereof once each week for two consecutive  
13 weeks in the manner provided in section three (3) of this Act, the  
14 first publication of which shall be not more than fifteen days from  
15 the date of filing of the final schedule. On or before the second pub-  
16 lication of the notice, the clerk shall send by certified mail to each  
17 property owner whose property is subject to assessment for the  
18 improvement, as shown by the records in the office of the county  
19 auditor, a copy of the notice. Such notice shall also include a state-  
20 ment in substance that assessments may be paid in full without in-  
21 terest within thirty days after the date of certification, and there-  
22 after all unpaid special assessments will draw annual interest at  
23 seven percent, computed to the June first next following the due  
24 dates of the respective installments, and each installment will be de-  
25 linquent on March thirty-first following its due date, and will draw  
26 additionally the same delinquent interest and the same penalties as  
27 ordinary taxes. Such notice shall also state substantially that prop-  
28 erty owners may elect to pay any installment semiannually in ad-  
29 vance. If a property is shown by the records to be in the name  
30 of more than one owner at the same mailing address, a single notice  
31 may be mailed to all owners at that address. Failure to receive a  
32 mailed notice is not a defense to the special assessment.  
33 The county auditor shall place on the tax list the amounts to be  
34 assessed against each lot within the assessment district, as certified.

1 SEC. 142. The total cost of a public improvement, except for pav-  
2 ing that portion of a street lying between railroad tracks and one  
3 foot outside of the tracks, or which is to be otherwise paid, must  
4 be assessed against all lots within the assessment district in accord-  
5 ance with the special benefits conferred upon the property, and not  
6 in excess of such benefits.

7 If an owner of property subject to special assessment divides the  
8 property into two or more lots, and if the plan of division is ap-



9 proved by the council, he may discharge the lien upon any of the lots  
10 by payment of the amount unpaid, calculated as determined by the  
11 council.

1 SEC. 143. A special assessment against a lot for a public im-  
2 provement may not be in excess of the amount of the assessment, as  
3 shown in the schedule confirmed by the court, or if court confirma-  
4 tion is not utilized, then on the original plat and schedule adopted  
5 by the council, and an assessment may not exceed twenty-five per-  
6 cent of the value of the lot as shown by the plat and schedule ap-  
7 proved by the council or as reduced by the court.

8 Special assessments for the construction or repair of underground  
9 connections for private property for gas, water, sewers, or electric-  
10 ity may be assessed to each lot for the actual cost of each connection  
11 for that lot, and the twenty-five percent limitation does apply. Such  
12 connections shall not be installed to service railroad right-of-way  
13 without written agreement with the railway company owning or  
14 leasing the right-of-way.

1 SEC. 144. If the special assessment which may be levied against  
2 a lot is insufficient to pay its proportion of the cost of the improve-  
3 ment, or if no special assessment may be levied against a lot, the  
4 deficiency shall be paid from the city fund or funds designated by the  
5 council.

1 SEC. 145. The right-of-way of a railway company is subject to  
2 special assessments for public improvements, and such assessments  
3 constitute a debt due the city which is a paramount lien upon the  
4 track of the railway company owning or leasing the right-of-way  
5 within the limits of the city. The property of a railway to which  
6 a lien for unpaid special assessment has attached may not be re-  
7 leased from the lien until the whole assessment is paid.

1 SEC. 146.

2 1. The first installment of each assessment, or the total amount if  
3 less than fifty dollars, is due and payable on January first next suc-  
4 ceeding the date of the levy, unless the assessment is filed with the  
5 county auditor less than thirty days prior to January first. The first  
6 installment shall bear interest on the whole assessment from the  
7 date of acceptance of the work by the council to the first day of June  
8 following the due date.

9 2. The succeeding annual installments, with interest on the whole  
10 unpaid amount, to the first day of June following the due date, are  
11 respectively due on January first annually, and must be paid at the  
12 same time and in the same manner as the March semiannual payment  
13 of ordinary taxes.

14 3. All future installments of an assessment may be paid on any  
15 date by payment of the then outstanding balance, plus interest to  
16 June first following the due date of the next maturing installment.

17 4. Each installment of an assessment with interest on the unpaid  
18 balance is delinquent after the thirty-first day of March next after its  
19 due date, and bears the same delinquent interest with the same pen-  
20 alties as ordinary taxes. When collected, the interest and penalties  
21 must be credited to the same fund as the special assessment.

22 5. From the date of adoption of the resolution of necessity, all  
 23 special assessments with all interest and penalties become and re-  
 24 main a lien on the benefited properties until paid, and have equal  
 25 precedence with ordinary taxes, and are not divested by any judicial  
 26 sale.

27 6. Any property owner may elect to pay one-half of any annual  
 28 installment of principal and interest of a special assessment in ad-  
 29 vance, with the second semiannual payment of ordinary taxes col-  
 30 lected in the year preceding the due date of such installment. The  
 31 county treasurer shall accept such partial payment of the special  
 32 assessment, and shall credit the next annual installment of such spe-  
 33 cial assessment to the extent of such payment, and shall remit the  
 34 payments to the city.

1 SEC. 147.

2 1. A person having an interest in property subject to special as-  
 3 sessment may, within twenty days after the adoption of a resolu-  
 4 tion of necessity, test the regularity of the proceedings or legality  
 5 of the assessment procedure by a petition in equity filed in the dis-  
 6 trict court of the county where the property is located. A petition  
 7 does not stay further proceedings on the improvement by the coun-  
 8 cil, unless there is also filed a bond in an amount and with security  
 9 approved by the court.

10 2. A person having an interest in any property specially assessed  
 11 may appeal from the amount of the assessment, at any stage of the  
 12 special assessment procedure up to twenty days after the final pub-  
 13 lication of notice of filing of the final assessment schedule, by peti-  
 14 tion to the district court of the county where the property is located  
 15 but such appeal is only to the amount of that assessment and does  
 16 not stay further proceedings by the council on the improvement. No  
 17 action shall be brought appealing the amount of any special assess-  
 18 ment from and after twenty days after said final publication.

19 3. A person having an interest in property subject to special as-  
 20 sessment has a right of appeal to the district court on the ground of  
 21 fraud.

22 4. No action may be brought questioning the regularity of the  
 23 proceedings pertaining to special assessments or the validity of any  
 24 special assessment levied for any public improvement under this  
 25 part, from and after sixty days after the final publication of notice  
 26 of filing the final assessment schedule.

1 SEC. 148. Assessments levied and certified under the provisions of  
 2 this part, including installments and interest, are payable at the  
 3 office of the county treasurer of the county where the property as-  
 4 sessed is located, except that assessments may be paid in full and  
 5 without interest within thirty days after the date of certification, at  
 6 the office of the county treasurer or the city clerk.

1 SEC. 149.

2 1. After certification of the final assessment schedule, the city  
 3 may, by resolution, authorize and issue bonds in anticipation of the  
 4 collection of unpaid special assessments. However, the total prin-  
 5 cipal amount of bonds issued for a public improvement may not ex-  
 6 ceed the total amount of unpaid special assessments less the propor-  
 7 tionate unpaid amount assessed for the default fund.

8       2. All special assessment bonds are negotiable, must state on their  
9 face that they are issued under the provisions of this part, and are  
10 payable as to both principal and interest from the proceeds of the  
11 special assessments levied for the public improvement. Such bonds  
12 may bear interest at a rate not exceeding seven percent per annum  
13 payable annually or semiannually, must mature serially on June first  
14 of the years in which any of the principal is scheduled to become  
15 due, and may contain a provision that the city reserves the right  
16 and option of calling and redeeming any or all of the bonds prior to  
17 maturity on any interest payment date or within forty-five days  
18 thereafter upon the terms specified therein.

19       Such bonds must be called "improvement bonds", must designate  
20 the general type of improvement or improvements for which issued,  
21 and may be issued in any denomination, not exceeding ten thousand  
22 dollars.

23       Improvement bonds issued for any one levy must bear the same  
24 date and be divided into as many series as there are years in which  
25 installments of the special assessment mature, and each series must  
26 be as nearly equal in amount as practicable.

27       3. The proceeds of the special assessments and interest collected  
28 thereon must be used and applied by the city to the payment of the  
29 interest on the bonds and to the retirement of the principal as rapidly  
30 as proceeds are collected.

31       Such bonds and coupons do not make the city liable in any way,  
32 except for the proper application of special assessments.

33       If interest becomes due on any of the bonds when there is no  
34 fund or funds from which to pay it, the council may make a tempo-  
35 rary loan for payment of the interest, which loan must be repaid  
36 from the special assessments and interest pledged to secure the  
37 bonds, but in case of purchase by the city at tax sale of the prop-  
38 erty on which a special assessment is levied, the loan must be re-  
39 paid from the funds of the city from which deficiencies on the im-  
40 provement were paid, or if there were no deficiencies, from the gen-  
41 eral fund.

42       4. Special assessment bonds must be sold at public or private sale  
43 in the manner provided by chapter seventy-five (75) of the Code,  
44 and may not be sold for less than par value with accrued interest  
45 from date to the time of delivery, or if no bids are received at pub-  
46 lic sale, bonds may be delivered to the contractor in payment of the  
47 cost of the public improvement. The proceeds of the sale must be  
48 applied to the payment of the cost of the public improvement.

49       5. Any excess of proceeds from special assessments remaining  
50 after all of the bonds for a particular improvement have been paid  
51 with interest may be credited to the fund from which deficiencies  
52 for the improvement could have been paid.

53       6. Cities may issue refunding bonds to pay off and take up spe-  
54 cial assessment bonds issued in payment for public improvements,  
55 or to refund any part thereof, as follows:

56       a. Refunding bonds must substantially conform to the provisions  
57 of this part, and the face value is limited to the amount of the un-  
58 paid special assessments with the interest thereon of the particular  
59 issue of bonds to be refunded.

60 b. Refunding bonds or their proceeds may be used only to pay  
61 improvement bonds taken up.

62 c. The expense of refunding bonds must be paid out of the funds  
63 of the city from which the cost of similar improvements might law-  
64 fully be paid.

65 d. When refunding bonds are issued to pay improvement bonds, all  
66 special assessments and sinking funds applicable to the payment of  
67 the improvement bonds previously issued must be applied in the  
68 same manner and to the same extent to the payment of the refund-  
69 ing bonds, and all the powers and duties to levy and to carry special  
70 assessments and taxes, to create liens upon property, and to estab-  
71 lish sinking funds in respect to the bonds previously issued con-  
72 tinue until refunding bonds are paid.

73 e. The city shall collect the special assessment out of which the  
74 refunding bonds are payable and hold the proceeds in trust for the  
75 payment of the refunding bonds, but it is not liable except for the  
76 proper application of the assessments.

77 7. No action shall be brought questioning the legality of the bonds  
78 authorized by this section from and after sixty days from the date  
79 the bonds are ordered issued by the city.

1 SEC. 150. Property against which a special assessment has been  
2 levied for public improvements may be sold for any sum of principal  
3 or interest due and delinquent, at any regular or adjourned tax sale  
4 in the same manner with the same forfeitures, penalties, right of  
5 redemption, certificates, and deeds, as for the nonpayment of ordi-  
6 nary taxes. The purchaser at a tax sale takes the property charged  
7 with the lien of the remaining unpaid installments and interest.  
8 When bonds have been issued in anticipation of special assessments  
9 and interest for which property is to be sold, the city may be a  
10 purchaser and is entitled to all rights of purchasers at tax sales.  
11 The proceeds subsequently realized from sales of property so pur-  
12 chased by the city must be credited to the funds of the city from  
13 which deficiencies on the improvement were paid, or if there were  
14 no deficiencies, to the general fund.

1 SEC. 151. A holder of a special assessment bond payable in whole  
2 or in part out of a special assessment against any lot or parcel of  
3 ground, or a city within which the lot or parcel of ground is situated,  
4 which lot or parcel of ground has been sold for taxes, either general  
5 or special, may have an assignment of any certificate of tax sale  
6 of the property for any general taxes or special taxes thereon, upon  
7 tender to the holder or to the county auditor of the amount to which  
8 the holder of the tax sale certificate would be entitled in case of re-  
9 demption.

1 SEC. 152. The whole or any part of the cost of construction or  
2 repair of a public improvement may be paid from the proceeds of  
3 the issuance of general obligation bonds under the provisions of sec-  
4 tion one hundred six (106) of this Act, or from the fund or funds  
5 of the city authorized to be used for the particular type of improve-  
6 ment, and the council shall provide that the tax authorized for pur-  
7 poses of the fund or funds must be annually levied to the full ex-  
8 tent necessary to reimburse the fund or funds for the amount paid  
9 for the construction or repair of the improvement.

1     **SEC. 153.** When by reason of nonconformity to any law or reso-  
2 lution, or by reason of any omission, informality, or irregularity,  
3 any special tax or assessment levied is determined by the council to  
4 be invalid or is adjudged illegal, the council may correct the levy by  
5 resolution, and may reassess and relevy with the same force and effect  
6 as if done at the proper time and in the manner provided by law or  
7 by the resolution.

1     **SEC. 154.** When a special tax or assessment, upon property not  
2 exempt, is adjudged void for any jurisdictional defect, or other rea-  
3 son, the council may as to such property, by resolution, cause to be  
4 prepared a schedule and proposed reassessment in proportion to and  
5 not in excess of benefits, cause notice to be given, hear objections,  
6 and make necessary corrections, and may reassess and relevy the  
7 tax or special assessment as corrected with the same force and effect  
8 as if jurisdiction had been acquired in the first instance and all sub-  
9 sequent proceedings had been regularly and legally had.

1     **SEC. 155.** When, in making a special assessment, any property  
2 is assessed too little or too much, the assessment may be corrected  
3 and a reassessment and relevy made in conformity with the correc-  
4 tion, and a tax collected in excess of the proper amount must be re-  
5 funded to the person paying the same. Corrected assessments are  
6 a lien on the lots the same as the original assessment, must be cer-  
7 tified by the clerk to the county auditor in the same manner, and  
8 must so far as practicable, be collected in the same installments,  
9 draw interest at the same rate, and be enforced in the same manner  
10 as the original assessment.

11     However, if the city does not certify the assessments within six  
12 months of final publication as required by part four (4) of division  
13 seven (VII) of this Act, all such assessments shall be null, void, and  
14 of no effect. Any bonds issued with such void assessments as secu-  
15 rity shall be paid by the city as they become due out of its debt  
16 service as provided in section eighty-five (85) of this Act.

1     **SEC. 156.** Any provision of law, resolution, or ordinance specify-  
2 ing a time when or the order in which acts must be done in a pro-  
3 ceeding which may result in a special assessment, is subject to the  
4 qualifications of sections one hundred fifty-three (153), one hun-  
5 dred fifty-four (154), and one hundred fifty-five (155) of this Act.

6     A city may combine any one or more of the procedural acts re-  
7 quired by this part and call for bids for construction of a public  
8 improvement and comply with legal requirements respecting public  
9 contracts so as to permit the council to receive and consider propos-  
10 als at the time of hearing on the resolution of necessity.

1     **SEC. 157.** The provisions of this part apply to any public im-  
2 provement undertaken jointly by the city and another city or by the  
3 city and the state or any other political subdivision of the state, and  
4 a city may enter into an agreement for such purpose under the pro-  
5 visions of chapter twenty-eight E (28E) of the Code and may assess  
6 and pay its portion of the cost of a public improvement as provided  
7 in this part, but any requirement of this part in respect to approval  
8 of detailed plans and specifications, calling for construction bids,  
9 awarding construction contracts and acceptance of the completed

10 improvement may be carried out by each city with other cities, the  
11 state or any other political subdivision of the state, as provided in  
12 an agreement entered into as permitted by chapter twenty-eight E  
13 (28E) of the Code. However, an agreement between the city and  
14 the state highway commission is also governed by the provisions of  
15 sections three hundred thirteen point twenty-one (313.21) through  
16 three hundred thirteen point twenty-three (313.23), inclusive, of  
17 the Code.

1 SEC. 158. In the making of assessments for paving streets, ave-  
2 nues or public places along or upon which a track of a railway or  
3 street railway company is located, the engineer shall make an esti-  
4 mate of the cost of building the improvement, and an estimate of  
5 the cost of the improvement if tracks were not there. The railway  
6 or street railway company may be charged with the difference be-  
7 tween the two estimates of cost, and shall make payment in the  
8 same manner as other special assessments are paid. This section ap-  
9 plies only to track within the limits of the improvement proper and  
10 shall not be construed as exempting a railway or street railway com-  
11 pany from a special assessment on other property, adjacent or abut-  
12 ting, within the assessment district and owned by the company, nor  
13 does this section relieve a company from any of its duties and liabili-  
14 ties set forth in any other law concerning repair or construction of  
15 the strip of paving between the rails and one foot outside.

1 SEC. 159. Projects and proceedings for the levy of special assess-  
2 ments and the issuance of special assessment bonds commenced be-  
3 fore the effective date of this Act may be hereafter consummated  
4 and completed and special assessments levied and special assessment  
5 bonds issued as required or permitted by any statute or other law  
6 amended or repealed by this Act as though such repeal or amend-  
7 ment had not occurred, and the rights, duties, and interests flowing  
8 from such projects and proceedings remain valid and enforceable.  
9 Without limiting the foregoing, projects commenced prior to said ef-  
10 fective date may be financed by the issuance of special assessment  
11 bonds and other bonds under any such amended or repealed law or  
12 by the issuance of special assessment bonds, or other bonds under  
13 this Act. For the purposes of this section, commencement of a proj-  
14 ect includes but is not limited to action taken by the council or au-  
15 thorized officer to fix a date for a hearing in connection with any  
16 part of a public improvement, and commencement of proceedings for  
17 the levy of special assessments and the issuance of special assess-  
18 ment bonds includes but is not limited to action taken by the council  
19 to fix a date for a hearing in connection with any public improve-  
20 ment proposed to be financed in whole or in part through special  
21 assessments.

1 SEC. 160. The enumeration in this part of special powers and  
2 functions is not a limitation of the powers of cities, but the provi-  
3 sions of this part and the procedures prescribed for exercising the  
4 powers and functions enumerated in this part control and govern in  
5 the event of any conflict with the provisions of any other section,  
6 part, or division of this Act or with the provisions of any other law.

## PART 5. REVENUE FINANCING.

1 SEC. 161. As used in this part, unless the context otherwise re-  
2 quires:

3 1. "Combined utility system" means two or more city utilities  
4 owned by a single city, and combined and operated as a single sys-  
5 tem.

6 2. "City enterprise" means the same as defined in section one hun-  
7 dred five (105) of this Act.

8 3. "Combined city enterprise" means two or more city enterprises  
9 combined and operated as a single enterprise.

10 4. "Governing body" means the public body which by law is  
11 charged with the management and control of a city utility, combined  
12 utility system, city enterprise, or combined city enterprise. The  
13 council is the governing body of each city utility, combined utility  
14 system, city enterprise, or combined city enterprise, except that a  
15 utility board, as provided in division eight (VIII) of this Act, is the  
16 governing body of the city utility, city utilities, or combined utility  
17 system which it operates.

18 5. "Project" means the acquisition, construction, reconstruction,  
19 extending, remodeling, improving, repairing, and equipping of all or  
20 part of a city utility, combined utility system, city enterprise, or  
21 combined city enterprise within or without the corporate limits of  
22 the city.

23 6. "Rates" means rates, fees, tolls, rentals, and charges for the  
24 use of or service provided by a city utility, combined utility system,  
25 city enterprise, or combined city enterprise.

26 7. "Gross revenue" means all income and receipts derived from  
27 the operation of a city utility, combined utility system, city enter-  
28 prise, or combined city enterprise.

29 8. "Operating expense" means salaries, wages, cost of maintenance  
30 and operation, materials, supplies, insurance, and all other items nor-  
31 mally included under recognized accounting practices, but does not  
32 include allowances for depreciation in the value of physical property.

33 9. "Net revenues" means gross revenues less operating expenses.

34 10. "Revenue bond" means a negotiable bond issued by a city and  
35 payable from the net revenues of a city utility, combined utility sys-  
36 tem, city enterprise, or combined city enterprise.

37 11. "Pledge order" means a promise to pay out of the net reve-  
38 nues of a city utility, combined utility system, city enterprise, or  
39 combined city enterprise, which is delivered to the contractors or  
40 other persons in payment of all or part of the cost of the project.

1 SEC. 162.

2 1. A city which proposes to establish, own, acquire by purchase,  
3 condemnation, or otherwise, lease, sell, construct, reconstruct, ex-  
4 tend, remodel, improve, repair, equip, maintain, and operate within  
5 or without its corporate limits a city utility, combined utility system,  
6 city enterprise, or combined city enterprise must do so in accordance  
7 with the provisions of this Act.

8 2. If all of the utilities involved in the establishment of a com-  
9 bined utility system are, at the time of establishment, controlled and  
10 managed by the same utility board, such utility board shall continue  
11 as the governing body of the combined utility system; otherwise  
12 the city council is the governing body of a combined utility system,

13 but a utility board for a combined utility system may be established  
14 as provided in division eight (VIII) of this Act. If a combined util-  
15 ity system or combined city enterprise is dissolved, each city utility  
16 or city enterprise shall continue in existence as a separate city util-  
17 ity or city enterprise unless the voters additionally authorize the  
18 abandonment thereof. The governing body of a combined utility  
19 system which is dissolved shall continue as the governing body of  
20 each city utility which was a part of the combined utility system  
21 unless changed as provided in division eight (VIII) of this Act.  
22 The adding of an additional city utility to an existing combined  
23 utility system is the establishment of a new combined utility system  
24 and must be approved by the voters of the city as provided in divi-  
25 sion eight (VIII) of this Act, but the governing body of the existing  
26 combined utility system shall continue as the governing body of the  
27 new combined utility system.

28 3. A combined utility system or combined city enterprise may be  
29 established, but if there are obligations outstanding which by their  
30 terms are payable from the revenues of any city utility or city enter-  
31 prise involved, all such outstanding obligations must be assumed by  
32 the governing body of the combined utility system or combined city  
33 enterprise subject to all terms established at the time of the original  
34 issue, or refunded through the issuance of revenue bonds of the com-  
35 bined utility system or combined city enterprise as a part of the  
36 procedure for the establishment of the combined utility system or  
37 combined city enterprise, or funds sufficient to pay the principal of  
38 and all interest and premium, if any, on such outstanding obligations  
39 at and prior to maturity must have been properly set aside and pledged  
40 for that purpose. Any revenues earmarked for payment of the obli-  
41 gations must be handled by the governing body of the combined util-  
42 ity or combined city enterprise in the same manner as they were han-  
43 dled by the governing body of the city utility or city enterprise in-  
44 volved. A city utility or city enterprise may not be abandoned and  
45 a combined utility system or combined city enterprise may not be  
46 dissolved so long as there are obligations outstanding which by their  
47 terms are payable from the revenues of the city utility, combined  
48 utility system, city enterprise, or combined city enterprise unless  
49 funds sufficient to pay the principal of and all interest and premium,  
50 if any, on such outstanding obligations at and prior to maturity  
51 have been properly set aside and pledged for such purpose.

1 SEC. 163.

2 1. A city may carry out projects, borrow money, and issue revenue  
3 bonds and pledge orders to pay all or part of the cost of projects,  
4 such revenue bonds and pledge orders to be payable solely and only  
5 out of the net revenues of the city utility, combined utility system,  
6 city enterprise, or combined city enterprise involved in the project.  
7 The cost of a project includes the construction contracts, interest  
8 upon the revenue bonds and pledge orders during the period or esti-  
9 mated period of construction and for twelve months thereafter, or  
10 for twelve months after the acquisition date, and the costs of engi-  
11 neering, architectural, technical, and legal services, preliminary re-  
12 ports, surveys, property valuations, estimates, plans, specifications,  
13 notices, acquisition of real and personal property, consequential dam-  
14 ages or costs, easements, rights-of-way, supervision, inspection, test-



15 ing, publications, printing and sale of bonds, and provisions for con-  
16 tingencies. A city may sell revenue bonds at public or private sale  
17 in the manner prescribed by chapter seventy-five (75) of the Code  
18 and may deliver revenue bonds and pledge orders to the contractors,  
19 sellers, and other persons furnishing materials and services consti-  
20 tuting a part of the cost of the project in payment therefor.

21 2. A city may issue revenue bonds to refund revenue bonds, pledge  
22 orders, and other obligations which are by their terms payable from  
23 the net revenues of the same city utility, combined utility system,  
24 city enterprise, or combined city enterprise, or from a city utility  
25 comprising a part of the combined utility system or a city enterprise  
26 comprising a part of the combined city enterprise, at lower, the  
27 same, or higher rates of interest. A city may sell refunding reve-  
28 nue bonds at public or private sale in the manner prescribed by  
29 chapter seventy-five (75) of the Code and apply the proceeds there-  
30 of to the payment of the obligations being refunded, and may ex-  
31 change refunding revenue bonds in payment and discharge of the  
32 obligations being refunded. The principal amount of any refunding  
33 revenue bonds may exceed the principal amount of the obligations  
34 being refunded to the extent necessary to pay any premium due on  
35 the call of the obligations being refunded and to fund interest ac-  
36 crued on and prior to the delivery of the refunding revenue bonds.

1 SEC. 164.

2 1. A city may issue revenue bonds pursuant to a resolution of  
3 the governing body of the city utility, combined utility system, city  
4 enterprise, or combined city enterprise, adopted at a regular or  
5 special meeting by a majority of the total number of members to  
6 which the governing body is entitled.

7 2. Before the governing body institutes proceedings for the issu-  
8 ance of revenue bonds, it shall fix a time and place of meeting at  
9 which it proposes to take action and give notice by publication in  
10 the manner directed in section three (3) of this Act. The notice  
11 must include a statement of the time and place of the meeting, the  
12 maximum amount of the proposed revenue bonds, the purpose for  
13 which the revenue bonds will be issued, and the city utility, combined  
14 utility system, city enterprise, or combined city enterprise whose net  
15 revenues will be used to pay the revenue bonds and interest thereon.  
16 The governing body shall at the meeting receive oral or written ob-  
17 jections from any resident or property owner of the city. After all  
18 objections have been received and considered, the governing body  
19 may, at the meeting or any adjournment thereof, take additional  
20 action for the issuance of the bonds or abandon the proposal to issue  
21 bonds. Any resident or property owner of the city may appeal a  
22 decision of the governing body to take additional action to the dis-  
23 trict court of the county in which any part of the city is located  
24 within fifteen days after the additional action is taken, but the addi-  
25 tional action of the governing body is final and conclusive unless the  
26 court finds that the governing body exceeded its authority. The  
27 provisions of this subsection with respect to notice, hearing, and  
28 appeal in connection with the issuance of revenue bonds are in lieu  
29 of those contained in chapter twenty-three (23) of the Code or any  
30 other law.

31 3. Revenue bonds may bear dates, bear interest at rates not ex-  
32 ceeding any limitations imposed by chapter seventy-five (75) of the  
33 Code, mature in one or more installments, be in either coupon or  
34 registered form, carry registration and conversion privileges, be  
35 payable as to principal and interest at times and places, be subject  
36 to terms of redemption prior to maturity with or without premium,  
37 and be in one or more denominations, all as provided by the resolu-  
38 tion of the governing body authorizing their issuance. The resolu-  
39 tion may also prescribe additional provisions, terms, conditions, and  
40 covenants which the governing body deems advisable, consistent  
41 with the provisions of this Act, including provisions for creating and  
42 maintaining reserve funds, the issuance of additional revenue bonds  
43 ranking on a parity with such revenue bonds and additional revenue  
44 bonds junior and subordinate to such revenue bonds, and that such  
45 revenue bonds shall rank on a parity with or be junior and subordi-  
46 nate to any revenue bonds which may be then outstanding. Revenue  
47 bonds are a contract between the city and holders and the resolution  
48 is a part of the contract.

49 4. If the governing body is a city council, the revenue bonds must  
50 be executed by the mayor and clerk of the city. If the governing  
51 body is a utility board, the revenue bonds must be executed by the  
52 chairman and secretary of the board. If coupons are attached to  
53 the revenue bonds, they must be executed with the original or facsim-  
54 ile signature of the clerk or secretary. A revenue bond is valid and  
55 binding for all purposes if it bears the signatures of the officers in  
56 office on the date of the execution of the bonds notwithstanding that  
57 any or all persons whose signatures appear thereon have ceased to  
58 be such officers prior to the delivery thereof. The issuance of reve-  
59 nue bonds must be recorded in the office of the city treasurer or  
60 other financial officer designated by the council, and a certificate of  
61 the recording by the treasurer or other officer must be printed on  
62 the back of each revenue bond.

63 5. Revenue bonds issued pursuant to this part are negotiable in-  
64 struments.

65 6. A city may issue pledge orders pursuant to a resolution of the  
66 governing body of the city utility, combined utility system, city en-  
67 terprise, or combined city enterprise, adopted by a majority of the  
68 total number of members to which the governing body is entitled,  
69 at a regular or special meeting, ordering their issuance and delivery  
70 in payment for all or part of the cost of a project. Pledge orders  
71 may bear interest at rates not exceeding eight percent per annum.

72 7. The physical properties of a city utility, combined utility sys-  
73 tem, city enterprise, or combined city enterprise may not be pledged  
74 or mortgaged to secure the payment of revenue bonds or pledge  
75 orders or the interest thereon.

1 SEC. 165.

2 1. The governing body of a city utility, combined utility system,  
3 city enterprise, or combined city enterprise may establish, impose,  
4 adjust, and provide for the collection of rates to produce gross reve-  
5 nues at least sufficient to pay the expenses of operation and mainte-  
6 nance of the city utility, combined utility system, city enterprise, or  
7 combined city enterprise and, whenever revenue bonds or pledge  
8 orders are issued and outstanding pursuant to the provisions of this

9 part, shall establish, impose, adjust, and provide for the collection of  
 10 rates to produce gross revenues at least sufficient to pay the ex-  
 11 penses of operation and maintenance of the city utility, combined  
 12 utility system, city enterprise, or combined city enterprise, and to  
 13 leave a balance of net revenues sufficient at all times to pay the prin-  
 14 cipal of and interest on the revenue bonds and pledge orders as the  
 15 same become due and to maintain a reasonable reserve for the pay-  
 16 ment of such principal and interest, and a sufficient portion of net  
 17 revenues must be pledged for such purpose. Rates must be estab-  
 18 lished by ordinance of the council or by resolution of the trustees,  
 19 published in the same manner as an ordinance.

20 2. The governing body of a city utility, combined utility system,  
 21 city enterprise or combined city enterprise may:

22 a. By ordinance of the council or by resolution of the trustees pub-  
 23 lished in the same manner as an ordinance, establish, impose, adjust,  
 24 and provide for the collection of charges for connection to a city  
 25 utility or combined utility system.

26 b. Contract for the use of or services provided by a city utility,  
 27 combined utility system, city enterprise, or combined city enterprise  
 28 with persons whose type or quantity of use or service is unusual.

29 c. Lease for a period not to exceed fifteen years all or part of a  
 30 city enterprise or combined city enterprise, if the lease will not  
 31 reduce the net revenues to be produced by the city enterprise or  
 32 combined city enterprise.

33 d. Contract for a period not to exceed forty years with other gov-  
 34 ernmental bodies for the use of or the services provided by the city  
 35 utility, combined utility system, city enterprise, or combined city  
 36 enterprise on a wholesale basis.

37 e. Contract for a period not to exceed forty years with persons  
 38 and other governmental bodies for the purchase or sale of water, gas,  
 39 or electric power and energy on a wholesale basis.

1 SEC. 166.

2 1. The governing body of each city utility, combined utility sys-  
 3 tem, city enterprise, or combined city enterprise being operated on  
 4 a revenue producing basis shall maintain a proper system of books,  
 5 records, and accounts.

6 2. The gross revenues of each city utility, combined utility sys-  
 7 tem, city enterprise, or combined city enterprise must be deposited  
 8 with the treasurer of the governing body and kept by the treasurer  
 9 in a separate account apart from the other funds of the city and from  
 10 each other. The treasurer shall apply the gross revenues of each  
 11 city utility, combined utility system, city enterprise, or combined city  
 12 enterprise only as ordered by the governing body and in strict com-  
 13 pliance with such orders, including the provisions, terms, condi-  
 14 tions, and covenants of any and all resolutions of the governing body  
 15 pursuant to which revenue bonds or pledge orders are issued and  
 16 outstanding. If the council is the governing body, it may designate  
 17 another city officer to serve as treasurer.

1 SEC. 167. The pledge of any net revenues of a city utility, com-  
 2 bined utility system, city enterprise, or combined city enterprise is  
 3 valid and effective as to all persons and other governmental bodies

4 when it becomes valid and effective between the city and the hold-  
5 ers of the revenue bonds or pledge orders.

1 SEC. 168. Revenue bonds and pledge orders are payable both as  
2 to principal and interest solely out of the portion of the net revenues  
3 of the city utility, combined utility system, city enterprise, or com-  
4 bined city enterprise pledged to their payment and are not a debt of  
5 or charge against the city within the meaning of any constitutional  
6 or statutory debt limitation provision.

1 SEC. 169. The sole remedy for a breach or default of a term of a  
2 revenue bond or pledge order is a proceeding in law or in equity by  
3 suit, action, or mandamus to enforce and compel performance of the  
4 duties required by this part and of the terms of the resolution au-  
5 thORIZING the issuance of the revenue bonds or pledge orders, or to  
6 obtain the appointment of a receiver to take possession of and oper-  
7 ate the city utility, combined utility system, city enterprise, or com-  
8 bined city enterprise, and to perform the duties required by this part  
9 and the terms of the resolution authorizing the issuance of the reve-  
10 nue bonds or pledge orders.

1 SEC. 170. The governing body of a city utility, combined utility  
2 system, city enterprise, or combined city enterprise which has on  
3 hand surplus funds, after making all deposits into all funds required  
4 by the terms, covenants, conditions, and provisions of outstanding  
5 revenue bonds, pledge orders, and other obligations which are pay-  
6 able from the revenues of the city utility, combined utility system,  
7 city enterprise, or combined city enterprise and after complying with  
8 all of the requirements, terms, covenants, conditions, and provisions  
9 of the proceedings and resolutions pursuant to which revenue bonds,  
10 pledge orders, and other obligations are issued, may transfer such  
11 surplus funds to any other fund of the city in accordance with any  
12 rules promulgated by the city finance committee created in section  
13 ninety-four (94) of this Act if the transfer is also approved by the  
14 city council, provided that no transfer may be made if it conflicts with  
15 any of the requirements, terms, covenants, conditions, or provisions  
16 of any resolution authorizing the issuance of revenue bonds, pledge  
17 orders, or other obligations which are payable from the revenues of  
18 the city utility, combined utility system, city enterprise, or combined  
19 city enterprise which are then outstanding.

1 SEC. 171. This part does not prohibit or prevent a city from using  
2 funds derived from the issuance of general obligation bonds, the  
3 levy of special assessments and the issuance of special assessment  
4 bonds, and any other source which may be properly used for such  
5 purpose, to pay a part of the cost of a project.

1 SEC. 172. The city shall pay for the use of or the services pro-  
2 vided by the city utility, combined utility system, city enterprise, or  
3 combined city enterprise as any other customer, except that the city  
4 may pay for use or service at a reduced rate or receive free use or  
5 service so long as the city complies with the provisions, terms, condi-  
6 tions, and covenants of any and all resolutions pursuant to which reve-  
7 nue bonds or pledge orders are issued and outstanding.

1 SEC. 173. No action may be brought which questions the legality  
2 of revenue bonds or the power of the city to issue revenue bonds or  
3 the effectiveness of any proceedings relating to the authorization  
4 and issuance of revenue bonds, from and after sixty days from the  
5 time the bonds are ordered issued by the city.

1 SEC. 174. The enumeration in this part of specified powers and  
2 functions is not a limitation of the powers of cities, but the provisions  
3 of this part and the procedures prescribed for exercising the pow-  
4 ers and functions enumerated in this part control and govern in the  
5 event of any conflict with the provisions of any other section, part,  
6 or division of this Act or with the provisions of any other law.

1 SEC. 175. Projects and proceedings for the issuance of revenue  
2 bonds, pledge orders, and other temporary obligations commenced  
3 before the effective date of this Act may be consummated and com-  
4 pleted as required or permitted by any statute or other law amended  
5 or repealed by this Act, as though such repeal or amendment had not  
6 occurred, and the rights, duties, and interests flowing from such  
7 projects and proceedings remain valid and enforceable. Without  
8 limiting the foregoing, projects commenced prior to said effective  
9 date may be financed by the issuance of revenue bonds, pledge or-  
10 ders, and other temporary obligations under any such amended or  
11 repealed law or by the issuance of revenue bonds and pledge orders  
12 under this Act. For purposes of this section, commencement of a  
13 project includes, but is not limited to, action taken by the govern-  
14 ing body or authorized officer to fix a date for either a hearing or an  
15 election in connection with any part of the project, and commence-  
16 ment of proceedings for the issuance of revenue bonds, pledge or-  
17 ders, and other temporary obligations includes, but is not limited to,  
18 action taken by the governing body to fix a date for either a hearing  
19 or a sale in connection with any part of such revenue bonds, pledge  
20 orders, or other temporary obligations or to order any part thereof  
21 to be issued.

#### PART 6. CONTRACT LETTING PROCEDURE.

1 SEC. 176. As used in this part, unless the context clearly indi-  
2 cates otherwise:

3 1. "Public improvement" means any building or construction work,  
4 either within or outside the corporate limits of a city, to be paid for  
5 in whole or in part by the use of funds of the city, regardless of  
6 sources, including a building or improvement constructed or oper-  
7 ated jointly with any other public or private agency, but excluding  
8 urban renewal and low-rent housing projects, industrial aid projects  
9 authorized under chapter four hundred nineteen (419) of the Code,  
10 emergency work, or work performed by employees of a city or a  
11 city utility.

12 2. "Governing body" means the council of a city, a utility board  
13 of trustees, or an administrative agency which is charged with the  
14 management and control of a building or improvement project.

1 SEC. 177. When the estimated total cost of a public improvement  
2 exceeds the sum of ten thousand dollars, the governing body shall  
3 advertise for sealed bids for the proposed improvement by publishing  
4 a notice to bidders as provided in section three (3) of this Act.

1 SEC. 178. The notice to bidders must state the following items:

2 1. The time and place for filing sealed proposals.

3 2. The time and place sealed proposals will be opened and consid-  
4 ered on behalf of the governing body.

5 3. The general nature of the public improvement on which bids  
6 are requested.

7 4. In general terms when the work must be commenced and when  
8 it must be completed.

9 5. That each bidder shall accompany his bid with a bid security as  
10 defined herein and as specified by the governing body, as security that  
11 the successful bidder will enter into a contract for the work bid  
12 upon and will furnish after the award of contract a corporate surety  
13 bond, acceptable to the governing body, for the faithful performance  
14 of the contract, in an amount equal to one hundred percent of the  
15 amount of the contract. The bidder's security must be in an amount  
16 fixed by the governing body, and must be in the form of a cashier's  
17 or certified check drawn on a bank in Iowa or a bank chartered under  
18 the laws of the United States, or the governing body may provide for  
19 a bidder's bond with corporate surety satisfactory to the governing  
20 body, which bid bond shall contain no condition except as provided in  
21 this section.

22 6. Any further information which the governing body deems perti-  
23 nent.

24 The notice to bidders may provide that bids will be received for  
25 the furnishing of all labor and materials and furnishing or installing  
26 equipment under one contract, or for parts thereof in separate sec-  
27 tions.

28 On public improvements to be financed wholly or partially by spe-  
29 cial assessments against benefited property, the governing body, in  
30 the notice to bidders, may request aggregate bids for all projects  
31 included in any resolution of necessity, notwithstanding variations  
32 in the sizes of the improvements and notwithstanding that some  
33 parts of the improvements are assessable and some nonassessable,  
34 and may award the contract to the lowest responsible bidder sub-  
35 mitting the lowest aggregate bid.

1 SEC. 179. The amount of bid security must be fixed by the gov-  
2 erning body prior to ordering publication of the notice to bidders and  
3 must equal at least five percent, but may not exceed ten percent of  
4 either the estimated total contract cost of the public improvement,  
5 or the amount of each bid.

1 SEC. 180. The contract for the public improvement must be  
2 awarded to the lowest responsible bidder, provided, however, that  
3 contracts relating to public utilities or extensions or improvements  
4 thereof, as described in part five (5) of this division, may be awarded  
5 by the governing body as it deems to be in the best interests of the  
6 city.

1 SEC. 181. The governing body shall open, announce the amount  
2 of the bids, and file all proposals received, at the time and place  
3 specified in the notice to bidders. The governing body may, by reso-  
4 lution, award the contract for the public improvement to the bidder  
5 submitting the best bid, determined as provided in section one hun-  
6 dred eighty (180) of this Act, or it may reject all bids received, fix

7 a new date for receiving bids, and order publication of a new notice  
8 to bidders. The bid security furnished by the successful bidder must  
9 be retained by the governing body until the approved contract form  
10 has been executed, and a bond filed by the bidder guaranteeing the  
11 performance of the contract, and the contract and bond, have been  
12 approved by the governing body. The provisions of chapter five  
13 hundred seventy-three (573), of the Code, where applicable, apply  
14 to contracts awarded under this part.

15 The checks or bidder's bonds of the unsuccessful bidder must be  
16 promptly returned to the bidders by the governing body as soon as  
17 the successful bidder is determined or within thirty days whichever  
18 is sooner.

1 SEC. 182. When bids or proposals are required to be taken in  
2 connection with any public improvement, the governing body may  
3 delegate, by ordinance or resolution, to the city manager, clerk, engi-  
4 neer, or other public officer, the duty of receiving and opening bids  
5 and announcing the results. The officer shall report the results of  
6 the bidding with his recommendations thereon to the governing body  
7 at its next meeting.

1 SEC. 183. When the estimated total cost of a public improvement  
2 exceeds the sum of ten thousand dollars, the governing body shall not  
3 enter into a contract for the improvement until it has held a public  
4 hearing on the proposed plans, specifications, and form of contract,  
5 and estimated cost for the improvement. Notice of the hearing must  
6 be published as provided in section three (3) of this Act. At the  
7 hearing any interested person may appear and file objections to the  
8 proposed plans, specifications, contract, or estimated cost of the im-  
9 provement. After hearing objections, the governing body shall  
10 by resolution enter its decision on the plans, specifications, contract,  
11 and estimated cost.

1 SEC. 184.

2 1. A governing body may authorize, sell, issue, and deliver its  
3 bonds whether or not notice and hearing on the plans, specifications,  
4 form of contract, and estimated cost for the public improvement to  
5 be paid for in whole or in part from the proceeds of said bonds has  
6 been given, and whether or not a contract has been awarded for the  
7 construction of the improvement. This subsection does not apply to  
8 bonds which are payable solely from special assessment levies against  
9 benefited property.

10 2. When emergency repair of a public improvement is necessary  
11 and the delay of advertising and a public letting might cause seri-  
12 ous loss or injury to the city, the governing body shall, by resolution,  
13 make a finding of the necessity to institute emergency proceedings  
14 under this section, and shall procure a certificate from a competent  
15 registered professional engineer or architect, not in the regular em-  
16 ploy of the city, certifying that emergency repairs are necessary.

17 In that event the governing body may contract for emergency re-  
18 pairs without holding a public hearing and advertising for bids, and  
19 the provisions of sections one hundred seventy-seven (177) through  
20 one hundred eighty-three (183), inclusive, of this Act, do not apply.

## DIVISION VIII. CITY UTILITIES

1 SEC. 185. As used in this division:

2 1. "Combined utility system" means the same as defined in sec-  
3 tion one hundred sixty-one (161) of this Act.

4 2. "Utility board" or "board" means a board of trustees estab-  
5 lished to operate a city utility, city utilities, or a combined utility sys-  
6 tem. A single utility board may operate more than one city utility  
7 even though such city utilities are not a combined utility system.

1 SEC. 186. The proposal of a city to establish, acquire, lease, or  
2 dispose of a city utility, except a sanitary sewage system, in order to  
3 undertake or to discontinue the operation of the city utility, or the  
4 proposal to establish or dissolve a combined utility system, or the  
5 proposal to establish or discontinue a utility board, is subject to the  
6 approval of the voters of the city, except that a board may be dis-  
7 continued by resolution of the council when the city utility, city  
8 utilities, or combined utility system it administers is disposed of or  
9 leased for a period of over five years.

10 The proposal may be submitted to the voters at any city election by  
11 the council on its own motion. Upon receipt of a valid petition as  
12 defined in section four (4) of this Act, requesting that a proposal  
13 be submitted to the voters, the council shall submit the proposal at  
14 the next regular city election.

15 A proposal for the establishment of a utility board must specify  
16 a board of either three or five members.

17 If a majority of those voting for and against the proposal ap-  
18 proves the proposal, the city may proceed as proposed.

19 If a majority of those voting for and against the proposal does not  
20 approve the proposal, the same or a similar proposal may not be  
21 submitted to the voters of the city for at least four years from the  
22 date of the election at which the proposal was defeated.

1 SEC. 187. If a proposal to establish a utility board receives a  
2 favorable majority vote, the mayor shall appoint the board members,  
3 as provided in the proposal, subject to the approval of the council.  
4 The council shall by resolution provide for staggered six-year terms  
5 for, and shall set the compensation of, board members.

6 A board member appointed to fill a vacancy occurring by reason  
7 other than the expiration of a term is appointed for the balance of  
8 the unexpired term.

9 A public officer or a salaried employee of the city may not serve  
10 on a utility board.

1 SEC. 188. The title of a utility board must be appropriate to the  
2 city utility, city utilities, or combined utility system administered by  
3 the board. A utility board may be a party to legal action. A utility  
4 board may exercise all powers of a city in relation to the city utility,  
5 city utilities, or combined utility system it administers, with the fol-  
6 lowing exceptions:

7 1. A board may not certify taxes to be levied, pass ordinances  
8 or amendments, or issue general obligation or special assessment  
9 bonds.

10 2. The title to all property of a city utility or combined utility  
11 system must be held in the name of the city, but the utility board has



12 all the powers and authorities of the city with respect to the acqui-  
 13 sition by purchase, condemnation, or otherwise, lease, sale, or other  
 14 disposition of such property, and the management, control, and oper-  
 15 ation of the same, subject to the requirements, terms, covenants,  
 16 conditions, and provisions of any resolutions authorizing the issuance  
 17 of revenue bonds, pledge orders, or other obligations which are pay-  
 18 able from the revenues of the city utility or combined utility system,  
 19 and which are then outstanding.

20 3. A board shall make to the council a detailed annual report, in-  
 21 cluding a complete financial statement.

22 4. Immediately following a regular or special meeting of a utility  
 23 board, the secretary shall prepare a condensed statement of the pro-  
 24 ceedings of the board and cause the statement to be published in a  
 25 newspaper of general circulation in the city. The statement must  
 26 include a list of all claims allowed, showing the name of the person  
 27 or firm making the claim, the reason for the claim, and the amount  
 28 of the claim. Salary claims must show the gross amount of the  
 29 claim except that salaries paid to persons regularly employed by the  
 30 utility, for services regularly performed by them, must be pub-  
 31 lished once annually showing the gross amount of the salary. In  
 32 cities having more than one hundred fifty thousand population the  
 33 utility board shall each month prepare in pamphlet form the state-  
 34 ment herein required for the preceding month, and furnish copies to  
 35 the city library, the daily newspapers of the city, the city clerk, and  
 36 to persons who apply at the office of the secretary, and the pamphlet  
 37 shall constitute publication as required. Failure by the secretary  
 38 to make publication is a misdemeanor.

1 SEC. 189. A utility board shall control tax revenues allocated to  
 2 the city utility, city utilities, or combined utility system it adminis-  
 3 ters and all moneys derived from the operation of the city utility,  
 4 city utilities, or combined utility system, the sale of utility property,  
 5 interest on investments, or from any other source related to the city  
 6 utility, city utilities, or combined utility system.

7 All city utility moneys received must be held in a separate utility  
 8 fund, with a separate account or accounts for each city utility or  
 9 combined utility system. If a board administers a municipal utility  
 10 or combined utility system, moneys may be paid out of that utility  
 11 account only at the direction of the board.

1 SEC. 190. A city utility or a combined utility system may not pro-  
 2 vide use or service at a discriminatory rate, except to the city or its  
 3 agencies, as provided in section one hundred seventy-two (172) of  
 4 this Act.

1 SEC. 191. A utility board functioning on the effective date of this  
 2 Act shall continue to function until discontinued as provided in this  
 3 division, and has all the powers granted in this division.

4 Nothing in this Act shall be construed to allow the abrogation of  
 5 any franchise.

#### DIVISION IX. ADMINISTRATIVE AGENCIES

1 SEC. 192. If the council wishes to establish an administrative  
 2 agency, it shall do so by an ordinance which indicates the title, pow-  
 3 ers, and duties of the agency, the method of appointment, qualifica-

4 tions, compensation, and term of members, and other appropriate  
5 matters relating to the agency. The title of an administrative agency  
6 must be appropriate to its function. The council may not delegate  
7 to an administrative agency any of the powers, authorities, and duties  
8 prescribed in part five (5) of division seven (VII) or in division  
9 eight (VIII) of this Act, except that the council may delegate to an  
10 administrative agency power to establish and collect charges, and  
11 dispense the moneys received for the use of a city facility, including  
12 a city enterprise, as defined in section one hundred five (105) of this  
13 Act, so long as there are no revenue bonds or pledge orders outstand-  
14 ing which are payable from the revenues of the city enterprise. Ex-  
15 cept as otherwise provided in this division, the council may delegate  
16 rule-making authority to the agency for matters within the scope of  
17 the agency's powers and duties, and may prescribe penalties for vio-  
18 lation of agency rules and regulations which have been adopted by  
19 ordinance. Rules and regulations governing the use by the public  
20 of any city facility must be made readily available to the public.

1 SEC. 193. An administrative agency may not pledge the credit  
2 or taxing power of the city.

1 SEC. 194. Unless otherwise stated in the ordinance establishing  
2 the agency, contracts and agreements entered into by administrative  
3 agencies are subject to review and approval by the council, but when  
4 so approved and to the extent such contracts and agreements are  
5 otherwise valid by law, are valid and not voidable by subsequent  
6 actions of the city even if the administrative agency is dissolved, but  
7 no such contract or agreement may conflict with the provisions of  
8 part five (5) of division seven (VII) or division eight (VIII) of  
9 this Act, or any action taken pursuant to the provisions of the same.

1 SEC. 195. Subject to approval by the council, an administrative  
2 agency may take action jointly with other public or private agencies  
3 as provided in chapter twenty-eight E (28E) of the Code.

1 SEC. 196. A city library board of trustees functioning on the  
2 effective date of this Act shall continue to function in the same man-  
3 ner until altered or discontinued as provided in this section.

4 In order for the board to function in the same manner, the coun-  
5 cil shall retain all applicable ordinances, and shall adopt as ordi-  
6 nances all applicable state statutes repealed by this Act.

7 A library board may accept and control the expenditure of all  
8 gifts, devises, and bequests to the library.

9 A proposal to alter the composition, manner of selection, or charge  
10 of a library board, or to replace it with an alternate form of admin-  
11 istrative agency, is subject to the approval of the voters of the city.

12 The proposal may be submitted to the voters at any city election  
13 by the council on its own motion. Upon receipt of a valid petition  
14 as defined in section four (4) of this Act, requesting that a proposal  
15 be submitted to the voters, the council shall submit the proposal at  
16 the next regular city election. A proposal submitted to the voters  
17 must describe with reasonable detail the action proposed.

18 If a majority of those voting approves the proposal, the city may  
19 proceed as proposed.

20 If a majority of those voting does not approve the proposal, the

21 same or a similar proposal may not be submitted to the voters of  
22 the city for at least four years from the date of the election at which  
23 the proposal was defeated.

1     **SEC. 197.** If a hospital or health care facility is established by a  
2 city, the city shall by ordinance provide for the election, at a general,  
3 city, or special election, of three trustees, whose terms of office shall  
4 be six years; but at the first election, three shall be elected and hold  
5 their office, respectively, for two, four, and six years, and they shall  
6 by lot determine their respective terms. A board of trustees elected  
7 pursuant to this section shall serve as the sole and only board of  
8 trustees for any and all institutions established by a city as provided  
9 for in this section.

10     Cities maintaining an institution as provided for in this section  
11 which have a board of trustees consisting of three members may by  
12 ordinance increase the number of members to five and provide for the  
13 appointment of one of the additional members until the next succeeding  
14 general or city election, and for the appointment of the other additional  
15 member until the second succeeding general or city election.  
16 Thereafter, the terms of office of such additional members shall be  
17 six years.

18     The trustees shall within ten days after their election qualify by  
19 taking the oath of office, and organize as a board by the election of  
20 one of their number as chairman and one as secretary, but no bond  
21 shall be required of them.

22     The official serving as treasurer of the city shall be the treasurer  
23 of the board of trustees, and shall receive and disburse all funds under  
24 the control of the board as ordered by it, but shall receive no additional  
25 compensation for his services. The treasurer shall give bond in  
26 a form and amount as determined by the board in its discretion.

27     No trustee shall receive any compensation for his services per-  
28 formed, but he may receive reimbursement for any cash expenses  
29 actually made for personal expenses incurred as trustee, but an item-  
30 ized statement of all expenses and moneys paid out shall be made  
31 under oath by each of the trustees and filed with the secretary and  
32 allowed only by the affirmative vote of the full board.

33     The board of trustees shall be vested with authority to provide for  
34 the management, control, and government of the city hospital or  
35 health care facility established as permitted by this section, and shall  
36 provide all needed rules and regulations for the economic conduct  
37 thereof and shall annually prepare a condensed statement of the  
38 total receipts and expenditures for the hospital or health care facility  
39 and cause the same to be published in a newspaper of general cir-  
40 culation in the city in which the hospital or health care facility is  
41 located. In the management of the hospital or health care facility  
42 no discrimination shall be made against practitioners of any school  
43 of medicine recognized by the laws of the state.

44     As a part of the board's authority it may accept property by gift,  
45 devise, bequest or otherwise; and, if the board deems it advisable,  
46 may, at public sale, sell or exchange any property so accepted upon  
47 a concurring vote of a majority of all members of the board of trustees,  
48 and apply the proceeds thereof, or property received in exchange  
49 therefor, to any legitimate hospital or health care facility  
50 purpose.

51 The trustees may in their discretion establish a fund for deprecia-  
52 tion as a separate fund. Said funds may be invested in United States  
53 government bonds and when so invested the accumulation of interest  
54 on the bonds so purchased shall be used for the purposes of the de-  
55 preciation fund; an investment when so made shall remain in United  
56 States government bonds until such time as in the judgment of the  
57 board of trustees it is deemed advisable to use the funds for hospital  
58 or health care facility purposes.

59 Boards of trustees of institutions provided for in this section are  
60 granted all of the powers and duties necessary for the management,  
61 control and government of the institutions, specifically including but  
62 not limited to any applicable powers and duties granted boards of  
63 trustees under other provisions of the Code relating to hospitals,  
64 nursing homes, and custodial homes irrespective of the chapter of the  
65 Code under which such institutions are established, organized, oper-  
66 ated or maintained.

1 SEC. 198. Except as otherwise provided in this division, an ad-  
2 ministrative agency established by a city shall continue with the  
3 same powers and duties until altered or discontinued as provided in  
4 this section. The council may by ordinance reduce or increase an  
5 administrative agency's power and duties, or may transfer powers  
6 and duties from one agency to another. The council may discontinue  
7 an administrative agency by adopting a resolution proposing the  
8 action, and publishing notice as provided in section three (3) of  
9 this Act, of the resolution and of a date, time, and place of a public  
10 hearing on the proposal, and may discontinue the agency by ordi-  
11 nance or amendment not sooner than thirty days following the hear-  
12 ing.

1 SEC. 199. Chapters three hundred sixty-two (362), three hun-  
2 dred sixty-three (363), three hundred sixty-three A (363A), three  
3 hundred sixty-three B (363B), three hundred sixty-three C (363C),  
4 three hundred sixty-three D (363D), three hundred sixty-three E  
5 (363E), three hundred sixty-four (364), three hundred sixty-six  
6 (366), three hundred sixty-eight (368), three hundred sixty-eight A  
7 (368A), three hundred sixty-nine (369), three hundred seventy  
8 (370), three hundred seventy-one (371), three hundred seventy-two  
9 (372), three hundred seventy-three (373), three hundred seventy-  
10 four (374), three hundred seventy-four A (374A), three hundred  
11 seventy-five (375), three hundred seventy-six (376), three hundred  
12 seventy-seven (377), three hundred seventy-eight (378), three hun-  
13 dred seventy-eight A (378A), three hundred seventy-nine (379),  
14 three hundred seventy-nine A (379A), three hundred seventy-nine B  
15 (379B), three hundred eighty (380), three hundred eighty-one (381),  
16 three hundred eighty-two (382), three hundred eighty-three (383),  
17 three hundred eighty-four (384), three hundred eighty-five (385),  
18 three hundred eighty-six (386), three hundred eighty-six A (386A),  
19 three hundred eighty-six B (386B), three hundred eighty-six C  
20 (386C), three hundred eighty-seven (387), three hundred eighty-  
21 nine (389), three hundred ninety (390), three hundred ninety A  
22 (390A), three hundred ninety-one (391), three hundred ninety-one  
23 A (391A), three hundred ninety-two (392), three hundred ninety-  
24 three (393), three hundred ninety-four (394), three hundred ninety-

25 five (395), three hundred ninety-six (396), three hundred ninety-  
 26 seven (397), three hundred ninety-seven A (397A), three hundred  
 27 ninety-eight (398), three hundred ninety-eight A (398A), three hun-  
 28 dred ninety-nine (399), four hundred (400), four hundred one (401),  
 29 four hundred two (402), four hundred four (404), four hundred  
 30 seven (407), four hundred eight (408), four hundred eight A (408A),  
 31 four hundred thirteen (413), four hundred fifteen (415), and four  
 32 hundred seventeen (417), Code 1971, are repealed.

1 SEC. 200. Section four point one (4.1), subsection twenty-six  
 2 (26), Code 1971, is amended as follows:

3 26. Population. The word "population", where used in this Code  
 4 or any statute hereafter passed, shall be taken to be that, means the  
 5 population as shown by the last preceding national certified federal  
 6 census, unless otherwise specially provided. However the population  
 7 figure disclosed for any city or town as the result of a special federal  
 8 census as modified as the result of consolidation or annexation in the  
 9 manner provided in sections 312.3 and 123.50, shall be considered for  
 10 no other purposes than the application of sections 123.50 and 312.3.

1 SEC. 201. Section nine point two (9.2), Code 1971, is amended as  
 2 follows:

3 9.2 Records relating to cities and towns.\* He shall receive and  
 4 preserve in his office all papers transmitted to him in relation to the  
 5 incorporation of cities and towns, or the annexation of territory  
 6 thereto, or the consolidation or abandonment of municipal corpora-  
 7 tions city development, including incorporation, discontinuance, or  
 8 boundary adjustment; and shall keep an alphabetical list of said  
 9 cities and towns in a book provided for that purpose, in which shall  
 10 be entered the name of the town or city, the character of the same,  
 11 whether town or city, the county in which situated, and the date of  
 12 organization incorporation, discontinuance, or boundary adjustment.

1 SEC. 202. Section eleven point eighteen (11.18), Code 1971, is  
 2 amended as follows:

3 11.18 Examination of cities, towns,\* townships, and schools. The  
 4 financial condition and transactions of all cities and city offices,  
 5 merged areas, and all school offices in independent and community  
 6 school districts maintaining high schools, shall be examined at least  
 7 once each year. The financial condition and transactions of all towns,  
 8 except that cities having a population of seven hundred or more but  
 9 less than two thousand shall be examined at least once every four  
 10 years, and cities having a population of less than seven hundred may  
 11 be examined as otherwise provided in this section. Such examination  
 12 shall cover the fiscal year next preceding the year in which the audit  
 13 is conducted. The examination of school offices shall include an audit  
 14 of activity funds. Examinations may be made by the auditor of state,  
 15 or in lieu of the examination by state accountants the local governing  
 16 body whose accounts are to be examined, in case it elects so to do,  
 17 may contract with, or employ, certified or registered public account-  
 18 ants, certified and registered in the state of Iowa, and pay the same  
 19 from the proper public funds. If the a city, merged area or school  
 20 district elect elects to have the audit made by certified or registered

\*According to enrolled Act.

21 public accountants, ~~they~~ it must so notify the auditor of state within  
22 sixty days after the close of the fiscal year to be examined ~~and towns~~  
23 ~~electing to have their audit made by a certified public accountant.~~  
24 A city must so notify the state auditor by *filing* a resolution of the  
25 council designating the name of the person or firm to be employed  
26 at least ninety days prior to the end of a fiscal year. Such notification  
27 and designation shall remain in effect until rescinded or modified by  
28 a subsequent resolution of the ~~town~~ council filed with the state audi-  
29 tor. For town audits to be conducted by certified public accountants,  
30 the state auditor shall notify the designated person or firm of the  
31 year to be examined at least sixty days prior to the end of the year  
32 to be examined. If any city, town, merged area or school district  
33 does not file such notification with the auditor of state within the  
34 required period, the auditor of state is authorized to make the  
35 examination and cover any period which has not been previously  
36 examined.

37 Any township or municipal corporation not embraced within the  
38 foregoing provisions of this chapter and any school corporation in  
39 which an annual examination is not required may, on application to  
40 the auditor of state, secure an examination of its financial transac-  
41 tions and condition of its funds, or a like examination shall be had  
42 on application of one hundred or more taxpayers, or if there are  
43 fewer than five hundred taxpayers, then by five percent thereof. The  
44 examination in any such school district may be had upon the written  
45 request of the county superintendent of schools. In lieu of such  
46 examination by state supercountants, the local governing body may  
47 contract with, or employ, certified or registered public accountants  
48 and pay the same from the proper public funds.

49 In addition to his powers and duties under other provisions of the  
50 Code, the auditor of state may at any time, if he deems such action  
51 to be in the public interest, cause to be made a complete or partial  
52 audit of the financial condition and transactions of any city, ~~town,~~  
53 county, school corporation, governmental subdivision, or any office  
54 thereof, even though an audit for the same period has been made by  
55 certified or registered public accountants. Such state audit shall be  
56 made and paid for as provided in this chapter, except that in the  
57 event an audit covering the same period has previously been made  
58 and paid for, the costs of such additional state audit shall be paid  
59 from any funds available in the office of the auditor of state. This  
60 paragraph shall not be construed to grant any new authority to have  
61 audits made by certified or registered public accountants.

1 SEC. 203. Section eleven point twenty-two (11.22), Code 1971, is  
2 amended as follows:

3 **11.22 Uniform system of accounting.** The auditor of state shall  
4 prescribe a uniform system of blanks and forms for all financial  
5 accounts, receipts, and reports of all county, ~~city,~~ and ~~town~~ offices.  
6 Said system shall, as far as practicable, follow the classifications and  
7 definitions of such transactions in use in the national census office,  
8 when not in conflict with the laws of this state. Said blanks and  
9 forms shall, by said auditor, be revised, from time to time, in order  
10 to render the same more efficient and to meet changes in the law.

1 SEC. 204. Section eleven point twenty-three (11.23), Code 1971,  
2 is amended as follows:

3 **11.23 Duty to install.** It shall be the specific duty of each county,  
4 *and school, city, and town* officer to install and use in his office a  
5 system of uniform blanks and forms as prescribed by law. State  
6 auditors are charged with the specific duty to assist all such officers  
7 in installing said system.

1 SEC. 205. Section eleven point twenty-five (11.25), Code 1971, is  
2 amended as follows:

3 **11.25 Reports required.** The auditor of state shall make the fol-  
4 lowing reports:

5 1. An annual report to the governor and general assembly of all  
6 municipal financial operations.

7 2 1. A biennial report to the governor and the general assembly of  
8 all operations of his office.

9 3 2. Individual audit reports giving the results of all examinations  
10 and audits of all departments and establishments and all fiscal officers  
11 of the state and local governments.

1 SEC. 206. Sections eleven point twenty-six (11.26), eleven point  
2 thirty-one (11.31), and seventeen point seven (17.7), Code 1971, are  
3 repealed.

1 SEC. 207. Section nineteen point six (19.6), Code 1971, is amended  
2 as follows:

3 **19.6 Report for official register.** He shall, as soon as practicable  
4 after January 1 of each odd-numbered year, prepare a report of the  
5 proceedings of the executive council for the two preceding calendar  
6 years. Said report shall include a statement of:

7 1. The official canvass of the votes cast at the last general election.

8 2. ~~The cities and towns, the class of which may have been changed.~~

9 3 2. Other acts of said council that are of general interest.

10 Said report shall be published in the Iowa official register.

1 SEC. 208. Section nineteen point seven (19.7), unnumbered para-  
2 graph one (1), Code 1971, is amended as follows:

3 **19.7 Contingent fund—use for state losses or governmental sub-  
4 divisions disaster aid.** A contingent fund set apart for the use of the  
5 executive council may be expended for the purpose of paying the  
6 expenses of suppressing any insurrection or riot, actual or threat-  
7 ened, when state aid has been rendered by order of the governor, and  
8 for repairing, rebuilding, or restoring any state property injured,  
9 destroyed, or lost by fire, storm, theft, or unavoidable cause, and for  
10 aid to any governmental subdivision in an area declared by the gov-  
11 ernor to be a disaster area due to natural disasters or to expenditures  
12 necessitated by the governmental subdivision toward averting or  
13 lessening the impact of such potential disaster, where the effect of  
14 such disaster or such action on the governmental subdivision is the  
15 immediate financial inability to meet the continuing requirements of  
16 local government. Upon application therefor by a governmental sub-  
17 division in such an area, accompanied by a showing of obligations and  
18 expenditures necessitated by such actual or potential disaster, in such  
19 form and with such further information as the executive council may  
20 require, such aid may be made in the discretion of the council and,

21 if made, shall be in the nature of a loan, up to a limit of seventy-five  
 22 percent of the showing of such obligations and expenditures. Said  
 23 loan, without interest, shall be repaid by the maximum annual  
 24 emergency levy as authorized by section 24.6, *or from the general*  
 25 *fund or emergency fund of a city.* The aggregate total of such loans  
 26 shall not exceed one million dollars in any biennial fiscal term of the  
 27 state. No such loan shall be for any obligation or expenditure occur-  
 28 ring more than two years previous to the application.

1 SEC. 209. Section twenty-three point one (23.1), Code 1971, is  
 2 amended as follows:

3 **23.1 Terms defined.** The words "public improvement" as used in  
 4 this chapter shall mean any building or other construction work to  
 5 be paid for in whole or in part by the use of funds of any munic-  
 6 ipality.

7 The word "municipality" as used in this chapter shall mean county,  
 8 except in the exercise of its power to make contracts for secondary  
 9 road improvements, ~~city, town,~~ township, school corporations, state  
 10 fair board, state board of regents, and state board of control.

11 The words "appeal board" as used in this chapter shall mean the  
 12 "state appeal board", composed of the auditor of state, treasurer of  
 13 state, and state comptroller.

1 SEC. 210. Section twenty-four point two (24.2), subsection one  
 2 (1), Code 1971, is amended as follows:

3 1. The word "municipality" shall mean the county, ~~city, town,~~  
 4 school corporation, and all other public bodies or corporations that  
 5 have power to levy or certify a tax or sum of money to be collected  
 6 by taxation, but shall not include any *city*, drainage district, town-  
 7 ship, or road district.

1 SEC. 211. Section twenty-six point six (26.6), Code 1971, as  
 2 amended by chapter one hundred sixty-five (165), section forty-five  
 3 (45), Acts of the Sixty-fourth General Assembly, First Session, is  
 4 amended to read as follows:

5 **26.6 Population of counties, townships, cities, and towns.\*** When-  
 6 ever the population of any county, township, city, or town is referred  
 7 to in any law of this state, it shall be determined by the last *preceding*  
 8 ~~certified, or certified and published, official federal census unless~~  
 9 otherwise provided. ~~However, the population figure disclosed for~~  
 10 ~~any city or town as the result of a special federal census as modified~~  
 11 ~~as the result of consolidation or annexation in the manner provided~~  
 12 ~~in sections 312.3, and 123.50, shall be considered for no other pur-~~  
 13 ~~poses than the application of sections 123.50, 312.3 and the provi-~~  
 14 ~~sions of this division.~~ Whenever a special federal census is hereafter  
 15 taken by any city ~~or town~~, the mayor and council shall certify the  
 16 ~~said~~ census as soon as possible to the secretary of state and to the  
 17 treasurer of state as otherwise herein provided, and failing to do so,  
 18 the treasurer of state shall, after six months from the date of ~~said~~  
 19 the special census, turn over such moneys as authorized by sections  
 20 123.50 ~~and~~, 312.3 ~~and the provisions of chapter 165, division IV, Acts~~  
 21 ~~of the Sixty-fourth General Assembly, First Session,~~ to the general  
 22 fund of the state, and continue to do so until such time as certifica-

\*According to enrolled Act.



23 tion by said the mayor and council is made, or until the next decen-  
 24 nial federal census. If there be a difference between the original  
 25 certified record in the office of the secretary of state and the pub-  
 26 lished census the former shall prevail.

1 SEC. 212. Section twenty-eight F point one (28F.1), Code 1971, is  
 2 amended as follows:

3 **28F.1 Scope of chapter.** This chapter is intended to provide a  
 4 means for the joint financing by public agencies of works or facilities  
 5 enumerated in section ~~394.1~~ *useful and necessary for the collection,*  
 6 *treatment, purification and disposal in a sanitary manner of liquid*  
 7 *and solid waste, sewage, and industrial waste, also swimming pools*  
 8 *or golf courses.* The provisions of this chapter shall be deemed to  
 9 apply to the acquisition, construction, reconstruction, operation,  
 10 repair, extension or improvement of such works or facilities, by a  
 11 separate administrative or legal entity created pursuant to chapter  
 12 28E.

1 SEC. 213. Section twenty-eight F point two (28F.2), Code 1971, is  
 2 amended as follows:

3 **28F.2 Definitions.** The terms "public agency", "state", and "pri-  
 4 vate agency" shall have the meanings prescribed by section 28E.2.  
 5 The term "project" or "projects" shall mean any works or facilities  
 6 referred to in section ~~394.1~~ *28F.1* and shall include all property real  
 7 and personal, pertinent thereto or connected with such project or  
 8 projects, and the existing works or facilities, if any, to which such  
 9 project or projects are an extension, addition, betterment or improve-  
 10 ment.

1 SEC. 214. Section twenty-eight F point three (28F.3), Code 1971,  
 2 is amended as follows:

3 **28F.3 Revenue bonds.** An entity created to carry out an agree-  
 4 ment authorizing the joint exercise of those governmental powers  
 5 enumerated in section ~~394.1~~ *28F.1* shall have power to construct,  
 6 acquire, repair, improve, expand, operate and maintain a project or  
 7 projects necessary to carry out the purposes of such agreement, and  
 8 to issue from time to time revenue bonds payable from the revenues  
 9 derived from such project or projects, or any combination of such  
 10 projects, to finance the cost or part of the cost of the acquisition,  
 11 construction, reconstruction, repair, extension or improvement of  
 12 such project or projects, including the acquisition for the purposes  
 13 of such agreement, of any property, real or personal or mixed there-  
 14 for. The power of the entity to issue revenue bonds shall not be  
 15 exercised until authorized by resolution or ordinance duly adopted by  
 16 each of the public agencies participating in such agreement. Public  
 17 agencies participating in such an agreement may not withdraw or in  
 18 any way terminate, amend, or modify in any manner to the detriment  
 19 of the bondholders said agreement if revenue bonds or obligations  
 20 issued in anticipation of the issuance of said revenue bonds have been  
 21 issued and are then outstanding and unpaid as provided for herein.  
 22 Any revenue bonds for the payment and discharge of which, upon  
 23 maturity or upon redemption prior to maturity, provision has been  
 24 made through the setting apart in a reserve fund or special trust  
 25 account created pursuant to this chapter to insure the payment  
 26 thereof, of moneys sufficient for that purpose or through the irrevoc-

27 cable segregation for that purpose in a sinking fund or other fund  
 28 or trust account of moneys sufficient therefor, shall be deemed to be  
 29 no longer outstanding and unpaid within the meaning of any provi-  
 30 sion of this chapter.

1 SEC. 215. Section thirty-seven point two (37.2), Code 1971, is  
 2 amended as follows:

3 **37.2 Petition.** The petition for the erection and equipment of any  
 4 such hall or monument shall request the submission of the proposition  
 5 to a vote of the people and shall:

6 1. When it is proposed to erect the same at the expense of the  
 7 county, be signed by ten percent of the qualified electors thereof as  
 8 shown by the poll list in the last preceding general election, or by a  
 9 majority of the members of the Grand Army of the Republic, the  
 10 Spanish-American War Veterans Association, Veterans of World  
 11 War I, the American Legion, Disabled American Veterans of the  
 12 World War, Veterans of Foreign Wars of the United States, Marine  
 13 Corps League and American Veterans of World War II (AMVETS)  
 14 of the county.

15 2. When it is proposed to erect the same at the expense of a city  
 16 ~~or town~~, be signed by ~~ten percent~~ of the qualified electors thereof, as  
 17 ~~shown by the poll list in the last preceding regular municipal election~~  
 18 *subject to the provisions of section 4 of this Act.*

19 3. Set forth therein the purpose of the memorial proposed, as out-  
 20 lined in section 37.18.

1 SEC. 216. Section thirty-seven point four (37.4), Code 1971, is  
 2 amended as follows:

3 **37.4 Notice.** Notice of such election shall be given by publication  
 4 in one newspaper published *or having general circulation* in the  
 5 county ~~city or town or city~~, as the case may be, ~~once each week for at~~  
 6 ~~least four consecutive weeks.~~ If no newspaper is published therein,  
 7 then such notice may be given by posting in three public places within  
 8 the limits of said corporation, and by publication for four consecutive  
 9 weeks in a newspaper of general circulation in the county; the last  
 10 publication to be not less than five nor more than twenty days prior  
 11 ~~to such election as provided in section 3 of this Act.~~ Such notice shall  
 12 state the purpose of the memorial proposed as outlined in section  
 13 37.18.

1 SEC. 217. Section thirty-seven point five (37.5), Code 1971, is  
 2 amended as follows:

3 **37.5 Acquisition of site.** When the proposition to erect any such  
 4 building or monument has been carried by a majority vote of all  
 5 voters voting thereon, any such county, ~~city~~, ~~or town~~ shall have the  
 6 power to purchase grounds suitable for a site for any such building  
 7 or monument.

1 SEC. 218. Section thirty-seven point six (37.6), Code 1971, is  
 2 amended as follows:

3 **37.6 Bonds.** For the purpose of providing funds for the acqui-  
 4 sition of necessary ground therefor, and for purchasing, erecting, con-  
 5 structing, or reconstructing such building or monument, and for the  
 6 necessary equipment therefor, the county, ~~city~~, ~~or town~~ may issue  
 7 bonds to be known as liberty memorial bonds, to be issued and sold

8 as provided by law relative to general county and city bonds; they  
 9 it shall provide for portions of such bonds to become due at different,  
 10 definite periods, but none in more than twenty years from date. In  
 11 issuing such bonds, such county, city, or town may become indebted  
 12 in an amount which, added to all other indebtedness, shall not exceed  
 13 five percent of the actual value of the taxable property in such  
 14 county, city, or town as determined by the last state and county tax  
 15 lists. Such bonds shall bear interest at a rate not exceeding seven  
 16 percent per annum. *Bonds issued by a city must be issued in accord-*  
 17 *ance with provisions of law relating to general corporate purpose*  
 18 *bonds of a city.*

1 SEC. 219. Section thirty-seven point seven (37.7), Code 1971, is  
 2 amended as follows:

3 37.7 **Levy for bonds.** For the purpose of liquidating such bonds  
 4 together with the interest thereon, such county shall levy upon all  
 5 the property within the limits thereof, subject to taxation for such  
 6 purpose, in addition to all other taxes provided by law, a special tax  
 7 not exceeding in any one year four mills on the dollar for a period  
 8 of not exceeding twenty years.

9 For the purpose of liquidating any such liberty memorial bonds  
 10 issued by cities and towns pursuant to the provisions of this chapter,  
 11 together with interest thereon, taxes shall be levied by such cities  
 12 and towns in accordance with chapter 76, and said bonds and interest  
 13 thereon shall be payable through the debt service fund.

1 SEC. 220. Section thirty-seven point eight (37.8), Code 1971, is  
 2 amended as follows:

3 37.8 **Levy for maintenance.** For the development, operation, and  
 4 maintenance of such building or monument constructed, purchased,  
 5 or donated under this chapter, there may be thereafter levied a tax  
 6 as follows:

7 1. By a county owning same, not to exceed one and one-fourth mills  
 8 on all the taxable property within said county.

9 2. By a city having a population in excess of fifty thousand persons  
 10 as shown by the last preceding census, owning same, not to exceed  
 11 two mills on all the taxable property within said city owning same,  
 12 not to exceed three mills on all the taxable property within the city,  
 13 as provided in section 93, subsection 3 of this Act.

14 3. By any city having a population of at least fifteen thousand but  
 15 not more than fifty thousand, owning same, not to exceed three mills  
 16 on all the taxable property within said city.

17 4. By a city having a population of less than fifteen thousand,  
 18 owning same, not to exceed four mills on all the taxable property  
 19 within said city.

20 5. By a town owning same, not to exceed five mills on all the tax-  
 21 able property within said town.

1 SEC. 221. Section forty-three point eleven (43.11), Code 1971, is  
 2 amended as follows:

3 43.11 **Filing of nomination papers.** Nomination papers in behalf  
 4 of a candidate shall be filed:

5 1. For an elective county office, in the office of the county auditor  
 6 at least fifty-five days prior to the day fixed for holding the primary  
 7 election.

8 2. For United States senator, for an elective state office, for repre-  
 9 sentative in Congress, and for member of the general assembly, in  
 10 the office of the secretary of state not more than eighty-five days nor  
 11 less than sixty-five days prior to the day fixed for holding said pri-  
 12 mary election.

13 ~~3. For elective offices in cities and towns, as provided in section~~  
 14 ~~363.11.~~

1 SEC. 222. Section forty-nine point three (49.3), Code 1971, is  
 2 amended as follows:

3 **49.3 Election precincts.** Election precincts shall, except as other-  
 4 wise provided, be as follows:

- 5 1. Each township when there is no part of a city therein.
- 6 2. The portion of a township outside the limits of any city.
- 7 3. Such divisions of cities as may be fixed by the council by ordi-  
 8 nance.

9 *4. All such election precincts shall be established within the bound-*  
 10 *aries of a representative district as established by law.*

11 ~~4. Each incorporated town, for town elections.~~

1 SEC. 223. Section forty-nine point seven (49.7), Code 1971, as  
 2 amended by chapter one hundred (100), section one (1), Acts of the  
 3 Sixty-fourth General Assembly, First Session, is amended to read as  
 4 follows:

5 **49.7 Portions of townships combined.** No precinct shall contain  
 6 different townships or parts thereof, except *for other than city elec-*  
 7 *tions* where the board of supervisors has combined two or more  
 8 contiguous townships into one election precinct or where, by reason  
 9 of the existence of a village or ~~incorporated town~~ *city of less than*  
 10 *two thousand population* on or near a township line, the board of  
 11 supervisors may create a voting precinct in compact form, from  
 12 ~~said town~~ *the city* or village, and may include ~~therein~~ territory  
 13 adjoining and adjacent to ~~said the~~ *village or town city*, which is  
 14 situated in two or more townships.

1 SEC. 224. Section forty-nine point thirteen (49.13), Code 1971, is  
 2 repealed.

1 SEC. 225. Section fifty-two point three (52.3), Code 1971, is  
 2 amended as follows:

3 **52.3 Terms of purchase—tax levy.** The local authorities, on the  
 4 adoption and purchase of a voting machine, may provide for the  
 5 payment therefor in such manner as they may deem for the best  
 6 interest of the locality, and may for that purpose issue bonds, cer-  
 7 tificates of indebtedness, or other obligations, which shall be a charge  
 8 on the county, *or city, or town*, or levy not to exceed one-half mill;  
 9 and any amounts so levied and collected in excess of actual costs of  
 10 voting machines shall revert to the general fund of the county, *or*  
 11 *city, or town* concerned. ~~In the case of a city or town, any such funds~~  
 12 ~~collected under this section shall be held in a separate account in the~~  
 13 ~~municipal enterprises fund and shall be used for no other purpose~~  
 14 ~~than the purchase of voting machines.~~ Such bonds, certificates, or  
 15 other obligations may be issued with or without interest, payable at  
 16 such time or times as the authorities may determine, but shall not be  
 17 issued or sold at less than par.

1 SEC. 226. Section sixty-four point one (64.1), Code 1971, is  
2 amended as follows:

3 **64.1 Bond not required.** Bonds shall not be required of the follow-  
4 ing public officers:  
5 1. Governor.  
6 2. Lieutenant governor.  
7 3. Members of the general assembly.  
8 4. Judges of the supreme, district, superior, and municipal courts.\*  
9 5. Township trustees.  
10 6. Aldermen, councilmen, and commissioners of cities and towns  
11 , *other than mayors.*

1 SEC. 227. Section sixty-four point fourteen (64.14), Code 1971, is  
2 repealed.

1 SEC. 228. Section sixty-nine point two (69.2), subsection three  
2 (3), Code 1971, is amended as follows:

3 3. The incumbent ceasing to be a resident of the state, district,  
4 county, township, city, town, or ward by or for which he was elected  
5 or appointed, or in which the duties of his office are to be exercised.  
6 This subsection shall not apply to ~~appointments authorized by section~~  
7 ~~368A.1, subsection 7~~ *appointed city officers.*

1 SEC. 229. Section sixty-nine point thirteen (69.13), Code 1971, is  
2 amended as follows:

3 **69.13 Vacancies—when filled.** If a vacancy occurs in an elective  
4 office in a city, town, or township ten days, or a county office fifty  
5 days, or any other office sixty days, prior to a general election, it shall  
6 be filled at such election, unless previously filled at a special election.

1 SEC. 230. Section seventy-four point one (74.1), Code 1971, is  
2 amended as follows:

3 **74.1 Applicability.** This chapter shall apply to all warrants which  
4 are legally drawn on a public treasury, including the treasury of a  
5 city, and which, when presented for payment, are not paid for want  
6 of funds.

7 This chapter and its procedures shall also apply whenever a municipi-  
8 pality, as defined in section 24.2, or a city shall determine that there  
9 are not or will not be sufficient funds on hand to pay the legal obli-  
10 gations of a fund. Said municipality is authorized to provide for the  
11 payment of such present and future obligations by drawing one or  
12 more anticipatory warrants payable to a bank or other business  
13 entity authorized by law to loan money in an amount or amounts  
14 legally available and believed to be sufficient to cover the anticipated  
15 deficiencies. *The duties imposed on the treasurer by this chapter may*  
16 *be assigned by the city council to another city officer.*

1 SEC. 231. Section eighty point twelve (80.12), Code 1971, is  
2 amended as follows:

3 **80.12 Attendance at short course.** The commissioner of public  
4 safety is authorized to send members of the department of public  
5 safety to any course of instruction for peace officers, not exceeding  
6 a total of six weeks' length in any one year, given by the college of  
7 law of the state University of Iowa, or the course of instruction in  
8 public safety education given at Iowa State University of science and

\*See 64 GA, ch 1124, §92.

9 technology, and such members shall be considered on duty while in  
 10 attendance upon such authority. The legislative body in any county,  
 11 ~~city, or town~~, may authorize the attendance at such course of any law  
 12 enforcing officer under the jurisdiction of such county, ~~city or town~~  
 13 and may provide for the payment of the actual and necessary ex-  
 14 penses of such person while in attendance, which payment shall be  
 15 made out of the general fund of such county, ~~city or town~~.

1 SEC. 232. Section eighty-one A point two (81A.2), Code 1971, is  
 2 amended as follows:

3 **81A.2 License required.** It shall be unlawful for any transient  
 4 merchant as herein defined, to sell, dispose of, or offer for sale any  
 5 goods, wares or merchandise of any kind, nature or description, at  
 6 any time or place within the state of Iowa, outside the limits of any  
 7 ~~city or town~~ in the state of Iowa, or within the limits of any ~~city or~~  
 8 ~~town~~ in the state of Iowa that has not by ordinance enacted pursuant  
 9 to the provisions of section 368.6 provided for the licensing of trans-  
 10 sient merchants, unless such transient merchant, as herein defined,  
 11 shall have a valid license as herein provided and shall have complied  
 12 with the regulations herein set forth.

1 SEC. 233. Section ninety-eight point thirty-five (98.35), Code  
 2 1971, is amended as follows:

3 **98.35 Tax and fees paid to general fund.** The proceeds derived  
 4 from the sale of stamps and the payment of taxes, fees and penalties  
 5 provided for under this chapter, and the permit fees received from  
 6 all permits issued by the department, shall be credited to the general  
 7 fund of the state. All permit fees provided for in this chapter and  
 8 collected by cities and towns in the issuance of permits granted by  
 9 ~~such municipalities~~ *the cities* shall be paid to the treasurer of the city  
 10 ~~or town~~ wherein the permit is effective, *or to another city officer as*  
 11 *designated by the council*, and credited to the general fund of said  
 12 city ~~or town~~. Permit fees so collected by counties shall be paid to the  
 13 county treasurer and credited to the general fund of such county.

1 SEC. 234. Section one hundred four point three (104.3), Code  
 2 1971, is repealed.

1 SEC. 235. Section one hundred eleven point thirty (111.30), Code  
 2 1971, is amended as follows:

3 **111.30 City funds available.** Any such city or cities, or any town  
 4 or towns aiding in the purchase of land for state parks, as provided  
 5 for in sections 111.28 and 111.29 may pay for the same out of the  
 6 general fund, ~~or the park fund~~, or may issue bonds for the payment  
 7 of the same and levy a tax for the payment of such bonds and the  
 8 interest thereon, *in accordance with the provisions of law relating to*  
 9 *general corporate purpose bonds of a city*.

1 SEC. 236. Section one hundred thirty-five point eleven (135.11),  
 2 subsection nine (9), Code 1971, is amended by striking the subsection  
 3 and inserting in lieu thereof the following:

4 9. Establish, publish, and enforce a state housing code containing  
 5 minimum requirements for the protection of the public health, safety,  
 6 and welfare. The state housing code is subject to the provisions of  
 7 chapter seventeen A (17A) of the Code. The state housing code must  
 8 contain minimum standards for existing dwellings, and may control  
 9 the construction or alteration of any dwelling, building to be used as

10 a dwelling, or building or structure on the same lot with a dwelling.  
11 The code may divide dwellings into reasonable classifications based  
12 upon location or occupancy or both, and establish standards for each  
13 classification relative to light, ventilation, sanitation, fire prevention,  
14 egress, repair and maintenance, alteration and improvement, and use.  
15 In establishing the state housing code, the department may consider  
16 any national standard codes relating to building construction and  
17 housing, and shall, so far as practicable, make the housing code  
18 consistent with rules of the state fire marshal relating to fire safety  
19 in housing.

20 For purposes of the state housing code, the word "nuisance" in-  
21 cludes nuisance as known at common law or in equity jurisprudence,  
22 and whatever is dangerous to human life or detrimental to health,  
23 whatever dwelling is overcrowded with occupants or is not provided  
24 with adequate ingress or egress, or is not sufficiently supported,  
25 ventilated, sewerred, drained, cleaned, or lighted, in reference to its  
26 intended or actual use, and whatever renders the air or human food  
27 or drink unwholesome, is also a nuisance, and all nuisances are  
28 illegal.

29 A city may adopt by ordinance part or all of the state housing  
30 code, or may adopt minimum requirements which are higher or more  
31 stringent than the requirements of the state housing code, and may  
32 enforce its ordinances in the usual manner and in the same manner  
33 as the state housing code may be enforced, as provided in this sec-  
34 tion.

35 Local health boards, or local health officials, shall enforce the state  
36 housing code, subject to supervision by the department. However, in  
37 a city which has a full-time building inspector, the council may, by  
38 ordinance, delegate to him the duty of enforcing the state housing  
39 code as it relates to fire protection, egress, and the construction or  
40 alteration of a dwelling, building, or structure.

41 In enforcing the state housing code, the department and local offi-  
42 cials may:

43 a. Require the submission of specifications and plans, and issue or  
44 revoke permits, for the construction or alteration of a dwelling,  
45 building, or structure subject to the housing code, and impose a  
46 reasonable charge for construction or alteration permits.

47 b. Maintain a civil action in any municipal or district court of the  
48 state, and recover from the owner of the property or from any other  
49 person, who violates the state housing code or knowingly permits the  
50 existence of a nuisance, or who fails to take action to comply with a  
51 notice or order from a state or local official to remove a nuisance or  
52 violation within five days of service of the notice or order, or who  
53 continues a violation after such time, a judgment of fifty dollars for  
54 the use of the state or local department which brings the action, plus  
55 costs, including attorney fees, expenses of enforcement, and costs  
56 incurred in the removal of the violation or nuisance, for each such  
57 offense. Such a judgment is a lien on the property until paid.

58 c. Maintain an action in any municipal or district court of the state  
59 to enjoin or abate a violation of the state housing code or a nuisance,  
60 to require compliance with a notice or order relating to a violation or  
61 nuisance, to enjoin the occupancy or use of, or the doing of any work  
62 in or about a dwelling, building, or structure which does not conform  
63 substantially to the state housing code, or to enjoin any illegal act,

64 conduct, or business in or about a dwelling, building, or structure  
65 subject to the state housing code.

66 For the period when such an injunction is in effect, no rent is  
67 recoverable by the owner or renter of the premises covered by the  
68 injunction, and no action may be brought for possession of the prem-  
69 ises based upon nonpayment of rent.

70 d. At reasonable times, enter and examine all premises subject to  
71 the state housing code.

72 e. Require that the owners of all rented premises obtain a certifi-  
73 cate of compliance with the state housing code. The department may  
74 impose a reasonable charge for compliance certificates.

75 f. In an action maintained under paragraphs b and c of this sub-  
76 section, the department or local officials shall show by petition that  
77 the owner and renter of the premises have received notice of the  
78 violation and reasonable opportunity to comply with the law. Notice  
79 of a violation mailed to the address of the owner, as shown on the  
80 tax records of the county auditor, and to the occupant of the prem-  
81 ises, is presumed to be received. Notice of the action must be served  
82 on the owner, as shown by the tax records of the county auditor,  
83 according to the Rules of Civil Procedure. However, an owner may  
84 file with the health department the name and address of his agent,  
85 and service or mailing of notice to the agent is equal to service or  
86 mailing to the owner.

1 SEC. 237. Section one hundred thirty-five B point seven (135B.7),  
2 Code 1971, is amended as follows:

3 **135B.7 Rules, regulations, and enforcement.** The state depart-  
4 ment of health with the advice of the hospital licensing board, shall  
5 adopt, amend, promulgate and enforce such rules, regulations and  
6 standards with respect to the different types of hospitals to be  
7 licensed hereunder as may be designed to further the accomplishment  
8 of the purposes of the chapter. Rules, regulations and standards may  
9 be adopted imposing requirements in excess of those provided in  
10 ~~chapter 413~~ *the state housing code*, but no rule, regulation or standard  
11 shall be adopted imposing requirements less than those provided by  
12 said ~~chapter~~ *code*. No rules, regulations or standards shall be adopted  
13 or enforced which would have the effect of denying a license to a hos-  
14 pital or other institution required to be licensed hereunder, solely by  
15 reason of the school or system of practice employed or permitted to  
16 be employed by physicians therein; provided that such school or  
17 system of practice is recognized by the laws of this state.

1 SEC. 238. Section one hundred thirty-five B point seventeen  
2 (135B.17), Code 1971, is amended as follows:

3 **135B.17 Construction.** This chapter shall not be construed as  
4 affecting, modifying or repealing any provision of ~~chapter 413~~ *the*  
5 *state housing code*, except as provided in section 135B.7, and provided  
6 further that this chapter shall be construed as being in addition to  
7 and not in conflict with chapters 235 and 236.

1 SEC. 239. Section one hundred thirty-five B point thirty-one  
2 (135B.31), Code 1971, is amended as follows:

3 **135B.31 Exceptions.** Nothing in this division is intended or  
4 should affect in any way that obligation of public hospitals under  
5 chapter 347 or ~~chapter 380~~ *municipal hospitals*, as well as the state



6 hospital at Iowa City, to provide medical treatment for indigent persons or tuberculosis patients as provided in chapters 254 and 255, 7 wherein medical treatment is provided by hospitals of that category 8 to patients of certain entitlement, nor to the operation by the state 9 of mental or other hospitals authorized by law. Nothing herein shall 10 in any way affect or limit the practice of dentistry or the practice 11 of oral surgery by a dentist. 12

1 SEC. 240. Section one hundred thirty-five C point fourteen 2 (135C.14), subsection one (1), Code 1971, is amended as follows:

3 1. Location and construction of the facility, including plumbing, 4 heating, lighting, ventilation, and other housing conditions, which 5 shall ensure the health, safety and comfort of residents and protec- 6 tion from fire hazards. Such rules, regulations and standards regard- 7 ing location and construction of the home may impose requirements 8 in excess of those provided in ~~chapter 413~~ *the state housing code,* 9 but shall not impose requirements less than those provided by such 10 ~~chapter~~ *code.* The rules of the department relating to protection 11 from fire hazards and fire safety shall be promulgated by the state 12 fire marshal, and shall be in keeping with the latest generally recog- 13 nized safety criteria for the facilities covered of which the applicable 14 criteria recommended and published from time to time by the national 15 fire protection association shall be prima-facie evidence.

1 SEC. 241. Section one hundred thirty-five D point thirteen 2 (135D.13), Code 1971, is amended as follows:

3 **135D.13 Notice to municipal treasurer or clerk.** It shall be the 4 duty of the state department of health to notify, or cause to be noti- 5 fied, the treasurer *or clerk* of each municipality of the issuance of 6 each mobile home park license issued within the jurisdiction of such 7 municipality.

1 SEC. 242. Section one hundred thirty-five D point twenty 2 (135D.20), Code 1971, is amended as follows:

3 **135D.20 Powers delegated to local boards.** The state department 4 of health shall have the power to delegate to a *local health officer or* 5 *other city officer or to* local boards of health the duties of inspection 6 and regulation of mobile home parks located within the jurisdiction 7 of such local board of health *or other officer,* where, in the opinion 8 of the state department of health, such delegation can best effectuate 9 the policies of this chapter. When said duties are so delegated, fifty 10 percent of the annual license fee collected therefrom shall be turned 11 over to the treasurer *or clerk* of the jurisdiction involved, and there 12 is hereby appropriated from the general fund of the state an amount 13 sufficient to pay the proportionate fees allowable to the jurisdiction 14 involved, as provided in this section.

1 SEC. 243. Section one hundred thirty-seven point sixteen (137.16), 2 Code 1971, is amended as follows:

3 **137.16 Local health fund.** The treasurer of each ~~city which has a~~ 4 ~~city board and the treasurer of each county~~ shall establish a "local 5 health fund".

1 SEC. 244. Section one hundred thirty-seven point eighteen 2 (137.18), Code 1971, is amended as follows:

3     **137.18 Deposit of moneys in fund.** All moneys received *by a*  
 4 *county or district* for local health purposes from federal appropria-  
 5 tions, from local taxation, from licenses, from fees for personal  
 6 services, or from gifts, grants, bequests, or other sources shall be  
 7 deposited in the local health fund. Expenditures shall be made from  
 8 the fund on order of the local board for the purpose of carrying out  
 9 its duties.

1     SEC. 245. Section one hundred thirty-seven point twenty (137.20),  
 2 Code 1971, is amended as follows:

3     **137.20 Appropriation from general fund of county.** The board of  
 4 supervisors of any county may appropriate from the county general  
 5 fund ~~and the council of any city or town may appropriate from the~~  
 6 ~~sanitation fund~~ for the purpose of providing local health services.  
 7 ~~Such A county~~ appropriation shall not exceed the statutory  
 8 ~~limitations limitation~~ found in ~~chapters 404 and chapter~~ 444. Moneys  
 9 appropriated for this purpose shall be deposited in the local health  
 10 fund as specified in section 137.18.

1     SEC. 246. Section one hundred forty-five A point eighteen  
 2 (145A.18), Code 1971, is amended as follows:

3     **145A.18 Taxes.** Taxes for the payment of bonds issued under  
 4 section 145A.17 shall be levied in accordance with chapter 76, pro-  
 5 vided, however, that the total tax levy for the annual budget and for  
 6 bonds issued under this chapter, shall not exceed the maximum mill-  
 7 age for each political subdivision as provided in the published order  
 8 of merger. Any indebtedness incurred shall not be considered an  
 9 indebtedness incurred for general and ordinary purposes ~~as pre-~~  
 10 ~~scribed under section 407.1.~~

1     SEC. 247. Section two hundred eighty A point twenty (280A.20),  
 2 Code 1971, is amended as follows:

3     **280A.20 Payment of bonds.** Taxes for the payment of bonds  
 4 issued under section 280A.19 shall be levied in accordance with chap-  
 5 ter 76. The bonds shall be payable from a fund created from the  
 6 proceeds of such taxes in not more than twenty years and bear  
 7 interest at a rate not exceeding seven percent per annum, and shall  
 8 be of such form as the board issuing the bonds shall by resolution  
 9 provide. Any indebtedness incurred shall not be considered an indebt-  
 10 edness incurred for general and ordinary purposes ~~as prescribed~~  
 11 ~~under section 407.1.~~

1     SEC. 248. Section three hundred point seven (300.7), Code 1971,  
 2 is amended as follows:

3     **300.7 Appropriation by city.** The board of school directors in any  
 4 district governed by sections 300.1 to 300.6, inclusive, of this chapter  
 5 is also empowered to receive and expend for the purpose thereof any  
 6 sums of money appropriated and turned over to them by the city  
 7 council ~~or commissioners~~ of such city for such purposes; and the city  
 8 council, ~~or commissioners~~ of such city, ~~shall have authority to may~~  
 9 appropriate and turn over to the board of school directors of the  
 10 school district containing or contained in such city any reasonable  
 11 sums of money ~~which the said council or commissioners may desire~~  
 12 ~~to appropriate out of the recreation fund of such city and turn over~~  
 13 ~~to the said board of school directors for the purposes herein set forth.~~

1 SEC. 249. Section three hundred three point fifteen (303.15), Code  
2 1971, is amended as follows:

3 **303.15 Public libraries not affected.** Nothing contained in this  
4 chapter shall be construed as ~~repealing or superseding chapter 378,~~  
5 ~~or any section of said chapter affecting public libraries other than~~  
6 ~~state libraries.~~

1 SEC. 250. Section three hundred three point eighteen (303.18),  
2 subsection six (6), Code 1971, is amended as follows:

3 6. To encourage the implementation of the county library law, and  
4 of county-wide library service through contracts with the boards of  
5 supervisors, ~~chapter 378.~~

1 SEC. 251. Section three hundred three point twenty-three (303.23),  
2 is repealed.

1 SEC. 252. Section three hundred nine point nine (309.9), subsec-  
2 tion three (3), Code 1971, is amended as follows:

3 3. Payment of all or part of the cost of construction and mainte-  
4 nance of bridges in cities and towns having a population of eight  
5 thousand or less and all or part of the cost of construction of roads  
6 located within an ~~incorporated town~~ a city, of less than four hundred  
7 population, which lead to state parks.

1 SEC. 253. Section three hundred nine point seventy-three  
2 (309.73), Code 1971, is amended as follows:

3 **309.73 Bridges and culverts on city boundary line.** Bridges and  
4 culverts on highways or on parts thereof, which are located along the  
5 corporate limits of cities which control their own bridge funds and  
6 which are partly within and partly without such limits and which  
7 highways are in whole or in part secondary roads, shall be constructed  
8 under plans and specifications, jointly agreed on by the city council  
9 and board of supervisors, and approved by the highway commission.  
10 The city and county shall share equally in the cost. All matters in  
11 dispute between such city and county relative to such bridges and  
12 culverts shall be referred to the highway commission and its decision  
13 shall be final and binding on both the city and county.

14 Cities which have a common boundary and are situated in counties  
15 having a population in excess of two hundred thousand and the  
16 county in which such cities are located A county may contract, each  
17 with the other, cities therein for the joint construction and financing  
18 of a bridge to be located within one hundred feet of such common  
19 boundary and partly within one of the cities and partly within the  
20 county. Such contracts may also provide for the acquisition of right  
21 of way for, and construction of, highways connecting such bridge to  
22 existing city streets or secondary roads. Such bridge and highways  
23 shall be constructed under plans and specifications jointly agreed on  
24 by the respective contracting bodies. Such contract shall set forth  
25 the amount of money to be contributed by each contracting party and  
26 may provide for the amount of money to be contributed annually by  
27 each contracting party for the maintenance of the said public im-  
28 provements. When such county and cities have agreed upon their  
29 respective portions of the cost of such bridge and highways they may  
30 pay same from their respective secondary road fund, street fund, or  
31 other funds available for highway or bridge purposes, or they may

32 issue general obligation bonds to provide funds for the payment of  
 33 their respective shares of such cost. *Bonds issued by a city must be*  
 34 *issued in accordance with provisions of law relating to general cor-*  
 35 *porate purpose bonds of a city.*

36 Taxes for the payment of said county bonds shall be levied in  
 37 accordance with chapter 76 and said bonds shall be payable in not  
 38 more than twenty years and bear interest at a rate not exceeding five  
 39 percent per annum, and shall be of such form as the respective coun-  
 40 cils or board of supervisors shall by resolution provide, but no city  
 41 or county shall become indebted in excess of five percent of the actual  
 42 value of taxable property within its taxing jurisdiction as shown by  
 43 the last preceding state and county tax lists. The indebtedness  
 44 incurred for the purpose provided in this section shall not be con-  
 45 sidered an indebtedness incurred for general or ordinary purposes.

1 SEC. 254. Section three hundred eleven point nineteen (311.19),  
 2 unnumbered paragraph two (2), Code 1971, is amended as follows:

3 In case of assessments on lands owned by the county, the same  
 4 shall be paid from the county general fund. In case of assessments  
 5 on lands owned by the state, the same shall be paid out of any funds  
 6 in the state treasury not otherwise appropriated. In case of assess-  
 7 ments on lands owned by a city or town, the same shall be paid from  
 8 the any available city or town street fund.

1 SEC. 255. Section three hundred twelve point six (312.6), Code  
 2 1971, is amended as follows:

3 **312.6 Limitation on use of funds.** Funds received by municipal  
 4 corporations from the road use tax fund shall be used: for any pur-  
 5 pose relating to the construction, maintenance, and supervision of the  
 6 public streets.

7 1. For the purposes for which street fund money may be used, with  
 8 the exception of parking facilities as provided in subsection 5 of sec-  
 9 tion 404.7.

10 2. For the acquisition and installation of traffic control signals and  
 11 devices required as part of a street construction or reconstruction  
 12 project.

13 3. For sidewalk expenditures required as part of a street construc-  
 14 tion or reconstruction project.

15 4. For payment of principal and interest on bonds issued for street,  
 16 bridge and viaduct purposes.

17 5. For the construction of storm sewers and other drains for con-  
 18 trolling and providing adequate drainage for surface waters originat-  
 19 ing within or flowing upon the right of ways of newly constructed or  
 20 reconstructed streets, and for the payment of principal and interest  
 21 on bonds issued to finance such construction.

22 Such funds shall not be used for the purchase of machinery or  
 23 equipment, except as provided in subsection 12 of section 404.7.

1 SEC. 256. Section three hundred thirteen point twenty-nine  
 2 (313.29), Code 1971, is amended as follows:

3 **313.29 Detours located in city or town.\*** When the temporary  
 4 primary road detour or temporary primary road haul road, or any  
 5 portion thereof, is located within the corporate limits of a city or

\*According to enrolled Act.

6 ~~town~~, then as to ~~such~~ *the* portion so located, the provisions of section  
 7 313.28 as to consultation, designation, restoration and payment by  
 8 the state highway commission shall apply in like manner to the  
 9 benefit of ~~such the city or town~~, and credits thereunder shall be made  
 10 to the ~~street~~ *general* fund of ~~such the city or town~~. ~~Such~~. A city  
 11 ~~or town~~ may designate the county engineer or, ~~in the case of a city,~~  
 12 ~~its chief civil engineer,~~ to inspect such street so used jointly with the  
 13 representative of the state highway commission.

1 SEC. 257. Section three hundred twenty-one point nineteen  
 2 (321.19), Code 1971, is amended as follows:

3 **321.19 General exemptions.** All vehicles owned by the govern-  
 4 ment and used in the transaction of official business by the repre-  
 5 sentatives of foreign powers or by officers, boards, or departments  
 6 of the government of the United States, and by the state of Iowa,  
 7 counties, municipalities and other subdivisions of government includ-  
 8 ing vehicles used by an urban transit company operated by a munici-  
 9 pality ~~as authorized under chapter 336C~~, and such self-propelling  
 10 vehicles as are used neither for the conveyance of persons for hire,  
 11 pleasure, or business nor for the transportation of freight other than  
 12 those used by an urban transit company operated by a municipality,  
 13 and all fire trucks, providing they are not owned and operated for a  
 14 pecuniary profit, are hereby exempted from the payment of the fees  
 15 in this chapter prescribed *except as provided for urban transit com-*  
 16 *panies in section 258 of this Act*, but shall not be exempt from the  
 17 penalties herein provided. The department shall furnish, on appli-  
 18 cation, free of charge, distinguishing plates for vehicles thus ex-  
 19 empted, which plates shall bear the word "official", and the depart-  
 20 ment shall keep a separate record thereof. Provided that the execu-  
 21 tive council may order the issuance of regular registration plates,  
 22 for any such exempted vehicle, used by peace officers in the enforce-  
 23 ment of the law and persons enforcing the ~~drug and narcotic laws~~  
 24 *Senate File one (1), Acts of the Sixty-fourth General Assembly,*  
 25 *First Session, and other laws relating to controlled substances.* For  
 26 purposes of sale of vehicles exempted as herein indicated, the  
 27 exempted governmental body, upon the sale of the exempted vehicle,  
 28 may issue for in-transit purposes a pasteboard card bearing the  
 29 words "Vehicle in Transit", the name of the official body from which  
 30 the vehicle was purchased, together with the date of the purchase  
 31 plainly marked in minimal of one-inch letters, and other information  
 32 which may be required by the department of public safety. The  
 33 in-transit card shall be valid for use only within forty-eight hours  
 34 after the purchase date as indicated on the bill of sale which shall  
 35 be carried by the driver.

1 SEC. 258. Chapter three hundred twenty-one (321), Code 1971, is  
 2 amended by adding the following new section:

3 "Urban transit company" means any person, firm, corporation,  
 4 company, or municipality which operates buses or trolley cars or  
 5 both, primarily upon the streets of cities over well-defined routes  
 6 between certain termini, for the transportation of passengers for a  
 7 uniform fare, and which accepts for passengers all who present  
 8 themselves for transportation without discrimination up to the limit  
 9 of the capacity of each vehicle. Included are street railways, plants,

10 equipment, property, and rights, used and useful in the transporta-  
 11 tion of passengers. Motor carriers and interurbans subject to the  
 12 jurisdiction of the state commerce commission, and taxicabs, are not  
 13 included.

14 Any person, firm, corporation, or company operating an urban  
 15 transit system shall pay to the county treasurer annually as a regis-  
 16 tration fee for each bus, car, or vehicle used in the transportation of  
 17 passengers, twenty-five dollars, which shall be paid into the city  
 18 general fund. Any urban transit company operated by a municipal-  
 19 ity is not required to pay such registration fees. The motor vehicle  
 20 department, in accordance with section three hundred twenty-one  
 21 point nineteen (321.19) of the Code, shall furnish distinguishing  
 22 plates for vehicles used by urban transit companies operated by a  
 23 municipality. No other provision of law providing for the payment  
 24 of taxes, registration, or license fees for vehicles shall be applicable  
 25 to any bus, car, or vehicle for the transportation of passengers owned  
 26 and operated by any urban transit company.

27 Section three hundred twenty-four point three (324.3) and chapter  
 28 three hundred twenty-six (326) of the Code are not applicable to  
 29 urban transit companies or systems."

1 SEC. 259. Section three hundred twenty-one E point eleven  
 2 (321E.11), unnumbered paragraph two (2), Code 1971, is amended  
 3 as follows:

4 Except as provided in section 321.457, no movement of over-  
 5 dimension vehicles shall be permitted on Saturday, Sunday, holidays,  
 6 or days preceding and following holidays, or special events when  
 7 abnormally high traffic volumes can be expected. Such restrictions  
 8 shall not be applicable to urban transit systems as defined in section  
 9 ~~386C.1~~ 258 of this Act.

1 SEC. 260. Section three hundred twenty-five point twenty-seven  
 2 (325.27), Code 1971, is amended as follows:

3 ~~325.27 Powers of cities and towns.~~ Cities and towns shall have  
 4 ~~power may~~ by ordinance to adopt general rules of operation, and to  
 5 designate the streets or routes over which motor carriers shall travel;  
 6 provided, however, that the exercise of the power granted in this  
 7 section shall be reasonable and fair. ~~Motor vehicles operating or~~  
 8 ~~proposing to operate between cities and towns, the corporate limits~~  
 9 ~~of which are not more than one mile apart, shall be considered as~~  
 10 ~~coming within the purview of section 386.2.~~

1 SEC. 261. Section three hundred twenty-nine point one (329.1),  
 2 subsection four (4), Code 1971, is amended as follows:

3 4. "Municipality" means any county, or city, village, or town of this  
 4 state.

1 SEC. 262. Section three hundred thirty point two (330.2), Code  
 2 1971, is amended as follows:

3 ~~330.2 Powers.~~ Cities and towns shall have the right to Counties  
 4 and townships may acquire, establish, improve, maintain and operate  
 5 airports, either within or without their ~~corporate~~ limits, and either  
 6 within or without the territorial limits of this state.

1 SEC. 263. Section three hundred thirty point three (330.3), Code  
 2 1971, is repealed.

1 SEC. 264. Section three hundred thirty point four (330.4), Code  
2 1971, is amended as follows:

3 330.4 Joint exercise of powers. Any Iowa political subdivision,  
4 villages, towns, cities, townships, and counties may, by duly adopted  
5 ordinance or resolution as may be appropriate, enter into agreements  
6 providing for collaboration with any other one or more such political  
7 subdivisions, within or without the state of Iowa, in exercising jointly  
8 any of the powers granted by this chapter, to the same extent as such  
9 powers can be exercised by any such political subdivision individually.  
10 Concurrent action by the governing bodies of the political subdivision  
11 participating shall constitute joint action. Such agreements *Agree-*  
12 *ments between political subdivisions for joint exercise of any powers*  
13 *relating to airports* may provide for the creation and establishment  
14 of a joint airport commission which, when so created or established,  
15 shall function in accordance with the provisions of sections 330.17 to  
16 330.24, inclusive, insofar as provided by said agreements.

1 SEC. 265. Section three hundred thirty point five (330.5), Code  
2 1971, is amended as follows:

3 330.5 Acquisition. Any such city or town is hereby authorized  
4 and empowered to A county or township may acquire by purchase,  
5 gift, condemnation, lease or otherwise, either within or without its  
6 corporate limits, and either within or without the territorial limits  
7 of this state, real estate and personal property for airport purposes;  
8 and in like manner to acquire or cause to be moved, removed, abated,  
9 eliminated, mitigated, or altered any structure or object protruding  
10 above the surface of the ground, or any use of land obstructing the  
11 airspace necessary for the safe and efficient flight of aircraft in  
12 landing or taking off at any airport, or otherwise constituting a  
13 hazard to such landing or taking off.

1 SEC. 266. Section three hundred thirty point six (330.6), Code  
2 1971, is amended as follows:

3 330.6 Improvements. Any such city or town A county or town-  
4 ship may erect on any land so acquired, or owned by it, such build-  
5 ings and equipment, and make such improvements as may be neces-  
6 sary for the purpose of adapting such property to the use of aerial  
7 traffic.

1 SEC. 267. Section three hundred thirty point seven (330.7), Code  
2 1971, is amended as follows:

3 330.7 General bonds—election—levy of tax. Cities and towns are  
4 hereby authorized to A county or township may contract indebted-  
5 ness and to issue general obligation bonds to provide funds to pay  
6 the cost of establishing, acquiring and equipping a municipally-owned  
7 an airport and for improving the same.

8 No such indebtedness to pay the cost of the establishment of a  
9 municipally owned an airport shall be incurred until approved by the  
10 electors of such city or town the county or township in accordance  
11 with the provisions of chapter 407 which election proceedings may be  
12 instituted by the city or town council.

13 The governing body of the county or township may call a special  
14 election or may submit the question at the next general election.  
15 Notice of a special election must be published twice in a newspaper

16 *of general circulation in the county or township, not less than ten nor*  
 17 *more than twenty-five days before the date of the election.*

18 *The question submitted to the voters shall state the maximum*  
 19 *amount of bonds proposed and the maximum tax levy necessary to*  
 20 *repay the bonds plus interest. If sixty percent of those voting ap-*  
 21 *proves the proposition, the governing body may proceed as proposed.*

22 Taxes for the payment of said bonds shall be levied in accordance  
 23 with chapter 76 and said bonds shall be payable ~~through the debt~~  
 24 ~~service fund~~ in not more than twenty years and bear interest at a  
 25 rate not exceeding seven percent per annum and shall be of such  
 26 form as the ~~city or town council~~ *governing body* shall by resolution  
 27 provide, but no ~~city or town~~ *county or township* shall become in-  
 28 debted in excess of five percent of the actual value of ~~the~~ *its* taxable  
 29 property ~~within said city or town~~, as shown by the last preceding  
 30 state and county tax lists. The indebtedness incurred for the purpose  
 31 provided in this section shall not be considered an indebtedness in-  
 32 curred for general or ordinary purposes.

1 SEC. 268. Section three hundred thirty point nine (330.9), Code  
 2 1971, is amended as follows:

3 **330.9 Plans and specifications.** Before an airport is acquired by  
 4 any ~~such city, or town~~ *county, or township*, the plans and specifi-  
 5 cations therefor shall be submitted to the Iowa state aeronautics  
 6 commission which shall require that they show:

7 The legal description and plat of the site; distance from the near-  
 8 est post office and railroad station; location and type of highways;  
 9 location and type of obstructions on and near the site; kind of soil  
 10 and subsoil; costs and details of grading and draining; location of  
 11 proposed runways, hangers,\* buildings, and other structures.

12 ~~And they~~ *The commission* shall furthermore require that the plans  
 13 and specifications be in substantial accord with the regulations of the  
 14 U.S. department of commerce or other department of the federal  
 15 government having general supervision of air navigation as it relates  
 16 to plans and specifications for airports. And if so found ~~they~~ *it* shall  
 17 approve such plans and specifications.

1 SEC. 269. Section three hundred thirty point eleven (330.11),  
 2 Code 1971, is amended as follows:

3 **330.11 Ordinances and rules.** ~~Such cities and towns shall have~~  
 4 ~~the power to~~ *A county or township may make and enforce ordinances,*  
 5 *rules and regulations for control, supervision, and operation of air-*  
 6 *ports. This power shall extend to the space above the lands and*  
 7 *waters included within the limits of any city or town, and to any*  
 8 *airport owned, controlled, maintained, or operated by any city or*  
 9 *town outside its limits, and to the space above the same. In addition*  
 10 *thereto, all powers granted to and exercised by cities and towns*  
 11 *within their corporate limits are extended to municipal airports*  
 12 *located outside said limits, but within the state of Iowa county or*  
 13 *township. Provided, however, that no such ordinance, rule or regu-*  
 14 *lation, shall be in conflict with state law or regulation, or in conflict*  
 15 *with federal law or regulation.*

1 SEC. 270. Section three hundred thirty point twelve (330.12),  
 2 Code 1971, is amended as follows:

\*According to enrolled Act.



3     **330.12 Charges.** ~~Any such city or town~~ *A county or township*  
 4 may from time to time fix, establish, and collect a schedule of charges  
 5 for the use of such property or any part thereof, which charges shall  
 6 be used in connection with the maintenance and operation of such  
 7 airport. When the public needs will not be injured thereby, any such  
 8 ~~city or town~~ *county or township* may lease all or any portion of such  
 9 property, for a period of years not exceeding fifty or sell any equip-  
 10 ment no longer required. Real estate may be sold only by unanimous  
 11 vote of all members of the ~~council~~ *governing body*.

1     SEC. 271. Section three hundred thirty point fifteen (330.15),  
 2 Code 1971, is amended as follows:

3     **330.15 Deemed as public use.** Any property acquired, owned,  
 4 controlled, or occupied for the purposes enumerated in this chapter,  
 5 shall be and is hereby declared to be acquired, owned, controlled, and  
 6 occupied for a public purpose and as a matter of public need, and the  
 7 liability of any ~~city or town~~ *county or township* in connection there-  
 8 with shall be no greater than that imposed upon ~~municipalities~~ *cities*  
 9 in the maintenance and operation of public parks.

1     SEC. 272. Section three hundred thirty point sixteen (330.16),  
 2 Code 1971, is amended as follows:

3     **330.16 Additional levy—election—bonds issued.** Any ~~municipal-~~  
 4 ~~ity~~ *county or township* which has heretofore or may hereafter estab-  
 5 lish a municipal airport pursuant to the provisions of this chapter or  
 6 of any other provision of law, is hereby authorized without approval  
 7 at an election, to contract indebtedness and to issue general obliga-  
 8 tion bonds to provide funds to pay the cost of equipping, improving  
 9 and enlarging such airport provided, however, that if at any time  
 10 before the date fixed for taking action for the issuance of such bonds  
 11 a petition is filed with the ~~clerk or recorder of the municipality~~  
 12 *county auditor* signed by qualified electors of the ~~city or town~~  
 13 *county or township* equal in number to two percent of those who  
 14 voted for the office of governor at the last preceding general election  
 15 as shown by the election registers or poll lists, asking that the ques-  
 16 tion of issuing such bonds be submitted to the legal voters of ~~the~~  
 17 ~~municipality~~, the governing body thereof shall either by resolution  
 18 declare the proposal to issue the bonds to have been abandoned or  
 19 shall call a special election to vote upon the question of issuing the  
 20 bonds.

21     Taxes for the payment of said bonds shall be levied in accordance  
 22 with chapter 76 and said bonds shall be payable ~~through the debt~~  
 23 ~~service fund~~ in not more than twenty years and bear interest at a  
 24 rate not exceeding seven percent per annum and shall be of such  
 25 form as the ~~city or town~~ *council governing body* shall by resolution  
 26 provide, but no ~~city or town~~ *county or township* shall become in-  
 27 debted in excess of five percent of the actual value of ~~the~~ *its* taxable  
 28 property ~~within said city or town~~, as shown by the last preceding  
 29 state and county tax lists. The indebtedness incurred for the purpose  
 30 provided in this section shall not be considered an indebtedness in-  
 31 curred for general or ordinary purposes.

32     Section 330.7 and this section shall be construed as granting addi-  
 33 tional power without limiting the power already existing ~~in cities~~  
 34 ~~and towns~~.

35 The provisions of said sections shall be applicable to all municipal  
36 corporations regardless of form of government or manner of incor-  
37 poration.

1 SEC. 273. Section three hundred thirty point seventeen (330.17),  
2 Code 1971, is amended as follows:

3 **330.17 Airport commission—election.** The council of any city,  
4 ~~or town county, or township,~~ which owns or otherwise acquires an  
5 airport ~~or airports~~ may, and upon *the council's receipt of a valid*  
6 *petition as provided in section 4 of this Act, or upon* petition of ten  
7 percent of the number of qualified electors *of the county or township*  
8 who voted at the last ~~city~~ *general* election shall, at ~~any city~~ *a regular*  
9 *city election or a general* election if one is to be held within sixty  
10 days from the filing of said petition, or special election called for  
11 that purpose, submit to the voters the question as to whether the  
12 management and control of such airport, ~~or airports,~~ shall be placed  
13 in an airport commission. *If a majority of the voters favors placing*  
14 *the management and control of the airport in an airport commission,*  
15 *the commission shall be established as provided in this chapter.*

16 Whenever an airport, ~~or airports,~~ of any city or town has been  
17 placed under the *The* management and control of an airport com-  
18 mission, upon petition of ten percent of the number of qualified elec-  
19 tors who voted at the last city election the council of any such city  
20 or town shall, at a city election if one is to be held within sixty days  
21 from the filing of said petition or at a special election called for such  
22 purpose, submit to the voters the question as to whether the manage-  
23 ment and control of such airport, ~~or airports,~~ shall be continued in  
24 the airport commission, and if *by an airport commission may be*  
25 *ended in the same manner. If a majority of the votes cast upon said*  
26 *proposition at the election shall be against the continuance of such*  
27 *voters does not favor continuing the management and control of the*  
28 *airport in an airport commission, said commission shall stand abol-*  
29 *ished sixty days from and after the date of such election, and the*  
30 *power to maintain and operate such airport, or airports, as provided*  
31 *in this chapter, shall revert to such city or town, county, or township.*

1 SEC. 274. Section three hundred thirty point eighteen (330.18),  
2 Code 1971, is amended as follows:

3 **330.18 Notice of election.** Notice of such election shall be given  
4 by publication in one newspaper in said city or town in one publica-  
5 ~~tion in a newspaper of general circulation in the city, county, or~~  
6 ~~township, subject to the provisions of section 3 of this Act, and the~~  
7 ~~election shall be held not less than seven or more than fourteen days~~  
8 ~~after the completion of such published notice. If no newspaper is pub-~~  
9 ~~lished in such city or town notices may be given by posting notices in~~  
10 ~~five public places in such city or town for three weeks prior to said~~  
11 ~~election.~~

1 SEC. 275. Section three hundred thirty point twenty (330.20),  
2 Code 1971, is amended as follows:

3 **330.20 Appointment of commission.** When a majority of the  
4 votes cast upon said proposition at such election shall have declared  
5 in favor of the proposition of voters favors airport control and man-  
6 agement by a commission, the ~~mayer~~ *governing body* shall, within  
7 ten days thereafter, appoint an airport commission of not more than

8 *three or five resident voters of said city or town, which appointments*  
 9 *shall be approved by the council.* In case of a commission of three  
 10 members the first appointees shall hold office, one for two years, one  
 11 for four years, and one for six years. In case of a commission of five  
 12 members the first appointees shall hold office, one for two years, one  
 13 for three years, one for four years, one for five years, and one for six  
 14 years. All subsequent appointments shall be for a term of six years.  
 15 Vacancies shall be filled as original appointments are made. Members  
 16 of the airport commission shall serve without compensation. Each  
 17 commissioner shall execute and furnish a bond in an amount fixed by  
 18 the council, ~~to be approved by the mayor governing body~~ and filed  
 19 with the city clerk *or county auditor.* The cost of such bond shall be  
 20 paid from the general fund ~~of the city.~~ The commission shall elect  
 21 from ~~their~~ *its* own members a chairman and a secretary who shall  
 22 serve for such term as the commission shall determine.

1 SEC. 276. Section three hundred thirty point twenty-one (330.21),  
 2 Code 1971, is amended as follows:

3 **330.21 Powers—funds.** ~~Said~~ *The* commission shall have and  
 4 exercise ~~has~~ all of the powers granted to cities and towns, counties,  
 5 and townships under this chapter, except powers to sell ~~said the~~  
 6 airport ~~or airports.~~ The commission shall annually certify the  
 7 amount of tax within the limitations of this chapter to be levied for  
 8 airport purposes, and upon such certification the ~~city council govern-~~  
 9 ~~ing body shall may~~ include all or a portion of said amount in its  
 10 budget.

11 All funds derived from taxation or otherwise for airport purposes  
 12 shall be under the full and absolute control of ~~said the~~ commission  
 13 for the purposes prescribed by law, and shall be deposited with the  
 14 ~~city treasurer or city clerk~~ to the credit of the airport commission,  
 15 and shall be disbursed only on the written warrants or orders of the  
 16 airport commission, including the payment of all indebtedness arising  
 17 from the acquisition and construction of airports and the maintenance,  
 18 operation, and extension thereof.

1 SEC. 277. Section three hundred thirty point twenty-two (330.22),  
 2 Code 1971, is amended as follows:

3 **330.22 Annual report—publishing.** The airport commission shall  
 4 immediately after the close of each municipal fiscal year, file with the  
 5 city clerk *or county auditor* a detailed and audited written report of  
 6 all money received and disbursed by ~~said the~~ commission during said  
 7 fiscal year, and shall publish a summary thereof in an official news-  
 8 paper ~~in said city or town.~~

1 SEC. 278. Section three hundred thirty point twenty-three  
 2 (330.23), Code 1971, is amended as follows:

3 **330.23 Rules and regulations.** The power conferred on ~~cities and~~  
 4 ~~towns counties and townships~~ to make and enforce rules and regula-  
 5 tions under section 330.11 is delegated to the ~~city~~ airport commission.

1 SEC. 279. Section three hundred thirty-two point three (332.3),  
 2 subsections twenty-two (22) and twenty-three (23), Code 1971, are  
 3 amended as follows:

4 22. In counties having a population of over thirty thousand, to  
 5 adopt a building code and to provide for the regulation and inspection

6 of all construction, major repairs and remodeling, and the installa-  
 7 tion of electrical, heating, ventilating, air conditioning, and plumb-  
 8 ing fixtures, apparatus, and equipment and provide for the manner  
 9 in which such regulations and inspection shall be determined, estab-  
 10 lished and enforced, and from time to time amended, supplemented  
 11 or changed. However, no such regulation shall become effective until  
 12 after a public hearing in relation thereto at which parties in interest  
 13 and citizens shall have an opportunity to be heard. At least fifteen  
 14 days notice of the time and place of such hearing shall be published  
 15 in a paper of general circulation in such county. Upon compliance  
 16 with the provisions of this chapter, the regulation shall become effec-  
 17 tive, the provisions of any other statute to the contrary notwith-  
 18 standing. Such code shall not be construed to apply within the limits  
 19 of any incorporated city, or town which has the power to adopt a  
 20 building code under the provisions of section 368.9 or to farm houses  
 21 or other farm buildings which are primarily adapted, by reason of  
 22 nature and area, for use for agricultural purposes, while so used or  
 23 while under construction for such use.

24 23. To purchase, lease, equip, maintain and operate an ambulance  
 25 or ambulances to provide necessary and sufficient ambulance service  
 26 or to contract for such vehicles, equipment, maintenance or service.

27 The board may adopt a schedule of fees to be charged the users of  
 28 such service, and such fee schedule may include considerations concern-  
 29 ing the cost of the service and the user's ability to pay.

30 If a county ~~shall provide~~ *provides* ambulance service, it shall first  
 31 ascertain what cities and towns in such ~~the~~ county also provide  
 32 ambulance service pursuant to section 368.74. The county shall then  
 33 co-ordinate its services with that provided by any such city or town  
 34 in order to eliminate duplication and to make the ambulance service  
 35 provided by the county and such cities and towns as economical as  
 36 possible.

37 Any third party payor making payment for ambulance service shall  
 38 make such payment either jointly to the person on whose behalf the  
 39 payment is made and to the person or organization providing such  
 40 ambulance service, or directly to the person or organization provid-  
 41 ing such ambulance service.

1 SEC. 280. Section three hundred thirty-two point three (332.3),  
 2 Code 1971, is amended by adding the following new subsection:

3 "The board of supervisors of a county in which a military reserva-  
 4 tion is located may authorize any individual or corporation which is  
 5 authorized to erect or maintain waterworks, to lay its mains in any  
 6 of the highways of the county for the purpose of extending the mains  
 7 to a military reservation."

1 SEC. 281. Chapter three hundred thirty-two (332), Code 1971, is  
 2 amended by adding the following new section:

3 "1. Counties and sanitary districts incorporated under the provi-  
 4 sions of chapter three hundred fifty-eight (358) of the Code may  
 5 own, acquire, establish, construct, purchase, equip, improve, extend,  
 6 operate, maintain, reconstruct, and repair within or without the  
 7 limits of the county or sanitary district, works and facilities useful  
 8 and necessary for the collection, treatment, purification, and disposal  
 9 in a sanitary manner of the liquid and solid waste, sewage, and in-

10 dustrial waste of the county or sanitary district, including sanitary  
11 disposal projects as defined in section four hundred six point two  
12 (406.2) of the Code, also swimming pools or golf courses, and may  
13 acquire by gift, grant, purchase, condemnation, or otherwise all  
14 necessary lands, rights-of-way, and property therefor, within or  
15 without the county or sanitary district, may purchase and acquire  
16 an interest in a sanitary disposal project or such works and facilities  
17 which are owned by a city, county, or sanitary district and which  
18 are to be jointly used by them, and may issue revenue bonds to pay  
19 all or any part of the cost of establishing, acquiring, purchasing,  
20 constructing, equipping, improving, extending, reconstructing, re-  
21 pairing, operating, or maintaining a sanitary disposal project or  
22 such works and facilities, including the amount agreed upon for the  
23 purchase and acquisition by a county or sanitary district of an  
24 interest in the sanitary disposal project or works and facilities which  
25 are owned by a city, county, or sanitary district and which are to be  
26 jointly used. As used in this section the words 'works and facilities',  
27 'works', or 'facilities' shall include but not be limited to sanitary  
28 disposal projects as defined in section four hundred six point two  
29 (406.2) of the Code.

30 The construction, acquisition, improvement, equipment, custody,  
31 operation, and maintenance of any works for the collection, treat-  
32 ment, or disposal of sewage, swimming pools, golf courses, or sani-  
33 tary disposal projects, and the collection of revenues for the service  
34 rendered, shall be under the supervision and control of the county  
35 or sanitary district.

36 2. Counties and sanitary districts may by resolution or ordinance  
37 provide a schedule of fees to be charged for the use of and the ser-  
38 vices and facilities to be rendered by the sanitary disposal project  
39 or for the collection and disposal of garbage and may pay the cost of  
40 establishing, acquiring, purchasing, constructing, equipping, improv-  
41 ing, extending, reconstructing, repairing, maintaining, and operating  
42 sanitary disposal projects, garbage disposal plants, or incinerating  
43 plants out of the earnings of project or plant. Revenue bonds, pay-  
44 able solely out of the earnings of the project or plant, may be issued  
45 in the manner provided in this section.

46 3. Counties and sanitary districts incorporated under the provi-  
47 sions of chapter three hundred fifty-eight (358) of the Code are  
48 authorized to borrow money from the federal government or a fed-  
49 eral agency for any of the purposes referred to in this section by  
50 issuing revenue bonds under this section, and may deliver the bonds  
51 to the federal government or its agency, or may borrow money by  
52 issuing revenue bonds under this section and may deliver the bonds  
53 to the contractor in payment for the costs of any of the projects or  
54 improvements referred to in this section, or may sell the bonds at a  
55 public sale upon the same conditions provided by chapter seventy-  
56 five (75) of the Code, as applicable to bonds issued by counties and  
57 sanitary districts, and may use the proceeds from the sale of bonds  
58 to pay all or any part of the cost of the projects or improvements.  
59 As evidence of the loan, the county or sanitary district may issue its  
60 bonds payable solely from the revenues derived from the project or  
61 improvement. Bonds may be issued in amounts as necessary to pro-  
62 vide sufficient funds to pay all costs of the project or improvement,  
63 including engineering, legal, and other expenses, together with in-

64 terest to a date six months subsequent to the estimated date of  
65 completion. Such bonds are negotiable instruments, shall be executed  
66 by the chairman of the board of supervisors and county auditor of  
67 the county, or the trustees of the sanitary district, and shall be sealed  
68 with the corporate seal of the county or sanitary district. The prin-  
69 cipal and interest of the bonds shall be payable solely from the special  
70 fund provided for payment, and the bonds shall not be a general  
71 obligation of the county or sanitary district, nor shall they be pay-  
72 able by taxation, nor shall the county or sanitary district be liable  
73 by reason of the earnings being insufficient to pay the bonds. All  
74 details pertaining to the issuance of bonds and the terms and condi-  
75 tions thereof, shall be determined by resolution or ordinance of the  
76 county or sanitary district. Counties and sanitary districts may also  
77 borrow money and issue revenue bonds for the purpose of purchasing  
78 and acquiring sanitary disposal projects or works and facilities use-  
79 ful and necessary for the collection, treatment, purification, and dis-  
80 posal in a sanitary manner of the liquid and solid waste, sewage,  
81 and industrial waste of any county or sanitary district and for the  
82 purpose of purchasing and acquiring an interest in any such projects,  
83 works, and facilities which are owned by a city, county, or sanitary  
84 district and which are to be jointly used. Bonds may be delivered  
85 to the seller of the sanitary disposal project or works and facilities  
86 or to the municipality selling an interest in its sanitary disposal  
87 project or sewage works and facilities in payment of the purchase  
88 price, or may be sold at public sale in the manner provided by chap-  
89 ter seventy-five (75) of the Code and the proceeds from the sale  
90 applied to the payment of the purchase price.

91 4. This section applies to all proceedings heretofore taken by  
92 counties and sanitary districts for any of the purposes referred to  
93 in this section, notwithstanding that a portion of the funds have  
94 been derived from sources other than the issuance of bonds.

95 5. Before the issuance of bonds, the governing body of the county  
96 or sanitary district by resolution or ordinance shall pledge the net  
97 earnings of the sanitary disposal project or works to the payment  
98 of the bonds and the interest thereon, and shall provide that the net  
99 earnings shall be set apart as a sinking fund for that purpose.

100 6. The governing body of the county or sanitary district may by  
101 resolution or ordinance, establish and maintain just and equitable  
102 rates or charges for the use of and the services rendered by such  
103 works, to be paid by the owner of each and every lot, parcel of real  
104 estate, or building that is connected with and uses such works, by or  
105 through any part of the sewage system of the county or district, or  
106 that in any way uses or is served by such works. The governing body  
107 of the county or sanitary district may also by ordinance or resolution  
108 establish and maintain just and equitable rates or charges for the use  
109 of and the services and facilities rendered by a sanitary disposal  
110 project. The governing body may readjust rates or charges from  
111 time to time and may charge and collect reasonable rates and charges  
112 for swimming and golfing. Rates or charges shall be sufficient in  
113 each year for the payment of the proper and reasonable expenses of  
114 operation, repair, maintenance, acquisition, purchase, construction,  
115 equipping, improving, and extension of the sanitary disposal project  
116 or works, and for the payment of the sums required to be paid into  
117 a sinking fund, which fund shall be sufficient to meet the principal

118 and interest and other charges, except rates or charges for the use  
 119 of swimming pools and golf courses, of the bonded indebtedness.  
 120 All such rates or charges if not paid as by the ordinance or resolu-  
 121 tion provided, when due, shall constitute a lien upon the premises  
 122 served by the sanitary disposal project or works, and shall be col-  
 123 lected in the same manner as taxes.

124 7. The provisions of this section apply to the construction, equip-  
 125 ment, operation, and maintenance of any sewage treatment plant, by  
 126 any sanitary district operating under the provisions of chapter three  
 127 hundred fifty-eight (358) of the Code; and any sanitary district may,  
 128 in addition, use the power conferred upon it by chapter three hundred  
 129 fifty-eight (358) of the Code to apply any of the provisions of this  
 130 section relating to the construction, equipment, operation and mainte-  
 131 nance of any sewage treatment plant of the sanitary district, or any  
 132 combination of the power relating to sewage treatment plants granted  
 133 such sanitary district by the provisions of this section and chapter  
 134 three hundred fifty-eight (358) of the Code.

135 8. Counties and sanitary districts may issue from time to time  
 136 negotiable interest bearing refunding bonds to refund at maturity  
 137 or pursuant to redemption provisions or at any time before maturity  
 138 with the consent of the holders a like principal amount of outstand-  
 139 ing revenue bonds or obligations previously issued by the county or  
 140 sanitary district pursuant to the provisions of this section. All  
 141 refunding bonds shall comply with the pertinent provisions of this  
 142 section and may be made subject to redemption in a manner and  
 143 upon terms with or without premium, as stated on the face thereof.  
 144 Refunding bonds shall be payable only from the net earnings of the  
 145 sanitary disposal project or works and facilities and shall not con-  
 146 stitute a general obligation of any such county or sanitary district  
 147 or be payable in any manner by taxation. Refunding bonds may be  
 148 issued in exchange for the outstanding bonds or obligations to be  
 149 refunded or may be sold and the proceeds applied to the payment of  
 150 outstanding bonds or obligations.

151 Bonds issued pursuant to the provisions of this section shall bear  
 152 interest at a rate not exceeding seven percent per annum."

1 SEC. 282. Chapter three hundred forty-six (346), Code 1971, is  
 2 amended by adding the following new sections:

3 "No county or other political corporation shall become indebted  
 4 for its general or ordinary purposes to an amount exceeding in the  
 5 aggregate one and one-fourth percent of the actual value of the tax-  
 6 able property within the corporation. The value of property shall be  
 7 ascertained by the last tax list previous to the incurring of the in-  
 8 debtedness. Indebtedness incurred by a county solely for poor relief  
 9 purposes is not for its general or ordinary purposes."

10 "No county, or other political corporation, shall become indebted  
 11 for any purpose to an amount, in the aggregate, exceeding five per-  
 12 cent of the actual value of the property within the corporation, to be  
 13 ascertained by the last state and county tax lists previous to the  
 14 incurring of the indebtedness."

15 "1. A county may contract with its county seat city for the joint  
 16 purchase, acquisition, ownership, and control of property suitable  
 17 as the site of a building for use and occupancy by the city and county  
 18 jointly, and any county owning a site or any interest therein, may,

19 upon terms which appear fair and just to the board of supervisors,  
20 contract with reference to the joint acquisition, ownership, control,  
21 improvement, use, and occupancy of the property, and with refer-  
22 ence to the construction, use, and occupancy of a building. The con-  
23 tract shall set forth the amount of money to be contributed by the  
24 county and by the city toward the acquisition of a site and its im-  
25 provement, or the proportion of their respective contributions and  
26 the purpose for which the building is to be used. The contract may  
27 provide for the amount of money to be contributed annually by the  
28 county and by the city for the upkeep, maintenance, and operation  
29 of the property and the building, or it may provide for the respective  
30 proportions of expense which the county and the city shall pay, and  
31 may provide for an adjustment at stated periods of the amounts or  
32 proportions to be paid. The contract may specify the part of prop-  
33 erty and building to be used and occupied by the county and by the  
34 city. Contracts shall be made on behalf of the county only when  
35 approved by resolution of the board of supervisors, and when made  
36 shall be binding upon the county and city during the period specified  
37 in the contract unless modified or abrogated by mutual consent.

38 2. When a county and city have agreed upon their respective por-  
39 tions or proportions of the cost of a building and site, the county  
40 may, for the purpose of paying its respective portion of the cost and  
41 for the purpose of equipping the portions of the building to be used  
42 and occupied by it, issue bonds. However, no bonds shall be issued  
43 by a county until the proposition has been approved by at least sixty  
44 percent of the votes cast for and against the proposition at an elec-  
45 tion. The proposition may be submitted at a general, regular, or  
46 special election pursuant to a resolution of the board of supervisors.  
47 Notice of the election setting forth the proposition as it is to be voted  
48 upon shall be given by publication once each week for at least three  
49 consecutive weeks in a newspaper having general circulation in the  
50 county, and if the election is unfavorable the proposition may be  
51 submitted at a subsequent election. To the extent not otherwise pro-  
52 vided the general election laws are applicable to the election. Bonds  
53 issued by a city must be issued in accordance with the provisions of  
54 law relating to general corporate purpose bonds of a city.

55 3. County bonds may bear interest at a rate not exceeding seven  
56 percent per annum payable semiannually and the principal shall be  
57 scheduled to mature in not more than twenty years from the date of  
58 the bonds. When a county has issued bonds it shall annually levy on  
59 all taxable property in the county, a tax sufficient to pay the interest  
60 and principal of the bonds as they become due, and each county may  
61 levy taxes sufficient to pay its portion of the cost of operating, main-  
62 taining, and keeping insured the building acquired or constructed  
63 under this section.

64 4. Contracts for the construction of any building which involve the  
65 expenditure of five thousand dollars or more shall be entered into  
66 pursuant to advertisement for bids in a manner approved and author-  
67 ized by both the board of supervisors of the county and the council  
68 of the city. A county may apply for and accept federal aid in the  
69 construction of a building under this section, subject to conditions  
70 and stipulations imposed in connection with the federal aid and as  
71 approved by the board of supervisors.



72 5. This section is a complete and independent law for providing  
73 joint county and city buildings.”

74 “1. Any joint building acquired, owned, erected, constructed, con-  
75 trolled, or occupied in accordance with the authorization contained in  
76 this section is declared to be acquired, owned, erected, constructed,  
77 controlled, or occupied for a public purpose and as a matter of public  
78 need.

79 2. Any county may join with its county seat to incorporate an  
80 ‘Authority’ for the purpose of acquiring, constructing, demolishing,  
81 improving, enlarging, equipping, furnishing, repairing, maintaining,  
82 and operating a public building, and to acquire and prepare the  
83 necessary site, including demolition of any structures, for the joint  
84 use of the county and city or any school district which is within or  
85 is a part of the county or city.

86 3. The incorporation of an authority shall be accomplished by the  
87 adoption of articles of incorporation by the governing body of each  
88 incorporating unit. For adoption, the affirmative vote of a majority  
89 of the members of each governing body is required. The articles of  
90 incorporation shall be executed for and on behalf of each incorporat-  
91 ing unit by the following officers:

92 a. For the county, by the chairman of the board of supervisors.

93 b. For the city, by its mayor and city clerk.

94 4. The articles of incorporation shall set forth the name of the  
95 authority, the name of the incorporating units, the purpose for which  
96 the authority is created, the number, terms, and manner of selection  
97 of its officers including its governing body which shall be known as  
98 the ‘commission’, the powers and duties of the authority and of its  
99 officers, the date upon which the authority becomes effective, the  
100 name of the newspaper in which the articles of incorporation shall be  
101 published, and any other matters.

102 5. The authority shall be directed and governed by a board of com-  
103 missioners of three members, one to be elected by the board of super-  
104 visors of the county from the area outside of the county seat, one to  
105 be elected by the council of the city from the area inside the city,  
106 and one to be elected by the joint action of the board of supervisors  
107 of the county and the council of the city, and if the governing bodies  
108 are unable to agree upon a choice for the third member within sixty  
109 days of the election of the first member, then the third member shall  
110 be appointed by the governor. The commissioners shall serve for  
111 six-year terms. Of the first appointees, the member appointed by the  
112 board of supervisors shall be for a term of two years, the member  
113 appointed by the city council shall be for a term of four years, and  
114 the member appointed by the joint action of the board and council  
115 shall be for a term of six years. The board of commissioners shall  
116 designate one of their number as chairman, one as secretary, and  
117 one as treasurer, and shall adopt bylaws and rules of procedure and  
118 provide therein for regular meetings and for the proper safekeeping  
119 of its records. No commissioner shall receive any compensation in  
120 connection with his services as commissioner. Each commissioner,  
121 however, shall be entitled to reimbursement for any necessary ex-  
122 penditures in connection with the performance of his duties.

123 6. The articles of incorporation shall be recorded in the office of  
124 the county recorder and filed with the secretary of state, and shall

125 be published once in a newspaper designated in the articles of in-  
126 corporation and having a general circulation within the county, and  
127 upon such recording and publication, the authority shall be deemed  
128 to come into existence.

129 7. Amendments may be made to the articles of incorporation if  
130 adopted by the governing body of each incorporating unit; provided  
131 that no amendment shall impair the obligation of any bond or other  
132 contract. Each amendment shall be adopted, executed, recorded, and  
133 published in the same manner as specified for the original articles of  
134 incorporation.

135 8. Any incorporating unit may make donations of property, real  
136 or personal, including gratuitous lease, to the authority as deemed  
137 proper and appropriate in aiding the authority to effectuate its pur-  
138 poses.

139 9. The authority shall be a body corporate with power to sue and  
140 be sued in any court of this state, have a seal and alter the same at  
141 its pleasure, and make and execute contracts, leases, deeds, and other  
142 instruments necessary or convenient to the exercise of its powers.  
143 In addition, it shall have and exercise the following public and essen-  
144 tial governmental powers and functions and all other powers inci-  
145 dental or necessary to carry out and effectuate its express powers:

146 a. To select, locate, and designate an area lying wholly within the  
147 territorial limits of the county seat of the county in which the author-  
148 ity is incorporated as the site to be acquired for the construction,  
149 alteration, enlargement, or improvement of a building. The site  
150 selected is subject to approval by a majority of the members of each  
151 governing body of the incorporating units.

152 b. To acquire in the corporate name of the authority the fee simple  
153 title to the real property located within the area by purchase, gift,  
154 devise, or by the exercise of the power of eminent domain, or to take  
155 possession of real estate by lease.

156 c. To demolish, repair, alter, or improve any building within the  
157 designated area, to construct a new building within the area and to  
158 furnish, equip, maintain, and operate the building.

159 d. To construct, repair, and install streets, sidewalks, sewers,  
160 water pipes, and other similar facilities and otherwise improve the  
161 site.

162 e. To make provisions for off-street parking facilities.

163 f. To operate, maintain, manage, and enter into contracts for the  
164 operation, maintenance, and management of buildings, and to pro-  
165 vide rules and regulations for the operation, maintenance and man-  
166 agement.

167 g. To employ and fix the compensation of technical, professional,  
168 and clerical assistance as necessary and expedient to accomplish the  
169 objects and purposes of the authority.

170 h. To lease all or any part of a building to the incorporating units  
171 for a period of time not to exceed fifty years, upon rental terms agreed  
172 upon between the authority and the incorporating units. The rentals  
173 specified shall be subject to increase by agreement of the incorporat-  
174 ing units and the authority if necessary in order to provide funds to  
175 meet obligations.

176 i. To procure insurance of any and all kinds in connection with the  
177 building. The bidding procedures provided in section twenty-three

178 point eighteen (23.18) of the Code shall be utilized in the procure-  
179 ment of insurance.

180 j. To accept donations, contributions, capital grants, or gifts from  
181 individuals, associations, municipal and private corporations, and the  
182 United States, or any agency or instrumentality thereof, and to enter  
183 into agreements in connection therewith.

184 k. To borrow money and to issue and sell revenue bonds in an  
185 amount and with maturity dates not in excess of fifty years from  
186 date of issue, to provide funds for the purpose of acquiring, con-  
187 structing, demolishing, improving, enlarging, equipping, furnishing,  
188 repairing, maintaining, and operating buildings, and to acquire and  
189 prepare sites, convenient therefor, and to pay all incidental costs and  
190 expenses, including, but not limited to architectural, engineering,  
191 legal, and financing expense and to refund and refinance revenue  
192 bonds as often as deemed advantageous by the board of commis-  
193 sioners.

194 l. The provisions of chapter twenty-three (23) of the Code appli-  
195 cable to other municipalities are applicable to an authority.

196 10. After the incorporation of an authority, and before the sale of  
197 any issue of revenue bonds, except refunding bonds, the authority  
198 shall submit in a single countywide election to the qualified voters of  
199 the city and county, at a general, primary, or special election called  
200 for that purpose, the question of whether an authority shall issue  
201 and sell revenue bonds, stating the amount, for any of the purposes  
202 for which it is incorporated. An affirmative vote of a majority of  
203 the votes cast on the proposition is required to authorize the issu-  
204 ance and sale of revenue bonds. A notice of the election shall be  
205 published once each week for at least two weeks in some newspaper  
206 published in the county. The notice shall name the time when the  
207 question shall be submitted, and a copy of the question to be sub-  
208 mitted shall be posted at each polling place during the day of elec-  
209 tion. The authority shall call this election with the concurrence of  
210 both incorporating units, and it shall establish the voting precincts  
211 and polling places, and appoint the election judges, and in so doing  
212 such election procedures shall be in accordance with the provisions  
213 of chapters forty-nine (49) and fifty (50) of the Code.

214 11. When the board of commissioners decides to issue bonds sub-  
215 ject to the election requirement, it shall adopt a resolution describing  
216 the area to be acquired, the nature of the existing improvements, the  
217 disposition to be made of the improvements, and a general descrip-  
218 tion of any new buildings to be constructed.

219 12. The resolution shall set out the limit of the cost of the project,  
220 including the cost of acquiring and preparing the site, determine the  
221 period of usefulness and fix the amount of revenue bonds to be issued,  
222 the date or dates of maturity, the dates on which interest is payable,  
223 the sinking fund provisions, and all other details in connection with  
224 the bonds. The board shall determine and fix the rate of interest of  
225 any revenue bonds issued, in a resolution adopted by the board prior  
226 to the issuance. The resolution, trust agreement, or other contract  
227 entered into with the bondholders may contain covenants and re-  
228 strictions concerning the issuance of additional revenue bonds as  
229 necessary or advisable for the assurance of the payment of the bonds  
230 authorized.

231 13. Bonds shall be issued in the name of the authority and are  
232 declared to have all the qualities and incidents of negotiable instru-  
233 ments under the laws of this state.

234 14. Bonds issued under this section may be issued as serial or term  
235 bonds, shall be of such denomination or denominations and form,  
236 including interest coupons to be attached, shall be payable at such  
237 place or places and bear such date as the board of commissioners fix  
238 by the resolution authorizing the bonds, shall mature within a period  
239 not to exceed fifty years, and may be redeemable prior to maturity  
240 with or without premium, at the option of the board of commission-  
241 ers, upon terms and conditions the board shall fix by the resolution  
242 authorizing the issuance of bonds. The board of commissioners may  
243 provide for the registration of bonds in the name of the owner as  
244 to the principal alone or as to both principal and interest upon terms  
245 and conditions the board determines. All bonds issued by an author-  
246 ity shall be sold at a price so that the interest cost to the commission  
247 of the proceeds of the bonds shall not exceed seven percent per  
248 annum, payable semiannually, computed to maturity, and shall be  
249 sold in the manner and at the time the board of commissioners  
250 determines.

251 15. Bonds issued by an authority, and the interest thereon, shall be  
252 payable solely from the revenues derived from the operation, manage-  
253 ment, or use of the buildings acquired or to be acquired by the  
254 authority, which revenues shall include payments received under any  
255 leases or other contracts for the use of the buildings. Bonds shall  
256 recite that the principal and interest thereon are payable only from  
257 the revenues pledged, and shall state on their face that they are not  
258 an indebtedness of the authority or a claim against the property of  
259 the authority.

260 16. Bonds shall be executed in the name of the commission by the  
261 chairman of the board of commissioners or by another officer of the  
262 commission as the board, by resolution, may direct, and be attested  
263 by the secretary, or by another officer of the commission as the board,  
264 by resolution, may direct, and shall be sealed with the commission's  
265 corporate seal. In case any officer whose signature appears on the  
266 bonds or coupons shall cease to be such officer before delivery of the  
267 bonds, his signature shall be valid and sufficient for all purposes, the  
268 same as if the officer had remained in office until delivery.

269 17. In its discretion, the authority may issue refunding bonds to  
270 refund its bonds prior to their maturity, refund its outstanding  
271 matured bonds, refund matured coupons evidencing interest upon its  
272 outstanding bonds, refund interest at the coupon rate that has ac-  
273 crued upon its outstanding matured bonds, and refund its bonds  
274 which by their terms are subject to call or redemption before matu-  
275 rity. All bonds redeemed or purchased shall be canceled.

276 18. To secure the payment of revenue bonds and for the purpose  
277 of setting forth the covenants and undertakings of the authority in  
278 connection with the issuance of revenue bonds and the issuance of  
279 any additional revenue bonds payable from such revenue income to  
280 be derived from the operation, management, or use of the buildings  
281 acquired or to be acquired by the authority, the authority may exe-  
282 cute and deliver a trust agreement except that no lien upon any  
283 physical property of the authority shall be created.

284 19. The resolution shall provide for the creation of a sinking fund  
285 account into which shall be payable from the revenues of the project,  
286 from month to month as such revenues are collected, the sums in  
287 excess of the cost of maintenance and operation of the project and  
288 the cost of administration of the authority, sufficient to comply with  
289 the covenants of the bond resolution and sufficient to pay the accru-  
290 ing interest and retire the bonds at maturity. The board of commis-  
291 sioners, in a resolution, may provide for other accounts as necessary  
292 for the sale of the bonds. Moneys in the accounts shall be applied in  
293 the manner provided by the resolution, the trust agreement, or other  
294 contract with the bondholders.

295 20. No such bonds shall constitute a debt of the authority or of  
296 any public body within the meaning of any statutory or constitu-  
297 tional limitation as to debt.

298 21. From and after the issuance of bonds the board of commis-  
299 sioners shall establish and fix rates, rentals, fees, and charges for the  
300 use of any and all buildings or space owned and operated by the  
301 authority, sufficient at all times to pay maintenance and operation  
302 costs and to pay the accruing interest and retire the bonds at matu-  
303 rity and to make all payments to all accounts created by any bond  
304 resolution and to comply with all covenants of any bond resolution.

305 22. When an incorporating unit enters into a lease with the author-  
306 ity, the governing body of the incorporating unit shall provide by  
307 ordinance or resolution for the levy and collection of a direct annual  
308 tax sufficient to pay the annual rent payable under the lease as and  
309 when it becomes due and payable. The tax shall be levied and col-  
310 lected in like manner with the other taxes of the incorporating unit  
311 and shall be in addition to all other taxes authorized to be levied by  
312 that incorporating unit. This tax shall not be included within and  
313 shall be in addition to any statutory limitation of rate or amount for  
314 that incorporating unit. The fund realized from the tax levy shall  
315 be set aside for the payment of the annual rent and shall not be  
316 disbursed for any other purpose until the annual rental has been  
317 paid in full.

318 23. All leases, contracts, deeds of conveyance, bonds, or other  
319 instruments in writing on behalf of the authority, shall be executed  
320 in the name of the authority by the chairman and secretary of the  
321 authority, or by other officers as the board of commissioners, by  
322 resolution, directs, and the seal of the authority shall be affixed.

323 24. All property owned by any authority shall be exempt from  
324 taxation by the state or any taxing unit of the state. However, any  
325 interest derived from bonds issued by the authority shall be subject  
326 to taxation.

327 25. When all bonds issued by an authority have been retired, the  
328 authority may convey the title to the property owned by the author-  
329 ity to the incorporating units in accordance with the provisions  
330 therefor contained in the articles of incorporation, or, if none, in  
331 accordance with any agreement adopted by the respective governing  
332 bodies of the incorporating units, and the authority. The proposition  
333 of whether a conveyance shall be made shall be submitted to the legal  
334 voters of the city and county, utilizing the election procedures pro-  
335 vided for bond issues, and an affirmative vote equal to at least a  
336 majority of the total votes cast on the proposition shall be required

337 to authorize the conveyance. If the proposition does not carry, the  
 338 authority shall continue to operate, maintain, and manage the build-  
 339 ing under a lease arrangement with the incorporating units."

1 SEC. 283. Section three hundred forty-seven point twenty-three  
 2 (347.23), Code 1971, is amended as follows:

3 **347.23 City hospital changed to county hospital.** Any hospital  
 4 organized and existing as a city ~~or town~~ hospital under the provi-  
 5 sions of ~~chapter 380~~ may become a county hospital organized and  
 6 managed as provided for in this chapter, upon a proposition for such  
 7 purpose being submitted to and approved by a majority of the elec-  
 8 tors of both the ~~town or~~ city in which such hospital is located, and  
 9 of the county under whose management it is proposed that such  
 10 hospital be placed, at any general or special election called for such  
 11 purpose, ~~said~~. *The* proposition shall be placed upon the ballot by the  
 12 board of supervisors when the said board of supervisors is requested  
 13 by a petition therefor signed by qualified electors of the county equal  
 14 in number to five percent of the votes cast for governor at the last  
 15 general election; said proposition may be submitted at the next  
 16 general election or at a special election called therefor. Upon the  
 17 approval of said proposition as ~~aforsaid~~ the hospital, its assets and  
 18 liabilities, will become the property of the county and this chapter  
 19 will govern its future management. The question shall be submitted  
 20 in substantially the following form: "Shall the municipal hospital  
 21 of \_\_\_\_\_, Iowa, be transferred to and become the property of,  
 22 and be managed by the county of \_\_\_\_\_, Iowa?"

23 For the purpose of computing whether or not said proposition is  
 24 carried, the votes of the residents of the ~~town or~~ city in which said  
 25 hospital is located shall be counted both for the purpose of ascertain-  
 26 ing whether or not the proposition is carried within the city ~~or town~~  
 27 and also for the purpose of ascertaining whether or not the proposi-  
 28 tion is carried within the county.

1 SEC. 284. Section three hundred forty-eight point two (348.2),  
 2 unnumbered paragraph one (1), Code 1971, is amended as follows:

3 **348.2 Consolidation—powers of trustees.** In all counties of the  
 4 state having a population of one hundred thirty-five thousand in-  
 5 habitants or over, and in which there is located a city containing one  
 6 ~~hundred twenty-five thousand population or over~~, and consolidation  
 7 of hospital service has been completed as contemplated in this chap-  
 8 ter, said board of hospital trustees shall:

1 SEC. 285. Section three hundred forty-eight point four (348.4),  
 2 Code 1971, is amended as follows:

3 **348.4 Sale of property after consolidation.** In all cities contain-  
 4 ing a population of one hundred twenty-five thousand inhabitants or  
 5 ~~over~~, located in counties in which both a public county and city  
 6 hospital are being conducted under separate supervision and man-  
 7 agement, such cities are hereby authorized and directed, when con-  
 8 solidation is completed under this chapter and upon the recommen-  
 9 dation of the board of hospital trustees, to sell the property now  
 10 owned and used by such cities for hospital purposes, both real and  
 11 personal, at public or private sale, the proceeds of such sale to be  
 12 used, first, for the retirement and payment of any outstanding bonds  
 13 issued in connection with the purchase of such hospital property, and

14 the remainder, if any, shall be turned into the county public hospital  
15 fund.

1 SEC. 286. Section three hundred forty-eight point five (348.5),  
2 Code 1971, is repealed.

1 SEC. 287. Section three hundred fifty-six point one (356.1), Code  
2 1971, is amended by adding the following new subsection:

3 "For the confinement of persons subject to imprisonment under the  
4 ordinances of a city."

1 SEC. 288. Section three hundred fifty-six point fifteen (356.15),  
2 Code 1971, is amended as follows:

3 **356.15 Expenses.** All charges and expenses for the safekeeping  
4 and maintenance of prisoners shall be allowed by the board of super-  
5 visors, except those committed or detained by the authority of the  
6 courts of the United States, in which cases the United States must  
7 pay such expenses to the county, *and those committed for violation*  
8 *of a city ordinance, in which case the city shall pay expenses to the*  
9 *county.*

1 SEC. 289. Section three hundred fifty-six point twenty (356.20),  
2 Code 1971, is amended as follows:

3 **356.20 Violation of city ordinance.** When the imprisonment is  
4 under the judgment of any court, police court, police magistrate,  
5 mayor, or other tribunal of a city ~~or town~~, for the violation of any  
6 ordinance, ~~bylaw, or other regulation thereof~~, the marshal *or chief*  
7 *of police* shall superintend the labor, and furnish the tools and mate-  
8 rials, if necessary, at the expense of the city ~~or town~~ requiring the  
9 labor, and ~~such~~ *the city or town* shall be entitled to the earnings of  
10 its convicts.

1 SEC. 290. Section three hundred fifty-seven point one (357.1),  
2 unnumbered paragraph three (3), Code 1971, is amended as follows:

3 ~~In case the proposed A benefited water district is located wholly~~  
4 ~~within the corporate limits of any a city or town, only the council of~~  
5 ~~the city or town shall have the authority to establish the water dis-~~  
6 ~~trict, and is not subject to the provisions of this chapter referring to~~  
7 ~~the board of supervisors shall be applicable to the city or town council.~~

1 SEC. 291. Section three hundred fifty-seven point twelve (357.12),  
2 Code 1971, is amended as follows:

3 **357.12 Election.** When the preliminary design and assessment  
4 have been approved by the board of supervisors, a date not more than  
5 thirty days after such approval shall be set for an election within  
6 the district to determine whether or not the proposed improvement  
7 shall be constructed and to choose candidates for the offices of trustee  
8 within the district. ~~Except that where the benefited water district~~  
9 ~~is wholly within the corporate limits of a city or town, the members~~  
10 ~~of the city or town council shall be the trustees, and the provisions~~  
11 ~~hereinafter referring to the election and terms of trustees are not~~  
12 ~~applicable.~~ Notice of the election, including the time and place of  
13 holding the same, shall be given in the same manner as for the public  
14 hearing heretofore provided for. The vote shall be by ballot which  
15 shall state clearly the proposition to be voted upon, and any ~~legal~~  
16 *qualified* voter residing within the district at the time of the election

17 shall be entitled to vote. Judges will be appointed to serve without  
 18 pay, by the board of supervisors from among the qualified voters of  
 19 the district who will have charge of the election. The proposition  
 20 shall be deemed to have carried if a majority of those voting thereon  
 21 vote in favor of the same.

1 SEC. 292. Section three hundred fifty-seven B point twelve  
 2 (357B.12), Code 1971, is amended as follows:

3 **357B.12 Anticipation of tax.** Benefited fire districts may antici-  
 4 pate the collection of taxes outlined by sections 357B.9 and 357B.11  
 5 and for such purposes may issue bonds payable in not more than ten  
 6 equal installments and the rate of interest thereon shall not exceed  
 7 seven percent per annum, payable at such place and shall be in such  
 8 form as the trustees shall designate by resolution. Sections 23.12 to  
 9 23.16, inclusive, and ~~chapter 408~~ *provisions relating to general cor-*  
 10 *porate purpose bonds of a city*, so far as applicable, shall apply to  
 11 such bonds.

1 SEC. 293. Section three hundred fifty-seven B point fifteen  
 2 (357B.15), Code 1971, is amended as follows:

3 **357B.15 Joining with city or town—election.** No benefited fire  
 4 district shall join with any city ~~or town~~ for any joint purpose  
 5 ~~permitted in section 368.12~~ unless such joining is approved by the  
 6 electors of the joint benefited fire district as provided in this section.  
 7 The trustees of a benefited fire district shall have the power, when  
 8 authorized by a majority vote of the electors thereof at a special  
 9 election called for that purpose, upon notice given in the same man-  
 10 ner provided in section 357B.9, to own, use, or operate jointly with  
 11 any city ~~or town~~, fire apparatus, equipment, or facilities and to pro-  
 12 vide for the purchase, rental, or maintenance of such equipment,  
 13 facilities, and services.

1 SEC. 294. Section three hundred fifty-eight point twenty (358.20),  
 2 unnumbered paragraph two (2), Code 1971, is amended as follows:

3 In no case shall such rates, rentals, or charges, or the funds accru-  
 4 ing from the collection thereof, be used to meet that part of the cost  
 5 of any construction within the district which has been financed by  
 6 special assessment against benefited properties. ~~The provisions of~~  
 7 ~~chapter 303 shall apply to sanitary districts organized under this~~  
 8 ~~section insofar as they are applicable.~~

9 *Sewer rentals, charges, or rates may supplant or replace, in whole*  
 10 *or in part, any millage levy taxes which may be, or have been, author-*  
 11 *ized by the board of trustees for any of the following purposes:*

12 1. *To meet interest and principal payments on bonds legally author-*  
 13 *ized for the financing of sanitary utilities in any manner.*

14 2. *To pay costs of the construction, maintenance, or repair of such*  
 15 *sanitary facilities or utilities, including payments to be made under*  
 16 *any contract between municipalities for either the joint use of sewer-*  
 17 *age or sewage facilities, or for the use by one municipality of all or*  
 18 *a part of the sewerage or sewer system of another municipality.*

19 *When a sewer rental ordinance has been passed and put into effect,*  
 20 *prior ordinances or resolutions providing for millage taxes against*  
 21 *real and personal property for such purposes, or the portion thereof*  
 22 *replaced, may be repealed.*



1 SEC. 295. Section three hundred fifty-eight point twenty-two  
2 (358.22), unnumbered paragraph two (2), Code 1971, is amended as  
3 follows:

4 Such assessments may be made to extend over a period of ten  
5 years, payable in as nearly equal annual installments as practicable,  
6 and certificates or bonds may be issued in anticipation thereof. Pro-  
7 ceedings for improvements to be made and paid for, in whole or in  
8 part, by special assessments, as herein authorized shall be initiated  
9 by resolution of necessity, and said resolution and the plat, schedule,  
10 hearings, notices, objections, orders, assessments, levies, contracts,  
11 bonds, certification of assessments, liens, payment, tax sales, and  
12 appeals, and the issuance and sale of certificates, and bonds, shall  
13 correspond, as near as may be, to the provisions therefor contained  
14 in chapters 391, 391A and 396, and all relating to special assessment  
15 bonds of a city, which provisions of said chapters shall govern such  
16 proceedings, to the extent applicable, except as modified hereby. A  
17 majority vote of the board of trustees shall be requisite and sufficient  
18 for any action required by the board under the provisions of this  
19 section.

1 SEC. 296. Chapter three hundred fifty-eight (358), Code 1971, is  
2 amended by adding the following new section:

3 "A sanitary district may enter into contracts with persons or firms  
4 outside its limits for the processing of sewage but the rate for pro-  
5 cessing shall not be less than that charged the inhabitants of the  
6 district.

7 A district entering into a contract may lay sewer lines in highways  
8 outside the district upon first obtaining the permission of the state  
9 highway commission in the case of primary roads and the board of  
10 supervisors in case of secondary roads, on written application desig-  
11 nating the particular highway and part thereof, the use of which is  
12 desired.

13 A sanitary district adjoining a border of the state and owning and  
14 operating a sewage disposal plant, may contract with the governing  
15 body of any legal entity in an adjacent area in another state, to  
16 process the sewage from the area. The contract shall be subject to  
17 approval of the state department of health."

1 SEC. 297. Section three hundred fifty-eight A point eight  
2 (358A.8), Code 1971, is amended as follows:

3 **358A.8 Commission appointed.** In order to avail itself of the  
4 powers conferred by this chapter, the board of supervisors shall  
5 appoint a commission, to be known as the county zoning commission,  
6 to recommend the boundaries of the various original districts, and  
7 appropriate regulations and restrictions to be enforced therein. Such  
8 commission shall, with due diligence, prepare a preliminary report  
9 and hold public hearings thereon before submitting its final report;  
10 and the board of supervisors shall not hold its public hearings or take  
11 action until it has received the final report of such commission. After  
12 the adoption of such regulations, restrictions, and boundaries of dis-  
13 tricts, the zoning commission may, from time to time, recommend to  
14 the board of supervisors amendments, supplements, changes or modi-  
15 fications. *The zoning commission, with the approval of the board of*  
16 *supervisors, may contract with professional consultants, regional*

17 *planning commissions, the Iowa development commission, or the*  
18 *federal government, for local planning assistance.*

1 SEC. 298. Section three hundred fifty-eight B point two (358B.2),  
2 unnumbered paragraphs four (4) and five (5), are amended as fol-  
3 lows:

4 A county library district shall be established, if a majority of the  
5 electors, voting on the proposition, and residing outside of cities and  
6 towns maintaining a free public library, as provided by section 378.1  
7 favor it.

8 The result of the election within cities and towns maintaining a  
9 free public library ~~under the above-mentioned provision~~ shall be  
10 considered separately, and no such city or town shall be included  
11 within the county library district unless a majority of its electors,  
12 voting on the proposition, favor its inclusion. In such cases the  
13 boundaries of an established district may vary from those of the  
14 proposed district.

1 SEC. 299. Section three hundred fifty-eight B point nine (358B.9),  
2 Code 1971, is amended as follows:

3 **358B.9 Methods of service.** Library service shall be accomplished  
4 by one or more of the following methods in whole or in part:

5 1. By the establishment of depositories of books or other educa-  
6 tional materials to be loaned at stated times and places.

7 2. By the transportation of books or other educational materials by  
8 conveyances for lending the same at stated times and places.

9 3. By the establishment of branch libraries for lending books and  
10 other educational materials.

11 4. By contracting for library service with the trustees of a free  
12 public library of any city or town.

1 SEC. 300. Section three hundred fifty-eight B point thirteen  
2 (358B.13), Code 1971, is amended as follows:

3 **358B.13 Maintenance expense on proportionate basis.** The mainte-  
4 nance of a county library shall be on a proportionate population basis  
5 whereby each taxing unit as hereinafter defined shall bear its share  
6 in proportion to its population to the whole of said county library  
7 district. The board of library trustees shall on or before July 10 of  
8 each year make an estimate of the amount it deems necessary for the  
9 maintenance of the county library and shall transmit said estimate  
10 in dollars to the board or boards of supervisors and to the city and  
11 town councils within the district. The entire rural area of each  
12 county in the library district shall be considered as a separate taxing  
13 unit. Each city and town which is a part of the county library dis-  
14 trict shall be considered as a separate taxing unit. The board of  
15 supervisors and the council of each city and town composing said  
16 county library district shall make the necessary millage levies ac-  
17 cordingly for library maintenance purposes of , *but the county levy*  
18 *may not to exceed two mills.* Any unexpended balance in the library  
19 maintenance fund at the end of the fiscal year shall remain in said  
20 fund and be available without reappropriation.

1 SEC. 301. Section three hundred fifty-eight B point fourteen  
2 (358B.14), Code 1971, is amended as follows:

3     **358B.14 Not applicable to contract service.** The provisions of this  
 4 chapter pertaining to the establishment of a county library district  
 5 shall not apply to any area receiving library service from any city  
 6 ~~or town library under the provisions of chapter 378~~, unless the peti-  
 7 tion for a county library district shall, in addition to the required  
 8 signatures of electors, ~~be is~~ signed by the governing body of the area  
 9 receiving library service under contract.

1     **SEC. 302.** Section three hundred fifty-eight B point sixteen  
 2 (358B.16), Code 1971, as amended by chapter two hundred five (205),  
 3 section one (1), Acts of the Sixty-fourth General Assembly, First  
 4 Session, is amended to read as follows:

5     **358B.16 Withdrawal of city or town from district.** Whenever any  
 6 incorporated ~~A~~ city or town, having maintained a library pursuant to  
 7 the provisions of chapter 378 for at least ten years and having levied  
 8 a tax of its own for the same purpose, shall decide to ~~may~~ withdraw  
 9 from the county library district, it may do so by giving notice by  
 10 certified mail to the board of library trustees of ~~said the~~ county  
 11 library and the county auditor prior to July 10, by the governing  
 12 body of ~~said incorporated city or town~~, of its withdrawal from the  
 13 county library district, and ~~on that date~~ shall cease to be a part of or  
 14 included in ~~said the~~ county library district.

1     **SEC. 303.** Chapter three hundred fifty-eight B (358B), Code 1971,  
 2 is amended by adding the following new sections:

3     “Whenever a local county historical association is formed in a  
 4 county having a free public library, the trustees of the library may  
 5 unite with the historical association and set apart the necessary room  
 6 to care for articles which come into the possession of the association.  
 7 The trustees may purchase necessary receptacles and materials for  
 8 the preservation and protection of articles which are of a historical  
 9 and educational nature and may pay for the same out of the library  
 10 fund.”

11     “1. Contracts may be made by a school corporation, township,  
 12 county, or the trustees of any county library district for the use by  
 13 their residents of a city library. Townships and counties may enter  
 14 into contracts, but may only contract for the residents outside of  
 15 cities. A contract by a county shall supersede all contracts by town-  
 16 ships or school corporations within the county outside of cities.

17     2. Contracts shall provide for the rate of tax to be levied. They  
 18 may, by mutual consent of the contracting parties, be terminated at  
 19 any time. They may also be terminated by a majority of the voters  
 20 represented by either of the contracting parties, voting on a proposi-  
 21 tion to terminate which shall be submitted by the governing body  
 22 upon a written petition of qualified voters in a number not less than  
 23 five percent of those who voted in the area for governor at the last  
 24 general election.

25     3. The proposition may be submitted at any election provided by  
 26 law which covers the area of the unit seeking to terminate the con-  
 27 tract. The petition shall be presented to the governing body not less  
 28 than forty days before the election at which the question is to be  
 29 submitted.

30     4. The board of trustees of any township which has entered into  
 31 a contract shall at the April meeting levy a tax not exceeding one-

32 fourth mill on the dollar on all taxable property in the township to  
33 create a fund to fulfill its obligation under the contract.

34 The board of supervisors, after it makes such contract, shall levy  
35 annually on the taxable property of the county outside of cities, a  
36 tax of not more than one mill to create a fund to fulfill its obligation  
37 under the contract.

38 5. Qualified voters of that part of any county outside of cities in a  
39 number of not less than twenty-five percent of those in the area who  
40 voted for governor at the last general election may petition the board  
41 of supervisors to submit the proposition of requiring the board of  
42 supervisors to provide library service for them and their area by  
43 contract as provided by this section.

44 6. The board of supervisors shall submit the proposition to the  
45 voters of the county residing outside of cities at the next election,  
46 primary or general, provided that the petition has been filed not less  
47 than forty days prior to the date of the election at which the question  
48 is to be submitted.

49 7. If a majority of those voting upon the proposition favors it, the  
50 board of supervisors shall within thirty days appoint a board of  
51 library trustees from residents of the petitioning area. Vacancies  
52 shall be filled by the board of supervisors.

53 8. The board of trustees is authorized to contract with any library  
54 for library use or service for the benefit of the residents and area  
55 represented by it.

56 9. The board of supervisors shall levy annually on the taxable  
57 property of the county outside of cities, a tax of not more than one  
58 mill to create a fund to fulfill the contract obligations of the trustees  
59 appointed by it."

1 SEC. 304. Section three hundred fifty-nine point twenty-four  
2 (359.24), Code 1971, is amended as follows:

3 OFFICES ABOLISHED

4 **359.24 Clerk and trustees abolished.** Where a ~~town or a city, not~~  
5 ~~acting under a special charter,~~ constitutes one or more civil townships  
6 the boundary lines of which coincide throughout with the boundary  
7 lines of the ~~town or city,~~ the offices of township clerk and trustee are  
8 abolished.

1 SEC. 305. Section three hundred fifty-nine point twenty-six  
2 (359.26), Code 1971, is amended as follows:

3 **359.26 Transfer of funds.** The moneys and assets belonging to  
4 such civil township shall become the moneys and assets of the city  
5 ~~or town~~ in which said civil township is situated, and the township  
6 clerks shall turn such moneys and assets over to the city ~~or town~~  
7 treasurer *or clerk*, to be disbursed by ~~such the city or town~~ in the  
8 same manner and for the same purposes as required by law for the  
9 disposition of township funds, and such cities ~~or towns~~ shall assume  
10 all liabilities of a civil township to which the provisions of this section  
11 ~~shall~~ apply.

1 SEC. 306. Section three hundred fifty-nine point twenty-seven  
2 (359.27), Code 1971, is amended as follows:

3 **359.27 Payment of funds.** County treasurers are hereby author-  
4 ized to pay over to the ~~city or town~~ treasurers *or clerks of cities*  
5 which come under the provisions of sections 359.24, 359.25 and 359.26

6 all funds which would otherwise be paid over to the township clerks  
7 of such townships.

1 SEC. 307. Section three hundred fifty-nine point forty-five  
2 (359.45), Code 1971, is amended as follows:

3 359.45 **Anticipatory bonds.** Townships may anticipate the collec-  
4 tion of taxes authorized by sections 359.43 and 359.44, and for such  
5 purposes may issue bonds payable in not more than ten equal annual  
6 installments and at a rate of interest not exceeding seven percent  
7 per annum and payable at such place and be in such form as the  
8 board of trustees shall designate by resolution. Sections 23.12 to  
9 23.16, inclusive, and ~~chapter 408~~ *provisions of law relating to essen-*  
10 *tial corporate purpose bonds of a city*, so far as applicable, shall  
11 apply to such bonds.

1 SEC. 308. Section three hundred fifty-nine point forty-six  
2 (359.46), subsection one (1), Code 1971, is amended as follows:

3 1. For each day of service of eight hours necessarily engaged in  
4 official business, to be paid out of the county treasury, four dollars  
5 each. ~~In townships embraced entirely within the limits of special~~  
6 ~~charter cities, the compensation of township trustees shall be four~~  
7 ~~dollars per day.~~

1 SEC. 309. Chapter three hundred sixty-seven (367), Code 1971, is  
2 amended by adding the following new section:

3 "When the mayor is absent or unable to act, the mayor pro tem  
4 may hold mayor's court, but only in cases of violation of a city law."

1 SEC. 310. Section four hundred three point fourteen (403.14),  
2 subsection two (2), Code 1971, is amended as follows:

3 2. As used in this section, the term "urban renewal project powers"  
4 shall include the rights, powers, functions and duties of a municipal-  
5 ity under this chapter, ~~including~~ *except* the following:

6 a. The power to determine an area to be a slum or blighted area  
7 or combination thereof and to designate such area as appropriate  
8 for an urban renewal project and to hold any public hearings required  
9 with respect thereto;

10 b. The power to approve urban renewal plans and modifications  
11 thereof;

12 c. The power to establish a general plan for the locality as a whole;

13 d. The power to formulate a workable program under section  
14 403.3;

15 e. The power to make the determinations and findings provided for  
16 in section 403.4, and section 403.5, subsection 4;

17 f. The power to issue general obligation bonds;

18 g. The power to appropriate funds, to levy taxes and assessments,  
19 and to exercise other powers provided for in section 403.6, subsection  
20 8.

1 SEC. 311. Section four hundred nine point fourteen (409.14), un-  
2 numbered paragraph one (1), Code 1971, is amended as follows:

3 No county auditor or recorder shall hereafter file or record, nor  
4 permit to be filed or recorded, any plat purporting to lay out or sub-  
5 divide any tract of land into lots and blocks within any city having  
6 a population by the latest federal census of twenty-five thousand or  
7 over, or within a city of any size ~~having a plan commission organized~~

8 ~~under the provisions of chapter 373 which by ordinance adopts the~~  
9 ~~restrictions of this section~~ or, except as hereinafter provided, within  
10 two miles of the limits of such city, unless such plat has been first  
11 filed with and approved by the council of such city as provided in  
12 section 409.7, and by the city plan commission as required by law in  
13 cities where such commission exists.

1 SEC. 312. Section four hundred fourteen point twenty-two  
2 (414.22), Code 1971, is repealed.

1 SEC. 313. Section four hundred nineteen point eleven (419.11),  
2 Code 1971, is amended as follows:

3 **419.11 Tax equivalent to be paid—assessment procedure—appeal.**  
4 Any municipality acquiring, purchasing, constructing, reconstruct-  
5 ing, improving or extending any industrial buildings, as provided in  
6 this chapter, shall annually pay out of the revenue from such indus-  
7 trial buildings to the state of Iowa and to the city, town, school dis-  
8 trict and any other political subdivision, authorized to levy taxes, a  
9 sum equal to the amount of tax, determined by applying the millage  
10 rate of the taxing district to the assessed value of the property, which  
11 the state, county, city, town, school district or other political sub-  
12 division would receive if the property were owned by any private  
13 person or corporation, any other statute to the contrary notwith-  
14 standing. For purposes of arriving at such tax equivalent, the prop-  
15 erty shall be valued and assessed by the assessor in whose jurisdic-  
16 tion the property is located, in accordance with chapter 441, but the  
17 municipality, the lessee on behalf of the municipality, and such other  
18 persons as are authorized by chapter 441 shall be entitled to protest  
19 any assessment and take appeals in the same manner as any tax-  
20 payer. Such valuations shall be included in any summation of valua-  
21 tions in the taxing district for all purposes known to the law. Income  
22 from this source shall be considered under the provisions of section  
23 ~~24.3~~ 97, subsection 1, *paragraph b, of this Act*. If and to the extent  
24 the proceedings under which the bonds authorized to be issued under  
25 the provisions of this chapter so provide, the municipality may agree  
26 to cooperate with the lessee of a project in connection with any ad-  
27 ministrative or judicial proceedings for determining the validity or  
28 amount of any such payments and may agree to appoint or designate  
29 and reserve the right in and for such lessee to take all action which  
30 the municipality may lawfully take in respect of such payments and  
31 all matters relating thereto, provided, however, that such lessee shall  
32 bear and pay all costs and expenses of the municipality thereby  
33 incurred at the request of such lessee or by reason of any such action  
34 taken by such lessee in behalf of the municipality. Any lessee of a  
35 project which has paid, as rentals additional to those required to be  
36 paid pursuant to section 419.5, the amounts required by the first  
37 sentence of this section to be paid by the municipality shall not be  
38 required to pay any such taxes to the state or to any such county,  
39 city, town, school district or other political subdivision, any other  
40 statute to the contrary notwithstanding. This section shall not be  
41 applicable to any municipality acquiring, purchasing, constructing,  
42 reconstructing, improving, or extending any buildings for the pur-  
43 pose of establishing, maintaining, or assisting any private college or  
44 university.

1 SEC. 314. Sections four hundred twenty point fourteen (420.14)  
 2 through four hundred twenty point sixteen (420.16), four hundred  
 3 twenty point thirty-one (420.31), and four hundred twenty point  
 4 thirty-four (420.34) through four hundred twenty point forty  
 5 (420.40), Code 1971, are repealed.

1 SEC. 315. Section four hundred twenty point forty-one (420.41),  
 2 Code 1971, is amended as follows:

3 **420.41 Applicability of provisions.**

4 1. Except as hereinafter in this section provided, the provisions of  
 5 this Code which, by their terms, are made applicable to all municipal  
 6 corporations, shall be applicable to cities organized under special  
 7 charter, and the provisions of this Code, applicable by their terms to  
 8 municipal corporations of a certain population, shall be applicable  
 9 to cities under special charter of like population, and except as  
 10 hereinafter in this section provided, said special charters shall have  
 11 no further force and effect.

12 2. To whatever extent provisions made applicable by subsection 1  
 13 of this section to cities organized under special charter shall be  
 14 inconsistent with the provisions of this chapter, the provisions so  
 15 made applicable shall be construed to provide additional rights,  
 16 powers and privileges to such cities or to provide alternative proce-  
 17 dures which such cities may adopt or avail themselves of at the  
 18 election of their respective governing bodies or appropriate officers,  
 19 insofar as such provisions, so made applicable, are susceptible to  
 20 such construction. Insofar as such provisions, so made applicable,  
 21 are not susceptible to such construction the provisions of this chapter  
 22 shall be controlling.

23 3. Notwithstanding the provisions of subsection 1 of this section,  
 24 nothing herein contained 1. *No state law* shall be deemed to impair,  
 25 alter or affect the provisions of any such special charter or any  
 26 existing amendment thereto in any of the following respects:

27 a. As an act of incorporation or as evidence thereof.

28 b. In respect of authority to license, tax and regulate various per-  
 29 sons, occupations, amusements, places and objects, as said general  
 30 subjects of licensing, taxing and regulation are more specifically set  
 31 forth in the respective charters of such cities.

32 c. In respect of the levy and collection of taxes for city purposes,  
 33 in accordance with provisions of the respective charters of such cities  
 34 and other provisions of law relating to such levy and collections  
 35 including, but without limitation, provisions relating to liens, dis-  
 36 traint, tax sales, redemptions, tax deeds and other provisions inci-  
 37 dent to the levy and collection of taxes; provided that this paragraph  
 38 shall apply only with respect to cities which prior to and currently  
 39 with the taking effect of this subsection collect general city taxes  
 40 directly or by or through their own officers, rather than indirectly  
 41 and by or through any other public body or officer thereof.

42 d. In respect of the election or appointment of a clerk, treasurer,  
 43 police magistrate and marshal or in respect of the authority, func-  
 44 tions, duties or compensation of any thereof.

45 e. In respect of the power or authority of any such city to borrow  
 46 and expend money and issue bonds or other evidences of indebtedness  
 47 therefor.

48 f. In respect of the appropriation, condemning or taking of land  
49 and property by any such city for public purposes and in respect of  
50 procedure and appeals in connection with any such taking.

51 g. In respect of the power to enact, make, adopt, amend and repeal  
52 ordinances necessary or proper in connection with any provisions  
53 referred to in paragraphs "a" to "f" inclusive, of this subsection.

54 ~~4. Notwithstanding the provisions of subsection 1 of this section,~~  
55 ~~the 2. The~~ fiscal year for special charter cities, which prior to and  
56 concurrently with the taking effect of this subsection collect general  
57 city taxes directly through their own officers, and for all departments,  
58 boards and commissions thereof, shall be as established by city  
59 ordinance.

60 ~~5. Notwithstanding the provisions of subsection 1 of this section,~~  
61 ~~special 3. Special~~ charter cities which prior to and concurrently with  
62 the taking effect of this subsection collect general city taxes directly  
63 through their own officers, shall, within the applicable provisions of  
64 ~~chapter 404 sections 82 through 93, inclusive, of this Act,~~ make the  
65 appropriations for the necessary expenditures for the next ensuing  
66 fiscal year by ordinance. The proposed ordinance shall, upon first  
67 reading, be placed on file with the clerk for public inspection, and,  
68 upon second reading, if and as amended, forthwith be published in a  
69 newspaper of general circulation, together with the time and place  
70 for a public hearing on said proposed ordinance, which hearing shall  
71 be not less than ten days prior to the council meeting at which it shall  
72 be placed upon its passage.

1 SEC. 316. Section four hundred twenty point forty-three (420.43),  
2 Code 1971, is amended as follows:

3 **420.43 Application of certain terms.** Whenever the words "boards  
4 of supervisors", "county auditor or recorder of deeds", and "county  
5 treasurer" are used in any section made applicable by this chapter  
6 to special charter cities, the words "city council", "city clerk" or  
7 "city recorder", and "city collector or treasurer" shall be respectively  
8 substituted.

9 This section shall not be construed as depriving boards of super-  
10 visors, county auditors, and county treasurers of their powers to  
11 spread tax levies and collect taxes certified by cities acting under  
12 special charter as provided in ~~sections~~ *section* 420.206 and ~~404.3~~ *other*  
13 *state law*. Nothing contained herein shall be deemed to affect the  
14 procedure for the assessment of property by the city or county  
15 assessor.

1 SEC. 317. Sections four hundred twenty point forty-six (420.46),  
2 four hundred twenty point fifty-nine (420.59) through four hundred  
3 twenty point sixty-one (420.61), inclusive, four hundred twenty point  
4 one hundred fifty-six (420.156), four hundred twenty point one hun-  
5 dred fifty-eight (420.158), four hundred twenty point one hundred  
6 sixty (420.160) through four hundred twenty point one hundred  
7 sixty-four (420.164), inclusive, four hundred twenty point one hun-  
8 dred sixty-six (420.166), through four hundred twenty point one  
9 hundred eighty (420.180), inclusive, four hundred twenty point one  
10 hundred eighty-two (420.182) through four hundred twenty point  
11 one hundred eighty-nine (420.189), inclusive, four hundred twenty  
12 point two hundred four (420.204), four hundred twenty point two



13 hundred five (420.205), four hundred twenty point two hundred fifty  
 14 (420.250) through four hundred twenty point two hundred eighty-  
 15 five (420.285), inclusive, and four hundred twenty point two hundred  
 16 eighty-nine (420.289) through four hundred twenty point three hun-  
 17 dred four (420.304), inclusive, Code 1971, are repealed.

1 SEC. 318. Section four hundred forty-one point twenty-one  
 2 (441.21), subsection two (2), Code 1971, is amended as follows:

3 2. For the purpose of computing the debt limitations for municipi-  
 4 palities, political subdivisions and school districts as provided in sec-  
 5 tions ~~407.1 and 407.2~~, the term "actual value" as used in said sections  
 6 shall mean means the "actual value" as determined by this section  
 7 and entered opposite each item, and as listed on the tax list as pro-  
 8 vided in section 443.2 as "actual value".

9 Whenever any board of review or other tribunal charges the  
 10 assessed value of property, all applicable records of assessment shall  
 11 be adjusted to reflect such change in both assessed value and actual  
 12 value of such property.

1 SEC. 319. Section four hundred forty-three point twenty-two  
 2 (443.22), Code 1971, is amended as follows:

3 **443.22 Uniform assessments mandatory.** All assessors and as-  
 4 sessing bodies, including the department of revenue having authority  
 5 over the assessment of property for tax purposes, shall comply with  
 6 the provisions of sections ~~420.284~~, 428.4, 428.29, 434.15, 435.7,  
 7 438.13, 441.21, 441.45 and 443.5. The department of revenue having  
 8 authority over such assessments, shall exercise its powers and per-  
 9 form its duties under section 421.17 and other applicable laws so as  
 10 to require the uniform and consistent application of said section.

1 SEC. 320. Section four hundred forty-six point twenty-one  
 2 (446.21), Code 1971, is amended as follows:

3 **446.21 Applicable statute.** ~~Section 391.68 shall apply to~~ In all tax  
 4 sales made under the provisions of ~~this Act.~~ *section 446.19, any*  
 5 *holder of any special assessment certificate against a lot or parcel of*  
 6 *ground, or any holder of a bond payable in whole or in part out of a*  
 7 *special assessment against any lot or parcel of ground, or any city*  
 8 *within which such lot or parcel of ground is situated, which lot or*  
 9 *parcel of ground has been sold for taxes, either general or special,*  
 10 *shall be entitled to an assignment of any certificate of tax sale of said*  
 11 *property for any general taxes or special taxes thereon, upon tender*  
 12 *to the holder or to the county auditor of the amount to which the*  
 13 *holder of the tax sale certificate would be entitled in case of redemp-*  
 14 *tion.*

1 SEC. 321. Section four hundred fifty-three point one (453.1),  
 2 Code 1971, is amended as follows:

3 **453.1 Deposits in general.** The treasurer of state, and of each  
 4 county, ~~city, town,~~ county public hospital, merged area hospital,  
 5 memorial hospital and school corporation, *the treasurer or other*  
 6 *financial officer of each city,* and each township clerk and each county  
 7 recorder, auditor, sheriff, each clerk and bailiff of the municipal  
 8 court, and clerk of the district court, and each secretary of a school  
 9 board shall deposit all funds in their hands in such banks as are first  
 10 approved by the executive council, board of supervisors, ~~city or town~~

11 council, board of hospital trustees, memorial hospital commission,  
 12 board of school directors, or *city council*, respectively; provided,  
 13 however, that the treasurer of state and the treasurer or *other finan-*  
 14 *cial officer designated by the governing body* of each political sub-  
 15 division shall invest all funds not needed for current operating  
 16 expenses in time certificates of deposit in banks listed as approved  
 17 depositories pursuant to this chapter or in investments permitted  
 18 by section 452.10. The list of public depositories and the amounts  
 19 severally deposited therein shall be a matter of public record. The  
 20 term "bank" means a bank or a private bank, as defined in section  
 21 524.103.

1 SEC. 322. Section four hundred fifty-three point four (453.4),  
 2 Code 1971, is amended as follows:

3 453.4 **Location of depositories.** Deposits by the treasurer of state  
 4 shall be in banks located in this state; by a county officer or county  
 5 public hospital officer or merged area hospital officer, in banks located  
 6 in his county or in an adjoining county within this state; by a  
 7 memorial hospital treasurer, in a bank located within this state  
 8 which shall be selected by such memorial hospital treasurer and  
 9 approved by the memorial hospital commission; by a city or town  
 10 treasurer or *other city financial officer*, in banks located in the city  
 11 or town, but in the event there is no bank in such city or town then  
 12 in any other bank located in this state which shall be selected as such  
 13 depository by the city or town council; by a school treasurer or by a  
 14 school secretary in a bank within this state which shall be selected  
 15 by the board of directors or the trustees of such school district; by a  
 16 township clerk in a bank located within this state which shall be  
 17 selected by such township clerk and approved by the trustees of such  
 18 township. Provided, that deposits may be made in banks outside of  
 19 Iowa for the purpose of paying principal and interest on bonded  
 20 indebtedness of any municipality when such deposit is made not more  
 21 than ten days before the date such principal or interest becomes due.

1 SEC. 323. Section four hundred fifty-three point nine (453.9),  
 2 unnumbered paragraph one (1), Code 1971, as amended by chapter  
 3 two hundred twenty-one (221), section three (3), Acts of the Sixty-  
 4 fourth General Assembly, First Session, is amended to read as fol-  
 5 lows:

6 453.9 **Investment of sinking funds.** The governing council or  
 7 board who by law are authorized to direct the depositing of funds  
 8 shall be authorized to direct the treasurer or *other designated finan-*  
 9 *cial officer* to invest any fund not an active fund needed for current  
 10 use and which is being accumulated as a sinking fund for a definite  
 11 purpose, the interest on which is used for the same purpose, in sav-  
 12 ings accounts in banks, in the certificates or warrants provided by  
 13 section 454.19, or make time deposits of such funds as provided in  
 14 this chapter and receive time certificates of deposit therefor, or in  
 15 bonds or other evidences of indebtedness issued, assumed, or guaran-  
 16 teed by the United States of America, or by any agency or instru-  
 17 mentality thereof, or in local certificates or warrants issued by any  
 18 municipality or school district within the county, or in municipal or  
 19 school district bonds which constitute a general liability, and the  
 20 treasurer or *other officer* when so directed shall so invest such fund.

1 SEC. 324. Section four hundred fifty-three point thirteen (453.13),  
2 Code 1971, is amended as follows:

3 453.13 **Investment report to state auditor.** The treasurer, or other  
4 *financial officer designated by the governing body*, of each political  
5 subdivision except townships shall submit an investment report to  
6 the auditor of state on forms provided within fifteen days following  
7 the close of each fiscal year of the political subdivision. The report  
8 shall be comprised of the following information, all of which shall  
9 relate to the previous calendar year: Total demand deposits placed  
10 in depositories; total funds invested; description and disposition of  
11 investments; dates of investment; rates of interest earned or return  
12 on the investments; and such other information as the auditor of  
13 state may reasonably require pertaining to public funds.

1 SEC. 325. Section four hundred fifty-four point six (454.6), Code  
2 1971, is amended as follows:

3 454.6 **Duty of treasurers.** It shall be the duty of all school trea-  
4 surers, city and town treasurers or other *financial officers designated*  
5 *by the city council*, and township clerks of the county to keep on file  
6 with the county treasurer a list of such depositories.

1 SEC. 326. Chapter four hundred fifty-five (455), Code 1971, is  
2 amended by adding the following new section:

3 "Any board, as defined in section four hundred fifty-five point four  
4 (455.4) of the Code, may by contract permit any city to discharge  
5 adequately treated sewage into drainage ditches. The contract shall  
6 fix the rental, make provision for termination, and shall provide that  
7 no nuisance shall be created."

1 SEC. 327. Section four hundred sixty-nine point thirty-one  
2 (469.31), Code 1971, is repealed.

1 SEC. 328. Section four hundred seventy-one point four (471.4),  
2 Code 1971, is amended by adding the following new subsection:

3 "Upon all cities for public purposes which are reasonable and neces-  
4 sary as an incident to the powers and duties conferred upon cities."

1 SEC. 329. Chapter four hundred seventy-three A (473A), Code  
2 1971, is amended by adding the following new section:

3 "A metropolitan planning commission may contract with profes-  
4 sional consultants, the Iowa development commission, or the federal  
5 government, for local planning assistance."

1 SEC. 330. Section four hundred seventy-eight point twenty-one  
2 (478.21), Code 1971, is amended as follows:

3 478.21 **Railway and highway crossing at grade.** Wherever a rail-  
4 way track crosses or shall hereafter cross a highway, street or alley,  
5 the railway company owning such track and the state highway com-  
6 mission, in the case of primary highways, the board of supervisors  
7 of the county in which such crossing is located, in the case of second-  
8 ary roads, or the council of the city or town, in the case of streets  
9 and alleys located within such a city or town, may agree upon the  
10 location and manner of crossing, or crossing protection, or upon a  
11 separation of grades so as to carry such highway over or under the  
12 railway track, and upon any change, alteration, vacation or reloca-  
13 tion of such highway, street or alley, and upon repairs, alteration,

14 or elimination of any crossing, and upon the expense each party shall  
 15 pay for such changes, except that if flasher light or gate signals are  
 16 ordered installed the maintenance thereof shall be assumed by the  
 17 railroad; provided, however, nothing contained herein in this section  
 18 shall be construed to affect any of *limits* the provisions of chapter 387  
 19 section 17 of this Act.

1 SEC. 331. Section four hundred seventy-eight point twenty-eight  
 2 (478.28), Code 1971, is amended as follows:

3 478.28 **Railway crossings near Mississippi river.** When in the  
 4 construction of a railway it becomes necessary to cross another rail-  
 5 way near the shore of the Mississippi river, each shall be so con-  
 6 structed and maintained at the point of crossing that the respective  
 7 roadbeds thereof shall be above high-water mark in such river; but  
 8 where the crossing occurs within the limits of any city or town con-  
 9 taining six thousand or more inhabitants, the council or other govern-  
 10 ing authorities thereof may establish the crossing grade.

1 SEC. 332. Section four hundred eighty-three point two (483.2),  
 2 subsection eight (8), Code 1971, is amended as follows:

3 8. The signatures of a majority of the resident freehold taxpayers  
 4 of the proposed district; except that in cities of any form of govern-  
 5 ment having a population of twenty-five thousand or over, not more  
 6 than two thousand such signatures shall be required *the provisions of*  
 7 *section 4 of this Act apply.*

1 SEC. 333. Section four hundred eighty-four point eleven (484.11),  
 2 Code 1971, is amended as follows:

3 484.11 **Franchises.** Cities and towns under any form of govern-  
 4 ment may, as provided by law, authorize or forbid the construction  
 5 and operation of such railways upon, over, or along the streets, alleys,  
 6 and public grounds within their limits and prescribe the conditions  
 7 and regulations for such construction and operation. *The right to*  
 8 *operate as a street railway shall not be granted for a period exceed-*  
 9 *ing twenty-five years.*

1 SEC. 334. Section four hundred ninety A point twenty-three  
 2 (490A.23), Code 1971, is amended as follows:

3 490A.23 **Cities and towns\*—conflict of service.** The application  
 4 of section 397.28 to public utilities, as defined in this chapter, with  
 5 respect to the regulating of rates and services of such public utilities  
 6 to the extent such jurisdiction and powers are conferred upon the  
 7 commission in this chapter is hereby repealed. All rights of municip-  
 8 al corporations to franchise and regulate use of streets, alleys and  
 9 other public property, and all rights acquired by franchise or agree-  
 10 ment shall be preserved in such municipalities, excepting only the  
 11 duties and jurisdiction conferred upon the commission in this chap-  
 12 ter. Except as otherwise provided by chapter two hundred sixteen  
 13 (216), Acts of the Sixty-fourth General Assembly, First Session,  
 14 whenever the corporate boundaries of any city or town are extended,  
 15 utility service, as defined in section 490A.1, shall be provided in such  
 16 extended area by the public utility or the municipally owned utility  
 17 serving such city or town immediately prior to the extension of such

\*According to enrolled Act.

18 boundaries. In the event service is provided, in such extended area,  
 19 at the time of the extension of the corporate boundaries, by a public  
 20 utility which does not have a municipal franchise for such city ~~or~~  
 21 ~~town~~, the facilities located within such extended area shall be pur-  
 22 chased at the end of six years from the date the corporate boundaries  
 23 shall have been extended by the franchised public utility of such city  
 24 ~~or town~~ or by the municipal utility serving such city ~~or town~~ and the  
 25 municipal franchised public utility or municipally owned utility shall  
 26 furnish such service without interruption upon the acquisition  
 27 thereof, except as otherwise provided by chapter two hundred six-  
 28 teen (216), Acts of the Sixty-fourth General Assembly, First Session.  
 29 The franchised or municipally owned utility shall pay to the utility  
 30 serving in the annexed area the fair and reasonable value of its prop-  
 31 erties within such annexed area by exchange of other electric utility  
 32 property outside such city ~~or town~~ on a fair and reasonable basis  
 33 giving due consideration to revenue from and value of the respective  
 34 properties. In the event the public utilities involved are unable to  
 35 agree as to the terms of such exchange, either utility may file an  
 36 application with the commission requesting that the commission  
 37 determine such fair and reasonable terms for such exchange. After  
 38 notice and hearing the commission shall determine fair and reason-  
 39 able terms for such exchange, or in the event no appropriate prop-  
 40 erties can be exchanged the commission shall fix and determine the  
 41 fair and reasonable value of the property within the annexed area,  
 42 and such transfer shall be made as directed by the commission. Until  
 43 such determination by the commission, the facilities shall remain in  
 44 place and service to the public shall be maintained by the owner.  
 45 However, the utility not having a municipal franchise and serving  
 46 such annexed area shall not extend service to any additional points  
 47 of delivery within such annexed area if the commission, after notice  
 48 and hearing, with due consideration of any unnecessary duplication  
 49 of facilities, shall determine that such extension is not in the public  
 50 interest. Provided, however, that production, generation, high-  
 51 voltage transmission facilities and high-voltage transformers owned  
 52 by a utility in territory annexed to a city ~~or town~~ shall be exempt  
 53 from the operation of this section, and provided further that if a  
 54 public utility not having a municipal franchise at the time of the  
 55 extension of the corporate boundaries subsequently acquires a muni-  
 56 cial franchise as contemplated by chapter 397 within six years of  
 57 the extension of the corporate boundaries such utility shall be exempt  
 58 from the operation of this section. All other laws and parts of laws  
 59 inconsistent with this chapter are hereby repealed; provided, how-  
 60 ever, that nothing in this chapter shall be construed to repeal or  
 61 impair any provision of chapter 397, except as expressly provided in  
 62 this section with respect to section 397.28.

1 SEC. 335. Section five hundred nine A point one (509A.1), Code  
 2 1971, is amended as follows:

3 **509A.1 Authority of governing body.** The governing body of the  
 4 state, county, school district, ~~city, town~~ or any institution supported  
 5 in whole or in part by public funds may establish plans for and  
 6 procure group insurance, health or medical service for the employees  
 7 of the state, county, school district, ~~city, town~~ or tax-supported  
 8 institution.

1 SEC. 336. Section five hundred nine A point two (509A.2), Code  
2 1971, is amended as follows:

3 **509A.2 Sources of funds.** The funds for such plans shall be cre-  
4 ~~ated from the following sources: solely from the contributions of~~  
5 ~~employees, or from contributions wholly or in part by the governing~~  
6 ~~body.~~

7 1. Contributions from employees who elect to participate in any  
8 such plan; and

9 2. Contributions authorized by the city council from the general  
10 fund of said city in amounts not exceeding the aggregate amounts  
11 assessed against and collected from employees who elect to partici-  
12 pate in any such plan. The funds for each plan shall be kept sepa-  
13 rately.

14 3. Solely from the contributions of employees, except as provided  
15 in subsections 1 and 2 above, for any plan established after July 4,  
16 1962, or from contributions wholly or in part by the governing body.

1 SEC. 337. Section five hundred nine A point four (509A.4), Code  
2 1971, is amended as follows:

3 **509A.4 Participation optional.** Participation in any such plan  
4 shall be optional with all employees eligible to the benefits thereof as  
5 provided by the rules and regulations adopted by the governing body  
6 pursuant thereto. Election to participate therein shall be in writing  
7 signed by the employee and filed with the city council governing body.

1 SEC. 338. Section five hundred nine A point eleven (509A.11),  
2 Code 1971, is amended as follows:

3 **509A.11 Definitions.** For purposes of this division the following  
4 terms shall have the following meaning:

5 1. The words "governing body" means the executive council of the  
6 state, the board of supervisors of counties, the school boards of school  
7 districts, ~~the city or town council of cities or towns~~ and the super-  
8 intendent or other person in charge of an institution supported in  
9 whole or in part by public funds.

10 2. The words "public body" means the state, a county, school dis-  
11 trict, ~~city, town~~ or institution supported in whole or in part by public  
12 funds.

1 SEC. 339. Section five hundred forty-six A point one (546A.1),  
2 Code 1971, is amended as follows:

3 **546A.1 License required.** It shall be unlawful for any person,  
4 firm or corporation to sell, dispose of, or offer for sale at public  
5 auction at any place outside the limits of any city ~~or town~~ in the  
6 state of Iowa, or within the limits of any city ~~or town~~ in the state of  
7 Iowa that has not by ordinance enacted pursuant to the provisions  
8 of section 368.6 provided for the licensing of sales by auction, any  
9 new merchandise, unless such person, firm or corporation and the  
10 owners of such merchandise, if it is not owned by the vendors, shall  
11 have first secured a license as herein provided and shall have com-  
12 plied with the regulations hereinafter set forth.

1 SEC. 340. Section five hundred forty-six A point five (546A.5),  
2 Code 1971, is amended as follows:

3 **546A.5 Issuance of license.** Upon the filing of such application  
4 and after the applicant has fully complied with all the provisions of

5 this chapter, the board of supervisors, by its chairman, shall issue to  
 6 the applicant a license authorizing the holding of such auction sale  
 7 as proposed in said application. Such license shall not be transfer-  
 8 able, and shall be valid only in the county where issued, and shall not  
 9 be valid in any ~~town or~~ city in such county which has enacted an  
 10 ordinance pursuant to ~~section 368.6~~ providing for the licensing of  
 11 auction sales.

1 SEC. 341. Section five hundred sixty-five point six (565.6), Code  
 2 1971, is amended as follows:

3 **565.6 Gifts to municipal corporations.** Counties, ~~cities, towns,~~  
 4 ~~the park board of any city or town,~~ and civil townships wholly out-  
 5 side of any city ~~or town,~~ and school corporations, are authorized to  
 6 take and hold property, real and personal, by gift and bequest; and  
 7 to administer the same through the proper officer in pursuance of the  
 8 terms of the gift or bequest. No title shall pass unless accepted by  
 9 the governing board of the corporation ; *or* township, ~~or park board.~~  
 10 Conditions attached to such gifts or bequests become binding upon  
 11 the corporation ; *or* township, ~~or park board~~ upon acceptance thereof.

1 SEC. 342. Section five hundred sixty-five point eight (565.8),  
 2 Code 1971, is amended as follows:

3 **565.8 Tax voted to maintain.** When any county, ~~city, or town~~  
 4 ~~shall receive receives~~ by gift or devise, property, real or personal, for  
 5 the purpose of establishing any institution of benevolence including  
 6 hospitals, and no sufficient fund or endowment is provided for its  
 7 maintenance, or is received upon condition that the donee or devisee  
 8 provide for aiding the maintenance of such institution by a tax levy  
 9 upon the assessed property of such municipality, it shall be the duty  
 10 of the governing board of such municipality to submit by resolution  
 11 to the qualified electors thereof at a regular or special election the  
 12 question whether there shall be levied upon the assessed property of  
 13 such municipality an annual tax not exceeding three-fourths mill on  
 14 the dollar for the purpose of aiding the maintenance of such institu-  
 15 tion. The said proposition shall be submitted in the manner provided  
 16 for similar propositions in the title on elections.

1 SEC. 343. Section five hundred sixty-five point twelve (565.12),  
 2 Code 1971, is amended as follows:

3 **565.12 Condition as to annuity.** When a gift or bequest is con-  
 4 ditioned upon the payment of an annuity to the donor, or any other  
 5 person, the governing board of ~~such municipality a county or city~~  
 6 may, upon acceptance of such gift or bequest, agree to pay such  
 7 annuity providing the amount thereof does not exceed five percent  
 8 of the amount of the gift or bequest and does not exceed the amount  
 9 realized from a one mill tax levy upon the taxable property of said  
 10 municipality.

1 SEC. 344. Section five hundred sixty-five point thirteen (565.13),  
 2 Code 1971, is amended as follows:

3 **565.13 Annuity tax.** To provide for the payment of such annuity,  
 4 ~~said municipality the county or city,~~ through its proper officers, shall  
 5 annually thereafter levy a tax, not exceeding three-fourths mill *if*  
 6 *levied by a county,* sufficient to pay such annuity.

1 SEC. 345. Section five hundred sixty-five point fourteen (565.14),  
2 Code 1971, is amended as follows:

3 **565.14 Limitation on acceptance.** No agreement shall be made  
4 *by a county* unless the annuity provided for therein, and all annuities  
5 provided for under prior agreements, may be paid from the proceeds  
6 of one annual tax levy of three-fourths mill.

1 SEC. 346. Section five hundred sixty-six point seventeen (566.17),  
2 Code 1971, is amended as follows:

3 **566.17 Delegates to conventions.** Every ~~city, county, town,~~ or  
4 township having a cemetery under its control may delegate not to  
5 exceed two officials from each cemetery so controlled to attend meet-  
6 ings of cemetery officials, and certain expenses, including association  
7 dues, not to exceed twenty-five dollars, of said delegates may be paid  
8 out of the cemetery fund of said ~~city, county, town,~~ or township. ~~The~~  
9 ~~expense of such delegates shall not exceed the expenses allowed under~~  
10 ~~section 363.42.~~

1 SEC. 347. Section five hundred sixty-six point eighteen (566.18),  
2 Code 1971, is amended as follows:

3 **566.18 Subscribing to publications.** The cemetery officials of  
4 every ~~city, county, town,~~ or township having a cemetery under its  
5 control may subscribe to one or more publications devoted exclusively  
6 to cemetery management, but said subscriptions may be paid out of  
7 the cemetery fund of the ~~city, county, town,~~ or township.

1 SEC. 348. Section six hundred thirteen A point three (613A.3),  
2 Code 1971, is amended as follows:

3 **613A.3 Actual knowledge of defect as defense.** In any action  
4 subject to the provisions of this chapter ~~or section 389.12~~, an affir-  
5 mative showing that the injured party had actual knowledge of the  
6 existence of the alleged obstruction, disrepair, defect, accumulation,  
7 or nuisance at the time of the occurrence of the injury, and a further  
8 showing that an alternate safe route was available and known to the  
9 injured party, shall constitute a defense to the action.

1 SEC. 349. Section six hundred thirteen A point eight (613A.8),  
2 Code 1971, is amended as follows:

3 **613A.8 Officers and employees defended.** The governing body  
4 shall defend any of its officers and employees, whether elected or  
5 appointed and, except in cases of malfeasance in office or willful or  
6 wanton neglect of duty, shall save harmless and indemnify such  
7 officers and employees against any tort claim or demand, whether  
8 groundless or otherwise, arising out of an alleged act or omission  
9 occurring in the performance of duty. Any independent or auton-  
10 omous board or commission of a municipality having authority to  
11 disburse funds for a particular municipal function without approval  
12 of the governing body shall similarly defend, save harmless and  
13 indemnify its officers and employees against such tort claims or  
14 demands. ~~This section is intended to confer power in addition to that~~  
15 ~~conferred by section 368A.1.~~

1 SEC. 350. Section seven hundred nine point twenty-five (709.25),  
2 Code 1971, is amended as follows:

3 **709.25 Larceny from parking meter.** If any person opens, steals,  
4 takes and carries away, or attempts to open, steal, take and carry



5 away money, regardless of the value or amount thereof, from a  
 6 parking meter erected and maintained by a city ~~or town~~ pursuant to  
 7 section ~~390-7~~, he shall be guilty of larceny from a parking meter and  
 8 upon the first conviction thereof he shall be punished by imprison-  
 9 ment in the penitentiary or county jail for not more than one year,  
 10 or by fine of not more than five hundred dollars, or by both such fine  
 11 and imprisonment; upon each subsequent conviction thereof he shall  
 12 be punished by imprisonment in the penitentiary for not more than  
 13 five years, or by fine of not more than one thousand dollars, or by  
 14 both such fine and imprisonment.

1 SEC. 351. Section seven hundred fifty point five (750.5), Code  
 2 1971, is amended as follows:

3 **750.5 Duty of city council to install—costs.** The council of each  
 4 city of *two thousand or more population* shall, ~~and the council of any~~  
 5 ~~town may~~, install in such place as said council may determine at least  
 6 one such locked-in radio receiving set as may be prescribed by the  
 7 commissioner of public safety for use in law enforcement and police  
 8 work. ~~The cost of any such installation shall be paid from the public~~  
 9 ~~safety fund of said city or town.~~

1 SEC. 352. Section seven hundred fifty point six (750.6), unnum-  
 2 bered paragraph one (1), and subsection one (1), Code 1971, is  
 3 amended as follows:

4 **750.6 Additional communications systems.** ~~The council of any~~  
 5 ~~city or town and the~~ *The* board of supervisors of any county shall  
 6 have in addition to the foregoing the discretionary authority:

7 1. To purchase, lease, own, and maintain additional radio, elec-  
 8 tronic communications and telecommunications systems as may be  
 9 deemed necessary by said agency for the efficient operation of the  
 10 law-enforcement agencies under its jurisdiction, and to pay the cost  
 11 thereof from the general fund of said county, ~~or the public safety~~  
 12 ~~fund of said city or town.~~

Approved March 16, 1972.

## CHAPTER 1089

### URBAN BUS FEES

S. F. 471

AN ACT relating to the annual registration fee for urban transit company vehicles.

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

1 SECTION 1. Section three hundred eighty-six C point two (386C.2),  
 2 Code 1971, is amended as follows:

3 **386C.2 Vehicle registration.** Any person, firm, corporation or com-  
 4 pany operating an urban transit system shall pay to the county trea-  
 5 surer annually as a registration fee for each bus, car or vehicle used  
 6 in the transportation of passengers, ~~twenty-five~~ *five* dollars, which  
 7 shall be paid into the municipal street fund. Any urban transit com-  
 8 pany operated by a municipality shall not be required to pay such

9 registration fees. The motor vehicle department, in accordance with  
 10 section 321.19, shall furnish distinguishing plates for vehicles used by  
 11 urban transit companies operated by a municipality. No other pro-  
 12 vision of law providing for the payment of taxes, registration, or  
 13 license fees for vehicles shall be applicable to any bus, car, or vehicle  
 14 for the transportation of passengers owned and operated by any urban  
 15 transit company.

Approved March 6, 1972.

## CHAPTER 1090

### SELF-LIQUIDATING IMPROVEMENTS

H. F. 677

AN ACT relating to corrective amendments to the statute on self-liquidating improve-  
 ments.

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

1 SECTION 1. Section three hundred ninety-four point one (394.1),  
 2 Code 1971, is amended as follows:  
 3 394.1 Sewage treatment plants and sanitary disposal projects—  
 4 acquisition—bonds. Cities, towns, counties and sanitary districts  
 5 incorporated under the provisions of chapter 358 are hereby author-  
 6 ized and ~~(empowered to own, acquire, purchase, construct,)~~<sup>2</sup> pow-  
 7 ered *empowered* to own, acquire, establish, construct, purchase, equip,  
 8 improve, extend, operate, maintain, reconstruct and repair within or  
 9 without the corporate limits of such city, town, county or sanitary  
 10 district, works and facilities useful and convenient for the collection,  
 11 treatment, purification and disposal in a sanitary manner of the liquid  
 12 and solid waste, sewage, and industrial waste of any such city, town,  
 13 county or sanitary district, including sanitary disposal projects as  
 14 defined in section 406.2, also swimming pools or golf courses, and shall  
 15 have authority to acquire by gift, grant, purchase, or condemnation,  
 16 or otherwise, all necessary lands, rights of way, and property there-  
 17 for, within or without the said city, town, county or sanitary district,  
 18 to purchase and acquire an interest in such sanitary disposal project  
 19 or such works and facilities which are owned by another city, town,  
 20 county or sanitary district and which are to be jointly used by them,  
 21 and to issue revenue bonds to pay all or any part of the cost of estab-  
 22 lishing, acquiring, purchasing, constructing, equipping, improving,  
 23 extending, reconstructing, repairing, operating, or maintaining such  
 24 sanitary disposal project or such works and facilities, including the  
 25 amount agreed upon for the purchase and acquisition by a city, town,  
 26 county or sanitary district of an interest in the sanitary disposal  
 27 project or works and facilities which are owned by another city, town,  
 28 county or sanitary district and which are to be jointly used. As used  
 29 in this chapter the words "works and facilities", "works", or "facili-  
 30 ties" shall include but not be limited to sanitary disposal projects as  
 31 defined in section 406.2.

Approved February 11, 1972.

## CHAPTER 1091

## URBAN RENEWAL PROJECTS

H. F. 1257

AN ACT relating to urban renewal projects and bonds.

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

1 SECTION 1. Section four hundred three point six (403.6), Code  
2 1971, is amended by adding the following new subsection:

3 "To acquire or dispose of by purchase, construction, or lease, or  
4 otherwise to deal in air rights, and facilities or easements for lateral  
5 or vertical support of land or structures of any kind."

1 SEC. 2. Section four hundred three point twelve (403.12), subsec-  
2 tion five (5), Code 1971, is amended to read as follows:

3 5. For the purposes of this section, or for the purpose of aiding in  
4 the planning, undertaking or carrying out of an urban renewal project  
5 of a municipality, ~~such~~ *the* municipality may, in addition to any  
6 authority to issue bonds pursuant to section 403.9, issue and sell its  
7 general obligation bonds. Any bonds issued by a municipality pur-  
8 suant to this section ~~shall~~ *must* be issued *by resolution of the council*  
9 in the manner and within the limitations prescribed by ~~the laws of~~  
10 ~~this state for the issuance and authorization of bonds by such munic-~~  
11 ~~ipality for public purposes generally chapter 408A. Bonds issued pur-~~  
12 ~~suant to the provisions of this subsection must be sold in the manner~~  
13 ~~prescribed by chapter 75. The power granted in this subsection for~~  
14 ~~the financing of public improvements within an urban renewal project~~  
15 ~~shall not be construed as a limitation of the existing powers of cities~~  
16 ~~and towns.~~

1 SEC. 3. Section four hundred three point nineteen (403.19), sub-  
2 sections one (1) and two (2), Code 1971, are amended to read as  
3 follows:

4 1. That portion of the taxes which would be produced by the rate  
5 ~~upon~~ *at* which the tax is levied each year by or for each of the taxing  
6 districts upon the total sum of the assessed value of the taxable prop-  
7 erty in the urban renewal project, as shown on the assessment roll  
8 used in connection with the taxation of ~~such~~ property by ~~such~~ *the*  
9 taxing district, last equalized prior to the effective date of ~~such~~ *the*  
10 ordinance, *or the assessment roll last equalized prior to the date of*  
11 *initial adoption of the urban renewal plan in the case of projects*  
12 *commenced prior to July 1, 1972*, shall be allocated to and when col-  
13 lected be paid into the fund for the respective taxing district as taxes  
14 by or for said taxing district into which all other property taxes are  
15 paid. For the purpose of allocating taxes levied by or for any taxing  
16 district which did not include the territory in an urban renewal project  
17 on the effective date of ~~such~~ *the* ordinance *or initial adoption of the*  
18 *plan*, but to which ~~such~~ *the* territory has been annexed or otherwise  
19 included after ~~such~~ *the* effective date, the assessment roll of the  
20 county last equalized on the effective date of the ordinance *or initial*  
21 *adoption of the plan* shall be used in determining the assessed valua-  
22 tion of the taxable property in the project on the effective date; ~~and~~.

23 2. That portion of the taxes each year in excess of such amount  
24 shall be allocated to and when collected be paid into a special fund

25 of the municipality to pay the principal of and interest on loans,  
 26 moneys advanced to, or indebtedness, whether funded, refunded,  
 27 assumed, or otherwise, including bonds issued under the authority  
 28 of section 403.9, subsection 1, incurred by ~~such~~ the municipality to  
 29 finance or refinance, in whole or in part, ~~such~~ the redevelopment  
 30 project, *except that taxes for the payment of bonds and interest of*  
 31 *each taxing district must be collected against all taxable property*  
 32 *within the taxing district without limitation by the provisions of this*  
 33 *subsection. Unless and until the total assessed valuation of the tax-*  
 34 *able property in an urban renewal project exceeds the total assessed*  
 35 *value of the taxable property in such project as shown by the last*  
 36 *equalized assessment roll referred to in subsection 1 of this section,*  
 37 *all of the taxes levied and collected upon the taxable property in* ~~such~~  
 38 *the urban renewal project shall be paid into the funds for the respec-*  
 39 *tive taxing districts as taxes by or for said taxing districts in the same*  
 40 *manner as all other property taxes. When such loans, advances,*  
 41 *indebtedness, and bonds, if any, and interest thereon, have been paid,*  
 42 *all moneys thereafter received from taxes upon the taxable property*  
 43 *in such urban renewal project shall be paid into the funds for the*  
 44 *respective taxing districts in the same manner as taxes on all other*  
 45 *property.*

Approved March 15, 1972.

## CHAPTER 1092

### LOW-RENT HOUSING PROJECTS

S. F. 77

AN ACT to repeal the referendum for approval of low-rent housing projects and to substitute an alternate procedure therefor.

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

1 SECTION 1. Section four hundred three A point five (403A.5),  
 2 unnumbered paragraphs one (1), two (2), and eight (8), Code 1971,  
 3 are amended as follows:

4 Any municipality may create, in such municipality, a public body  
 5 corporate and politic to be known as the "Low-Rent Housing Agency"  
 6 of such municipality except that such agency shall not transact any  
 7 business or exercise its powers hereunder until or unless the local  
 8 governing body has elected to exercise its municipal housing powers  
 9 through such an agency as prescribed in this section; and, ~~except~~  
 10 ~~further, that any such agency shall not undertake any low-rent hous-~~  
 11 ~~ing project for which the approval of the electors of the municipality~~  
 12 ~~is required by this chapter until such project has been approved by a~~  
 13 ~~referendum as provided in section 403A.25.~~

14 Nothing herein shall prevent such an agency, if one is established  
 15 by the local governing body, from making investigations, studies,  
 16 reports and recommendations with respect to the necessity for, the  
 17 location and size of any proposed low-rent housing project prior to the  
 18 referendum on same as provided in section 403A.25.

19 A municipality may itself exercise the powers in connection with  
 20 municipal housing as defined in this chapter, or may, if the local  
 21 governing body by resolution determines such action to be in the  
 22 public interest, elect to have such powers exercised by the low-rent  
 23 housing agency, if one exists or is subsequently established in the  
 24 community. In the event the local governing body makes such deter-  
 25 mination, the low-rent housing agency shall be vested with all of the  
 26 low-rent housing project powers in the same manner as though all  
 27 such powers were conferred on such agency instead of the municipal-  
 28 ity. If the local governing body does not elect to make such deter-  
 29 mination, the municipality in its discretion may exercise its low-rent  
 30 housing project powers through a board or commissioner, or through  
 31 such officers of the municipality as the local governing body may by  
 32 resolution determine.

33 *A municipality or a "Low-rent Housing Agency" may not proceed*  
 34 *with a housing project until a study or a report and recommendation*  
 35 *on housing available within the community is made public by the*  
 36 *municipality or agency and is included in its recommendations for a*  
 37 *housing project. Such recommendations must receive majority ap-*  
 38 *proval from the local governing body before proceeding on the housing*  
 39 *project.*

1 SEC. 2. Sections four hundred three A point twenty-five (403A.25)  
 2 and four hundred three A point twenty-six (403A.26), Code 1971, are  
 3 repealed.

1 SEC. 3. The low-rent housing agency shall not undertake any low-  
 2 cost housing project until such time as a public hearing has been  
 3 called, at which time the agency shall advise the public of the name  
 4 of the proposed project, its location, the number of living units pro-  
 5 posed and their approximate cost. Notice of the public hearing on  
 6 the proposed project shall be published at least once in a newspaper  
 7 of general circulation within the municipality, at least fifteen days  
 8 prior to the date set for the hearing.

Approved February 17, 1972.

## CHAPTER 1093

### APPRAISAL STAFF IN DEPARTMENT OF REVENUE

#### H. F. 1099

AN ACT providing for an appraisal staff and appraisal manual in the department of revenue, and to make an appropriation therefor.

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

1 SECTION 1. Section four hundred twenty-one point seventeen  
 2 (421.17), Code 1971, is amended by adding the following new subsec-  
 3 tion:

4 "To prepare and issue a state appraisal manual which each county  
 5 and city assessor shall use in assessing and valuing all classes of prop-

6 erty in the state. The appraisal manual shall be continuously revised  
7 and the manual and revisions shall be issued to the county and city  
8 assessors in such form and manner as prescribed by the director."

1 SEC. 2. Chapter four hundred twenty-one (421), Code 1971, is  
2 amended by adding the following new section:

3 "The director shall employ professional appraisers to assist county  
4 and city assessors in assessing and valuing property required to be  
5 assessed and valued by county and city assessors and assist the direc-  
6 tor in equalizing property values in the state. The department shall,  
7 upon request, provide technical assistance to county and city assessors  
8 in assessing and valuing property required to be assessed and valued  
9 by county and city assessors."

1 SEC. 3. There is appropriated from the general fund of the state  
2 for the fiscal year beginning July 1, 1972 and ending June 30, 1973,  
3 the sum of fifty thousand (50,000) dollars, or so much thereof as  
4 may be necessary, to the department of revenue, for salaries of ap-  
5 praisers and the preparation and publication of an appraisal manual.

Approved March 15, 1972.

## CHAPTER 1094

### INTERNAL REVENUE CODE

S. F. 1169

AN ACT relating to references to the internal revenue code in the computation of individual and corporate income tax and franchise tax.

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

1 SECTION 1. Section four hundred twenty-two point four (422.4),  
2 subsection seventeen (17), Code 1971, is amended to read as follows:  
3 17. "Internal Revenue Code of 1954" means the Internal Revenue  
4 Code of 1954, as amended to and including January 1, 1970 1972.

1 SEC. 2. Section four hundred twenty-two point thirty-two (422.32),  
2 subsection four (4), Code 1971, is amended to read as follows:  
3 4. "Internal Revenue Code of 1954" means the Internal Revenue  
4 Code of 1954, as amended to and including January 1, 1970 1972.

1 SEC. 3. Section four hundred twenty-two point sixty-one (422.61),  
2 subsection four (4), Code 1971, is amended to read as follows:  
3 4. "Net income" means the net income of the financial institution  
4 computed in accordance with section 422.35, with the exception that  
5 interest and dividends from federal securities shall not be subtracted  
6 and interest and dividends from evidences of indebtedness and securi-  
7 ties of this state and its political subdivisions, exempt from federal  
8 income tax under the Internal Revenue Code of 1945 1954 as amended  
9 to and including January 1, 1972, shall not be added.

Approved April 1, 1972.

## CHAPTER 1095

## NOTICE OF PROPERTY VALUATION

H. F. 1120

AN ACT relating to notification of property owners of adjustment of real property assessments.

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

1 SECTION 1. Section four hundred forty-one point twenty-three  
 2 (441.23), Code 1971, as amended by chapter two hundred seventeen  
 3 (217), section one (1), Acts of the Sixty-fourth General Assembly,  
 4 First Session, is amended to read as follows:  
 5 441.23 Notice of valuation. If there has been an increase or  
 6 decrease in the valuation of the property, or upon the written re-  
 7 quest of the person assessed, the assessor shall, at the time of making  
 8 the assessment, inform the person assessed, in writing, of the valua-  
 9 tion put upon his property, and notify him, if he feels aggrieved, to  
 10 appear before the board of review and show why the assessment  
 11 should be changed. *The owners of real property shall be notified not*  
 12 *later than April first of any adjustment of the real property assess-*  
 13 *ment.*

Approved March 15, 1972.

## CHAPTER 1096

## TAX DEED FEE

H. F. 227

AN ACT relating to fee for issuance of tax deed.

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

1 SECTION 1. Section four hundred forty-eight point one (448.1),  
 2 Code 1971, is amended as follows:  
 3 448.1 Deed executed. Immediately after the expiration of ninety  
 4 days from the date of completed service of the notice provided in sec-  
 5 tion 447.12 the treasurer then in office shall make out a deed for each  
 6 lot or parcel of land sold and unredeemed, and deliver it to the pur-  
 7 chaser upon the return of the certificate of purchase. The treasurer  
 8 shall receive ~~fifty cents~~ *three dollars* for each deed made by him, and  
 9 may include any number of parcels of land purchased by one person  
 10 in one deed, if desired by him.

Approved March 2, 1972.

## CHAPTER 1097

## SOIL CONSERVATION DEPARTMENT

H. F. 1176

AN ACT relating to the department of soil conservation.

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

1 SECTION 1. Section four hundred sixty-seven A point four  
2 (467A.4), subsections one (1) and three (3), Code 1971, as amended  
3 by chapter two hundred twenty-seven (227), section twenty-seven  
4 (27), Acts of the Sixty-fourth General Assembly, First Session, are  
5 amended to read as follows:

6 1. There is hereby established, to serve as an agency of the state  
7 and to perform the functions conferred upon it in this chapter, the  
8 department of soil conservation. The department shall be adminis-  
9 tered in accordance with the policies of the state soil conservation  
10 committee, which shall consist of a chairman and ten members. The  
11 following shall serve as ex officio *nonvoting* members of the commit-  
12 tee: The director of the state agricultural extension service or his  
13 designee, the secretary of agriculture, or his designee, the director of  
14 the state conservation commission or his designee, and the director  
15 of the Iowa natural resources council or his designee. Seven voting  
16 members shall be appointed by the governor and confirmed by the  
17 senate. Six of the appointive members shall be persons engaged in  
18 actual farming operations, one of whom shall be a resident of each of  
19 the six conservancy districts established by section three (3) of this  
20 Act, and no more than one of whom shall be a resident of any one  
21 county. The seventh appointive member shall be chosen by the gover-  
22 nor from the state at large and shall be a representative of cities and  
23 towns. The committee may invite the secretary of agriculture of the  
24 United States to appoint one person to serve with the above men-  
25 tioned members, and the president of the Iowa county engineers asso-  
26 ciation may designate a member of the association to serve in the  
27 same manner, but these persons shall have no vote and shall serve  
28 in an advisory capacity only. The committee shall adopt a seal, which  
29 seal shall be judicially noticed, and may perform such acts, hold such  
30 public hearings, and promulgate such rules and regulations as may  
31 be necessary for the execution of its functions under this chapter.

32 3. The committee shall designate its chairman, and may, from time  
33 to time, change such designation. The director of the state agricul-  
34 tural extension service shall hold office so long as he shall retain  
35 the office by virtue of which he shall be serving on the committee.  
36 The members appointed by the governor shall serve for a period of  
37 six years, except that in the year 1971, two members shall be ap-  
38 pointed for terms of six years beginning July 1, 1971, and two mem-  
39 bers shall be appointed for terms of four years beginning July 1, 1971.  
40 Thereafter, members shall be appointed in each odd-numbered year to  
41 succeed members whose terms expire on June 30 of that year. Ap-  
42 pointments may be made at such other times and for such other pe-  
43 riods as are necessary to fill vacancies on the committee, and any  
44 appointment so made while the general assembly is not in session  
45 shall be subject to confirmation by the senate at the next session of



46 the general assembly thereafter. No members shall be appointed  
 47 to serve more than two complete six-year terms. Members desig-  
 48 nated to represent the secretary of agriculture, director of the state  
 49 conservation commission, or the director of the Iowa natural resources  
 50 council shall serve at the pleasure of the officer making such designa-  
 51 tion. A majority of the *voting members of the committee* shall con-  
 52 stitute a quorum, and the concurrence of a majority of the *voting*  
 53 *members of the committee* in any matter within their duties shall be  
 54 required for its determination. The chairman and members of the  
 55 committee, not otherwise in the employ of the state, or any political  
 56 subdivision, shall receive thirty dollars per diem as compensation for  
 57 their services in the discharge of their duties as members of the  
 58 committee. The committee shall determine the number of days for  
 59 which any committee member may draw per diem compensation, but  
 60 the total number of days for which per diem compensation is allowed  
 61 for the entire committee shall not exceed three hundred fifty days per  
 62 year. They shall also be entitled to expenses, including traveling  
 63 expenses, necessarily incurred in the discharge of their duties as  
 64 members of such committee. The committee shall provide for the  
 65 execution of surety bonds for all employees and officers who shall be  
 66 entrusted with funds or property, shall provide for the keeping of a  
 67 full and accurate record of all proceedings and of all resolutions,  
 68 regulations, and orders issued or adopted, and shall provide for an  
 69 annual audit of the accounts of receipts and disbursements.

1 SEC. 2. Chapter two hundred twenty-seven (227), section thirty-  
 2 one (31), unnumbered paragraph one (1), Acts of the Sixty-fourth  
 3 General Assembly, First Session, amending chapter four hundred  
 4 sixty-seven A (467A) of the Code, is amended to read as follows:

5 The commissioners of each soil conservation district shall, with  
 6 approval of *and within time limits set by administrative order* of the  
 7 state soil conservation committee, adopt, ~~amend, and repeal~~ such  
 8 reasonable regulations as are deemed necessary to establish a soil loss  
 9 limit or limits for the district and provide for the implementation of  
 10 the limit or limits, and may subsequently amend or repeal their regu-  
 11 lations as they deem necessary. The commissioners may:

1 SEC. 3. Chapter two hundred twenty-seven (227), section thirty-  
 2 two (32), Acts of the Sixty-fourth General Assembly, First Session,  
 3 is amended to read as follows:

4 Sec. 32. Chapter four hundred sixty-seven A (467A), Code 1971,  
 5 is amended by adding the following new section:

6 Regulations which the commissioners propose to adopt, amend, or  
 7 repeal shall be submitted to the state soil conservation committee, in  
 8 such form as the committee shall prescribe, for its approval. The  
 9 committee may approve the regulations as submitted, or with such  
 10 amendments as it deems necessary. The commissioners shall there-  
 11 after publish *notice of hearing on* the proposed regulations, as ap-  
 12 proved, in a newspaper of general circulation in the district, ~~together~~  
 13 ~~with a notice of setting~~ a date and time not less than ten nor more  
 14 than thirty days after such publication when a hearing on the pro-  
 15 posed regulations will be held at a specified place. *The notice shall*  
 16 *include the full text of the proposed regulations or shall state that the*

17 *proposed regulations are on file and available for review at the office*  
18 *of the affected soil conservation district.*

1 SEC. 4. Chapter two hundred twenty-seven (227), section thirty-  
2 five (35), Acts of the Sixty-fourth General Assembly, First Session,  
3 is amended to read as follows:

4 Sec. 35. Chapter four hundred sixty-seven A (467A), Code 1971,  
5 is amended by adding the following new section:

6 No owner or occupant of land in this state shall be required to  
7 establish any new permanent or temporary soil and water conserva-  
8 tion practice unless public *or other* cost-sharing funds have been spe-  
9 cifically approved for such land and actually made available to the  
10 owner or occupant in an amount equal to at least seventy-five percent  
11 of the cost of any permanent soil and water conservation practice, or  
12 an amount set by the state soil conservation committee for any tem-  
13 porary soil and water conservation practice. The state soil conserva-  
14 tion committee shall review these requirements at least once each year,  
15 and may authorize soil conservation district commissioners to make  
16 the mandatory establishment of any specified soil and water conserva-  
17 tion practice in any particular case conditional on a higher propor-  
18 tion of public cost-sharing than is required by this section. When the  
19 commissioners have been so authorized, they shall, in determining the  
20 amount of cost-sharing for establishment of a specified soil and water  
21 conservation practice to comply with an administrative order issued  
22 pursuant to section thirty-four (34) of this Act, consider the extent  
23 to which the practice will contribute benefits to the public in relation  
24 to the benefits that will accrue to the individual owner or occupant of  
25 the land on which the practice is to be established. Evidence that an  
26 application for public *or other* cost-sharing funds, from a source or  
27 sources having authority to pay a portion of the cost of work needed  
28 to comply with an administrative order issued pursuant to section  
29 thirty-four (34) of this Act, has been submitted to the proper officer  
30 or agency shall constitute commencement of such work within the  
31 meaning of sections thirty (30) through forty (40) of this Act. Upon  
32 receiving evidence of the submission of such application, the commis-  
33 sioners shall forward to the officer or agency to which the application  
34 was made a written request to receive notification of the disposition  
35 of such application. When notified of the approval of such applica-  
36 tion, the commissioners shall issue to the same parties who received  
37 the original administrative order, or their successors in interest, a  
38 supplementary order, to be delivered in the same manner as provided  
39 by sections thirty (30) through forty (40) of this Act for delivery  
40 of original administrative orders. The supplementary order shall  
41 state a time, not more than six months after approval of the applica-  
42 tion for public or other cost-sharing funds, by which the work needed  
43 to comply with the original administrative order shall actually be  
44 commenced, and a time not more than one year thereafter when such  
45 work is to be satisfactorily completed.

1 SEC. 5. This Act, being deemed of immediate importance, shall  
2 take effect and be in force from and after its publication in the Fort  
3 Dodge Messenger and Chronicle, a newspaper published in Fort

4 Dodge, Iowa, and in The Washington Evening Journal, a newspaper  
5 published in Washington, Iowa.

Approved March 17, 1972.

I hereby certify that the foregoing Act, House File 1176, was published in the Fort Dodge Messenger and Chronicle, Fort Dodge, Iowa, March 27, 1972, and in The Washington Evening Journal, Washington, Iowa, March 23, 1972.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 1098

### JOINT PLANNING COMMISSIONS

H. F. 367

AN ACT relating to joint planning commissions.

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

1 SECTION 1. Section four hundred seventy-three A point two  
2 (473A.2), Code 1971, is amended as follows:

3 473A.2 **Membership.** The commission shall have not less than five  
4 members, appointed by the governing bodies of the area served by the  
5 commission. A majority of the members of the commission *shall may*  
6 be citizens who hold no other public office or position except appoin-  
7 tive membership on a city or town plan commission or other planning  
8 commission, board or agency. Citizen members shall be appointed for  
9 overlapping terms of not less than three nor more than five years or  
10 thereafter until their successors are appointed. The appointing gov-  
11 erning bodies shall determine the amount of compensation, if any, to  
12 be paid to the members of a commission. Any vacancy in the mem-  
13 bership of a commission shall be filled for the unexpired term in the  
14 same manner as the initial appointment. The governing bodies shall  
15 have authority to remove any member for cause stated in writing and  
16 after a public hearing.

1 SEC. 2. Section four hundred seventy-three A point four (473A.4),  
2 Code 1971, is amended by adding the following new paragraph:

3 A planning commission formed under the provisions of this chapter  
4 shall, upon designation as such by the governor, serve as a district,  
5 regional or metropolitan agency for comprehensive planning for its  
6 area for the purpose of carrying out the functions as defined for such  
7 an agency by federal, state and local laws and regulations.

1 SEC. 3. Chapter twenty-eight E (28E), Code 1971, is amended by  
2 adding the following new section:

3 A planning commission, council of governments or similar organiza-  
4 tion formed under the provisions of this chapter shall, upon designa-  
5 tion as such by the governor, serve as a district, regional or metropoli-  
6 tan agency for comprehensive planning for its area for the purpose  
7 of carrying out the functions as defined for such agency by federal,  
8 state and local laws and regulations.

1 SEC. 4. This Act, being deemed of immediate importance, shall  
 2 take effect and be in force from and after its publication in the Hamp-  
 3 ton Chronicle, a newspaper published in Hampton, Iowa, and in the  
 4 Chariton Herald-Patriot, a newspaper published in Chariton, Iowa.

Approved March 15, 1972.

I hereby certify that the foregoing Act, House File 367, was published in the Hamp-  
 ton Chronicle, Hampton, Iowa, March 23, 1972, and in the Chariton Herald-Patriot,  
 Chariton, Iowa, March 23, 1972.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 1099

### PIPE-LINE INSPECTION

#### H. F. 30

AN ACT relating to the inspection of pipeline construction over private property.

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

1 SECTION 1. Section four hundred ninety point four (490.4), Code  
 2 1971, is amended by adding the following new paragraphs:

3 "A board of supervisors may, by majority vote, submit a request in  
 4 writing to the commission requesting that the services of a qualified  
 5 inspector be provided to adequately inspect pipeline construction with-  
 6 in that county. Upon receipt of the request, the commission shall  
 7 make such inspector available. All costs of inspection shall be paid  
 8 pursuant to section four hundred ninety point fourteen (490.14) of  
 9 the Code.

10 As a part of the inspection process, the inspector shall, if provided  
 11 by the easement contract, ascertain that the trench excavation has  
 12 been filled in such a manner as to provide that the top soil has been  
 13 replaced on top and all rocks and debris have been removed from the  
 14 top soil.

15 Adequate inspection of underground improvements altered during  
 16 construction of pipeline shall be conducted at the time of the replace-  
 17 ment or repair of such underground improvements.

18 All faulty construction, as determined by the inspector, shall be re-  
 19 paired immediately by the contractor operating for the pipeline com-  
 20 pany and the cost of such repairs shall be paid by said contractor.  
 21 If such repairs are not made by contractor, the commission shall pro-  
 22 ceed to collect under the provisions of section four hundred ninety  
 23 point twenty-seven (490.27) of the Code."

1 SEC. 2. Section four hundred ninety point twenty-seven (490.27),  
 2 Code 1971, is amended as follows:

3 **490.27 Financial condition of permittee—bond.** Before any permit  
 4 is granted under the provisions of this chapter the applicant must  
 5 satisfy the state commerce commission that the applicant has prop-  
 6 erty within this state other than pipelines, subject to execution of a  
 7 value in excess of fifty thousand dollars, or said applicant must file

8 and maintain with said commission a surety bond in the penal sum of  
 9 fifty thousand dollars with surety approved by the commission, con-  
 10 ditioned that said applicant will pay any and all damages legally  
 11 recovered against it growing out of the *construction or* operation of  
 12 its said pipeline and gas storage facilities in the state of Iowa. When  
 13 such pipeline company deposits with said state commerce commission  
 14 security satisfactory to said commission as a guaranty for the pay-  
 15 ment of said damages, or furnishes to said commission satisfactory  
 16 proofs of its solvency and financial ability to pay said damages, the  
 17 said pipeline company shall be relieved of the said provisions requir-  
 18 ing bond.

Approved March 15, 1972.

## CHAPTER 1100

### RURAL WATER DISTRICTS EXEMPT FROM REGULATION

H. F. 1084

AN ACT to provide that rural water districts shall not be subject to regulation by the Iowa state commerce commission.

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

1 SECTION 1. Section four hundred ninety A point one (490A.1),  
 2 unnumbered paragraph three (3), Code 1971, is amended to read as  
 3 follows:

4 Mutual telephone companies in which at least fifty percent of the  
 5 users are owners, telephone companies having less than two thousand  
 6 stations, municipally-owned utilities, unincorporated villages which  
 7 own their own distribution system, and co-operative corporations or  
 8 associations shall not be subject to the rate regulation provided for  
 9 in this chapter; provided, however, that nothing contained in this  
 10 chapter shall be construed to apply to municipally-owned water works  
 11 *or rural water districts incorporated and organized pursuant to chap-*  
 12 *ters 357A and 504A.* Telephone companies otherwise exempt from  
 13 rate regulation and having telephone exchange facilities which cross  
 14 state lines may elect, in writing, filed with the commission, to have  
 15 their rates regulated by the commission. When such election, in writ-  
 16 ing, has been filed with the commission, the commission shall assume  
 17 rate regulation jurisdiction over said companies.

Approved March 2, 1972.

## CHAPTER 1101

## PUBLIC UTILITY REFUNDS

## S. F. 1013

AN ACT relating to the rate of interest on public utility refunds to customers.

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

1 SECTION 1. Section four hundred ninety A point six (490A.6),  
2 unnumbered paragraph six (6), Code 1971, is amended to read as  
3 follows:

4 However, a public utility shall have the right at any time after said  
5 rates, charges, schedules or regulations have been suspended for  
6 ninety days to place in effect any or all of such suspended rates,  
7 charges, schedules or regulations by filing with the commission a  
8 bond or other undertaking approved by the commission conditioned  
9 upon the refund in a manner to be prescribed by the commission of  
10 any amounts collected thereunder in excess of the amounts which  
11 would have been collected under rates, charges, schedules or regula-  
12 tions finally approved by the commission. *The commission shall*  
13 *establish a rate of interest to be paid by a public utility to persons*  
14 *receiving refunds. Such rate of interest shall be not less than five*  
15 *percent per annum, nor more than nine percent per annum.*

Approved February 17, 1972.

## CHAPTER 1102

## POLICEMEN AND FIREMEN RETIREMENT

## S. F. 163

AN ACT relating to retirement systems for policemen and firemen.

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

1 SECTION 1. Section four hundred eleven point one (411.1), subsec-  
2 tion sixteen (16), Code 1971, is amended as follows:

3 16. "Average final compensation" shall mean the average earnable  
4 compensation of the member during ~~his last~~ *the* five years of service  
5 *he earned his highest salary* as a policeman or fireman, or if he has had  
6 less than five years of such service, then the average earnable compen-  
7 sation of his entire period of service.

1 SEC. 2. Section four hundred eleven point six (411.6), subsection  
2 one (1), Code 1971, is amended by adding the following new para-  
3 graph:

4 "Any member in service who has been a member of the retirement  
5 system fifteen or more years and whose employment is terminated  
6 prior to his retirement, other than by death or disability, shall upon  
7 attaining retirement age, receive a service retirement allowance of  
8 fifteen twenty-seconds of the retirement allowance he would receive  
9 at retirement if his employment had not been terminated, and an addi-

10 tional one twenty-second of such retirement allowance for each addi-  
 11 tional year of service not exceeding twenty-two years of service. The  
 12 amount of the retirement allowance shall be based on the average  
 13 final compensation at the time of termination of employment. The  
 14 allowance shall not be available to a member who has chosen to with-  
 15 draw his accumulated contributions as provided in section four hun-  
 16 dred eleven point six (411.6), subsection ten (10), of the Code."

1 SEC. 3. Section four hundred eleven point six (411.6), subsection  
 2 fourteen (14), Code 1971, is amended by adding the following new  
 3 paragraph:

4 "e. A retired member who became eligible for benefits under the  
 5 provisions of section four hundred eleven point six (411.6), subsec-  
 6 tion one (1) but who did not serve twenty-two years and did not  
 7 attain the age of fifty-five years prior to his termination of employ-  
 8 ment shall not be eligible for the annual readjustment of pensions pro-  
 9 vided for by this subsection."

Approved April 21, 1972.

## CHAPTER 1103

### POLLUTION CONTROL FACILITIES

S. F. 1158

AN ACT relating to certain municipalities' pollution control facilities and sewage construction projects.

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

1 SECTION 1. Section four hundred nineteen point one (419.1), sub-  
 2 section two (2), Code 1971, is amended to read as follows:

3 2. "Project" means (a) any land, buildings or improvements,  
 4 whether or not in existence at the time of issuance of the bonds issued  
 5 under authority of this chapter, which shall be suitable for the use of  
 6 any private college or university, whether for the establishment or  
 7 maintenance of such college or university, or of any industry or indus-  
 8 tries for the manufacturing, processing or assembling of any agricul-  
 9 tural or manufactured products, even though such processed products  
 10 may require further treatment before delivery to the ultimate con-  
 11 sumer, or (b) *pollution control facilities which shall be suitable for*  
 12 *use by any industry, commercial enterprise or utility. "Pollution con-*  
 13 *trol facilities" means any land, buildings, structures, equipment, pipes,*  
 14 *pumps, dams, reservoirs, improvements, or other facilities useful for*  
 15 *the purpose of reducing, preventing, or eliminating pollution of the*  
 16 *water or air by reason of the operations of any industry, commercial*  
 17 *enterprise or utility. "Improve", "improving" and "improvements"*  
 18 *shall embrace any real property, personal property or mixed property*  
 19 *of any and every kind that can be used or that will be useful in a*  
 20 *private college or university enterprise or an industrial enterprise*  
 21 *or as pollution control facilities for any industry, commercial enter-*  
 22 *prise or utility including, without limiting the generality of the fore-*

23 going, rights of way, roads, streets, sidings, foundations, tanks, struc-  
24 tures, pipes, pipe lines, reservoirs, utilities, materials, equipment,  
25 fixtures, machinery, furniture, furnishings, improvements, instrumen-  
26 talities and other real, personal or mixed property of every kind,  
27 whether above or below ground level.

1 SEC. 2. Section four hundred nineteen point two (419.2), unnum-  
2 bered paragraph one (1) and subsection two (2), Code 1971, are  
3 amended to read as follows:

4 In addition to any other powers which it may now have, in the event  
5 that local capital is not available for the development of industrial  
6 projects, *pollution control projects*, or private college or university  
7 projects, each municipality shall have the following powers:

8 2. To lease to others any or all of its projects for such rentals and  
9 upon such terms and conditions as the governing body may deem  
10 advisable but in no case shall the rentals be less than the average  
11 rental cost ~~per square feet~~ for like or similar facilities within the  
12 competitive commercial area.

1 SEC. 3. Section four hundred nineteen point eight (419.8), Code  
2 1971, is amended to read as follows:

3 **419.8 No payment by municipality.** No municipality shall have the  
4 power to pay out of its general fund or otherwise contribute any part  
5 of the costs of acquiring a project and shall not have the power to use  
6 land already owned by the municipality, or in which the municipality  
7 has an equity, unless specifically acquired for development of a private  
8 college or university or for industrial development *or for pollution*  
9 *control facilities* or unless the land is determined by the municipal  
10 governing body to no longer be necessary for municipal purposes, for  
11 the construction thereon of a project or any part thereof. The entire  
12 cost of acquiring any project must be paid out of the proceeds from  
13 the sale of bonds issued under the authority of this chapter, but this  
14 provision shall not be construed to prevent a municipality from accept-  
15 ing donations of property to be used as a part of any project or money  
16 to be used for defraying any part of the cost of any project.

1 SEC. 4. Section four hundred nineteen point eleven (419.11), Code  
2 1971, is amended to read as follows:

3 **419.11 Tax equivalent to be paid—assessment procedure—appeal.**  
4 Any municipality acquiring, purchasing, constructing, reconstructing,  
5 improving or extending any industrial buildings *or pollution control*  
6 *facilities*, as provided in this chapter, shall annually pay out of the  
7 revenue from such industrial buildings *or pollution control facilities*  
8 to the state of Iowa and to the city, town, school district and any other  
9 political subdivision, authorized to levy taxes, a sum equal to the  
10 amount of tax, determined by applying the millage rate of the taxing  
11 district to the assessed value of the property, which the state, county,  
12 city, town, school district or other political subdivision would receive  
13 if the property were owned by any private person or corporation, any  
14 other statute to the contrary notwithstanding. For purposes of arriv-  
15 ing at such tax equivalent, the property shall be valued and assessed  
16 by the assessor in whose jurisdiction the property is located, in accord-  
17 ance with chapter 441, but the municipality, the lessee on behalf of  
18 the municipality, and such other persons as are authorized by chapter  
19 441 shall be entitled to protest any assessment and take appeals in the



20 same manner as any taxpayer. Such valuations shall be included in  
 21 any summation of valuations in the taxing district for all purposes  
 22 known to the law. Income from this source shall be considered under  
 23 the provisions of section 24.3, subsection 1. If and to the extent the  
 24 proceedings under which the bonds authorized to be issued under the  
 25 provisions of this chapter so provide, the municipality may agree to  
 26 co-operate with the lessee of a project in connection with any admin-  
 27 istrative or judicial proceedings for determining the validity or  
 28 amount of any such payments and may agree to appoint or designate  
 29 and reserve the right in and for such lessee to take all action which  
 30 the municipality may lawfully take in respect of such payments and  
 31 all matters relating thereto, provided, however, that such lessee shall  
 32 bear and pay all costs and expenses of the municipality thereby  
 33 incurred at the request of such lessee or by reason of any such action  
 34 taken by such lessee in behalf of the municipality. Any lessee of a  
 35 project which has paid, as rentals additional to those required to be  
 36 paid pursuant to section 419.5, the amounts required by the first sen-  
 37 tence of this section to be paid by the municipality shall not be re-  
 38 quired to pay any such taxes to the state or to any such county, city,  
 39 town, school district or other political subdivision, any other statute  
 40 to the contrary notwithstanding. This section shall not be applicable  
 41 to any municipality acquiring, purchasing, constructing, reconstruct-  
 42 ing, improving, or extending any buildings for the purpose of estab-  
 43 lishing, maintaining, or assisting any private college or university.

44 *The payment, collection, and apportionment of the tax equivalent*  
 45 *shall be subject to the provisions of chapters four hundred forty-five*  
 46 *(445), four hundred forty-six (446), and four hundred forty-seven*  
 47 *(447) of the Code.*

1 SEC. 5. Section four hundred fifty-five C point four (455C.4),\*  
 2 subsection two (2), Code 1971, is amended to read as follows:

3 2. An agreement by the commission to pay to the municipality, dur-  
 4 ing the progress of construction or following completion of the con-  
 5 struction as may be agreed upon by the parties, an amount equal to  
 6 ~~one-half of that portion of the actual cost of the project, or the reason-~~  
 7 ~~able cost of the project as determined by the commission, whichever~~  
 8 ~~is less, that is not paid by the federal government but not less than~~  
 9 ~~twenty-five percent of the cost as determined that portion of the~~  
 10 ~~reasonable cost of the project which the state must agree to pay in~~  
 11 ~~order to obtain maximum federal pollution abatement assistance.~~

1 SEC. 6. This Act, being deemed of immediate importance, shall  
 2 take effect and be in force from and after its publication in the Globe-  
 3 Gazette, a newspaper published in Mason City, Iowa, and in The  
 4 Clear Lake Mirror-Reporter, a newspaper published in Clear Lake,  
 5 Iowa.

Approved April 22, 1972.

I hereby certify that the foregoing Act, Senate File 1158, was published in the Globe-  
 Gazette, Mason City, Iowa, May 2, 1972, and in The Clear Lake Mirror-Reporter, Clear  
 Lake, Iowa, May 3, 1972.

MELVIN D. SYNHORST, *Secretary of State.*

\*Repealed by 64 GA, ch. 1119, §112.

## CHAPTER 1104

## TAX ASSESSMENT PROCEDURES

S. F. 1096

AN ACT relating to tax assessment procedures.

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

1 SECTION 1. Section four hundred twenty-one point seventeen  
2 (421.17), subsection ten (10), Code 1971, is amended to read as fol-  
3 lows:

4 10. To require any board of review at any time after its adjourn-  
5 ment to reconvene and to make such orders as the director shall deter-  
6 mine are just and necessary; to direct and order any ~~county board of~~  
7 ~~equalization board of review~~ to raise or lower the valuation of the  
8 property, real or personal, in any township, town, city, or taxing dist-  
9 rict, to order and direct any ~~county board of equalization board of~~  
10 ~~review~~ to raise or lower the valuation of any class or classes of prop-  
11 erty in any township, town, city, or taxing district, and generally to  
12 make any order or direction to any ~~county board of equalization board~~  
13 ~~of review~~ as to the valuation of any property, or any class of prop-  
14 erty, in any township, town, city, county, or taxing district, which in  
15 the judgment of the director may seem just and necessary, to the end  
16 that all property shall be valued and assessed in the manner and  
17 according to the real intent of the law. For the purpose of this para-  
18 graph the words "taxing district" include drainage districts and levee  
19 districts.

20 The director may correct errors or obvious injustices in the assess-  
21 ment of any individual property, but the director shall not reduce the  
22 valuation of any individual property except upon the recommendation  
23 of the local board of review and no order of the director affecting any  
24 valuation shall be retroactive as to any reduction or increase in taxes  
25 payable prior to January 1 of the year in which such order is issued,  
26 or prior to September 1 of the preceding year in cities under special  
27 charter which collect their own municipal levies. Any increase in  
28 individual valuations ordered by the director shall be subject to right  
29 of appeal to the courts under the same procedure as that provided in  
30 the case of increases made by local boards of review.

31 The director may order made effective reassessments or revalua-  
32 tions in any taxing district ~~as to taxes levied during the current year~~  
33 ~~for collection the following year, for any taxing year or years~~ and the  
34 director may in any year order uniform increases or decreases in valu-  
35 ation of all property or upon any class of property within any taxing  
36 district ~~or any area within such taxing district~~, such orders to be  
37 effective ~~as to taxes levied during the current year for collection dur-~~  
38 ~~ing the following year in the year specified by the director~~. For the  
39 purpose of this paragraph the words "taxing district" include drain-  
40 age districts and levee districts.

1 SEC. 2. Section four hundred twenty-one point seventeen (421.17),  
2 Code 1971, is amended by adding the following new subsection:

3 To issue rules and regulations as are necessary, subject to the pro-  
4 visions of chapter seventeen A (17A) of the Code, to provide for the  
5 uniform application of the exemptions provided in section four hun-

6 dred twenty-seven point one (427.1) of the Code in all assessor juris-  
7 dictions in the state.

1 SEC. 3. Section four hundred twenty-seven point one (427.1), Code  
2 1971, as amended by chapter two hundred fifteen (215), section one  
3 (1), Acts of the Sixty-fourth General Assembly, First Session, is  
4 amended by adding the following new subsection:

5 Each county and city assessor shall determine the assessment value  
6 that would be assigned to the property if it were taxable and value all  
7 tax exempt property within his jurisdiction. The list of tax exempt  
8 property shall contain a legal description of the tax exempt property  
9 and the name of the owner of the tax exempt property, the market  
10 value of the tax exempt property, and the assessed value of the tax  
11 exempt property. The list of tax exempt property shall be filed with  
12 the director of revenue and the local board of review on or before  
13 April sixteen of each year.

1 SEC. 4. Section four hundred twenty-eight point four (428.4),  
2 Code 1971, is amended by striking the section and inserting in lieu  
3 thereof the following new section:

4 428.4 Personal property—real estate—buildings. Property shall be  
5 taxed each year. Personal property shall be listed and assessed each  
6 year in the name of the owner of the personal property on the first  
7 day of January. Real estate shall be listed and valued in 1971 and  
8 every four years thereafter. In any year, after the year in which an  
9 assessment has been made of all the real estate in any assessing  
10 jurisdiction, it shall be the duty of the assessor to value and assess  
11 or revalue and reassess, as the case may require, any real estate that  
12 he finds was incorrectly valued or assessed, or was not listed, valued  
13 and assessed, in the real estate assessment year immediately preced-  
14 ing, also any real estate he finds has changed in value subsequent to  
15 January 1 of the preceding real estate assessment year. The assessor  
16 shall determine the actual value and compute the taxable value there-  
17 of. The assessment shall be completed as specified in section four  
18 hundred forty-one point twenty-eight (441.28) of the Code, but no  
19 reduction or increase in actual value shall be made for prior years. If  
20 an assessor makes a change in the valuation of the real estate as  
21 provided for herein, the provisions of sections four hundred forty-one  
22 point twenty-three (441.23) as amended by chapter two hundred sev-  
23 enteen (217), section one (1), Acts of the Sixty-fourth General Assem-  
24 bly, First Session, four hundred forty-one point thirty-seven (441.37),  
25 four hundred forty-one point thirty-eight (441.38) and four hundred  
26 forty-one point thirty-nine (441.39) of the Code shall apply.

27 The assessor shall notify the director of revenue, in the manner  
28 and form to be prescribed by the director, as to the class or classes  
29 of real estate reviewed, revalued, and reassessed and shall report  
30 such details as to the effects or results of the revaluation and reassess-  
31 ment as may be deemed necessary by the director. This notification  
32 shall be contained in a report to be attached to the abstract of assess-  
33 ment for the year in which the new valuations become effective.

34 Any buildings erected, improvements made, or buildings removed  
35 in a year after the assessment of the class of real estate to which  
36 they belong shall be valued, listed and assessed and reported by the  
37 assessor to the county auditor after approval of the valuations by the

38 local board of review, and said auditor shall thereupon enter the tax-  
 39 able value of such building or taxable improvement on the tax list  
 40 as a part of real estate to be taxed. If such buildings are erected  
 41 by any person other than the owner of the land, they shall be listed  
 42 and assessed to the owner of the buildings or improvements as real  
 43 estate.

1 SEC. 5. Section four hundred twenty-eight point twenty-eight  
 2 (428.28), Code 1971, is amended by adding thereto the following:

3 Every individual, copartnership, corporation, association, city or  
 4 town which operates a public utility on a nonprofit basis, as defined  
 5 in section four hundred twenty-eight point twenty-four (428.24) of the  
 6 Code, shall annually, on or before the first day of May of each calendar  
 7 year, make a report on blanks to be provided by the department of  
 8 revenue of all of the property owned by such individual, copartnership,  
 9 corporation, association, or city or town within the incorporated lim-  
 10 its of any city or town in the state, and give such other information  
 11 as the director of revenue shall require. Any public utility which  
 12 reports according to this paragraph shall not be assessed.

1 SEC. 6. Section four hundred forty-one point seventeen (441.17),  
 2 subsection six (6), Code 1971, is amended to read as follows:

3 6. Make up all assessor's books and records as prescribed by the  
 4 director of revenue, turn the completed assessor's books and records  
 5 required for the preparation of the tax list over to the county auditor  
 6 *each year* when the board of review has concluded its hearings and  
 7 *the county auditor shall proceed with the preparation of the current*  
 8 *year tax list and the assessor shall co-operate with the auditor in the*  
 9 *preparation of the tax lists.*

1 SEC. 7. Section four hundred forty-one point twenty-one (441.21),  
 2 subsection one (1), unnumbered paragraph three (3), Code 1971, is  
 3 amended to read as follows:

4 Actual value of property in one ~~county~~ *assessing jurisdiction* shall  
 5 be equalized as compared with actual value of property in an adjoining  
 6 ~~county~~ *assessing jurisdiction*. If a variation of five percent or more  
 7 exists between the actual values of similar, closely adjacent property  
 8 in adjoining ~~counties~~ *assessing jurisdictions* in Iowa, the ~~director of~~  
 9 ~~revenue assessors thereof~~ shall determine whether adequate reasons  
 10 exist for such variation. If no such reasons exist, the ~~director of reve-~~  
 11 ~~nu assessors~~ shall ~~direct assessors~~ to make adjustments in such actual  
 12 values to reduce the variation to five percent or less.

1 SEC. 8. Section four hundred forty-one point twenty-six (441.26),  
 2 unnumbered paragraph one (1), Code 1971, as amended by chapter  
 3 two hundred seventeen (217), section two (2), Acts of the Sixty-  
 4 fourth General Assembly, First Session, is amended to read as follows:

5 The director of revenue shall each year prescribe the form of assess-  
 6 ment roll to be used by all assessors in assessing real and personal  
 7 property, including moneys and credits, in this state, also the form  
 8 of pages of the assessor's assessment book. Such assessment rolls  
 9 shall be in such form as will permit entering thereon, separately, the  
 10 names of all persons, partnerships, corporations, or associations as-  
 11 sessed; shall contain a form of oath or affirmation to be administered

12 to each person assessed, and shall also contain a notice in the following  
13 form:

14 "If you are not satisfied that the foregoing assessment is correct,  
15 you may file a protest against such assessment with the board of  
16 review on or after ~~May 1~~ *April sixteenth*, to and including ~~May 20~~  
17 *May 20 fifth*, of the year of the assessment, such protest to be confined to the  
18 grounds specified in section 441.37. Dated ..... day of .....,  
19 19....., ....., County/City Assessor."

1 SEC. 9. Section four hundred forty-one point twenty-eight  
2 (441.28), Code 1971, is amended to read as follows:

3 **441.28 Assessment rolls—change—notice to taxpayer.** The assess-  
4 ment shall be completed not later than April ~~30~~ *fifteenth*. If the  
5 assessor makes any change in an assessment after it has been entered  
6 on the assessor's rolls, he shall note on said roll, together with the orig-  
7 inal assessment, the new assessment and the reason for the change,  
8 together with his signature and the date of the change: Provided,  
9 however, in the event the assessor increases or decreases any assess-  
10 ment he shall give notice in writing thereof to the taxpayer by certi-  
11 fied mail prior to the meeting of the board of review. No changes  
12 shall be made on the assessment rolls after ~~May 1~~ *April sixteenth*  
13 except by order of the board of review or by decree of court.

1 SEC. 10. Section four hundred forty-one point thirty-three  
2 (441.33), Code 1971, is amended by adding the following new para-  
3 graph:

4 "Within fifteen days following the adjournment of any regular or  
5 special session, the board of review shall submit to the director of  
6 revenue, on forms prescribed by the director, a report of any actions  
7 taken during that session."

1 SEC. 11. Section four hundred forty-one point thirty-seven  
2 (441.37), unnumbered paragraph one (1), Code 1971, is amended to  
3 read as follows:

4 **441.37 Protest of assessment—grounds.** Any property owner or  
5 aggrieved taxpayer who is dissatisfied with his assessment may file  
6 a protest against such assessment with the board of review on or  
7 after ~~May 1~~ *April sixteenth*, to and including ~~May 20~~ *May 20 fifth*, of the  
8 year of the assessment. In any county which has been declared to be  
9 a disaster area by proper federal authorities after March 1 and prior  
10 to May 20 of said year of assessment, the time for filing a protest  
11 shall be extended to and include the period from ~~June 10~~ *May twenty-*  
12 *fifth* to June ~~20~~ *May 20 fifth* of such year. Said protest shall be in writing  
13 and signed by the one protesting or by his duly authorized agent.  
14 Taxpayer may have an oral hearing thereon if request therefor in  
15 writing is made at the time of filing the protest. Said protest must  
16 be confined to one or more of the following grounds:

1 SEC. 12. Section four hundred forty-one point thirty-seven  
2 (441.37), Code 1971, is amended by adding the following new para-  
3 graph:

4 "After the board of review has considered any protest filed by a  
5 property owner or aggrieved taxpayer and made final disposition of  
6 the protest, the board shall give written notice to the property owner

7 or aggrieved taxpayer who filed the protest of the action taken by  
8 the board of review on the protest."

1 SEC. 13. Section four hundred forty-one point forty-seven (441.47),  
2 Code 1971, is amended to read as follows:

3 441.47 **Adjusted valuations.** The director of revenue on *or about*  
4 the ~~second~~ *third* Monday of ~~July~~ *September* in each year shall adjust  
5 the valuation of property in the several counties adding to or deduct-  
6 ing from the valuation of each kind or class of property such percent-  
7 age in each case as will bring the same to its taxable value as fixed in  
8 this chapter and chapters 427 to 443, inclusive. The director shall also  
9 adjust the valuations as between each kind or class of property in any  
10 city assessed by a city assessor and each kind or class of property in  
11 the same county assessed by the county assessor. The director shall  
12 order the equalization of the levels of assessment of each class of prop-  
13 erty in the first and third year of the quadrennial assessment period.  
14 For purposes of such value adjustments and before such equalization  
15 the director shall adopt, with approval of the state board of tax review  
16 and in the manner prescribed by chapter 17A, such rules as may be  
17 necessary to determine the level of assessment for each class of prop-  
18 erty in each county. The rules shall cover: (a) The proposed use of  
19 the assessment-sales ratio study set out in subsection 6 of section  
20 421.17; (b) the proposed use of any state-wide income capitalization  
21 studies; (c) the proposed use of other methods that would assist the  
22 director in arriving at the accurate level of assessment of each class  
23 of property in each assessing jurisdiction.

1 SEC. 14. Section four hundred forty-one point forty-eight (441.48),  
2 Code 1971, is amended to read as follows:

3 441.48 **Notice of increase adjustment.** Before the director of reve-  
4 nue shall ~~add to~~ *adjust* the valuation of any kind or class of property  
5 on such percentage, the director shall serve ten days' notice by mail,  
6 on the ~~auditer of the county assessor~~ whose valuation is proposed to  
7 be ~~raised~~ *adjusted* and shall hold an adjourned meeting after such ten  
8 days' notice, at which time such ~~county assessor jurisdiction~~ may  
9 appear by its ~~board of supervisors assessor, city or county attorney,~~  
10 or otherwise, and make written or oral protest against such proposed  
11 ~~raise~~ *adjustment*, which protest shall consist simply of a statement of  
12 the error, or errors, complained of with such facts as may lead to their  
13 correction, and at such adjourned meeting final action may be taken  
14 in reference thereto.

1 SEC. 15. Section four hundred forty-one point forty-nine (441.49),  
2 Code 1971, is amended by striking the section and inserting in lieu  
3 thereof the following new section:

4 441.49 **Adjustment by assessor.** The director shall keep a record  
5 of the review and adjustment proceedings and finish such proceedings  
6 on or before the third Monday of October. He shall notify each asses-  
7 sor by mail of the final action taken by him at such proceedings and  
8 specify any adjustments in the valuations of any kind or class of prop-  
9 erty to be made effective for the assessor jurisdiction. The assessor  
10 shall, after December thirty-first of the year in which the adjustments  
11 were ordered by the director and prior to April sixteenth of the year  
12 following, review the actual and assessed valuations then in effect on  
13 any part or all of the real estate of the class or classes of property

14 whose valuations were adjusted by the director and the assessor shall  
 15 revalue and reassess to the end that the aggregate actual valuation  
 16 for each class of property affected will be the amount determined by  
 17 the director. In making such adjustments the assessor shall see to  
 18 it that in no case shall the assessed value of an individual property  
 19 exceed twenty-seven percent of its actual value determined in accord-  
 20 ance with section four hundred forty-one point twenty-one (441.21)  
 21 of the Code. For purposes of this section, a taxpayer affected by the  
 22 assessor's revaluation and reassessment shall have the right to have  
 23 the same reviewed in the manner provided for in sections four hun-  
 24 dred forty-one point thirty-seven (441.37), four hundred forty-one  
 25 point thirty-eight (441.38), and four hundred forty-one point thirty-  
 26 nine (441.39) of the Code, but such review shall be limited only to  
 27 the action taken by the assessor for the current year, not for prior  
 28 years. By no later than April twenty-first, the assessor shall submit  
 29 to the director of revenue, on forms prescribed by the director, a  
 30 report of whatever action he has taken to comply with the equaliza-  
 31 tion order issued to him the previous October. If the director of rev-  
 32 enue determines that, for any reason, the assessor has not complied  
 33 with the equalization order by making the necessary adjustments in  
 34 valuations, he shall on or about May first so notify the local board of  
 35 review. Upon its receipt of such notification, the board of review  
 36 shall make the necessary adjustments to arrive at the level of assess-  
 37 ment as provided for in the equalization order, and shall notify,  
 38 through publications in official newspapers of general circulation, any  
 39 class or classes of property affected by such action. By no later than  
 40 May thirty-first, the board of review shall submit to the director of  
 41 revenue, on forms prescribed by the director, a report of the action  
 42 taken to comply with the equalization order. The director of revenue  
 43 shall reconvene the local board of review as prescribed in section four  
 44 hundred twenty-one point seventeen (421.17), subsection ten (10) of  
 45 the Code.

1 SEC. 16. Section four hundred forty-five point thirty-two (445.32),  
 2 Code 1971, is amended by striking the section and inserting in lieu  
 3 thereof the following new section:

4 445.32 **Liens on buildings.** In all cases where buildings are erected  
 5 by any person other than the owner of the land on which the building  
 6 is located, as provided for in section four hundred twenty-eight point  
 7 four (428.4) of the Code, the taxes on the building shall be and remain  
 8 a lien on the building from the date of levy until paid. If the property  
 9 taxes on such a building become delinquent for a tax year the county  
 10 treasurer shall offer the building at public sale in accordance with sec-  
 11 tion four hundred forty-six point seven (446.7) of the Code.

1 SEC. 17. Previously tax exempt property under subsections two  
 2 (2) through nine (9), inclusive, and subsections eleven (11) and  
 3 twelve (12) of section four hundred twenty-seven point one (427.1)  
 4 of the Code placed on the tax assessment rolls will be prorated monthly  
 5 from the time of the transfer or beneficial possession.

Approved April 22, 1972.

## CHAPTER 1105

## NONRESIDENT INCOME TAX

H. F. 1283

AN ACT relating to income tax of nonresidents.

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

1 SECTION 1. Section four hundred twenty-two point eight (422.8),  
 2 subsection two (2), Code 1971, is amended to read as follows:

3 2. In the case of nonresident taxpayers, if any net income is re-  
 4 ceived from a business, trade, profession, or occupation carried on  
 5 partly within and partly without the state of Iowa, only ~~such~~ *the* por-  
 6 tion of said net income as is fairly and equitably attributable to that  
 7 part of the business, trade, profession, or occupation carried on within  
 8 the state of Iowa shall be allocated to Iowa; *and* income from any  
 9 property, trust, estate or other source within Iowa shall be allocated  
 10 to Iowa, except that annuities, interest on bank deposits and interest-  
 11 bearing obligations, and dividends shall be allocated to Iowa only to  
 12 the extent to which ~~the same~~ *they* are derived from a business, trade,  
 13 profession, or occupation carried on within the state of Iowa.

14 *However, income received by an individual who is a resident of*  
 15 *another state shall not be allocated to Iowa if the income is subject to*  
 16 *an income tax imposed by the state where the individual resides, and*  
 17 *if the state of residence allows a similar exclusion for income received*  
 18 *in that state by residents of Iowa.*

19 *The director shall designate the states which allow a similar exclu-*  
 20 *sion for income received by residents of Iowa, and may enter into*  
 21 *agreements with other states to provide that similar exclusions will*  
 22 *be allowed, and to provide suitable withholding requirements in each*  
 23 *state, in order to implement the exclusions.*

Approved April 21, 1972.

## CHAPTER 1106

## TAXATION OF REAL ESTATE TRANSFERS

S. F. 1101

AN ACT relating to the taxation of real estate transfers and the penalty for failure to comply.

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

1 SECTION 1. Section four hundred twenty-eight A point one  
 2 (428A.1), Code 1971, is amended as follows:

3 428A.1 **Amount of tax on transfers.** There is ~~hereby~~ imposed on  
 4 each deed, instrument, or writing by which any lands, tenements, or  
 5 other realty in this state shall be granted, assigned, transferred, or  
 6 otherwise conveyed, a tax determined in the following manner. When  
 7 there is no consideration ~~or when the consideration,~~ exclusive of the  
 8 value of any lien or encumbrance remaining thereon at the time of



9 sale, is one thousand dollars or less, or when the deed instrument or  
 10 writing is executed and tendered for recording as an instrument cor-  
 11 rective of title, and so states, there shall be no tax. When the con-  
 12 sideration, exclusive of the value of any lien or encumbrance remain-  
 13 ing thereon at the time of sale, exceeds one thousand dollars, there  
 14 is consideration and the actual market value of the real property trans-  
 15 ferred is in excess of five hundred dollars the tax shall be one dollar  
 16 ten cents plus fifty-five cents for each five hundred dollars or frac-  
 17 tional part of five hundred dollars in excess of one thousand dollars  
 18 five hundred dollars. The term "consideration" as used in this chap-  
 19 ter, means the full amount of the actual sale price of the real property  
 20 involved, paid or to be paid, including the amount of an incumbrance  
 21 or lien on the property, whether assumed or not by the grantee. It  
 22 shall be presumed that the sale price so stated shall include the value  
 23 of all personal property transferred as part of the sale unless the dol-  
 24 lar value of said personal property is stated on the instrument of con-  
 25 veyance. When the dollar value of the personal property included in  
 26 the sale is so stated, it shall be deducted from the consideration shown  
 27 on the instrument for the purpose of determining the tax.

1 SEC. 2. Section four hundred twenty-eight A point two (428A.2),  
 2 Code 1971, is amended as follows:

3 428A.2 Exceptions. The tax imposed by this chapter shall not  
 4 apply to:

5 1. Any executory contract for the sale of land under which the  
 6 vendee is entitled to or does take possession thereof, or any assign-  
 7 ment or cancellation thereof.

8 2. Any instrument of mortgage, or any assignment, extension, par-  
 9 tial release, or satisfaction thereof.

10 3. Any will.

11 4. Any plat.

12 5. Any lease.

13 6. Any deed, instrument, or writing in which the United States or  
 14 any agency or instrumentality thereof or the state of Iowa or any  
 15 agency, instrumentality, or governmental or political subdivision  
 16 thereof is the grantor, assignor, transferor, or conveyor; and any  
 17 deed, instrument or writing in which any of such unit of government  
 18 is the grantee or assignee where there is no consideration or where  
 19 the consideration does not exceed one thousand dollars.

20 7. Deeds for cemetery lots.

21 8. Deeds which secure a debt or other obligation, except those in-  
 22 cluded in the sale of real property.

23 9. Deeds for the release of a security interest in property excepting  
 24 those pertaining to the sale of real estate.

25 10. Deeds which, without additional consideration, confirm, correct,  
 26 modify, or supplement a deed previously recorded.

27 11. Deeds between husband and wife, or parent and child, without  
 28 actual consideration.

29 12. Tax deeds.

30 13. Deeds of partition where the interest conveyed is without con-  
 31 sideration. However, if any of the parties take shares greater in  
 32 value than their undivided interest a tax is due on the greater values,  
 33 computed at the rate set out in section 428A.1.

34 *14. The making or delivering of instruments of transfer resulting*  
 35 *from a corporate merger, consolidation, or reorganization under the*  
 36 *laws of the United States or any state thereof, where such instrument*  
 37 *states such fact on the face thereof.*

1 SEC. 3. Section four hundred twenty-eight A point three  
 2 (428A.3), Code 1971, is amended as follows:

3 428A.3 **Who liable for tax.** Any person, *firm or corporation* who  
 4 grants, assigns, transfers, or conveys any land, tenement, or realty by  
 5 a deed, writing, or instrument subject to the tax imposed by this chap-  
 6 ter shall be liable for such tax but no public official shall be liable for  
 7 a tax with respect to any instrument executed by him in connection  
 8 with his official duties.

1 SEC. 4. Section four hundred twenty-eight A point four (428A.4),  
 2 Code 1971, is amended as follows:

3 428A.4 **Recording refused.** The county recorder shall refuse to  
 4 record any deed, instrument, or writing, taxable under the provisions  
 5 of section 428A.1 on which documentary stamps in the amount stated  
 6 ~~thereon~~ *evidencing payment of the tax determined on the full amount*  
 7 *of the consideration in the transaction* have not been affixed ~~or with-~~  
 8 ~~out a statement on said deed, instrument, or writing that the same is~~  
 9 ~~exempt.~~ *However, if the deed, instrument, or writing, is subject to*  
 10 *an exception provided for in section 428A.2, the county recorder shall*  
 11 *not refuse to record the document if there is filed with or endorsed on*  
 12 *it a statement signed by either the grantor or grantee or his author-*  
 13 *ized agent, that the instrument or writing is excepted from the tax*  
 14 *under section 428A.2.* The validity of the effectiveness of an instru-  
 15 ment as between the parties thereto, and as to any person who would  
 16 otherwise be bound thereby, shall not be affected by the failure to  
 17 comply herewith; nor if an instrument is accepted for recording or  
 18 filing contrary to the provision hereof, shall the failure to comply  
 19 herewith destroy or impair the record thereof as notice.

1 SEC. 5. Section four hundred twenty-eight A point eight (428A.8),  
 2 Code 1971, is amended by striking the section and inserting in lieu  
 3 thereof:

4 428A.8 **Distribution of proceeds.** On or before the tenth day of  
 5 each month the county recorder shall determine and pay to the  
 6 treasurer of state seventy-five percent of the receipts from the sale of  
 7 documentary stamps during the preceding month and the treasurer of  
 8 state shall deposit such receipts in the state treasury to the credit  
 9 of the general fund.

10 The county recorder shall deposit the remaining twenty-five per-  
 11 cent of the receipts to the credit of the county general fund.

12 The county recorder shall keep such records and make such reports  
 13 with respect to the documentary stamps entrusted to his custody and  
 14 with respect to the sale of such stamps as the director of revenue  
 15 shall prescribe.

1 SEC. 6. Section four hundred twenty-eight A point ten (428A.10),  
 2 Code 1971, is amended as follows:

3 428A.10 **Penalty.** Any person, *firm or corporation* liable for the  
 4 tax imposed by this chapter who knowingly fails to comply with the

5 provisions of ~~section~~ *sections 428A.5 and 428A.6* relating to the attach-  
 6 ment or cancellation of documentary stamps, ~~unless such failure is~~  
 7 ~~shown to be due to reasonable cause shall be liable to a civil penalty~~  
 8 ~~of twenty-five dollars for each such failure shall be subject to a fine of~~  
 9 ~~not less than one hundred dollars nor more than five hundred dollars.~~  
 10 Any person who willfully attempts in any manner to evade or defeat  
 11 any such tax or the payment thereof, shall, in addition to other pen-  
 12 alties provided by law, be liable to a penalty of fifty percent of the  
 13 total amount of the underpayment of the tax.

Approved April 22, 1972.

## CHAPTER 1107

### FINANCING SCHOOL PROGRAMS

H. F. 1269

AN ACT amending the state school foundation program in chapter one hundred sixty-five (165), Acts of the Sixty-fourth General Assembly, First Session, by including in the definition of fall enrollment those resident pupils attending public schools in another district or state and out-of-state pupils attending public schools in the district, and including attendance at special education programs as well as classes; excluding from miscellaneous income reimbursement received for programs provided under section two hundred fifty-seven point twenty-six (257.26) of the Code; permitting a school district to increase its costs for the single school year beginning July 1, 1972, by the amount its federal aid increases over the previous year, and to exclude the increased amount from miscellaneous income; excluding from miscellaneous income beginning July 1, 1973, all federal aids and reimbursements; correcting the definition of district cost and defining total expenditures for the current year; clarifying the method of determining maximum district cost; correcting the method of determining additional school district property tax levy; redefining the procedure for the school budget review committee to authorize an increase in maximum millage when a nonpublic school closes; clarifying the duties of the school budget review committee in reviewing school budgets; and correcting the limitation on costs incurred under section two hundred fifty-seven point twenty-six (257.26) of the Code, for which reimbursement may be claimed.

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

- 1 SECTION 1. Chapter one hundred sixty-five (165), section four (4),  
 2 unnumbered paragraph one (1), Acts of the Sixty-fourth General  
 3 Assembly, First Session, is amended to read as follows:  
 4 SEC. 4. Fall enrollment. Fall enrollment shall be determined by  
 5 adding the resident pupils *and the out-of-state pupils* who are enrolled  
 6 on the second Friday of September of each year in public elementary  
 7 and secondary schools of the district, *in public elementary and sec-*  
 8 *ondary schools in another district or state for which tuition is paid*  
 9 *by the district*, and in special education *classes programs* for which  
 10 tuition is paid by the district whether the special education *class pro-*  
 11 *gram* is conducted by a county board of education or another school  
 12 district.
- 1 SEC. 2. Chapter one hundred sixty-five (165), section five (5),  
 2 Acts of the Sixty-fourth General Assembly, First Session, is amended  
 3 to read as follows:

4     **SEC. 5. Miscellaneous income.** Miscellaneous income is all reve-  
 5 nues of a school district general fund budget, exclusive of federal aid  
 6 provided under title twenty (20), chapter thirteen (13), of the United  
 7 States Code, the foundation property tax, the state school foundation  
 8 aid, guaranteed state aid, the additional school district property tax  
 9 levy, any supplemental aid distributed by the school budget review  
 10 committee, *any reimbursement received under the provisions of chap-*  
 11 *ter one hundred sixty-five (165), section twenty-seven (27), Acts of*  
 12 *the Sixty-fourth General Assembly, First Session, and any school dis-*  
 13 *trict income surtax imposed in the district. Effective for the school*  
 14 *year beginning July 1, 1972, and for that year only, district cost may*  
 15 *be increased by the amount which federal aids received by a district*  
 16 *other than those provided under title twenty (20), chapter thirteen*  
 17 *(13), of the United States Code, exceed such federal aids received by*  
 18 *the district in the last preceding school year, and the excess amount*  
 19 *may be excluded from miscellaneous income. Effective for the school*  
 20 *year beginning July 1, 1973, and for each succeeding school year, mis-*  
 21 *cellaneous income excludes all federal aids and federal reimburse-*  
 22 *ments.*

1     **SEC. 3.** Chapter one hundred sixty-five (165), section six (6),  
 2 Acts of the Sixty-fourth General Assembly, First Session, is amended  
 3 to read as follows:

4     **SEC. 6. District cost.** As used in this division, "district cost"  
 5 means the total expenditures for the current year or anticipated ex-  
 6 penditures for the budget year of a district which are payable from  
 7 the school general fund, ~~exclusive of federal aid provided under title~~  
 8 ~~twenty (20), chapter thirteen (13), of the United States Code.~~

9     *For the purpose of this section the total expenditures for the school*  
 10 *year beginning July 1, 1971, shall be no more than the initial budget*  
 11 *certified by the school board to the county auditor, increased by any*  
 12 *budget amendment increases as provided by section twenty-four point*  
 13 *nine (24.9) of the Code, but only if the budget amendment has been*  
 14 *approved by the state appeal board.*

1     **SEC. 4.** Chapter one hundred sixty-five (165), section nine (9),  
 2 subsection one (1), paragraphs "b" and "c", Acts of the Sixty-fourth  
 3 General Assembly, First Session, are amended to read as follows:

4     b. The district cost per pupil multiplied by the ~~estimated number~~  
 5 *of pupils in fall enrollment for the school year beginning July first*  
 6 *each year, determines the maximum district cost for each district. A*  
 7 *school district may not exceed its maximum district cost unless addi-*  
 8 *tional millage is authorized or supplemental state aid is distributed to*  
 9 *the district by the school budget review committee as provided in sec-*  
 10 *tion thirteen (13), subsection five (5), of this division, or unless an*  
 11 *additional amount is raised by a school district income surtax approved*  
 12 *by the voters.*

13     c. The district foundation base multiplied by the number of pupils  
 14 in fall enrollment, and the product, *plus any moneys excluded from*  
 15 *miscellaneous income*, subtracted from the lesser of the actual or  
 16 maximum district cost for the school year beginning July first each  
 17 year, determines the amount to be raised by the additional school  
 18 district property tax levy, subject to the maximum millage provided in

19 section ten (10) of this division, any additional millage authorized by  
20 the school budget review committee under section thirteen (13), sub-  
21 section five (5), paragraph a, of this division, or the maximum millage  
22 reduction provided in section twenty-one (21) of this division.

1 SEC. 5. Chapter one hundred sixty-five (165), section thirteen  
2 (13), subsection five (5), paragraph "a", and subsection seven (7),  
3 Acts of the Sixty-fourth General Assembly, First Session, are  
4 amended to read as follows:

5 a. If a nonpublic school ~~within a district~~ closes wholly or in part,  
6 the committee may authorize an increase in the school general fund  
7 millage beyond the maximum permitted under section ten (10) of  
8 this division, but only to the extent necessary to cover the cost of  
9 absorbing the former nonpublic school pupils into the public school  
10 system. The school board shall establish the amount of necessary  
11 increased cost to the satisfaction of the school budget review com-  
12 mittee before an increase in millage is authorized.

13 7. The committee, when making ~~recommendations~~ *decisions* relating  
14 to school budgets, shall consider each district's circumstances and  
15 facts which are unique and unusual, including but not limited to  
16 any unusual increases or decreases in enrollments, natural disasters,  
17 unusual transportation problems, and initial staffing problems.

1 SEC. 6. Chapter one hundred sixty-five (165), section twenty-  
2 seven (27), unnumbered paragraph three (3), Acts of the Sixty-  
3 fourth General Assembly, First Session, is amended to read as follows:

4 As a condition to receiving reimbursement under this section, a  
5 school district shall show by affidavit of an officer of the school board  
6 that the amount of reimbursement claimed by the school district does  
7 not exceed one-half of the actual costs incurred by the district under  
8 section two hundred fifty-seven point twenty-six (257.26) of the Code,  
9 ~~and does not include the portion of those costs for which the district~~  
10 ~~received state school foundation aid.~~ The claims for reimbursement  
11 shall be certified by the department of public instruction to the state  
12 comptroller on or before August 31, 1972. On or before September  
13 15, 1972, the state comptroller shall draw warrants on the fund created  
14 by this section, payable to the school districts which have established  
15 claims. In the event that the amount appropriated is insufficient to  
16 pay in full the total amounts certified to the state comptroller, he  
17 shall prorate the fund and notify each school district of its pro rata  
18 percentage on or before September 15, 1972.

Approved April 22, 1972.

## CHAPTER 1108

## MENTAL HEALTH FUNDS

## S. F. 185

AN ACT to combine the present county fund for mental health with the state institution fund, redesignating the latter as the county mental health and institutions fund, prescribing the purposes for which such fund may be used, and authorizing a levy therefor.

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

1 SECTION 1. Section four hundred forty-four point twelve (444.12),  
2 Code 1971, is amended by striking the section and inserting in lieu  
3 thereof the following:

4 444.12 County mental health and institutions fund.

5 The board of supervisors of each county shall establish a county  
6 mental health and institutions fund, from which shall be paid:

7 1. All charges which the county is obligated by statute to pay for:

8 a. Care and treatment of patients by any state mental health insti-  
9 tute.

10 b. Care and treatment of patients by either of the state hospital-  
11 schools or by any other facility established under chapter two hun-  
12 dred twenty-two (222) of the Code.

13 c. Care and treatment of patients by the psychopathic hospital at  
14 Iowa City.

15 d. Care and treatment of tuberculosis patients admitted or com-  
16 mitted to the state sanatorium at Oakdale or any similar institution  
17 established or maintained by any county under chapter two hundred  
18 fifty-four (254) of the Code, and the cost of outpatient care of tuber-  
19 culosis patients by a tuberculosis sanatorium may be paid from such  
20 fund.

21 e. Care and treatment of persons admitted or committed to the alco-  
22 holic treatment center at Oakdale or any facilities as provided in  
23 chapter one hundred twenty-three B (123B) of the Code, provided,  
24 however, that any such admission shall be reported to the county  
25 board of supervisors within five days by the center or facility offer-  
26 ing such treatment.

27 f. Care of children admitted or committed to the Iowa juvenile  
28 home at Toledo or the Iowa Annie Wittenmyer home, or placed in a  
29 foster home from either of such institutions if the cost of foster home  
30 care does not exceed the average cost of care of a child in the institu-  
31 tion from which the placement was made.

32 g. Clothing, transportation, and medical or other services provided  
33 persons attending the Iowa braille and sight-saving school, the Iowa  
34 school for the deaf, or the state hospital-school for severely handi-  
35 capped children at Iowa City, for which the county becomes obligated  
36 to pay pursuant to sections two hundred sixty-three point twelve  
37 (263.12), two hundred sixty-nine point two (269.2), and two hundred  
38 seventy point four (270.4) through two hundred seventy point seven  
39 (270.7), inclusive.

40 2. Any portion which the board of supervisors may deem advisable  
41 of the cost of psychiatric examination and treatment of persons in  
42 need thereof or of professional evaluation, treatment, training, habili-  
43 tation, and care of mentally retarded persons, at any suitable public

44 or private facility providing inpatient or outpatient care in such  
45 county.

46 The board of supervisors may require any public or private facility  
47 as a condition of payment from county funds to furnish the board  
48 with a statement of the income, assets, and township or municipality  
49 and the county of legal residence of each person receiving services  
50 under this section, provided however, the facility shall not disclose to  
51 anyone without the permission of the person receiving services for  
52 which commitment is not required such person's name or street or  
53 route address.

54 3. The cost of care and treatment of persons placed in the county  
55 hospital, county home, a health care facility as defined in section one  
56 hundred thirty-five C point one (135C.1), subsection eight (8), or  
57 any other public or private facility:

58 a. In lieu of admission or commitment to a state mental health in-  
59 stitute, hospital-school, or other facility established pursuant to chap-  
60 ter two hundred twenty-two (222) of the Code.

61 b. Upon discharge, removal, or transfer from a state mental health  
62 institute or state hospital-school or other institution established pur-  
63 suant to chapter two hundred twenty-two (222) of the Code.

64 4. Any contribution which the board of supervisors may make to  
65 the establishment and initial operation of a community mental health  
66 center in the manner and subject to the limitations provided by law.

67 The board of supervisors shall, at the time of levying other taxes,  
68 estimate the amount necessary to meet the foregoing expenses which  
69 it is anticipated that the county will incur in the coming year, and  
70 levy a tax sufficient to raise the amount needed. The proceeds of the  
71 tax shall be credited to the county mental health and institutions fund,  
72 and used only for the purposes prescribed by this section. Should  
73 any county fail to levy a tax sufficient to meet the expenses which  
74 the county is required to pay, or which the board of supervisors  
75 chooses to pay, from the county mental health and institutions fund  
76 pursuant to this section, the deficiency shall be met by transfer of  
77 funds from the county general fund to the county mental health and  
78 institutions fund.

79 Nothing in this section or any other statute shall be construed to  
80 prohibit parents or other persons from voluntarily reimbursing the  
81 county or state for the reasonable cost of caring for an individual  
82 while he was a patient or inmate in the county hospital, county home,  
83 mental health institute, hospital-school, training school, or home for  
84 children.

1 SEC. 2. Section one hundred twenty-three B point nine (123B.9),  
2 Code 1971, is amended as follows:

3 **123B.9 Transfer from institutional fund.** The county auditor upon  
4 receipt of such certification by the facility shall enter the same to  
5 the credit of the facility and issue a notice to the county treasurer,  
6 authorizing him to transfer the amount from the ~~state institutional~~  
7 *county mental health and institutions* fund to the state general fund,  
8 which notice shall be filed by the treasurer as his authority for mak-  
9 ing such transfer, and shall include the amount transferred in his  
10 next remittance to the facility.

1 SEC. 3. Section two hundred twenty-two point seventy-four  
2 (222.74), Code 1971, is amended as follows:

3 222.74 **Duplicate to county.** When certifying to the comptroller  
4 amounts to be charged against each county as provided in section  
5 222.73, the superintendent shall send to the county auditor of each  
6 county against which he has so certified any amount, a duplicate of  
7 such certificate. The county auditor upon receipt of the duplicate cer-  
8 tificate shall enter the same to the credit of the state in his ledger of  
9 state accounts, and shall immediately issue a notice to the county trea-  
10 surer authorizing the treasurer to transfer the amount from the state  
11 ~~institution~~ *county mental health and institutions fund* to the general  
12 state revenue. The treasurer shall file such notice as his authority for  
13 making such transfer and shall include the amount so transferred in  
14 his next remittance of state taxes to the treasurer of state, designating  
15 the fund to which the amount belongs.

1 SEC. 4. Section two hundred twenty-seven point eighteen (227.18),  
2 Code 1971, is amended as follows:

3 227.18 **Claims filed quarterly.** The state aid herein provided for  
4 shall be paid to the claimant county upon a verified claim being filed  
5 quarterly with the state director setting forth the total of weekly  
6 patient care furnished to transferees in county or private institutions  
7 from the county ~~fund for~~ *mental health and institutions fund*. Ap-  
8 proval of said verified claim by the state director shall be authority  
9 for the state comptroller to issue a warrant upon the state mental aid  
10 fund payable to the claimant county which shall be credited by that  
11 county to the county ~~fund for mental health levied under the provi-~~  
12 ~~sions of section 230.24~~ *mental health and institutions fund established*  
13 *by section 444.12.*

1 SEC. 5. Section two hundred thirty point fifteen (230.15), Code  
2 1971, is amended as follows:

3 230.15 **Personal liability.** Mentally ill persons and persons legally  
4 liable for their support shall remain liable for the support of such  
5 mentally ill. Persons legally liable for the support of a mentally ill  
6 person shall include the spouse, ~~father, mother, and adult children~~  
7 ~~of such~~ *the mentally ill person, and any person, firm, or corporation*  
8 *bound by contract hereafter made for support of the mentally ill per-*  
9 *son, and, with respect to mentally ill persons under twenty-one years*  
10 *of age only, the father and mother of the mentally ill person.* The  
11 county auditor, subject to the direction of the board of supervisors,  
12 shall enforce the obligation herein created as to all sums advanced by  
13 the county. *The liability to the county incurred under this section on*  
14 *account of any mentally ill person shall be limited to one hundred per-*  
15 *cent of the cost of care and treatment of the mentally ill person at a*  
16 *state mental health institute for the first one hundred twenty days of*  
17 *hospitalization, and thereafter to an amount not in excess of the aver-*  
18 *age minimum cost of the maintenance of a physically and mentally*  
19 *healthy individual residing in his own home, which standard shall be*  
20 *established and may from time to time be revised by the department of*  
21 *social services. No lien imposed by section two hundred thirty point*  
22 *twenty-five (230.25) of the Code shall exceed the amount of the liabil-*  
23 *ity which may be incurred under this section on account of any men-*  
24 *tally ill person.*



25 *Nothing in this section shall be construed to prevent a relative or*  
 26 *other person from voluntarily paying the full actual cost of the care*  
 27 *and treatment of any mentally ill person as established by the depart-*  
 28 *ment of social services.*

29 *Persons who as of July 1, 1972 are hospitalized in any state mental*  
 30 *health institute, or who on that date or any later date have been so*  
 31 *hospitalized for a total of one hundred twenty days or more, shall be*  
 32 *considered to have incurred liability for one hundred percent of the*  
 33 *cost of their care and treatment for one hundred twenty days, and*  
 34 *shall thereafter be entitled to reduced liability as provided by this*  
 35 *section. There shall be no forgiveness of any liability existing on*  
 36 *July 1, 1972 for the cost of care and treatment of mentally ill persons,*  
 37 *except as provided in section 230.17 and no person who has paid any*  
 38 *such costs prior to that date shall be entitled to any refund by reason*  
 39 *of this section.*

1 SEC. 6. Section two hundred thirty point twenty-one (230.21),  
 2 Code 1971, is amended as follows:

3 **230.21 Duty of county auditor and treasurer.** The county auditor,  
 4 upon receipt of such certificate, shall thereupon enter the same to the  
 5 credit of the state in his ledger of state accounts, and at once issue a  
 6 notice to his county treasurer, authorizing him to transfer the amount  
 7 from the ~~state institution~~ *county mental health and institutions fund*  
 8 to the general state revenue, which notice shall be filed by the treasurer  
 9 as his authority for making such transfer, and shall include the  
 10 amount so transferred in his next remittance of state taxes to the  
 11 treasurer of state, designating the fund to which it belongs.

1 SEC. 7. Section two hundred thirty point twenty-four (230.24),  
 2 Code 1971, is amended as follows:

3 **230.24 County fund for mental health—Psychiatric treatment—**  
 4 **mental health center.** The board of supervisors shall, annually, levy a  
 5 tax of one mill or less, as may be necessary, for the purpose of raising  
 6 a fund for the support of such mentally ill persons as are cared for  
 7 and supported by the county in the county home, or elsewhere outside  
 8 of any state hospital for the mentally ill, which shall be known as the  
 9 county fund for mental health, and shall be used for no other purpose  
 10 than the support of such mentally ill persons and for the purpose of  
 11 making such additions and improvements as may be necessary to  
 12 properly care for such patients as are ordered committed to the county  
 13 home.

14 The county board of supervisors are authorized to expend from the  
 15 county fund for mental health as provided in this section and institu-  
 16 tions fund established by section 444.12 funds for psychiatric exami-  
 17 nation and treatment of persons in need thereof, or for professional  
 18 evaluation, treatment, and habilitation of mentally retarded persons,  
 19 in each county where they have which has facilities available for such  
 20 treatment, and any county not having such facilities may contract  
 21 through its board of supervisors with any other county, which has  
 22 facilities for psychiatric examination and treatment or for profes-  
 23 sional evaluation, treatment, and habilitation of mentally retarded  
 24 persons, for the use thereof. *However, the county board of supervi-*  
 25 *sors shall not expend from such fund for treatment other than in a*  
 26 *state institution an amount which would exceed eight dollars per*

27 *capita for counties having less than forty thousand population. Any*  
 28 *county now or hereafter expending funds from the county fund for*  
 29 *mental health for the psychiatric examination and treatment of per-*  
 30 *sons in a community mental health center may levy an additional tax*  
 31 *of not to exceed one-half mill.*

32 A county, or affiliated counties, desiring to establish an incorpo-  
 33 rated mental health center and having a total or combined population  
 34 in excess of thirty-five thousand according to the last federal census,  
 35 may establish such new mental health center in conjunction with  
 36 the Iowa mental health authority. In establishing such mental health  
 37 center, the board of supervisors of each such county is authorized to  
 38 expend therefor from the ~~state institution fund~~ *county mental health*  
 39 *and institutions fund* an amount equal to, but not to exceed, two hun-  
 40 dred fifty dollars per thousand population or major fraction thereof.  
 41 Such appropriation shall not be recurring and shall not be applicable  
 42 to any mental health center established prior to January 1, 1963.

1 SEC. 8. Section two hundred forty-four point fourteen (244.14),  
 2 Code 1971, is amended as follows:

3 244.14 **Counties liable.** Each county shall be liable for sums paid  
 4 by the home in support of all its children to the extent of a sum equal  
 5 to one-half of the net cost of the support and maintenance of its chil-  
 6 dren. The superintendent of The Iowa Annie Wittenmyer Home and  
 7 the Iowa juvenile home shall certify to the state comptroller on the  
 8 first day of each fiscal quarter the amount chargeable to each county  
 9 for such support. The sums for which each county is so liable shall  
 10 be charged to the county and collected as a part of the taxes due the  
 11 state, and paid by the county from the ~~state institution~~ *county mental*  
 12 *health and institutions fund* at the same time state taxes are paid.

1 SEC. 9. Section two hundred fifty-four point four (254.4), Code  
 2 1971, is amended as follows:

3 254.4 **Allowance for support.** The board of supervisors may allow,  
 4 from the ~~state institution~~ *county mental health and institutions fund*  
 5 of the county, for the care and support of each tuberculous patient  
 6 cared for in any such institution, a sum not exceeding the average per  
 7 patient per day cost of treatment in any such institution.

1 SEC. 10. Section two hundred seventy point seven (270.7), Code  
 2 1971, is amended as follows:

3 270.7 **Payment by county.** The county auditor shall, upon receipt  
 4 of said certificate, pass the same to the credit of the state, and there-  
 5 upon issue a notice to the county treasurer authorizing him to trans-  
 6 fer the amount from the ~~state institution~~ *county mental health and*  
 7 *institutions fund* to the general state revenue, which shall be filed by  
 8 the treasurer as his authority for making such transfer, and shall in-  
 9 clude the amount in his next remittance of state taxes to the treasurer  
 10 of state, designating the fund to which it belongs.

11 Should any county fail to pay these bills within sixty days from  
 12 the date of certificate from superintendent, the state comptroller shall  
 13 charge the delinquent county the penalty *three-fourths* of one percent  
 14 per month on and after sixty days from date of certificate until paid.  
 15 Such penalties shall be credited to the general fund of the state.

Approved April 21, 1972.

## CHAPTER 1109

## BUSINESS CORPORATIONS

## S. F. 1191

AN ACT relating to business corporations.

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

1 SECTION 1. Section four hundred ninety-six A point four (496A.4),  
2 subsection six (6), Code 1971, is amended to read as follows:

3 6. To lend money ~~to~~, and ~~otherwise use its credit to~~ assist its em-  
4 ployees, ~~officers and directors~~.

1 SEC. 2. Section four hundred ninety-six A point seven (496A.7),  
2 subsection three (3), Code 1971, is amended to read as follows:

3 3. Shall not be the same as, or deceptively similar to, the name of  
4 any domestic corporation existing under the laws of this state or any  
5 foreign corporation authorized to transact business in this state, or a  
6 name the exclusive right to which is, at the time, reserved in the  
7 manner provided in this chapter, or the name of a corporation which  
8 has in effect a registration of its corporate name as provided in this  
9 chapter, or an assumed name which has been adopted by a domestic  
10 or a foreign corporation for use in this state in the manner provided  
11 by this chapter; *except that this provision shall not apply if the appli-*  
12 *cant files with the secretary of state either of the following:*

13 a. *The written consent of such other corporation or holder of a*  
14 *reserved or registered name to use the same or deceptively similar*  
15 *name and one or more words are added to make such name distin-*  
16 *guishable from the other name.*

17 b. *A certified copy of final decree of a court of competent jurisdic-*  
18 *tion establishing the prior right of the applicant to the use of such*  
19 *name in this state. A corporation with which another domestic or*  
20 *foreign corporation is merged, or which is formed by the reorganiza-*  
21 *tion or consolidation of one or more domestic or foreign corporations*  
22 *or upon a sale, lease or other disposition to or exchange with a domes-*  
23 *tic corporation of all or substantially all the assets of another domestic*  
24 *or foreign corporation, including its name or assumed name, may have*  
25 *the same name as that used in this state by any of such corporations*  
26 *if such other corporation was organized under the laws of or is*  
27 *authorized to transact business in this state.*

1 SEC. 3. Section four hundred ninety-six A point thirteen  
2 (496A.13), unnumbered paragraph one (1), Code 1971, is amended  
3 to read as follows:

4 The registered agent so appointed by a corporation, *or if more than*  
5 *one registered agent has been appointed by the corporation then any*  
6 *one of such agents*, shall be an agent of such corporation upon whom  
7 any process, notice or demand required or permitted by law to be  
8 served upon the corporation may be served.

1 SEC. 4. Section four hundred ninety-six A point fourteen  
2 (496A.14), subsection five (5), Code 1971, is amended to read as  
3 follows:

4 5. Convertible into shares of any other class or into shares of any  
5 series of the same or any other class, except a class having prior or

6 superior rights and preferences as to dividends or distribution of  
 7 assets upon liquidation, but shares without par value shall not be con-  
 8 verted into shares with par value unless that part of the stated capital  
 9 of the corporation represented by such shares without par value is,  
 10 at the time of conversion, at least equal to the aggregate par value  
 11 of the shares into which the shares without par value are to be con-  
 12 verted or the amount of any such deficiency is transferred from sur-  
 13 plus to stated capital.

1 SEC. 5. Section four hundred ninety-six A point twenty-two  
 2 (496A.22), unnumbered paragraph one (1), Code 1971, is amended  
 3 to read as follows:

4 The shares of a corporation shall be represented by certificates  
 5 signed by such officers, employees or agents as are authorized by the  
 6 articles of incorporation or bylaws to sign. If no contrary provision  
 7 is made in the articles or bylaws, such certificates shall be signed by  
 8 the president or a vice-president and the secretary or an assistant  
 9 secretary of the corporation, and may be sealed with the seal of the  
 10 corporation or a facsimile thereof. The signatures of the president  
 11 or vice-president and the secretary or assistant secretary or other  
 12 persons signing for the corporation upon a certificate may be fac-  
 13 similes if. *If the certificate is countersigned by a transfer agent, or*  
 14 *registered by a registrar, other than the corporation itself or an*  
 15 *employee of the corporation the signatures of the persons signing for*  
 16 *such transfer agent or registrar also may be facsimiles.* In case any  
 17 officer or other authorized person who has signed or whose facsimile  
 18 signature has been placed upon such certificate for the corporation  
 19 shall have ceased to be such officer or employee or agent before such  
 20 certificate is issued, it may be issued by the corporation with the  
 21 same effect as if he were such officer or employee or agent at the  
 22 date of its issue.

1 SEC. 6. Section four hundred ninety-six A point twenty-five  
 2 (496A.25), Code 1971, is amended by striking the section and in-  
 3 serting in lieu thereof the following:

4 **496A.25 Shareholder's preemptive rights.** Except to the extent  
 5 limited or denied by this section or by the articles of incorporation,  
 6 shareholders shall have a preemptive right to acquire unissued or  
 7 treasury shares of securities convertible into such shares or carrying  
 8 a right to subscribe to or acquire shares.

9 Unless otherwise provided in the articles of incorporation:

10 1. No preemptive right shall exist:

11 a. To acquire any shares issued to directors, officers or employees  
 12 pursuant to approval by the affirmative vote of the holders of a ma-  
 13 jority of the shares entitled to vote thereon or when authorized by  
 14 and consistent with a plan approved by such a vote of shareholders.

15 b. To acquire any shares sold otherwise than for cash.

16 2. Holders of shares of any class that is preferred or limited as  
 17 to dividends or assets shall not be entitled to any preemptive right.

18 3. Holders of shares of common stock shall not be entitled to any  
 19 preemptive right to shares of any class that is preferred or limited  
 20 as to dividends or assets or to any obligations, unless convertible  
 21 into shares of common stock or carrying a right to subscribe to or  
 22 acquire shares of common stock.

23 4. Holders of common stock without voting power shall have no  
24 preemptive right to shares of common stock with voting power.

25 5. The preemptive right shall be only an opportunity to acquire  
26 shares or other securities under such terms and conditions as the  
27 board of directors may fix for the purpose of providing a fair and  
28 reasonable opportunity for the exercise of such right.

1 SEC. 7. Section four hundred ninety-six A point twenty-seven  
2 (496A.27), Code 1971, is amended by striking the section and inserting  
3 in lieu thereof the following:

4 **496A.27 Meetings of shareholders.** Meetings of shareholders may  
5 be held at such place within or without this state as may be stated  
6 in or fixed in accordance with the bylaws. If no other place is stated  
7 or fixed, meetings shall be held at the registered office of the corpora-  
8 tion.

9 An annual meeting of the shareholders shall be held at such time  
10 as may be stated in or fixed in accordance with the bylaws. If the  
11 annual meeting is not held within any eighteen-month period the  
12 district court of the county wherein the registered office of the corpora-  
13 tion is located may, upon the written application of any shareholder,  
14 order an annual meeting to be held.

15 Special meetings of the shareholders may be called by the president,  
16 the board of directors, the holders of not less than one-tenth of all  
17 the shares entitled to vote at the meeting, or such other officers or  
18 persons as may be provided in the articles of incorporation or the  
19 bylaws.

1 SEC. 8. Section four hundred ninety-six A point forty (496A.40),  
2 Code 1971, is amended by adding the following new paragraph:

3 "Unless otherwise restricted by the articles of incorporation or  
4 bylaws, members of the board of directors of any corporation, or  
5 any committee designated by such board, may participate in a meeting  
6 of such board or committee by conference telephone or similar com-  
7 munications equipment by means of which all persons participating in  
8 the meeting can hear each other, and participation in a meeting pursu-  
9 ant to this provision shall constitute presence in person at such meet-  
10 ing."

1 SEC. 9. Chapter four hundred ninety-six A (496A), Code 1971,  
2 is amended by adding the following new section:

3 **Loans to employees and directors.** A corporation shall not lend  
4 money to or use its credit to assist its directors without authoriza-  
5 tion in the particular case by its shareholders, but may lend money  
6 to and use its credit to assist any employee of the corporation or of  
7 a subsidiary including any such employee who is a director of the  
8 corporation, if the board of directors decides that such loan or as-  
9 sistance may benefit the corporation.

1 SEC. 10. Section four hundred ninety-six A point forty-five  
2 (496A.45), Code 1971, is amended by adding the following new para-  
3 graph:

4 "Subject to any restrictions contained in its articles of incorpora-  
5 tion or bylaws, the signatures of the officers of any corporation or-  
6 ganized under this chapter, on the bonds, notes, debentures or other  
7 evidences of indebtedness of any such corporation may be facsimiles

8 and such facsimiles on such instruments shall be deemed the equivalent of and constitute the written signatures of such officers for all  
 9 purposes including, but not limited to, the full satisfaction of any  
 10 signature requirements of the laws of this state on the bonds, notes,  
 11 debentures and other evidence of indebtedness of any such corporation.”  
 12  
 13

1 SEC. 11. Section four hundred ninety-six A point fifty-six  
 2 (496A.56), subsection one (1), Code 1971, is amended by striking the  
 3 subsection and inserting in lieu thereof the following:

4 1. The board of directors shall adopt a resolution setting forth the  
 5 proposed amendment and, if shares have been issued, directing that  
 6 it be submitted to a vote of a meeting of shareholders, which may be  
 7 either the annual or a special meeting. If no shares have been issued,  
 8 the amendment shall be adopted by resolution of the board of directors  
 9 and the provisions for adoption by shareholders shall not apply. The  
 10 resolution may incorporate the proposed amendment in restated articles  
 11 of incorporation which contain a statement that except for the  
 12 designated amendment the restated articles of incorporation correctly  
 13 set forth without change the corresponding provisions of the articles  
 14 of incorporation as amended, and that the restated articles of incorporation  
 15 together with the designated amendment supersede the  
 16 original articles of incorporation and all prior amendments. Unless  
 17 otherwise provided in the articles of incorporation, upon the written  
 18 request of the holders of at least five percent of the shares entitled  
 19 to vote on amendments to articles of incorporation, the board of  
 20 directors shall adopt a resolution setting forth the amendment  
 21 proposed by such shareholders and directing that it be submitted to  
 22 the next meeting of the shareholders held not less than ninety days  
 23 after the date of the filing of the request of the shareholders with  
 24 the secretary of the corporation.

1 SEC. 12. Section four hundred ninety-six A point fifty-eight  
 2 (496A.58), subsections three (3) and five (5), Code 1971, are amended  
 3 to read as follows:

4 3. The date of the adoption of the amendment by the shareholders  
 5 *or by the board of directors where no shares have been issued.*  
 6 5. The number of shares voted for and against such amendment,  
 7 respectively, and, if the shares of any class are entitled to vote thereon  
 8 as a class, the number of shares of each such class voted for and against  
 9 such amendment, respectively *or if no shares have been issued, a*  
 10 *statement to that effect.*

1 SEC. 13. Section four hundred ninety-six A point sixty-one  
 2 (496A.61), subsection three (3), paragraph “c”, Code 1971, is amended  
 3 by striking the paragraph and inserting in lieu thereof the following:

4 c. The purpose which the corporation is authorized to pursue, or  
 5 that the purpose which the corporation is authorized to pursue is, or  
 6 include, the transaction of any or all lawful business for which the  
 7 corporation may be incorporated under this chapter.

1 SEC. 14. Section four hundred ninety-six A point seventy-two  
 2 (496A.72), subsection one (1), Code 1971, is amended to read as  
 3 follows:

4 1. Any corporation owning at least ~~ninety-five~~ *ninety* percent of  
 5 the outstanding shares of each class of another corporation may  
 6 merge such other corporation into itself without approval by a vote  
 7 of the shareholders of either corporation. Its board of directors shall,  
 8 by resolution, approve a plan of merger setting forth:

9 a. The name of the subsidiary corporation and the name of the  
 10 corporation owning at least ~~ninety-five~~ *ninety* percent of its shares,  
 11 which is hereinafter designated as the surviving corporation.

12 b. The manner and basis of converting the shares of the subsidiary  
 13 corporation into shares, *obligations* or other securities ~~or obligations~~  
 14 of the surviving corporation ~~or the cash or other consideration to be~~  
 15 ~~paid or delivered upon surrender of each share of the subsidiary~~  
 16 ~~corporation or of any other corporation, or in whole or in part, into~~  
 17 *cash or other property. A copy of such plan of merger shall be mailed*  
 18 *to each shareholder of record of the subsidiary corporation other than*  
 19 *the surviving corporation.*

20 A copy of such plan of merger shall be mailed to each shareholder  
 21 of record of the subsidiary corporation ~~other than the surviving~~  
 22 ~~corporation.~~

1 SEC. 15. Section four hundred ninety-six A point ninety-four  
 2 (496A.94), subsection one (1), Code 1971, is amended to read as  
 3 follows:

4 1. In a suit by a shareholder when it is established:

5 a. That the directors are deadlocked in the management of the  
 6 corporate affairs and the shareholders are unable to break the dead-  
 7 lock, and that irreparable injury to the corporation is being suffered  
 8 or is threatened by reason thereof; or

9 b. *That the shareholders are deadlocked in voting power, and have*  
 10 *failed, for a period which includes at least two consecutive annual*  
 11 *meeting dates, to elect successors to directors whose term has ex-*  
 12 *pired or would have expired upon the election of their successors; or*

13 c. That the acts of the directors or those in control of the  
 14 corporation are illegal, oppressive or fraudulent; or

15 d. That as shown by the proceedings at any meeting of the share-  
 16 holders the shareholders are deadlocked in voting power and that irre-  
 17 parable injury to the corporation is being suffered or is threatened by  
 18 reason thereof; or

19 e. That the corporate assets are being misapplied or wasted.

1 SEC. 16. Section four hundred ninety-six A point one hundred five  
 2 (496A.105), subsection three (3), unnumbered paragraph one (1),  
 3 Code 1971, is amended to read as follows:

4 Shall not be the same as, or deceptively similar to, the name of  
 5 any domestic corporation existing under the laws of this state or any  
 6 foreign corporation authorized to transact business in this state, or  
 7 a name the exclusive right to which is, at the time, reserved in the  
 8 manner provided in this chapter, or the name of a corporation which  
 9 has in effect a registration of its name as provided in this chapter,  
 10 or an assumed name which has been adopted by a domestic or a  
 11 foreign corporation for use in this state in the manner provided by  
 12 this chapter: *except that this provision shall not apply if the foreign*  
 13 *corporation applying for a certificate of authority files with the secre-*  
 14 *tary of state any one of the following:*

- 15     a. A resolution of its board of directors adopting an assumed name  
 16 for use in transacting business in this state which assumed name is  
 17 not deceptively similar to the name of any domestic corporation or of  
 18 any foreign corporation authorized to transact business in this state  
 19 or to any name reserved or registered as provided in this chapter.  
 20     b. The written consent of such other corporation or holder of a  
 21 reserved or registered name to use the same or deceptively similar  
 22 name and one or more words are added to make such name distin-  
 23 guishable from such other name.  
 24     c. A certified copy of a final decree of a court of competent juris-  
 25 diction establishing the prior right of such foreign corporation to  
 26 the use of such name in this state.

Approved April 22, 1972.

## CHAPTER 1110

### INSURANCE COMMISSIONER REPORT

#### H. F. 1117

AN ACT relating to the annual report of the commissioner of insurance.

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

1     SECTION 1. Section five hundred five point twelve (505.12), Code  
 2 1971, is amended to read as follows:  
 3     505.12 **Life insurance—annual report.** Before the first day of ~~May~~  
 4 *August* the commissioner of insurance shall make an annual report  
 5 to the governor of the general conduct and condition of the life insur-  
 6 ance companies doing business in the state, and include therein an  
 7 aggregate of the estimated value of all outstanding policies in each of  
 8 the companies, and in connection therewith prepare a separate abstract  
 9 thereof as to each company, and of all the returns and statements  
 10 made to him by them.

1     SEC. 2. Section five hundred five point thirteen (505.13), Code  
 2 1971, is amended to read as follows:  
 3     505.13 **Other insurance—annual report.** The commissioner shall  
 4 cause the information contained in the statements required of the com-  
 5 panies, other than life insurance, organized or doing business in the  
 6 state to be arranged in detail, and prepare the same for printing,  
 7 which report shall be made to the governor on or before the first day  
 8 of ~~May~~ *August* of each year.

Approved March 17, 1972.



## CHAPTER 1111

## UNFAIR INSURANCE PRACTICES

## H. F. 1141

AN ACT relating to unfair trade practices in the business of insurance and providing a penalty.

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

1 SECTION 1. Section five hundred seven B point two (507B.2),  
2 Code 1971, is amended to read as follows:

3 507B.2 **Definitions.** When used in this chapter:

4 1. "Person" shall mean any individual, corporation, association,  
5 partnership, reciprocal exchange, interinsurer, fraternal beneficiary  
6 association, and any other legal entity engaged in the business of  
7 insurance, including agents, brokers and adjusters. "Person" shall  
8 also mean any corporation operating under the provisions of chapter  
9 514 and any benevolent association as defined and operated under  
10 chapter 512A. For purposes of this Act, corporations operating  
11 under the provisions of chapter 514 and chapter 512A shall be deemed  
12 to be engaged in the business of insurance.

13 2. "Commissioner" shall mean the commissioner of insurance of  
14 this state.

15 3. "Insurance policy" or "insurance contract" shall mean any con-  
16 tract of insurance, indemnity, subscription, membership, suretyship,  
17 or annuity issued, proposed for issuance, or intended for issuance  
18 by any person.

1 SEC. 2. Section five hundred seven B point three (507B.3), Code  
2 1971, is amended to read as follows:

3 507B.3 **Unfair competition ~~or~~ and unfair and deceptive acts or**  
4 **practices prohibited.** No person shall engage in this state in any  
5 trade practice which is defined in this chapter as, or determined pur-  
6 suant to *section 507B.6* of this chapter to be, an unfair method of  
7 competition, or an unfair or deceptive act or practice in the business  
8 of insurance.

9 *The commissioner shall have power to examine and investigate*  
10 *into the affairs of every person engaged in the business of insurance*  
11 *in this state in order to determine whether such person has been or*  
12 *is engaged in any unfair method of competition or in any unfair or*  
13 *deceptive act or practice prohibited by this section.*

1 SEC. 3. Section five hundred seven B point four (507B.4), Code  
2 1971, is amended by striking the section and inserting in lieu thereof  
3 the following:

4 507B.4 **Unfair methods of competition and unfair or deceptive**  
5 **acts or practices defined.** The following are hereby defined as unfair  
6 methods of competition and unfair or deceptive acts or practices in  
7 the business of insurance:

8 1. Misrepresentations and false advertising of insurance policies.  
9 Making, issuing, circulating, or causing to be made, issued or circu-  
10 lated, any estimate, illustration, circular, statement, sales presenta-  
11 tion, omission, or comparison which does any of the following:

12 a. Misrepresents the benefits, advantages, conditions, or terms of  
13 any insurance policy.

- 14     b. Misrepresents the dividends or share of the surplus to be re-  
15     ceived on any insurance policy.
- 16     c. Makes any false or misleading statements as to the dividends or  
17     share of surplus previously paid on any insurance policy.
- 18     d. Is misleading or is a misrepresentation as to the financial condi-  
19     tion of any person, or as to the legal reserve system upon which any  
20     life insurer operates.
- 21     e. Uses any name or title of any insurance policy or class of insur-  
22     ance policies misrepresenting the true nature thereof.
- 23     f. Is a misrepresentation for the purpose of inducing or tending to  
24     induce the lapse, forfeiture, exchange, conversion, or surrender of  
25     any insurance policy.
- 26     g. Is a misrepresentation for the purpose of effecting a pledge or  
27     assignment of or effecting a loan against any insurance policy.
- 28     h. Misrepresents any insurance policy as being shares of stock.
- 29     2. False information and advertising generally. Making, publish-  
30     ing, disseminating, circulating or placing before the public, or caus-  
31     ing, directly or indirectly, to be made, published, disseminated, circu-  
32     lated, or placed before the public in a newspaper, magazine or other  
33     publication, or in the form of a notice, circular, pamphlet, letter or  
34     poster, or over any radio or television station, or in any other way,  
35     an advertisement, announcement or statement containing any asser-  
36     tion, representation, or statement with respect to the business of  
37     insurance or with respect to any person in the conduct of his insur-  
38     ance business, which is untrue, deceptive or misleading.
- 39     3. Defamation. Making, publishing, disseminating, or circulating,  
40     directly or indirectly, or aiding, abetting or encouraging the making,  
41     publishing, disseminating, or circulating of any oral or written state-  
42     ment or any pamphlet, circular, article or literature which is false,  
43     or maliciously critical of or derogatory to the financial condition of  
44     any person, and which is calculated to injure such person.
- 45     4. Boycott, coercion and intimidation. Entering into any agree-  
46     ment to commit, or by any concerted action committing, any act of  
47     boycott, coercion or intimidation resulting in or tending to result in  
48     unreasonable restraint of, or monopoly in, the business of insurance.
- 49     5. False statements and entries.
- 50     a. Knowingly filing with any supervisory or other public official,  
51     or knowingly making, publishing, disseminating, circulating or deliv-  
52     ering to any person, or placing before the public, or knowingly caus-  
53     ing directly or indirectly, to be made, published, disseminated, circu-  
54     lated, delivered to any person, or placed before the public, any false  
55     material statement of fact as to the financial condition of a person.
- 56     b. Knowingly making any false entry of a material fact in any  
57     book, report or statement of any person or knowingly omitting to  
58     make a true entry of any material fact pertaining to the business of  
59     such person in any book, report or statement of such person.
- 60     6. Stock operations and advisory board contracts. Issuing or deliv-  
61     ering or permitting agents, officers or employees to issue or deliver,  
62     agency company stock or other capital stock, or benefit certificates  
63     or shares in any common law corporation, or securities or any special  
64     or advisory board contracts or other contracts of any kind promising  
65     returns and profits as an inducement to insurance.

## 66 7. Unfair discrimination.

67 a. Making or permitting any unfair discrimination between indi-  
68 viduals of the same class and equal expectation of life in the rates  
69 charged for any contract of life insurance or of life annuity or in the  
70 dividends or other benefits payable thereon, or in any other of the  
71 terms and conditions of such contract.

72 b. Making or permitting any unfair discrimination between in-  
73 sureds of the same class for essentially the same hazard in the amount  
74 of premium, policy fees, or rates charged for any policy or contract  
75 of insurance other than life or in the benefits payable thereunder, or  
76 in any of the terms or conditions of such contract, or in any other  
77 manner whatever.

## 78 8. Rebates.

79 a. Except as otherwise expressly provided by law, knowingly per-  
80 mitting or offering to make or making any contract of life insurance,  
81 life annuity or accident and health insurance, or agreement as to  
82 such contract other than as plainly expressed in the contract issued  
83 thereon, or paying or allowing, or giving or offering to pay, allow,  
84 or give, directly or indirectly, as inducement to such insurance, or  
85 annuity, any rebate of premiums payable on the contract, or any  
86 special favor or advantage in the dividends or other benefits thereon,  
87 or any valuable consideration or inducement whatever not specified  
88 in the contract; or giving, or selling, or purchasing or offering to  
89 give, sell, or purchase as inducement to such insurance or annuity  
90 or in connection therewith, any stocks, bonds, or other securities of  
91 any insurance company or other corporation, association, or partner-  
92 ship, or any dividends or profits accrued thereon, or any thing of  
93 value whatsoever not specified in the contract.

94 b. Nothing in subsection seven (7) or paragraph a of this subsec-  
95 tion shall be construed as including within the definition of discrimi-  
96 nation or rebates any of the following practices:

97 (1) In the case of any contract of life insurance or life annuity,  
98 paying bonuses to policyholders or otherwise rebating their pre-  
99 miums in whole or in part out of surplus accumulated from nonpar-  
100 ticipating insurance, provided that any such bonuses or rebatement  
101 of premiums shall be fair and equitable to policyholders and for the  
102 best interests of the company and its policyholders.

103 (2) In the case of life insurance policies issued on the industrial  
104 debit plan, making allowance to policyholders who have continuously  
105 for a specified period made premium payments directly to an office  
106 of the insurer in an amount which fairly represents the saving in  
107 collection expenses.

108 (3) Readjustment of the rate of premium for a group insurance  
109 policy based on the loss or expense experienced thereunder, at the  
110 end of the first or any subsequent policy year of insurance there-  
111 under, which may be made retroactive only for such policy year.

112 9. Unfair claim settlement practices. Committing or performing  
113 with such frequency as to indicate a general business practice any of  
114 the following:

115 a. Misrepresenting pertinent facts or insurance policy provisions  
116 relating to coverages of issue.

117 b. Failing to acknowledge and act reasonably promptly upon com-  
118 munications with respect to claims arising under insurance policies.

- 119 c. Failing to adopt and implement reasonable standards for the  
 120 prompt investigation of claims arising under insurance policies.  
 121 d. Refusing to pay claims without conducting a reasonable inves-  
 122 tigation based upon all available information.  
 123 e. Failing to affirm or deny coverage of claims within a reasonable  
 124 time after proof of loss statements have been completed.  
 125 f. Not attempting in good faith to effectuate prompt, fair and  
 126 equitable settlements of claims in which liability has become reason-  
 127 ably clear.  
 128 g. Compelling insureds to institute litigation to recover amounts  
 129 due under an insurance policy by offering substantially less than the  
 130 amounts ultimately recovered in actions brought by such insureds.  
 131 h. Attempting to settle a claim for less than the amount to which  
 132 a reasonable man would have believed he was entitled by reference to  
 133 written or printed advertising material accompanying or made part  
 134 of an application.  
 135 i. Attempting to settle claims on the basis of an application which  
 136 was altered without notice to, or knowledge or consent of the insured.  
 137 j. Making claims payments to insureds or beneficiaries not accom-  
 138 panied by a statement setting forth the coverage under which pay-  
 139 ments are being made.  
 140 k. Making known to insureds or claimants a policy of appealing  
 141 from arbitration awards in favor of insureds or claimants for the pur-  
 142 pose of compelling them to accept settlements or compromises less  
 143 than the amount awarded in arbitration.  
 144 l. Delaying the investigation or payment of claims by requiring an  
 145 insured, claimant, or the physician of either to submit a preliminary  
 146 claim report and then requiring the subsequent submission of formal  
 147 proof of loss forms, both of which submissions contain substantially  
 148 the same information.  
 149 m. Failing to promptly settle claims, where liability has become  
 150 reasonably clear, under one portion of the insurance policy coverage  
 151 in order to influence settlements under other portions of the insur-  
 152 ance policy coverage.  
 153 n. Failing to promptly provide a reasonable explanation of the  
 154 basis in the insurance policy in relation to the facts or applicable law  
 155 for denial of a claim or for the offer of a compromise settlement.  
 156 10. Misrepresentation in insurance applications. Making false or  
 157 fraudulent statements or representations on or relative to an appli-  
 158 cation for an insurance policy, for the purpose of obtaining a fee,  
 159 commission, money, or other benefit from any insurer, agent, broker,  
 160 or individual.  
 161 11. Any violation of section five hundred fifteen A point sixteen  
 162 (515A.16) of the Code.

1 SEC. 4. Section five hundred seven B point five (507B.5), Code  
 2 1971, is amended by striking the section and inserting in lieu thereof  
 3 the following:

4 **507B.5 Favored agent or insurer—coercion of debtors.**

5 1. No person may do any of the following:

- 6 a. Require, as a condition precedent to the lending of money or  
 7 extension of credit, or any renewal thereof, that the person to  
 8 whom such money or credit is extended or whose obligation the  
 9 creditor is to acquire or finance, negotiate any policy or contract of

10 insurance through a particular insurer or group of insurers or agent  
11 or broker or group of agents or brokers.

12 b. Unreasonably disapprove the insurance policy provided by a  
13 borrower for the protection of the property securing the credit or  
14 lien.

15 c. Require directly or indirectly that any borrower, mortgagor,  
16 purchaser, insurer, broker, or agent pay a separate charge, in con-  
17 nection with the handling of any insurance policy required as secu-  
18 rity for a loan on real estate, or pay a separate charge to substitute  
19 the insurance policy of one insurer for that of another.

20 d. Use or disclose information resulting from a requirement that  
21 a borrower, mortgagor or purchaser furnish insurance of any kind  
22 on real property being conveyed or used as collateral security to a  
23 loan, when such information is to the advantage of the mortgagee,  
24 vendor, or lender, or is to the detriment of the borrower, mortgagor,  
25 purchaser, insurer, or the agent or broker complying with such a  
26 requirement.

27 2. Subsection one (1), paragraph c of this section does not include  
28 the interest which may be charged on premium loans or premium  
29 advancements in accordance with the security instrument.

30 3. For purposes of subsection one (1), paragraph b of this sec-  
31 tion, such disapproval shall be deemed unreasonable if it is not based  
32 solely on reasonable standards uniformly applied, relating to the  
33 extent of coverage required and the financial soundness and the serv-  
34 ices of an insurer. Such standards shall not discriminate against  
35 any particular type of insurer, nor shall such standards call for the  
36 disapproval of an insurance policy because such policy contains cov-  
37 erage in addition to that required.

38 4. If a violation of this section is found, the person in violation  
39 shall be subject to the same procedures and penalties as are appli-  
40 cable to other provisions of this chapter.

41 5. For purposes of this section, "person" includes any individual,  
42 corporation, association, partnership, or other legal entity.

1 SEC. 5. Section five hundred seven B point six (507B.6), subsec-  
2 tion one (1), Code 1971, is amended to read as follows:

3 1. Whenever the commissioner shall have reason to believe that  
4 any such person has been engaged or is engaging in this state in any  
5 unfair method of competition or any unfair or deceptive act or prac-  
6 tice *whether or not* defined in section 507B.4 or 507B.5, and that a  
7 proceeding by him in respect thereto would be to the interest of the  
8 public, he shall issue and serve upon such person a statement of the  
9 charges in that respect and a notice of a hearing thereon to be held  
10 at a time and place fixed in the notice, which shall not be less than  
11 ten days after the date of the service thereof.

1 SEC. 6. Section five hundred seven B point seven (507B.7), sub-  
2 section one (1), Code 1971, is amended to read as follows:

3 1. If, after such hearing, the commissioner shall determine that  
4 the *person charged has engaged in an unfair* method of competition  
5 *or the act or practice in question is defined in section 507B.4 and*  
6 *that the person complained of has engaged in such method of com-*  
7 *petition, act or practice in violation of this chapter or an unfair or*  
8 *deceptive act or practice*, he shall reduce his findings to writing and

9 shall issue and cause to be served upon the person charged with the  
 10 violation *a copy of such findings*, an order requiring such person to  
 11 cease and desist from engaging in such method of competition, act  
 12 or practice *and if the act or practice is a violation of section 507B.4*  
 13 *or 507B.5, the commissioner may at his discretion order any one or*  
 14 *more of the following:*

15 *a. Payment of a monetary penalty of not more than one thousand*  
 16 *dollars for each and every act or violation, but not to exceed an*  
 17 *aggregate of ten thousand dollars, unless the person knew or rea-*  
 18 *sonably should have known he was in violation of section five hun-*  
 19 *dred seven B point four (507B.4) or five hundred seven B point five*  
 20 *(507B.5) of the Code, in which case the penalty shall be not more*  
 21 *than five thousand dollars for each and every act or violation, but*  
 22 *not to exceed an aggregate penalty of fifty thousand dollars in any*  
 23 *one six month period. The commissioner shall, if he finds the vio-*  
 24 *lations of sections five hundred seven B point four (507B.4) or five*  
 25 *hundred seven B point five (507B.5) of the Code were directed, en-*  
 26 *couraged, condoned, ignored, or ratified by the employer of such per-*  
 27 *son, assess such fine to the employer and not such person.*

28 *b. Suspension or revocation of the license of a person as defined*  
 29 *in section five hundred seven B point two (507B.2), subsection one*  
 30 *(1) of the Code, if he knew or reasonably should have known he was*  
 31 *in violation of section five hundred seven B point four (507B.4) or*  
 32 *section five hundred seven B point five (507B.5) of the Code.*

1 SEC. 7. Section five hundred seven B point eight (507B.8), sub-  
 2 sections one (1) and three (3), Code 1971, are amended to read as  
 3 follows:

4 1. Any person ~~required by subject~~ to an order of the commis-  
 5 sioner under section 507B.7 ~~to cease and desist from engaging in any~~  
 6 ~~unfair method of competition or any unfair or deceptive act or prac-~~  
 7 ~~tice defined in sections 507B.3 and 507B.4 hereof, or section 507B.11~~  
 8 may obtain a review of such order by filing in the district court of  
 9 Polk county, within ten days from the date of the service of such  
 10 order, a written petition, duly sworn to, praying that the order of  
 11 the commissioner be set aside, and stating the specific grounds  
 12 thereof. If the court shall find that the grounds thus stated, if true,  
 13 might reasonably justify the modification of the commissioner's  
 14 order, it shall direct that a copy of such petition be forthwith served  
 15 upon the commissioner and thereupon the commissioner forthwith  
 16 shall certify and file in such court a transcript of the entire record  
 17 in the proceeding, including all the evidence taken and the report  
 18 and order of the commissioner. Upon such filing of the petition and  
 19 transcript such court shall have jurisdiction of the proceeding and  
 20 of the question determined therein, shall determine whether the filing  
 21 of such petition shall operate as a stay of such order of the commis-  
 22 sioner, and shall have power to make and enter upon the pleadings,  
 23 evidence, and proceedings set forth in such transcript a decree modi-  
 24 fying, affirming or reversing the order of the commissioner, in whole  
 25 or in part. The findings of the commissioner as to the facts, if sup-  
 26 ported by reasonable evidence, shall be conclusive.

27 3. ~~A cease and desist~~ An order issued by the commissioner under  
 28 section 507B.7 shall become final:

29 a. Upon the expiration of the time allowed for filing a petition for  
30 review if no such petition has been duly filed within such time; ex-  
31 cept that the commissioner may thereafter modify or set aside his  
32 order to the extent provided in section 507B.7, subsection 2; or

33 b. Upon the final decision of the court if the court directs that the  
34 order of the commissioner be affirmed or the petition for review dis-  
35 missed.

1 SEC. 8. Section five hundred seven B point ten (507B.10), Code  
2 1971, is amended to read as follows:

3 507B.10 **Judicial review by intervenor.** *If after any hearing*  
4 *under section 507B.7 or section 507B.11* the report of the commis-  
5 sioner does not charge a violation of this chapter, then any inter-  
6 venor in the proceedings may within ten days after the service of  
7 such report, cause a petition for writ of certiorari to be filed in the  
8 district court of Polk county for a review of such report. Upon such  
9 review, the court shall have authority to issue appropriate orders  
10 and decrees in connection therewith, including, if the court finds that  
11 it is to the interest of the public, orders enjoining and restraining  
12 the continuance of any method of competition, act or practice which  
13 it finds, notwithstanding such report of the commissioner, constitutes  
14 a violation of this chapter *and containing penalties pursuant to sec-*  
15 *tion 507B.7.*

1 SEC. 9. Section five hundred seven B point eleven (507B.11),  
2 Code 1971, is amended by striking the section and inserting in lieu  
3 thereof the following:

4 507B.11 **Penalty.** Any person who violates a cease and desist  
5 order of the commissioner under section five hundred seven B point  
6 seven (507B.7) of the Code, and while such order is in effect, may  
7 after notice and hearing and upon order of the commissioner be sub-  
8 ject at the discretion of the commissioner to any one or more of  
9 the following:

10 1. A monetary penalty of not more than ten thousand dollars for  
11 each and every act or violation.

12 2. Suspension or revocation of such person's license.

1 SEC. 10. Section five hundred seven B point twelve (507B.12),  
2 Code 1971, is amended by striking the section and inserting in lieu  
3 thereof the following:

4 507B.12 **Regulations.** The commissioner may, after notice and  
5 hearing, promulgate reasonable rules and regulations, as are neces-  
6 sary or proper to identify specific methods of competition or acts or  
7 practices which are prohibited by section five hundred seven B point  
8 four (507B.4) or five hundred seven B point five (507B.5) of the  
9 Code, but the regulations shall not enlarge upon or extend the provi-  
10 sions of such sections. Such regulations shall be subject to review  
11 in accordance with chapter seventeen A (17A) of the Code.

12 The powers vested in the commissioner by this chapter shall be  
13 additional to any other powers to enforce any penalties, fines or for-  
14 feitures authorized by law with respect to the methods, acts and  
15 practices hereby declared to be unfair or deceptive.

1 SEC. 11. Section five hundred seven B point nine (507B.9), Code  
2 1971, is repealed.

Approved April 21, 1972.

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## CHAPTER 1112

### DEFERRED COMPENSATION FOR GOVERNMENTAL EMPLOYEES

S. F. 470

AN ACT relating to deferred compensation for governmental employees.

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

1 SECTION 1. Chapter five hundred nine A (509A), Code 1971, is  
2 amended by adding the following new section:

3 "At the request of an employee the governing body shall by con-  
4 tractual agreement acquire an individual or group life insurance con-  
5 tract, annuity contract, security or any other deferred payment con-  
6 tract for the purpose of funding a deferred compensation program for  
7 an employee, from any company the employee may choose that is  
8 authorized to do business in this state and from any life underwriter  
9 duly licensed by this state or from any securities dealer or salesman  
10 registered in this state to contract business in this state. The deferred  
11 compensation program shall be administered so that the state comp-  
12 troller or his designees may remit one sum for the entire program  
13 according to a single billing.

14 The provisions of this Act shall be in addition to any benefit pro-  
15 gram provided by law for any employees of the state or any of its  
16 political subdivisions."

Approved April 22, 1972.

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## CHAPTER 1113

### IOWA INSURANCE GUARANTY ASSOCIATION

H. F. 1089

AN ACT relating to the Iowa Insurance Guaranty Association.

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

1 SECTION 1. Section five hundred fifteen B point one (515B.1), Code  
2 1971, is amended to read as follows:

3 **515B.1 Scope.** This chapter shall apply to all kinds of direct  
4 insurance *authorized to be written by an insurer licensed to operate*  
5 *in this state under chapter 515 or chapter 520, except life, title, surety,*



6 fidelity,\* disability *including accident and health*, credit, mortgage  
7 guaranty, and ocean marine insurance.

1 SEC. 2. Section five hundred fifteen B point two (515B.2), Code  
2 1971, is amended by striking the section and inserting in lieu thereof  
3 the following:

4 **515B.2 Definitions.** As used in this chapter unless the context  
5 otherwise requires:

6 1. "Association" means the Iowa insurance guaranty association  
7 created pursuant to section five hundred fifteen B point three (515B.3).

8 2. "Commissioner" means the commissioner of insurance of this  
9 state.

10 3. "Covered claim" means an unpaid claim, including one for un-  
11 earned premiums, which arises out of and is within the coverage of  
12 an insurance policy to which this chapter applies issued by an insurer,  
13 if such insurer becomes an insolvent insurer after July 1, 1970, and  
14 one of the following conditions exists:

15 a. The claimant or insured is a resident of this state at the time of  
16 the insured event.

17 b. The property from which the claim arises is permanently located  
18 in this state.

19 Such term does not include any amount due any reinsurer, insurer,  
20 insurance pool, or underwriting association, as subrogation recover-  
21 ies or otherwise.

22 4. "Insurer" means an insurer licensed to transact insurance busi-  
23 ness in this state under either chapter five hundred fifteen (515) or  
24 chapter five hundred twenty (520), either at the time the policy was  
25 issued or when the insured event occurred. It shall not include county  
26 or state mutual assessment associations licensed under chapter five  
27 hundred eighteen (518) or chapter five hundred eighteen A (518A),  
28 or fraternal beneficiary societies, orders or associations licensed under  
29 chapter five hundred twelve (512), or corporations operating nonprofit  
30 service plans under chapter five hundred fourteen (514), or life insur-  
31 ance companies or life, accident or health associations licensed under  
32 chapter five hundred eight (508) or chapter five hundred ten (510).

33 5. "Insolvent insurer" means an insurer as herein defined which  
34 has been determined to be insolvent by a court of competent juris-  
35 diction.

36 6. "Net direct written premiums" means direct gross premiums  
37 written in this state on insurance policies to which this chapter  
38 applies, less return premiums and dividends paid or credited to policy-  
39 holders on such direct business. Such term does not include premiums  
40 on contracts between insurers or reinsurers.

41 7. "Person" means any individual, corporation, partnership, associ-  
42 ation, or voluntary organization.

1 SEC. 3. Section five hundred fifteen B point three (515B.3), Code  
2 1971, is amended to read as follows:

3 **515B.3 Creation of the association.** There is created a nonprofit  
4 unincorporated legal entity to be known as the Iowa insurance guar-  
5 anty association. All ~~member~~ insurers as defined in section 515B.2,

\*Amendment not indicated in enrolled Act.

6 subsection 5\* shall be and remain members of the association as a  
 7 condition of their authority to transact insurance in this state. The  
 8 association shall perform its functions under a plan of operation  
 9 established and approved pursuant to section 515B.6 and shall exer-  
 10 cise its powers through a board of directors established under section  
 11 515B.4. *Except as otherwise provided in such plan of operation,*  
 12 *annual or special meetings of members of the association may be held*  
 13 *on call as directed by the association's board of directors or by the*  
 14 *commissioner of insurance, upon not less than ten days' written notice*  
 15 *by ordinary mail to each member at the member's principal office as*  
 16 *shown by the records in the commissioner's office, specifying the time*  
 17 *and place, and in the case of a special meeting, the purpose, of the*  
 18 *meeting. Members may vote in person or by proxy and ten members*  
 19 *present in person or by proxy shall constitute a quorum for the trans-*  
 20 *action of any business.*

1 SEC. 4. Section five hundred fifteen B point four (515B.4), un-  
 2 numbered paragraph one (1), Code 1971, is amended to read as fol-  
 3 lows:

4 The board of directors of the association shall consist of not less  
 5 than five nor more than nine persons serving terms as established in  
 6 the plan of operation. The members of the board shall be selected by  
 7 member insurers subject to the approval of the commissioner. Vacan-  
 8 cies on the board shall be filled for the remaining period of the term  
 9 ~~in the same manner as initial appointments~~ *by majority vote of the*  
 10 *remaining directors, subject to the approval of the commissioner. If*  
 11 *no members are selected within sixty days after July 1, 1970, the*  
 12 *commissioner may appoint the initial members of the board of direc-*  
 13 *tors.*

1 SEC. 5. Section five hundred fifteen B point seven (515B.7), sub-  
 2 section three (3), Code 1971, is amended to read as follows:

3 3. Any final action, *decision* or order of the commissioner under this  
 4 chapter shall be subject to judicial review in the *Polk county* district  
 5 court *by writ of certiorari on petition of any aggrieved person filed*  
 6 *within thirty days after the taking of such final action or the entry*  
 7 *of the decision or order appealed from. The court may stay the effect*  
 8 *of the action, decision, or order pending the appeal. The appeal shall*  
 9 *be heard on the record before the commissioner together with such*  
 10 *additional evidence as any party may produce. The court shall hear*  
 11 *the matter de novo and may modify, affirm, or reverse the action,*  
 12 *decision, or order appealed from in whole or in part.*

1 SEC. 6. Chapter five hundred fifteen B (515B), Code 1971, is  
 2 amended by adding the following new section:

3 "Actions against the association. Actions against the association  
 4 shall be brought against it in its own name in the Polk county district  
 5 court. Service of original notice in actions against the association  
 6 may be made on any officer thereof or upon the commissioner of insur-  
 7 ance on its behalf. The commissioner shall promptly transmit any  
 8 notice so served upon him to the association."

Approved March 24, 1972.

\*"4" probably intended.

## CHAPTER 1114

## STATE BANKS AND HOLDING COMPANIES

S. F. 1008

AN ACT relating to bank holding companies, bank offices, certain real estate loans by state banks, and fees paid by state banks for management, financial advice, consultation or services, and prescribing penalties for violations.

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

1 SECTION 1. Section five hundred twenty-four point nine hundred  
2 five (524.905), Code 1971, is amended as follows:

3 1. By inserting after existing subsection three (3) a new subsection  
4 to read as follows:

5 "A state bank may make loans secured by liens on real property  
6 repayable in one or more payments provided that the entire principal  
7 of any such loan shall mature in not more than five years from the  
8 date of the loan, but no such loan shall exceed fifty percent of the  
9 appraised value of the real property offered as security."

10 2. By amending subsection four (4), paragraph "a", to read as  
11 follows:

12 a. The terms of any such loan, except ~~a loan~~ loans made pursuant  
13 to subsection 3 of this section, *or section one (1), subsection one (1),*  
14 *of this Act*, shall require substantially equal payments of principal or  
15 principal and interest at successive intervals of not more than one  
16 year. In the case of any such loan which shall constitute a combined  
17 construction and permanent loan to finance farm buildings or single  
18 family and two family residences, the initial payment on the loan may  
19 be deferred for a period not to exceed one year from the date of the  
20 loan and, in the case of a combined construction and permanent loan to  
21 finance buildings or other improvements on industrial, manufacturing  
22 or commercial properties or residential properties housing more than  
23 two families, the initial payment on the loan may be deferred for a  
24 period not to exceed two years from the date of the loan.

25 3. By renumbering the succeeding subsections accordingly.

1 SEC. 2. Section five hundred twenty-four point eleven hundred  
2 six (524.1106), Code 1971, is amended to read as follows:

3 524.1106 Fees paid to an affiliate. ~~In any case where an affiliate~~  
4 ~~has a~~ Any contract or arrangement for management, financial advice,  
5 ~~consultation, or other or financial~~ services which involves payment for  
6 these services by a state bank to ~~an~~ a person who owns shares in that  
7 bank, or to any other affiliate, ~~the~~ must be approved by the superin-  
8 tendent prior to such contract or arrangement becoming binding upon  
9 the state bank, and may also be reviewed at any time after original  
10 approval. Any contract or arrangement for consultation or other  
11 services which involve payment of those services by a state bank to  
12 any person who individually or whose spouse or immediate family or  
13 any combination thereof owns fifteen percent or more of the out-  
14 standing shares of that bank or is an officer or director thereof, or to  
15 an affiliate may be reviewed by the superintendent. The superin-  
16 tendent shall have authority to determine whether or not such fees  
17 are reasonable in relation to the services to be performed and, if he  
18 determines they are unreasonable, to require that they be reduced to  
19 a reasonable amount or eliminated and the excess refunded, or that  
20 such contract or arrangement not be entered into by the state bank.

1     SEC. 3. Section five hundred twenty-four point twelve hundred  
2 one (524.1201), Code 1971, is amended by striking the section and in-  
3 sserting in lieu thereof the following:  
4     **524.1201 Powers of offices.** No bank shall open or maintain a  
5 branch bank. A state bank may establish and operate bank offices  
6 subject to approval and regulation of the superintendent and to the  
7 restrictions upon location and number imposed by section 524.1202.  
8 A bank office may furnish all banking services ordinarily furnished to  
9 customers and depositors at the principal place of business of the state  
10 bank which operates the office. The central executive and official busi-  
11 ness and principal record-keeping functions of a state bank shall be  
12 exercised only at its principal place of business, except that data proc-  
13 essing services referred to in section 524.804 may be performed for  
14 the state bank at some other point. All transactions of a bank office  
15 shall be immediately transmitted to the principal place of business of  
16 the state bank which operates the office, and no current record-keep-  
17 ing functions shall be maintained at a bank office except to the extent  
18 the state bank which operates the office deems it desirable to keep  
19 there duplicates of the records kept at the principal place of business  
20 of the state bank.

1     SEC. 4. Section five hundred twenty-four point twelve hundred two  
2 (524.1202), Code 1971, is amended by striking the section and insert-  
3 ing in lieu thereof the following:

4     **524.1202 Location of offices.** The location of any new bank office,  
5 or any change of location of a previously established bank office, shall  
6 be subject to the approval of the superintendent. No state bank shall  
7 establish a bank office outside the boundaries of the counties contiguo-  
8 us to or cornering upon the county in which the principal place of  
9 business of the state bank is located.

10     1. Except as otherwise provided in subsection two (2) of this sec-  
11 tion, no state bank shall establish a bank office in a municipal corpo-  
12 ration or unincorporated area in which there is already an established  
13 state or national bank or office, however the subsequent chartering  
14 and establishment of any state or national bank, through the opening  
15 of its principal place of business within the municipal corporation  
16 where the bank office is located, shall not affect the right of the bank  
17 office to continue in operation in that municipal corporation.

18     2. A state bank located in a municipal corporation may establish  
19 not more than two bank offices within the boundaries of the municipal  
20 corporation, each of which shall have adequate off-street parking as  
21 determined by the superintendent, and may also have facilities to  
22 serve pedestrian customers. A state bank located in a municipal  
23 corporation, or in an urban complex composed of two or more Iowa  
24 municipal corporations each of which is contiguous to or corners upon  
25 at least one of the other municipal corporations within the complex,  
26 having a population of over 50,000 according to the most recent fed-  
27 eral census may establish two such offices within the boundaries of  
28 the municipal corporation or urban complex; if the municipal corpora-  
29 tion or urban complex has a population of over 100,000 but not over  
30 200,000, the state bank may establish three such offices within the  
31 boundaries of the municipal corporation or urban complex; if the mu-  
32 nicipal corporation or urban complex has a population of over 200,000,  
33 the state bank may establish four such offices within the boundaries

34 of the municipal corporation or urban complex. Such a facility  
 35 located in the proximity of a state bank's principal place of business  
 36 may be found by the superintendent to be an integral part of the  
 37 principal place of business, and not a bank office within the meaning  
 38 of this section.

1 SEC. 5. Section five hundred twenty-four point twelve hundred  
 2 three (524.1203), Code 1971, is amended to read as follows:

3 **524.1203 Cancellation of approval of offices.** Whenever an exami-  
 4 nation by the superintendent or other supervisory agencies discloses  
 5 that the operation of a bank office ~~or parking lot office~~ is being con-  
 6 ducted in violation of section 524.1201, the superintendent may forth-  
 7 with revoke the approval of the bank office ~~or parking lot office~~.

1 SEC. 6. Chapter five hundred twenty-four (524), Code 1971, is  
 2 amended by adding to Division twelve (XII) the following new sec-  
 3 tion:

4 "The privileges extended to state banks by sections five hundred  
 5 twenty-four point twelve hundred one (524.1201) and five hundred  
 6 twenty-four point twelve hundred two (524.1202) of the Code shall  
 7 be available on the same conditions to national banks to the extent  
 8 they are so authorized by federal law."

1 SEC. 7. As used in sections seven (7) through thirteen (13) of  
 2 this Act, "Bank Holding Company" means any corporation, business  
 3 trust, voting trust, association, partnership, joint venture, or sim-  
 4 ilar organization, other than an individual, which directly or indi-  
 5 rectly owns or controls twenty-five percent or more of the voting  
 6 shares of each of two or more banks or of a company which is a bank  
 7 holding company by virtue of this section, or which controls in any  
 8 manner the election of a majority of the directors of each of two  
 9 or more banks, or for the benefit of whose shareholders or members  
 10 twenty-five percent or more of the voting shares of each of two or  
 11 more banks or of a company which is a bank holding company by  
 12 virtue of this section is held by trustees. However, no company shall  
 13 be a bank holding company solely by virtue of its ownership or control  
 14 of shares:

- 15 1. In a fiduciary capacity arising in the ordinary course of business.
- 16 2. Acquired by it in connection with its underwriting of bank  
 17 shares and held only for such period of time as will permit sale of the  
 18 shares upon a reasonable basis.
- 19 3. Acquired and held in the ordinary course of securing or collect-  
 20 ing a debt previously contracted in good faith.

1 SEC. 8. No bank holding company shall directly or indirectly ac-  
 2 quire ownership or control of more than twenty-five percent of the  
 3 voting shares of any bank, or the power to control in any manner  
 4 the election of a majority of the directors of any bank, if upon such  
 5 acquisition the banks so owned or controlled by the bank holding com-  
 6 pany would have, in the aggregate, more than eight percent of the  
 7 total deposits, both time and demand, of all banks in this state, as  
 8 determined by the superintendent on the basis of the most recent re-  
 9 ports of the banks in the state to their supervisory authorities which  
 10 are available at the time of the acquisition.

1 SEC. 9. No bank holding company shall make any offer to pur-  
2 chase or acquire, directly or indirectly, the voting shares of any state  
3 or national bank without extending the same offer to the owners of  
4 all outstanding shares of the bank not owned or controlled by the  
5 holding company. The refusal of any shareholder to accept the offer  
6 shall not be a bar to purchase or acquisition of the shares of any other  
7 shareholder if all other pertinent requirements of this Act have been  
8 met by the bank holding company.

1 SEC. 10. Any bank holding company, or firm which would thereby  
2 become a bank holding company, which proposes to directly or indi-  
3 rectly acquire ownership or control of the voting shares of any bank,  
4 and which upon such acquisition would own or control more than  
5 twenty-five percent of the voting shares of the bank, shall provide to  
6 the superintendent a copy of any original application to the board of  
7 governors of the federal reserve system for permission to take such  
8 action, and a copy of any subsequent amendment thereto, at the same  
9 time the application or amendment is transmitted to the federal re-  
10 serve system. The superintendent may conduct such investigation  
11 into and evaluation of the proposed action as he deems necessary and  
12 appropriate, and may submit to the federal reserve board any infor-  
13 mation so obtained together with his own comments or recommenda-  
14 tions regarding the proposed acquisition.

1 SEC. 11. Nothing in this division shall be construed to authorize a  
2 bank holding company which is with respect to the state of Iowa an  
3 "out-of-state bank holding company", as defined or referred to in 12  
4 U.S.C. 1842(d), as amended to January 1, 1971, to acquire any of the  
5 voting shares of, any interest in, all or substantially all of the assets  
6 of, or power to control in any manner the election of any of the direc-  
7 tors of any bank in this state, unless such bank holding company was  
8 on January 1, 1971 registered with the federal reserve board as a bank  
9 holding company, and on that date owned at least two banks in this  
10 state.

1 SEC. 12. If any individual is a director or an officer, or both, of  
2 a bank holding company, or of a bank which is owned or controlled  
3 by a bank holding company in any manner, and to the extent, specified  
4 by section seven (7) of this Act, such individual shall also be deemed  
5 to be a director or an officer, or both, as the case may be, of each bank  
6 so owned or controlled by that bank holding company, for the purposes  
7 of sections five hundred twenty-four point six hundred twelve  
8 (524.612), five hundred twenty-four point six hundred thirteen  
9 (524.613) and five hundred twenty-four point seven hundred six  
10 (524.706) of the Code.

1 SEC. 13. Any bank holding company which willfully violates any  
2 provision of sections seven (7) through twelve (12) of this Act shall,  
3 upon conviction, be fined not less than one hundred dollars nor more  
4 than one thousand dollars for each day during which the violation con-  
5 tinues. Any individual who willfully participates in a violation of any  
6 provisions of sections seven (7) through twelve (12) of this Act shall  
7 be guilty of a misdemeanor and, upon conviction thereof, shall be  
8 subject to imprisonment in the county jail for a period not exceeding  
9 one year or a fine not exceeding one thousand dollars, or both.

1 SEC. 14. Sections seven (7) through thirteen (13) of this Act shall  
2 constitute a new division of chapter five hundred twenty-four (524)  
3 of the Code, which division shall be entitled "bank holding companies".

1 SEC. 15. Section five hundred twenty-four point five hundred nine-  
2 teen (524.519), subsection one (1), Code 1971, is amended to read as  
3 follows:

4 **524.519 Change of control—shares as security—reports.**

5 1. Whenever ~~a change occurs in the ownership~~ any person proposes  
6 to purchase or otherwise acquire directly or indirectly any of the out-  
7 standing shares of a state bank which will, and the proposed purchase  
8 or acquisition would result in control or in a change in control of  
9 a state the bank, the person proposing to purchase or acquire the  
10 shares shall first apply in writing to the superintendent for a certifi-  
11 cate of approval for the proposed change of control. The superin-  
12 tendent shall grant the certificate if he is satisfied that the person who  
13 proposes to obtain control of the bank is qualified by character, expe-  
14 rience and financial responsibility to control and operate the bank in  
15 a sound and legal manner, and that the interests of the depositors,  
16 creditors and shareholders of the bank, and of the public generally,  
17 will not be jeopardized by the proposed change of control. If the  
18 proposed purchaser or acquirer is a bank holding company as defined  
19 by section seven (7) of this Act, it shall comply with section ten (10)  
20 of this Act in lieu of seeking a certificate of approval under this sub-  
21 section. In any situation where he has reason to believe any of the  
22 foregoing requirements have not been complied with, it shall be the  
23 duty of the president or cashier ~~shall~~ of a bank to promptly report in  
24 writing such facts to the superintendent upon obtaining knowledge  
25 thereof. As used in this section, the term control means the power,  
26 directly or indirectly, to elect the board of directors. If there is any  
27 doubt as to whether a change in the ownership of the outstanding  
28 shares is sufficient to result in control thereof, or to effect a change  
29 in the control thereof, such doubt shall be resolved in favor of report-  
30 ing the facts to the superintendent.

Approved March 9, 1972.

## CHAPTER 1115

## INSTALLMENT LOANS BY BANKS

H. F. 1143

AN ACT relating to installment loans by state banks.

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

1 SECTION 1. Section five hundred twenty-four point nine hundred  
2 six (524.906), subsection one (1), paragraphs "a" and "b", Code 1971,  
3 are amended to read as follows:

4 a. At a rate not to exceed six dollars per annum upon each one  
5 hundred dollars actually loaned to the customer. In addition to the  
6 amount actually loaned, the charge may be included in the total  
7 amount of the loan. The terms of any loan for which a charge is  
8 made pursuant to this paragraph shall require substantially equal  
9 installments at successive intervals of not more than one year in  
10 amounts sufficient to amortize the entire loan, including charges, with-  
11 in a period of not more than five *fifteen* years provided, however, that  
12 the first installment may be deferred to not more than fifteen months  
13 from the date of the loan.

14 b. At a rate not to exceed one percent per month computed on  
15 unpaid principal balances. A state bank may receive such charge by  
16 crediting each installment whenever received, first to the charge at  
17 the monthly rate contracted for and the remainder to principal until  
18 the loan is fully paid, or the state bank may compute the total charge  
19 which would be earned at the monthly rate contracted for if the loan  
20 were repaid according to its terms and each installment were applied  
21 first to the charge and then to principal, and include such total charge  
22 in the total amount of the loan. The terms of any loan for which a  
23 charge is made pursuant to this paragraph shall require substantially  
24 equal installments at successive intervals of not more than one month  
25 in amounts sufficient to amortize the entire loan, including charges,  
26 within the period ending on the date of its maturity which shall not  
27 exceed five *fifteen* years provided, however, that installments may be  
28 deferred or omitted on a seasonal basis. If the total charge is included  
29 in the total amount of the loan as provided for in this paragraph, a  
30 first interval of not less than fifteen nor more than forty-five days  
31 may be treated as a monthly interval.

1 SEC. 2. Section five hundred twenty-four point nine hundred six  
2 (524.906), subsection six (6), Code 1971, is amended to read as fol-  
3 lows:

4 ~~6. The total amount loaned to any one customer for which a charge~~  
5 ~~is made pursuant to this section shall not, at any one time, exceed ten~~  
6 ~~thousand dollars excluding charges permitted by this section. For~~  
7 ~~any portion of one or more loans to one customer in excess of ten~~  
8 ~~thousand dollars, the charge which the state bank may make shall be~~  
9 ~~governed by law other than this section. No state bank shall have~~  
10 ~~outstanding loans subject to this section in an aggregate amount ex-~~  
11 ~~ceeding twenty-five percent of its total assets.~~

Approved April 21, 1972.



## CHAPTER 1116

## SAVINGS AND LOAN ASSOCIATIONS

## H. F. 1047

AN ACT relating to the lending and investing powers of savings and loan associations.

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

1 SECTION 1. Section five hundred thirty-four point nineteen  
2 (534.19), subsection eleven (11), Code 1971, is amended to read as  
3 follows:

4 11. Purchase of contracts. Any such association may buy and sell  
5 vendors' real estate contracts; provided, however, that all such con-  
6 tracts shall contain forfeiture provisions as provided for in chapter  
7 656, and provided further that the requirements for loans as set forth  
8 in section 534.21 shall be applicable to making and buying of such  
9 contracts, except that at the time of purchase of such vendors' con-  
10 tracts the association shall not purchase any such contract for more  
11 than ninety percent of the value of the real estate therein described  
12 appraised as required by section 534.21. No association shall here-  
13 after invest more than fifteen percent of its assets in such vendors'  
14 contracts authorized by this subsection. Said fifteen percent shall be  
15 considered as included within the ~~thirty~~ forty percent of assets lend-  
16 ing power set out hereinafter.

1 SEC. 2. Section five hundred thirty-four point nineteen (534.19),  
2 subsection fifteen (15), Code 1971, as amended by chapter two hun-  
3 dred fifty (250), section four (4), Acts of the Sixty-fourth General  
4 Assembly, First Session, is amended to read as follows:

5 15. Service corporations. Any association shall have the power to  
6 organize and own, alone or with any other similar corporation, a  
7 service corporation for the mutual good of said corporations. An  
8 association may invest in capital stock, obligations, or other securities  
9 of service corporations in an amount not to exceed five percent of  
10 the association's assets. *The supervisor of state chartered associations*  
11 *shall have the right to examine said service corporations.*

1 SEC. 3. Section five hundred thirty-four point thirty-eight  
2 (534.38), Code 1971, is amended to read as follows:

3 **534.38 Approval by members.** Such plan shall be submitted to the  
4 members of both associations, either at the regular meeting or at  
5 special meetings called for that purpose, and if approved by a vote  
6 of ~~three-fourths~~ *fifty-one percent* of the members of each association,  
7 voted in person or by proxy at said meeting, the same shall then be  
8 filed in the office of the auditor of state, who shall issue a certificate  
9 authorizing the consolidation.

Approved April 21, 1972.

## CHAPTER 1117

## REAL ESTATE INVESTMENT TRUST INTEREST RATE

H. F. 254

AN ACT relating to the rate of interest which may be paid by a real estate investment trust.

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

1 SECTION 1. Section five hundred thirty-five point two (535.2),  
2 subsection two (2), Code 1971, is amended as follows:

3 2. Any domestic or foreign corporation or real estate investment  
4 trust as defined in section 856 of the Internal Revenue Code may  
5 agree in writing to pay any rate of interest in excess of the rate  
6 prescribed in subsection 1 hereof, and no such corporation or real  
7 estate investment trust so agreeing in writing shall plead or inter-  
8 pose the claim or defense of usury in any action or proceeding.

Approved February 11, 1972.

## CHAPTER 1118

## BONDED WAREHOUSES

H. F. 1272

AN ACT relating to bonded warehouses.

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

1 SECTION 1. Section five hundred forty-three point one (543.1),  
2 Code 1971, is amended by striking subsection eight (8) and inserting  
3 in lieu thereof the following:

4 8. "Warehouseman" means any person engaged in the business of  
5 operating a warehouse for the storing, shipping, handling or process-  
6 ing of agricultural products.

1 SEC. 2. Section five hundred forty-three point one (543.1), Code  
2 1971, is amended by adding the following new subsections:

3 1. "'Unlicensed warehouseman' means a warehouseman who retains  
4 grain in his warehouse not to exceed ten days and is not licensed under  
5 the provisions of this chapter or Title VII, U.S.C.A."

6 2. "'Scale weight ticket' means a load slip or other evidence, other  
7 than a receipt, given to a depositor by a warehouseman licensed under  
8 this chapter upon initial delivery of the agricultural product to the  
9 warehouse."

10 3. "'Depositor' means any person who deposits an agricultural  
11 product in a warehouse for storage, handling, or shipment, or who  
12 is the owner or legal holder of an outstanding warehouse receipt, or  
13 who is lawfully entitled to possession of the agricultural product."

14 4. "'Station' means a warehouse located more than three miles from  
15 the central office of the warehouse or in a different city or town than  
16 the central office."

17 5. "Warehouseman's obligation' means a sufficient quantity and  
 18 quality of grain or other products for which a warehouseman is  
 19 licensed including company owned grain and grain of depositors as  
 20 the warehouseman's records indicate. For an unlicensed warehouse-  
 21 man it means a sufficient quantity and quality to cover company owned  
 22 and all deposits of grain for which actual payment has not been made.  
 23 At no time may a warehouseman have less grain in his warehouse  
 24 than his obligations to depositors, as determined by investigation of  
 25 the warehouseman's records."

1 SEC. 3. Section five hundred forty-three point four (543.4), Code  
 2 1971, is amended to read as follows:

3 543.4 **Issuance of license.** The commission is authorized, upon  
 4 application to it, to issue to any warehouseman or to any person about  
 5 to become a warehouseman a license or licenses for the operation of  
 6 a warehouse or warehouses in accordance with the provisions of this  
 7 chapter and such rules and regulations as may be made by the com-  
 8 mission under the authority of section 543.3. A single license may  
 9 be issued for the operation of two or more warehouses located in the  
 10 same city or town and operated by the same warehouseman. Licenses  
 11 to a warehouseman to operate two or more warehouses located in dif-  
 12 ferent cities or towns may be issued under a single application but a  
 13 separate license shall be issued for such operation in each city or  
 14 town. *A license to operate two or more warehouses located in differ-*  
 15 *ent cities or towns within a twenty-five mile radius of a central office*  
 16 *may be issued under a single application, but a separate fee shall be*  
 17 *charged for each station.*

1 SEC. 4. Section five hundred forty-three point thirteen (543.13),  
 2 unnumbered paragraph one (1), Code 1971, is amended to read as  
 3 follows:

4 Each bond required under section 543.12 shall be in such form and  
 5 shall contain such reasonable terms and conditions for the protection  
 6 of the public as the commission shall prescribe, and shall be endorsed  
 7 as surety by a bonding company authorized to do business in this  
 8 state. No bond shall be canceled by the surety on less than ninety  
 9 days' notice by certified mail to the commission and the principal. *In*  
 10 *no event, shall the liability of the surety on any bond required by sec-*  
 11 *tion 543.12 accumulate for each successive license period during which*  
 12 *the bond is in force. The liability of the surety shall be limited in the*  
 13 *aggregate to the face amount of the bond.*

1 SEC. 5. Section five hundred forty-three point thirteen (543.13),  
 2 subsection three (3), Code 1971, is amended to read as follows:

3 3. If the agricultural products intended to be stored by the ware-  
 4 houseman, as specified in his application for a license or an amended  
 5 license, include both bulk grain and other agricultural products the  
 6 minimum amount of the bond shall be the total of the minimum  
 7 amount which would have been required for the exclusive storage of  
 8 the bulk grain plus the minimum amount which would have been re-  
 9 quired for the exclusive storage of the agricultural products other  
 10 than bulk grain. One bond, cumulative as to minimum requirements,  
 11 may be accepted from a warehouseman operating warehouses in two  
 12 or more cities or towns. Notwithstanding any other provisions of this  
 13 chapter, the bond provided in this section shall cover all bulk grain

14 deposited with a licensed warehouseman, *whether under open storage*  
15 *or warehouse receipts.*

1 SEC. 6. Section five hundred forty-three point seventeen (543.17),  
2 Code 1971, is amended by striking the section and inserting in lieu  
3 thereof the following:

4 **543.17 Receiving bulk grain at licensed and unlicensed warehouses.**

5 1. Any grain which has been received at any licensed warehouse  
6 for which the actual sale price is not fixed and proper documentation  
7 made or payment made shall be construed to be grain held for storage  
8 within the meaning of this chapter. Grain may be held in open stor-  
9 age or placed on warehouse receipt. Actual payment shall be made  
10 on all priced grain, or warehouse receipts shall be issued for all grain  
11 held in open storage, within six months of delivery to the warehouse,  
12 unless the depositor has signed a statement that he does not desire a  
13 warehouse receipt. Such grain shall then be considered as open stor-  
14 age. Any deposit of grain for which the price has not been fixed and  
15 properly documented within thirty days from delivery to the ware-  
16 house shall be deemed as storage. The warehouseman's tariff shall  
17 apply for any grain that is retained in open storage or under ware-  
18 house receipt.

19 Bulk grain deposited with a licensed warehouseman for processing,  
20 cleaning, drying, shipping for the account of the depositor or any  
21 other purpose shall be removed within thirty days or such grain shall  
22 be determined as stored grain and the warehouseman's tariff charges  
23 shall apply.

24 Grain received on a scale ticket which fails to have the price fixed  
25 and properly documented on the records of the warehouseman shall be  
26 construed to be in open storage and shall be covered by the ware-  
27 houseman's bond within the provisions of this chapter.

28 All grain whether open storage or having been placed on warehouse  
29 receipt shall be covered by the warehouseman's bond as required  
30 under the provisions of this chapter.

31 2. Notwithstanding any provisions of this section, a written agree-  
32 ment may be made within thirty days of first delivery of any bulk  
33 grain to a licensed warehouseman that payment will be deferred to a  
34 future date. Such agreement shall contain a statement informing the  
35 seller that the warehouseman shall not be required to carry insurance  
36 or bond on such grain for the benefit of the seller and that the pay-  
37 ment for such grain becomes a common claim against the warehouse-  
38 man.

39 The agreement in addition to such other information as may be  
40 required shall contain the following:

- 41 a. The seller's or depositor's name and address.
- 42 b. The conditions of delivery.
- 43 c. The amount and kind of grain delivered.
- 44 d. The price per bushel or basis of value.
- 45 e. The date payment is to be made.

46 Such agreement must be numbered and signed by both parties and  
47 executed in triplicate. One copy shall be retained by the warehou-  
48 seman, one copy shall be delivered to the seller and one copy shall be  
49 forwarded to the commission within five days from execution of such  
50 agreement.

51 Grain received under a deferred payment contract under the pro-  
52 visions of this section shall not be deemed as stored grain.

53 Any grain which has been received at any unlicensed warehouse  
54 and for which the actual sale price has not been fixed and payment  
55 made within ten days from receipt of the grain, shall be construed to  
56 be grain held for storage within the meaning of this chapter. Bulk  
57 grain received at any unlicensed warehouse for any other purpose  
58 must either be returned to the depositor or disposed of by order of  
59 the depositor within ten days from date of actual deposit of the bulk  
60 grain.

61 If the depositor of bulk grain in an unlicensed warehouse fails to  
62 sell the grain or orders other disposition of the grain, the warehouse-  
63 man may purchase the grain on the tenth day after deposit at not less  
64 than the local market price at the close of business on the tenth day  
65 or return the grain to the depositor by the tenth day.

1 SEC. 7. Section five hundred forty-three point thirty-three  
2 (543.33), subsections three (3) and four (4), Code 1971, are  
3 amended to read as follows:

4 3. For the renewal or extension of each license, twenty-four dollars  
5 *per station*.

6 4. For the issuance of a license, two dollars for each month or frac-  
7 tion thereof of the period of time for which such license is issued *per*  
8 *station*.

1 SEC. 8. Section five hundred forty-three point nine (543.9), Code  
2 1971, is repealed.

Approved April 21, 1972.

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## CHAPTER 1119

### DEPARTMENT OF ENVIRONMENTAL QUALITY

S. F. 85

AN ACT creating a department of environmental quality, specifying its powers, duties, and functions, and providing penalties for violations thereof.

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

#### DIVISION I

1 SECTION 1. When used in this Act, unless the context otherwise  
2 requires:

3 1. "Department" means the department of environmental quality.

4 2. "Executive director" means the executive director of the depart-  
5 ment of environmental quality or his designee.

6 3. "Executive committee" means the executive committee of the  
7 department of environmental quality.

1 SEC. 2. There is created a department of environmental quality.  
2 The chief administrative officer of the department shall be the execu-  
3 tive director of environmental quality, who shall be appointed by the

4 governor, with the approval of two-thirds of the members of the sen-  
5 ate, and serve at his pleasure.

6 The executive director shall be selected on the basis of his admin-  
7 istrative abilities. The salary of the executive director shall be initi-  
8 ally established by the governor, but it shall not exceed twenty-five  
9 thousand dollars per annum and, thereafter, it shall be determined  
10 by the general assembly. The appointment or removal of the execu-  
11 tive director shall not be subject to the provisions of chapter nineteen  
12 A (19A) of the Code.

1 SEC. 3. The executive director shall:

2 1. Recommend to the executive committee the adoption of rules and  
3 regulations that are necessary for the effective administration of the  
4 department.

5 2. Recommend to the appropriate commission within the depart-  
6 ment the adoption of rules and regulations to implement the pro-  
7 grams and services assigned to them.

8 3. Direct and administer the programs and services of the depart-  
9 ment in compliance with the rules and regulations adopted by the exec-  
10 utive committee and the commissions.

11 4. Perform other duties assigned by the executive committee.

12 5. Establish or reorganize, with the approval of the executive com-  
13 mittee, the administrative structure of the department.

14 6. Contract, with the approval of the executive committee, with  
15 public agencies of this state to provide all laboratory, scientific field  
16 measurement and environmental quality evaluation services neces-  
17 sary to implement the provisions of this Act. If the executive direc-  
18 tor finds that public agencies of this state cannot provide the labora-  
19 tory, scientific field measurement and environmental evaluation serv-  
20 ices required by the department, he may contract, with the approval  
21 of the executive committee, with any other public or private persons  
22 or agencies for such services.

23 7. Prepare, on or before the first of September of each even-num-  
24 bered year, the departmental budget request for each fiscal year of the  
25 ensuing biennium on the forms furnished, and including the informa-  
26 tion required, by the state comptroller.

27 The executive director may appoint, with the approval of the exec-  
28 utive committee, the technical, professional, secretarial, and clerical  
29 staff necessary to accomplish the purposes of this Act, subject to the  
30 provisions of chapter nineteen A (19A) of the Code.

31 The executive director may appoint a member of his staff to be  
32 acting director in his absence. Such acting executive director shall  
33 have the powers delegated to him by the executive director.

34 The executive director and other employees of the department shall  
35 receive, in addition to salary, their necessary traveling and related  
36 expenses when engaged in the performance of official business.

1 SEC. 4. There are created within the department the air quality  
2 commission, the water quality commission, the chemical technology  
3 commission, and the solid waste disposal commission. Each commis-  
4 sion shall establish policy for the programs and services assigned to  
5 it. The membership of the commissions shall be as follows:

6 1. The air quality commission shall consist of the president of the  
7 Iowa medical society or his designee and the following four members

8 appointed by the governor with the consent of two-thirds of the sen-  
9 ate:

10 a. A member actively engaged in diversified farming.

11 b. A member actively engaged in the management of a privately-  
12 owned manufacturing company.

13 c. Two members who are electors of the state.

14 2. The water quality commission shall consist of the chairman of  
15 the Iowa development commission or his designee and the following  
16 four members appointed by the governor with the consent of two-  
17 thirds of the senate:

18 a. A member actively engaged in diversified farming.

19 b. A member actively engaged in the management of a privately-  
20 owned manufacturing company.

21 c. Two members who are electors of the state.

22 3. The solid waste disposal commission shall consist of the presi-  
23 dent of the Iowa engineering society or his designee and the follow-  
24 ing four members appointed by the governor with the consent of two-  
25 thirds of the senate:

26 a. A member actively engaged in diversified farming.

27 b. A member actively engaged in the management of a privately-  
28 owned manufacturing company.

29 c. Two members who are electors of the state.

30 4. The chemical technology commission shall consist of the secre-  
31 tary of agriculture, the commissioner of public health, the director of  
32 the Iowa natural resources council, the chairman of the state soil  
33 conservation committee, the chief executive of the league of Iowa  
34 municipalities, the state conservation director, and the dean, college  
35 of agriculture of Iowa state university of science and technology, or  
36 their designees, a representative of a firm in Iowa actively engaged  
37 in the manufacture or formulation of agricultural chemicals, and a  
38 farmer experienced in the application of agricultural chemicals to be  
39 appointed by the governor with the consent of two-thirds of the sen-  
40 ate. The members appointed by the governor shall serve four-year  
41 terms, except that of the membership of the initial commission, the  
42 members appointed by the governor shall be the appointed members  
43 of the chemical technology review board abolished by this Act, whose  
44 terms expired on the thirtieth of June, 1974. The terms of these two  
45 members shall expire on the thirtieth of June, 1974.

46 Any commission member appointed by the governor may be re-  
47 moved by him for cause. The members of each commission shall be  
48 electors of the state. The term of office of each appointed member  
49 shall be four years, except that of the initial membership of the air  
50 quality commission, the water quality commission, and the solid waste  
51 disposal commission, the two members appointed to represent the gen-  
52 eral public shall be appointed to two-year terms. The term of office  
53 of each member shall commence on the first day of July of the year  
54 of the appointment except that the term of office of the initial mem-  
55 bership of the air quality commission, the water quality commission,  
56 and the solid waste disposal commission shall be computed as if such  
57 appointments were made effective July 1, 1972. Vacancies occurring  
58 during a term of office shall be filled by appointment for the balance  
59 of the unexpired term subject to the consent of two-thirds of the sen-

60 ate. No appointive member shall be appointed to serve more than  
61 two consecutive four-year terms.

62 Each commission shall meet at least four times a year. Other meet-  
63 ings shall be called by the chairman or upon written request of a  
64 majority of the members of the commission. The chairman shall  
65 preside at all meetings or in his absence the vice chairman shall pre-  
66 side. The executive director shall attend the meetings of the commis-  
67 sions and act as secretary for them. The members of each commis-  
68 sion shall be paid a per diem of thirty dollars while in session, ten  
69 cents a mile for travel, and their reasonable and necessary expenses  
70 while attending such meetings.

71 A majority of each commission shall constitute a quorum and the  
72 concurrence of a majority of a commission shall be required to deter-  
73 mine any matter relating to its duties.

1 SEC. 5. Each commission shall:

2 1. Organize annually and select a chairman and vice chairman.

3 2. Establish policy for the implementation of all programs under  
4 its jurisdiction.

5 3. Advise, consult, and cooperate with other commissions within  
6 the department, other agencies of the state, political subdivisions, and  
7 any other public or private agency to promote the orderly, efficient,  
8 and effective accomplishment of its responsibilities. Each commis-  
9 sion may request the assistance or advice of any public or private  
10 person in carrying out its assigned duties under this Act.

11 4. Adopt, modify, or repeal rules and regulations necessary to  
12 implement the programs assigned to it, subject to the provisions of  
13 section seven (7), subsection three (3), of this Act, and chapter sev-  
14 enteen A (17A) of the Code.

1 SEC. 6. The executive committee of the department shall consist  
2 of the chairmen of the four commissions within the department. The  
3 director of the state conservation commission, the administrative offi-  
4 cer of the department of soil conservation, the director of the bacterio-  
5 logical laboratory at the state university of Iowa, the secretary of  
6 agriculture, the commissioner of public health, and the state geologist,  
7 or their designees shall be ex officio, nonvoting members of the execu-  
8 tive committee. The executive committee shall organize annually dur-  
9 ing the month of July and select a chairman and vice chairman. The  
10 executive director shall act as the secretary of the executive commit-  
11 tee. Meetings shall be called by the chairman or upon written request  
12 of any two voting members. A majority of the executive committee  
13 shall constitute a quorum and the concurrence of a majority of the  
14 executive committee shall be required to determine any matter relat-  
15 ing to its duties. The voting members of the executive committee shall  
16 be paid a per diem of thirty dollars per day while in session, ten cents  
17 a mile for travel, and their reasonable and necessary expenses while  
18 attending such meetings.

1 SEC. 7. The executive committee shall:

2 1. Review the rules and regulations recommended by the executive  
3 director and adopt, amend or repeal, subject to the provisions of  
4 chapter seventeen A (17A) of the Code, the rules and regulations  
5 deemed necessary for the effective administration of the department.



6 The rules and regulations shall include departmental policy relating  
 7 to the disclosure of information on any violation or alleged violation  
 8 of the rules and regulations, standards, or orders issued by the depart-  
 9 ment and keeping of confidential information obtained by the depart-  
 10 ment in the administration and enforcement of the provisions of this  
 11 Act.

12 2. Approve the departmental budget request prior to submission  
 13 to the state comptroller. The executive committee may increase,  
 14 decrease, or strike any proposed expenditure within the departmen-  
 15 tal budget request before granting approval.

16 3. Issue orders and directives necessary to insure integration and  
 17 coordination of the programs administered by the department. Not-  
 18 withstanding any other provision of this Act to the contrary, each  
 19 commission within the department shall submit all of its proposed  
 20 rules and regulations to the executive committee for review to insure  
 21 that no conflict exists between such proposed rules and regulations  
 22 and the existing rules and regulations of another commission within  
 23 the department. If a conflict does exist, the executive committee shall  
 24 direct the commissions involved to resolve the conflict before the pro-  
 25 posed rules and regulations are submitted to the legislative depart-  
 26 mental rules review committee as provided in chapter seventeen A  
 27 (17A) of the Code.

28 4. Make a concise annual report to the governor and the general  
 29 assembly, which report shall contain information relating to the accom-  
 30 plishments and status of the programs administered by the depart-  
 31 ment and include recommendations for legislative action. The annual  
 32 report shall conform to the provisions of section seventeen point  
 33 three (17.3) of the Code.

34 5. Approve all contracts and agreements between the department  
 35 and other public or private persons or agencies.

36 6. Obtain an adequate public employees fidelity bond to cover those  
 37 officers and employees of the department accountable for property or  
 38 funds of this state.

1 SEC. 8. The state comptroller shall draw warrants on the trea-  
 2 surer of state for all disbursements authorized by the provisions of  
 3 this Act upon itemized and verified vouchers bearing the approval of  
 4 the executive director.

1 SEC. 9. The executive council shall provide the department with  
 2 appropriate office facilities.

1 SEC. 10. Section two hundred sixty-three point eight (263.8), un-  
 2 numbered paragraphs two (2) and three (3), Code 1971, are amended  
 3 as follows:

4 In addition to its regular work, the laboratory shall perform with-  
 5 out charge all bacteriological, seriological, and epidemiological exam-  
 6 inations and investigations which may be required by the state depart-  
 7 ment of health ~~or the Iowa water pollution control commission~~ and  
 8 said department shall establish rules therefor. *The laboratory shall*  
 9 *also provide, those laboratory, scientific field measurement, and envi-*  
 10 *ronmental quality services which, by contract, are requested by the*  
 11 *department of environmental quality.*

12 The laboratory also shall perform all laboratory examinations and  
 13 studies which may be requested by the state department of health  
 14 and the air pollution control commission. The laboratory is author-  
 15 ized to perform such laboratory determinations relating to air con-  
 16 taminants as may be requested by political subdivisions or other per-  
 17 sons, and the laboratory also is hereby authorized to charge political  
 18 subdivisions or other persons fees covering transportation of samples  
 19 and the actual costs of examinations performed upon their request.

#### DIVISION II

1 SEC. 11. When used in sections eleven (11) through twenty-eight  
 2 (28) of this Act, unless the context otherwise requires:

3 1. "Air contaminant" means dust, fume, mist, smoke, other par-  
 4 ticulate matter, gas, vapor (except water vapor), odorous substance,  
 5 radioactive substance, or any combination thereof.

6 2. "Air contaminant source" means any and all sources of emission  
 7 of air contaminants whether privately or publicly owned or operated.

8 Air contaminant source includes, but is not limited to, all types of  
 9 businesses, commercial and industrial plants, works, shops, and stores,  
 10 heating and power plants and stations, buildings and other structures  
 11 of all types including single and multiple family residences, office build-  
 12 ings, hotels, restaurants, schools, hospitals, churches and other insti-  
 13 tutional buildings, automobiles, trucks, tractors, buses, aircraft, and  
 14 other motor vehicles, garages, vending and service locations and sta-  
 15 tions, railroad locomotives, ships, boats, and other water-borne craft,  
 16 portable fuel-burning equipment, indoor and outdoor incinerators of  
 17 all types, refuse dumps and piles, and all stack and other chimney  
 18 outlets from any of the foregoing.

19 3. "Air pollution" means presence in the outdoor atmosphere of one  
 20 or more air contaminants in sufficient quantities and of such charac-  
 21 teristics and duration as is or may reasonably tend to be injurious to  
 22 human, plant, or animal life, or to property, or which unreasonably  
 23 interferes with the enjoyment of life and property.

24 4. "Atmosphere" means all space outside of buildings, stacks or  
 25 exterior ducts.

26 5. "Emission" means a release of one or more air contaminants into  
 27 the outside atmosphere.

28 6. "Commission" means the air quality commission of the depart-  
 29 ment.

30 7. "Person" means an individual, partnership, copartnership, co-  
 31 operative, firm, company, public or private corporation, political sub-  
 32 division, agency of the state, trust, estate, joint stock company, or any  
 33 other legal entity, or their legal representative, agent or assigns.

34 8. "Political subdivision" means any municipality, township, or  
 35 county, or district, or authority, or any portion, or combination of two  
 36 or more thereof.

1 SEC. 12. The department shall be the agency of the state to pre-  
 2 vent, abate, or control air pollution.

1 SEC. 13. The commission shall:

2 1. Direct the development of a comprehensive plan for the abate-  
 3 ment, control, and prevention of air pollution in this state, recogniz-  
 4 ing varying requirements for different areas in the state.

5 2. Establish, modify, or repeal rules and regulations pertaining to  
6 the evaluation, abatement, control, and prevention of air pollution  
7 after at least sixty days public notice and public hearings.

8 3. Establish, modify, or repeal air quality standards for the atmos-  
9 phere of this state on the basis of providing air quality necessary to  
10 minimize air pollution after at least sixty days public notice and public  
11 hearings.

12 4. Establish, modify, or repeal emission standards relating to the  
13 maximum quantities of air contamination that may be emitted from  
14 any air contaminant source after at least sixty days public notice and  
15 public hearings.

16 5. Consider complaints of conditions reported to, or considered  
17 likely to, constitute air pollution; and instruct the department to  
18 investigate such complaints upon receipt of the written petition of  
19 any state agency, the governing body of any political subdivision, a  
20 local board of health, or twenty-five affected residents of the state.

21 6. Hold public hearings except when the evidence to be received is  
22 confidential pursuant to section seventeen (17) of this Act, necessary  
23 to accomplish the purposes of sections eleven (11) through twenty-  
24 eight (28) of this Act. The commission may issue subpoenas requir-  
25 ing the attendance of witnesses and the production of evidence perti-  
26 nent to such hearings. If any person refuses to obey a subpoena issued  
27 by the commission, the district court of the county where the pro-  
28 ceeding is pending shall have jurisdiction, upon application of the  
29 commission or its authorized representative, to issue such person an  
30 order to appear and testify or produce evidence, and any failure to  
31 obey such court order may be punished by the court as contempt.

32 7. Issue orders necessary to cause the abatement or control of air  
33 pollution. In making such orders, the commission shall consider the  
34 facts and circumstances bearing upon the reasonableness of the emis-  
35 sions involved, including but not limited to, the character and degree  
36 of injury to, or interference with, the protection of health and the  
37 physical property of the public; the practicability of reducing or limit-  
38 ing the emissions from such air pollution source; and the suitability  
39 or unsuitability of the air pollution source to the area where it is  
40 located. Any such order may include advisory recommendations for  
41 the control of emissions from any air contaminant source and the  
42 reduction of the emission of air contaminants.

43 8. Cause to be instituted by the attorney general, in the name of the  
44 state, legal proceedings to compel compliance with any of its orders.

45 9. Classify air contaminant sources according to levels and types  
46 of emissions, and other characteristics which relate to air pollution.  
47 The commission may require, by rule and regulation, the owner or  
48 operator of any air contaminant source to establish and maintain such  
49 records, make such reports, install, use and maintain such monitoring  
50 equipment or methods, sample such emissions in accordance with such  
51 methods at such locations and intervals, and using such procedures as  
52 the commission shall prescribe, and provide such other information as  
53 the commission may reasonably require. Such classifications may be  
54 for application to the state as a whole, or to any designated area of the  
55 state, and shall be made with special reference to effects on health,  
56 economic and social factors, and physical effects on property.

57 10. Require, by rules and regulations, notice of the construction or  
58 the installation of any equipment which may cause or contribute to

59 air pollution, and the submission of plans and specifications to the  
 60 department, or such other information deemed necessary, for the  
 61 installation of equipment from which air contaminants may be emitted  
 62 to the atmosphere and related control equipment. Such rules and  
 63 regulations shall not specify any particular method to be used to  
 64 reduce undesirable levels of emissions, nor type, design, or method  
 65 of installation of any equipment to be used to reduce such levels of  
 66 emissions, nor the type, design, or method of installation or type of  
 67 construction of any manufacturing processes or kinds of equipment,  
 68 nor specify the kind or composition of fuels permitted to be sold,  
 69 stored, or used.

70 The commission may give technical advice pertaining to the con-  
 71 struction or installation of such equipment or any other recommen-  
 72 dation.

73 11. Review and evaluate air pollution control programs conducted  
 74 by political subdivisions of the state with respect to whether such  
 75 programs are consistent with the provisions of sections eleven (11)  
 76 through twenty-eight (28) of this Act and any rules and regulations  
 77 adopted by the commission.

78 12. Represent the state in all matters pertaining to plans, proce-  
 79 dures, negotiations, and agreements for interstate compacts relating  
 80 to the control of air pollution, subject to the provisions of section  
 81 seven (7), subsection five (5) of this Act.

82 13. Encourage voluntary cooperation by persons or affected groups  
 83 in restoring and preserving a reasonable quality of air within the  
 84 state.

85 14. Encourage political subdivisions to handle air pollution prob-  
 86 lems within their respective jurisdictions.

1 SEC. 14. The executive director shall:

2 1. Publish and administer the rules, regulations, and standards  
 3 established by the commission. The department shall furnish a copy  
 4 of such rules, regulations, or standards to any person upon request.

5 2. Provide technical, scientific, and other services required by the  
 6 commission or for the effective administration of sections eleven (11)  
 7 through twenty-eight (28) of this Act.

8 3. Conduct investigations of complaints received directly or referred  
 9 by the commission, or such other investigations deemed necessary.  
 10 The executive director shall participate, on behalf of the state, in  
 11 hearings before the commission.

12 While conducting an investigation, the executive director may enter  
 13 at any reasonable time in and upon any private or public property,  
 14 except private dwellings, to investigate any actual or possible viola-  
 15 tion of the provisions of this Act or the rules, regulations, or standards  
 16 adopted under this Act.

17 a. If the executive director is denied admittance to property subject  
 18 to inspection under this Act, he may apply to the district court of the  
 19 county in which the property is located for issuance of a search war-  
 20 rant. In the application, the executive director shall state that he  
 21 believes that a search of the property designated in the application is  
 22 necessary for the proper administration and enforcement of the pro-  
 23 visions of this Act or the rules, regulations, or standards adopted  
 24 under this Act. If the court is satisfied that a search warrant is jus-  
 25 tified he shall grant the application and issue the warrant.

26 b. If the executive director establishes, under oath, probable cause  
 27 that a violation of the provisions of this Act or the rules, regulations,  
 28 or standards adopted under this Act has occurred, and that the evi-  
 29 dence required to prove such violation is of a nature that it may be  
 30 easily or quickly dissipated, camouflaged, or disposed of, he may apply  
 31 for and the court may issue a search warrant without evidence that  
 32 admission to the property was denied and prior to any attempt by the  
 33 executive director to gain admittance.

34 4. Grant, modify, or deny permits for the installation of new equip-  
 35 ment capable of emitting air contaminants to produce air pollution and  
 36 for related control equipment, subject to the rules and regulations  
 37 adopted by the commission. The department shall furnish necessary  
 38 application forms for such permits.

39 a. No equipment which may cause or contribute to air pollution or  
 40 which is intended primarily to prevent or to control the emission of  
 41 air contaminants shall be installed, altered so that it significantly  
 42 affects operation efficiency, or placed in use unless a permit has been  
 43 issued for such equipment.

44 b. The condition of expected performance must be reasonably de-  
 45 tailed in the permit unless it is agreed between the department and  
 46 the permit holder that a condition of development and adjustment  
 47 exists.

48 c. Upon denial of such a permit, the applicant shall be notified of  
 49 such denial and informed of the reason or reason\* therefor, and such  
 50 applicant shall be entitled to a hearing before the commission as  
 51 provided in section thirteen (13), subsection six (6) of this Act.

52 5. Determine by field studies and sampling the quality of atmos-  
 53 phere and the degree of air pollution in this state or any part thereof.

54 6. Conduct and encourage studies, investigations, and research  
 55 relating to air pollution and its causes, effects, abatement, control,  
 56 and prevention.

57 7. Accept, receive and administer grants or other funds or gifts  
 58 from public or private agencies, including the federal government,  
 59 for the abatement, prevention, or control of air pollution, subject to  
 60 the approval of the executive committee.

61 8. Provide technical assistance to political subdivisions of this state  
 62 requesting such aid for the furtherance of air pollution control.

63 9. Collect and disseminate information, and conduct educational and  
 64 training programs, relating to air pollution and its abatement, pre-  
 65 vention, and control.

1 SEC. 15. Nothing contained in sections eleven (11) through  
 2 twenty-eight (28) of this Act shall be deemed to grant to the com-  
 3 mission or the executive director any authority or jurisdiction with  
 4 respect to air pollution existing solely within residences; or solely  
 5 within commercial and industrial plants, works, or shops under the  
 6 jurisdiction of chapters eighty-eight (88), eighty-eight A (88A) and  
 7 ninety-one (91) of the Code; or to affect the relations between  
 8 employers and employees with respect to, or arising out of, any  
 9 condition of air pollution.

1 SEC. 16. The commission and the executive director may request  
 2 and receive assistance from any other agency, department, or educa-

\*According to enrolled Act.

3 tional institution of the state, or political subdivision thereof, when it  
4 is deemed necessary or beneficial by the commission or the executive  
5 director. The department may reimburse such agencies for special  
6 expense resulting from expenditures not normally a part of the oper-  
7 ating expenses of any such agency.

1 SEC. 17. Information received by the commission or any employ-  
2 ees of the department through filed reports, inspections, or as other-  
3 wise authorized in sections eleven (11) through twenty-eight (28) of  
4 this Act concerning trade secrets, secret industrial processes, or other  
5 privileged communications, except emission data, shall not be dis-  
6 closed or opened to public inspection, except as may be necessary in  
7 a proceeding concerning a violation of sections eleven (11) through  
8 twenty-eight (28) of this Act or of any rules and regulations promul-  
9 gated thereunder, or as otherwise authorized or ordered by appro-  
10 priate court action or proceedings. Nothing herein shall be construed  
11 to prevent the executive director from compiling or publishing analy-  
12 ses or summaries relating to the general condition of the atmosphere;  
13 provided that such analyses or summaries do not reveal any informa-  
14 tion otherwise confidential under this section.

1 SEC. 18. Whenever the commission or the executive director has  
2 evidence that a violation of any provision of sections eleven (11)  
3 through twenty-eight (28) of this Act, or rule, regulation, or standard  
4 established by the commission has occurred, the executive director  
5 shall notify the alleged violator and, by informal negotiation, attempt  
6 to resolve the problem. If such negotiations fail to resolve the prob-  
7 lem within a reasonable period of time, the commission shall hold a  
8 public hearing, subject to the provisions of section seventeen (17) of  
9 this Act.

10 1. Notice of the time and place of the public hearing shall be served  
11 upon each alleged violator at least ten days prior to such hearing.  
12 Such notice shall be served in the manner required for the service of  
13 notice of the commencement of a civil action in a district court.

14 2. After such hearing, if the commission finds that a violation has  
15 occurred, it shall issue an appropriate order directing the violator  
16 to prevent, abate, or control the emissions or air pollution involved.  
17 The order shall prescribe the date by which the violation shall cease  
18 and may prescribe timetables for necessary action in preventing, abat-  
19 ing, or controlling the emissions of air pollution.

20 3. The executive director shall keep a complete record of the public  
21 hearings and such record shall be open to public inspection, subject  
22 to section seventeen (17) of this Act. A copy of the transcript shall  
23 be furnished to the violator or alleged violator at his request and at  
24 his expense.

1 SEC. 19. If the commission or the executive director has evidence  
2 that any person is causing air pollution and that such pollution creates  
3 an emergency requiring immediate action to protect the public health  
4 and safety, or property, either may, without notice or hearing, issue  
5 an emergency order requiring such person to reduce or discontinue  
6 immediately the emission of air contaminants. A copy of the emer-  
7 gency order shall be served as provided in section eighteen (18), sub-  
8 section one (1) of this Act. An emergency order issued by the com-  
9 mission or the executive director shall be effective immediately and

10 binding until reviewed by the commission at a public hearing or  
11 modified or rescinded by a district court.

1 SEC. 20. An appeal may be taken by any aggrieved party from  
2 any order issued as provided in sections eighteen (18) and nineteen  
3 (19) of this Act to the district court of the county in which the  
4 alleged offense was committed. Notice of appeal from an order shall  
5 be served upon the commission or the executive director by certified  
6 mail or by personal service. Failure to serve such notice of appeal  
7 within thirty days after receipt of the order shall operate as a waiver  
8 of the right to appeal. An order by the commission shall not be stayed  
9 by an appeal except by order of the district court after hearing for  
10 good cause shown by the aggrieved party. The hearing on appeal shall  
11 be tried as a suit in equity and shall be de novo. The court may receive  
12 additional testimony and evidence and may affirm, modify, or reverse  
13 the order of the commission.

1 SEC. 21. If action to prevent, control, or abate air pollution is not  
2 taken in accordance with the rules or regulations established, or  
3 orders issued by the commission, or if the commission or the executive  
4 director has evidence that an emergency exists by reason of air pollu-  
5 tion which requires immediate action to protect the public health or  
6 property, the attorney general, at the request of the commission or  
7 the executive director, shall commence legal action, in the name of the  
8 state, for an injunction to prevent any further or continued violation  
9 of such rule, regulation, or order. In an action for an injunction, any  
10 previous findings of the commission, after due notice and hearing,  
11 shall be prima facie evidence of the fact or facts found therein.

1 SEC. 22. In all proceedings with respect to any alleged violation  
2 of the provisions of sections eleven (11) through twenty-eight (28)  
3 of this Act or any rule or regulation established by the commission,  
4 the burden of proof shall be upon the commission except in an action  
5 for an injunction as provided in section twenty-one (21) of this Act.

1 SEC. 23. Any person who owns or operates any plant, building,  
2 structure, process, or equipment may apply for a variance from the  
3 rules, regulations, or standards governing the quality, nature, dura-  
4 tion, or extent of emissions by filing an application with the depart-  
5 ment. The application shall be accompanied by such information and  
6 data required by the commission.

7 1. The executive director shall promptly investigate the application  
8 and recommend to the commission the disposition of such application.  
9 The commission may grant a variance if it finds that:

10 a. The emissions occurring or proposed to occur do not endanger  
11 or tend to endanger human health or safety or property; and

12 b. Compliance with the rules, regulations, or standards from which  
13 the variance is sought will produce serious hardship without equal or  
14 greater benefits to the public.

15 2. A public hearing, subject to the provisions of section seventeen  
16 (17) of this Act, shall be held if the commission concludes that a hear-  
17 ing is advisable. The applicant may request a review hearing before  
18 the commission if his application is denied.

19 3. In determining under what conditions and to what extent a vari-  
20 ance may be granted, the commission shall give due recognition to the

21 progress which the applicant has made toward eliminating or prevent-  
 22 ing air pollution. In such a case, the commission shall consider the  
 23 reasonableness of the request, conditioned upon such applicant effect-  
 24 ing a partial abatement of the particular air pollution within a reason-  
 25 able period of time, or the commission may prescribe other require-  
 26 ments with which such applicant shall comply.

27 4. The commission may grant a variance for a specified period of  
 28 time, not exceeding one year, and the commission may further specify  
 29 that the applicant make periodic reports specifying the progress that  
 30 has been made toward compliance with any rule or regulation for  
 31 which the variance was granted. A variance may be extended from  
 32 year to year by affirmative action of the commission.

1 SEC. 24. 1. Any political subdivision may conduct an air pollu-  
 2 tion control program within the boundaries of its jurisdiction, or may  
 3 jointly conduct an air pollution control program with other political  
 4 subdivisions of this state or of other states, except that every joint  
 5 program shall be established and administered as provided in chap-  
 6 ter twenty-eight E (28E) of the Code. In conducting such programs,  
 7 political subdivisions may adopt and enforce rules, regulations, or  
 8 standards to secure and maintain adequate air quality within their  
 9 respective jurisdictions.

10 2. If the board of supervisors in any county establishes an air pol-  
 11 lution control program and has obtained a certificate of acceptance,  
 12 the agency implementing the program may regulate air pollution  
 13 within the county including any incorporated areas therein until such  
 14 incorporated areas obtain a certificate of acceptance as a joint or sep-  
 15 arate agency.

1 SEC. 25. When an air pollution control program conducted by a  
 2 political subdivision, or a combination thereof, is deemed upon review  
 3 as provided in section thirteen (13), subsection eleven (11), of this  
 4 Act to be consistent with the provisions of sections eleven (11)  
 5 through twenty-eight (28) of this Act or the rules and regulations  
 6 established thereunder, the commission shall accept such program in  
 7 lieu of state administration and regulation of air pollution within the  
 8 political subdivisions involved. Nothing contained in this section  
 9 shall be construed to limit the power of the commission or the execu-  
 10 tive director to take emergency action under the provisions of sections  
 11 nineteen (19) and twenty-one (21) of this Act.

12 1. In evaluating an air pollution control program, consideration  
 13 shall be given to whether such program provides for the following:

14 a. Ordinances, rules, regulations, and standards establishing require-  
 15 ments consistent with, or more strict than, those imposed by sections  
 16 eleven (11) through twenty-eight (28) of this Act, or rules, regula-  
 17 tions, and standards adopted by the commission.

18 b. Enforcement of such requirements by appropriate administra-  
 19 tive and judicial process.

20 c. Administrative organization, staff, financial and other resources  
 21 necessary to administer an efficient and effective program.

22 2. Upon acceptance of a local air pollution control program, the  
 23 commission shall issue a certificate of acceptance to the appropriate  
 24 local agency.



25 a. Any political subdivision desiring a certificate of acceptance shall  
26 apply to the department on forms prescribed by the commission.

27 b. The executive director shall promptly investigate the application  
28 and recommend the disposition of such application to the commission.  
29 The commission may conduct a public hearing before action is taken  
30 on the recommendation. If the recommendation is against issuing a  
31 certificate, the political subdivision shall be entitled to a public hear-  
32 ing as provided in section eighteen (18) of this Act. At the public  
33 hearing, the commission shall decide whether the local program is  
34 substantially consistent with the provisions of sections eleven (11)  
35 through twenty-eight (28) of this Act, or rules and regulations  
36 adopted thereunder, and whether the local program is being enforced.  
37 The burden of proof shall be upon the political subdivision.

38 c. If the commission determines at any time that a local air pollu-  
39 tion program is being conducted in a manner inconsistent with the sub-  
40 stantive provisions of sections eleven (11) through twenty-eight (28)  
41 of this Act or the rules and regulations adopted thereunder, the com-  
42 mission shall notify the political subdivision, citing the deviations  
43 from the acceptable standards and the corrective measures to be com-  
44 pleted within a reasonable amount of time. If the corrective meas-  
45 ures are not implemented as prescribed, the commission shall suspend  
46 the certificate of acceptance of such political subdivision and shall  
47 administer the regulatory provisions of sections eleven (11) through  
48 twenty-eight (28) of this Act within the political subdivision until  
49 the appropriate standards are met. Upon receipt of evidence that  
50 necessary corrective action has been taken, the commission shall rein-  
51 state the suspended certificate of acceptance, and the political subdi-  
52 vision shall resume the administration of the local air pollution con-  
53 trol program within its jurisdiction. In cases where the certificate of  
54 acceptance is suspended, the political subdivision is entitled to a public  
55 hearing as provided in section eighteen (18) of this Act.

56 d. Nothing in sections eleven (11) through twenty-eight (28) of  
57 this Act shall be construed to supersede the jurisdiction of any local  
58 air pollution control program in operation on the first of January,  
59 1973, except that any such program shall meet all requirements of  
60 sections eleven (11) through twenty-eight (28) of this Act.

1 SEC. 26. If any order, rule or regulation of the commission is being  
2 violated, the attorney general shall, at the request of the commission  
3 or the executive director, institute a civil action in any district court  
4 for injunctive relief to prevent any further violation of such order,  
5 rule or regulation, or for the assessment of a fine as determined by  
6 the court, not to exceed five hundred dollars per day for each day such  
7 violation continues, or both such injunctive relief and fine.

1 SEC. 27. Upon failure of the executive director to take action  
2 within sixty days after an application for installation permit or vari-  
3 ance, or upon failure of the commission to enter a final order or deter-  
4 mination within sixty days after the final argument in a public hear-  
5 ing, the person seeking such action shall be entitled to treat such fail-  
6 ure to act as a grant of the requested permit or variance, or of a find-  
7 ing favorable to the respondent in a public hearing, as the case may be.

1 SEC. 28. No fees shall be charged by the executive director or the  
2 commission for the performance of their respective functions as pro-  
3 vided in sections eleven (11) through twenty-eight (28) of this Act.

1 SEC. 29. The powers, duties, and functions vested in the air qual-  
2 ity commission under the provisions of sections eleven (11) through  
3 twenty-eight (28) of this Act shall not be construed to affect the  
4 powers, duties and functions vested in the department under any  
5 other provisions of this Act or the Code.

1 SEC. 30. Any rule or regulation adopted or order or variance  
2 issued under chapter one hundred thirty-six B (136B) of the Code,  
3 prior to the effective date of this Act, by the Iowa air pollution con-  
4 trol commission or by the state department of health, shall remain  
5 effective until modified or rescinded by action of the air quality com-  
6 mission unless such rule or regulation is inconsistent or contrary to  
7 sections eleven (11) through twenty-nine (29) of this Act.

#### DIVISION III

1 SEC. 31. When used in sections thirty-one (31) through fifty (50)  
2 of this Act, unless the context otherwise requires:

3 1. "Sewage" means the water-carried waste products from resi-  
4 dences, public buildings, institutions, or other buildings, including the  
5 bodily discharges from human beings or animals together with such  
6 ground water infiltration and surface water as may be present.

7 2. "Industrial waste" means any liquid, gaseous, radioactive, or  
8 solid waste substance resulting from any process of industry, manu-  
9 facturing, trade or business or from the development of any natural  
10 resource.

11 3. "Other waste" means garbage, municipal refuse, lime, sand,  
12 ashes, offal, oil, tar, chemicals and all other substances which are not  
13 sewage or industrial waste which may pollute the waters of the state.

14 4. "Water pollution" means the contamination of any water of the  
15 state so as to create a nuisance or render such water unclean, noxious  
16 or impure so as to be actually harmful, detrimental or injurious to  
17 public health, safety or welfare, to domestic, commercial, industrial,  
18 agricultural or recreational use or to livestock, wild animals, birds,  
19 fish or other aquatic life.

20 5. "Sewer system" means pipelines or conduits, pumping stations,  
21 force mains and all other constructions, devices and appliances appur-  
22 tenant thereto used for conducting sewage or industrial waste or  
23 other wastes to a point of ultimate disposal.

24 6. "Treatment works" means any plant, disposal field, lagoon, hold-  
25 ing or flow-regulating basin, pumping station, or other works installed  
26 for the purpose of treating, stabilizing or disposing of sewage, indus-  
27 trial waste or other wastes.

28 7. "Disposal system" means a system for disposing of sewage, in-  
29 dustrial waste and other wastes and includes sewer systems, treatment  
30 works, and dispersal systems.

31 8. "Detergent" means a cleaning compound composed of inorganic  
32 components, including surface active agents, soaps, water softening  
33 agents, builders, dispersing agents, corrosion inhibitors, foaming  
34 agents, buffering agents, brighteners, fabric softeners, dyes, perfumes,  
35 enzymes, and fillers, which are available for household, personal, laun-

36 dry, industrial, and other uses in liquid, bar, spray, tablet, flake, pow-  
37 der, or other form.

38 9. "Water of the state" means any stream, lake, pond, marsh, water-  
39 course, waterway, well, spring, reservoir, aquifer, irrigation system,  
40 drainage system, and any other body or accumulation of water, sur-  
41 face or underground, natural or artificial, public or private, which are  
42 contained within, flow through or border upon the state or any por-  
43 tion thereof.

44 10. "Person" means the state or any agency or institution thereof,  
45 any municipality, governmental subdivision, public or private corpo-  
46 ration, individual, partnership, or other entity and includes any officer  
47 or governing or managing body of any municipality, governmental  
48 subdivision or public or private corporation.

49 11. "Commission" means the water quality commission of the  
50 department.

1 SEC. 32. The department shall be the agency of the state to pre-  
2 vent, abate, or control water pollution.

1 SEC. 33. The commission shall:

2 1. Develop comprehensive plans and programs for the prevention,  
3 control and abatement of water pollution.

4 2. Establish, modify, or repeal quality standards and effluent stand-  
5 ards for the water of the state. The effluent standards may provide  
6 for maintaining the existing quality of the water of the state where  
7 the quality thereof exceeds the requirements of the water quality  
8 standards.

9 3. Establish, modify, or repeal rules and regulations specifying the  
10 conditions under which the executive director shall issue, revoke, mod-  
11 ify, or deny permits for the installation or operation of disposal sys-  
12 tems, or for the discharge of sewage, industrial waste or other wastes,  
13 or for the disposal of water wastes resulting from poultry and live-  
14 stock operations. Persons engaged in livestock and poultry opera-  
15 tions or persons intending to initiate such operations shall register  
16 with the department and provide information relating to their opera-  
17 tions or intended operations as the executive director may reasonably  
18 require. Except as otherwise provided in section forty-six (46) of  
19 this Act, no such registrant shall be required to make application and  
20 obtain a permit for disposal of waste water unless the department  
21 determines that the livestock and poultry operations of such regis-  
22 trant are polluting or may pollute the water of the state.

23 4. Recognize existing permits for the continuance of every disposal  
24 system operating under legal authority. The commission may direct  
25 the executive director to modify or revoke such permits in the same  
26 manner as other permits.

27 5. Establish, modify or repeal rules and regulations governing the  
28 labeling of detergents which contain phosphorus. Any rules and regu-  
29 lations shall be formulated to provide potential purchasers with  
30 accurate information concerning the percent of phosphorus in the  
31 formula and the weight in grams of phosphorus per recommended  
32 use level.

33 6. Cooperate with other state or interstate water pollution control  
34 agencies in establishing standards, objectives, or criteria for the qual-  
35 ity of interstate waters originating or flowing through this state.

36 7. Conduct public hearings necessary for the discharge of its duties.  
 37 The commission may authorize the executive director to conduct such  
 38 hearings.

1 SEC. 34. The executive director shall:

2 1. Conduct investigations of alleged water pollution upon the writ-  
 3 ten request of any state agency, political subdivision, local board of  
 4 health, or twenty-five residents of the state, or as directed by the  
 5 commission.

6 2. Approve or disapprove of plans and specifications for disposal  
 7 systems or any part thereof.

8 3. Issue, modify, or revoke orders, in accordance with rules and  
 9 regulations established by the commission, for the prevention or dis-  
 10 continuance of the discharge of sewage, industrial waste or other  
 11 wastes in any water of the state resulting in water pollution in excess  
 12 of the applicable quality standard established by the commission.

1 SEC. 35. All investigations conducted by the department shall be  
 2 full and complete and may include engineering studies, bacteriologi-  
 3 cal, biological, and chemical analyses of the water and the location  
 4 and character of the source of contamination. If water pollution is  
 5 found to exist, taking into consideration the criteria set forth in sec-  
 6 tion thirty-six (36) of this Act, the executive director shall notify the  
 7 alleged offender and by informal negotiation attempt to resolve the  
 8 problem. Failing to resolve the problem within a reasonable period  
 9 of time, the commission or the executive director shall issue an order  
 10 fixing the time and place of a public hearing.

1 SEC. 36. In establishing, modifying, or repealing quality stand-  
 2 ards for the water of the state, or in establishing, modifying, or re-  
 3 pealing effluent standards for disposal systems, the commission shall  
 4 consider:

5 1. The protection of the public health;

6 2. The size, depth, surface area covered, volume, direction and rate  
 7 of flow, stream gradient, and temperature of the affected water of  
 8 the state;

9 3. The character and uses of the land area bordering the affected  
 10 water of the state;

11 4. The uses which have been made, are being made, or may be made  
 12 of the affected water of the state for public, private, or domestic  
 13 water supplies, irrigation; livestock watering; propagation of wild-  
 14 life, fish, and other aquatic life; bathing, swimming, boating, or other  
 15 recreational activity; transportation; and disposal of sewage and  
 16 wastes;

17 5. The extent of contamination resulting from natural causes in-  
 18 cluding the mineral and chemical characteristics;

19 6. The extent to which floatable or settleable solids may be per-  
 20 mitted;

21 7. The extent to which suspended solids, colloids, or a combination  
 22 of solids with other suspended substances may be permitted;

23 8. The extent to which bacteria and other biological organisms may  
 24 be permitted;

25 9. The amount of dissolved oxygen that is to be present and the  
 26 extent of the oxygen demanding substances which may be permitted;

27 10. The extent to which toxic substances, chemicals or deleterious  
28 conditions may be permitted;

1 SEC. 37. Authorized employees of the department may enter upon  
2 any land or water in the state or bordering on the state, to investi-  
3 gate, examine, survey, or study the quality or pollution of such  
4 waters.

1 SEC. 38. When the commission or the executive director conducts  
2 any hearing or investigation, any member of the commission or any  
3 employee or agent authorized in writing by the commission or the  
4 executive director may administer oaths, examine witnesses and  
5 issue, in the name of the commission, subpoenas requiring the attend-  
6 ance and testimony of witnesses and the production of evidence rele-  
7 vant to any matter involved in such hearing or investigation. Wit-  
8 nesses shall receive the same fees and mileage as in civil actions.

9 1. Notice of the time and place of hearing shall be served upon  
10 each alleged offender at least ten days before the hearing. Such notice  
11 shall be in the manner required for the service of notice of the com-  
12 mencement of an ordinary action in a court of record.

13 2. Notwithstanding the provisions of subsection one (1) of this  
14 section the commission or the executive director when it has first been  
15 determined that an emergency exists respecting any matter affecting  
16 or likely to affect the public health, may make an order without notice  
17 and without hearing. A copy of such order shall be served as pro-  
18 vided in subsection one (1) of this section. Any such order entered  
19 by the commission or the executive director shall be binding and effec-  
20 tive immediately until such order is reviewed by a hearing or is modi-  
21 fied or reversed by the court.

22 3. After such hearing the commission or the executive director may,  
23 if it finds the alleged offender is guilty of the charges, enter an order  
24 directing such person to desist in the practice found to be the cause  
25 of such pollution, taking into account the use to which the water is  
26 being or may be put or the commission or the executive director may  
27 order a change in the method of discharging sewage, industrial wastes  
28 and other wastes into the water so that the same will not result in  
29 pollution and the method shall be in compliance with the effluent or  
30 water quality standards adopted by the commission.

31 4. If any such change is ordered, unless such practice is rendering  
32 such water dangerous to the public health, a reasonable time shall be  
33 granted to the offender in which to put in use the method ordered.

34 5. The executive director shall keep a complete record of such pro-  
35 ceedings, including all the evidence taken, and such record shall be  
36 open to public inspection. However, it shall be unlawful for any per-  
37 son in connection with his duties or employment by the department,  
38 to make public or give any information relating to secret processes or  
39 methods of manufacture or production at any public hearing or other-  
40 wise, and all such information shall be kept strictly confidential.

1 SEC. 39. If any person refuses to obey a subpoena issued under  
2 provisions of sections thirty-one (31) through fifty (50) of this Act,  
3 the district court of the county where the proceeding is pending shall  
4 have jurisdiction, upon application of the commission or the executive  
5 director to issue to such person an order requiring him to appear and

6 testify or produce evidence and any failure to obey such order of the  
7 court may be punished by the court as a contempt thereof.

1 SEC. 40. An appeal may be taken by any aggrieved party from  
2 any order entered in such proceedings to the district court of the  
3 county in which the alleged offense was committed or such final order  
4 was entered. Such appeal shall be perfected by serving a written  
5 notice on the executive director within thirty days of the entry of  
6 such order. The hearing on appeal shall be tried as a suit in equity  
7 and shall be de novo. The court may receive additional testimony  
8 and may affirm, modify or reverse the order of the commission or the  
9 executive director. The setting aside of such order by the court shall  
10 not preclude the commission or the executive director from again  
11 instituting proceedings against the same person if the commission or  
12 the executive director feels that the public health is endangered.

1 SEC. 41. Within thirty days after an application for an appeal is  
2 filed with the executive director, he shall make, certify and file in the  
3 office of the clerk of the court to which an appeal is taken a full and  
4 complete transcript of all documents and papers relating to the case  
5 including a copy of the order, rule, regulation or decision appealed  
6 from and a copy of any findings of fact, rulings or conclusions of law  
7 made by the department in the matter.

1 SEC. 42. Action of the department shall not be stayed by an appeal  
2 except by order of the court for good cause shown by the appellant.  
3 The granting of a stay may be conditioned upon the furnishing by the  
4 appellant of such reasonable security as the court may direct. A stay  
5 may be vacated on application of the department or any other party  
6 after hearing by the court.

1 SEC. 43. If no appeal is taken from an order, rule, regulation, or  
2 other decision of the department as provided in sections thirty-one  
3 (31) through fifty (50) of this Act, or if the action of the department  
4 is affirmed on appeal, the action of the department in the matter in-  
5 volved shall be deemed conclusive and the validity and reasonableness  
6 thereof shall not be raised in any other action or proceeding, but this  
7 shall not preclude the department from modifying or rescinding its  
8 action.

1 SEC. 44. Any person, firm, corporation, municipality, or any offi-  
2 cer or agent thereof causing water pollution as defined in section  
3 thirty-one (31) of this Act of any waters of the state or placing or  
4 causing to be placed any sewage, industrial waste, or other wastes  
5 in a location where they will probably cause pollution of any waters  
6 of the state may be enjoined from continuing such action.

7 The attorney general shall, upon the request of the department,  
8 bring an action for an injunction against any person, firm, corpora-  
9 tion, municipality, or agent thereof violating the provisions of this  
10 section. In any such action, any previous findings of the department  
11 after due notice and hearing shall be prima facie evidence of the fact  
12 or facts found therein.

1 SEC. 45. Failure to obey any order issued by the department with  
2 reference to matters pertaining to the pollution of water of the state

3 shall constitute prima facie evidence of contempt. In such event the  
4 department may certify to the district court of the county in which  
5 such alleged disobedience occurred the fact of such failure. The dis-  
6 trict court after notice, as prescribed by the court, to the parties in  
7 interest shall then proceed to hear the matter and if it finds that the  
8 order was lawful and reasonable it shall order the party to comply  
9 with the order. If the person fails to comply with the court order, he  
10 shall be guilty of contempt and shall be fined not to exceed five hun-  
11 dred dollars for each day that he fails to comply with the court order.  
12 The penalties provided in this section shall be considered as additional  
13 to any penalty which may be imposed under the law relative to nuis-  
14 ances or any other statute relating to the pollution of waters of the  
15 state and a conviction under this section shall not be a bar to prose-  
16 cution under any other penal statute.

1 SEC. 46. It shall be unlawful to carry on any of the following  
2 activities without first securing a written permit from the depart-  
3 ment as required by the commission for the disposal of all sewage, in-  
4 dustrial waste, or other wastes which are or may be discharged into  
5 the water of the state.

6 1. The construction, installation or modification of any disposal  
7 system or part thereof or any extension or addition thereto.

8 2. The construction or use of any new outlet for the discharge of  
9 any sewage or wastes directly into the water of the state. However,  
10 no permit shall be required for any new disposal system or extension  
11 or addition to any existing disposal system that receives only domestic  
12 or sanitary sewage from a building, housing or occupied by fifteen  
13 persons or less.

14 Plans and specifications for any waste disposal system covered by  
15 this section shall be submitted to the department before a written per-  
16 mit may be issued and the construction of any such waste disposal  
17 system shall be in accordance with plans and specifications approved  
18 by the department. If it is necessary or desirable to make material  
19 changes in such plans or specifications, revised plans or specifications  
20 together with reasons for the proposed changes must be submitted to  
21 the department for a supplemental written permit.

22 Any person convicted of violating this section shall be fined in a sum  
23 not to exceed one thousand dollars.

1 SEC. 47. The department may require the owner of a waste dis-  
2 posal system, discharging sewage or wastes into any of the water of  
3 the state to file with it complete plans of the whole or any part of  
4 such system and any other information and records concerning the  
5 installation and operation of such system.

1 SEC. 48. The commission and the executive director may request  
2 and receive from any department, division, board, bureau, commis-  
3 sion, public body, or agency of the state, or of any political subdivision  
4 thereof, or from any organization, incorporated or unincorporated,  
5 which has for its object the control or use of any of the water resources  
6 of the state, such assistance and data as will enable the commission or  
7 the executive director to properly carry out their activities and effec-  
8 tuate the purposes of sections thirty-one (31) through fifty (50) of  
9 this Act. The department shall reimburse such agencies for special

10 expense resulting from expenditures not normally a part of the oper-  
11 ating expenses of any such agency.

1 SEC. 49. No sewage, industrial waste or other wastes whether  
2 treated or untreated shall be discharged directly into any state-  
3 owned natural or artificial lake but this section shall not be con-  
4 strued to prohibit the discharge of adequately treated sewage or indus-  
5 trial wastes into a stream tributary to a lake upon the written per-  
6 mission of the department.

1 SEC. 50. In all proceedings with respect to any alleged violation of  
2 the provisions of sections thirty-one (31) through forty-nine (49) of  
3 this Act or any rule or regulation established by the commission or the  
4 department, the burden of proof shall be upon the commission or the  
5 department except in an action for contempt as provided in section  
6 forty-five (45) of this Act.

1 SEC. 51. When used in sections fifty-one (51) through sixty-seven  
2 (67) of this Act, unless the context otherwise requires:

- 3 1. "Board" means the board of certification.
- 4 2. "Commission" means the water quality commission of the depart-  
5 ment.
- 6 3. "Certificate" means the certificate of competence issued by the  
7 executive director stating that the operator has met the requirements  
8 for the specified operator classification of the certification program.
- 9 4. "Water supply system" means the system of pipes, structures,  
10 and facilities through which a public water supply is obtained, treated  
11 and sold or distributed for human consumption or household use.
- 12 5. "Water treatment plant" means that portion of the water supply  
13 system which in some way alters the physical, chemical, or bacterio-  
14 logical quality of the water.
- 15 6. "Wastewater treatment plant" means the facility or group of  
16 units used for the treatment of wastewater from public sewer systems  
17 and for the reduction and handling of solids removed from such  
18 wastes.
- 19 7. "Water distribution system" means that portion of the water  
20 supply system in which water is conveyed from the water treatment  
21 plant or other supply point to the premises of the consumer.
- 22 8. "Operator" means a person who has direct responsibility for the  
23 operation of a water treatment plant, water distribution system, or  
24 wastewater treatment plant.

1 SEC. 52. The executive director shall classify all water treatment  
2 plants, water distribution systems, and wastewater treatment plants  
3 affecting the public welfare with regard to the size, type, character  
4 of water and wastewater to be treated and other physical conditions  
5 affecting such treatment plants and distribution systems, and accord-  
6 ing to the skill, knowledge, and experience that an operator must have  
7 to supervise the operation of such facilities to protect the public health  
8 and prevent pollution.

1 SEC. 53. The executive director shall certify persons as to their  
2 qualifications to supervise the operation of such treatment plants and  
3 water distribution systems after considering the recommendations of  
4 the board submitted through the commission.



1 SEC. 54. The commission shall appoint a board of certification con-  
2 sisting of the following five members:

3 1. One member who is a waterworks operator holding a valid cer-  
4 tificate of the highest classification issued by the department.

5 2. One member who is a waste waterworks operator holding a valid  
6 certificate of the highest classification issued by the department.

7 3. One member employed by the department who is qualified in  
8 water and waste waterworks operation.

9 4. One member who is a university or college faculty member and  
10 whose major field is related to water supply or waste water collection  
11 and treatment.

12 5. One member who is an employee of a municipality required to  
13 employ a certified operator and who holds a position of city manager,  
14 city engineer, director of public works, or an equivalent position.

15 The members of the board shall be appointed for three-year terms.  
16 Any vacancy shall be filled by appointment for the unexpired term.

1 SEC. 55. The initial board of certification shall have five members,  
2 three of whom shall be the appointed members of the board of certifi-  
3 cation abolished by this Act, whose terms do not expire on the thirtieth  
4 of June, 1972. These three members shall continue to serve their  
5 unexpired terms. The remaining two members shall be appointed for  
6 three-year terms.

1 SEC. 56. The initial board of certification shall organize and elect  
2 a chairman from its membership. Thereafter, a chairman shall be  
3 elected at the last meeting of the fiscal year which shall be the annual  
4 meeting of the board. The member of the board employed by the  
5 department shall serve as secretary and maintain its records. Addi-  
6 tional meetings may be held at the call of the chairman. Three mem-  
7 bers shall constitute a quorum. The members of the board shall serve  
8 without compensation, except for actual and necessary expenses in-  
9 curred while discharging their official duties.

1 SEC. 57. The commission shall hold at least one examination each  
2 year for the purpose of examining candidates for certification at a  
3 time and place designated by the commission. Those applicants whose  
4 competency is acceptable to the commission shall be recommended to  
5 the executive director for certification.

1 SEC. 58. When the executive director is satisfied that an applicant  
2 is qualified by examination or otherwise, and upon recommendation of  
3 the commission, the executive director shall issue a certificate attest-  
4 ing to the competency of the applicant as an operator. The certificate  
5 shall indicate the classification of works which the operator is qualified  
6 to supervise.

1 SEC. 59. Certificates shall continue in effect for one year from the  
2 date of issuance unless sooner revoked by the executive director, but  
3 such certificates shall remain the property of the department and the  
4 certificate shall so state.

1 SEC. 60. The executive director may revoke the certificate of an  
2 operator, following a hearing before the executive director when it is  
3 found that the operator has practiced fraud or deception in obtaining  
4 the certificate or in the performance of his duties as an operator;

5 when it is found that reasonable care, judgment, or the application of  
6 his knowledge or ability was not used in the performance of his duties;  
7 or when it is found that the operator is incompetent or unable prop-  
8 erly to perform his duties as an operator.

1 SEC. 61.

2 1. A certificate in appropriate classification shall be issued without  
3 examination to any operator who, prior to the effective date of this  
4 Act, held a valid certificate attained by examination and issued by the  
5 commissioner of public health.

6 2. A certificate of proper classification shall be issued without exam-  
7 ination to any operator who, prior to the effective date of this Act,  
8 held a valid certificate to operate a particular treatment plant or water  
9 distribution system. The certificate so issued shall be valid only for  
10 that particular treatment plant or system and shall remain in effect  
11 indefinitely unless revoked by the executive director as provided in  
12 section sixty (60) of this Act.

1 SEC. 62. The executive director, with the approval of the board  
2 submitted through the commission, is authorized to charge a fee for  
3 certificates issued under the provisions of sections fifty-one (51)  
4 through sixty-seven (67) of this Act, but such fees shall not exceed  
5 five dollars for an initial certificate, nor more than three dollars for  
6 the annual renewal certificate. All such fees collected shall be re-  
7 mitted to the treasurer of state, who shall hold such moneys in a  
8 special fund to be known as the "operators certification fund," to be  
9 used by the department to administer and enforce the provisions of  
10 sections fifty-one (51) through sixty-seven (67) of this Act and to  
11 pay the expenses of the board. Such fund shall be subject at all times  
12 to the warrant of the state comptroller, drawn upon written requis-  
13 ition of the executive director.

1 SEC. 63. The commission, with the advice of the board, may pro-  
2 mulgate such rules and regulations as are necessary to carry out the  
3 provisions of sections fifty-one (51) through sixty-seven (67) of this  
4 Act. The rules and regulations established shall be subject to the  
5 provisions of section seven (7), subsection three (3) of this Act.

1 SEC. 64. It shall be unlawful for any person, firm, corporation,  
2 municipal corporation, or other governmental subdivision or agency,  
3 operating a water treatment plant, water distribution system or waste-  
4 water treatment plant to operate same unless the competency of the  
5 operator to operate such plant or system is duly certified to by the  
6 executive director under the provisions of sections fifty-one (51)  
7 through sixty-seven (67) of this Act. It shall also be unlawful for  
8 any person to perform the duties of an operator, as defined herein,  
9 without being duly certified under the provisions of sections fifty-one  
10 (51) through sixty-seven (67) of this Act.

1 SEC. 65. Any person, including any firm, corporation, municipal  
2 corporation, or other governmental subdivision or agency, violating  
3 any provisions of sections fifty-one (51) through sixty-seven (67) of  
4 this Act, or the rules and regulations adopted thereunder after written  
5 notice thereof by the executive director is guilty of a misdemeanor.  
6 Each day of operation in such violation of sections fifty-one (51)

7 through sixty-seven (67) of this Act or any rules or regulations  
 8 adopted thereunder shall constitute a separate offense. Upon conviction,  
 9 such persons shall be fined not exceeding one hundred dollars,  
 10 or be imprisoned in the county jail for not more than thirty days, or  
 11 by both\* such fine and imprisonment. It shall be the duty of the appropriate  
 12 county attorney to secure injunctions of continuing violations  
 13 of any provisions of sections fifty-one (51) through sixty-seven (67)  
 14 of this Act, or the rules and regulations adopted thereunder.

1 SEC. 66. The commission shall establish policy, by rule and regulation,  
 2 relative to the installation and operation of public water supplies,  
 3 sewer systems, and sewage treatment plants. The rules and regulations  
 4 established are subject to the provisions of section seven (7),  
 5 subsection three (3) of this Act.

1 SEC. 67. The executive director shall inspect the public water supplies,  
 2 sewer systems, and sewage treatment plants, and direct the method  
 3 of installation and operation of the same.

1 SEC. 68. There is established a fund to be known as the "sewage  
 2 works construction fund". All moneys appropriated to and deposited  
 3 in the sewage works construction fund are hereby appropriated for  
 4 and shall be used by the department in carrying out the purposes of  
 5 sections sixty-eight (68) through seventy-three (73), inclusive, of this  
 6 Act.

7 When used in sections sixty-eight (68) through seventy-four (74)  
 8 of this Act, inclusive, and unless the context requires otherwise:

9 1. "Treatment works" means any plant, disposal field, lagoon, holding  
 10 or flow-regulating basin, pumping station, interceptor sewer, or  
 11 other works installed for the purpose of treating, stabilizing, or disposing  
 12 of sewage, industrial waste, or other wastes, which qualify for  
 13 federal grants pursuant to the federal water pollution Act of 1956,  
 14 as amended, or any other federal Act or program.

15 2. "Commission" means the water quality commission of the department.  
 16

17 3. "Construction" means the erection, building, acquisition, alteration,  
 18 reconstruction, improvement, or extension of treatment works;  
 19 preliminary planning to determine the economic and engineering  
 20 feasibility of treatment works; the engineering, architectural, legal,  
 21 fiscal, and economic investigations and studies, surveys, designs,  
 22 plans, working drawings, specifications, procedures, inspection, and  
 23 supervision, and other action necessary in the construction of treatment  
 24 works.

25 4. "Eligible project" means a project for construction of sewage  
 26 treatment works:

27 a. For which approval of the commission is required under sections  
 28 sixty-eight (68) through seventy-three (73) of this Act.

29 b. Which is, in the judgment of the commission, eligible for federal  
 30 pollution abatement assistance, whether or not federal funds are then  
 31 available for such purpose. Eligible projects shall be those which the  
 32 construction contract therefor shall have been entered into subsequent  
 33 to July 1, 1966.

34 c. Which conforms with applicable rules and regulations of the  
 35 commission.

\*Indictment, see ch 773 of the Code.

36 d. Which is, in the judgment of the commission, necessary for the  
37 accomplishment of the state's policy of water purity.

38 5. "Municipality" means the city, town, sanitary district, or other  
39 governmental body or corporation empowered to provide sewage col-  
40 lection and treatment services, or any combination of two or more of  
41 such governmental bodies or corporations acting jointly, in connection  
42 with an eligible project.

43 6. "Federal pollution abatement assistance" means funds available  
44 to a municipality, either directly or through allocation by the state,  
45 from the federal government as grants for construction of sewage  
46 treatment works pursuant to the federal water pollution Act of 1956  
47 as amended.

1 SEC. 69. The commission may make grants as funds are available  
2 to any municipality to assist such municipality in the construction of  
3 sewage treatment works.

1 SEC. 70. The commission shall accept and administer all funds  
2 granted by the state pursuant to sections sixty-eight (68) through  
3 seventy-three (73), inclusive, of this Act.

4 In allocating state grants under sections sixty-eight (68) through  
5 seventy-three (73), inclusive, of this Act the commission shall give  
6 consideration to:

- 7 1. The public benefits to be derived by the construction.
- 8 2. The ultimate cost of constructing and maintaining the works.
- 9 3. The public interest and public necessity for the works.
- 10 4. The adequacy of the provisions made or proposed by the munici-  
11 pality for assuring proper and efficient operation and maintenance of  
12 the treatment works after the completion of construction thereof.
- 13 5. The applicant's readiness to start construction, including financ-  
14 ing and planning.

1 SEC. 71. The commission may, in the name of the state, contract  
2 with any municipality concerning eligible projects, subject to the  
3 approval of the executive committee. Any such contract may include  
4 such provisions as may be agreed upon by the parties, and shall  
5 include, in substance, the following provisions:

- 6 1. An estimate of the reasonable cost of the project as determined  
7 by the commission.
- 8 2. An agreement by the commission to pay to the municipality,  
9 during the progress of construction or following completion of the  
10 construction as may be agreed upon by the parties, an amount equal  
11 to one half of that portion of the actual cost of the project, or the  
12 reasonable cost of the project as determined by the commission,  
13 whichever is less, that is not paid by the federal government but not  
14 less than twenty-five percent of the cost as determined.
- 15 3. An agreement by the municipality:
  - 16 a. To proceed expeditiously with, and complete, the project in  
17 accordance with plans approved pursuant to sections sixty-eight (68)  
18 through seventy-three (73), inclusive, and pursuant to sections thirty-  
19 one (31) through fifty (50) of this Act.
  - 20 b. To commence operation of the sewage treatment works on com-  
21 pletion of the project, and not to discontinue operation or dispose of  
22 the sewage treatment works without the approval of the commission.

23 c. To operate and maintain the sewage treatment works in accord-  
 24 ance with applicable provisions of sections thirty-one (31) through  
 25 fifty (50) of this Act and rules and regulations of the commission.

26 d. To obtain approval of the commission before applying for federal  
 27 assistance for pollution abatement, in order to maximize the amounts  
 28 of such assistance received or to be received for all projects in Iowa.

29 e. To provide for the payment by the municipality of its share of  
 30 the cost of the project.

31 4. A provision that, in the event federal assistance which was not  
 32 included in the calculation of the state payment pursuant to subsec-  
 33 tion two (2) of this section becomes available to the municipality, the  
 34 amount of the state payment shall be recalculated with the inclusion  
 35 of such additional federal assistance and the municipality shall pay  
 36 to the state the amount by which the state payment actually made  
 37 exceeds the state payment determined by the recalculation.

1 SEC. 72. The commission may adopt such rules and regulations as  
 2 are necessary for the effective administration of sections sixty-eight  
 3 (68) through seventy-three (73), inclusive.

1 SEC. 73. All contracts entered into pursuant to sections sixty-  
 2 eight (68) through seventy-three (73), inclusive, shall be subject to  
 3 approval of the attorney general as to form. All payments by the state  
 4 pursuant to such contracts shall be made after review and by warrant  
 5 of the state comptroller to the credit of the municipality and shall be  
 6 used for the payment of costs of construction of an eligible project.  
 7 However, if such costs have been paid by the municipality, then such  
 8 payment may be used by the municipality for:

9 1. The payment of outstanding bonds or obligations incurred for  
 10 any such eligible project.

11 2. Any improvement or extension of an eligible project.

12 3. Any other lawful municipal purpose determined to be necessary,  
 13 reasonable, and in the interest of the public welfare.

1 SEC. 74. The powers, duties, and functions vested in the commis-  
 2 sion under the provisions of sections thirty-one (31) through seventy-  
 3 three (73) of this Act shall not be construed to affect the powers,  
 4 duties and functions vested in the department under any other provi-  
 5 sions of this Act or the Code.

1 SEC. 75. Any rule or regulation adopted or order or permit issued  
 2 under chapters one hundred thirty-six A (136A), four hundred fifty-  
 3 five B (455B) and four hundred fifty-five C (455C) of the Code, prior  
 4 to the effective date of this Act, by the Iowa water pollution control  
 5 commission or by the state department of health, shall remain effective  
 6 until modified or rescinded by action of the water quality commission  
 7 unless such rule or regulation is inconsistent or contrary to sections  
 8 thirty-one (31) through seventy-four (74) of this Act.

#### DIVISION IV

1 SEC. 76. As used in sections seventy-six (76) through eighty-four  
 2 (84) of this Act, unless the context clearly indicates a contrary intent:

3 1. "Public agency" means a public agency as defined in section  
 4 twenty-eight E point two (28E.2) of the Code.

5 2. "Private agency" means a private agency as defined in section  
 6 twenty-eight E point two (28E.2) of the Code.

7 3. "Sanitary disposal project" means all facilities and appurte-  
8 nances including all real and personal property connected with such  
9 facilities, which are acquired, purchased, constructed, reconstructed,  
10 equipped, improved, extended, maintained, or operated to facilitate  
11 the final disposition of solid waste without creating a significant haz-  
12 ard to the public health or safety, and which are approved by the exec-  
13 utive director.

14 4. "Solid waste" means garbage, refuse, rubbish, and other similar  
15 discarded solid or semisolid materials, including but not limited to  
16 such materials resulting from industrial, commercial, agricultural,  
17 and domestic activities. Solid waste may include vehicles, as defined  
18 by subsection one (1) of section three hundred twenty-one point one  
19 (321.1) of the Code. Nothing herein shall be construed as prohibi-  
20 ting the use of dirt, stone, brick, or similar inorganic material for fill,  
21 landscaping, excavation or grading at places other than a sanitary  
22 disposal.

23 5. "Commission" means the solid waste disposal commission of the  
24 department.

1 SEC. 77. Every city, town and county of this state shall provide  
2 for the establishment and operation of a sanitary disposal project for  
3 final disposal of solid waste by its residents not later than the first of  
4 July, 1975. Sanitary disposal projects may be established either sep-  
5 arately or through cooperative efforts for the joint use of the partici-  
6 pating public agencies as provided by law.

7 Cities, towns and counties may execute with public and private  
8 agencies contracts, leases, or other necessary instruments, purchase  
9 land and do all things necessary not prohibited by law for the collec-  
10 tion of solid waste, establishment and operation of sanitary disposal  
11 projects, and general administration of the same. Any agreement  
12 executed with a private agency for the operation of a sanitary dis-  
13 posal project shall provide for the posting of a sufficient surety bond  
14 by the private agency conditioned upon the faithful performance of  
15 the agreement.

1 SEC. 78. The executive director shall administer the provisions of  
2 sections seventy-six (76) through eighty-four (84) of this Act, sub-  
3 ject to the rules and regulations established by the commission.

4 Local boards of health shall cooperate in the enforcement of the  
5 provisions of sections seventy-six (76) through eighty-four (84) of  
6 this Act and the executive director may seek their aid and delegate  
7 administrative duties of the department to the local boards of health  
8 in matters relating to solid waste, refuse disposal plants, and sanitary  
9 disposal projects.

1 SEC. 79. The commission shall establish rules for the proper ad-  
2 ministration of the provisions of sections seventy-six (76) through  
3 eighty-four (84) of this Act which shall reflect and accommodate in-  
4 sofar as is reasonably possible those current and generally accepted  
5 methods and techniques for treatment and disposition of solid waste  
6 which will serve the purposes of sections seventy-six (76) through  
7 eighty-four (84) of this Act, which shall take into consideration  
8 such factors, including others which it may deem proper, as existing  
9 physical conditions, topography, soils and geology, climate, trans-

10 portation, and land use, such rules including but not limited to rules  
11 relating to the establishment and location of sanitary disposal proj-  
12 ects, sanitary practices, inspection of sanitary disposal projects, col-  
13 lection of solid waste, disposal of solid waste, pollution controls, the  
14 issuance of permits, approved methods of private disposition of solid  
15 waste, the general operation and maintenance of sanitary disposal  
16 projects, and the implementation of sections seventy-six (76) through  
17 eighty-four (84) of this Act. Prior to issuance of rules and regu-  
18 lations or amendments thereto, the commission shall hold at least  
19 one public hearing on the proposed rules or amendments, and shall  
20 give notice of such hearing at least thirty days in advance by publish-  
21 ing notice in a newspaper of general circulation in the state. The air  
22 quality commission and the water quality commission of the depart-  
23 ment shall cooperate with the commission in the establishment of such  
24 rules. All rules promulgated shall be subject to the provisions of  
25 chapter seventeen A (17A) of the Code and section seven (7), sub-  
26 section three (3) of this Act.

1 SEC. 80. The executive director shall certify if disposal projects  
2 operated or planned to be operated by or for cities, towns, counties  
3 and those operated by private agencies meet the standards provided  
4 for by sections seventy-six (76) through eighty-four (84) of this Act  
5 and the rules and regulations of the commission, by issuing a permit  
6 for existing disposal projects which fully comply, and for planned  
7 sanitary disposal projects whose plans fully comply, with all provi-  
8 sions of sections seventy-six (76) through eighty-four (84) of this  
9 Act and rules and regulations issued pursuant thereto. Permits shall  
10 be issued for existing disposal sites which have not met all the provi-  
11 sions of sections seventy-six (76) through eighty-four (84) of this  
12 Act and rules and regulations issued pursuant thereto, if a compre-  
13 hensive plan for compliance within the time limitations required by  
14 sections seventy-six (76) through eighty-four (84) of this Act is  
15 developed by a city, town, county or private agency and is approved  
16 by the executive director. Every city, town or county of this state  
17 and every private agency involved in the final disposal of solid waste  
18 shall qualify for a permit by the first of July, 1975 or be subject to  
19 such legal actions authorized by section eighty-three (83) of this Act.

20 Permits shall be issued without fee by the executive director or at  
21 his direction, by a local board of health, for each sanitary disposal  
22 project operated in this state. Such permits shall be issued in the  
23 name of the city, town or county or, where applicable, in the name  
24 of the public or private agency operating such project. Each sani-  
25 tary disposal project shall be inspected annually by the department  
26 or a local board of health. The permits issued pursuant to this sec-  
27 tion shall be in addition to any other licenses, permits or variances  
28 authorized or required by law, including, but not limited to, the pro-  
29 visions of chapter three hundred fifty-eight A (358A) of the Code.  
30 A permit may be suspended or revoked after notice and hearing be-  
31 fore the commission or its designee if a sanitary disposal project is  
32 found not to meet the requirements of the provisions of sections seven-  
33 ty-six (76) through eighty-four (84) of this Act or rules and regula-  
34 tions issued pursuant thereto.

1 SEC. 81. Not later than the first of January, 1973, every city,  
 2 town, county and every private agency operating or planning to oper-  
 3 ate a sanitary disposal project shall file with the executive director a  
 4 plan detailing the method by which the city, town, county or private  
 5 agency will comply with the provisions of sections seventy-six (76)  
 6 through eighty-four (84) of this Act. The executive director shall  
 7 review each plan submitted and may reject, suggest modification, or  
 8 approve the proposed plan. The executive director shall aid in the  
 9 development of plans for compliance with the provisions of sections  
 10 seventy-six (76) through eighty-four (84) of this Act. The execu-  
 11 tive director shall make available to each city, town, county and pri-  
 12 vate agency appropriate forms for the submission of plans and may  
 13 hold hearings for the purpose of implementing the provisions of sec-  
 14 tions seventy-six (76) through eighty-four (84) of this Act.

1 SEC. 82. The board of supervisors of any county may, in lieu of  
 2 the levy authorized by section three hundred thirty-two point thirty-  
 3 two (332.32) of the Code, annually levy a tax not to exceed one-fourth  
 4 mill on all taxable property in the county outside the incorporated lim-  
 5 its of any city or town for the purpose of planning a sanitary disposal  
 6 project or of paying the interest and principal of bonds issued pursu-  
 7 ant to the provisions of section three hundred forty-six point twenty-  
 8 three (346.23) of the Code as they become due. The levy authorized  
 9 by this section shall be the only mill levy that the board of supervi-  
 10 sors may authorize for the purposes of this section, notwithstanding  
 11 the provisions of section three hundred forty-six point eleven (346.11)  
 12 of the Code or any other provision of law.

1 SEC. 83. 1. Commencing July 1, 1975, it shall be unlawful for any  
 2 private agency or public agency to dump or deposit or permit the  
 3 dumping or depositing of any solid waste at any place other than a  
 4 sanitary disposal project approved by the executive director. This  
 5 section shall not prohibit a private agency or public agency from  
 6 dumping or depositing\* solid waste resulting from its own residential,  
 7 farming, manufacturing, mining or commercial activities on land  
 8 owned or leased by it if such action does not violate any statute of  
 9 this state or rules and regulations promulgated by the commission or  
 10 local boards of health, or local ordinances, or rules and regulations  
 11 issued by the air quality commission or water quality commission of  
 12 the department. A violation of this subsection shall be a misdemeanor.

13 2. The executive director may issue any order necessary to secure  
 14 compliance with or prevent a violation of the provisions of sections  
 15 seventy-six (76) through eighty-four (84) of this Act or the rules and  
 16 regulations promulgated pursuant thereto. The attorney general shall,  
 17 on request of the department, institute any legal proceedings neces-  
 18 sary in obtaining compliance with an order of the commission or the  
 19 executive director or prosecuting any person for a violation of the  
 20 provisions of sections seventy-six (76) through eighty-four (84) of  
 21 this Act or rules and regulations issued pursuant thereto.

1 SEC. 84. Any person aggrieved by an order of the commission or  
 2 the executive director may appeal the same by filing a written notice

\*According to enrolled Act.



3 of appeal with the executive director within thirty days of the issuance  
4 of the order. The executive director shall schedule a hearing for the  
5 purpose of hearing the arguments of the aggrieved person within  
6 thirty days of the filing of the notice of appeal. The hearing may be  
7 held before the commission or its designee. A complete record shall  
8 be made of the proceedings. The executive director shall issue the  
9 findings in writing to the aggrieved person within thirty days of the  
10 conclusion of such hearing. If such person is not satisfied with the  
11 findings of the commission, he may appeal such findings to the district  
12 court of the county wherein the acts in issue occurred. Such appeal  
13 shall be made within thirty days of the issuance of the findings of the  
14 commission and a copy of the same shall be filed with the commission.  
15 The court upon the filing of such appeal shall hear the appeal in  
16 equity.

1 SEC. 85. Any rule or regulation adopted or order issued under  
2 chapter four hundred six (406) of the Code, prior to the effective  
3 date of this Act, by the commissioner of public health shall remain  
4 effective until modified or rescinded by action of the solid waste dis-  
5 posal commission unless such rule or regulation is inconsistent or  
6 contrary to sections seventy-six (76) through eighty-four (84) of this  
7 Act.

1 SEC. 86. As used in sections eighty-six (86) through ninety-five  
2 (95) of this Act, unless the context otherwise requires:

3 1. "Radiation" means any ionizing radiation including, but not  
4 limited to, high-speed electrons, neutrons, protons and other nuclear  
5 particles, but not sound waves.

6 2. "Radioactive material" means any solid, liquid, or gaseous  
7 material which emits radiation spontaneously.

8 3. "Nuclear waste disposal site" means all facilities and appurten-  
9 ances including all real and personal property connected with such  
10 facilities, which are acquired, leased, purchased, constructed, recon-  
11 structed, equipped, improved, extended, maintained, or operated to  
12 facilitate the final disposition of radioactive waste without creating  
13 a significant hazard to the public health or safety, and which are  
14 approved by the executive director.

15 4. "Commission" means solid waste disposal commission of the  
16 department.

1 SEC. 87. The department shall be the agency of the state to  
2 establish policy for the transportation, storage, handling, and disposal  
3 of radioactive material for the purpose of protecting the public health  
4 and safety.

1 SEC. 88. The commission shall provide, by rule and regulation,  
2 for the proper methods of transporting, storage, and handling of  
3 radioactive material except that the provisions of this section shall  
4 not apply to the transportation, handling, or storage of radioactive  
5 material by licensed physicians and surgeons or licensed osteopathic  
6 physicians and surgeons within the scope of their practice or by  
7 qualified employees of licensed hospitals within the scope of their  
8 duties. In adopting such rules and regulations, the commission shall  
9 consider the methods and techniques used by the United States

10 atomic energy commission and radiation control agencies of other  
11 states for the regulation of the transporting, handling, and storage  
12 of radioactive material. The commission shall also consult with the  
13 department of public safety in the development of rules and regula-  
14 tions for the transporting of radioactive material on the public roads  
15 of this state. All rules and regulations adopted by the commission  
16 under this section shall be subject to the provisions of chapter seven-  
17 teen A (17A) of the Code and section seven (7), subsection three (3)  
18 of this Act.

1 SEC. 89. The commission may approve or prohibit the establish-  
2 ment and operation of a nuclear waste disposal site in this state by  
3 a private person. In determining whether to grant or deny a license  
4 to establish and operate a nuclear waste disposal site, the commission  
5 shall consider the need for a nuclear waste disposal site and the  
6 existing physical conditions, topography, soils and geology, climate,  
7 transportation, and land use at the proposed site. If the commission  
8 decides to issue a license to establish and operate a nuclear waste  
9 disposal site, it shall establish, by rule and regulation, standards  
10 and procedures for the safe operation and maintenance of the proposed  
11 site. The commission shall also require the licensee to provide a suffi-  
12 cient surety bond or other financial commitment to insure the per-  
13 petual maintenance and monitoring of the nuclear waste disposal site.  
14 All rules and regulations adopted by the commission under this  
15 section shall be subject to the provisions of chapter seventeen A (17A)  
16 of the Code and section seven (7), subsection three (3) of this Act.

1 SEC. 90. The executive director:

2 1. Shall enforce any rules and regulations adopted under the pro-  
3 visions of sections eighty-six (86) through ninety-five (95) of this  
4 Act, and furnish a copy of such rules and regulations to each appli-  
5 cant for any license required under sections eighty-six (86) through  
6 ninety-five (95) of this Act.

7 2. May license any person transporting, handling, or storing any  
8 radioactive material under rules and regulations adopted by the com-  
9 mission.

10 3. May require the maintenance of records relating to the receipt,  
11 storage, transfer, or disposal of radioactive material.

12 4. May inspect any nuclear waste disposal site or other facilities  
13 relating to the transportation, storage and handling of radioactive  
14 materials. The executive director may enter at any reasonable time  
15 upon any private or public property for the purpose of determining  
16 whether or not a radiation hazard exists, or whether there is com-  
17 pliance with, or violation of, any provisions of sections eighty-six  
18 (86) through ninety-five (95) of this Act, or any rules or regulations  
19 adopted under sections eighty-six (86) through ninety-five (95) of  
20 this Act.

21 5. May issue, modify, or revoke orders in accordance with the  
22 provisions of sections eighty-six (86) through ninety-five (95) of this  
23 Act or the rules and regulations adopted under sections eighty-six  
24 (86) through ninety-five (95) of this Act.

25 6. May require the submission of plans and specifications for the  
26 design, construction, maintenance, and monitoring of nuclear waste  
27 disposal sites for review and appraisal.

1     SEC. 91. If the executive director determines that there are rea-  
2 sonable grounds to believe a violation of sections eighty-six (86)  
3 through ninety-five (95) of this Act or of the rules and regulations  
4 issued under sections eighty-six (86) through ninety-five (95) of this  
5 Act has occurred, he shall give written notice by certified mail to the  
6 alleged violator specifying the alleged violations involved and specify-  
7 ing a period of time in which to eliminate the violation. If the al-  
8 leged violator fails to comply within such specified time, the execu-  
9 tive director shall schedule a hearing and give written notice to the  
10 alleged violator by certified mail. In connection with the hearings, the  
11 executive director may issue subpoenas requiring the attendance of  
12 witnesses and the production of records pertinent to such hearing.  
13 On the basis of the findings, the executive director shall issue a final  
14 order which shall be forwarded to the alleged violator by certified mail.

1     SEC. 92. Whenever the executive director finds that an emergency  
2 exists requiring immediate action to protect the public health and  
3 safety, he may, without notice or hearing, issue an emergency order  
4 reciting that an emergency exists and requiring that such action be  
5 taken as he deems necessary to meet the emergency. The order may  
6 be issued orally to the person whose operation constitutes the emer-  
7 gency by the executive director and confirmed by a copy of such order  
8 to be sent by certified mail within twenty-four hours after the issu-  
9 ance of the oral order. The emergency order shall be effective immedi-  
10 ately. Any person receiving an emergency order may request a hear-  
11 ing before the commission within thirty days following the receipt  
12 of the order. The commission shall schedule a hearing within four-  
13 teen days after receipt of the request for a hearing and give written  
14 notice to the alleged violator by certified mail. The commission may  
15 also schedule a hearing in the absence of a request by the alleged  
16 violator. On the basis of the findings, the commission shall issue a  
17 final order which shall be forwarded to the alleged violator by certi-  
18 fied mail.

19     The executive director may, if an emergency exists, impound or  
20 order the impounding of any radioactive material in the possession  
21 of any person who is not equipped to observe, or fails to observe,  
22 the provisions of sections eighty-six (86) through ninety-five (95)  
23 of this Act or any rules or regulations adopted under sections eighty-  
24 six (86) through ninety-five (95) of this Act.

1     SEC. 93. An appeal may be taken from any final order of the  
2 commission to the district court of the county in which the alleged  
3 violation was committed or such final order was entered. Notice of  
4 appeal from a final order shall be served upon the executive director  
5 by certified mail. Failure to serve the notice of appeal within thirty  
6 days after receipt of the final order shall operate as a waiver of the  
7 right to appeal. A final order by the commission shall not be stayed  
8 by an appeal except by order of the district court after hearing for  
9 good cause shown by the alleged violator. The hearing on appeal  
10 shall be tried as a suit in equity. The court may receive additional  
11 testimony and evidence and may affirm, modify, or reverse the final  
12 order of the commission.

1 SEC. 94. Whenever, in the judgment of the executive director,  
2 any person has engaged in or is about to engage in any acts or prac-  
3 tices which constitute or will constitute a violation of the provisions  
4 of sections eighty-six (86) through ninety-five (95) of this Act, or  
5 any rule, regulation, or order promulgated under sections eighty-six  
6 (86) through ninety-five (95) of this Act, he may request the attorney  
7 general to make application in the name of the state to the district  
8 court of the county in which such acts or practices may be performed,  
9 for an order enjoining such acts or practices notwithstanding the  
10 existence or pursuit of any other remedy, and the attorney general  
11 shall make such application.

1 SEC. 95. Any person who violates any provisions of sections  
2 eighty-six (86) through ninety-five (95) of this Act or rules or regu-  
3 lations adopted under sections eighty-six (86) through ninety-five  
4 (95) of this Act, or any order of the commission or executive director  
5 issued pursuant to sections eighty-six (86) through ninety-five (95)  
6 of this Act, shall be punished by a fine of not more than five hundred  
7 dollars or by imprisonment not to exceed six months or punished by  
8 both such fine and imprisonment and, in addition, he may be enjoined  
9 from continuing such violation. Each day of continued violation after  
10 notice that a violation is being committed shall constitute a separate  
11 violation.

1 SEC. 96. As used in sections ninety-six (96) through one hundred  
2 (100) of this Act, unless the context otherwise requires:

3 1. "Litter" means any garbage, rubbish, trash, refuse, waste ma-  
4 terials, or debris.

5 2. "Discard" means to place, cause to be placed, throw, deposit,  
6 or drop.

7 3. "Commission" means the solid waste disposal commission of the  
8 department.

1 SEC. 97. The executive director, at the direction of the commis-  
2 sion, shall establish programs to encourage the active support of busi-  
3 ness, industry and the general public for litter control.

4 The executive director, at the direction of the commission, shall  
5 coordinate and encourage the cooperation of state and local public  
6 agencies in the administration of sections ninety-six (96) through  
7 ninety-nine (99) of this Act.

1 SEC. 98. No person shall discard any litter onto or in any water  
2 or land of this state, except that nothing in this section shall be  
3 construed to affect the authorized collection and discarding of such  
4 litter in or on areas or receptacles provided for such purpose.

5 When litter is discarded from a motor vehicle, the driver of the  
6 motor vehicle shall be responsible for the act in any case where doubt  
7 exists as to which occupant of the motor vehicle actually discarded  
8 the litter.

1 SEC. 99. Any person violating the provisions of section ninety-  
2 eight (98) of this Act, shall be guilty of a misdemeanor and, upon  
3 conviction, shall be subject to a fine of not less than fifteen dollars  
4 nor more than one hundred dollars or be imprisoned in the county jail  
5 not to exceed thirty days. The court, in lieu of or in addition to any

6 other sentence imposed, may direct and supervise a labor of litter  
7 gathering.

1 SEC. 100. The powers, duties, and functions vested in the com-  
2 mission under the provisions of sections seventy-six (76) through  
3 ninety-nine (99) of this Act shall not be construed to affect the  
4 powers, duties and functions vested in the department under any other  
5 provisions of this Act or the Code.

#### DIVISION V

1 SEC. 101. As used in sections one hundred one (101) through  
2 one hundred six (106) of this Act, unless the context otherwise  
3 requires:

4 1. "Commission" means the chemical technology commission of the  
5 department.

6 2. "Agricultural chemical" means a pesticide as defined in subsec-  
7 tion three (3) of this section and also means any feed or soil addi-  
8 tive, other than a pesticide, which is designed for and used to promote  
9 the growth of plants or animals.

10 3. "Pesticide" means (a) any substance or mixture of substances  
11 intended for preventing, destroying, repelling, or mitigating directly  
12 or indirectly any insects, rodents, nematodes, fungi, weeds, and other  
13 forms of plant or animal life or viruses, except viruses on or in living  
14 man, which the executive director shall declare to be a pest, and (b)  
15 any substances intended for use as a plant growth regulator, defoliant  
16 or desiccant.

17 4. "Plant growth regulator" means any substance or mixture of  
18 substances intended, through physiological action, for accelerating or  
19 retarding the rate of growth or rate of maturation, or for otherwise  
20 altering the behavior of ornamental or crop plants or the produce  
21 thereof, but shall not include substances to the extent that they are  
22 intended as plant nutrients, trace elements, nutritional chemicals,  
23 plant inoculants, and soil amendments.

1 SEC. 102. The commission shall collect, analyze, and interpret  
2 information relating to agricultural chemicals and their use. The com-  
3 mission shall coordinate the regulation and information responsibil-  
4 ities of state agencies on matters relating to the sale and use of  
5 agricultural chemicals. It shall adopt rules relating to the sale, use  
6 and disuse of agricultural chemicals and may, by rule, restrict or  
7 prohibit the sale, distribution, or use of any agricultural chemical. In  
8 determining whether to restrict or prohibit the sale, distribution, or  
9 use of any agricultural chemical, the board shall consider any official  
10 reports, academic studies, expert opinions or testimony, or other mat-  
11 ter deemed to have probative value. Any such evidence shall be  
12 received at a public hearing held for such purpose.

13 The commission shall consider the toxicity, hazard, effectiveness  
14 and public need for the agricultural chemicals, and the availability  
15 of less toxic or less hazardous agricultural chemicals and substances  
16 or other means of control.

1 SEC. 103. The commission shall, by rule and regulation, after a  
2 public hearing following due notice:

- 3 1. Declare as a pest any form of plant or animal life or virus  
4 which is unduly injurious to plants, man, domestic animals, articles,  
5 or substances.
- 6 2. Specify the conditions under which containers of pesticides may  
7 be transported, stored, or disposed.
- 8 3. Determine the proper use of pesticides, including their formula-  
9 tions, and the times and methods of application and other conditions  
10 of use.
- 11 4. Require that all veterinarians licensed and practicing veterinary  
12 medicine in the state promptly report any case of domestic livestock  
13 poisoning or suspected poisoning to the executive director and the  
14 veterinary medical diagnostic laboratory at Iowa state university of  
15 science and technology.

1 SEC. 104. The rules and regulations promulgated by the com-  
2 mission shall be subject to the provisions of chapter seventeen A  
3 (17A) of the Code and section seven (7), subsection three (3) of this  
4 Act.

1 SEC. 105. The attorney general shall institute, at the request of  
2 the executive director, legal action to condemn any agricultural  
3 chemical sold, offered for sale, used, transported, or stored in this  
4 state in violation of sections one hundred one (101) through one  
5 hundred four (104) of this Act or any rules and regulations adopted  
6 by the commission under sections one hundred one (101) through one  
7 hundred four (104) of this Act.

1 SEC. 106. Any person violating the provisions of sections one  
2 hundred one (101) through one hundred four (104) of this Act or  
3 the rules or regulations adopted by the commission under sections  
4 one hundred one (101) through one hundred four (104) of this Act  
5 is guilty of a misdemeanor.

1 SEC. 107. The powers, duties, and functions vested in the chemical  
2 technology commission under the provisions of sections one hundred  
3 one (101) through one hundred six (106) of this Act shall not be  
4 construed to affect the powers, duties, and functions vested in the  
5 department under any other provisions of this Act or the Code.

1 SEC. 108. Any rule or regulation adopted or order issued under  
2 chapter two hundred six A (206A) of the Code, prior to the effective  
3 day of this Act, by the chemical technology review board shall remain  
4 effective until modified or rescinded by action of the chemical tech-  
5 nology commission unless such rule or regulation is inconsistent or  
6 contrary to sections one hundred one (101) through one hundred  
7 seven (107) of this Act.

1 SEC. 109. Section one hundred seven point one (107.1), Code 1971,  
2 is amended as follows:

3 **107.1 Creation of commission—membership.** There is hereby cre-  
4 ated a state conservation commission which shall consist of seven citi-  
5 zens of the state who are interested in and have substantial knowledge  
6 of the subjects embraced in this chapter *and the executive director of*  
7 *the department of environmental quality or his designee who shall*  
8 *be a nonvoting member.* Not more than four of ~~said~~ *the seven citizen*

9 members shall, when appointed, belong to the same political party.  
 10 No person appointed to said commission shall during his term hold  
 11 any other state or federal office.

1 SEC. 110. Section four hundred fifty-five A point four (455A.4),  
 2 Code 1971, is amended as follows:

3 **455A.4 Appointment.** The council shall consist of ~~nine~~ *ten* mem-  
 4 bers, ~~who nine of whom~~ shall be electors of the state of Iowa and shall  
 5 be selected from the state at large solely with regard to their quali-  
 6 fications and fitness to discharge the duties of office without regard  
 7 to their political affiliation. *The tenth member shall be the executive*  
 8 *director of the department of environmental quality or his designee,*  
 9 *who shall be a nonvoting member.* The appointive members of the  
 10 council shall be appointed by the governor with the approval of two-  
 11 thirds of the members of the senate and shall be appointed for over-  
 12 lapping terms of six years. The terms of three members of the  
 13 council shall expire on July 1 of each odd-numbered year. Within  
 14 sixty days following the organization of each biennial regular session  
 15 of the general assembly, appointments shall be made of successors  
 16 to members of the council whose terms shall expire on the first of  
 17 July next thereafter and of members to fill the unexpired portion of  
 18 vacant terms.

1 SEC. 111. Section four hundred sixty-seven A point four (467A.4),  
 2 subsection one (1), Code 1971, as amended by chapter two hundred  
 3 twenty-seven (227), section twenty-seven (27), Acts of the Sixty-  
 4 fourth General Assembly, First Session, and as amended by House  
 5 File eleven hundred seventy-six (1176), section one (1), Acts of the  
 6 Sixty-fourth General Assembly, Second Session, is amended to read  
 7 as follows:

8 1. There is hereby established, to serve as an agency of the state  
 9 and to perform the functions conferred upon it in this chapter, the  
 10 department of soil conservation. The department shall be adminis-  
 11 tered in accordance with the policies of the state soil conservation  
 12 committee, which shall consist of a chairman and ten members. The  
 13 following shall serve as ex officio nonvoting members of the com-  
 14 mittee: The director of the state agricultural extension service or his  
 15 designee, the secretary of agriculture, or his designee, the director of  
 16 the state conservation commission or his designee, and the director  
 17 of the Iowa natural resources council or his designee. Seven voting  
 18 members shall be appointed by the governor and confirmed by the sen-  
 19 ate. Six of the appointive members shall be persons engaged in actual  
 20 farming operations, one of whom shall be a resident of each of the six  
 21 conservancy districts established by section three (3) of this Act, and  
 22 no more than one of whom shall be a resident of any one county. The  
 23 seventh appointive member shall be chosen by the governor from the  
 24 state at large and shall be a representative of cities and towns. The  
 25 committee may invite the secretary of agriculture of the United States  
 26 to appoint one person to serve with the above mentioned members, and  
 27 the president of the Iowa county engineers association may designate  
 28 a member of the association to serve in the same manner, but these  
 29 persons shall have no vote and shall serve in an advisory capacity only.  
 30 *The director of the department of environmental quality shall be an*  
 31 *ex officio nonvoting member.* The committee shall adopt a seal, which

32 seal shall be judicially noticed, and may perform such acts, hold such  
 33 public hearings, and promulgate such rules and regulations as may be  
 34 necessary for the execution of its functions under this chapter.

1 SEC. 112. Section one hundred thirty-five point eleven (135.11),  
 2 subsection seven (7), section one hundred thirty-six point three  
 3 (136.3), subsection two (2), paragraph c, section two hundred six point  
 4 three (206.3), subsection two (2), paragraph d, section two hundred  
 5 six point six (206.6), subsection one (1), and chapters one hundred  
 6 thirty-six A (136A), one hundred thirty-six B (136B), two hundred  
 7 six A (206A), four hundred fifty-five B (455B), four hundred fifty-  
 8 five C (455C), four hundred six (406), Code 1971, are repealed.

1 SEC. 113. The effective date of this Act shall be the first of Janu-  
 2 ary, 1973, except that the governor may, prior to the first of January,  
 3 1973, by executive order, appoint the necessary commission members,  
 4 authorize the commissions to organize themselves as provided in this  
 5 Act, and transfer the functions, records, equipment, funds, other prop-  
 6 erty, and personnel provided in this Act to the department. Any powers,  
 7 duties, functions, responsibilities and programs not so transferred,  
 8 shall be transferred by operation of law on the first of January, 1973.

9 The governor may also by executive order prior to the first of  
 10 January, 1973, after he has determined that the boards and commis-  
 11 sions abolished by this Act no longer have any significant functions  
 12 to perform, provide that the offices of the members thereof be abol-  
 13 ished. Thereafter, such offices shall stand abolished and the members  
 14 thereof shall not be entitled to any further compensation.

15 Officers and employees of the department appointed, and members  
 16 of the commissions and the executive committee authorized to meet,  
 17 prior to the first of January, 1973, may be compensated as provided  
 18 in this Act from existing funds transferred by executive order to the  
 19 department.

Approved April 21, 1972.

## CHAPTER 1120

### HIGHWAY COMMISSION CONDEMNATION

S. F. 1038

AN ACT relating to eminent domain.

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

1 SECTION 1. In any condemnation proceedings instituted by the  
 2 state highway commission and pending on or filed subsequent to Janu-  
 3 ary 1, 1968, in any court of the state, under chapter four hundred sev-  
 4 enty-two (472) of the Code, wherein the property owner has served a  
 5 proper notice of appeal on the applicant for condemnation within the  
 6 statutory period, but has failed to serve notice of appeal on a lien-  
 7 holder within the statutory period as required by section four hundred  
 8 seventy-two point eighteen (472.18) of the Code, such failure shall not



9 deprive the court of jurisdiction insofar as the property owner is con-  
 10 cerned, unless a lienholder can show prejudice thereby, and in such  
 11 instances the appeal, as it affects the property owner, is legalized and  
 12 validated.

13 Any award of damages and judgment for costs, in any such pro-  
 14 ceeding, which has been set aside or vacated, by reason of the failure  
 15 of the property owner to serve notice of appeal on a lienholder within  
 16 the statutory period required under section four hundred seventy-two  
 17 point eighteen (472.18) of the Code, shall be reinstated by the court  
 18 where such award and judgment was entered after notice and hear-  
 19 ing, as prescribed by the court, and after a finding that such lienholder  
 20 will not be prejudiced thereby.

Approved April 22, 1972.

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## CHAPTER 1121

### MERGED AREA SCHOOLS

#### H. F. 1101

AN ACT to legalize and validate proceedings for the establishment, organization, formation, and changes in the boundaries of merged area school systems.

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

1 SECTION 1. All proceedings taken after January 1, 1969 and  
 2 prior to January 1, 1972, purporting to provide for the establishment,  
 3 organization, formation, and changes in the boundaries of merged  
 4 areas under the provisions of chapter two hundred eighty A (280A),  
 5 Code 1971, and not heretofore declared invalid by any court, are  
 6 legalized, validated, and confirmed.

1 SEC. 2. The foregoing shall not be construed to affect any litiga-  
 2 tion that may be pending at the time this Act becomes effective involv-  
 3 ing the establishment, organization, formation, or changes in the  
 4 boundaries of any such merged area.

Approved April 21, 1972.

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## CHAPTER 1122

### COMMISSION ON STATUS OF WOMEN

#### H. F. 1140

AN ACT to establish a commission on the status of women and to define its powers and duties.

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

1 SECTION 1. **Establishment.** There is established a commission on  
 2 the status of women, hereinafter referred to as the "commission",

3 to consist of twenty-four members, appointed by the governor and  
 4 representing a cross section of the citizens of Iowa. The commission  
 5 shall be nonpartisan, and the members shall be appointed without refer-  
 6 ence to their political affiliation. The governor shall appoint one of  
 7 the members to serve as chairman.

1 **SEC. 2. Term of office.** One-half of the members appointed to the  
 2 initial commission shall be designated by the governor to serve two-  
 3 year terms, and one-half shall be designated by the governor to serve  
 4 four-year terms. Succeeding appointments shall be for a term of four  
 5 years. Vacancies in the membership shall be filled for the unexpired  
 6 term in the same manner as the original appointment.

1 **SEC. 3. Meetings of the commission.** The commission shall meet  
 2 at least four times each year, and shall hold special meetings on the  
 3 call of the chairman. Ten members shall constitute a quorum, and  
 4 the concurrence of at least thirteen members shall be necessary for  
 5 the commission to render a determination or decision. The commission  
 6 shall adopt rules and regulations as it deems necessary.

1 **SEC. 4. Objectives of commission.** The commission shall study the  
 2 changing needs and problems of the women of this state, and develop  
 3 and recommend new programs and constructive action to the gover-  
 4 nor and the general assembly, including but not limited to, the follow-  
 5 ing areas:  
 6 1. Public and private employment policies and practices.  
 7 2. Iowa labor laws.  
 8 3. Legal treatment relating to political and civil rights.  
 9 4. The family and the employed woman.  
 10 5. Expanded programs to help women as wives, mothers, and work-  
 11 ers.  
 12 6. Women as citizen volunteers.  
 13 7. Education.

1 **SEC. 5. Duties.** The commission shall:  
 2 1. Serve as a clearinghouse on programs and agencies operating to  
 3 assist women.  
 4 2. Conduct conferences.  
 5 3. Cooperate with governmental agencies to assist them in equaliz-  
 6 ing opportunities between men and women in employment and in  
 7 expanding women's rights and opportunities.  
 8 4. Serve as the central permanent agency for the development of  
 9 services for women.  
 10 5. Cooperate with public and private agencies in joint efforts to  
 11 study and resolve problems relating to the status of women.  
 12 6. Publish and disseminate information relating to women and  
 13 develop other educational programs.  
 14 7. Provide assistance to organized efforts by communities, organi-  
 15 zations, associations, and other groups working toward the improve-  
 16 ment of women's status.

1 **SEC. 6. Additional authority.** The commission may:  
 2 1. Do all things necessary, proper, and expedient in accomplishing  
 3 the duties listed in section five (5) of this Act and this section.  
 4 2. Hold hearings.

5 3. Enter into contracts, within the limit of funds made available,  
6 with individuals, organizations, and institutions for services further-  
7 ing the objectives of the commission as listed in section four (4) of  
8 this Act.

9 4. Seek advice and counsel of informed individuals, or any agricul-  
10 tural, industrial, professional, labor or trade association, or civic group  
11 in the accomplishment of the objectives of the commission.

12 5. Accept grants of money or property from the federal government  
13 or any other source, and may upon its own order use this money,  
14 property, or other resources to accomplish the objectives of the com-  
15 mission.

1 SEC. 7. Access to information. The commission shall have access  
2 to all nonconfidential records, data, information, and statistics of all  
3 departments, boards, commissions, agencies, and institutions of this  
4 state, and upon terms which may be mutually agreed upon, have  
5 studies and research conducted.

1 SEC. 8. Annual report. Not later than February first of each year  
2 the commission shall file a report with the governor and the general  
3 assembly of its proceedings for the previous calendar year, and may  
4 submit with the report such recommendations pertaining to its affairs  
5 as it deems desirable, including recommendations for legislative con-  
6 sideration and other action it deems necessary.

Approved April 19, 1972.

## CHAPTER 1123

### CITIZENS' AIDE (OMBUDSMAN)

H. F. 1291

AN ACT relating to the establishment of an office of citizens' aide, his duties, and providing penalties and making an appropriation.

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

1 SECTION 1. As used in this Act:

2 1. "Person" means an individual, aggregate of individuals, corpo-  
3 ration, partnership, or unincorporated association.

4 2. "Agency" means all governmental entities, departments, boards,  
5 commissions, councils or institutions, and any officer, employee or  
6 member thereof acting or purporting to act in the exercise of his  
7 official duties, but it does not include:

8 a. Any court or judge or appurtenant judicial staff.

9 b. The members, committees, or permanent or temporary staffs of  
10 the Iowa general assembly.

11 c. The governor of Iowa or his personal staff.

12 d. Any instrumentality formed pursuant to an interstate compact  
13 and answerable to more than one state.

14 3. "Officer" means any officer of an agency.

15 4. "Employee" means any employee of an agency.

16 5. "Administrative action" means any policy or action taken by an  
17 agency or failure to act pursuant to law.

1 SEC. 2. The office of citizens' aide is established.

1 SEC. 3. The citizens' aide shall be appointed by the legislative coun-  
2 cil with the approval and confirmation of a constitutional majority of  
3 the senate and with the approval and confirmation of a constitutional  
4 majority of the house of representatives. The legislative council shall  
5 fill a vacancy in this office in the same manner as the original appoint-  
6 ment. If the appointment or vacancy occurs while the general assem-  
7 bly is not in session, such appointment shall be reported to the senate  
8 and the house of representatives within thirty days of their convening  
9 at their next regular session for approval and confirmation.

10 The citizens' aide shall employ and supervise all employees under  
11 his direction in such positions and at such salaries as shall be author-  
12 ized by the legislative council.

1 SEC. 4. The citizens' aide shall be a citizen of the state of Iowa,  
2 and shall be qualified to analyze problems of law, administration and  
3 public policy.

1 SEC. 5. The citizens' aide shall hold office for four years from the  
2 first day in July of the year of his approval by the senate and the  
3 house of representatives, and until his successor is appointed by the  
4 legislative council, unless he can no longer perform his official duties,  
5 or is removed from office. The citizens' aide may at any time be  
6 removed from office by constitutional majority vote of the two houses  
7 of the general assembly or as provided by chapter sixty-six (66) of  
8 the Code. If a vacancy occurs in the office of citizens' aide, the deputy  
9 citizens' aide shall act as citizens' aide until the vacancy is filled by  
10 the legislative council.

1 SEC. 6. The citizens' aide shall designate one of the members of  
2 his staff as the deputy citizens' aide, with authority to act as citizens'  
3 aide when the citizens' aide is absent from the state or becomes dis-  
4 abled. The citizens' aide may delegate to members of his staff any  
5 of his authority or duties except the duty of formally making rec-  
6 ommendations to agencies or reports to the governor or the general  
7 assembly.

1 SEC. 7. Neither the citizens' aide nor any member of his staff  
2 shall:

3 1. Hold any other public office of trust or profit under the laws of  
4 this state.

5 2. Engage in any other employment for remuneration.

6 3. Knowingly engage in or maintain any business transactions with  
7 persons employed by agencies against whom complaints may be made  
8 under the provisions of this Act.

9 4. Be actively involved in partisan affairs.

1 SEC. 8. The citizens' aide may maintain secrecy in respect to all  
2 matters including the identities of the complainants or witnesses com-  
3 ing before him, except that the general assembly, any standing com-  
4 mittee of the general assembly or the governor may require disclosure  
5 of any matter and shall have complete access to the records and files  
6 of the citizens' aide. The citizens' aide may conduct private hearings.

1 SEC. 9. The citizens' aide shall have the following powers:

2 1. He may investigate, on complaint or on his own motion, any  
3 administrative action of any agency, without regard to the finality of  
4 the administrative action, except that he shall not investigate the com-  
5 plaint of an employee of an agency in regard to that employee's em-  
6 ployment relationship with the agency.

7 2. He may prescribe the methods by which complaints are to be  
8 made, received, and acted upon; determine the scope and manner of  
9 investigations to be made; and, subject to the requirements of this  
10 Act, he may determine the form, frequency, and distribution of his  
11 conclusions and recommendations.

12 3. He may request and shall be given by each agency such assistance  
13 and information as may be necessary in the performance of his duties.  
14 He may examine the records and documents of all agencies not specifi-  
15 cally made confidential by law. He may enter and inspect premises  
16 within any agency's control.

17 4. He may issue a subpoena to compel any person to appear, give  
18 sworn testimony, or produce documentary or other evidence deemed  
19 relevant to a matter under his inquiry. The citizens' aide, his deputy  
20 and his assistants shall have the power to administer oaths to per-  
21 sons giving testimony before them. If a witness either fails or refuses  
22 to obey a subpoena issued by the citizens' aide, the citizens' aide may  
23 petition the district court having jurisdiction for an order directing  
24 obedience to the subpoena. In the event the court finds that the sub-  
25 poena should be obeyed, it shall enter an order requiring obedience to  
26 the subpoena, and refusal to obey such court order shall be subject to  
27 punishment for contempt.

1 SEC. 10. No monetary or other charge shall be levied upon any  
2 person as a prerequisite to presentation of a complaint to the citizens'  
3 aide.

1 SEC. 11. An appropriate subject for investigation by the office of  
2 the citizens' aide is an administrative action that might be:

3 1. Contrary to law or regulation.

4 2. Unreasonable, unfair, oppressive, or inconsistent with the gen-  
5 eral course of an agency's functioning, even though in accordance  
6 with law.

7 3. Based on a mistake of law or arbitrary in ascertainties of fact.

8 4. Based on improper motivation or irrelevant consideration.

9 5. Unaccompanied by an adequate statement of reasons. The citi-  
10 zens' aide may also concern himself with strengthening procedures  
11 and practices which lessen the risk that objectionable administrative  
12 actions will occur.

1 SEC. 12. The citizens' aide may receive a complaint from any  
2 source concerning an administrative action. He shall conduct a suit-  
3 able investigation into the administrative actions complained of unless  
4 he finds substantiating facts that:

5 1. The complainant has available to him another remedy or chan-  
6 nel of complaint which he could reasonably be expected to use.

7 2. The grievance pertains to a matter outside the citizens' aide  
8 power.

9 3. The complainant has no substantive or procedural interest which  
10 is directly affected by the matter complained about.

11 4. The complaint is trivial, frivolous, vexatious, or not made in  
12 good faith.

13 5. Other complaints are more worthy of attention.

14 6. The citizens' aide resources are insufficient for adequate investi-  
15 gation.

16 7. The complaint has been delayed too long to justify present exam-  
17 ination of its merit.

18 The citizens' aide may decline to investigate a complaint, but shall  
19 not be prohibited from inquiring into the matter complained about  
20 or into related problems at some future time.

1 SEC. 13. If the citizens' aide decides not to investigate, he shall  
2 within sixty days inform the complainant in writing of that decision  
3 and shall state his reasons. If the citizens' aide decides to investigate,  
4 he shall within sixty days notify the complainant in writing of his  
5 decision and he shall also notify the agency of his intention to investi-  
6 gate. After completing his consideration of a complaint, whether or  
7 not it has been investigated, the citizens' aide shall without delay in-  
8 form the complainant of the fact, and when appropriate, the adminis-  
9 trative agency or agencies involved. The citizens' aide shall on request  
10 of the complainant, and as appropriate, report the status of his inves-  
11 tigation to the complainant.

1 SEC. 14. A letter to the citizens' aide from a person in a correc-  
2 tional institution, a hospital, or other institution under the control  
3 of an administrative agency shall be immediately forwarded, unopened  
4 to the citizens' aide by the institution where the writer of the letter  
5 is a resident. A letter from the citizens' aide to such a person shall  
6 be immediately delivered, unopened to the person.

1 SEC. 15. Before announcing a conclusion or recommendation that  
2 criticizes an agency or any officer or employee, the citizens' aide shall  
3 consult with that agency, officer or employee, and shall attach to every  
4 report sent or made under the provisions of this Act a copy of any  
5 unedited comments made by or on behalf of the officer, employee, or  
6 agency.

1 SEC. 16. If, having considered a complaint and whatever material  
2 he deems pertinent, the citizens' aide finds substantiating facts that:

- 3 1. A matter should be further considered by the agency;
- 4 2. An administrative action should be modified or canceled;
- 5 3. A rule or regulation on which an administrative action is based  
6 should be altered;
- 7 4. Reasons should be given for an administrative action; or
- 8 5. Any other action should be taken by the agency, he shall state  
9 his recommendations to the agency. If the citizens' aide requests, the  
10 agency shall, within twenty working days notify him of any action  
11 taken on his recommendations or the reasons for not complying with  
12 them.

13 If the citizens' aide believes that an administrative action has  
14 occurred because of laws whose results are unfair or otherwise objec-  
15 tionable, he shall notify the general assembly concerning desirable  
16 statutory change.

1 SEC. 17. The citizens' aide may publish his conclusions, recom-  
2 mendations, and suggestions and transmit them to the governor, the

3 general assembly or any of its committees. When publishing an opin-  
4 ion adverse to an administrative agency or official he shall, unless  
5 excused by the agency or official affected, include with the opinion  
6 any unedited reply made by the agency.

7 Any conclusions, recommendations, and suggestions so published  
8 may at the same time be made available to the news media or others  
9 who may be concerned.

1 SEC. 18. In addition to whatever reports he may make from time  
2 to time, the citizens' aide shall by February fifteenth of each year  
3 report to the general assembly and to the governor concerning the  
4 exercise of his functions during the preceding calendar year. In dis-  
5 cussing matters with which he has been concerned, the citizens' aide  
6 need not identify specific persons or agencies if to do so would cause  
7 needless hardship. If the annual report criticizes named agencies or  
8 officials, it must also include unedited replies made by the agency or  
9 official to the criticism, unless excused by the agency or official affected.

1 SEC. 19. If the citizens' aide believes that any public official,  
2 employee or other person has acted in a manner warranting criminal  
3 or disciplinary proceedings, he shall refer the matter to the appro-  
4 priate authorities.

1 SEC. 20. No civil action, except removal from office as provided in  
2 chapter sixty-six (66) of the Code, or proceeding shall be commenced  
3 against the citizens' aide or any member of his staff for any act or  
4 omission performed pursuant to the provisions of this Act unless the  
5 act or omission is actuated by malice or is grossly negligent, nor shall  
6 the citizens' aide or any member of his staff be compelled to testify in  
7 any court with respect to any matter involving the exercise of his  
8 official duties except as may be necessary to enforce the provisions of  
9 this Act.

1 SEC. 21. A person required by the citizens' aide to provide infor-  
2 mation shall be paid the same fees and travel allowances as are  
3 extended to witnesses whose attendance has been required in the dis-  
4 trict courts of this state. Officers and employees of an agency shall  
5 not be entitled to such fees and allowances. A person who, with or  
6 without service of compulsory process, provides oral or documentary  
7 information requested by the citizens' aide shall be accorded the same  
8 privileges and immunities as are extended to witnesses in the courts  
9 of this state, and shall also be entitled to be accompanied and advised  
10 by counsel while being questioned.

1 SEC. 22. A person who willfully obstructs or hinders the lawful  
2 actions of the citizens' aide or his staff, or who willfully misleads or  
3 attempts to mislead the citizens' aide in his inquiries, shall be subject  
4 to a fine of not more than one thousand dollars.

1 SEC. 23. There is appropriated from the general fund of the state  
2 for the office of citizens' aide for the fiscal year beginning July 1, 1972  
3 and ending June 30, 1973, the sum of fifty-two thousand (52,000)  
4 dollars, or so much thereof as may be necessary, for the purpose of  
5 carrying out the provisions of this Act.

1 SEC. 24. This Act shall be known and may be cited as the "Iowa  
2 Citizens' Aide Act".

Approved April 20, 1972.

## CHAPTER 1124

## UNIFIED TRIAL COURT

S. F. 428

AN ACT to provide a unified trial court having district court judges, district associate judges, and judicial magistrates; to discontinue inferior courts; to establish traffic violations offices within the district court to receive uniform traffic violation penalties; to prescribe procedures for district courts, and providing penalties.

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

## UNIFIED TRIAL COURT

1 SECTION 1. **Unified trial court.** Effective July 1, 1973,\* there shall  
2 be a unified trial court in the state of Iowa, known as "Iowa District  
3 Court". The Iowa district court shall have general and original juris-  
4 diction of all actions, proceedings, and remedies, civil, criminal, pro-  
5 bate, and juvenile, and shall have and exercise all the power usually  
6 possessed and exercised by trial courts of general jurisdiction.

1 SEC. 2. **Judicial officers.** To the extent provided in this Act, the  
2 judicial power of the Iowa district court shall be exercised by Iowa  
3 district judges, district court associate judges, and judicial magis-  
4 trates.

## DISTRICT JUDGES

1 SEC. 3. Section six hundred four point eight (604.8), subsections  
2 two (2) and three (3), Code 1971, are amended to read as follows:

3 2. The number of judgeships to which each of the judicial districts  
4 shall be entitled shall be determined from time to time according to  
5 the following formula, giving equal weight to cases filed and popula-  
6 tion: In districts containing a city of fifty thousand or more popula-  
7 tion, there shall be one judgeship per five hundred fifty combined civil  
8 and criminal filings *excluding small claims and misdemeanors* and  
9 forty thousand population, or major fraction of either; in all other  
10 districts there shall be one judgeship per four hundred fifty combined  
11 civil and criminal filings and forty thousand population, or major  
12 fraction of either; provided, the seat of government shall be entitled  
13 to one additional judgeship. The figures on filings shall be the average  
14 for the latest available previous three-year period and when current  
15 census figures on population are not available, figures shall be taken  
16 from the state department of health computations.

17 3. A vacancy, for purposes of this section, is defined as the death,  
18 retirement, removal, or failure of retention in office at the judicial  
19 election, of a judge *or increase in judgeships under this section.*

1 SEC. 4. Section six hundred four point eight (604.8), subsection  
2 six (6), Code 1971, is amended by striking the subsection and insert-  
3 ing in lieu thereof the following:

4 6. In those judicial districts that contain judicial election districts,  
5 no vacancy in any judicial election district shall be filled if the total  
6 number of judges in all the judicial election districts within the judi-  
7 cial district equals or exceeds the number of judgeships to which all  
8 of the judicial election districts of the judicial district combined are  
9 authorized.

\*See also §§44, 179 and 283.



1 SEC. 5. Section six hundred four point eight (604.8), subsections  
2 seven (7) and eight (8), Code 1971, are amended to read as follows:

3 7. After the number of judges in each district equals the proper  
4 number of judgeships, as determined under subsection 2 hereof,  
5 subsection 6 hereof shall be of no further effect. Thereafter, a new  
6 judge shall be appointed in any district which becomes entitled to an  
7 additional judgeship, under subsection 2 hereof; and vacancies *Vacancies*  
8 shall not be filled in any district which may become entitled to  
9 fewer judgeships under said subsection; but no incumbent judge shall  
10 ever be removed from office by reason thereof.

11 8. ~~On~~ *During* January 2 of each year, and at such other times as  
12 may be appropriate, the ~~chief justice~~ *supreme court administrator*  
13 shall make the determinations required under this section, and shall  
14 notify the nominating commissions involved and the governor of any  
15 appointments that may be required as a result thereof.

1 SEC. 6.\* Before April 1, 1973, the supreme court administrator  
2 shall notify the secretary of state of any additional judgeships cre-  
3 ated by this Act. The secretary of state shall notify the proper judi-  
4 cial nominating commission in accordance with chapter forty-six (46)  
5 of the Code. Such commission shall proceed as provided in that chap-  
6 ter. Effective July 1, 1973, a district judge shall be appointed for the  
7 district pursuant to chapter forty-six (46) of the Code, if the district  
8 is entitled to an additional judge or judges as a result of this Act.

1 SEC. 7.\* The governor may appoint a person to serve as a judge  
2 or magistrate whenever federal funds are available for his salary,  
3 the cost of courtroom space, and the salary of any additional court  
4 staff. The person appointed by the governor shall fill the position  
5 until his successor is appointed or until federal funds are no longer  
6 available as required in this section. The person appointed under  
7 this section may hear all cases in which the use of alcohol is evident,  
8 and any prosecution under section three hundred twenty-one point  
9 two hundred eighty-one (321.281) of the Code may be transferred  
10 within the judicial district to the jurisdiction of the person appointed  
11 under this section.

1 SEC. 8. **District judges.** Iowa district judges shall possess the full  
2 jurisdiction of the Iowa district court, including the jurisdiction of  
3 judicial magistrates. While exercising the jurisdiction possessed by  
4 judicial magistrates, district judges shall employ judicial magistrates'  
5 practice and procedure, and may hold court at any place where a  
6 judicial magistrate may do so.

1 SEC. 9. Section six hundred four point three (604.3), Code 1971,  
2 is amended by striking the section and inserting in lieu thereof the  
3 following:

4 **604.3 Probate orders.** Iowa district judges shall have statewide  
5 jurisdiction to enter orders in probate matters not requiring notice  
6 and hearing, although the judge is not a judge of or present in the  
7 district in which the probate matter is pending. Such orders shall be  
8 made in conformity with the rules of the district in which the probate  
9 matter is pending.

\*Effective July 1, 1972, see §283.

1 SEC. 10. Section six hundred thirty-three point three (633.3), Code  
 2 1971, is amended by striking subsection nine (9) and inserting in lieu  
 3 thereof the following:

4 9. Court—the Iowa district court sitting in probate and includes  
 5 any Iowa district judge.

1 SEC. 11. Section six hundred four point nine (604.9), Code 1971,  
 2 is amended to read as follows:

3 604.9 Place of holding court. Courts must be held at the places  
 4 provided by law in each county, as designated by the chief judge of  
 5 the judicial district, except for the determination of actions, special  
 6 proceedings, and other matters not requiring a jury, when they may,  
 7 by consent of the parties therein, be held at some other place in the  
 8 district with the consent of the parties.

JUDICIAL MAGISTRATES\*

1 SEC. 12. Composition of county judicial magistrate appointing com-  
 2 missions. There shall be in each county a judicial magistrate appoint-  
 3 ing commission which shall be composed of the following members,  
 4 except as provided in section eighteen (18) of this Act:

- 5 1. A district court judge designated by the chief judge of the dis-  
 6 trict.
- 7 2. Three members appointed by the board of supervisors.
- 8 3. Two attorneys elected by the county bar.

1 SEC. 13. Appointment commissioners. The boards of supervisors  
 2 of each county shall appoint three electors to the county judicial  
 3 magistrate appointing commission for the county for six-year terms  
 4 beginning January 1, 1973.

1 SEC. 14. Election commissioners. The resident members of the  
 2 bar of each county shall elect resident members of the bar of such  
 3 county to the county judicial magistrate appointing commission for  
 4 six-year terms beginning on January first. During December 1972,  
 5 and in each December thereafter, immediately preceding the expira-  
 6 tion of the terms of the members of the commission, the members of  
 7 the bar shall elect commissioners to six-year terms.

1 SEC. 15. Eligibility to vote. Eligibility to vote in elections of  
 2 judicial magistrate appointing commissioners within a county shall  
 3 be registration as a member of the bar in accordance with sections  
 4 forty-six point seven (46.7) and forty-six point eight (46.8) of the  
 5 Code, and residency within the county.

1 SEC. 16. Conduct of elections. When an election of judicial magis-  
 2 trate appointing commissioners in a county is to be held, the clerk of  
 3 the district court for the county shall cause ballots to be mailed to  
 4 the members of the bar eligible in accordance with section fifteen (15)  
 5 of this Act, substantially as follows:

6 ..... County Judicial Magistrate Appointing Commission  
 7 BALLOT  
 8 To be cast by the resident members of the bar of .....  
 9 County.

\*Sections 12 to 19 effective July 1, 1972, see §283.

10 Vote for (state number) for ..... County judicial magistrate  
 11 appointing commissioner (s) for term commencing .....  
 12 John Doe  
 13

14 To be counted, this ballot must be completed and mailed or delivered  
 15 to Clerk of the District Court, ....., not later than December 31,  
 16 19..... (or the appropriate date under section nineteen (19) of this  
 17 Act in case of an election to fill a vacancy).

1 SEC. 17. No person while a member of the county judicial magis-  
 2 trate appointing commission shall be appointed to the office of judicial  
 3 magistrate. No member appointed by the board of supervisors to the  
 4 judicial magistrate appointing commission shall be an attorney at law  
 5 or an active law enforcement officer.

1 SEC. 18. Exception. In the event there is only one resident mem-  
 2 ber of the bar in a county, the number appointed by the county board  
 3 of supervisors shall be two. In the event there are no attorneys with-  
 4 in the county, the county board of supervisors shall appoint one com-  
 5 missioner.

1 SEC. 19. Vacancy. A vacancy in the office of judicial magistrate  
 2 appointing commissioner shall be filled by special appointment or elec-  
 3 tion as the case may be for the unexpired term.

1 SEC. 20. Appointment and termination of judicial magistrates.  
 2 During April, 1973 and in April of the year in which magistrates'  
 3 terms expire, the judicial magistrate appointing commission shall,  
 4 by majority vote, appoint Iowa judicial magistrates in such number  
 5 as provided in section twenty-eight (28) of this Act. The commis-  
 6 sion shall appoint no more magistrates than allotted to the county  
 7 by the supreme court administrator except as provided in sections  
 8 twenty-eight (28) and twenty-nine (29) of this Act. The judicial  
 9 magistrates appointed initially shall take office July 1, 1973, and their  
 10 term of office shall expire June 30, 1974. Thereafter, judicial magis-  
 11 trates shall take office on July 1, 1974 and every two years thereafter,  
 12 provided however, full time judicial magistrates appointed for the  
 13 term commencing July 1, 1974 shall hold office for a term of four  
 14 years and shall be subject to appointment every four years thereafter.  
 15 The commission shall promptly certify the names and addresses of  
 16 the magistrates appointed to the clerk of the district court and the  
 17 chief judge of the judicial district. The clerk shall certify to the  
 18 supreme court administrator and to the state comptroller the names  
 19 and addresses of magistrates so appointed. The certification of the  
 20 clerk to the comptroller shall be authority for the comptroller to pay  
 21 the salaries in accordance with section twenty-four (24) of this Act.  
 22 Judicial magistrates shall be officers of the state.

23 Before assuming office, a judicial magistrate shall subscribe and  
 24 file in the office of the clerk of the district court of the county of his  
 25 residence his oath of office to uphold and support the Constitutions of  
 26 the United States of America and state of Iowa, the laws enacted pur-  
 27 suant thereto, and the law and ordinances of the political subdivisions  
 28 of the state of Iowa. Before July 1, 1973, and annually thereafter,  
 29 the supreme court administrator shall cause a school of instruction  
 30 to be conducted for district magistrates, which each district magis-

31 trate appointed as provided in this Act prior to the time he takes  
32 office shall attend unless excused by the chief justice for good cause.

1     **SEC. 21. Full time magistrates.** Of the number of magistrates  
2 allotted, there shall be one magistrate who shall devote his entire  
3 time to the duties of his position including the holding of court on  
4 each weekday except for a reasonable vacation period in those counties  
5 having a population, according to the last federal decennial census, of  
6 more than thirty-five thousand and less than eighty thousand. There  
7 shall be two such magistrates in those counties having a population of  
8 more than eighty thousand and less than one hundred twenty-five  
9 thousand. There shall be three such magistrates in any county hav-  
10 ing a population of more than one hundred and twenty-five thousand  
11 and less than two hundred thousand people. There shall be four such  
12 magistrates in counties having a population of two hundred thousand  
13 people or above. In those counties in which a district court associate  
14 judge or judges reside, the district court associate judge or judges  
15 shall be considered full-time judicial magistrates for the purposes  
16 of this section. In those counties authorized more full-time magis-  
17 trates than have district court associate judges residing therein, the  
18 county judicial magistrate appointing commission shall determine  
19 which magistrate or magistrates shall serve on a full-time basis.

1     **SEC. 22. Qualifications, age.** A judicial magistrate shall be an  
2 elector of the county of appointment, shall be less than seventy-two  
3 years of age, and shall cease to hold office upon attaining that age.

1     **SEC. 23. Prohibitions.** No magistrate shall accept any fee or  
2 reward from or on behalf of anyone for services rendered in the con-  
3 duct of any official business except as provided in this Act.

4     A magistrate or any member of any corporation, partnership, firm  
5 or association with which he may be connected, may not be directly  
6 or indirectly engaged in any capacity for any party in any action  
7 or proceeding pending or arising within his jurisdiction based upon  
8 substantially the same facts upon which a prosecution or proceeding  
9 has been prosecuted or commenced before him.

1     **SEC. 24. Salary, expenses.** Each judicial magistrate shall receive  
2 a salary payable from the general fund of the state and also his  
3 actual and necessary expenses in the performance of his duties while  
4 away from the city or town of his residence, in accordance with sec-  
5 tion six hundred five point two (605.2) of the Code. The salary of  
6 judicial magistrates, except as otherwise provided herein, shall be  
7 the sum of four thousand eight hundred dollars annually. The judicial  
8 magistrates serving as full-time magistrates shall receive an annual  
9 salary of seventeen thousand two hundred dollars. Judicial magis-  
10 trates except district associate judges shall be members of the Iowa  
11 public employees' retirement system.

1     **SEC. 25.** During January of 1975, the supreme court administra-  
2 tor shall make a report to the Sixty-sixth General Assembly, detailing  
3 the previous year's statistics provided by the judicial magistrates.  
4 The Sixty-sixth General Assembly shall review and readjust the com-  
5 pensation of judicial magistrates. If the general assembly fails to  
6 readjust the salaries under this section the salaries shall remain the  
7 same.

1     **SEC. 26. Funds, reports.** Each month each judicial magistrate  
2 shall file with the clerk of the district court of the proper county a  
3 sworn, itemized statement, by case, of all funds received and dis-  
4 bursed, and at least monthly shall remit to the clerk all funds received  
5 by him. The clerk of court shall provide adequate clerical assistance  
6 to the full-time magistrates and district associate judges to carry out  
7 this section. The clerk shall remit all fines and forfeited bail received  
8 from a magistrate to the city or town that was the plaintiff in any  
9 action. The clerk shall remit to the treasurer of the county, for the  
10 benefit of the school fund, all other fines and forfeited bail received  
11 from a magistrate. All fees and costs for the filing of a complaint  
12 or information or upon forfeiture of bail received from a magistrate  
13 shall be remitted monthly by the clerk as follows:

14     1. Three-fifths to the state treasurer to be credited to the general  
15 fund of the state.

16     2. Two-fifths to the county treasurer to be credited to the general  
17 fund of the county.

1     **SEC. 27. Removal of judicial magistrates.** The electors residing  
2 within a county where a magistrate resides may petition the judges  
3 of the district court to terminate the appointment of a judicial magis-  
4 trate sitting in that district. Such petition shall be signed by at least  
5 two percent of the electors voting for governor in the last general  
6 election of the county of residence of the magistrate and shall contain  
7 a general statement of the grounds upon which termination is sought.  
8 Within thirty days after the petition is filed with the clerk of the dis-  
9 trict court of the county in which the judicial magistrate resides, the  
10 district judges of that district sitting en banc shall hold a hearing  
11 to determine the sufficiency and the merits of such petition and shall  
12 determine whether to continue or terminate the appointment of such  
13 judicial magistrate.

14     The district court judges sitting en banc on their own motion may  
15 by majority vote, remove a magistrate for disability or for other cause.

1     **SEC. 28. Allotment.** There shall be a combined total of two hun-  
2 dred twenty Iowa judicial magistrates and district court associate  
3 judges combined except as provided in section twenty-nine (29) of  
4 this Act. During January of 1974 and every two years thereafter,  
5 the supreme court administrator shall apportion the number of dis-  
6 trict magistrates among the counties in accordance with the following  
7 criteria:

8     1. The number and type of proceedings contained in the adminis-  
9 trative reports required by section thirty-five (35) of this Act.

10     2. The existence of either permanent, temporary or seasonal popu-  
11 lations not included in the current census figures.

12     3. The geographical area to be served.

13     4. An inordinate number of pending cases over which magistrates  
14 have jurisdiction in the preceding year.

15     5. The number and types of juvenile proceedings handled by dis-  
16 trict associate judges.

17     Provided, however, that each county shall be allotted no less than  
18 one resident judicial magistrate.

19     During February of 1974 and during February of every two years  
20 thereafter, the supreme court administrator shall notify the clerk of  
21 the district court of each county and the chief judge of the appropriate

22 judicial district, of the number of magistrates to which the county is  
23 entitled.

1     **SEC. 29. Additional judicial magistrate allowed.** In those counties  
2 which are allotted one judicial magistrate under section twenty-eight  
3 (28) or thirty (30) of this Act, the county judicial magistrate ap-  
4 pointing commission may, by majority vote, decide to appoint one  
5 additional judicial magistrate. In those counties appointing an addi-  
6 tional magistrate under this section, each magistrate shall receive a  
7 salary of two thousand four hundred dollars per year.

1     **SEC. 30. Initial allotment.** The allotment of the judicial magis-  
2 trates to be appointed in 1973 shall be as follows:

3     1. One magistrate for each of the following counties: Adams, Alla-  
4 makee, Audubon, Calhoun, Cherokee, Davis, Decatur, Emmet, Frank-  
5 lin, Fremont, Greene, Guthrie, Hancock, Howard, Humboldt, Ida,  
6 Jefferson, Keokuk, Louisa, Lucas, Lyon, Madison, Mitchell, Monroe,  
7 Montgomery, O'Brien, Osceola, Palo Alto, Pocahontas, Ringgold,  
8 Shelby, Taylor, Union, Van Buren, Wayne, Winnebago, and Worth.

9     2. Two magistrates for each of the following counties: Adair, Ap-  
10 panoose, Boone, Buchanan, Buena Vista, Butler, Carroll, Cass, Chicka-  
11 saw, Clarke, Clay, Clayton, Crawford, Dallas, Delaware, Dickinson,  
12 Fayette, Grundy, Hamilton, Hardin, Henry, Iowa, Jackson, Jasper,  
13 Jones, Kossuth, Mahaska, Marion, Marshall, Mills, Monona, Page,  
14 Poweshiek, Sac, Sioux, Tama, Washington, Winneshiek, and Wright.

15     3. Three magistrates for each of the following counties: Benton,  
16 Bremer, Des Moines, Floyd, Harrison, Muscatine, Plymouth, Wapello,  
17 Warren, and Webster.

18     4. Four magistrates for each of the following counties: Cedar,  
19 Cerro Gordo, Clinton, Dubuque, Johnson, Lee, and Story.

20     5. Six magistrates for Black Hawk county.

21     6. Seven magistrates for Linn county.

22     7. Eight magistrates for each of the following counties: Pottawat-  
23 tamie, Scott, and Woodbury.

24     8. Ten magistrates for Polk county.

1     **SEC. 31. Jurisdiction, venue.** Judicial magistrates shall have juris-  
2 diction of nonindictable misdemeanors, including traffic and ordinance  
3 violations, preliminary hearings, search warrant proceedings, forcible  
4 entry and detainer actions, and small claims. They shall also have  
5 the powers specified in section seven hundred forty-eight point two  
6 (748.2) of the Code. They shall have power to act any place within  
7 the district as directed, and venue shall be the same as in other dis-  
8 trict court proceedings. Judicial magistrates serving on a full-time  
9 basis and district associate judges shall have jurisdiction of indict-  
10 able misdemeanors. While exercising that jurisdiction they shall  
11 employ district judges' practice and procedure.

1     **SEC. 32. Times and places of holding court.** Judicial magistrates  
2 shall hold court at the times and places designated by the chief judge  
3 of the district. The chief judge may assign a magistrate to hold  
4 court at other designated places within the district outside of the  
5 county of the magistrate's residence only if it is necessary for the  
6 orderly administration of justice. The boards of supervisors shall  
7 provide facilities for the holding of court at the county seats. If  
8 court is held in a city or town, outside the county seat, such city or

9 town shall furnish suitable facilities and equipment. The schedule of  
10 places and times of availability of magistrates and of any changes  
11 therein shall be disseminated by the chief judge of the judicial district  
12 to the peace officers within the district.

1 SEC. 33. **Procedure.** The criminal procedure before judicial mag-  
2 istrates shall be as provided in chapters seven hundred fifty-one (751),  
3 seven hundred fifty-four (754) through seven hundred sixty-three  
4 (763), inclusive, seven hundred sixty-five (765), seven hundred sixty-  
5 six (766), and seven hundred sixty-eight (768) of the Code. The  
6 civil procedure before judicial magistrates shall be as provided in this  
7 Act and chapter six hundred forty-eight (648) of the Code.

1 SEC. 34. **Dockets, judgments, costs.** The clerk of the district court  
2 of the county in which a judicial magistrate resides shall furnish the  
3 judicial magistrate, district associate judge, or district judge acting  
4 as judicial magistrate, a docket in which shall be entered all proceed-  
5 ings except small claims. Such docket shall be indexed and shall con-  
6 tain in each case the title and nature of the action; place of hearing;  
7 appearances; and notations of the documents filed with the judicial  
8 magistrate, of the proceedings in the case and orders made, of the  
9 verdict and judgment including costs, of any satisfaction of the judg-  
10 ment, of whether the judgment was certified to the clerk of the dis-  
11 trict court, of whether an appeal was taken, and of the amount of the  
12 appeal bond. The defendant charged with a nonindictable misde-  
13 meanor who is found guilty or forfeits bail shall be assessed as costs  
14 five dollars for the filing and docketing of the complaint or informa-  
15 tion which shall be distributed pursuant to section twenty-six (26)  
16 of this Act. All other costs in criminal actions shall be assessed and  
17 distributed as in chapter six hundred six (606) of the Code. If the  
18 judgment and costs are not fully and immediately satisfied in crimi-  
19 nal cases, the judicial magistrate shall promptly certify a copy of the  
20 judgment to the clerk of the district court indicating thereon the por-  
21 tion unsatisfied; and the clerk shall index and file the judgment,  
22 whereupon it shall be a judgment of the district court without re-  
23 cording.

1 SEC. 35. **Administrative reports.** Each month the magistrates  
2 shall report to the clerk of the district court of each county, the board  
3 of supervisors and the chief judge of the appropriate judicial district  
4 in which he held court, the following:

- 5 1. The number of small claims tried to the court and those pending.
- 6 2. The number of state misdemeanor cases tried to the court and  
7 those pending.
- 8 3. The number of state misdemeanor cases tried to a jury and those  
9 pending.
- 10 4. The number of city ordinance violations tried to the court and  
11 those pending.
- 12 5. The number of city ordinance violations tried to a jury and those  
13 pending.
- 14 6. The number of preliminary hearings held and pending.
- 15 7. The number of forcible entry and detainer actions filed.
- 16 8. The number of search warrants applied for.
- 17 The clerk of the district court shall quarterly consolidate the reports  
18 and forward them to the supreme court administrator.

1     **SEC. 36. Magistrates not holding office.** When a district magis-  
 2     trate ceases to hold office, his docket and all records relating to his  
 3     office shall be promptly deposited with the clerk of the district court  
 4     who issued the docket.

**DISTRICT ASSOCIATE JUDGES AND THEIR REPORTERS  
 AND DEPUTY CLERKS AND SHERIFFS**

1     **SEC. 37. District associate judges.** The regular judges of the  
 2     municipal courts of Iowa who are in office on June 30, 1973, and who  
 3     are less than seventy-two years of age on July 1, 1973 and who have  
 4     not been appointed district court judges shall become district asso-  
 5     ciate judges on the latter date.

1     **SEC. 38. Term, retention.** District associate judges shall stand for  
 2     retention in office within the county of his residence at the judicial  
 3     election in 1974, under sections forty-six point seventeen (46.17)  
 4     through forty-six point twenty-four (46.24), inclusive, of the Code.  
 5     The term of office of the judges who are retained in office at the judicial  
 6     election shall extend for four years after January first next following  
 7     the election, and the term of office of the judges who are not retained  
 8     in office at such a judicial election shall extend until January first  
 9     next following such election. District court associate judges shall be  
 10    subject to the same removal procedures as that of judicial magis-  
 11    trates. District associate judges shall cease to hold office upon at-  
 12    taining age seventy-two.

1     **SEC. 39. Vacancies.** A vacancy in the office of district associate  
 2     judge after June 30, 1973, shall not be filled.

1     **SEC. 40. Salary, expenses, retirement.** The annual salary of each  
 2     district associate judge, payable from the general fund of the state  
 3     of Iowa, shall be the sum of seventeen thousand two hundred dollars.  
 4     District associate judges shall also receive from the state their actual  
 5     and necessary expenses in the performance of their duties away from  
 6     the city of their residence, in accordance with section six hundred five  
 7     point two (605.2) of the Code. District associate judges who are  
 8     members of the judicial retirement system under chapter six hundred  
 9     five A (605A) of the Code shall remain members thereof; but the  
 10    state of Iowa, instead of the city and county, shall deduct four per-  
 11    cent from their salaries for the judicial retirement fund and shall  
 12    contribute the public's portion to the judicial retirement fund.

1     **SEC. 41. Jurisdiction, procedure, appeals.** District associate judges  
 2     shall serve as full-time magistrates and have the jurisdiction pos-  
 3     sessed by judicial magistrates and, in addition, the jurisdiction pro-  
 4     vided for in section two hundred thirty-one point three (231.3) of  
 5     the Code. District associate judges shall hold court as directed at  
 6     any place within the judicial district that a judicial magistrate may  
 7     do so, and shall employ judicial magistrates' practice and procedure.  
 8     When a district court judge is unable to serve as a result of tempo-  
 9     rary incapacity, a district associate judge may, by order of the chief  
 10    judge of the district enrolled in the records of the clerk of the district  
 11    court, temporarily exercise any of the jurisdiction of a district judge  
 12    during the time of incapacity and as to the specific matters or classes  
 13    of matters specified in that order. While exercising jurisdiction other  
 14    than that of a judicial magistrate, district associate judges shall em-



15 ploy district judges' practice and procedure. District associate judges  
16 shall have power to act at any place within their respective judicial  
17 districts, and venue shall be the same as in other district court pro-  
18 ceedings.

19 Appeals from judgments or orders of district associate judges while  
20 exercising the jurisdiction possessed by judicial magistrates shall be  
21 governed by the laws relating to appeals and orders from judicial  
22 magistrates. Appeals from judgments or orders of district associate  
23 judges while exercising any other jurisdiction conferred upon them  
24 shall be governed by the laws relating to appeals and orders from  
25 district judges.

26 For purposes of administration district associate judges shall be  
27 under the jurisdiction of the chief judge of the judicial district. Dis-  
28 trict associate judges shall be subject to the same rules and laws that  
29 apply to district judges.

1 SEC. 42. **Reporters.** After July 1, 1972, no shorthand reporter  
2 shall be appointed by a municipal court judge. Any shorthand re-  
3 porter serving a municipal court judge on June 30, 1973, shall become  
4 a reporter for the judicial district to be assigned by the chief judge  
5 as needed. Their compensation shall be in accordance with section  
6 six hundred five point eight (605.8) of the Code.

1 SEC. 43. **Clerks and bailiffs.** Elective clerks and elective bailiffs of  
2 municipal courts who are in office on June 30, 1973, and municipal  
3 court deputy clerks and deputy bailiffs who are in office on that date,  
4 shall on July 1, 1973, become deputies of the district court clerks and  
5 sheriffs respectively, in the counties of their residence. The boards  
6 of supervisors may enlarge the district court clerks' and sheriffs' fac-  
7 ilities accordingly, and shall have authority to build, remodel, purchase,  
8 and lease real and personal property and equipment for such purpose,  
9 subject to chapter seventy-five (75) and sections three hundred thirty-  
10 two point seven (332.7) and three hundred thirty-two point eight  
11 (332.8) of the Code, where applicable. The compensation and other  
12 benefits received on January 1, 1972 by the individuals who so be-  
13 come deputies shall not be reduced after June 30, 1973, from the  
14 amount on that date, unless all the deputies of the office are similarly  
15 reduced, but shall be paid by the counties of their residence; provided,  
16 that if the salary of any deputy equals or exceeds the salary of the  
17 district court clerk or sheriff of whom he is deputy, then the salary of  
18 the particular district court clerk or sheriff shall be increased so as  
19 to exceed the salary of the deputy by the sum of two hundred dollars  
20 per year.

21 The individuals who were elective municipal court clerks and bail-  
22 iffs on June 30, 1973, and who were municipal court deputy clerks  
23 and deputy bailiffs on that date, may as deputies of the district court  
24 clerks and sheriffs be suspended, demoted, or discharged by the dis-  
25 trict court clerks and sheriffs only for neglect of duty, disobedience  
26 of orders, misconduct, or failure to properly perform duties, by pur-  
27 suing the procedure provided by sections three hundred sixty-five point  
28 nineteen (365.19) through three hundred sixty-five point twenty-six  
29 (365.26), inclusive, of the Code; and in these cases the district court  
30 clerk or sheriff shall be deemed to be the person having the appoint-  
31 ing power, the county auditor shall perform the functions of the  
32 mayor or city manager, the board of supervisors shall perform the

33 functions of the civil service commission, and the county attorney  
34 shall perform the functions of the city attorney or solicitor.

35 As vacancies occur after June 30, 1973, in the number of any dep-  
36 uty district court clerks or deputy sheriffs in counties having a municipi-  
37 pal court on December 31, 1972, as a result of resignations, retire-  
38 ments, deaths, or discharges for cause, the boards of supervisors may  
39 adjust the number of deputies if so indicated by work load, pursuant  
40 to section three hundred forty-one point one (341.1) of the Code; but  
41 the total number of district court deputy clerks or deputy sheriffs in  
42 such counties shall not otherwise be reduced notwithstanding section  
43 three hundred sixty-five point twenty-eight (365.28) of the Code, until  
44 the district court deputy clerks or deputy sheriffs brought into the  
45 offices from the municipal courts cease to hold office in the particular  
46 county.

47 A municipal court bailiff or deputy bailiff who on June 30, 1973,  
48 is a member of the retirement system provided by chapter four hun-  
49 dred eleven (411) of the Code shall continue to be such a member  
50 thereafter; and that chapter shall continue to apply to them notwith-  
51 standing this Act, with the appropriate county deducting from his  
52 compensation his contributions to the retirement fund and the county  
53 contributing the public's portion to such fund.

1 SEC. 44. After July 1, 1972, no new municipal courts shall be es-  
2 tablished, no new municipal court judgeships shall come into exist-  
3 ence, and no elections of municipal court judges, clerks, or bailiffs  
4 shall be held, notwithstanding sections six hundred two point one  
5 (602.1) through six hundred two point five (602.5), inclusive, and  
6 six hundred two point ten (602.10) through six hundred two point  
7 twelve (602.12), inclusive, of the Code. This section shall become ef-  
8 fective July 1, 1972.

1 SEC. 45. Courts abolished, transition. All mayors' courts, justice  
2 of the peace courts, police courts, superior courts, and municipal  
3 courts and offices connected therewith, are abolished as of July 1, 1973.  
4 Promptly after July 1, 1973, the officials of these courts shall file all  
5 documents and books pertaining to their offices with the clerk of the  
6 district court of their counties. District judges shall assign to judicial  
7 magistrates the pending cases within judicial magistrates' jurisdic-  
8 tion, and such cases shall then be pending before those judicial magis-  
9 trates. All other pending cases shall be pending in the district court  
10 of the county, and the clerk of that court shall within thirty days  
11 give written notice of that fact by ordinary mail to the parties or  
12 their attorneys of record at their last known addresses. All municipal  
13 court judges, clerks of the municipal court and their deputies, bailiffs  
14 of municipal court and their deputies, police court judges, justices of  
15 the peace and constables holding office on July 1, 1972 shall continue  
16 in office through June 30, 1973.

#### POLICE CITATIONS

1 SEC. 46. Conditions. Whenever it would be lawful for a peace  
2 officer to arrest a person without a warrant, he may issue a citation  
3 instead of making the arrest and taking the person before a magis-  
4 trate.

1     **SEC. 47. Form.** The citation shall include the name and address  
 2 of the person, the nature of the offense, the time and place at which  
 3 the person is to appear in court, and the penalty for nonappearance.

1     **SEC. 48. Procedure.** Before he is released, the cited person shall  
 2 sign the citation as a written promise to appear in court at the time  
 3 and place specified. A copy of the citation shall be given to the per-  
 4 son.

1     **SEC. 49. Complaint.** The law enforcement officer issuing the cita-  
 2 tion shall cause to be filed a complaint in the court in which the cited  
 3 person is required to appear, as soon as practicable, charging the  
 4 crime stated in said notice.

1     **SEC. 50. Failure to appear.** Any person who willfully fails to  
 2 appear in court as specified by the citation shall be guilty of a mis-  
 3 demeanor and upon conviction shall be punished by a fine of not  
 4 more than five hundred dollars or by imprisonment in the county jail  
 5 not exceeding three months, or by both such fine and imprisonment.

#### TRAFFIC VIOLATIONS

1     **SEC. 51. Uniform citation and complaint.** The commissioner of  
 2 public safety shall adopt a uniform, combined traffic citation and  
 3 complaint, which shall be used for charging all traffic violations in  
 4 Iowa under state law or municipal ordinance, unless the defendant  
 5 is charged by information or section fifty-eight (58) of this Act is  
 6 applicable. Each citation and complaint shall be serially numbered  
 7 and shall be in quadruplicate, and the officer shall deliver the original  
 8 and a copy to the court where the defendant is to appear, a copy to  
 9 the defendant, and a copy to the law enforcement agency of the officer.  
 10 The court shall forward the copy of the citation and complaint in  
 11 accordance with section three hundred twenty-one point two hundred  
 12 seven (321.207) of the Code. The citation and complaint shall con-  
 13 tain, among other things, spaces for the parties' names and for the  
 14 information required by section three hundred twenty-one point four  
 15 hundred eighty-five (321.485), subsection two (2), of the Code; a  
 16 place where the defendant may sign the promise to appear referred  
 17 to in section three hundred twenty-one point four hundred (321.400);  
 18 a list of the minimum fines prescribed by section fifty-three (53) of  
 19 this Act, either separately or by groups; a brief explanation of sec-  
 20 tions fifty-four (54) and fifty-five (55) of this Act; and a space  
 21 where the defendant may sign an admission of the violation when  
 22 such section fifty-four (54) of this Act is applicable. Every citation  
 23 and complaint shall require the defendant to appear before a court at  
 24 a specified time and place. Notwithstanding section three hundred  
 25 twenty-one point four hundred eighty-five (321.485), subsection two  
 26 (2) of the Code, the officer may arrest the defendant although a cita-  
 27 tion and complaint is used to charge the violation, if authorized by  
 28 section seven hundred fifty-five point four (755.4) of the Code.

1     **SEC. 52. Traffic violations offices.** Each district court clerk's office  
 2 shall constitute a traffic violations office of the district court. Addi-  
 3 tional traffic violations offices may be established at other locations,  
 4 as needed, if authorized by the chief judge of the district.

- 1     **SEC. 53. Scheduled violations.** The minimum fine for all convictions of the following violations, whether of state law or municipal ordinance, shall be:
- 2     1. Illegal parking, except under section fifty-eight (58) hereof, two dollars.
- 3     2. Registration card or plate violation, five dollars.
- 4     3. Improper lights, ten dollars.
- 5     4. Improper muffler, ten dollars.
- 6     5. Other defective equipment, ten dollars.
- 7     6. Excess speed up to ten miles per hour over the legal limit, twenty dollars.
- 8     7. Motor running unattended, ten dollars.
- 9     8. Failure to dim lights, ten dollars.
- 10    9. Violation of restricted license, twenty dollars.
- 11    10. Stopping on traveled portion, twenty dollars.
- 12    11. Violation of height, length, or width, twenty-five dollars.
- 13    Violations of the schedule of axle and tandem axle and gross or group of axle weight violations in section three hundred twenty-one point four hundred sixty-three (321.463) of the Code, shall be scheduled violations subject to the provisions, procedures, and exceptions contained in sections fifty-eight (58),\* fifty-nine (59),\* sixty-one (61),\* sixty-two (62),\* sixty-three (63),\* and sixty-four (64)\* of this Act, irrespective of the amount of the fine under such schedule.
- 14    Violations of the schedule of weight violations shall be chargeable, where the fine charged does not exceed one hundred dollars, only by uniform citation and complaint. Violations of the schedule of weight violations, where the fine charged exceeds one hundred dollars: (1) shall, when the violation is admitted and section fifty-four (54) of this Act applies, be chargeable upon uniform citation and complaint, indictment, or county attorney's information, (2) but otherwise, shall be chargeable only upon indictment or county attorney's information. In all cases of charges under the schedule of weight violations, the charge shall specify the amount of fine charged under the schedule. Where a defendant is convicted and the fine under the foregoing schedule of weight violations exceeds one hundred dollars, the conviction shall be of an indictable offense although section fifty-four (54) of this Act is employed and whether the violation is charged upon uniform citation and complaint, indictment, or county attorney's information.
- 15    Such violations shall be called scheduled violations.

- 1     **SEC. 54. Admission of scheduled violations.**
- 2     1. In cases of scheduled violations, the defendant, before the time specified in the citation and complaint for appearance before the court, may sign the admission of violation on the citation and complaint and deliver or mail the citation and complaint, together with the minimum fine for the violation, plus five dollars costs, to a traffic violations office in the county. The office shall, if the offense is a moving violation, forward a copy of the citation and complaint and admission to the commissioner of public safety as required by section three hundred twenty-one point two hundred seven (321.207) of the Code. Thereupon the defendant shall not be required to appear before the court.
- 3     The admission shall constitute a conviction.

\*According to enrolled Act.

13 2. A defendant charged with a schedule violation by information  
14 may obtain two copies of the information from the court and, before  
15 the time he is required to appear before the court, deliver or mail  
16 such copies, together with his admission, fine, and five dollars costs,  
17 to the traffic violations office in the county. The procedure, fine, and  
18 costs shall be the same as when the charge is by citation and com-  
19 plaint, with the admission and the number of the defendant's opera-  
20 tor's or chauffeur's license placed upon the information.

21 3. When sections fifty-three (53) and fifty-four (54) of this Act  
22 are applicable but the officer does not deem it advisable to release the  
23 defendant and no court in the county is in session:

24 a. If the defendant wishes to admit the violation, the officer may  
25 release the defendant upon observing him mail the citation and com-  
26 plaint, admission, and minimum fine, together with five dollars costs,  
27 to a traffic violations office in the county, in an envelope furnished by  
28 the officer. The officer may allow the defendant to mail a check in the  
29 proper amount in lieu of cash. If the check is not paid by the drawee  
30 for any reason, the defendant may be held in contempt of court. The  
31 officer shall advise the defendant of the penalty for nonpayment of  
32 the check.

33 b. If the defendant does not comply with paragraph a of this sub-  
34 section, the officer may release the defendant upon observing him mail  
35 to a court in the county the citation and complaint and twice the mini-  
36 mum fine together with five dollars costs, or in lieu of twice the fine  
37 and the costs, a guaranteed arrest bond certificate as provided in sub-  
38 section seventy (70) of section three hundred twenty-one point one  
39 (321.1) of the Code, together with the following statement signed by  
40 the defendant:

41 "I agree that either (1) I will appear pursuant to this citation or  
42 (2) if I do not so appear that I hereby admit the violation charged in  
43 the citation and complaint and consent to entry of judgment of con-  
44 viction for twice the minimum fine together with five dollars costs  
45 and to application of the enclosed funds or bail in satisfaction of such  
46 fine and costs."

47 c. If the defendant does not comply with paragraph a or b, or in  
48 any event when section seven hundred fifty-five point four (755.4) of  
49 the Code is applicable, the officer may arrest and confine the defendant  
50 if authorized by the latter section, and proceed with him according to  
51 chapter seven hundred fifty-seven (757) or seven hundred fifty-eight  
52 (758) of the Code.

53 4. Any defendant who admits a scheduled violation may neverthe-  
54 less appear before court. The procedure, costs, and fine, without sus-  
55 pension of the fine, after the hearing shall be the same as in the traffic  
56 violations office.

57 5. A defendant charged with a scheduled violation who does not  
58 fully comply with subsection one (1), two (2), three (3), or four (4)  
59 of this section before the time required to appear before the court  
60 must, at that time, appear before the court. If such defendant admits  
61 the violation, the procedure and fine, without suspension, after the  
62 hearing shall be the same before the court as before the traffic viola-  
63 tions office with five dollars court costs, without prejudice, when ap-  
64 plicable, to proceedings under section three hundred twenty-one point  
65 four hundred eighty-seven (321.487) of the Code.

1     **SEC. 55. Required court appearance.** Section fifty-four (54) of  
2 this Act shall not apply to a scheduled violation:

- 3     1. When the violation charged resulted in an accident or injury.
- 4     2. When the officer determines that the defendant does not have in  
5 force a valid operator's or chauffeur's license or permit.
- 6     3. When the officer determines that the violation was hazardous or  
7 aggravated because of highway conditions, visibility, traffic, repeti-  
8 tion, or other circumstances.

9     In such cases, the defendant shall appear before the court and  
10 regular procedure shall apply. If an information is used the officer  
11 shall endorse thereon, "Not for traffic violations office." If a citation  
12 and complaint is used, the officer shall strike out the space in which  
13 the defendant may admit the violation before a traffic violations  
14 office. A citation and complaint or information containing a charge  
15 under subsections one (1) and two (2) of this section shall not itself  
16 constitute substantive proof of the charge. A defendant shall appear  
17 before the court for any nonscheduled violation.

1     **SEC. 56. Other penalties.** When section fifty-four (54) of this  
2 Act does not apply to a scheduled violation or when the defendant  
3 denies a scheduled violation, if the defendant is found guilty the  
4 penalty shall be the scheduled fine, without suspension of the fine pre-  
5 scribed in section fifty-three (53) of this Act together with five dol-  
6 lars court costs, unless it appears that the violation was hazardous  
7 or aggravated, in which event the punishment shall be increased ac-  
8 cordingly within the limits of law.

1     **SEC. 57. Disposition of traffic fines and costs.** Fines, forfeiture of  
2 bail, fees, and costs collected for all traffic violations shall be remitted  
3 in accordance with section twenty-six (26) of this Act.

1     **SEC. 58. Parking meter violations.** Section three hundred twenty-  
2 one point two hundred thirty-six (§21.236), subsection one (1), Code  
3 1971, is amended by adding thereto the following:

4     "Parking meter violations which are denied shall be charged and  
5 proceed before a court the same as other traffic violations. Parking  
6 violations which are admitted:

- 7     a. May be charged upon a simple notice of a fine not exceeding ten  
8 dollars payable to the city or town clerk, if authorized by ordinance.
- 9     b. Notwithstanding any such ordinance, may be charged and  
10 proceed before a traffic violations office or a court, as the case may be,  
11 the same as other traffic violations."

1     **SEC. 59. Venue.**

2     1. Traffic violations committed by a defendant while a peace officer  
3 is in fresh pursuit may be prosecuted in any county through which  
4 pursuit is made, irrespective of where committed.

5     2. Upon written consent of the defendant and the officer who ap-  
6 prehended him, traffic violations may be prosecuted in any county in  
7 the state irrespective of where committed, and in such event the  
8 documents in the case shall be sent to the court or traffic violations  
9 office designated by the defendant and the officer.

#### SMALL CLAIMS

1     **SEC. 60. Small claims.** A small claim is a civil action for money  
2 damages where the amount in controversy in money is one thousand

3 dollars or less, exclusive of interests and costs, and actions for forcible  
4 entry and detainer.

1     **SEC. 61. Trial of small claims.** Small claims shall be tried only by  
2 judicial magistrates and district associate judges, except when tried  
3 by regular procedure under section sixty-seven (67) of this Act when  
4 they shall be tried by a district judge. Small claims shall be com-  
5 menced, heard, and determined in accordance with sections sixty-one  
6 (61) through seventy-one (71) of this Act, inclusive. Other statutes  
7 and rules relating to civil proceedings shall apply, but only insofar as  
8 not inconsistent with this Act. Small claims on file for ninety days and  
9 not determined shall be dismissed by the clerk without prejudice un-  
10 less prior thereto a party secures an order of continuance to a date  
11 certain after notice and hearing, upon a ground stated in rule two  
12 hundred fifteen point one (215.1) of the rules of civil procedure.  
13 Contested claims in an amount of a small claim may be heard and  
14 determined under this Act and actions therefor may be commenced  
15 hereunder; if commenced as a regular civil action or under the statutes  
16 relating to probate proceedings, they shall be transferred to the small  
17 claims docket and proceed accordingly. Small claims coming within  
18 this Act but commenced as a regular action shall not be dismissed  
19 but shall be transferred to the small claims docket. Civil and probate  
20 actions not small claims but commenced hereunder shall be dismissed  
21 without prejudice except for defendants who have appeared, as to  
22 whom such actions shall be transferred to the combination or pro-  
23 bate docket, as appropriate.

1     **SEC. 62. Commencement of actions.** All actions shall be com-  
2 menced by the filing of an original notice with the clerk. The clerk  
3 shall mail a copy of the original notice to each defendant at his last  
4 known address, as stated in the original notice, by restricted certified  
5 mail, return receipt to the clerk requested. Instead of the mailing,  
6 the plaintiff may, after filing the original notice with the clerk, cause  
7 a copy of same to be served on all or some defendants in the manner  
8 provided in the rules of civil procedure pertaining to the commence-  
9 ment of actions. The clerk shall maintain a book known as the small  
10 claims docket, which shall contain as to small claims the matters con-  
11 tained in the combination docket as to the regular civil actions.

1     **SEC. 63. Original notice—form.** The original notice must be mailed  
2 or otherwise served not less than ten nor more than twenty days prior  
3 to the hearing date. The original notice and copies shall be signed by  
4 the plaintiff, either in person or by attorney, and shall be in substan-  
5 tially the following form:

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IN THE DISTRICT COURT OF IOWA  
IN AND FOR ..... COUNTY

Plaintiff(s)

Address of each plaintiff

vs.

Defendant(s)

Address of each defendant

SMALL CLAIM NO. ....

21  
22  
23  
24  
25  
26  
27  
28  
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ORIGINAL NOTICE

To the above named defendant(s):  
YOU ARE HEREBY NOTIFIED that the above named plaintiff(s) de-  
mands of you .....

(1. If demand is for money, state amount;

2. If demand is for something else, state briefly what is demanded and its value in money;

3. If both money and something else are demanded, state both 1 and 2)

based on .....  
(state briefly the basis for the demand)

and that unless you appear and defend before the above named court  
at ..... in ....., Iowa, at ..... o'clock .....M. on the  
(Place) (City or Town)

..... day of ....., 19..... judgment will be rendered against  
you for the relief demanded, together with interest and court costs.

Plaintiff(s)

1  
2  
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SEC. 64. Duties of clerk. The clerk shall furnish forms of original  
notice. Before filing an original notice, the clerk shall receive a filing  
fee of two dollars plus the amount of postage for mailing the original  
notice to each defendant to which it is to be mailed. At the time of  
filing, the clerk shall enter on the original notice and the copies to be  
served, the file number, and the time and place of hearing, which shall  
be a time when small claims are scheduled to be heard not less than  
ten nor more than twenty days after the date on which the notice will  
be mailed or otherwise served. The clerk shall mail a copy of the  
original notice to each defendant by restricted certified mail, return  
receipt to the clerk requested, except for defendants whom the plain-  
tiff wishes to serve under the rules of civil procedure pertaining to  
commencement of actions.

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4

SEC. 65. Fees and costs. Fees and costs shall be one-half of fees  
and costs in regular civil actions in district court. All fees and costs  
collected for small claims shall be remitted to county treasurers as  
provided in section six hundred six point sixteen (606.16) of the Code.



1     **SEC. 66. Pleadings and motions.** Except as provided in section  
2 sixty-three (63) and section sixty-seven (67) of this Act, there shall  
3 be no written pleadings or motions unless the court in the interests  
4 of justice requires them, in which event they shall be similar in form  
5 to the original notice.

1     **SEC. 67. Procedure.**

2     1. The rules of civil procedure pertaining to action, joinder of ac-  
3 tions and parties and rule seventy-five (75) of the rules of civil pro-  
4 cedure shall be applicable to small claims actions, except that rule  
5 twenty-nine (29) shall not apply to actions originating as small claims  
6 actions.

7     2. In small claims actions, if a party joins a small claim with one  
8 which is not a small claim, the court shall:

9     a. Order the small claim to be heard under this division and dis-  
10 miss the other claim without prejudice, or

11     b. As to parties who have appeared or are existing parties, either  
12 (1) order the small claim to be heard under the procedures specified  
13 in this Act and the other claim to be tried by regular procedure or  
14 (2) order both claims to be tried by regular procedure.

15     3. In small claims actions, a counterclaim, cross claim, or interven-  
16 tion in the amount of a small claim shall be in writing and similar in  
17 form to the original notice, and shall be entitled original notice of coun-  
18 terclaim, of cross claim, or of intervention, as the case may be. A copy  
19 shall be filed for each existing party. New parties may be brought in  
20 without order and shall be served with notice as provided in section  
21 sixty-two (62) and section sixty-three (63) of this Act; and if notice  
22 is to be served by mail the clerk shall collect the costs of mailing before  
23 filing the pleading. The clerk shall furnish forms of such pleadings.  
24 No counterclaim is necessary to assert an offset arising out of the sub-  
25 ject to the plaintiff's claim.

26     4. In small claims actions, a counterclaim, cross claim, or inter-  
27 vention in a greater amount than that of a small claim shall be in  
28 the form of a regular pleading. A copy shall be filed for each existing  
29 party. New parties, when permitted by order, may be brought in  
30 under rule thirty-four (34) of the rules of civil procedure and shall  
31 be given notice under the rules of civil procedure pertaining to an-  
32 nouncement of actions. The court shall either order such counter-  
33 claim, cross claim, or intervention to be tried by regular procedure  
34 and the other claim to be heard under this division, or order the entire  
35 action to be tried by regular procedure.

36     5. In regular action, when a party joins a small claim with one  
37 which is not a small claim, regular procedure shall apply to both un-  
38 less the court transfers the small claim to the small claims docket for  
39 hearing under this division.

40     6. In regular actions, a counterclaim, cross claim, or intervention  
41 in the amount of a small claim shall be pleaded, tried, and determined  
42 by regular procedure, unless the court transfers the small claim to  
43 the small claims docket for hearing under this division.

44     7. Pleadings which are not in correct form under this section shall  
45 be ordered amended so as to be in correct form; but a small claim  
46 which is proceeding under this Act need not be amended although in  
47 the form of a regular pleading.

48 8. Copies of any papers filed by the parties which are not required  
49 to be served, shall be mailed or delivered by the clerk as provided in  
50 rule eighty-two (82) of the rules of civil procedure.

1 SEC. 68. **Proper notice determined.** At the time for hearing the  
2 court or clerk shall first determine that proper notice has been given  
3 a party before proceeding further as to him, unless he has appeared  
4 or is an existing party, and also that the action is properly brought  
5 as a small claim.

1 SEC. 69. **Failure to appear—effect.** Unless good cause to the con-  
2 trary is shown, if the parties fail to appear at the time of hearing  
3 the claim shall be dismissed without prejudice by the court or clerk;  
4 if the plaintiff fails to appear but the defendant appears, the claim  
5 shall be dismissed with prejudice by the court or clerk; and if the  
6 plaintiff appears but the defendant fails to appear, judgment shall  
7 be rendered against the defendant by the court, or by the clerk if  
8 the relief to be granted is readily ascertainable. The filing by the  
9 plaintiff of a verified account, or an instrument in writing for the  
10 payment of money with an affidavit the same is genuine, shall consti-  
11 tute an appearance by plaintiff for the purpose of this rule. At the  
12 request of either party, the court shall grant such party one con-  
13 tinuance to a day certain.

1 SEC. 70. **Hearing.** The time for appearance shall be the time for  
2 hearing, unless a continuance has been granted under section sixty-  
3 nine (69) of this Act. The hearing shall be to the court, shall be  
4 simple and informal, and shall be conducted by the court itself, with-  
5 out regard to technicalities of procedure; but the decision must be  
6 based on substantial evidence. The court shall swear the parties and  
7 their witnesses, and examine them in such way as to bring out the  
8 truth. The parties may participate, either personally or by attorney.  
9 The court may continue the hearing from time to time if justice re-  
10 quires. The proceedings shall not be reported unless a party provides  
11 a reporter at his own expense or the parties by agreement cause the  
12 proceedings to be electronically reported, but there shall be no delay  
13 for such purpose.

1 SEC. 71. **Entry of judgment.**

2 1. The judgment shall be entered in a space on the original notice  
3 first filed, and the clerk shall immediately enter the judgment in the  
4 small claims docket and district court lien book, without recording.  
5 Such relief shall be granted as is appropriate. The court may enter  
6 judgment for installment payments to be made directly by the party  
7 obligated to the party entitled thereto; and in such event execution  
8 shall not issue as long as such payments are made but execution shall  
9 issue for the full unpaid balance of the judgment upon the filing of an  
10 affidavit of default. When entered on the small claims docket and  
11 district court lien book, a small claims judgment shall constitute a  
12 lien to the same extent as regular judgments entered on the district  
13 court judgment docket and lien book; but if a small claims judgment  
14 requires installment payments, it shall not be enforceable until an  
15 affidavit of default is filed, whereupon it shall constitute a lien for the  
16 full unpaid balance of the judgment.

17 2. Unless the hearing is reported, minutes of the testimony of each  
18 witness and of any stipulations of the parties shall likewise be entered

19 on the original notice first filed and the exhibits or copies thereof  
20 shall be attached to the original notice or be filed, until released by  
21 the court.

1     **SEC. 72. Civil appeals.** Civil appeals from judgments of judicial  
2 magistrates and district associate judges may be taken orally at the  
3 conclusion of the trial or hearing or by filing with the judicial magis-  
4 trate or district associate judge a written notice of appeal within  
5 twenty days after the judgment is rendered. An appeal may be taken  
6 by any party. The magistrate or judge shall note the notice of appeal  
7 on the original notice first filed, or if the notice of appeal is in writing  
8 promptly file it with the clerk. Within twenty days after an appeal  
9 is taken, unless extended by order of a district judge or by stipulation  
10 of the parties, any party may file with the clerk as part of the record  
11 a transcript of the official report, if any, and in the event the report  
12 was made electronically, the tape or other medium on which the pro-  
13 ceedings were preserved. A district judge shall promptly hear the  
14 appeal upon the record thus filed without further evidence; and the  
15 judge shall decide the appeal without regard to technicalities or de-  
16 fects which have not prejudiced the substantial rights of the parties,  
17 and may affirm, reverse, or modify the judgment or render judgment  
18 as the magistrate should have rendered. Execution of a judgment of  
19 a judicial magistrate or district associate judge shall be stayed upon  
20 the filing with the clerk of the district court an appeal bond with  
21 surety approved by the clerk, in the sum specified in the judgment.

1     **SEC. 73. Discretionary review by supreme court.**

2     1. No judgment of conviction of a nonindictable misdemeanor or  
3 civil actions tried as small claims shall be appealed to the supreme  
4 court except by discretionary review as provided herein. No judgment  
5 of acquittal of a nonindictable misdemeanor may be reviewed.

6     2. "Discretionary review" is the process by which the supreme court  
7 may exercise its discretion, in like manner as under the rules pertain-  
8 ing to interlocutory appeals and certiorari in civil cases, to review  
9 specified matters not subject to appeal as a matter of right. The  
10 supreme court may adopt additional rules to control access to discre-  
11 tionary review.

12     3. The party seeking review shall be known as the appellant and the  
13 adverse party as the appellee, but the title of the action shall not be  
14 changed from that in the court below.

15     4. When defendants are tried jointly, they may seek discretionary  
16 review separately or they may join. The supreme court may, in the  
17 interest of justice, consolidate applications for discretionary review.

18     5. A petition for review shall be filed in writing with the clerk of  
19 the court within ten days after judgment.

20     6. When an application is made for discretionary review, it is the  
21 duty of the applicant to serve on the attorney for the adverse party,  
22 and if the state is the adverse party, upon the attorney general, a copy  
23 of the application within ten days after judgment.

24     7. When an application for discretionary review is filed, the clerk of  
25 the court in which the judgment or order was rendered shall:

26     a. Immediately prepare and transmit to the adverse party and his  
27 attorney of record a true copy of the application, together with the  
28 date of filing.

29 b. Immediately prepare and transmit to the clerk of the supreme  
30 court a transcript of all record entries relevant to the application, to-  
31 gether with copies of all papers in the case on file in his office, a tran-  
32 script of the official report, if any, and in the event the report was  
33 made electronically, the tape or other medium on which the proceed-  
34 ings were preserved, all duly certified under seal of his court.

35 Failure of the clerk of the district court to transmit all the papers  
36 as required by this subsection shall not prejudice the rights of the  
37 parties.

38 8. The record and case shall be presented to the supreme court as  
39 provided by its rules; and the provisions of law in civil procedure  
40 relating to the filing of decisions and opinions of the supreme court  
41 shall apply in such cases.

42 9. An application shall not be dismissed for an informality or defect  
43 in taking it if corrected as directed by the supreme court. The su-  
44 preme court, after an examination of the entire record, may dispose of  
45 the case by affirmation, reversal or modification of the lower court  
46 judgment. It may also dismiss the application if it (a) determines  
47 that there has been no substantial miscarriage of justice, and (b) no  
48 violation of the rights of an accused, and that (c) the arguments do  
49 not present definite grounds for a hearing. The supreme court may  
50 also order a new trial, or modify the judgment; provided, however, in  
51 criminal cases the punishment may not be increased.

52 10. In all criminal actions:

53 a. When an application has been filed by an adverse party, the  
54 county attorney shall immediately furnish the attorney general with  
55 a copy of said application.

56 b. An application for discretionary review taken by the defendant  
57 does not stay the execution of the judgment unless the defendant is  
58 released on bail or otherwise as provided by law.

59 c. The personal appearance of the defendant in the supreme court  
60 upon the hearing of a matter of discretionary review, is in no case  
61 necessary.

62 d. If a judgment against the defendant is reversed, such reversal  
63 shall be deemed an order for a new trial, unless the supreme court  
64 shall direct a different disposition. In reversing the case, the supreme  
65 court may direct that the defendant be discharged and his bail exon-  
66 erated, or if money is deposited instead, that it be returned to him.

67 e. On a judgment of affirmance against the defendant, the original  
68 judgment shall be carried into execution as the supreme court shall  
69 direct.

70 f. Unless some proceeding in the district court is directed, a copy of  
71 the judgment of the trial court and decision on review, or of the judg-  
72 ment and decision on review certified by the clerk of the trial court  
73 shall be delivered to the sheriff or proper officer as an execution. He  
74 shall be authorized to execute the judgment of the court, or take any  
75 legal measures required to bring the action to a conclusion.

76 g. A defendant, imprisoned during the pendency of an unsuccessful  
77 review, or convicted at a new trial ordered by the supreme court, shall  
78 have the period of his former imprisonment deducted from the period  
79 of imprisonment fixed on the last verdict of conviction by the district  
80 court.

81 11. The decision of the supreme court with any opinion filed or  
82 judgment rendered must be recorded by its clerk. After the expira-

83 tion of the period allowed for a rehearing, or as ordered by the court  
84 or provided by its rules, a certified copy of the decision and opinion  
85 shall be transmitted to the clerk of the trial court, filed and entered  
86 of record by him.

87 12. The jurisdiction of the supreme court shall cease after the cer-  
88 tified copy of the decision and opinion is transmitted to the clerk of  
89 the trial court. All proceedings for executing the judgment shall be  
90 had in the trial court or by its clerk.

#### JURISDICTION OF PUBLIC OFFENSES AND PLACE OF TRIAL

##### 1 SEC. 74. State criminal jurisdiction.

2 1. A person is subject to prosecution in this state for an offense  
3 which he commits within or outside this state, by his own conduct or  
4 that of another for which he is legally accountable, if:

5 a. The offense is committed either wholly or partly within this  
6 state.

7 b. Conduct of the person outside the state constitutes an attempt to  
8 commit an offense within this state.

9 c. Conduct of the person outside the state constitutes a conspiracy  
10 to commit an offense within this state.

11 d. Conduct of the person within this state constitutes an attempt,  
12 solicitation or conspiracy to commit an offense in another jurisdic-  
13 tion, which conduct is punishable under the laws of both this state and  
14 such other jurisdiction.

15 2. An offense may be committed partly within this state if conduct  
16 which is an element of the offense, or a result which constitutes an  
17 element of the offense, occurs within this state. If the body of a  
18 homicide victim is found within the state, the death is presumed to  
19 have occurred within the state.

20 3. An offense which is based on an omission to perform a duty  
21 imposed upon a person by the law of this state is committed within the  
22 state, regardless of the location of the person at the time of the omis-  
23 sion.

1 SEC. 75. Place of trial—general. Criminal actions shall be tried  
2 in the county in which the crime is committed, except as otherwise  
3 provided by law. All objections to place of trial are waived by a de-  
4 fendant unless he objects thereto prior to trial.

1 SEC. 76. Place of trial—special provisions. The following special  
2 provisions apply:

3 1. If conduct or results which constitute elements of an offense oc-  
4 cur in two or more counties, prosecution of the offense may be had  
5 in any of such counties. In such cases, where a dominant number of  
6 elements occur in one county, that county shall have the primary right  
7 to proceed with prosecution of the offender.

8 2. If an offense commenced outside the state is consummated with-  
9 in this state, trial of the offense shall be held in the county or counties  
10 in which the offense is consummated or the interest protected by the  
11 involved penal statute is impaired.

12 3. If an offense is committed in or upon any conveyance in transit,  
13 and it cannot readily be determined in which county the offense was  
14 committed, trial of the offense may be held in any county through or  
15 over which the conveyance passed in the course of its journey.

16 4. If an offense is committed on the boundary of two or more coun-  
 17 ties, and it cannot readily be determined within which county the  
 18 commission took place, trial of the offense may be held in any of the  
 19 counties concerned.  
 20 5. If the offense is a traffic offense, section fifty-nine (59) of this  
 21 Act shall be applicable.

1 SEC. 77. Bar to action. A conviction or acquittal of an offense in  
 2 a court having jurisdiction thereof is a bar to a prosecution of the  
 3 offense in another court.

COORDINATING AMENDMENTS

1 SEC. 78. Section fourteen point ten (14.10), subsection three (3),  
 2 Code 1971, is amended to read as follows:

3 3. The secretary of state shall prepare and deliver to the Code editor  
 4 for insertion in the session laws a correct list of state officers and  
 5 deputies, judges of the supreme, district, superior, and municipal  
 6 courts and district courts including district associate judges, and  
 7 judicial magistrates, and members of the general assembly.

1 SEC. 79. Section sixteen point twenty-four (16.24), subsections  
 2 five (5) and sixteen (16), Code 1971, are amended to read as follows:

- 3 5. To each judge of the supreme, district, superior, and  
 4 municipal courts of Iowa To each judge of the supreme and  
 5 district court including each district associate judge and each  
 6 judicial magistrate ..... 1 copy
- 7 16. To the clerk of the district court, the county attorney,  
 8 the county auditor, the county recorder, county assessor, the  
 9 county treasurer, the sheriff, and the county superintendent  
 10 of each county in the state, to the clerk of each superior or  
 11 municipal court in the state, and also for use in each court  
 12 room of the district, superior, or municipal court and also  
 13 for use in each courtroom of the district court ..... 1 copy

1 SEC. 80. Section sixteen point twenty-five (16.25), subsections five  
 2 (5), six (6), and twelve (12), Code 1971, are amended to read as fol-  
 3 lows:

- 4 5. To the office of each judge of the supreme, district,  
 5 superior, and municipal courts, and of the federal and dis-  
 6 trict courts, including district associate judges and judicial  
 7 magistrates, and to each judge of the federal courts in Iowa 1 copy
- 8 6. To the office of each clerk of the federal courts in this  
 9 state, and of the supreme, district, superior and municipal  
 10 courts of this state and district courts of this state ..... 1 copy
- 11 12. To each court room of the district, superior, and mu-  
 12 nicipal courts ..... 1 copy

1 SEC. 81. Section thirty-nine point twenty-one (39.21), Code 1971,  
 2 is repealed. This section shall take effect July 1, 1972.

1 SEC. 82. Section forty-three point three (43.3), Code 1971, is  
 2 amended to read as follows:

3 43.3 Offices affected by primary. Candidates of all political parties  
 4 for all offices which are filled at a regular biennial election by direct  
 5 vote of the people, except the office of judge of the supreme and dis-  
 6 trict courts, shall be nominated at a primary election at the time and  
 7 in the manner hereinafter directed.

1 SEC. 83. Section forty-six point twenty (46.20), Code 1971, is  
2 amended to read as follows:

3 46.20 Declaration of candidacy. At least ninety days prior to the  
4 judicial election preceding expiration of his initial or regular term  
5 of office, a judge of the supreme court or district court *including dis-*  
6 *trict associate judges* may file a declaration of candidacy with the  
7 secretary of state, whereupon such judge shall stand for retention or  
8 rejection at that election. If a judge fails to file such declaration, his  
9 office shall be vacant at the end of his term. *District associate judges*  
10 *filing such a declaration shall stand for retention in the county of their*  
11 *residence.*

1 SEC. 84. Section forty-six point twenty-one (46.21), Code 1971, is  
2 amended to read as follows:

3 46.21 Conduct of elections. At least fifty-five days prior to each  
4 judicial election, the secretary of state shall certify to the county  
5 auditor of each county a list of the judges of the supreme court and  
6 district court *including district associate judges* to be voted on in such  
7 county at that election. The auditor shall place the names upon the  
8 ballot in the order in which they appear in the certificate, unless only  
9 one county is voting thereon. The secretary of state shall rotate the  
10 names in the certificate by county, or the auditor shall rotate them  
11 upon the ballot by precinct if only one county is voting thereon. The  
12 names of all judges to be voted on shall be placed upon one ballot,  
13 which shall be in substantially the following form:

14 STATE OF IOWA  
15 JUDICIAL BALLOT

16 (Date)

17 VOTE ON ALL NAMES BY PLACING AN X IN THE APPROPRIATE BOX AFTER  
18 EACH NAME.

19 SUPREME COURT

20 Shall the following judges of the Supreme Court be retained in  
21 office?

22 JOHN DOE YES..... NO.....  
23 RICHARD ROE YES..... NO.....

24 DISTRICT COURT

25 Shall the following judge *or associate judge* of the District Court  
26 be retained in office?

27 JOHN SMITH YES..... NO.....

1 SEC. 85. Section forty-six point twenty-four (46.24), Code 1971,  
2 is amended to read as follows:

3 46.24 Results of election. A judge of the supreme court or district  
4 court *including district associate judge* must receive more affirmative  
5 than negative votes to be retained in office. When the poll is closed,  
6 the election judges shall publicly canvass the vote forthwith. The  
7 board of supervisors shall canvass the returns at its meeting on Mon-  
8 day after the election, and shall promptly certify the number of affirm-  
9 ative and negative votes on each judge to the secretary of state.

10 The state board of canvassers shall, at the time of canvassing the  
11 vote cast at a general election, open and canvass all of the returns  
12 for the judicial election. Each judge of the supreme court or dis-  
13 trict court *including district associate judge* who has received more  
14 affirmative than negative votes shall receive from the state board of  
15 canvassers an appropriate certificate so stating.

1 SEC. 86. Section forty-nine point one hundred six (49.106), Code  
2 1971, is amended to read as follows:

3 **49.106 May commit disorderly person.** Any ~~constable or special~~  
4 policeman may forthwith arrest such person and bring him before the  
5 judges of election, and they, by a warrant under their hands, may  
6 commit him to the jail of the county for a term not exceeding twenty-  
7 four hours, but they shall permit him to vote.

1 SEC. 87. Section forty-nine point one hundred sixteen (49.116),  
2 Code 1971, is amended to read as follows:

3 **49.116 Preserving order.** All special policemen and ~~constables~~ are  
4 authorized and required to preserve order and peace at all places of  
5 election, and such special policemen, ~~constables~~, and all other persons  
6 are authorized and required to obey the lawful orders and commands  
7 of said judges of election given to prevent violations of this chapter.

1 SEC. 88. Section fifty point twenty-one (50.21), Code 1971, is  
2 amended to read as follows:

3 **50.21 Abstracts of votes—certificates of election.** The tally lists  
4 shall be opened in the presence of all the canvassers, and an abstract  
5 of votes made and signed by them, and the result declared, and a cer-  
6 tificate of election signed by them giving the candidates elected. If  
7 the mayor shall have been a candidate at such election, a ~~justice of~~  
8 ~~the peace~~ a *qualified elector of the city not a candidate* of the county,  
9 selected by the clerk, shall act with him in making the canvass.

1 SEC. 89. Section fifty point twenty-five (50.25), Code 1971, is  
2 amended by striking subsection seven (7).

1 SEC. 90. Section sixty-two point four (62.4), Code 1971, is  
2 amended to read as follows:

3 **62.4 Sheriff to attend.** The court or presiding judge may direct  
4 the attendance of the sheriff or a ~~constable~~ *deputy* when necessary.

1 SEC. 91. Section sixty-two point twenty-five (62.25), Code 1971,  
2 is amended by striking the section and inserting in lieu thereof the  
3 following:

4 "A transcript of the judgment may be filed and recorded in the  
5 office of the clerk of the district court and shall have the effect of a  
6 judgment of that court and execution may issue thereon."

1 SEC. 92. Section sixty-four point one (64.1),\* Code 1971, is  
2 amended by striking subsection four (4)\* and inserting in lieu there-  
3 of the following:

4 "Judges of the supreme and district courts, district associate judges,  
5 and judicial magistrates.†"

1 SEC. 93. Section sixty-four point six (64.6), Code 1971, is  
2 amended by adding the following new subsection:

3 "Judicial magistrates,† five thousand dollars."

1 SEC. 94. Section sixty-four point eight (64.8), Code 1971, is  
2 amended to read as follows:

3 **64.8 County officers.** The bonds of the following county officers,  
4 viz.: Clerks of the district courts, county attorneys, recorders, audi-

\*See 64 GA, ch 1088, §226(4).

†Conflicting provisions.



5 tors, superintendents of schools, sheriffs, justices of the peace, and  
6 constables, and assessors shall each be in a penal sum to be fixed by  
7 the board of supervisors.

1 SEC. 95. Section sixty-four point nine (64.9), Code 1971, is  
2 amended to read as follows:

3 **64.9 Minimum bonds of county officers.** Bonds of members of the  
4 board of supervisors, clerks of the district courts, county auditors,  
5 sheriffs, and county attorneys shall not be in less sum than five thou-  
6 sand dollars each, and those of justices and constables, not less than  
7 five hundred dollars each.

1 SEC. 96. Section sixty-four point twenty-three (64.23), subsection  
2 five (5), Code 1971, is amended to read as follows:

3 5. For members of the board of supervisors, and for justices of the  
4 peace, with the clerk of the district court.

1 SEC. 97. Section sixty-four point twenty-four (64.24), subsection  
2 two (2), Code 1971, is amended to read as follows:

3 2. In the record kept by the county auditor, the official bonds of all  
4 county officers, elective or appointive, justices of the peace, and town-  
5 ship clerks, and constables.

1 SEC. 98. Section sixty-eight point one (68.1), Code 1971, is  
2 amended to read as follows:

3 **68.1 Impeachment defined.** An impeachment is a written accusa-  
4 tion against the governor, or a judge of the supreme, or district, or  
5 superior court, or other state officer, by the house of representatives  
6 before the senate, of a misdemeanor or malfeasance in office.

1 SEC. 99. Section sixty-nine point eight (69.8), subsection four (4),  
2 Code 1971, is amended to read as follows:

3 4. County offices. In county offices, including justices of the peace  
4 and constables, by the board of supervisors.

1 SEC. 100. Section seventy-eight point one (78.1), Code 1971, is  
2 amended to read as follows:

3 **78.1 General authority.** The following officers are empowered to  
4 administer oaths and to take affirmations:

5 1. ~~Judges of the supreme, district, superior, municipal, and police~~  
6 ~~courts. Judges of the supreme and district courts, including district~~  
7 ~~associate judges and judicial magistrates.~~

8 2. Official court reporters of district, superior, and municipal courts  
9 in taking depositions under appointment or by agreement of counsel.

10 3. Clerks and deputy clerks of the supreme, and district, superior,  
11 police, and municipal courts.

12 4. Justices of the peace within the county of their residence.

13 4. 5. Notaries public within the county of their appointment, and  
14 within any county in which they have filed with the clerk of the dis-  
15 trict court of said county a certified copy of their certificate of ap-  
16 pointment.\*

17 5. 6. Examiners appointed by the state commerce commission un-  
18 der the provisions of section 474.19.

19 6. 7. Certified shorthand reporters.

\*According to enrolled Act. These words are quoted from the 1971 Code; however, most of them had been repealed by 64 GA, ch 103, §11.

1 SEC. 101. Section seventy-nine point thirteen (79.13), Code 1971,  
2 is amended to read as follows:

3 79.13 Particulars required. The board of supervisors shall not  
4 approve any claim for mileage or other traveling expenses presented  
5 by any peace officer including the sheriff and his deputies and ~~municipal~~  
6 ~~court bailiffs and deputy bailiffs~~, unless the destinations, and number  
7 of miles covered in each trip are given, or, in the case of extended  
8 trips, unless railroad, hotel, and other traveling expenses, excepting  
9 meals, are verified by receipts.

1 SEC. 102. Section eighty-five point sixty-two (85.62), unnumbered  
2 paragraph one (1), Code 1971, is amended to read as follows:

3 85.62\* Peace officers. Any policeman (except those pensioned under  
4 the policemen's pension fund created by law), any sheriff, marshal,  
5 ~~constable~~, state highway patrolman, conservation officer, and any and  
6 all of their deputies and any and all other legally appointed or elected  
7 law-enforcing officers, who shall sustain an injury while performing  
8 the duties of a law-enforcing officer and from causes arising out of  
9 and in the course of his official duty, or employment as a law-enforcing  
10 officer, become temporarily or permanently physically disabled or  
11 if said injury results in death shall be entitled to compensation for all  
12 such injuries or disability together with statutory medical, nursing,  
13 hospital, surgery and funeral expenses, and where the officer is paid  
14 from public funds said compensation shall be paid out of the general  
15 fund of the state.

1 SEC. 103. Section ninety-eight point five (98.5), Code 1971, is  
2 amended to read as follows:

3 98.5 Violation. Any minor under eighteen years of age refusing  
4 to give information as required by section 98.4 shall be guilty of a  
5 misdemeanor. Said minor shall be certified by the magistrate ~~or~~ ~~justice~~  
6 ~~of the peace~~ before whom the case is tried, to the juvenile court  
7 of the county for such action as said court shall deem proper.

8 If any minor having been convicted of violating section 98.4 shall  
9 give information which shall lead to the arrest of the person or persons  
10 having violated any of the provisions of section 98.2 and shall  
11 give evidence as a witness in any proceedings that may be prosecuted  
12 against said person or persons, the court in its discretion may suspend  
13 sentence against the offending minor.

1 SEC. 104. Section one hundred fifteen point four (115.4), Code  
2 1971, is amended to read as follows:

3 115.4 Who eligible. No person shall be appointed to the position  
4 of shorthand reporter of any district, ~~superior~~, ~~or municipal~~ court in  
5 this state, unless he be a certified shorthand reporter who has been  
6 found competent to report court proceedings, references, or proceedings  
7 of like character, by the board of examiners provided for in this  
8 chapter.

1 SEC. 105. Section one hundred twenty-three point fifty-three  
2 (123.53),\* unnumbered paragraph two (2), Code 1971, is amended to  
3 read as follows:

4 In order that the said commission may be provided with the neces-

\*Repealed by 64 GA, ch 108, §5.

\*\*Repealed by 64 GA, ch 131, §152.

5 sary information to make out the report required by this chapter, it  
 6 shall be the duty of every justice of the peace, police court, mayor's  
 7 court and every clerk of a court of record in this state to forward to  
 8 said commission during the month of July of each year a full and  
 9 complete report of each case commenced in the court of such justice,  
 10 police court, mayor's court, or any court of record, in which a viola-  
 11 tion of this chapter or any other law of this state pertaining to alco-  
 12 holic liquors or beer was charged, and the disposition of the same.

1 SEC. 106. Section one hundred thirty point twenty-six (130.26),\*  
 2 Code 1971, is amended to read as follows:

3 130.26 **Preservation and inspection.** The permit holder shall pre-  
 4 serve the stubs in book form and shall keep them at all times, subject  
 5 to the inspection of the pharmacy examiners, the county attorney, any  
 6 grand jury, or peace officer, or justice of the peace in the county in  
 7 which the permit is in force.

1 SEC. 107. Section one hundred eighty-eight point twenty-eight  
 2 (188.28), Code 1971, is amended to read as follows:

3 188.28 **Proof of service.** Immediately after the expiration of said  
 4 ten days of posting, the person taking up the estray shall, unless such  
 5 estray has been previously claimed by the owner, file with a justice  
 6 of the peace in the township in which the estray was taken up, or, in  
 7 case there is no justice in the township, then with the next nearest  
 8 justice in the county the county auditor his affidavit which shall show:

- 9 1. The time and place of taking up such estray.
- 10 2. The time and places of posting said notice, together with a copy
- 11 of said notice.
- 12 3. That said animal remains unclaimed.
- 13 4. Whether the marks or brands of said animal have been altered
- 14 to his knowledge, either before or after the same was taken up.

1 SEC. 108. Section one hundred eighty-eight point thirty-two  
 2 (188.32), Code 1971, is amended to read as follows:

3 188.32 **Fees and expenses.** The person taking up an estray shall  
 4 pay to the justice of the peace, with whom the affidavit is filed, the  
 5 legal fees due the said justice, and the legal fees due to the county  
 6 auditor for entering said affidavit in the estray book, and posting and  
 7 publishing the same, which amounts, together with the compensation  
 8 provided by law, shall be refunded to the person taking up such es-  
 9 tray by the owner thereof in case the animal is restored to the owner.

1 SEC. 109. Section one hundred eighty-eight point forty-seven  
 2 (188.47), Code 1971, is amended to read as follows:

3 188.47 **Bond to release.** Before any property held under this chap-  
 4 ter is sold under distraint, or before the title to an estray vests in the  
 5 taker-up, it may be released at once upon the owner giving to the  
 6 distrainer or taker-up a bond, with sureties, to be approved by the  
 7 township clerk, justice of the peace or county auditor, before whom  
 8 the matter is then pending, conditioned to pay to the holder of the  
 9 property, within twenty days after such approval, all costs, damages,  
 10 and compensation to which he is entitled. In case the obligee in said  
 11 bond is compelled to begin action on such bond, the court may tax a  
 12 reasonable attorney's fee in favor of such obligee.

\*Repealed by 64 GA, ch 131, §152.

1 SEC. 110. Section one hundred eighty-eight point forty-eight  
2 (188.48), Code 1971, is amended by striking subsection seven (7).

1 SEC. 111. Section one hundred eighty-nine point eight (189.8),  
2 Code 1971, is amended to read as follows:

3 189.8 **Witnesses.** In the enforcement of the provisions of this title  
4 the department shall have power to issue subpoenas for witnesses,  
5 enforce their attendance, and examine them under oath. Such wit-  
6 nesses shall be allowed the same fees as witnesses in justice of the  
7 ~~peace courts~~ *district court*. Said fees shall be paid out of the contin-  
8 gent fund of the department.

1 SEC. 112. Section two hundred one point eleven (201.11), unnum-  
2 bered paragraph two (2), Code 1971, is amended to read as follows:

3 In all litigation arising from the purchase, sale, or disposal of any  
4 agricultural lime, limestone, or aglime, in which the composition of  
5 the same may be involved, a certified copy of the official analysis shall  
6 be accepted as prima-facie evidence of the composition of such agri-  
7 cultural lime, limestone, or aglime. The possession of agricultural  
8 lime, limestone, or aglime, in any building, room, railroad equipment,  
9 store, storeroom, warehouse, truck, or other place within this state,  
10 except by a person who has the same for his private use, without com-  
11 plying with the provisions of this chapter relative to agricultural lime,  
12 shall be prima-facie evidence of keeping the same for the purpose of  
13 selling or disposal. In all prosecutions under this chapter, a justice  
14 of the peace, police judge, or mayor shall have jurisdiction with the  
15 right of appeal to the district court by certiorari.

1 SEC. 113. Section two hundred three A point six (203A.6), sub-  
2 section two (2), Code 1971, is amended to read as follows:

3 2. When an article detained or embargoed under subsection 1 has  
4 been found by such agent to be adulterated or misbranded, he shall  
5 petition the judge of the ~~municipal, or~~ district court in whose jurisdic-  
6 tion the article is detained or embargoed for a libel for condemnation  
7 of such article. When such agent has found that an article so de-  
8 tained or embargoed is not adulterated or misbranded, he shall re-  
9 move the tag or other marking.

1 SEC. 114. Section two hundred twenty-two point sixteen (222.16),  
2 Code 1971, is amended to read as follows:

3 222.16 **Petition for adjudication of retardation.** A petition for the  
4 adjudication of the mental retardation of a person within the mean-  
5 ing of this chapter may, with the permission of the court be filed  
6 without fee against such person with the clerk of the district, ~~superior,~~  
7 ~~or municipal~~ court of the county or city in which such alleged mentally  
8 retarded person resides or is found. The petition may be filed by any  
9 relative of such person, by a guardian, or by any reputable citizen of  
10 the county of such residence or of such place of finding.

1 SEC. 115. Section two hundred twenty-two point fifty-three  
2 (222.53), Code 1971, is amended to read as follows:

3 222.53 **Conviction—suspension.** If on the conviction in the dis-  
4 trict, ~~superior, or municipal~~ court of any person for any crime or for  
5 any violation of any municipal ordinance, or if on the determination  
6 in said courts that a child is dependent, neglected, or delinquent and  
7 it appears from any evidence presented to the court before sentence,  
8 that such person is mentally retarded within the meaning of this

9 chapter, the court may suspend sentence or order, and may order any  
10 officer of the court or some other proper person to file a petition per-  
11 mitted under the provisions of this chapter against said person. Pend-  
12 ing hearing of the petition, the court shall provide for the custody of  
13 said person as directed in section 222.52.

1 SEC. 116. Section two hundred twenty-five point ten (225.10),  
2 Code 1971, is amended to read as follows:

3 225.10 Application for admission. Persons suffering from mental  
4 diseases may be admitted as committed public patients as follows:  
5 Any physician authorized to practice his profession in the state of  
6 Iowa or any citizen of the state may file information with any dis-  
7 trict ~~or superior~~ court of the state or with any judge thereof, alleg-  
8 ing that the person named therein is suffering from some abnormal  
9 mental condition that can probably be remedied by observation, treat-  
10 ment, and hospital care; and that he is, of himself or through those  
11 legally responsible for him, unable to provide the means for such ob-  
12 servation and hospital care.

1 SEC. 117. Section two hundred twenty-five point eleven (225.11),  
2 Code 1971, is amended to read as follows:

3 225.11 Medical examiner. Said judge of the district ~~or superior~~  
4 court *or the clerk of such court* may, upon his own motion or upon  
5 the information contained in such report filed as aforesaid, appoint  
6 some physician who shall personally examine said person with re-  
7 spect to his mental condition.

1 SEC. 118. Section two hundred twenty-five point fourteen (225.14),  
2 Code 1971, is amended to read as follows:

3 225.14 Notice—trial and order. Upon the filing of such report or  
4 reports, said judge of the district ~~or superior~~ court as aforesaid shall  
5 fix a day for the hearing upon the complaint and shall cause the per-  
6 son or those legally responsible for him to be served with a notice of  
7 the hearing; and he shall also notify the county attorney, who shall  
8 appear and conduct the proceedings, and upon such complaint evi-  
9 dence may be introduced. Upon such hearing the person against  
10 whom the complaint is made shall be entitled to a trial by jury. If  
11 the judge or jury finds that the said person is suffering from an ab-  
12 normal mental condition which can probably be remedied by observa-  
13 tion, medical or surgical treatment, and hospital care, and that he, or  
14 those legally responsible for him, are unable to pay the expenses  
15 thereof, said judge shall enter an order directing that the said person  
16 shall be sent to the state psychopathic hospital at the state University  
17 of Iowa for observation, treatment, and hospital care as a committed  
18 public patient.

1 SEC. 119. Section two hundred twenty-five point sixteen (225.16),  
2 unnumbered paragraph one (1), Code 1971, is amended to read as  
3 follows:

4 225.16 Voluntary public patients—commitment. If the said judge  
5 of the district ~~or superior~~ court *or the clerk of the court*, as aforesaid,  
6 finds from the physician's report which was filed under the provisions  
7 of section 225.12, that the said person is suffering from an abnormal  
8 mental condition which can probably be remedied by observation,  
9 medical or surgical treatment, and hospital care, and the report of  
10 the county attorney shows that he, or those legally responsible for

11 him, are unable to pay the expenses thereof, said judge *or clerk* shall  
12 enter an order directing that the said person shall be sent to the state  
13 psychopathic hospital at the state University of Iowa for observation,  
14 treatment, and hospital care as a voluntary public patient; provided  
15 that the said person, or those legally responsible for him, request the  
16 said court or judge to commit said person without the hearing which  
17 is required under the provisions of section 225.14.

1 SEC. 120. Section two hundred twenty-five point seventeen  
2 (225.17), unnumbered paragraph one (1), Code 1971, is amended to  
3 read as follows:

4 225.17 **Committed private patients—treatment.** If the said judge  
5 of the district ~~or superior~~ court, as aforesaid, finds in the hearing as  
6 provided for under the provisions of section 225.14 that the said per-  
7 son is suffering from an abnormal mental condition which can prob-  
8 ably be remedied by observation, medical or surgical treatment, and  
9 hospital care, and that he, or those legally responsible for him, are  
10 able to pay the expenses thereof, said judge shall enter an order di-  
11 recting that the said person shall be sent to the state psychopathic  
12 hospital at the state University of Iowa for observation, treatment,  
13 and hospital care as a committed private patient.

1 SEC. 121. Section two hundred twenty-five point eighteen (225.18),  
2 Code 1971, is amended to read as follows:

3 225.18 **Attendants.** The court *or clerk* may, in his discretion,  
4 appoint some person to accompany said committed public patient or  
5 said voluntary public patient or said committed private patient from  
6 the place where he may be to the state psychopathic hospital of the  
7 state University at Iowa City, or to accompany such patient from the  
8 said hospital to such place as may be designated by the court *or clerk*.  
9 If the patient be a female, the person appointed to accompany her  
10 must be a woman.

1 SEC. 122. Section two hundred twenty-five point nineteen (225.19),  
2 Code 1971, is amended to read as follows:

3 225.19 **Compensation for attendant.** Any person appointed by the  
4 court or judge *or clerk* to accompany said person to or from the hos-  
5 pital or to make an investigation and report on any question involved  
6 in the complaint, other than the physician making the examination,  
7 shall receive the sum of three dollars per day for the time actually  
8 spent in making such investigation (except in cases where the person  
9 appointed therefor receives a fixed salary or compensation) and his  
10 actual necessary expenses incurred in making such investigation or  
11 trip.

1 SEC. 123. Section two hundred twenty-five point twenty-one  
2 (225.21), Code 1971, is amended to read as follows:

3 225.21 **Vouchers.** The person making claim to such compensation  
4 shall present to the court or judge an itemized sworn statement there-  
5 of, and when such claim for compensation has been approved by the  
6 court or judge, *or clerk* the same shall be filed in the office of the  
7 county auditor and shall be allowed by the board of supervisors and  
8 paid from the state institution fund.

1 SEC. 124. Section two hundred twenty-five point twenty-five  
2 (225.25), Code 1971, is amended to read as follows:

3     **225.25 Commitment of private patient as public.** If any patient be  
4 admitted to the state psychopathic hospital and thereafter an order of  
5 commitment of said patient as a public patient be made by the court  
6 or judge *or clerk* having jurisdiction thereof, the expense of keeping  
7 and maintaining said patient from the date of the filing of the infor-  
8 mation upon which said order is made shall be paid by the state.

1     SEC. 125. Section two hundred twenty-five point thirty (225.30),  
2 Code 1971, is amended to read as follows:

3     **225.30 Blanks—audit.** The medical faculty of the hospital of the  
4 college of medicine of the state University of Iowa shall prepare  
5 blanks containing such questions and requiring such information as  
6 may be necessary and proper to be obtained by the physician who ex-  
7 amines the patient under order of court; and such blanks shall be  
8 printed by the state and a supply thereof shall be sent to the clerk of  
9 each district and superior court of the state. The state comptroller  
10 shall audit, allow, and pay the cost of the blanks as other bills for  
11 public printing are allowed and paid.

1     SEC. 126. Section two hundred thirty-one point one (231.1), Code  
2 1971, is amended to read as follows:

3     **231.1 Jurisdiction.** There is hereby established in each county a  
4 juvenile court *within the district court*, which, and the judges thereof,  
5 shall have and exercise the jurisdiction and powers provided by law.

1     SEC. 127. Section two hundred thirty-one point two (231.2), Code  
2 1971, is amended by striking subsection two (2) and inserting in lieu  
3 thereof the following:

4     “Of the district associate judges if and as long as so designated by  
5 the chief judge of the district.”

1     SEC. 128. Section two hundred thirty-one point three (231.3),  
2 Code 1971, is amended by striking unnumbered paragraph one (1)  
3 and inserting in lieu thereof the following:

4     “The chief judge of the district shall designate one or more of the  
5 district judges or district associate judges, or both, to act as judge  
6 or judges of the juvenile court in any county or counties.”

1     SEC. 129. Section two hundred thirty-one point three (231.3), un-  
2 numbered paragraph one (1),\* Code 1971, is amended to read as fol-  
3 lows:

4     “The judges of the district court may designate one of their num-  
5 ber to act as judge of the juvenile court in any county or counties, and  
6 may designate a superior or municipal court *district associate* judge  
7 to act as judge of the juvenile court in cases arising in any city in  
8 which any such court is organized and in cases arising in any part of  
9 any county convenient thereto. In counties having a population of  
10 one hundred thousand or over, unless said district judges designate a  
11 superior or municipal court judge to act as juvenile judge, they shall  
12 after each election, designate one of their number to act as juvenile  
13 judge for the ensuing four years.”

1     SEC. 130. Section two hundred thirty-one point eight (231.8), un-  
2 numbered paragraph two (2), Code 1971, is amended to read as fol-  
3 lows:

\*Repealed by §128 hereof.

4 Probation officers may be appointed to serve two or more counties.  
 5 The salaries of such officers and their deputies, if any, shall be fixed  
 6 by the judges of the judicial district ~~containing~~ *who are designated*  
 7 *juvenile court judges* for such counties and such salaries and the ex-  
 8 penses of the probation offices shall be prorated among the counties  
 9 served in such proportion as may be determined by said judges who  
 10 shall in making such determination, consider the volume of work in  
 11 the several counties. Such officers may be paid not to exceed sixty per-  
 12 cent of the salary of a district court judge.

1 SEC. 131. Section two hundred forty-six point forty-six (246.46),  
 2 Code 1971, is amended to read as follows:

3 246.46 **Who may visit.** The following persons are authorized to  
 4 visit said institutions at pleasure: The governor, secretary of state,  
 5 auditor of state, treasurer of state, secretary of agriculture, members  
 6 of the general assembly, judges of the supreme, *and district, superior,*  
 7 *and municipal* courts, *including district associate judges and judicial*  
 8 *magistrates*, county attorneys, and all regular officiating ministers of  
 9 the gospel. No other person shall be granted admission except by  
 10 permission of the warden.

1 SEC. 132. Section two hundred forty-seven point thirty (247.30),  
 2 Code 1971, is amended by striking subsection sixteen (16) and in-  
 3 serting in lieu thereof the following:

4 16. All jurors' fees, jurors' meals, and witness fees paid by the  
 5 county in all criminal cases before a judicial magistrate.

1 SEC. 133. Section two hundred fifty-two A point two (252A.2),  
 2 subsection two (2), Code 1971, is amended to read as follows:

3 2. "Court" shall mean and include a ~~family court, domestic rela-~~  
 4 ~~tions court, children's court, municipal court~~ and any other court, by  
 5 whatever name known, in any state having reciprocal laws or laws sub-  
 6 stantially similar to this chapter upon which jurisdiction has been  
 7 conferred to determine the liability of persons for the support of de-  
 8 pendents within and without such state.

1 SEC. 134. Section two hundred fifty-five point eight (255.8), Code  
 2 1971, is amended to read as follows:

3 255.8 **Hearing—order—emergency cases—cancellation of commit-**  
 4 **ments.** The attorney and the overseer of the poor, or other agent of  
 5 the board of supervisors of the county where the hearing is held, shall  
 6 appear thereat. The complainant, the county attorney, the overseer  
 7 of the poor or other agent of the board of supervisors, and the pa-  
 8 tient, or any person representing him, or her, may introduce evidence  
 9 and be heard. If the court finds that said patient is a legal resident  
 10 of Iowa and is pregnant or is suffering from a malady or deformity  
 11 which can probably be improved or cured or advantageously treated  
 12 by medical or surgical treatment or hospital care, and that neither  
 13 the patient nor any person legally chargeable with his or her support  
 14 is able to pay the expenses thereof, then the clerk of court, except in  
 15 obstetrical cases and cases of crippled children, shall immediately as-  
 16 certain from the admitting physician at the university hospital  
 17 whether such person can be received as a patient within a period of  
 18 thirty days, and if the patient can be so received, the court, *or in the*  
 19 *event of no actual contest, the clerk of the court,* shall then enter an



20 order directing that said patient be sent to the university hospital for  
 21 proper medical and surgical treatment and hospital care. If the court  
 22 ascertain, excepting in obstetrical cases and orthopedic cases, that a  
 23 person of the age or sex of the patient, or afflicted by the complaint,  
 24 disease or deformity with which such person is affected cannot be  
 25 received as a patient at the said university hospital within the period  
 26 of thirty days, then he *or the clerk* shall enter an order directing the  
 27 board of supervisors of the county to provide adequate treatment at  
 28 county expense for said patient at home or in a hospital. Obstetrical  
 29 cases and orthopedic cases may be committed to the university hospi-  
 30 tal without regard to the limiting period of thirty days hereinbefore  
 31 stated.

32 In any case of emergency the court *or the clerk* without previous  
 33 inquiry may at its discretion order the patient to be immediately taken  
 34 to and accepted by the university hospital for the necessary care as  
 35 provided in section 255.11, but if such a patient cannot be immediately  
 36 accepted at the university hospital as ascertained by telephone if neces-  
 37 sary, the court *or the clerk* may enter an order as in certain cases  
 38 above set forth directing the board of supervisors to provide adequate  
 39 treatment at county expense for the said patient at home or in a  
 40 hospital.

1 SEC. 135. Section two hundred fifty-five point thirteen (255.13),  
 2 Code 1971, is amended to read as follows:

3 255.13 **Attendant—physician—compensation.** If the physician  
 4 appointed to examine the patient shall certify that an attendant to  
 5 accompany the patient to the said hospital is necessary, and the uni-  
 6 versity hospital attendant and ambulance service is not available,  
 7 then the court or judge *or clerk of the court* may appoint an attend-  
 8 ant who shall receive not exceeding two dollars per day for the time  
 9 thus necessarily employed and actual necessary traveling expenses by  
 10 the most feasible route to said hospital whether by ambulance, train  
 11 or automobile; but if such appointee is a relative of the patient or a  
 12 member of his immediate family, or receives a salary or other com-  
 13 pensation from the public for his services, no such per diem compen-  
 14 sation shall be paid him. The physician appointed by the court *or*  
 15 *clerk* to make the examination and report shall receive therefor three  
 16 dollars for each examination and report so made and his actual neces-  
 17 sary expenses incurred in making such examination, but if said physi-  
 18 cian receives a salary or other compensation from the public for his  
 19 full-time services, then no such examination fee shall be paid. The  
 20 actual, necessary expenses of transporting and caring for the patient  
 21 shall be paid as hereinafter provided.

1 SEC. 136. Section two hundred fifty-five point fourteen (255.14),  
 2 Code 1971, is amended to read as follows:

3 255.14 **Expenses—how paid.** An itemized, verified statement of  
 4 all charges provided for in sections 255.8 and 255.13, in cases where  
 5 the patient is admitted or accepted for treatment at the university  
 6 hospital shall be filed with the superintendent of the university hos-  
 7 pital, and upon his recommendation when approved by the judge *or*  
 8 *clerk of the court* under whose order the same were incurred, they  
 9 shall be charged on the regular bill for the maintenance, transporta-  
 10 tion and treatment of the patient, and be audited and paid in the  
 11 manner as hereinafter provided.

1 SEC. 137. Section three hundred twenty-one point one hundred  
2 ninety-three (321.193), unnumbered paragraph one (1), Code 1971,  
3 is amended to read as follows:

4 *The When provided in rules and regulations adopted pursuant to*  
5 *chapter 17A, the department upon issuing an operator's or chauffeur's*  
6 *license shall have authority whenever good cause appears to impose*  
7 *restrictions suitable to the licensee's driving ability with respect to*  
8 *the type of vehicle or special mechanical control devices required on*  
9 *a motor vehicle which the licensee may operate or such other restric-*  
10 *tions applicable to the licensee, including licenses issued under section*  
11 *321.194, as the department may determine to be appropriate to assure*  
12 *the safe operation of a motor vehicle by the licensee.*

1 SEC. 138. Section three hundred twenty-one point two hundred  
2 ten (321.210), unnumbered paragraph one (1), Code 1971, is amended  
3 to read as follows:

4 The department is hereby authorized to ~~suspend~~ *establish rules and*  
5 *regulations under the provisions of chapter 17A providing for the*  
6 *suspension of the license of an operator or chauffeur without prelim-*  
7 *inary hearing upon a showing by its records or other sufficient evi-*  
8 *dence that under the rules and regulations adopted by the department*  
9 *the licensee:*

1 SEC. 139. Section three hundred twenty-one point four hundred  
2 eighty-five (321.485), subsection one (1), Code 1971, is amended to  
3 read as follows:

4 1. Immediately arrest such person and take him before a magis-  
5 trate of the county in which the apparent violation occurred; or

1 SEC. 140. Section three hundred twenty-one point four hundred  
2 eighty-five (321.485), subsection two (2), paragraph "a", Code 1971,  
3 is amended to read as follows:

4 a. Prepare in triplicate a written ~~summons~~ *citation* to appear in  
5 court containing the name and address of such person, the operator  
6 or chauffeur license number if any, the registration number if any of  
7 his vehicle, the offense charged, and the time when and place where  
8 such person shall appear in court, ~~which shall be within the county in~~  
9 ~~which the offense charged is alleged to have been committed;~~ or

1 SEC. 141. Section three hundred twenty-one point four hundred  
2 eighty-seven (321.487), unnumbered paragraph one (1), Code 1971,  
3 is amended to read as follows:

4 321.487 **Violation of promise to appear.** Any person willfully vio-  
5 lating a ~~summons~~ *citation* to appear in court given as provided in this  
6 chapter, is guilty of a misdemeanor, punishable as provided in sec-  
7 tion 321.482 regardless of the disposition of the charge upon which  
8 he was ~~summoned~~ *cited. Venue shall be in the county where the de-*  
9 *fendant was to appear or in the county where he resides.*

1 SEC. 142. Section three hundred twenty-one point four hundred  
2 ninety-one (321.491), unnumbered paragraph one (1), Code 1971, is  
3 amended to read as follows:

4 321.491 **Convictions to be reported.** Every ~~magistrate or judge of~~  
5 ~~a court not of record and every judicial magistrate and clerk of a~~  
6 court of record shall keep a full record of every case in which a per-

7 son is charged with any violation of this chapter or of any other law  
8 regulating the operation of vehicles on highways.

1 SEC. 143. Section three hundred thirty-three point eleven (333.11),  
2 Code 1971, is amended by striking subsection six (6).

1 SEC. 144. Section three hundred thirty-three point eleven (333.11),  
2 subsection fourteen (14), Code 1971, is amended to read as follows:

3 14. The amounts paid for the condemning of intoxicating liquors  
4 during the preceding year, also cost of convictions, ~~both in justice~~  
5 ~~courts and~~ in the district court, for the violation of the laws relating  
6 to the sale of intoxicating liquors, together with the amount of fines  
7 collected for such violation and the amounts received as mulct tax,  
8 if any.

1 SEC. 145. Section three hundred thirty-seven point seven (337.7),  
2 Code 1971, is amended to read as follows:

3 337.7 Bailiffs—~~appointment—duties~~. The sheriff shall attend upon  
4 the district court *judges, district associate judges, and judicial magis-*  
5 *trates* of his county, and while ~~it remains~~ *they remain* in session he  
6 shall be allowed the assistance of such number of bailiffs as the judge  
7 *or magistrate* may direct. They shall be appointed by the sheriff and  
8 shall be regarded as deputy sheriffs, for whose acts the sheriff shall  
9 be responsible.

1 SEC. 146. Section three hundred forty-three point three (343.3),  
2 Code 1971, is amended to read as follows:

3 343.3 Acting as counsel. No sheriff, *or* deputy sheriff, ~~or con-~~  
4 ~~stable~~ shall appear in any court as attorney or counsel for any party,  
5 nor make any writing or process to commence any action or proceed-  
6 ing, or to be in any manner used in the same; and such writing or  
7 process made by any of them shall be rejected.

1 SEC. 147. Section three hundred forty-three point four (343.4),  
2 Code 1971, is amended to read as follows:

3 343.4 Purchase of property. No sheriff, *or* deputy sheriff, ~~or con-~~  
4 ~~stable~~ shall become the purchaser, either directly or indirectly, of any  
5 property by him exposed to sale under any process of law; and every  
6 such purchase shall be void.

1 SEC. 148. Section three hundred forty-nine point sixteen (349.16),  
2 subsection one (1), Code 1971, is amended to read as follows:

3 1. The proceedings of the board of supervisors, excluding from the  
4 publication of said proceedings, its canvass of the various elections,  
5 as provided by law; witness fees of witnesses before the grand jury  
6 and in the district court in criminal cases; ~~the transcripts of justices~~  
7 ~~of the peace, including their proceedings and costs;~~ the county super-  
8 intendent's report.

1 SEC. 149. Section three hundred fifty-six point twenty (356.20),  
2 Code 1971, is amended to read as follows:

3 356.20 Violation of city ordinance. When the imprisonment is  
4 under the judgment of any court, ~~police court, police magistrate,~~  
5 ~~mayer, or other tribunal of a city or town,~~ for the violation of any  
6 ordinance, bylaw, or other regulation thereof, the marshal shall  
7 superintend the labor, and furnish the tools and materials, if neces-

8 sary, at the expense of the city or town requiring the labor, and such  
9 city or town shall be entitled to the earnings of its convicts.

1 SEC. 150. Section three hundred fifty-six point thirty-three  
2 (356.33), Code 1971, is amended by striking unnumbered paragraph  
3 one (1) and inserting in lieu thereof the following:

4 "District judges, district associate judges, and judicial magistrates,  
5 within their respective jurisdictional authority, may make all deter-  
6 minations and orders under these sections."

1 SEC. 151. Section three hundred fifty-nine point thirty-eight  
2 (359.38), Code 1971, is amended to read as follows:

3 359.38 **Watchmen appointed.** Such trustees, directors, or other  
4 officers may appoint as many day and night watchmen of their  
5 grounds as they may think expedient, and such watchmen, and also  
6 all their sextons, superintendents, gardeners, and agents, stationed  
7 upon or near said grounds are hereby authorized to take and sub-  
8 scribe, before any mayor of a city or justice of the peace of the town-  
9 ship where such cemetery is situated, an oath of office, similar to that  
10 required by law of constables to an oath of office as provided in sec-  
11 tion 63.10 of the Code.

1 SEC. 152. Section three hundred fifty-nine point thirty-nine  
2 (359.39), Code 1971, is amended to read as follows:

3 359.39 **Ex officio police officers.** Upon the taking of such oath,  
4 such watchmen, sextons, superintendents, gardeners, and agents shall  
5 have and exercise all powers of police officers within and adjacent to  
6 the cemetery grounds and each shall have power to arrest any and all  
7 persons engaged in violating the laws of this state, and to bring such  
8 person so offending before any justice of the peace within such town-  
9 ship *judicial magistrate*, to be dealt with according to law.

1 SEC. 153. Section three hundred sixty-five point six (365.6), sub-  
2 section one (1), Code 1971, is amended to read as follows:

3 365.6 **Applicability—exceptions.**

4 1. The provisions of this chapter shall apply to all appointive offi-  
5 cers and employees, including *former* deputy clerks and deputy bail-  
6iffs of the municipal court *who became deputies of the district court*  
7 *clerks and sheriffs*, in cities under any form of government having a  
8 population of more than fifteen thousand except:

9 a. City clerk, deputy city clerk, city solicitor, assistant solicitor,  
10 assessor, treasurer, auditor, civil engineer, health physician, chief of  
11 police, assistant chief of police in departments numbering more than  
12 two hundred fifty members, market master, city manager and adminis-  
13 trative assistants to the manager.

14 b. Laborers whose occupation requires no special skill or fitness.

15 c. Election officials.

16 d. Secretary to the mayor or to any commissioner.

17 e. Commissioners of any kind.

18 f. Casual employees.

1 SEC. 154. Section three hundred sixty-five point fifteen (365.15),  
2 unnumbered paragraph two (2), Code 1971, is amended to read as  
3 follows:

4 In cities under the commission form of government, by the super-  
5 intendents of the respective departments, with the approval of the

6 city council; in cities under the city manager plan, by the city man-  
 7 ager; in all other cities with the approval of the city council, and in  
 8 the police and fire departments by the chiefs of the respective depart-  
 9 ments; and in the case of deputy clerks or deputy bailiffs of the municip-  
 10 al court, such appointments shall be made by the clerk or bailiff  
 11 thereof, respectively.

1 SEC. 155. Section three hundred sixty-eight point six (368.6), sub-  
 2 section five (5), Code 1971, is amended to read as follows:

3 5. Sales. Sales of auctioneers, bankrupt and dollar stores, and the  
 4 like, and those of transient merchants, and to define by ordinance who  
 5 shall be considered transient merchants; but the exercise of such  
 6 power shall not interfere with sales made by sheriffs, constables, mar-  
 7 shals, executors, guardians, assignees of insolvent debtors or bank-  
 8 rupts, or any other person required by law to sell real or personal  
 9 property.

1 SEC. 156. Section three hundred sixty-eight A point two (368A.2),  
 2 subsections one (1) and seven (7), Code 1971, are amended to read as  
 3 follows:

4 1. Executive officer—magistrate. He shall be a conservator of the  
 5 peace, and, within the limits of the corporation, shall have all the  
 6 powers conferred upon sheriffs to suppress disorders. He shall be  
 7 the chief executive officer thereof, and it shall be his duty to enforce  
 8 all regulations and ordinances; he may, upon view, arrest anyone  
 9 guilty of a violation thereof, or of any crime under the laws of the  
 10 state, and shall, upon information supported by affidavit, issue process  
 11 for the arrest of any person charged with violating any ordinance of  
 12 the corporation; shall supervise the conduct of all corporate officers,  
 13 examine into the grounds of complaint made against them, and cause  
 14 all neglect or violation of duty to be corrected, or report the same to  
 15 the proper tribunal, that they may be dealt with as provided by law.

16 7. Mayor pro tem. He shall designate one member of the council  
 17 as mayor pro tempore subject to the approval of a majority of the  
 18 council. Said mayor pro tempore shall be vice-president of the council  
 19 and give bond in the sum of five hundred dollars. In case of absence  
 20 or inability of the mayor to act he shall perform all of the duties of  
 21 the mayor except as otherwise herein provided. In case of the absence  
 22 or inability of the mayor to act, the mayor pro tempore may hold  
 23 mayor's court in cases of ordinance violations. If, at any meeting  
 24 of the council, the mayor is not present, the mayor pro tempore shall  
 25 act as presiding officer pro tempore and his acts as presiding officer  
 26 pro tempore shall have the same force and legality as though per-  
 27 formed by the duly elected mayor and he shall have the power to sign  
 28 all resolutions and ordinances and execute all contracts or other  
 29 documents finally adopted or approved at such meeting. The mayor  
 30 pro tempore shall have no power to employ or discharge any officer  
 31 or employee that the mayor has power to appoint or employ but said  
 32 mayor pro tempore shall have the right to cast a vote as member of  
 33 the council.

1 SEC. 157. Section three hundred sixty-eight A point seventeen  
 2 (368A.17), Code 1971, is amended to read as follows:

3 368A.17 The marshal. The marshal shall be ex officio chief of  
 4 police and may appoint one or more deputy marshals, who may per-

5 form his duties, and who, in cities of fifteen thousand or more popula-  
 6 tion shall be members of the police force. He shall have the super-  
 7 vision and general direction of the police force, and shall be the  
 8 ministerial officer of the corporation. He shall suppress all riots,  
 9 disturbances, and breaches of the peace, arrest all disorderly persons  
 10 in the city or town and all persons committing any offense against  
 11 the ordinances thereof, and forthwith bring such persons before the  
 12 proper court for examination or trial. He shall pursue and arrest  
 13 any person fleeing from justice, and shall diligently enforce all laws,  
 14 ordinances, and regulations for the preservation of the public wel-  
 15 fare and good order, and shall have the same powers and duties as  
 16 ~~constables~~ *the sheriff* in similar cases. He shall attend upon the sit-  
 17 ~~tings of the mayor's and police court,~~ and execute within the county  
 18 and return all writs and other processes directed to him therefrom.

1 SEC. 158. Section four hundred four point eight (404.8), Code  
 2 1971, is amended by striking subsection four (4).

1 SEC. 159. Section four hundred eleven point three (411.3), sub-  
 2 section three (3), Code 1971, is amended by striking the subsection.

1 SEC. 160. Section four hundred thirteen point one hundred four-  
 2 teen (413.114), Code 1971, is amended to read as follows:

3 413.114 **Injunction.** In any such action or proceeding said health  
 4 officer may by petition duly verified, setting forth the facts, apply to  
 5 the district, ~~superior, or municipal~~ court for an order granting the  
 6 relief for which said action or proceeding is brought, or for an order  
 7 enjoining all persons from doing or permitting to be done any work  
 8 in or about such dwelling, building, structure, or lot, or from occupy-  
 9 ing or using the same for any purpose until the entry of final judg-  
 10 ment or order.

1 SEC. 161. Section four hundred thirteen point one hundred fifteen  
 2 (413.115), Code 1971, is amended to read as follows:

3 413.115 **Authority to execute.** In case any notice or order issued  
 4 by said health officer is not complied with, said health officer may  
 5 apply to the district, ~~superior, or municipal~~ court for an order author-  
 6 izing him to execute and carry out the provisions of said notice or  
 7 order, to correct any violation specified in said notice or order, or  
 8 to abate any nuisance in or about such dwelling, building, or structure  
 9 or the lot upon which it is situated.

1 SEC. 162. Section four hundred fifteen point three (415.3), Code  
 2 1971, is amended to read as follows:

3 415.3 **Ordinance—violations.** Any building or structure erected,  
 4 altered, repaired, or used in violation of any ordinance passed under  
 5 the authority of sections 415.1 and 415.2, shall be deemed a nuisance,  
 6 and every such city or town is hereby empowered to provide by  
 7 ordinance for the abatement of such nuisance, either by fine or im-  
 8 prisonment, or by action in the district ~~or municipal~~ court of the  
 9 county in which such city or town is located, or by both; such action  
 10 to be prosecuted in the name of the city or town.

1 SEC. 163. Section four hundred twenty point fifteen (420.15),  
 2 Code 1971, is amended to read as follows:

3     **420.15 Compensation of mayor.** The mayor shall receive such sal-  
 4 ary as may be provided by ordinance, and in addition he shall receive  
 5 for holding a mayor's or police court, or discharging the duties of a  
 6 justice of the peace, the compensation allowed by law for similar  
 7 services by such officers, to be paid in the same manner; which amount  
 8 shall be in full compensation of all such services.

1     **SEC. 164.** Section four hundred twenty point thirty-eight  
 2 (420.38), Code 1971, is amended to read as follows:

3     **420.38 Action to recover.** Fines and penalties may in all cases be  
 4 recovered by action before a justice of the peace or other court of  
 5 competent jurisdiction, and in the name of the proper municipal  
 6 corporation. In any such action, where pleading is necessary, it shall  
 7 be sufficient to declare generally for the amount claimed to be due in  
 8 respect to the violation of the ordinance, referring to its title and the  
 9 date of its adoption or passage, and showing, as near as may be, the  
 10 facts of the alleged violation.

1     **SEC. 165.** Section four hundred twenty point one hundred eighty-  
 2 two (420.182), Code 1971, is amended to read as follows:

3     **420.182 Warrant.** Whenever the board of health shall think it  
 4 necessary for the preservation of the lives or the health of the inhab-  
 5 itants to enter a place, building, or vessel within its jurisdiction, for  
 6 the purpose of examining into and destroying, removing, or prevent-  
 7 ing any nuisance, source of filth, or cause of sickness, and shall be  
 8 refused such entry, any member of the board may make complaint,  
 9 under oath, before any justice of the peace, or other judicial officer  
 10 having jurisdiction to enforce the ordinances of such city, stating  
 11 the facts of the case so far as he has knowledge thereof. Such officer  
 12 shall thereupon issue a warrant, directed to the sheriff or any con-  
 13 stable of the county, marshal or public officer, commanding him to  
 14 take sufficient aid and, being accompanied by two or more members  
 15 of said board, between the hours of sunrise and sunset, repair to  
 16 the place where such nuisance, source of filth, or cause of sickness  
 17 may be, and destroy, remove, or prevent the same under the direction  
 18 of such members of the board.

1     **SEC. 166.** Section four hundred twenty point one hundred eighty-  
 2 five (420.185), Code 1971, is amended to read as follows:

3     **420.185 Warrant.** Any justice of the peace, or tribunal having  
 4 jurisdiction to enforce the ordinances of such city, on application  
 5 under oath, showing cause therefor, by any member of said board,  
 6 shall issue his warrant, directed to the sheriff or constable of the  
 7 county or marshal or police officer, commanding him, under the direc-  
 8 tions of the board, to remove any person infected with contagious  
 9 disease, or to take possession of condemned houses and lodgings, and  
 10 to provide nurses and attendants and other necessaries for the care,  
 11 safety, and relief of the sick.

1     **SEC. 167.** Section four hundred forty-five point forty-nine  
 2 (445.49), Code 1971, is amended to read as follows:

3     **445.49 Sheriff or constable as collector.** In the discharge of his  
 4 duties as collector, should it become necessary to make the delinquent  
 5 taxes by distress and sale, or should no collector be appointed, or  
 6 should the collector fail to institute proceedings to collect said de-

7 linquent taxes, the treasurer shall place the same in the hands of  
 8 the sheriff, ~~or a constable~~, who shall proceed to collect the same, ~~and~~  
 9 ~~either shall be entitled to receive the same compensation, in addition~~  
 10 ~~to the five percent, as constables are entitled to receive for the sale of~~  
 11 ~~property on execution.~~

1 SEC. 168. Section four hundred fifty point forty-one (450.41),  
 2 Code 1971, is amended to read as follows:

3 450.41 **Procedure for relief.** In the event that the estate has been  
 4 duly appraised under the ordinary statutes of inheritance or the prop-  
 5 erty has been sold and such appraisement or selling price is accepted  
 6 by the director of revenue as satisfactory for inheritance tax purposes,  
 7 the court *or the clerk of court* may, upon proper application, relieve  
 8 the estate from the appraisement by the inheritance tax appraisers;  
 9 but in order to obtain such relief, the administrator, executor, trustee,  
 10 or other party interested must file an application for relief with the  
 11 consent of the director of revenue thereto in the office of the clerk  
 12 of the court before said clerk issues a commission to the inheritance  
 13 tax appraisers.

1 SEC. 169. Section four hundred fifty-three point one (453.1), Code  
 2 1971, is amended to read as follows:

3 453.1 **Deposits in general.** The treasurer of state, and of each  
 4 county, city, town, county public hospital, merged area hospital, me-  
 5 morial hospital and school corporation, and each township clerk and  
 6 each county recorder, auditor, sheriff, ~~each clerk and bailiff of the~~  
 7 ~~municipal court~~, and clerk of the district court, and each secretary  
 8 of a school board shall deposit all funds in their hands in such banks  
 9 as are first approved by the executive council, board of supervisors,  
 10 city or town council, board of hospital trustees, memorial hospital  
 11 commission, board of school directors, respectively; provided, how-  
 12 ever, that the treasurer of state and the treasurer of each political  
 13 subdivision shall invest all funds not needed for current operating  
 14 expenses in time certificates of deposit in banks listed as approved  
 15 depositories pursuant to this chapter or in investments permitted by  
 16 section 452.10. The list of public depositories and the amounts sev-  
 17 erally deposited therein shall be a matter of public record. The term  
 18 "bank" means a bank or a private bank, as defined in section 524.103.

1 SEC. 170. Section five hundred seventy point five (570.5), Code  
 2 1971, is amended to read as follows:

3 570.5 **Enforcement—proceeding by attachment.** The lien may be  
 4 enforced by the commencement of an action, within the period above  
 5 prescribed, for the rent alone, in which action the landlord shall be  
 6 entitled to a writ of attachment, upon filing with the clerk ~~or justice~~  
 7 a verified petition, stating that the action is commenced to recover  
 8 rent accrued within one year previous thereto upon premises described  
 9 in the petition; and the procedure thereunder shall be the same, as  
 10 nearly as may be, as in other cases of attachment, except no bond  
 11 shall be required.

1 SEC. 171. Section five hundred seventy-two point twenty-four  
 2 (572.24), Code 1971, is amended to read as follows:

3 572.24 **Time of bringing action—court.** An action to enforce a  
 4 mechanic's lien, or an action brought upon any bond given in lieu



5 thereof, may be commenced in the district ~~or superior~~ court after  
6 said lien is perfected.

1 SEC. 172. Section five hundred eighty point four (580.4), Code  
2 1971, is amended to read as follows:

3 **580.4 Affidavit of foreclosure.** Liens may be enforced by the  
4 holder filing with ~~any constable the sheriff~~ of the county in which the  
5 progeny is kept, ~~or with the sheriff of such county~~, an affidavit which  
6 shall, in addition to a demand for foreclosure, contain:

- 7 1. A description of the stallion, bull or jack, when used and of the
- 8 dam and its progeny.
- 9 2. The time and terms of said service.
- 10 3. A statement of the amount due for said service.

1 SEC. 173. Section five hundred eighty point five (580.5), Code  
2 1971, is amended to read as follows:

3 **580.5 Possession and notice.** The ~~constable or~~ sheriff shall, under  
4 said affidavit, take immediate possession of said progeny, and give  
5 written notice of the sale thereof, which notice shall contain:

- 6 1. A copy of the said affidavit.
- 7 2. The date and hour when, and the particular place at which, said  
8 property will be sold.

1 SEC. 174. Section five hundred eighty point eight (580.8), Code  
2 1971, is amended to read as follows:

3 **580.8 Sale—application of proceeds.** If payment of the service  
4 fee, and ~~constable~~ costs, be not made prior to the time of sale, as  
5 fixed in such notice, the ~~constable~~ *sheriff* may sell property so held  
6 by him, or so much thereof as may be necessary, at public auction to  
7 the highest bidder, and the proceeds shall be applied, first, to the pay-  
8 ment of the costs, and second, in payment of amount due for service  
9 fee. Any surplus arising from such sale shall be forthwith paid to  
10 the owner of the property sold.

1 SEC. 175. Section five hundred ninety-five point ten (595.10),  
2 Code 1971, is amended by striking subsections one (1) and two (2)  
3 and inserting in lieu thereof the following:

4 "A judge of the supreme or district court, including a district as-  
5 sociate judge, or a judicial magistrate."

1 SEC. 176. Section six hundred point one (600.1), unnumbered  
2 paragraph one (1), Code 1971, is amended to read as follows:

3 **600.1 Who may adopt—petition.** Any person of lawful age may  
4 petition the district court of the county in which he or the child  
5 resides for permission to adopt any child not his own, but no person  
6 other than the parent of a child may assume the permanent care  
7 and custody of a child under fourteen years of age except in accord-  
8 ance with the provisions of this chapter or chapter 238. If the peti-  
9 tioner be married, the spouse shall join in the petition unless such  
10 spouse is a natural parent of the child. An adult may be adopted, and  
11 only such provisions of this chapter shall apply thereto as the court  
12 may order. ~~The judges of the district court may designate a municip-~~  
13 ~~al court judge to act as judge in adoption matters with jurisdiction~~  
14 ~~in cases arising in the county in which such municipal court is or-~~  
15 ~~ganized.~~

1 SEC. 177. Section six hundred four point two (604.2), Code 1971,  
2 is amended to read as follows:

3 **604.2 Appeals and writs of error.** It shall also possess and exer-  
4 cise jurisdiction in all appeals and writs of error taken in civil and  
5 criminal actions and special proceedings authorized to be taken from  
6 all ~~inferior courts~~, tribunals, boards, or officers, under any provisions  
7 of the laws of this state, and shall have a general supervision thereof,  
8 in all matters, to prevent and correct abuses, where no other remedy  
9 is provided.

1 SEC. 178. Section six hundred four point eleven (604.11), Code  
2 1971, is amended to read as follows:

3 **604.11 City or town to provide courtroom.** Where court is held in  
4 any city or town not the county seat, such city or town shall provide  
5 and furnish the necessary rooms and places therefor free of charge  
6 to the county. ~~Any necessary alterations, repairs, or additions to said~~  
7 ~~rooms and places shall be provided at the expense of the county; and~~  
8 ~~the board of supervisors is authorized and empowered to make such~~  
9 ~~alterations, improvements, or additions, the cost thereof not to be in~~  
10 ~~excess of the limitations imposed by section 345.1.~~

1 SEC. 179. This section shall take effect July 1, 1971.\* Section six  
2 hundred five point two (605.2), Code 1971, is amended to read as  
3 follows:

4 **605.2 Expenses.** Where a judge of the district or supreme court  
5 is required, in the discharge of his official duties, to leave the county  
6 of his residence or leave the city or town of his residence to perform  
7 such duties, he shall be paid such actual and necessary ~~hotel~~ *expenses*  
8 *for living quarters* and living expenses not to exceed the sum of fifteen  
9 dollars per day and transportation expenses as shall be incurred.

1 SEC. 180. Section six hundred five point fourteen (605.14), Code  
2 1971, is amended to read as follows:

3 **605.14 Judge to be attorney.** No person shall be eligible to the  
4 office of judge of a court of record, ~~except of police courts~~ *except*  
5 *judicial magistrate*, who is not, at the time of his election, an attorney  
6 at law, duly admitted to practice under the laws of this state.

1 SEC. 181. Section six hundred five point fifteen (605.15), Code  
2 1971, is amended to read as follows:

3 **605.15 Practice prohibited.** During the time that he is holding  
4 such office he shall not practice as an attorney or counselor or give  
5 advice in relation to any action pending or about to be brought in  
6 any of the courts of the state. ~~Nothing contained in this section shall~~  
7 ~~be construed to prohibit police court judges from practicing as at-~~  
8 ~~torneys and counselors in civil matters. *Judicial magistrates who are*~~  
9 ~~*members of the bar of Iowa may practice as attorneys and counselors,*~~  
10 ~~*except they may not practice as attorneys and counselors, or give*~~  
11 ~~*advice, in relation to any matter within the purview of the jurisdic-*~~  
12 ~~*tion of judicial magistrates as defined in section twenty-five (25)\*\* of*~~  
13 ~~*this Act.*~~

1 SEC. 182. Section six hundred five A point three (605A.3), Code  
2 1971, is amended to read as follows:

\*According to enrolled Act.  
\*\*"31" may be intended.

3     **605A.3 Notice by judge in writing.** This chapter shall not apply  
 4 to any judge of the municipal, superior, district or supreme court,  
 5 *including district associate judges*, until he gives notice in writing,  
 6 while serving as a judge, to the state comptroller and treasurer of  
 7 state, of his purpose to come within its purview. Judges of the muni-  
 8 cipal and superior courts shall at the same time give a copy of such  
 9 notice to the city treasurer and county auditor within the district of  
 10 such court. Such notice shall be given within one year after the effec-  
 11 tive date hereof or within one year after any date on which he takes  
 12 oath of office as such judge.

1     SEC. 183. Section six hundred five A point four (605A.4), unnum-  
 2 bered paragraph one (1), Code 1971, is amended to read as follows:

3     **605A.4 Deposit by judge—deductions—contributions by governing**  
 4 **body.** Each judge coming within the purview of this chapter shall, on  
 5 or before retirement, pay to the state comptroller for deposit with the  
 6 state treasurer to the credit of a fund to be known as the “judicial  
 7 retirement fund”, hereinafter called the “fund”, a sum equal to four  
 8 percent of his basic salary for services as such judge for the total  
 9 period of service as a judge of a municipal, superior, district or  
 10 supreme court, *including district associate judges*, before the date of  
 11 said notice, and after the date of the notice there shall be deducted and  
 12 withheld from the basic salary of each judge coming within the pur-  
 13 view of this chapter a sum equal to four percent of such basic salary.  
 14 Provided that the maximum amount which any judge shall be re-  
 15 quired to contribute for past service shall not exceed for municipal  
 16 or superior or *district associate* judges thirty-five hundred dollars,  
 17 for district judges four thousand dollars and for supreme court judges  
 18 five thousand dollars. The amounts so deducted and withheld from  
 19 the basic salary of each said judge shall be paid to the state comptrol-  
 20 ler for deposit with the treasurer of state to the credit of the judicial  
 21 retirement fund, and said fund is hereby appropriated for the pay-  
 22 ment of annuities, refunds, and allowances herein provided, except  
 23 that the amount of such appropriations affecting payment of an-  
 24 nuities, refunds, and allowances to judges of the municipal and  
 25 superior court shall be limited to that part of said fund accumulated  
 26 for their benefit as hereinafter provided. The judges of the municipal,  
 27 superior, district and supreme court, *including district associate*  
 28 *judges*, coming within the provisions of this chapter shall be deemed  
 29 to consent and agree to the deductions from basic salary as provided  
 30 herein, and payment less such deductions shall be a full and complete  
 31 discharge and acquittance of all claims and demands whatsoever for  
 32 all regular services rendered by such judges during the period covered  
 33 by such payment, except the right to the benefits to which they shall  
 34 be entitled under the provisions of this chapter. The state shall con-  
 35 tribute a sum not exceeding three percent of the basic salary of all  
 36 judges of the district and supreme court for the years 1949 and 1950  
 37 and thereafter such sums as may be necessary over the amount con-  
 38 tributed by the district and supreme court judges to finance the  
 39 system, but only to the extent that the system applies to them. *After*  
 40 *July 1, 1973, the state shall contribute such sums as may be necessary*  
 41 *over the amount contributed by district associate judges to finance the*  
 42 *system as to them for the portion of their tenure prior to July 1, 1973;*  
 43 *and the respective cities and counties within each municipal and*

44 *superior court district shall contribute the additional amount neces-*  
 45 *sary pursuant to the next paragraph of this section, for the portion*  
 46 *of the tenure of such district associate judges prior to July 1, 1973.*

1 SEC. 184. Section six hundred five A point eight (605A.8), Code  
 2 1971, is amended to read as follows:

3 **605A.8 Individual accounts—refunding.** The amounts deducted  
 4 and withheld from the basic salary of each judge of the municipal,  
 5 superior, district or supreme court, *including district associate judges,*  
 6 for the credit of the judicial retirement fund and all amounts paid  
 7 into such fund by each judge shall be credited to the individual ac-  
 8 count of such judge. In the event a judge of the municipal, superior,  
 9 district or supreme court, *including district associate judges,* becomes  
 10 separated from service as such judge before he completes an ag-  
 11 gregate of six years of service as a judge of one or more of such  
 12 courts, the total amount of his contribution to the fund shall be  
 13 returned to said judge or his legal representatives, and in the event  
 14 a judge who has completed an aggregate of six years or more of  
 15 service as a judge of one or more of such courts, dies before re-  
 16 tirement, the total amount of his contribution to the fund shall be  
 17 paid in one sum to his legal representatives, and in the event an an-  
 18 nuitant under this section dies, without having received in annuities  
 19 an amount equal to the total amount remaining to his credit at the  
 20 time of his separation from service, the amount remaining to his  
 21 credit shall be paid in one sum to his legal representatives.

1 SEC. 185. Section six hundred six point thirteen (606.13), Code  
 2 1971, is amended to read as follows:

3 **606.13 Not to be justice or attorney.** The clerk, or deputy clerk  
 4 of the district court is prohibited from ~~holding the office of justice~~  
 5 ~~of the peace, or~~ practicing, directly or indirectly, as an attorney or  
 6 solicitor in any of the courts of this state.

1 SEC. 186. Section six hundred six point fifteen (606.15), sub-  
 2 section fourteen (14), Code 1971, is amended to read as follows:

3 14. For filing and docketing transcript of judgment from another  
 4 county ~~or a justice of the peace or municipal court,~~ one dollar.

1 SEC. 187. Section six hundred seven point five (607.5), Code 1971,  
 2 is amended by striking subsections two (2) and three (3).

1 SEC. 188. Section six hundred eighteen point thirteen (618.13),  
 2 Code 1971, is amended by striking unnumbered paragraph two (2).

1 SEC. 189. Section six hundred twenty-one point nine (621.9),  
 2 Code 1971, is amended to read as follows:

3 **621.9 Cash in lieu of bond.** In all cases in which a bond for  
 4 security for costs is required, the party required to give such security  
 5 may deposit in cash the amount fixed in said bond with the clerk of  
 6 the district court ~~or justice of the peace~~ in lieu of said bond.

1 SEC. 190. Section six hundred twenty-two point sixty-three  
 2 (622.63), Code 1971, is amended to read as follows:

3 **622.63 Subpoenas.** The clerks of the several courts shall, on appli-  
 4 cation of any person having a cause or matter pending in court, issue  
 5 a subpoena for witnesses under the seal of the court, inserting all

6 the names required by the applicant in one subpoena, if practicable,  
7 which may be served by the sheriff ~~or any constable~~ of the county,  
8 or by the party or any other person.

1 SEC. 191. Section six hundred twenty-two point sixty-nine  
2 (622.69), Code 1971, is amended by striking the section and inserting  
3 in lieu thereof the following:

4 "Witnesses shall receive three dollars for each day's attendance  
5 and ten cents per mile for each mile actually traveled."

1 SEC. 192. Section six hundred twenty-two point seventy-three  
2 (622.73), Code 1971, is amended to read as follows:

3 **622.73 Fees payable by county.** For attending before the trial jury  
4 or court in criminal cases where the defendant is adjudged not guilty,  
5 the fees above provided for attending ~~the district or justice's court~~  
6 shall be paid by the county, upon a certificate of the clerk or ~~justice~~  
7 *judicial magistrate* showing the amount of the services to which they  
8 are entitled.

1 SEC. 193. Section six hundred twenty-two point seventy-five  
2 (622.75), Code 1971, is amended to read as follows:

3 **622.75 Reimbursement to party or county.** When the county or  
4 any party has paid the fees of any witness, and the same is afterward  
5 collected from the adverse party, the county or person so paying the  
6 same shall, upon the production of the receipt of such witness or other  
7 satisfactory evidence, be entitled to such fee, ~~whether it be in the~~  
8 ~~hands of the justice or clerk, or has been paid into the county trea-~~  
9 ~~sury.~~

1 SEC. 194. Section six hundred twenty-two point seventy-eight  
2 (622.78), Code 1971, is amended to read as follows:

3 **622.78 Serving subpoena.** If a witness conceals himself, or in any  
4 manner attempts to avoid being personally served with a subpoena,  
5 any sheriff ~~or constable~~ having the subpoena may use all necessary  
6 and proper means to serve the same, and may for that purpose break  
7 into any building or other place where the witness is to be found,  
8 having first made known his business and demanded admission.

1 SEC. 195. Section six hundred twenty-two point eighty-four  
2 (622.84), Code 1971, is amended to read as follows:

3 **622.84 Subpoenas—enforcing obedience.** When, by the laws of this  
4 or any other state or country, testimony may be taken in the form  
5 of depositions to be used in any of the courts thereof, the person  
6 authorized to take such depositions may issue subpoenas for wit-  
7 nesses, which must be served by the same officers and returned in the  
8 same manner as is required in ~~a justice's court~~ *district court*, and  
9 obedience thereto may be enforced in the same way and to the same  
10 extent ~~a justice of the peace might do~~, or he may report the matter to  
11 the district court who may enforce obedience as though the action was  
12 pending in said court.

1 SEC. 196. Section six hundred twenty-two point ninety-three  
2 (622.93), Code 1971, is amended by striking unnumbered paragraph  
3 two (2).

1 SEC. 197. Section six hundred twenty-five point thirteen (625.13),  
2 Code 1971, is amended to read as follows:

3     **625.13 Dismissal for want of jurisdiction.** Where an action is dis-  
 4     missed from any court for want of jurisdiction, ~~or because it has not~~  
 5     ~~been regularly transferred from an inferior to a superior court,~~ the  
 6     costs shall be adjudged against the party attempting to institute or  
 7     bring up the same.

1     SEC. 198. Section six hundred twenty-six point ninety-four  
 2     (626.94), Code 1971, is amended to read as follows:

3     **626.94 Property unsold—optional procedure.** Subject to the provi-  
 4     sions of section 626.93, when property is unsold for want of bid-  
 5     ders, the levy still holds good; and, if there be sufficient time, it  
 6     may again be advertised, or the execution returned and one issued  
 7     commanding the officer to sell the property, describing it, previously  
 8     levied on, to which a clause may be added that, if such property does  
 9     not produce a sum sufficient to satisfy such execution, the officer shall  
 10    proceed to make an additional levy, on which he shall proceed as on  
 11    other executions; or the plaintiff may, in writing filed with the clerk  
 12    ~~or justice,~~ abandon such levy, upon paying the costs thereof; in  
 13    which case execution may issue with the same effect as if none had  
 14    ever been issued.

1     SEC. 199. Section six hundred twenty-six point one hundred eight  
 2     (626.108), Code 1971, is amended to read as follows:

3     **626.108 Fee bill execution.** After the expiration of sixty days from  
 4     the rendition of a final judgment not appealed, removed, or reversed,  
 5     the clerk of the court, ~~or a justice of the peace in whose office the~~  
 6     ~~judgment is entered,~~ may, and, upon demand of any party entitled  
 7     to any part thereof, shall, issue a fee bill for all costs of such judg-  
 8     ment, which shall have the same force and effect as an execution is-  
 9     sued by such officer; and shall be served and executed in the same  
 10    manner.

1     SEC. 200. Section six hundred thirty point one (630.1), Code 1971,  
 2     is amended to read as follows:

3     **630.1 Debtor examined.** When execution against the property of a  
 4     judgment debtor, or one of several debtors in the same judgment, has  
 5     been issued from the ~~superior, municipal, district, or supreme court~~  
 6     to the sheriff of the county where such debtor resides, or if he ~~do~~  
 7     ~~does~~ not reside in the state, to the sheriff of the county where the  
 8     judgment was rendered, or a transcript of a justice's judgment has  
 9     been filed, and execution issued thereon is returned unsatisfied in  
 10    whole or in part, the owner of the judgment is entitled to an order  
 11    for the appearance and examination of such debtor.

1     SEC. 201. Section six hundred thirty point three (630.3), Code  
 2     1971, is amended to read as follows:

3     **630.3 By whom order granted.** Such order may be made by the  
 4     ~~superior or district court~~ in which the judgment was rendered, or by  
 5     the district court of the county to which execution has been issued.  
 6     The debtor may be required to appear and answer before either of  
 7     such courts, or before a referee appointed for that purpose by the  
 8     court who issued the order, to report either the evidence or the facts.

1     SEC. 202. Section six hundred thirty-nine point eleven (639.11),  
 2     Code 1971, is amended to read as follows:

3     **639.11 Bond.** In all cases before it can be issued, the plaintiff must  
 4 file with the clerk a bond for the use of the defendant, with sureties  
 5 to be approved by such clerk, in a penalty at least double the value  
 6 of the property sought to be attached, and in no case, ~~except in a~~  
 7 ~~class B case in municipal court,~~ less than two hundred fifty dollars  
 8 in a court of record, ~~on less than fifty dollars if in a justice court or a~~  
 9 ~~class B case in municipal court,~~ conditioned that the plaintiff will pay  
 10 all damages which the defendant may sustain by reason of the wrong-  
 11 ful suing out of the attachment.

1     SEC. 203. Section six hundred thirty-nine point sixty-eight  
 2 (639.68), Code 1971, is amended to read as follows:

3     **639.68 Sheriff—constables.** The word “sheriff”, or “officer”, as  
 4 used in this chapter is meant to apply to constables ~~when the proceed-~~  
 5 ~~ings are in a justice’s court, or~~ the like officer of any other court.

1     SEC. 204. Section six hundred forty-two point one (642.1), Code  
 2 1971, is amended to read as follows:

3     **642.1 Who may be garnished.** A sheriff ~~or constable~~ may be gar-  
 4 nished for money of the defendant in his hands; a judgment debtor of  
 5 the defendant, when the judgment has not been assigned on the rec-  
 6 ord, or by writing filed in the office of the clerk and by him minuted  
 7 as an assignment on the margin of the judgment docket; and an exec-  
 8 utor, for money due from decedent.

1     SEC. 205. Section six hundred forty-three point five (643.5), Code  
 2 1971, is amended to read as follows:

3     **643.5 Bond.** When the plaintiff desires the immediate delivery of  
 4 the property, he shall execute a bond to the defendant, with sureties  
 5 to be approved by the clerk ~~or justice~~, in a penalty at least equal to  
 6 twice the value of the property sought to be taken, conditioned that  
 7 he will appear in court on or before the day fixed in the original notice,  
 8 and prosecute his action to judgment, and return the property, if a  
 9 return is awarded, and pay all costs and damages that may be ad-  
 10 judged against him.

1     SEC. 206. Section six hundred forty-three point six (643.6), Code  
 2 1971, is amended to read as follows:

3     **643.6 Filing—purpose of bond.** Said bond shall be filed with the  
 4 clerk ~~or justice~~, and be for the use of any person injured by the pro-  
 5 ceeding.

1     SEC. 207. Section six hundred forty-three point seven (643.7),  
 2 Code 1971, is amended to read as follows:

3     **643.7 Writ issued.** The clerk ~~or justice~~ shall thereupon issue a  
 4 writ under his hand, and the seal of the court ~~if a court of record~~,  
 5 directed to the proper officer, requiring him to take the property  
 6 therein described and deliver it to the plaintiff.

1     SEC. 208. Section six hundred forty-four point one (644.1), Code  
 2 1971, is amended to read as follows:

3     **644.1 Taking up vessels, rafts, logs and lumber.** If any person  
 4 shall stop or take up any vessel or watercraft, or any raft of logs, or  
 5 part thereof, or any logs suitable for making lumber or hewn timber,  
 6 or sawed lumber, found adrift within the limits or upon the bound-  
 7 aries of this state, of the value of five dollars or upwards, including  
 8 the cargo, tackle, rigging, and other appendages of such vessel or

9 watercraft, such person, within five days thereafter, provided the  
10 same shall not have been previously proved and restored to the owner,  
11 shall go before some ~~justice of the peace in the township~~ *district judge,*  
12 *district associate judge, judicial magistrate, or district court clerk*  
13 where such property is found, and make affidavit setting forth the  
14 exact description of such property; where and when the same was  
15 found; whether any, and if so what cargo, tackle, rigging, or other  
16 appendages were found on board or attached thereto; and that the  
17 same has not been altered or defaced, either in whole or in part, since  
18 the taking up, either by him or by any other person to his knowledge.

1 SEC. 209. Section six hundred forty-four point two (644.2), Code  
2 1971, is amended to read as follows:

3 **644.2 Warrant—appraisal—return—record.** The said ~~justice dis-~~  
4 *trict judge, district associate judge, judicial magistrate, or district*  
5 *court clerk* shall thereupon issue his warrant, directed to some ~~con-~~  
6 ~~stable of his township~~ *peace officer*, commanding him to summon three  
7 respectable householders of the neighborhood, who shall proceed with-  
8 out delay to examine and appraise such property, including cargo,  
9 tackle, rigging, and other appendages if any there be, and to make  
10 report thereof under their hands to the ~~justice magistrate, judge or~~  
11 *clerk* issuing such warrant, who shall ~~enter the same, together with~~  
12 ~~the affidavit of the taker up, at large in his estray book, and within~~  
13 ~~five days shall transmit a certified copy thereof to the county auditor~~  
14 ~~of the proper county, to be by him recorded in his estray book and~~  
15 ~~filed in his office~~ *transmit a certified copy thereof to the county audi-*  
16 *tor to be recorded in the estray book in his office.*

1 SEC. 210. Section six hundred forty-four point four (644.4), Code  
2 1971, is amended to read as follows:

3 **644.4 Value exceeding twenty dollars.** If the value thereof shall  
4 exceed the sum of twenty dollars, the county auditor, within five days  
5 from the time of the reception of the ~~justice's magistrate, judge or~~  
6 *clerk's* certificate at his office, shall cause an advertisement to be  
7 posted on the door of the courthouse, and at three other of the most  
8 public places in the county, and also a notice to be published once  
9 each week for three weeks successively, in some newspaper printed in  
10 this state; and if such property be not claimed or proved within ninety  
11 days after the advertisement of the same, as aforesaid, the finder  
12 shall deliver the same to the sheriff of the county wherein it was  
13 taken up, who shall thereupon proceed to sell it at public auction to the  
14 highest bidder for cash, having first given ten days' notice of the  
15 time and place of sale, and the proceeds of all such sales, after deduct-  
16 ing the costs and other necessary expenses, shall be paid into the  
17 county treasury.

1 SEC. 211. Section six hundred forty-four point twelve (644.12),  
2 Code 1971, is amended to read as follows:

3 **644.12 Ownership settled.** In any case where a claim is made to  
4 property found or taken up, and the ownership of the property can-  
5 not be agreed upon by the finder and claimant, they may make a case  
6 before any ~~justice of the peace~~ *district judge, associate district judge,*  
7 *or judicial magistrate* in the county, who may hear and adjudicate it,  
8 and if either of them refuses to make such case the other may make  
9 an affidavit of the facts which have previously occurred, and the



10 claimant shall also verify his claim by his affidavit, and the justice  
 11 *district judge, associate district judge, or judicial magistrate* may take  
 12 cognizance of and try the matter on the other party having one day's  
 13 notice, but there shall be no appeal from the decision. This section  
 14 does not bar any other remedy given by law.

1 SEC. 212. Section six hundred forty-four point fourteen (644.14),  
 2 Code 1971, is amended to read as follows:

3 **644.14 Costs, charges and care—assessment.** The owner shall also  
 4 be required to pay the finder all such costs and charges as may have  
 5 been paid by him for services rendered as aforesaid, including the cost  
 6 of publication, together with reasonable charges for keeping and tak-  
 7 ing care of such property, which last mentioned charge, in case the  
 8 finder and the owner cannot agree, shall be assessed by two disinter-  
 9 ested householders of the neighborhood, to be appointed by some jus-  
 10 tice of the peace *magistrate judge* of the proper county, whose deci-  
 11 sion, when made, shall be binding and conclusive on all parties.

1 SEC. 213. Section six hundred forty-eight point five (648.5), Code  
 2 1971, is amended to read as follows:

3 **648.5 Jurisdiction—transfer—appeal.** ~~The district, municipal, and~~  
 4 ~~superior courts within the county, and justices of the peace within the~~  
 5 ~~township where the subject matter of the action is situated, The dis-~~  
 6 ~~trict court within the county shall have concurrent jurisdiction of~~  
 7 ~~actions for the forcible entry or detention of real property, and the~~  
 8 ~~court first acquiring jurisdiction of an action therefor shall retain the~~  
 9 ~~same until judgment, unless it is transferred as hereinafter provided.~~  
 10 Where an action is brought in the district, superior, or municipal  
 11 court it shall be tried as an equitable action, and upon presentation of  
 12 the petition to the court or associate district judge or judicial magis-  
 13 trate after the same has been filed, the court or judge shall make an  
 14 order fixing the time and place for hearing upon said petition and  
 15 shall prescribe that notice of the hearing be personally served upon  
 16 the defendant or defendants, which service shall be at least five days  
 17 prior to the date set for hearing. ~~By agreement of the parties, it may~~  
 18 ~~be transferred from a justice's court to a municipal, superior, or the~~  
 19 ~~district court, or from a superior or a municipal to the district court,~~  
 20 ~~and all such actions in which judgment is rendered in a justice's court~~  
 21 ~~may be appealed to the district or superior court, as provided by law.~~

1 SEC. 214. Section six hundred forty-eight point ten (648.10),  
 2 Code 1971, is amended to read as follows:

3 **648.10 Service by publication.** Where it is made to appear by affi-  
 4 davit that personal service of the original notice in such action can-  
 5 not be made upon the defendant within the state, the same may be  
 6 made by publication, if in a court of record, or by posting, if in a  
 7 justice's court, in the same manner and for the same length of time  
 8 as is required in other cases where such substituted service may be  
 9 made.

1 SEC. 215. Section six hundred forty-eight point thirteen (648.13),\*  
 2 Code 1971, is amended to read as follows:

3 **648.13 Title in issue.** The question of title can only be investigated  
 4 in the by a district court judge, and can be pleaded in a municipal

\*Repealed by §282 hereof.

5 court or a justice's court only as provided in subsection 4 of section  
6 648.1.

1 SEC. 216. Section six hundred fifty-seven point six (657.6), Code  
2 1971, is amended to read as follows:

3 657.6 Stay of execution. Instead of issuing such warrant, the  
4 court or justice may order the same to be stayed upon motion of the  
5 defendant, and upon his entering into an undertaking to the state, in  
6 such sum and with such surety as the court or justice may direct, con-  
7 ditioned either that the defendant will discontinue said nuisance, or  
8 that, within a time limited by the court, and not exceeding six months,  
9 he will cause the same to be abated and removed, as either is directed  
10 by the court; and, upon his failure to perform the condition of his  
11 undertaking, the same shall be forfeited, and the court or justice of  
12 the peace, as the case may be, upon being satisfied of such default,  
13 may order such warrant forthwith to issue, and action may be brought  
14 on such undertaking.

1 SEC. 217. Section six hundred sixty-one point four (661.4), Code  
2 1971, is amended to read as follows:

3 661.4 Order issued. The order may be issued by the district or  
4 superior court to any inferior tribunal, or to any corporation, officer,  
5 or person; and by the supreme court to any district or superior court,  
6 if necessary, and in any other case where it is found necessary for  
7 that court to exercise its legitimate power.

1 SEC. 218. Section six hundred sixty-three point three (663.3), Code  
2 1971, is amended to read as follows:

3 663.3 Writ allowed—service. The writ may be allowed by the  
4 supreme, or district, municipal, or superior court, or by any a supreme  
5 court judge or district judge of either of those courts, and may be  
6 served in any part of the state.

1 SEC. 219. Section six hundred sixty-five point four (665.4), Code  
2 1971, is amended by striking subsections two (2) and three (3) and in-  
3 serting in lieu thereof the following:

4 2. By district judges and district associate judges, by a fine not  
5 exceeding five hundred dollars or imprisonment in a county jail not  
6 exceeding six months or by both such fine and imprisonment.

7 3. By judicial magistrates, by a fine not exceeding one hundred  
8 dollars or imprisonment in a county jail not exceeding thirty days.

1 SEC. 220. Section six hundred sixty-six point six (666.6), unnum-  
2 bered paragraph one (1), Code 1971, is amended to read as follows:

3 666.6 Report of forfeited bonds. Clerks of district, municipal,  
4 superior, and police courts, mayors of cities and towns, and justices of  
5 the peace court shall, on the first Monday in January in each year,  
6 make report in writing to the board of supervisors for their respective  
7 counties of all forfeited recognizances in their offices; of all fines, pen-  
8 alties, and forfeitures imposed in their respective courts, which by  
9 law go into the county treasury for the benefit of the school fund; in  
10 what cause or proceeding, when and for what purpose, against whom  
11 and for what amount, rendered; whether said fines, penalties, forfei-  
12 tures, and recognizances have been paid, remitted, canceled, or other-  
13 wise satisfied; if so, when, how, and in what manner, and if not paid,

14 remitted, canceled, or otherwise satisfied, what steps have been taken  
15 to enforce the collection thereof.

1 SEC. 221. Section six hundred sixty-seven point two (667.2), Code  
2 1971, is amended to read as follows:

3 **667.2 Petition and warrant.** The petition must be in writing,  
4 sworn to, and filed with the clerk ~~or a justice of the peace~~, who shall  
5 thereupon issue a warrant to the proper officer, commanding him to  
6 seize the boat or raft, its apparel, tackle, furniture, and appendages,  
7 and detain the same until released by due course of law.

1 SEC. 222. Section six hundred sixty-seven point five (667.5), Code  
2 1971, is amended to read as follows:

3 **667.5 Service of warrant.** Any constable ~~or marshal~~ of any city  
4 or town may execute the warrant, ~~whether it issues from the office of~~  
5 ~~the clerk of the district or superior court, or of a justice.~~

1 SEC. 223. Section six hundred sixty-seven point seven (667.7),  
2 Code 1971, is amended to read as follows:

3 **667.7 Bond to discharge.** The property seized may be discharged  
4 at any time before final judgment, by giving a bond with sureties, to  
5 be approved by the officer executing the warrant, or by the clerk ~~or~~  
6 ~~justice~~ who issued it, in a penalty double the plaintiff's demand, con-  
7 ditioned that the obligors therein will pay the amount which may be  
8 found due to the plaintiff, together with the costs.

1 SEC. 224. Section six hundred eighty-five point eight (685.8), sub-  
2 section three (3), Code 1971, is amended to read as follows:

3 3. Obtain reports from clerks of court, judges, ~~justices of the~~  
4 ~~peace, mayors, and magistrates~~, in accordance with law, or rules pre-  
5 scribed by the supreme court as to cases and other judicial business  
6 in which action has been delayed beyond periods of time specified by  
7 law or such rules, and make report thereof;

1 SEC. 225. Section six hundred eighty-five point nine (685.9), Code  
2 1971, is amended to read as follows:

3 **685.9 Co-operation of court officers.** The judges, ~~justices of the~~  
4 ~~peace, mayors, district associate judges, judicial~~ magistrates, report-  
5 ers, clerks of court, probation officers, sheriffs, and all other officers,  
6 state and local, shall comply with all requirements made by the ~~stat-~~  
7 ~~istician~~ *court administrator*\* or his assistants for information and sta-  
8 tistical data bearing on the state of the dockets of the courts, the prog-  
9 ress of court business, and such other information as may reflect the  
10 business transacted by them and the expenditure of moneys for the  
11 maintenance and operation of the judicial system.

1 SEC. 226. Section six hundred eighty-five point ten (685.10), Code  
2 1971, is amended by striking the section and inserting in lieu thereof  
3 the following:

4 "Sections six hundred eighty-five point six (685.6) through six hun-  
5 dred eighty-five point nine (685.9), inclusive, apply to the supreme  
6 court and the district court."

1 SEC. 227. Section six hundred eighty-six point two (686.2), Code  
2 1971, is amended to read as follows:

\*See also 64 GA, ch 80, §11.

3     **686.2 Motion for new trial.** The supreme court on appeal may  
 4 review and reverse any judgment or order of the ~~municipal, superior,~~  
 5 ~~or~~ district court, although no motion for a new trial was made in such  
 6 court.

1     SEC. 228. Section seven hundred nine point nine (709.9), Code  
 2 1971, is amended to read as follows:

3     **709.9 Taking goods from officer.** If any person, knowingly and  
 4 without authority of law, take, carry away, secrete, or destroy any  
 5 goods or chattels while the same are lawfully in the custody of any  
 6 sheriff, county medical examiner, marshal, ~~constable,~~ or other officer,  
 7 and held by such officer by virtue of execution, writ of attachment, or  
 8 other legal process, he shall be guilty of larceny, and, when the value  
 9 of the property so taken, carried away, secreted, or destroyed exceeds  
 10 the sum of twenty dollars, be imprisoned in the penitentiary not more  
 11 than one year; and when it does not exceed twenty dollars, be fined  
 12 not exceeding one hundred dollars, or imprisoned in the county jail  
 13 not more than thirty days.

1     SEC. 229. Section seven hundred twenty-five point nine (725.9),  
 2 Code 1971, is amended to read as follows:

3     **725.9 Warrants for search or seizure.** Any magistrate or ~~police~~  
 4 judge is authorized, on complaint supported by oath or affirmation of  
 5 one or more persons, to issue a warrant, directed to the sheriff of the  
 6 county within which such complaint is made, or to any ~~constable or~~  
 7 police officer within said county, directing him or them, or any of  
 8 them, to search for, seize and take possession of such books, papers,  
 9 pictures, circulars, articles, and things named in this chapter; and  
 10 said magistrate or ~~police~~ judge shall deliver personally, or shall trans-  
 11 mit, enclosed and under seal, specimens thereof to the county attor-  
 12 ney of his county, and shall deposit within the county jail of his  
 13 county, or other secure place, as to him shall seem meet, enclosed  
 14 and under seal, the remainder thereof, and shall, upon the conviction  
 15 of the person or persons offending under the provisions of this chap-  
 16 ter, forthwith, in the presence of the person or persons upon whose  
 17 complaint the seizure or arrest was made, if he or they shall elect to  
 18 be present, destroy, or cause to be destroyed, the remainder thereof,  
 19 and shall cause to be entered upon the record of his court the fact of  
 20 such destruction.

1     SEC. 230. Section seven hundred thirty-one A point four (731A.4),  
 2 Code 1971, is amended to read as follows:

3     **731A.4 Jurisdiction and appeal.** Juvenile courts shall have juris-  
 4 diction in the prosecution of the offense set forth herein, though the  
 5 defendant or defendants in such actions be adults. Said proceedings  
 6 in juvenile court shall be commenced by filing a sworn complaint or  
 7 information and the matter shall be tried summarily and without a  
 8 jury. Provided, however, that prior to the filing of such complaint or  
 9 information the probation officer for the territory in question, or the  
 10 county attorney, shall make such investigation as he may deem neces-  
 11 sary, and no such complaint or information shall be filed without the  
 12 approval of such probation officer or county attorney, except by order  
 13 of a judge of the juvenile court. Any defendant convicted upon such  
 14 trial shall have the right of appeal and trial de novo, including the

15 right of trial by jury, in the district court, the same as in case of  
16 appeals thereto from the justice courts before a district judge.

1 SEC. 231. Section seven hundred thirty-nine point nine (739.9),  
2 Code 1971, is amended to read as follows:

3 **739.9 Sheriff or other officers receiving bribes.** If any sheriff,  
4 deputy sheriff, ~~or constable~~, or any marshal, deputy marshal, police-  
5 man, or police officer of any city or town, receive from a defendant,  
6 or other person, any money or other valuable thing as a consideration  
7 or inducement for omitting or delaying to arrest any defendant or to  
8 carry him before a magistrate or to prison, or for postponing, delay-  
9 ing, or neglecting the sale of property on execution, or for omitting  
10 or delaying to perform any other duty pertaining to his office, he shall  
11 be fined not exceeding five hundred dollars, or imprisoned in the  
12 county jail not exceeding six months, or both fined and imprisoned, at  
13 the discretion of the court.

1 SEC. 232. Section seven hundred forty point five (740.5), Code  
2 1971, is amended to read as follows:

3 **740.5 Falsely assuming to be officer.** If a person falsely assume  
4 to be a *district judge, justice of the peace, district associate judge,*  
5 *judicial magistrate, sheriff, deputy sheriff, peace officer, special agent*  
6 *of the Iowa department of public safety, or conservation officer,* ~~or con-~~  
7 ~~stable~~, and take upon himself to act as such, or require anyone to aid  
8 or assist him in any matter pertaining to the duty of any such officer,  
9 he shall be imprisoned in the county jail not more than one year, or  
10 be fined not exceeding three hundred dollars.

1 SEC. 233. Section seven hundred forty point six (740.6), Code  
2 1971, is amended to read as follows:

3 **740.6 Stirring up quarrels and suits.** If any judge, ~~justice of the~~  
4 ~~peace, clerk of any court, sheriff, constable, district associate judge or~~  
5 ~~judicial magistrate, attorney, or counselor at law, encourage, excite~~  
6 ~~or stir up any action, quarrel, or controversy between two or more per-~~  
7 ~~sons, with intent to injure such persons, he shall be fined not exceed-~~  
8 ~~ing five hundred dollars, and shall be answerable to the party injured~~  
9 ~~in treble damages.~~

1 SEC. 234. Section seven hundred forty-two point seven (742.7),  
2 Code 1971, is amended to read as follows:

3 **742.7 Armed forces under command of sheriff.** When such armed  
4 force is called out, it shall obey the commands of the sheriff or other  
5 person appointed by the governor for that purpose, or by a judge of  
6 the supreme, ~~district, or superior court, or other magistrate or dis-~~  
7 ~~trict court, district associate judge, or judicial magistrate~~ in the order  
8 named, but such officer or person shall at all times be subject to the  
9 direction of the governor.

1 SEC. 235. Section seven hundred forty-three point four (743.4),  
2 Code 1971, is amended to read as follows:

3 **743.4 Unlawful assemblages—dispersion.** When persons to the  
4 number of twelve or more, armed with dangerous weapons, or persons  
5 to the number of thirty or more, whether armed or not, are unlaw-  
6 fully or riotously assembled in any city or town, any judge, sheriff,  
7 and his deputies if they be present, the mayor, alderman, marshal,  
8 ~~constables, and justices of the peace and judicial magistrates~~ of such

9 city or town must go among the persons assembled, or as near them  
10 as may be safe, and command them, in the name of the state, imme-  
11 diately to disperse.

1 SEC. 236. Section seven hundred forty-six point seven (746.7),  
2 Code 1971, is amended to read as follows:

3 746.7 **Taking before magistrate.** If such arrest is made during the  
4 night, the officer may keep the person arrested in confinement until  
5 the next morning, unless bail be given, and if made within the juris-  
6 diction of a police court, he must be taken before such court, unless  
7 the judge is absent.

1 SEC. 237. Section seven hundred forty-eight point one (748.1),  
2 Code 1971, is amended to read as follows:

3 748.1 **"Magistrate" defined.** The term "magistrate" includes:

4 1. All judges of the supreme, district, superior, or municipal courts,  
5 throughout the state.

6 2. All justices of the peace, mayors, and judges of the police court,  
7 within their respective counties all judges of the supreme and district  
8 courts and all district associate judges and judicial magistrates.

1 SEC. 238. Section seven hundred forty-eight point three (748.3),  
2 Code 1971, is amended by striking subsection two (2).

1 SEC. 239. Section seven hundred fifty-one point forty (751.40),  
2 Code 1971, is amended to read as follows:

3 751.40 **Appeal by claimant.** Any person appearing as aforesaid  
4 may, when the proceedings are not before a *district judge of the dis-*  
5 *trict court*, appeal to ~~the a district court judge~~ from said judgment or  
6 forfeiture, as to the whole or any part of said property, and the  
7 procedure on appeal, except as herein modified, shall be as upon other  
8 appeals from judicial magistrates' judgments.

1 SEC. 240. Section seven hundred fifty-four point one (754.1), Code  
2 1971, is amended to read as follows:

3 754.1 **Definition.** A complaint or preliminary information is a  
4 statement in writing, under oath or affirmation, made before a magis-  
5 trate, or in his absence before the district court clerk or his deputy, of  
6 the commission or threatened commission of a public offense, and ac-  
7 cusing someone thereof. *Provided, however, that this section shall*  
8 *not apply to the uniform traffic citations and complaints under section*  
9 *fifty-one (51) of this Act.*

1 SEC. 241. Section seven hundred fifty-four point three (754.3),  
2 Code 1971, is amended to read as follows:

3 754.3 **Filing—issuing warrant.** When a preliminary information  
4 is made before a magistrate, or *district court clerk or his deputy*,  
5 charging the commission of some designated public offense triable on  
6 indictment in the county in which such magistrate, or *district court*  
7 *clerk or his deputy*, has local jurisdiction, by some person named there-  
8 in, he may issue a warrant for the arrest of such person.

9 Whenever the preliminary information or complaint charges a mis-  
10 demeanor the magistrate, or *district court clerk or his deputy*, may  
11 in his discretion issue a ~~summons~~ *citation* instead of a warrant of  
12 arrest. The ~~summons~~ *citation* shall set forth substantially the nature  
13 of the offense and shall command the person against whom the com-  
14 plaint was made to appear before the magistrate issuing the ~~summons~~

15 *citation* at a time and place stated therein.

16 The *summons citation* may be served in the same manner as an orig-  
17 inal notice in a civil action.

18 If the person named in the *summons citation* is actually served as  
19 provided herein and fails without good cause to appear as commanded  
20 by the *summons citation*, he shall be considered in contempt of court  
21 and may be punished by a fine of not more than twenty dollars. Upon  
22 such failure to appear, the magistrate, *or district court clerk or his*  
23 *deputy*, shall issue a warrant of arrest for the offense originally  
24 charged, and institute proceedings in contempt as provided by chap-  
25 ter 665.

26 If after issuing a *summons citation* the magistrate, *or district court*  
27 *clerk or his deputy*, becomes satisfied that the person to whom such  
28 *summons citation* has been directed will not appear, he may at once  
29 issue a warrant of arrest without waiting for the date mentioned in  
30 the *summons citation*. *A warrant or citation issued by a clerk or*  
31 *deputy shall be returnable before a magistrate for the county, or in*  
32 *his absence, before the nearest magistrate, whether the warrant is for*  
33 *a felony as under section 757.2 or for a misdemeanor.*

1 SEC. 242. Section seven hundred fifty-four point five (754.5), Code  
2 1971, is amended to read as follows:

3 754.5 **Directed to peace officer—contents.** The warrant must be  
4 directed to any peace officer in the state; give the name of the defend-  
5 ant, if known to the magistrate, *or district court clerk or his deputy*;  
6 if unknown, may designate him by any name, and must state by name  
7 or general description an offense which authorizes a warrant to issue,  
8 the time of issuing it, the county, city, town, village, or township  
9 where issued, and be signed by the magistrate, *or district court clerk*  
10 *or his deputy*, with his name of office.

1 SEC. 243. Section seven hundred fifty-four point six (754.6), Code  
2 1971, is amended to read as follows:

3 754.6 **Order for bail—endorsed on warrant.** If the offense stated  
4 in the warrant be a misdemeanor, the magistrate, *or district court*  
5 *clerk or his deputy*, issuing it must make an endorsement thereon as  
6 follows: "Let the defendant, when arrested, be admitted to bail in the  
7 sum of ..... dollars", stating the amount in which bail  
8 may be taken.

1 SEC. 244. Section seven hundred fifty-eight point one (758.1),  
2 Code 1971, is amended to read as follows:

3 758.1 **Disposition of prisoner.** When an arrest is made without a  
4 warrant, the person arrested shall, without unnecessary delay, be  
5 taken before the nearest ~~or most accessible~~ *magistrate in the county*  
6 *in which the arrest is made, available magistrate*, and the grounds on  
7 which the arrest was made shall be stated to the magistrate by affi-  
8 davit, subscribed and sworn to by the person making the statement,  
9 in the same manner as upon a preliminary information, as nearly as  
10 may be.

1 SEC. 245. Section seven hundred fifty-eight point three (758.3),  
2 Code 1971, is amended to read as follows:

3 758.3 **Transfer for convenience.** If the magistrate finds that it  
4 will be more convenient for the witnesses on the part of the state that  
5 such trial or examination should be had before some other magistrate

6 in the county, he shall, by a written order, commit the person ar-  
 7 rested to a peace officer to be by him taken before the other magis-  
 8 trate, together with the order of commitment and affidavits, unless  
 9 the person arrested give bail, when authorized, for his appearance, as  
 10 in case of arrest under a warrant.

1 SEC. 246. Section seven hundred sixty point four (760.4), Code  
 2 1971, is amended to read as follows:

3 **760.4 Discharge ordered—costs.** If it appear that there is no just  
 4 reason to fear the commission of the offense alleged to have been  
 5 threatened, the person complained of must be discharged, and the  
 6 complainant may be ordered to pay the costs of the proceeding if the  
 7 magistrate regards the complaint as unfounded and frivolous, and,  
 8 unless when the proceeding is before a judge of the supreme, district,  
 9 or superior court, may issue execution therefor; and when the pro-  
 10 ceeding is before a judge of the supreme, district, or superior court,  
 11 he shall transmit the complaint, affidavits, warrant, and order to the  
 12 clerk of the district court of the county, who shall file the same, make  
 13 a memorandum thereof in the judgment docket, and issue execution  
 14 therefor immediately.

1 SEC. 247. Section seven hundred sixty point seven (760.7), Code  
 2 1971, is amended by striking the section and inserting in lieu thereof  
 3 the following:

4 “The undertaking, together with the complaints, affidavits, if any,  
 5 and other papers in the proceeding must be filed by the magistrate  
 6 with the clerk of district court of the county to stand trial in the dis-  
 7 trict court subject to the provisions of sections seven hundred sixty  
 8 point ten (760.10) and seven hundred sixty point eleven (760.11).”

1 SEC. 248. Section seven hundred sixty-one point two (761.2), Code  
 2 1971, is amended to read as follows:

3 **761.2 Change of venue—grounds magistrate.** Before any evidence  
 4 is heard, the defendant may have a change of venue, upon filing an  
 5 affidavit that the magistrate is prejudiced against him, or is a mate-  
 6 rial witness for either party, or that the defendant cannot obtain jus-  
 7 tice before him, as affiant verily believes.

1 SEC. 249. Section seven hundred sixty-two point one (762.1), Code  
 2 1971, is amended by striking the section and inserting in lieu thereof  
 3 the following:

4 **762.1 To whom tried.** Judicial magistrates and district associate  
 5 judges must hear, try and determine all nonindictable offenses. Dis-  
 6 trict judges may transfer any nonindictable offenses pending before  
 7 them to the nearest judicial magistrate or district associate judge.

1 SEC. 250. Section seven hundred sixty-two point two (762.2),\*  
 2 Code 1971, is amended to read as follows:

3 **762.2 Information, complaint.** Criminal actions for the commis-  
 4 sion of a public offense must be commenced before a justice of the  
 5 peace magistrate by an information or complaint, subscribed and  
 6 sworn to, and filed with the justice magistrate.

1 SEC. 251. Section seven hundred sixty-two point six (762.6), Code  
 2 1971, is amended to read as follows:

\*See also §281 hereof.



3     **762.6 Warrant of arrest.** Immediately upon the filing of such  
4 information, the ~~justice magistrate, or in his absence, the district~~  
5 ~~court clerk or deputy~~ may, in his discretion, issue a warrant for the  
6 arrest of the defendant, directed in the same manner as a warrant of  
7 arrest upon a preliminary information, which may be served in like  
8 manner.

1     SEC. 252. Section seven hundred sixty-two point seven (762.7),  
2 Code 1971, is amended to read as follows:

3     **762.7 Service of warrant.** The officer who receives the warrant  
4 must serve the same by arresting the defendant, if in his power, and  
5 bringing him without unnecessary delay before the ~~justice who issued~~  
6 ~~the same magistrate.~~ *The magistrate may fix bail and in his absence*  
7 *the district court clerk or deputy may do so.*

1     SEC. 253. Section seven hundred sixty-two point fourteen (762.14),  
2 Code 1971, is amended to read as follows:

3     **762.14 Change allowed—transmission of papers.** If such affidavit  
4 be filed, the change of place of trial must be allowed, and the ~~justice~~  
5 ~~magistrate~~ must immediately transmit all the original papers, and a  
6 transcript of all his docket entries in the case, to the next nearest  
7 ~~justice in the township magistrate,~~ unless said ~~justice magistrate~~ be  
8 a party to the action, or is related to either party by consanguinity,  
9 or affinity within the fourth degree, or where he has been attorney  
10 for either party in the action or proceeding; and in such case the ~~jus-~~  
11 ~~tice magistrate~~ before whom such action or proceeding is commenced  
12 shall transmit all the original papers, together with a transcript of  
13 all his docket entries, to the next nearest ~~justice in the county magis-~~  
14 ~~trate~~ against whom none of the above objections exist, who shall pro-  
15 ceed with the case as provided in this chapter, but no more than one  
16 change of place of trial in the same case shall be allowed.

1     SEC. 254. Section seven hundred sixty-two point fifteen (762.15),  
2 Code 1971, is amended by striking the section and inserting in lieu  
3 thereof the following:

4     **762.15 Jury trial.** Either party in a criminal action shall be en-  
5 titled to jury trial by filing with the magistrate a written jury de-  
6 mand within ten days after the information or complaint is filed, or  
7 at least two days before the trial if the action is tried before ten days  
8 elapses. Failure to make a jury demand in the manner prescribed  
9 herein constitutes a waiver of jury. If demand is made, the action  
10 shall be tried by a jury of six members.

1     SEC. 255. Section seven hundred sixty-two point sixteen (762.16),  
2 Code 1971, is amended by striking the section and inserting in lieu  
3 thereof the following:

4     **762.16** If trial by jury is demanded, the magistrate shall notify  
5 the sheriff who shall furnish a bailiff at that time and place to act as  
6 officer of the court.

1     SEC. 256. Section seven hundred sixty-two point seventeen  
2 (762.17), Code 1971, is amended by striking the section and inserting  
3 in lieu thereof the following:

4     **762.17** If a trial by jury is demanded, the magistrate shall notify  
5 the clerk of the time and place of trial. The clerk shall thereupon  
6 select by lot fourteen names from the district court jury panel se-

7 lected pursuant to section six hundred nine point nineteen (609.19)  
8 of the Code. The clerk shall notify the jurors of the time and place  
9 for trial.

1 SEC. 257. Section seven hundred sixty-two point eighteen (762.18),  
2 Code 1971, is amended by striking the section and inserting in lieu  
3 thereof the following:

4 762.18 Challenges. The same challenges may be taken by either  
5 party to any individual juror as on the trial of an indictment for a  
6 misdemeanor, but no challenge to the panel is allowed.

1 SEC. 258. Section seven hundred sixty-two point nineteen (762.19),  
2 Code 1971, is amended by striking the section and inserting in lieu  
3 thereof the following:

4 762.19 Sections seven hundred seventy-nine point four (779.4)  
5 through seven hundred seventy-nine point sixteen (779.16), inclusive,  
6 of the Code, relating to trial juries, shall apply to trials under this  
7 chapter.

1 SEC. 259. Section seven hundred sixty-two point twenty (762.20),  
2 Code 1971, is amended by striking the section and inserting in lieu  
3 thereof the following:

4 762.20 If for any reason the magistrate's panel as chosen by the  
5 clerk becomes insufficient to obtain a jury, he may direct the officer  
6 of the court to summon any bystander or others who may be compe-  
7 tent, and against whom no sufficient cause of challenge appears, to  
8 act as jurors.

1 SEC. 260. Section seven hundred sixty-two point twenty-seven  
2 (762.27), Code 1971, is amended to read as follows:

3 762.27 Retirement for consideration—oath. If they do not im-  
4 mediately agree, they must retire with the officer, who shall take the  
5 following oath: "You do swear that you will keep the jury together  
6 in some private and convenient place, ~~without food or drink, water~~  
7 ~~excepted, unless otherwise ordered by the court;~~ that you will not  
8 permit any person to speak to them, nor speak to them yourself, un-  
9 less it be to ask them if they have agreed upon a verdict, and that you  
10 will return them into court when they have so agreed."

1 SEC. 261. Section seven hundred sixty-two point thirty-one  
2 (762.31), Code 1971, is amended to read as follows:

3 762.31 Judgment—rules. When the defendant pleads guilty or is  
4 convicted, ~~either by the justice or by a jury, the justice~~ *the magistrate*  
5 shall render judgment thereon of fine or imprisonment, as the case  
6 may require, being governed by the rules prescribed for the district  
7 court, as far as the same are applicable, in rendering such judgment.

1 SEC. 262. Section seven hundred sixty-two point thirty-two  
2 (762.32), Code 1971, is amended to read as follows:

3 762.32 Imprisonment for nonpayment of fine. A judgment that  
4 the defendant pay a fine may also direct that he be imprisoned until  
5 the fine is satisfied, *pursuant to section 789.17.*

1 SEC. 263. Section seven hundred sixty-two point thirty-three  
2 (762.33), Code 1971, is amended to read as follows:

3 762.33 Defendant discharged. When the defendant is acquitted,  
4 ~~either by the justice or by a jury,~~ he must be immediately discharged.

1 SEC. 264. Section seven hundred sixty-two point thirty-five  
2 (762.35), Code 1971, is amended to read as follows:

3 762.35 Appeal. In either case the prosecuting witness may appeal  
4 from such judgment to ~~the a~~ district court judge, by giving notice  
5 thereof as provided in this chapter with reference to appeals by de-  
6 fendant, and the fact of the giving of such notice shall be entered by  
7 the\* justice magistrate on his record. *The same procedure shall obtain*  
8 *as upon an appeal by the defendant.*

1 SEC. 265. Section seven hundred sixty-two point forty-one  
2 (762.41), Code 1971, is amended to read as follows:

3 762.41 Payment to sheriff. If the defendant be committed for not  
4 paying a fine, he may pay it to the sheriff of the county, but to no  
5 other person, who must in like manner, within thirty days after the  
6 receipt thereof, pay it into the county treasury.

1 SEC. 266. Section seven hundred sixty-two point forty-two  
2 (762.42), Code 1971, is amended to read as follows:

3 762.42 Receipt for fine. If the fine, or any part thereof, is paid to  
4 the justice magistrate or sheriff, he must execute duplicate receipts  
5 therefor, one of which he must file without delay with the county  
6 auditor.

1 SEC. 267. Section seven hundred sixty-two point forty-three  
2 (762.43), Code 1971, is amended by striking the section and inserting  
3 in lieu thereof the following:

4 762.43 Appeal. An appeal may only be taken by the defendant  
5 and only upon a judgment of conviction. Execution of the judgment  
6 shall be stayed upon the filing with the clerk of the district court an  
7 appeal bond with surety approved by the clerk, in the sum specified in  
8 the judgment. The defendant may take an appeal, by giving notice  
9 orally to the magistrate that he appeals, or by delivering to the magis-  
10 trate not later than ten days thereafter, a written notice of his appeal,  
11 and in either case the magistrate must make an entry on its docket of  
12 the giving of such notice. Payment of fine or service of a sentence of  
13 imprisonment does not waive the right to appeal, nor render the ap-  
14 peal moot. When an appeal is taken, the magistrate shall forward to  
15 the appropriate district court clerk a copy of the docket entries in  
16 his court, together with copies of the complaint, warrant, motions,  
17 pleadings or other papers in the case. A district judge shall promptly  
18 hear the appeal upon the record thus filed without further evidence.  
19 If the original action was tried before a district judge acting as a  
20 judicial magistrate, the appeal shall be to a different district judge.  
21 The judge shall decide the appeal without regard to technicalities or  
22 defects. Judgment shall be rendered as though the case were being  
23 originally tried.

1 SEC. 268. Section seven hundred sixty-two point forty-four  
2 (762.44), Code 1971, is amended by striking the section and inserting  
3 in lieu thereof the following:

4 762.44 No judgment of conviction of a district court judge shall  
5 be appealed to the supreme court except by discretionary review as  
6 provided in section seventy-three (73) of this Act.

\*According to enrolled Act.

1 SEC. 269. Section seven hundred sixty-three point four (763.4),  
2 Code 1971, is amended to read as follows:

3 **763.4 Form of bail bond.** Bail is put in by a written undertaking,  
4 executed by one or more sufficient sureties (with or without the de-  
5 fendant, in the discretion of the court, clerk, or magistrate), accepted  
6 by the court, clerk, or magistrate taking the same, and may be sub-  
7 stantially in the following form:

8 County of .....

9 An order having been made on the ..... day of ....., A.D. ....,  
10 by A..... B....., a justice of the peace (or other magistrate), of  
11 the township of ....., (or as the case may be) (official title)  
12 that C..... D..... be held to answer upon a charge of (stating  
13 briefly the nature of the offense), upon which he has been duly ad-  
14 mitted to bail, in the sum of ..... dollars.

15 We, E..... F..... and G..... H....., hereby undertake  
16 that the said C..... D....., shall appear at the district court of  
17 the county of ....., on the ..... day of ..... (month),  
18 19..... (year) (which date shall not be more than twenty days after  
19 perfection of the undertaking), and answer said charge, and submit  
20 to the orders and judgment of said court, and not depart without  
21 leave of the same, or, if he fail to perform either of these conditions,  
22 that we will pay to the state of Iowa the sum of ..... dollars (in-  
23 serting the sum in which the defendant is admitted to bail).

24 E..... F.....  
25 G..... H.....

26 Accepted by me as ....., in the township of ....., in the  
27 county of ....., this ..... day of ....., A. D.....  
28 I..... J..... (with official title).

1 SEC. 270. Chapter seven hundred sixty-six (766), Code 1971, is  
2 amended by adding the following new section:

3 **"Forfeiture—traffic violations.** The provisions of sections seven  
4 hundred sixty-six point two (766.2) through seven hundred sixty-six  
5 point six (766.6), inclusive, shall not apply to traffic violations."

1 SEC. 271. Section seven hundred sixty-six point two (766.2),  
2 Code 1971, is amended by striking the section and inserting in lieu  
3 thereof the following:

4 **766.2 Notice.** Where forfeiture is entered the magistrate shall  
5 within ten days file all official entries in relation thereto in the office  
6 of the clerk; and thereupon, it shall be the duty of the clerk to direct  
7 the sheriff to give ten days notice in writing to the defendant and his  
8 sureties to show cause, if any, why judgments should not be entered  
9 for the amount of such bail or the amount of money deposited instead  
10 of bail.

1 SEC. 272. Section seven hundred sixty-nine point two (769.2),  
2 Code 1971, is amended by striking the section and inserting in lieu  
3 thereof the following:

4 "The county attorney may file with a magistrate or clerk an infor-  
5 mation charging a person with an indictable offense."

1 SEC. 273. Chapter seven hundred seventy-four (774), Code 1971,  
2 is amended by adding the following new section:

3 **Transfer of misdemeanors.** District judges may transfer any in-

4 dictable misdemeanors pending before them to the nearest full-time  
5 judicial magistrate or district associate judge.

1 SEC. 274. Section seven hundred seventy-nine point eleven  
2 (779.11), Code 1971, is amended to read as follows:

3 **779.11 Peremptory challenges—number.** If the offense charged  
4 in the indictment or information is or may be punishable with death  
5 or imprisonment for life, the state and defendant shall each have the  
6 right to peremptorily challenge eight jurors and shall strike two  
7 jurors.

8 If the offense charged be any other felony, ~~or if it be a misde-~~  
9 ~~meanor involving a violation of the statutes relative to intoxicating~~  
10 ~~liquors~~, the state and the defendant shall each have the right to per-  
11 emptorily challenge four jurors and shall strike two jurors.

12 If the offense charged be a misdemeanor ~~other than that specified~~  
13 ~~above~~, the state and the defendant shall each have the right to per-  
14 emptorily challenge two jurors and shall strike two jurors.

1 SEC. 275. Section seven hundred ninety-three point one (793.1),  
2 Code 1971, is amended to read as follows:

3 **793.1 Office of appeal—who may appeal.** The mode of reviewing  
4 in the supreme court any judgment, action, or decision of the district  
5 court *by a magistrate* in a criminal case *which is an indictable offense*  
6 is by appeal. Either the defendant or state may appeal.

1 SEC. 276. Sections one hundred thirteen point nine (113.9), one  
2 hundred sixty point fourteen (160.14), three hundred fifty-five point  
3 nine (355.9), six hundred sixty-five point two (665.2), seven hun-  
4 dred seventeen point seven (717.7), seven hundred thirty-three point  
5 two (733.2), and seven hundred fifty-four point two (754.2), Code  
6 1971, are amended by striking from such sections the words “justice  
7 of the peace” or “justices of the peace” and inserting in lieu thereof  
8 the words “judicial magistrate” or “judicial magistrates” as indicated.

1 SEC. 277. Sections three hundred thirty-six point two (336.2) and  
2 three hundred thirty-six point three (336.3), Code 1971, are amended  
3 by striking from such sections the words “before a justice of the  
4 peace” or “before justices of the peace”.

1 SEC. 278. Sections three hundred twenty-one point one hundred  
2 ninety (321.190) and five hundred fifty-eight point twenty (558.20),  
3 Code 1971, are amended by striking from such sections the words  
4 “justice of the peace” and inserting in lieu thereof the words “judicial  
5 magistrate or district associate judge”.

1 SEC. 279. Sections seven hundred fifty-one point twenty (751.20),  
2 seven hundred fifty-two point four (752.4), and seven hundred sixty-  
3 two point three (762.3),\* Code 1971, are amended by striking from  
4 such sections the words “justice of the peace” or “justices of the  
5 peace” and inserting in lieu thereof the words “magistrate” or “mag-  
6 istrates” as indicated.

1 SEC. 280. Sections three hundred thirty-seven point twelve  
2 (337.12) and seven hundred thirty-three point two (733.2), Code 1971,  
3 are amended by striking from such sections the word “justice” or

\*See also §281 hereof.

4 "justices" and inserting in lieu thereof the words "judicial magistrate"  
5 or "judicial magistrates" as indicated.

1 SEC. 281. Sections seven hundred sixty-one point twenty-nine  
2 (761.29), seven hundred sixty-two point two (762.2),\*\* seven hundred  
3 sixty-two point three (762.3),† seven hundred sixty-two point four  
4 (762.4), seven hundred sixty-two point five (762.5), seven hundred  
5 sixty-two point nine (762.9), seven hundred sixty-two point ten  
6 (762.10), seven hundred sixty-two point eleven (762.11), seven hun-  
7 dred sixty-two point twelve (762.12), seven hundred sixty-two point  
8 thirteen (762.13), seven hundred sixty-two point twenty-five (762.25),  
9 seven hundred sixty-two point twenty-eight (762.28), seven hundred  
10 sixty-two point twenty-nine (762.29), seven hundred sixty-two point  
11 thirty (762.30), seven hundred sixty-two point thirty-four (762.34),  
12 seven hundred sixty-two point thirty-eight (762.38), and seven hun-  
13 dred sixty-two point thirty-nine (762.39), Code 1971, are amended by  
14 striking from such sections the word "justice" or "justices" and in-  
15 sserting in lieu thereof the words "magistrate" or "magistrates" as  
16 indicated.

1 SEC. 282. Sections forty-nine point one hundred fifteen (49.115),  
2 sixty-five point nine (65.9), one hundred eighty-eight point twenty-  
3 nine (188.29), three hundred thirty-six point four (336.4), four hun-  
4 dred twenty point sixteen (420.16), four hundred twenty point thirty-  
5 four (420.34), six hundred four point one (604.1), six hundred five  
6 point nineteen (605.19) through six hundred five point twenty-three  
7 (605.23), inclusive, six hundred twenty-six point fifty-seven (626.57),  
8 six hundred twenty-six point seventy-six (626.76), six hundred twenty-  
9 six point one hundred two (626.102), six hundred forty-eight point six  
10 (648.6), six hundred forty-eight point seven (648.7), six hundred  
11 forty-eight point eight (648.8), six hundred forty-eight point eleven  
12 (648.11), six hundred forty-eight point twelve (648.12), six hundred  
13 forty-eight point thirteen (648.13),\* six hundred forty-eight point  
14 fourteen (648.14), six hundred forty-eight point twenty-one (648.21),  
15 six hundred fifty-seven point five (657.5), seven hundred eighteen  
16 point twenty-three (718.23), seven hundred sixty-one point fifteen  
17 (761.15), seven hundred sixty-two point thirty-six (762.36), seven  
18 hundred sixty-two point thirty-seven (762.37), seven hundred sixty-  
19 two point forty (762.40), seven hundred sixty-two point forty-five  
20 (762.45) through seven hundred sixty-two point fifty-two (762.52),  
21 inclusive, seven hundred sixty-six point four (766.4), seven hundred  
22 sixty-nine point thirty-three (769.33), seven hundred sixty-nine point  
23 thirty-four (769.34), and chapters three hundred sixty-seven (367),  
24 six hundred one (601), six hundred two (602), six hundred three  
25 (603), and seven hundred fifty-three (753), Code 1971, are repealed.

1 SEC. 283. **Effective date.** The provisions of this Act shall take  
2 effect as provided in this section.

3 1. The provisions of sections twelve (12) through nineteen (19),  
4 inclusive, of this Act relating to the powers and duties of county judi-  
5 cial magistrate appointing commissions shall take effect on July 1,  
6 1972.

7 2. The provisions of sections six (6) and seven (7) of this Act re-

\*See also §215 hereof.

\*\*See also §250 hereof.

†See also §279 hereof.

8 lating to the powers and duties of judicial nominating commissions  
 9 shall take effect on July 1, 1972.  
 10 3. The remaining sections of this Act, except for those expressly  
 11 providing otherwise, shall take effect on July 1, 1973.

Approved April 20, 1972.

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CHAPTER 1125

GRAND JURORS

S. F. 1195

AN ACT relating to the drawing of grand jurors.

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

1 SECTION 1. Section six hundred nine point twenty-seven (609.27),  
 2 Code 1971, is amended by adding the following new paragraph:  
 3 "If any county has less than twelve election precincts, one or more  
 4 persons may be drawn as a grand juror from any election precinct in  
 5 the county, provided that at least one person shall be selected as a  
 6 grand juror from each election precinct in the county."

1 SEC. 2. Section six hundred nine point twenty-five (609.25), Code  
 2 1971, as amended by chapter two hundred sixty-five (265), Acts of the  
 3 Sixty-fourth General Assembly, First Session, is amended to read as  
 4 follows:

5 609.25 Grand jury panel. A grand jury panel of twelve persons  
 6 shall be drawn by the said commissioners from the grand jury box on  
 7 or before the last secular Monday of December preceding the new  
 8 calendar year, and shall be drawn in the same manner and under the  
 9 same conditions, except as otherwise provided, as are specified for the  
 10 drawing of said petit jury panel. Such grand jury panel shall con-  
 11 stitute the panel from which to select the grand jurors for one year.  
 12 A majority of the judges of the district court may order a second  
 13 panel of twelve persons to be drawn in like manner from which a  
 14 second grand jury may be selected. Such second grand jury shall  
 15 serve on matters assigned to it by the foreman of the first grand jury  
 16 and it shall be served by the same clerk and staff, but otherwise it  
 17 shall be governed by the same law as in the case of the original grand  
 18 jury panel and grand jury.

Approved April 22, 1972.

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CHAPTER 1126

LIMITATION OF CIVIL ACTIONS

S. F. 1057

AN ACT relating to exceptions to the time limits during which certain civil actions must be brought.

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

1 SECTION 1. Section six hundred fourteen point six (614.6), Code  
 2 1971, is amended by striking the section and inserting in lieu thereof  
 3 the following:

4 The period of limitation above described shall be computed omitting  
5 any time when:

6 a. The defendant is a nonresident of the state, or

7 b. In those cases involving personal injuries or death resulting  
8 from a felony or indictable misdemeanor, while the identity of the  
9 defendant is unknown after diligent effort has been made to dis-  
10 cover it.

1 SEC. 2. The provisions of this Act shall be effective January 1,  
2 1970, and to this extent the provisions of this Act are retroactive.

1 SEC. 3. This Act, being deemed of immediate importance, shall  
2 take effect and be in force from and after its publication in The Story  
3 City Herald, a newspaper published in Story City, Iowa, and in the  
4 Emmetsburg Reporter, a newspaper published in Emmetsburg, Iowa.

Approved April 22, 1972.

I hereby certify that the foregoing Act, Senate File 1057, was published in The Story City Herald, Story City, Iowa, May 10, 1972, and in the Emmetsburg Reporter, Emmetsburg, Iowa, May 2, 1972.

MELVIN D. SYNHORST, *Secretary of State*.

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## CHAPTER 1127

### ACTIONS ARISING FROM INJURY OR DAMAGE

S. F. 1026

AN ACT relating to actions arising out of injuries or damages to property.

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

1 SECTION 1. Section six hundred sixteen point eighteen (616.18),  
2 Code 1971, is amended to read as follows:

3 **616.18 Motor vehicle damage actions.** Actions arising out of in-  
4 juries to a person or damage to property caused by the operation of  
5 any motor vehicle may be brought in the county in which the defend-  
6 ant, or one of the defendants, is a resident or in the county in which  
7 the injury or damage is sustained.

8 Where an action is commenced in the county in which the injury or  
9 damage occurred, and which county is not the residence of the defend-  
10 ants or one of them, a defendant at any time before answering may  
11 file a motion to require the plaintiff to furnish a bond for costs and  
12 before any other proceedings in the action the plaintiff must file in  
13 the clerk's office a bond to be approved by the clerk in an amount to  
14 be fixed by the court for the payment of costs; but in no event shall a  
15 bond for costs be required for more than one hundred dollars.

Approved March 17, 1972.



## CHAPTER 1128

## PROBATE CODE

## S. F. 1194

AN ACT relating to the Iowa Probate Code.

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

1 SECTION 1. Section six hundred thirty-three point forty (633.40),  
2 Code 1971, is amended by adding the following new subsections:

3 4. Notice otherwise provided. In lieu of the foregoing the notice  
4 may direct each interested party to appear in the court in which the  
5 proceedings are pending, and to file his objections thereto in writing,  
6 of any he has, within twenty days after the day such notice is served  
7 upon him and that unless he does so appear and file his objections in  
8 writing that he will be forever barred from making any objections  
9 thereto. Said notice may be served upon each interested party either  
10 by ordinary United States mail or personally in compliance with the  
11 rules of civil procedure. In the event objections thereto are timely  
12 filed, the court shall fix the time and place of the hearing for the  
13 judicial determination of the issues raised.

14 5. Notice by mail. When notice in probate proceedings is served  
15 upon an interested party by United States mail, the service is made  
16 and completed when the notice being served is enclosed in a sealed  
17 envelope with the proper postage thereon addressed to the interested  
18 party at his last known post office address and is deposited in a mail  
19 receptacle provided by the United States postal service.

1 SEC. 2. Section six hundred thirty-three point two hundred eleven  
2 (633.211), subsection four (4), Code 1971, is amended to read as  
3 follows:

4 4. If the property received by the surviving spouse under subsec-  
5 tions 1, 2 and 3 of this section is not equal in value to the sum of  
6 ~~fifteen~~ *twenty-five* thousand dollars, then so much additional of the  
7 remaining real and personal property of the decedent that is subject  
8 to payment of debts and charges against the decedent's estate, after  
9 payment of such debts and charges, even to the extent of the whole  
10 of the net estate, as may be necessary to make the amount of ~~fifteen~~  
11 *twenty-five* thousand dollars.

1 SEC. 3. Section six hundred thirty-three point two hundred twelve  
2 (633.212), subsections four (4) and five (5), Code 1971, are amended  
3 to read as follows:

4 4. If the property received by the surviving spouse under subsec-  
5 tions 1 and 3 of this section is not equal in value to the sum of ~~fifteen~~  
6 *twenty-five* thousand dollars, then so much additional of the non-  
7 exempt real and personal property of the decedent remaining after  
8 payment of the debts and charges against the estate, as may be neces-  
9 sary (even to the extent of the entire net estate) to make the amount  
10 of ~~fifteen~~ *twenty-five* thousand dollars.

11 5. So much additional of the remaining real and personal property  
12 belonging to the decedent as is necessary to make the entire share of  
13 the surviving spouse, including the property received under subsec-  
14 tions 1, 3 and 4 of this section, equal in value to the aforesaid sum of  
15 ~~fifteen~~ *twenty-five* thousand dollars plus one-half of the net value of

16 the estate over and above the said sum of ~~fifteen~~ *twenty-five* thousand  
17 dollars and the value of the exempt personal property.

1 SEC. 4. Section six hundred thirty-three point two hundred  
2 seventy-one (633.271), Code 1971, is amended to read as follows:

3 **633.271 Effect of divorce or dissolution.** If after making a will  
4 the testator is divorced *or the marriage is dissolved*, all provisions  
5 in the will in favor of the testator's spouse ~~so divorced~~ are thereby  
6 revoked. *In the event the testator and spouse remarry each other,*  
7 *the provisions of the will revoked by the divorce or dissolution of*  
8 *marriage shall be reinstated unless otherwise revoked by the testator.*

1 SEC. 5. Section six hundred thirty-three point four hundred fifteen  
2 (633.415), unnumbered paragraph one (1), Code 1971, is amended to  
3 read as follows:

4 **633.415 Commencement or continuance of separate action.** Any  
5 action pending against the decedent at the time of his death that sur-  
6 vives, shall also be considered a claim filed against the estate if notice  
7 of substitution is served upon the personal representative as defendant  
8 within the time provided for filing claims in section 633.410; *however,*  
9 *this provision shall not bar parties entitled to equitable relief due to*  
10 *peculiar circumstances.* A copy of the proof of service of notice of  
11 such proceedings shall be filed in the probate proceedings but shall  
12 not be jurisdictional.

1 SEC. 6. Section six hundred thirty-three point five hundred fifty-  
2 two (633.552), Code 1971, is amended by striking subsection two (2)  
3 and inserting in lieu thereof the following:

4 2. That the proposed ward is a minor or is incapable of caring for  
5 his own person.

1 SEC. 7. Section six hundred thirty-three point five hundred fifty-  
2 seven (633.557), Code 1971, is amended by striking the section and  
3 inserting in lieu thereof the following:

4 **633.557 Appointment of guardian on voluntary petition.** A guard-  
5 ian may also be appointed by the court upon the verified petition of  
6 the proposed ward, without further notice, if he is other than a minor  
7 under the age of fourteen years, provided the court determines that  
8 such an appointment will inure to the best interest of the applicant.  
9 However, if an involuntary petition is pending, the court shall be gov-  
10 erned by section six hundred thirty-three point six hundred thirty-five  
11 (633.635) of the Code.

1 SEC. 8. Section six hundred thirty-three point five hundred sixty-  
2 six (633.566), Code 1971, is amended by striking subsection two (2)  
3 and inserting in lieu thereof the following:

4 2. That the proposed ward is a minor or is incapable of managing  
5 his property.

1 SEC. 9. Section six hundred thirty-three point five hundred  
2 seventy-two (633.572), Code 1971, is amended by striking the section  
3 and inserting in lieu thereof the following:

4 **633.572 Appointment of conservator on voluntary petition.** A con-  
5 servator may also be appointed by the court upon the verified petition  
6 of the proposed ward, without further notice, if he is other than a  
7 minor under the age of fourteen years, provided the court determines

8 that such an appointment will inure to the best interest of the appli-  
 9 cant. However, if an involuntary petition is pending, the court shall  
 10 be governed by section six hundred thirty-three point six hundred  
 11 thirty-five (633.635) of the Code.

1 SEC. 10. Section six hundred thirty-three point six hundred four  
 2 (633.604), Code 1971, is amended to read as follows:

3 **633.604 Application.** The application for appointment of a foreign  
 4 conservator or guardian as conservator in this state shall include the  
 5 name and address of the nonresident ward, and of the nonresident  
 6 conservator or guardian, and the name and address of the resident  
 7 conservator to be appointed. It shall be accompanied by ~~an exemplified~~  
 8 *a certified* copy of the original letters or other authority conferring  
 9 the power upon the foreign conservator or guardian to act as such.  
 10 The application shall also state the cause for the appointment of the  
 11 foreign conservator to act as sole conservator, if such be the case.

1 SEC. 11. Chapter six hundred thirty-three (633), Code 1971, as  
 2 amended by chapter two hundred eighteen (218), sections eleven (11)  
 3 and twelve (12), Acts of the Sixty-fourth General Assembly, First  
 4 Session, is amended by adding the following new division and section:

5 DIVISION XVI

6 DISCLAIMER OF SUCCESSION TO REAL AND PERSONAL PROPERTY

7 **633.704 Right to disclaim succession.**

8 1. Right of distributee. No person shall be required to take as a  
 9 distributee, or otherwise, under the laws of Iowa, and any person may  
 10 disclaim in whole or in part, the succession to any property, real or  
 11 personal, or interest therein, including a power of appointment, by  
 12 filing a written instrument within the time and at the place herein-  
 13 after provided. The instrument shall:

14 a. Describe the property or part thereof or interest therein dis-  
 15 claimed,

16 b. Declare the disclaimer and the extent thereof and

17 c. Be signed and acknowledged by the disclaimant.

18 2. Time and place of filing. The disclaimer instrument shall be  
 19 filed within six months after the date of the second publication of the  
 20 notice to creditors, or within six months after the death of the donee  
 21 of the power, as the case may be, or if the taker of the property or  
 22 interest is not then finally ascertained or his interest has not become  
 23 indefeasibly fixed both in quality and in quantity, then not later than  
 24 two months after the event when the taker has become finally ascer-  
 25 tained and his interest has become indefeasibly fixed both in quality  
 26 and in quantity. The instrument shall be filed with the clerk in the  
 27 county where the administration proceedings are pending. A copy of  
 28 the instrument shall also be mailed to the personal representative of  
 29 the decedent, if any. The instrument shall be irrevocable upon filing.

30 3. Effective disclaimer. Unless the decedent or donee of the power  
 31 has otherwise provided, the property or part thereof or interest  
 32 therein disclaimed, and any future interest which is to take effect in  
 33 possession or enjoyment at or after the termination of the interest  
 34 disclaimed, shall descend or be distributed as if the disclaimant has  
 35 predeceased the decedent, or if the disclaimant is one designated to  
 36 take pursuant to a power of appointment, exercised by testamentary  
 37 instrument, then as if the disclaimant has predeceased the donee of

38 the power. In every case, the disclaimer shall relate back for all pur-  
 39 poses to the date of the death of the decedent or the donee, as the case  
 40 may be. A person who has a present and a future interest in property  
 41 and disclaims his present interest in whole or in part, shall be deemed  
 42 to have disclaimed his future interest to the same extent. In the event  
 43 of death of the disclaimant within the time allowed for the filing of a  
 44 disclaimer, the right to disclaim shall terminate. In the event of dis-  
 45 ability of a person entitled to disclaim, the court may authorize or  
 46 direct a conservator or guardian to exercise the right to disclaim on  
 47 behalf of the person under disability when it is in his interest that it  
 48 be done.

49 4. Waiver and bar. Any assignment, conveyance, encumbrance,  
 50 pledge or transfer of property or any interest therein or any contract  
 51 therefore,\* or any written waiver of the right to disclaim or any  
 52 acceptance of property or interest therein by an heir, next of kin,  
 53 devisee, legatee, donee, person succeeding to a disclaimed interest,  
 54 beneficiary or person designated to take pursuant to a power of  
 55 appointment exercised by testamentary instrument, and any sale of  
 56 property by execution, made before the expiration of the period in  
 57 which a person may disclaim as provided in this section, bars the right  
 58 to disclaim the property. The right to disclaim granted by this section  
 59 shall exist irrespective of any limitation on the interest of the dis-  
 60 claimant in the nature of a spendthrift provision or similar restric-  
 61 tion. A disclaimer, when filed and recorded as provided in this section  
 62 or a written waiver of the right to disclaim, shall be binding upon the  
 63 disclaimant or person waiving and all parties claiming by, through  
 64 or under him. The right to disclaim shall follow the proceeds of a  
 65 disposition of property by a fiduciary, and shall not affect the dis-  
 66 position.

Approved April 22, 1972.

\*According to enrolled Act.

## CHAPTER 1129

### CHANGING NAMES

S. F. 202

AN ACT relating to changing of names by individuals.

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

1 SECTION 1. Chapter six hundred seventy-four (674), Code 1971,  
 2 is amended by striking the chapter and inserting in lieu thereof sec-  
 3 tions two (2) through fourteen (14) of this Act.

1 SEC. 2. Any person, under no civil disabilities, who has attained  
 2 his or her majority, desiring to change his or her name, may do so  
 3 by filing a verified petition as provided in this chapter.

1 SEC. 3. The verified petition shall be addressed to the district court  
 2 and shall state:

- 3 1. The name of petitioner and that he or she is a resident of the  
4 county where filed.
- 5 2. A description including height, weight, color of hair, color of  
6 eyes, race, sex, and date and place of birth.
- 7 3. Residence at time of petition and any prior residences for the  
8 past five years.
- 9 4. Reason for change of name, briefly and concisely stated.
- 10 5. A legal description of all real property in this state owned by  
11 the petitioner.

1 SEC. 4. A copy of the petition shall be filed by the clerk of court  
2 with the division for records and statistics of the state department of  
3 health.

1 SEC. 5. A decree of change of name may be granted any time after  
2 thirty days of the filing of the petition.

1 SEC. 6. The decree shall describe the petitioner, giving his or her  
2 name and former name, height, weight, color of hair, color of eyes,  
3 race, sex, date and place of birth and, if a male and married, the  
4 given name of his wife and any minor children affected by the change.  
5 The decree shall also give a legal description of all real property  
6 owned by the petitioner.

1 SEC. 7. If the petitioner is married, his or her spouse must join  
2 in the petition or file his or her written consent with the petition.

3 If the petitioner has a minor child, the petition shall state this fact  
4 and shall state all the information about the child that is required of  
5 a petitioner in section three (3) of this chapter. If the minor child  
6 is fourteen years of age or older he shall file his written consent.

1 SEC. 8. When the court grants a decree of change of name, the  
2 clerk of the court shall mail a certified copy to the state registrar of  
3 vital statistics of the state department of health and furnish the peti-  
4 tioner with a certified copy of the decree.

1 SEC. 9. The clerk of the court shall send a certified copy of the  
2 decree to the recorder's office in every county in this state where real  
3 property is owned by the petitioner.

1 SEC. 10. Any new birth certificate issued to the petitioner or a  
2 minor child of the petitioner shall reflect the former name of the per-  
3 son affected by the new birth certificate.

1 SEC. 11. Upon the original filing of the petition for change of  
2 name the petitioner shall pay a fee of ten dollars and after issuance  
3 of the decree a fee of two dollars for each copy.

1 SEC. 12. The clerk of the district court shall keep a record entitled  
2 "Change of Name Record". The entire proceedings shall be recorded  
3 in this record and the action shall be indexed under the original name  
4 and the new name.

1 SEC. 13. The surname of such new name may become the legal  
2 surname of the spouse and minor children of such person.

1 SEC. 14. No person shall change his or her name more than once  
2 under the provisions of this chapter.

1 SEC. 15. The county recorder and county auditor of each county  
 2 wherein the petitioner owns real property may charge one dollar for  
 3 indexing a change of name for each parcel of real estate.

Approved April 1, 1972.

## CHAPTER 1130

### COURSES OF INSTRUCTION SALES

H. F. 1273

AN ACT relating to regulation of advertising and selling of courses of instruction.

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

1 SECTION 1. Section seven hundred thirteen A point three (713A.3),  
 2 subsection nine (9), Code 1971, is amended by striking the subsec-  
 3 tion and inserting in lieu thereof the following:

4 9. Any school licensed under the provisions of sections one hundred  
 5 fifty-seven point nine (157.9) or one hundred fifty-eight point eleven  
 6 (158.11) of the Code.

1 SEC. 2. Section seven hundred thirteen A point one (713A.1), sub-  
 2 section two (2), Code 1971, is amended to read as follows:

3 2. Collect tuition or other charges in excess of one hundred fifty  
 4 dollars in advance of the actual attendance of a pupil in the school, or  
 5 in the case of correspondence courses of study, in advance of the  
 6 receipt and approval by the pupil of the first assignment or lesson of  
 7 such course. Any contract providing for advance payment of more  
 8 than one hundred fifty dollars shall be voidable on the part of the  
 9 pupil or any person liable for the tuition provided for in the contract.

1 SEC. 3. Section seven hundred thirteen A point two (713A.2),  
 2 subsection one (1), Code 1971, is amended to read as follows:

3 1. A continuous corporate surety bond to the state of Iowa in the  
 4 sum of ~~ten~~ fifty thousand dollars conditioned for the faithful perform-  
 5 ance of all contracts and agreements with students made by such per-  
 6 son, firm, association, or corporation, or their salesmen; provided,  
 7 however, that the aggregate liability of the surety for all breaches of  
 8 the conditions of the bond shall, in no event, exceed the sum of said  
 9 bond. The surety on the bond shall have the right to cancel said bond  
 10 upon giving thirty days' written notice to the superintendent of pub-  
 11 lic instruction and thereafter shall be relieved of liability for any  
 12 breach of condition occurring after the effective date of said cancella-  
 13 tion.

1 SEC. 4. Chapter seven hundred thirteen A (713A), Code 1971, is  
 2 amended by adding the following new section:

3 **Trade and vocational schools—exemption—conditions.** The provi-  
 4 sions of this chapter shall not apply to trade or vocational schools if  
 5 they meet either of the following conditions:

6 1. File a bond or a bond is filed on their behalf by a parent corpora-  
 7 tion with the superintendent of public instruction as required by sub-  
 8 section two (2) of section seven hundred thirteen A point two  
 9 (713A.2) of the Code.

10 2. File an annual sworn statement, or such statement is filed on  
 11 their behalf by a parent corporation, certified by a certified public  
 12 accountant, showing all assets and liabilities of the trade or vocational  
 13 school and the assets of a parent corporation. The statement shall  
 14 show the trade or vocational school's net worth, or the net worth of  
 15 the parent corporation, to be not less than five times the amount of  
 16 the bond required by subsection two (2) of section seven hundred thir-  
 17 teen A point two (713A.2) of the Code. In the event that a parent  
 18 corporation files such statement or its net worth is included therein  
 19 to comply with this subsection, such parent corporation shall appoint  
 20 a registered agent and otherwise be subject to subsection two (2) of  
 21 section seven hundred thirteen A point two (713A.2) of the Code and  
 22 shall be liable for the breach of any contract or agreement with stu-  
 23 dents as well as liable for any fraud in connection therewith or for  
 24 any violation of section seven hundred thirteen point twenty-four  
 25 (713.24) of the Code by such trade or vocational school or any of its  
 26 agents or salesmen.

1 SEC. 5. Section seven hundred thirteen A point five (713A.5),  
 2 Code 1971, is hereby amended as follows:

3 Violation of any of the provisions of this chapter shall be a ~~misdemeanor~~  
 4 ~~misdemeanor~~, punishable upon conviction by a fine not exceeding ~~one~~ *five*  
 5 hundred dollars or ~~thirty days~~ *six months* in jail, or both.

Approved April 21, 1972.

## CHAPTER 1131

### ENDURANCE CONTESTS

H. F. 1038

AN ACT relating to endurance contests and the penalty for participating therein.

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

1 SECTION 1. Sections seven hundred thirty-two point fifteen  
 2 (732.15) and seven hundred thirty-two point sixteen (732.16), Code  
 3 1971, are repealed.

Approved April 21, 1972.

**SPECIAL ACTS AND  
JOINT RESOLUTIONS**



## SPECIAL AND LEGALIZING ACTS

### CHAPTER 1132

#### GOVERNOR'S MANSION

H. F. 1196

AN ACT relating to the planning for and conversion of Terrace Hill for use as a governor's mansion.

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

1 SECTION 1. Pursuant to section two (2) of chapter two hundred  
2 ninety-three (293), Acts of the Sixty-fourth General Assembly, First  
3 Session, the general assembly hereby determines that Terrace Hill  
4 shall be used, when finally remodeled, as the governor's mansion. The  
5 executive council shall make plans for the use of Terrace Hill as the  
6 governor's mansion and in making such plans shall consider making  
7 the first floor of Terrace Hill available to the public subject to reason-  
8 able restrictions in order to preserve its primary function for use by  
9 the governor for official state functions and in order to preserve the  
10 beauty, decor and antiquity of Terrace Hill.

1 SEC. 2. The executive council may accept gifts and federal funds  
2 and use such gifts and federal funds for the purpose of converting or  
3 planning for the conversion of Terrace Hill subject to such conditions  
4 as may be contained in the grant of the gifts. The executive council  
5 may accept gifts of personal property for placement in Terrace Hill.

1 SEC. 3. The executive council shall use such funds as may be avail-  
2 able under the provisions of section nineteen point twenty-nine (19.29)  
3 of the Code, pursuant to the authorization contained in chapter two  
4 hundred ninety-three (293), Acts of the Sixty-fourth General Assem-  
5 bly, First Session, to carry out the provisions of this Act.

1 SEC. 4. The executive council shall make a report to the general  
2 assembly meeting in the year 1973 regarding plans for the remodeling  
3 and conversion of Terrace Hill as the governor's mansion. The exec-  
4 utive council shall consider recommendations of any committee ap-  
5 pointed to plan for the use of Terrace Hill as a governor's mansion.

Approved April 18, 1972.

## CHAPTER 1133

## IOWA SOLDIERS HOME FUNDS

## H. F. 1016

AN ACT relating to the use of fees and funds received by the Iowa soldiers home.

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

1 SECTION 1. Notwithstanding the provisions of section two hundred  
2 nineteen point seventeen (219.17) of the Code, fees received by the  
3 Iowa soldiers home from persons who are maintained as permanent  
4 residents in the intensive care unit known as the Three West Unit of  
5 the Sheeler Health Care Facility, and funds received on behalf of such  
6 residents from the federal government, during the period commencing  
7 January 1, 1972 and ending June 30, 1973, may be expended by the  
8 Iowa soldiers home for general operating expenses commencing with  
9 the effective date of this Act and ending June 30, 1973. The depart-  
10 ment of social services, in cooperation with the state comptroller, shall  
11 establish a proper method of accounting for the receipt and expendi-  
12 ture of such fees.

1 SEC. 2. This Act, being deemed of immediate importance, shall  
2 take effect and be in force from and after its publication in the Mount  
3 Ayr Record-News, a newspaper published in Mount Ayr, Iowa, and  
4 in The Clinton Herald, a newspaper published in Clinton, Iowa.

Approved February 11, 1972.

I hereby certify that the foregoing Act, House File 1016, was published in the Mount Ayr Record-News, Mount Ayr, Iowa, February 24, 1972, and in The Clinton Herald, Clinton, Iowa, February 17, 1972.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 1134

## MONEY ADVANCED TO COUNTY CONSERVATION BOARD

## S. F. 1014

AN ACT relating to money advances by county boards of supervisors to county conservation boards from money in the county general funds.

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

1 SECTION 1. Notwithstanding the provisions of chapter one hun-  
2 dred eleven A (111A) of the Code, during the calendar year 1972 the  
3 county board of supervisors of any county having a population of at  
4 least one hundred and fifty thousand but not more than two hundred  
5 thousand persons as determined by the 1970 federal decennial census,  
6 may advance to the county conservation board from the county gen-  
7 eral fund, not to exceed twenty-five percent of the amount of money  
8 appropriated by the county board of supervisors to the county conser-  
9 vation board for the year 1972. All funds advanced to the county  
10 conservation board shall be returned to the county general fund not  
11 later than December 31, 1972.

1 SEC. 2. This Act shall be printed in the session laws only and shall  
2 not be made a part of the permanent Code of Iowa.

1 SEC. 3. This Act shall take effect and be in force on and retro-  
 2 actively to January 1, 1972 after its publication in The Cedar Rapids  
 3 Gazette, a newspaper published in Cedar Rapids, Iowa, and in The  
 4 Marion Sentinel, a newspaper published in Marion, Iowa.

Approved March 2, 1972.

I hereby certify that the foregoing Act, Senate File 1014, was published in The Cedar Rapids Gazette, Cedar Rapids, Iowa, March 7, 1972, and in The Marion Sentinel, Marion, Iowa, March 9, 1972.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 1135

### EASEMENTS BY SOCIAL SERVICES COMMISSIONER

S. F. 1046

AN ACT permitting the commissioner of social services to grant easements for water or sewage lines and for drainage across certain lands belonging to the state.

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

1 SECTION 1. The commissioner of social services may, subject to  
 2 the approval of the executive council, grant easements to the munic-  
 3 ipal corporation of Eldora, Iowa, in order that water and sewage lines  
 4 to the Eldora training school for boys may be installed and main-  
 5 tained.

1 SEC. 2. The commissioner of social services may, subject to the  
 2 approval of the executive council, grant sewage easement rights to the  
 3 municipal corporation of the city of Marshalltown, Iowa, for the  
 4 installation of sanitary sewer line in and over a portion of the Iowa  
 5 Soldiers' Home grounds at Marshalltown, Iowa, for the purpose of  
 6 installing, repairing, maintaining, and improving sanitary sewer  
 7 service to portions of said city and the Iowa Soldiers' Home.

1 SEC. 3. The commissioner of social services may, subject to the  
 2 approval of the executive council, grant easement rights for the drain-  
 3 age of waters across or through the lands belonging to the state con-  
 4 nected with, or a part of, the grounds of the Women's Reformatory  
 5 located at Rockwell City, Iowa and for water and sewage lines to the  
 6 city of Cherokee across or through lands belonging to the state con-  
 7 nected with, or a part of, the grounds of the Mental Health Institute  
 8 located at said city.

1 SEC. 4. This Act, being deemed of immediate importance, shall  
 2 take effect and be in force from and after its publication in the Eldora  
 3 Herald-Ledger, a newspaper published in Eldora, Iowa, and in the  
 4 Marshalltown Times-Republican, a newspaper published in Marshall-  
 5 town, Iowa.

Approved March 2, 1972.

I hereby certify that the foregoing Act, Senate File 1046, was published in the Eldora Herald-Ledger, Eldora, Iowa, March 14, 1972, and in the Marshalltown Times-Republican, Marshalltown, Iowa, March 6, 1972.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 1136

## STUART LEGALIZING ACT

H. F. 1075

AN ACT to legalize and validate the proceedings of the town council of the town of Stuart, in the counties of Adair and Guthrie, state of Iowa, in connection with the award of a contract for the construction of a project designated as the "1971 Stuart, Iowa, sanitary sewer improvement project".

WHEREAS, it appears from the records of the Town Council of the Town of Stuart, in the Counties of Adair and Guthrie, State of Iowa, that at a meeting held in and for said Town on October 11, 1971, said Town Council received bids for the construction of the "1971 Stuart, Iowa, Sanitary Sewer Improvement Project", and after tabulation of all bids and receipt of the Consulting Engineer's recommendation awarded contract to Buchan Construction Co., Inc., of Perry, Iowa, by resolution adopted October 11, 1971; and

WHEREAS, it appears from the record that publication of the Notice of Hearing and Letting was made as required by Chapters 23 and 391A, Code of Iowa, 1971, as amended, in The Stuart Herald, except the newspaper inadvertently omitted the second publication of said notice; and

WHEREAS, it further appears that notice of the plans and specifications was directed to all firms reasonably expected to bid and bids were in fact received from four contractors; and

WHEREAS, it appears that a competitive letting was held as contemplated by law and a favorable bid received so that it is deemed advisable that all doubts with respect to the validity thereof and all others that might arise concerning the same should be put to rest; NOW, THEREFORE,

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

1 SECTION 1. That the proceedings heretofore taken by the Town  
2 Council of the Town of Stuart, Iowa, preliminary to and in connection  
3 with the aforesaid contract awarded to Buchan Construction Co., Inc.,  
4 of Perry, Iowa, by resolution adopted on October 11, 1971, are hereby  
5 legalized, validated and confirmed and the aforesaid contract shall  
6 constitute a valid and binding obligation of said Town.

1 SEC. 2. This Act, being deemed of immediate importance, shall  
2 take effect and be in force from and after its publication in the Adair  
3 County Free Press, a newspaper published in Greenfield, Iowa, and  
4 in the Guthrie Center Times, a newspaper published in Guthrie Center,  
5 Iowa, without expense to the state.

Approved March 24, 1972.

I hereby certify that the foregoing Act, House File 1075, was published in the Adair County Free Press, Greenfield, Iowa, April 12, 1972, and in the Guthrie Center Times, Guthrie Center, Iowa, April 12, 1972.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 1137

## AUDUBON COUNTY LEGALIZING ACT

H. F. 1071

AN ACT to legalize the indebtedness of the Audubon County Agricultural Society and to authorize an annual tax to pay said indebtedness.

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

1 SECTION 1. The forty-three thousand (43,000) dollars expenditure  
2 made by the Audubon county agricultural society for improvement to  
3 the fairgrounds and a levy in 1970, for the fairground fund pursuant  
4 to section one hundred seventy-four point seventeen (174.17) of the  
5 Code, is hereby legalized. Under the provisions of section one hun-  
6 dred seventy-four point seventeen (174.17) of the Code, the board of  
7 supervisors of Audubon county may continue the levy to pay the in-  
8 debtedness of the Audubon county agricultural society incurred prior  
9 to the effective date of this Act, until said indebtedness, plus inter-  
10 est, is paid.

1 SEC. 2. This Act, being deemed of immediate importance, shall take  
2 effect and be in force from and after its publication in the Audubon  
3 News-Advocate, a newspaper published in Audubon, Iowa, and in the  
4 Audubon County Journal, a newspaper published in Exira, Iowa,  
5 without expense to the state.

Approved March 17, 1972.

I hereby certify that the foregoing Act, House File 1071, was published in the Audubon News-Advocate, Audubon, Iowa, March 30, 1972, and in the Audubon County Journal, Exira, Iowa, April 6, 1972.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 1138

## BOONE AND STORY SCHOOL LEGALIZING ACT

H. F. 1074

AN ACT to legalize and validate proceedings of the board of directors of the United Community School District in the counties of Boone and Story, state of Iowa, authorizing and providing for the sale and issuance of school building bonds and for the levy of taxes for the payment of said bonds and declaring the bonds issued pursuant to said proceedings to be enforceable obligations of said school district.

WHEREAS, it appears from the records of the Board of Directors of the United Community School District in the Counties of Boone and Story, State of Iowa, that at a special school election held in and for said School District on November 15, 1971, the proposition of issuing bonds of said School District in the amount of Three Hundred Ninety Thousand Dollars (\$390,000) for the purpose of building and furnishing a new elementary school building at the high school site in and for said School District was approved by more than sixty percent (60%) of the total number of votes cast for and against said proposition, and in reliance upon said election, said Board of Directors thereafter authorized and provided for the sale and issuance of school building bonds to the amount and for the purpose aforesaid and made provision for the levy of taxes to pay said bonds and the interest thereon; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of said election and proceedings and provisions made for the issuance and payment of said bonds, and it is deemed advisable to put such doubts and all others that might arise concerning same forever at rest; now, therefore,

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

1 SECTION 1. That all proceedings heretofore taken by the Board  
2 of Directors of the United Community School District in the Counties  
3 of Boone and Story, State of Iowa, preliminary to and in connection  
4 with the election on said bonds held in said School District on Novem-  
5 ber 15, 1971, and providing for the sale, issuance and delivery of  
6 school building bonds of said School District in the amount of Three  
7 Hundred Ninety Thousand Dollars (\$390,000) pursuant to said elec-  
8 tion, and for the levy of taxes to pay said bonds and interest thereon,  
9 are hereby legalized, validated and confirmed and said school building  
10 bonds issued, sold and delivered pursuant to and in accordance with  
11 said proceedings are hereby declared to be legal and to constitute the  
12 valid and binding obligations of said School District.

1 SEC. 2. This Act, being deemed of immediate importance, shall  
2 take effect and be in force from and after its publication in the Ames  
3 Daily Tribune, a newspaper published in Ames, Iowa, and in The  
4 Boone News-Republican, a newspaper published in Boone, Iowa, with-  
5 out expense to the state.

Approved March 15, 1972.

I hereby certify that the foregoing Act, House File 1074, was published in the Ames Daily Tribune, Ames, Iowa, March 23, 1972, and in The Boone News-Republican, Boone, Iowa, March 24, 1972.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 1139

## PRAIRIE SCHOOL LEGALIZING ACT

S. F. 1110

AN ACT to legalize a transfer of real property from the board of directors of the Prairie Community School District, Gowrie, Iowa to Russell Jondle and Florence M. Jondle.

WHEREAS, on September 22, 1970, the Prairie Community School District agreed to convey to Russell Jondle and Florence M. Jondle a tract of real property in the town of Callender, Iowa, for a valuable and fair consideration; and

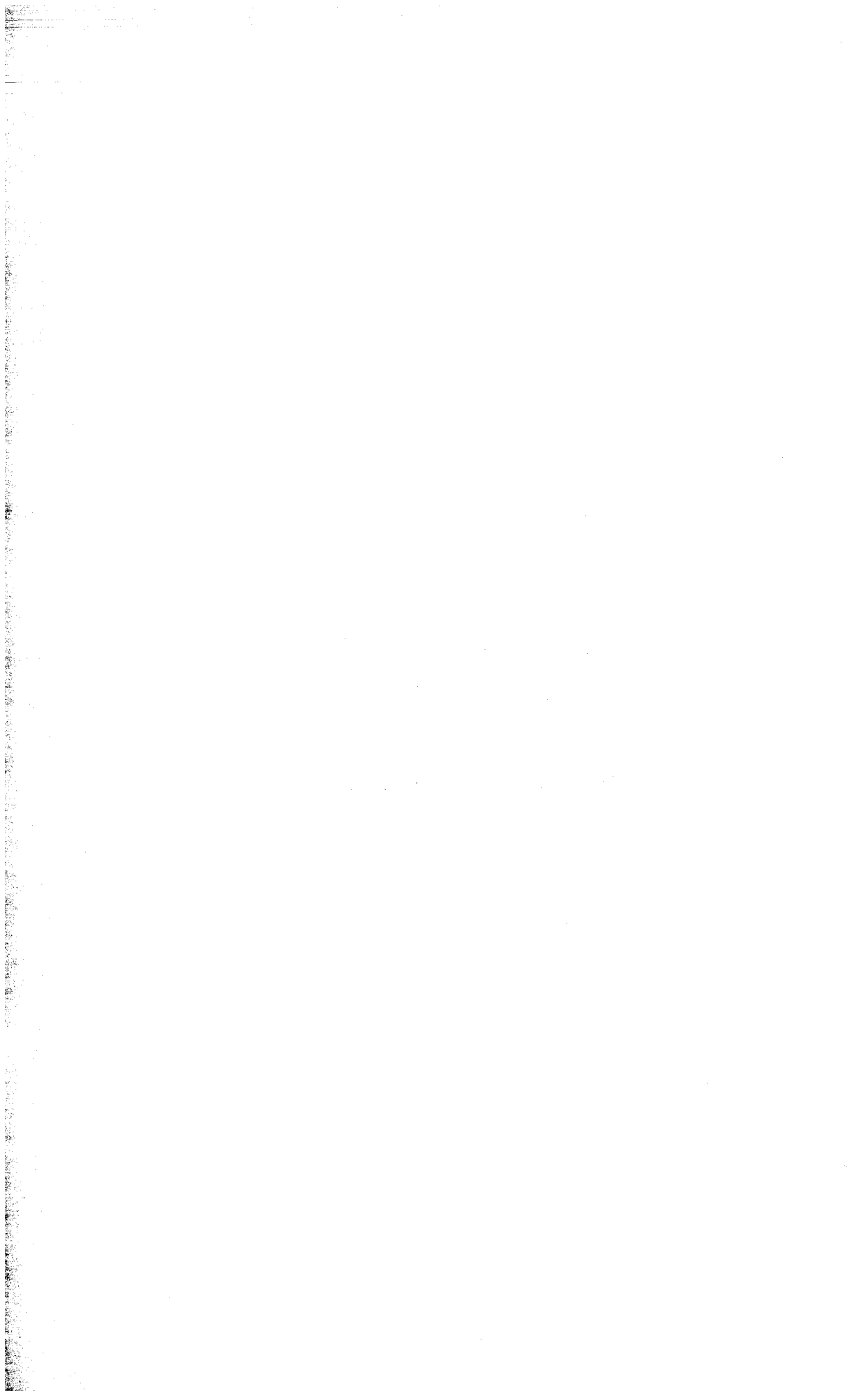
WHEREAS, prior to reorganization, the title to the tract of real property was assigned to the Callender Community School District which is now a part of the Prairie Community School District, and doubt exists concerning the validity and legal sufficiency of the Prairie Community School District's title to the real property; and

WHEREAS, it is the desire of the Prairie Community School District to confirm the conveyance and remove any doubt as to the legal title to the tract of real property; NOW THEREFORE,

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

1 SECTION 1. The conveyance from the Prairie Community School  
2 District to Russell Jondle and Florence M. Jondle by sales contract  
3 dated September 22, 1970, of the real property described as, Lots 10,  
4 11, and 12 in Block 2, Sundberg's Addition to the town of Callender,  
5 Iowa, is legalized, validated, and confirmed.

Approved March 17, 1972.





## JOINT RESOLUTIONS

### CHAPTER 1140

#### AMENDMENT TO U. S. CONSTITUTION ON SEXUAL DISCRIMINATION

S. J. R. 1008

A JOINT RESOLUTION ratifying a proposed amendment to the Constitution of the United States relative to equal rights for men and women.

WHEREAS, the Ninety-second (92nd) Congress of the United States has passed a Joint Resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; and

WHEREAS, This Joint Resolution passed the House of Representatives of the United States on October 12, 1971, passed the Senate of the United States on March 22, 1972, and now has been submitted to a vote of the States and reads:

#### "JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

#### "ARTICLE .....

"SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

"SEC. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

"SEC. 3. This amendment shall take effect two years after the date of ratification."

*Be It Resolved by the General Assembly of the State of Iowa:*

1 That the foregoing proposed amendment to the Constitution of the  
2 United States is hereby ratified and consented to by the State of Iowa  
3 and the General Assembly thereof; and

4 Be It Further Resolved that the Governor of the State of Iowa for-  
5 ward certified copies of this resolution over the Seal of the State of  
6 Iowa to the Secretary of State of the United States, to the Presiding  
7 Officers of the Senate of the United States, to the Speaker of the House

8 of Representatives of the United States, and to the administrator of  
9 the United States General Services Administration.

Approved April 21, 1972.

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CHAPTER 1141

GAMBLING PROHIBITION TO BE REPEALED

(Second time passed)

H. J. R. 8

A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Iowa repealing the prohibition against lotteries in order that they may be regulated by the general assembly.

*Be It Resolved by the General Assembly of the State of Iowa:*

1 SECTION 1. The following amendment to the Constitution of the  
2 State of Iowa is hereby proposed:  
3 "Section twenty-eight (28) of Article three (III) of the Constitu-  
4 tion of the State of Iowa is hereby repealed."

1 SEC. 2. The foregoing proposed amendment, having been adopted  
2 and agreed to by the Sixty-third General Assembly, Second Session,  
3 thereafter duly published, and now adopted and agreed to by the  
4 Sixty-fourth General Assembly in this Joint Resolution, shall be sub-  
5 mitted to the people of the state of Iowa at the general election in  
6 November of the year nineteen hundred seventy-two in the manner  
7 required by the Constitution of the State of Iowa and the laws of the  
8 state of Iowa.

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CHAPTER 1142

CONSTITUTIONAL AMENDMENT ON CONVENING GENERAL ASSEMBLY

(First time passed)

H. J. R. 1004

A JOINT RESOLUTION proposing an amendment to the Constitution of the state of Iowa to provide means for the general assembly to convene itself into special session between regular sessions.

*Be It Resolved by the General Assembly of the State of Iowa:*

1 SECTION 1. The following amendment to the Constitution of the  
2 State of Iowa is hereby proposed:  
3 Section two (2) of Article three (III) of the Constitution of the  
4 State of Iowa, as amended by amendment number one (1) of the  
5 Amendments of 1968 to the Constitution of the State of Iowa, is  
6 repealed and the following adopted in lieu thereof:

7 The General Assembly shall meet in session on the second Monday  
 8 of January of each year. Upon the written request to the presiding  
 9 officer of each House of the General Assembly by two-thirds of the  
 10 members of each House, the General Assembly shall convene in special  
 11 session. The Governor of the state may convene the General Assembly  
 12 by proclamation in the interim.

1 SEC. 2. The foregoing proposed amendment to the Constitution of  
 2 the State of Iowa is hereby referred to the General Assembly to be  
 3 chosen at the next general election for members of the General  
 4 Assembly and the Secretary of State is directed to cause the same to  
 5 be published for three consecutive months before the date of said  
 6 election as provided by law.

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### CHAPTER 1143

#### CONSTITUTIONAL AMENDMENT ON APPROPRIATION OF FINES

(First time passed)

H. J. R. 2

A JOINT RESOLUTION proposing an amendment to the Constitution of the state of Iowa relating to the appropriation of fines as provided by law.

*Be It Resolved by the General Assembly of the State of Iowa:*

1 SECTION 1. The following amendment to the Constitution of the  
 2 State of Iowa is hereby proposed:

3 1. Section four (4), subdivision two (2) entitled "School Funds and  
 4 School Lands", of Article nine (IX) of the Constitution of the State  
 5 of Iowa is hereby repealed.

6 2. Section four (4) of Article twelve (XII) of the Constitution of  
 7 the State of Iowa is hereby repealed.

1 SEC. 2. The foregoing proposed amendment to the Constitution of  
 2 the State of Iowa is hereby referred to the general assembly to be  
 3 chosen at the next general election for members of the general  
 4 assembly and the secretary of state is directed to cause the same to  
 5 be published for three consecutive months before the date of said  
 6 election as provided by law.

## CHAPTER 1144

## RULES OF CIVIL PROCEDURE

IN THE MATTER OF }  
 THE }  
 RULES OF CIVIL PROCEDURE }

REPORT OF THE  
 SUPREME COURT

*To the Second Regular Session of the Sixty-fourth General Assembly of the State of Iowa:*

1 Pursuant to Sections 684.18, 684.19 and 684.21, Code 1971, the  
 2 Supreme Court of Iowa has prescribed and hereby reports to the  
 3 General Assembly changes in the existing Rules of Civil Procedure  
 4 as follows:

5 Rule 377. *Duties and powers of chief judges.*

6 Rule 377, Code 1971, is amended:

7 1. By inserting after the semicolon (;) in line eleven (11) a  
 8 phrase and semicolon (;) as follows:

9 "they may call meetings of the municipal judges in their district for  
 10 the purpose of considering mutual problems;"

11 2. By adding thereto a paragraph as follows:

12 "The chief judge of a judicial district may appoint from the other  
 13 judges an assistant or assistants to serve on a judicial district-wide  
 14 basis and at his pleasure. When so acting, such an assistant shall have  
 15 those powers and duties given to the chief judge by statute or rule  
 16 of court which are specified in the order of his appointment. Such  
 17 appointment shall by general order be made a matter of record in  
 18 each county in the judicial district."

19 Respectfully submitted,  
 20 THE SUPREME COURT OF IOWA  
 21 s/ C. EDWIN MOORE, CHIEF JUSTICE

22 Des Moines, Iowa  
 23 January 21, 1972

## ACKNOWLEDGEMENT

25 I, Carroll A. Lane, Secretary of the Senate of the State of Iowa,  
 26 hereby acknowledge delivery to me on the 21st day of January, 1972  
 27 of the foregoing report of the Supreme Court of Iowa pertaining to  
 28 Rules of Civil Procedure.

29 s/ CARROLL A. LANE  
 30 Secretary of the Senate  
 31 Second Regular Session  
 32 Sixty-fourth General Assembly  
 33 of the State of Iowa

## ACKNOWLEDGEMENT

35 I, William R. Kendrick, Chief Clerk of the House of Representa-  
 36 tives of the State of Iowa, hereby acknowledge delivery to me on the  
 37 21st day of January, 1972 of the foregoing report of the Supreme  
 38 Court of Iowa pertaining to Rules of Civil Procedure.

39 s/ WILLIAM R. KENDRICK  
 40 Chief Clerk, House of Representatives  
 41 Second Regular Session  
 42 Sixty-fourth General Assembly  
 43 of the State of Iowa

44

## CERTIFICATE

45 I, Roger W. Jepsen, do hereby certify that I am the President of  
 46 the Senate of the Second Regular Session of the Sixty-fourth General  
 47 Assembly of the State of Iowa; and I, Carroll A. Lane, do hereby  
 48 certify that I am the Secretary of the Senate of the Second Regular  
 49 Session of the Sixty-fourth General Assembly of the State of Iowa,  
 50 and we do hereby jointly certify that as such President and Secre-  
 51 tary that on the 21st day of January, 1972, the Supreme Court of  
 52 the State of Iowa reported to said Senate, and filed with it, the  
 53 attached and foregoing modifications, amendments, revisions and  
 54 additions to the Rules of Civil Procedure, heretofore reported by said  
 55 Supreme Court to the Fiftieth General Assembly of the State of  
 56 Iowa;

57 THAT the date of making said report to the Second Regular Ses-  
 58 sion of the Sixty-fourth General Assembly was within the twenty  
 59 days subsequent to the convening of the Second Regular Session of  
 60 the Sixty-fourth General Assembly;

61 THAT no other report pertaining to the Rules of Civil Procedure  
 62 was made or filed by said Supreme Court with said Senate;

63 THAT no other or different changes, modifications, amendments,  
 64 revisions or additions to the Rules of Civil Procedure were made or  
 65 enacted at the Second Regular Session of said Sixty-fourth General  
 66 Assembly.

67 Signed this 24th day of March, 1972, being the last legislative  
 68 day of the Second Regular Session of the Sixty-fourth General  
 69 Assembly.

70

s/ ROGER W. JEPSEN  
 President of the Senate

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s/ CARROLL A. LANE  
 Secretary of the Senate  
 Second Regular Session of the  
 Sixty-fourth General Assembly of  
 the State of Iowa

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## CERTIFICATE

78 I, William H. Harbor, do hereby certify that I am the Speaker  
 79 of the House of Representatives of the Second Regular Session of  
 80 the Sixty-fourth General Assembly of the State of Iowa; and I,  
 81 William R. Kendrick, do hereby certify that I am the Chief Clerk  
 82 of the House of Representatives of the Second Regular Session  
 83 of the Sixty-fourth General Assembly of the State of Iowa, and we  
 84 do hereby jointly certify that as such Speaker and Chief Clerk that  
 85 on the 21st day of January, 1972, the Supreme Court of the State  
 86 of Iowa reported to said House of Representatives, and filed with  
 87 it, the attached and foregoing modifications, amendments, revisions  
 88 and additions to the Rules of Civil Procedure, heretofore reported  
 89 by said Supreme Court to the Fiftieth General Assembly of the State  
 90 of Iowa;

91 THAT the date of making said report to the Second Regular  
 92 Session of the Sixty-fourth General Assembly was within the twenty  
 93 days subsequent to the convening of the Second Regular Session  
 94 of the Sixty-fourth General Assembly;

95 THAT no other report pertaining to the Rules of Civil Procedure  
96 was made or filed by said Supreme Court with said House of  
97 Representatives;

98 THAT no other or different changes, modifications, amendments,  
99 revisions or additions to the Rules of Civil Procedure were made or  
100 enacted at the Second Regular Session of said Sixty-fourth General  
101 Assembly.

102 Signed this 24th day of March, 1972, being the last legislative day  
103 of the Second Regular Session of the Sixty-fourth General Assembly.

104 s/ WILLIAM H. HARBOR  
105 Speaker of the House

106 s/ WILLIAM R. KENDRICK  
107 Chief Clerk of the  
108 House of Representatives  
109 Second Regular Session of the  
110 Sixty-fourth General Assembly of  
111 the State of Iowa

**SUPREME COURT  
DISTRICTING  
OF THE  
GENERAL ASSEMBLY**

# LEGISLATIVE DISTRICTING

## CHAPTER 1145

### IN THE SUPREME COURT OF IOWA

IN THE MATTER OF THE LEGISLATIVE DISTRICTING OF THE  
GENERAL ASSEMBLY OF THE STATE OF IOWA AS ENACTED  
BY THE 64th GENERAL ASSEMBLY OF THE STATE OF IOWA,  
HOUSE FILE 732.

### SUPPLEMENTAL OPINION.

#### PER CURIAM:

Our prior opinion in this case<sup>1</sup> sets forth the nature, issues and background of the subject litigation, thus obviating the need for any extended discussion thereof in this supplement. We there concluded, Laws of the First Session, Sixty-fourth General Assembly, Chapter 95 (H.F. 732), providing for reapportionment of both houses of the General Assembly of this state, resulted in an impairment of the right to vote in conflict with the Constitution of the State of Iowa and the Federal Constitution. We therefore held said Act invalid and retained jurisdiction to evolve and implement a constitutional plan of legislative reapportionment.<sup>2</sup>

In an effort to secure all possible assistance in formulating such a plan we invited constructive suggestions from all parties hereto and the general electorate. Thereafter several divergent proposals were received. Each has been carefully considered and evaluated in the course of our deliberations.

Invaluable assistance has also been accorded us by the legislative service bureau and the University of Iowa College of Engineering and computer services.

In formulating the reapportionment plans herein adopted we have been guided by the specific constitutional provisions of this state and general dictates of the Federal Constitution. Furthermore these reapportionment plans have been structured in accord with the most recent official 1970 corrected census enumeration data by which the established total population of this state is 2,825,368.

Our primary concern has been to provide for substantial voting equality of population in every legislative district. At the same time we have endeavored to create compact districts of contiguous territory insofar as these goals could be realized in light of the widely varying population distribution of this state. As a result of our efforts to attain such population equality in all senate and house districts, the creation of some irregularly shaped districts has been unavoidable. Having objectively achieved

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<sup>1</sup>In re Legislative Districting of General Assembly, 193 N.W.2d 784 (Iowa).

<sup>2</sup>Article III, sections 34-36, Constitution of Iowa Amendments of 1968.



a senatorial population deviation of 1.0005 to 1 or  $\frac{1}{20}$ th of one percent, and a house population deviation of 1.0009 to 1 or  $\frac{1}{11}$ th of one percent, we hold the attached plan constitutionally valid and proper.

Accordingly, we hereby establish, (a) one hundred (100) representative districts from each of which one (1) representative shall be elected, these districts being numbered one (1) to one hundred (100) inclusive; and (b) fifty (50) senatorial districts from each of which one (1) senator shall be elected as hereafter provided, these districts being numbered one (1) to fifty (50) inclusive.

It is now ordered that the attached Appendix A shall be the apportionment plan for the House of Representatives of the General Assembly of the State of Iowa for the forthcoming 1972 primary and general elections and subsequent elections as is hereinafter ordered.

Also, in accord with our prior opinion the Chief Justice of this court, upon the filing of this supplemental opinion, shall publicly determine by lot those to be elected in 1972 as members of the Senate for four-year terms\* and those to be initially elected for two-year terms. Thereafter all candidates for senatorial office shall stand for election for the constitutional four-year terms. Subject thereto it is hereby ordered that the attached Appendix B shall be the apportionment plan for the Senate of the General Assembly of the State of Iowa for the forthcoming 1972 primary and general elections, and subsequent elections as is hereinafter ordered.

For illustrative purposes only, regarding Appendices A and B, see Exhibits 1 through 23 inclusive, consisting of maps and other relevant material on file in the office of the clerk of this court.<sup>3</sup>

It is further ordered that the legislative apportionment plans set forth in Appendices A and B shall be and remain in full force and effect to and until, immediately following the next United States Decennial Census, a constitutionally adequate superseding state senatorial and representative districting plan shall have been adopted in accord with Article III, sections 6, 34, 35 and 36 of the Constitution of Iowa as amended November 5, 1968, and any then existing valid amendments thereto, and the Federal Constitution.

The court hereby retains jurisdiction to at any time hereafter make and effect any corrections or revisions deemed necessary, proper or appropriate in the aforesaid Appendices A and B.

All Justices concur.

FILED MARCH 31, 1972  
APPENDIX A\*\*

- 1 The state of Iowa is hereby divided into one hundred representa-
- 2 tive districts, as follows:
- 3 1. The first representative district shall consist of:
- 4 a. In Lyon county, Sioux, Larchwood, Allison, Riverside, Mid-
- 5 land, Centennial, Logan, Cleveland, Rock, Liberal, Lyon, Richland,
- 6 Doon, Garfield and Wheeler townships.
- 7 b. In Sioux county:

\*So determined; four-year terms for even-numbered districts.

\*\*See Corrective Order, p. 585.

<sup>3</sup>Maps available on request directed to Clerk of the Iowa Supreme Court, Statehouse, Des Moines, Iowa 50319.

- 8 (1) Settlers, Sioux, Rock, Lincoln, Sheridan, Garfield, Plato, Wel-  
9 come, Capel, Eagle, Center, West Branch, Floyd and Sherman  
10 townships.
- 11 (2) That portion of Buncombe township lying outside the cor-  
12 porate limits of the city of Hawarden.
- 13 (3) That portion of Holland township lying outside the corpo-  
14 rate limits of the city of Orange City.
- 15 2. The second representative district shall consist of:
- 16 a. In Plymouth county, Portland, Preston, Grant, Elgin, Fre-  
17 donia, Meadow, Westfield, Johnson, Washington, America, Marion,  
18 Sioux, Liberty, Plymouth, Stanton and Union townships.
- 19 b. In Sioux county:
- 20 (1) Logan, Washington, Reading, Nassau and East Orange town-  
21 ships.
- 22 (2) That portion of the city of Orange City lying within Holland  
23 township.
- 24 (3) That portion of the city of Hawarden lying within Buncombe  
25 township.
- 26 3. The third representative district shall consist of:
- 27 a. In Clay county:
- 28 (1) Waterford and Riverton townships.
- 29 (2) That portion of Summit township lying outside the corpo-  
30 rate limits of the town of Fostoria.
- 31 b. In Dickinson county:
- 32 (1) Silver Lake, Diamond Lake, Excelsior, Lakeville, Westport  
33 and Okoboji townships.
- 34 (2) That portion of Lakeville township lying outside the corpo-  
35 rate limits of the town of Okoboji.
- 36 (3) That portion of Spirit Lake township lying west of a line  
37 beginning at the point where the boundary line between Spirit Lake  
38 and Center Grove townships intersects with the west corporate  
39 limit of the city of Spirit Lake and proceeding generally north and  
40 east along that corporate limit to the point where it meets the south  
41 corporate limit of the town of Orleans and proceeding first north-  
42 easterly and then south along the common corporate limits of the  
43 city of Spirit Lake and the town of Orleans to the point where the  
44 south corporate limit of the town of Orleans turns east and proceed-  
45 ing along that corporate limit to its intersection with the shore line  
46 of Spirit Lake and proceeding along the eastern and northern shore  
47 line of Spirit Lake to its intersection with the western boundary of  
48 Mini-Wakan state park and proceeding north along the western  
49 boundary of Mini-Wakan state park to its intersection with an  
50 east-west road, the center line of which is the boundary between  
51 the states of Iowa and Minnesota.
- 52 (4) That portion of the town of Okoboji bounded by a line begin-  
53 ning at the point where the northern corporate limits of the town  
54 of Okoboji intersects with the shore line of West Okoboji lake and  
55 proceeding in a southeasterly direction on the corporate limits of  
56 the town of Okoboji to its intersection with Sanborn street and  
57 proceeding west on Sanborn street to its intersection with Furlam  
58 street and proceeding west on Furlam street to its intersection with  
59 Lake Shore road and proceeding northwesterly along Lake Shore  
60 road to its intersection with the corporate limits of the town of  
61 Okoboji.

- 62 (5) The town of Arnolds Park.  
 63 (6) That portion of the town of West Okobojo lying in Center  
 64 Grove township.  
 65 (7) That portion of the town of Milford lying in Milford town-  
 66 ship.  
 67 *c.* In Lyon county, Elgin, Grant and Dale townships.  
 68 *d.* In O'Brien county:  
 69 (1) Floyd, Franklin, Lincoln and Hartley townships.  
 70 (2) That portion of the city of Sheldon lying within Carroll  
 71 township.  
 72 *e.* All of Osceola county.  
 73 *f.* In Sioux county, Grant and Lynn townships.  
 74 4. The fourth representative district shall consist of:  
 75 *a.* In Clay county:  
 76 (1) Meadow, Lake, Sioux and Freeman townships and the city of  
 77 Spencer.  
 78 (2) That portion of the town of Fostoria lying in Summit town-  
 79 ship.  
 80 *b.* In Dickinson county:  
 81 (1) Superior, Richland and Lloyd townships.  
 82 (2) That portion of Center Grove township lying outside the  
 83 corporate limits of the towns of Okobojo, Arnolds Park and West  
 84 Okobojo.  
 85 (3) That portion of the town of Okobojo not contained within the  
 86 third representative district, as described in subsection three (3)  
 87 of this appendix.  
 88 (4) That portion of Milford township lying outside the corporate  
 89 limits of the town of Milford.  
 90 (5) That portion of Spirit Lake township lying outside the third  
 91 representative district as described in subsection three (3) of this  
 92 appendix.  
 93 *c.* In Emmet county, Estherville township.  
 94 *d.* In Palo Alto county, Lost Island and Highland townships.  
 95 5. The fifth representative district shall consist of:  
 96 *a.* In Buena Vista county, Nokomis township.  
 97 *b.* In Cherokee county, Marcus, Liberty, Cedar, Amherst, Sheri-  
 98 dan, Cherokee, Afton, Tilden, Rock, Pilot and Pitcher townships.  
 99 *c.* In Clay county, Lone Tree township.  
 100 *d.* In O'Brien county:  
 101 (1) Summit, Center, Omega, Baker, Dale, Highland, Caledonia,  
 102 Union, Liberty and Waterman townships.  
 103 (2) That portion of Carroll township lying outside the corporate  
 104 limits of the city of Sheldon.  
 105 *e.* In Plymouth county:  
 106 (1) Henry township.  
 107 (2) Remsen township exclusive of that portion of the town of  
 108 Remsen included in the second representative district, as described  
 109 in subsection two (2) of this appendix.  
 110 6. The sixth representative district shall consist of:  
 111 *a.* In Buena Vista county, Brooke, Barnes, Lee, Poland, Elk,  
 112 Scott, Lincoln, Fairfield, Washington, Grant, Coon, Hayes, Provi-  
 113 dence and Newell townships, and the cities of Sioux Rapids and  
 114 Storm Lake.  
 115 *b.* In Cherokee county, Spring township.

- 116 c. In Clay county, Clay, Lincoln, Gillett Grove, Logan, Peterson,  
 117 Douglas, Herdland and Garfield townships.
- 118 d. In O'Brien county, Grant township.
- 119 e. In Palo Alto county, Silver Lake, Booth, Rush Lake and Elling-  
 120 ton townships.
- 121 f. In Pocahontas county, Swan Lake, Cummins and Powhatan  
 122 townships.
- 123 7. The seventh representative district shall consist of:
- 124 a. In Hancock county, the town of Corwith.
- 125 b. In Humboldt county, Wacousta, Delana, Humboldt, Vernon,  
 126 Rutland and Grove townships.
- 127 c. In Kossuth county:
- 128 (1) Seneca, Fenton, Lotts Creek, Union, Whittemore, Cresco,  
 129 Irvington, Prairie, Garfield, Riverdale, Sherman and LuVerne  
 130 townships, and the city of Algona.
- 131 (2) That portion of the town of Lone Rock lying within Burt  
 132 township.
- 133 d. In Palo Alto county, Walnut, Vernon, Independence, Emmets-  
 134 burg, Freedom, Fairfield, Great Oak, Nevada, Fern Valley and  
 135 West Bend townships.
- 136 e. In Pocahontas county, Des Moines township and the town of  
 137 Rolfe.
- 138 8. The eighth representative district shall consist of:
- 139 a. In Emmet county, Emmet, Ellsworth, Lincoln, Iowa Lake,  
 140 Center, Swan Lake, Armstrong Grove, Twelve Mile Lake, High  
 141 Lake, Jack Creek and Denmark townships.
- 142 b. In Hancock county, that portion of the city of Forest City  
 143 lying in Madison township.
- 144 c. In Kossuth county:
- 145 (1) Eagle, Grant, Springfield, Hebron, Swea, Harrison, Ledyard,  
 146 Lincoln, Greenwood, Ramsey, German, Portland, Buffalo, Plum  
 147 Creek and Wesley townships.
- 148 (2) That portion of Burt township lying outside the corporate  
 149 limits of the town of Lone Rock.
- 150 d. All of Winnebago county.
- 151 9. The ninth representative district shall consist of:
- 152 a. In Cerro Gordo county, Grant township.
- 153 b. In Franklin county, Wisner township.
- 154 c. In Hancock county:
- 155 (1) Bingham, Crystal, Ellington, Orthel, Britt, Garfield, Con-  
 156 cord, Erin, Liberty, Ell, Amsterdam, Twin Lake and Avery town-  
 157 ships.
- 158 (2) That portion of Madison township lying outside the corpo-  
 159 rate limits of the city of Forest City.
- 160 (3) Those portions of Boone and Magor townships lying outside  
 161 the corporate limits of the town of Corwith.
- 162 d. In Wright county:
- 163 (1) Boone, Norway, Belmond, Pleasant, Iowa, Liberty, Lake,  
 164 Eagle Grove, Dayton and Troy townships.
- 165 (2) That portion of the city of Clarion lying within Grant and  
 166 Lincoln townships.
- 167 (3) The town of Woolstock.
- 168 10. The tenth representative district shall consist of:
- 169 a. In Franklin county:

- 170 (1) Richland, Ross, West Fork, Scott, Marion, Mott, Ingham,  
171 Morgan, Hamilton, Reeve, Oakland, Lee and Grant townships, the  
172 city of Hampton, and the town of Sheffield.
- 173 (2) That portion of the town of Ackley lying in Osceola town-  
174 ship.
- 175 b. In Hardin county, Alden, Hardin, Etna, Buckeye, Ellis, Jack-  
176 son and Clay townships.
- 177 c. In Wright county:
- 178 (1) Blaine, Wall Lake and Vernon townships.
- 179 (2) Those portions of Grant and Lincoln townships lying outside  
180 the corporate limits of the city of Clarion.
- 181 (3) That portion of Woolstock township lying outside the corpo-  
182 rate limits of the town of Woolstock.
- 183 11. The eleventh representative district shall consist of the fol-  
184 lowing portions of Cerro Gordo county:
- 185 a. Clear Lake, Portland, Union, Mount Vernon, Bath, Owen,  
186 Grimes, Pleasant Valley, Geneseo and Dougherty townships, and  
187 the city of Clear Lake.
- 188 b. That portion of Mason township lying east of U.S. highway  
189 sixty-five.
- 190 c. That portion of the city of Mason City which is bounded by a  
191 line beginning at the point at which U.S. highway sixty-five inter-  
192 sects the southernmost corporate limit of the city of Mason City  
193 and proceeding north along U.S. highway sixty-five to the point  
194 where the line which was on April 1, 1970 the corporate limit of  
195 the city of Mason City turns east from that highway and proceed-  
196 ing along the line which was on April 1, 1970 the corporate limit  
197 of the city of Mason City to its intersection with South Carolina  
198 avenue and proceeding north along South Carolina avenue to its  
199 intersection with the Chicago, Milwaukee, St. Paul and Pacific  
200 railroad track and proceeding easterly along that railroad track to  
201 its intersection with the Chicago and Northwestern railroad track  
202 and proceeding north along that railroad track to its intersection  
203 with Sixth street southeast and proceeding west along Sixth street  
204 southeast to its intersection with Federal avenue and proceeding  
205 north along Federal avenue to its intersection with Seventeenth  
206 street northwest and proceeding west along Seventeenth street  
207 northwest to its intersection with Madison avenue and proceeding  
208 south along Madison avenue to its intersection with Twelfth street  
209 northwest and proceeding west along Twelfth street northwest to  
210 its intersection with the Chicago and Northwestern railroad track  
211 and proceeding southerly along that railroad track to its intersec-  
212 tion with Ninth street northwest and proceeding west along Ninth  
213 street northwest to its intersection with Jackson avenue and pro-  
214 ceeding south along Jackson avenue to its intersection with Eighth  
215 street northwest and proceeding west along Eighth street north-  
216 west to its intersection with Pierce avenue and proceeding north  
217 along Pierce avenue to its intersection with Twelfth street north-  
218 west and proceeding from that intersection first north and then  
219 continuing along the line which was on April 1, 1970 the corporate  
220 limit of the city of Mason City to its intersection with the west  
221 corporate limit of the city of Mason City and proceeding in a clock-  
222 wise direction along the corporate limit of the city of Mason City to  
223 its intersection with the beginning point.

- 224 12.\* The twelfth representative district shall consist of:  
 225 a. In Cerro Gordo county:  
 226 (1) Lincoln, Lake and Lime Creek townships.  
 227 (2) That portion of the city of Mason City which is not included  
 228 in representative district eleven, as described in subsection eleven  
 229 (11) of this appendix.  
 230 b. All of Worth county.
- 231 13. The thirteenth representative district shall consist of:  
 232 a. In Cerro Gordo county, Falls township.  
 233 b. In Floyd county:  
 234 (1) Rock Grove, Rudd, Floyd, Cedar, Rockford, Ulster, Scott,  
 235 Union and Pleasant Grove townships.  
 236 (2) That portion of the city of Charles City and St. Charles  
 237 township bounded on the north and west by Floyd, Ulster and Union  
 238 townships, partially bounded on the north and east by Niles town-  
 239 ship, and having as the remainder of its boundary a line beginning  
 240 at the point where the boundary between Saint Charles and Niles  
 241 townships, the northern corporate limit of the city of Charles City,  
 242 and the eastern corporate limit of the city of Charles City intersect  
 243 and proceeding south along the eastern corporate limit of the city  
 244 of Charles City to its intersection with the Chicago, Milwaukee,  
 245 St. Paul and Pacific railroad track and proceeding southwesterly  
 246 along that railroad track to its intersection with "E" street and  
 247 proceeding south along "E" street to its intersection with Fifth  
 248 avenue and proceeding east along Fifth avenue to its intersection  
 249 with "F" street and proceeding south along "F" street to its inter-  
 250 section with First avenue and proceeding west along First avenue  
 251 to its intersection with Patten avenue and proceeding southwest-  
 252 erly along Patten avenue to its intersection with Clark street and  
 253 proceeding southeasterly along Clark street to its intersection with  
 254 College avenue and proceeding southwesterly along College avenue  
 255 and its extension to its intersection with the main channel of the  
 256 Cedar river and proceeding southerly along the main channel of the  
 257 Cedar river to its intersection with the corporate limit of the city  
 258 of Charles City and proceeding west and north along that corporate  
 259 limit to its intersection with the Charles City western railroad track  
 260 and proceeding southwesterly along that railroad track to its inter-  
 261 section with the western boundary of St. Charles township.
- 262 c. In Mitchell county:  
 263 (1) Otranto, Union, Stacyville, Newburg, St. Ansgar, Liberty,  
 264 Rock, Mitchell, Burr Oak, Osage, Cedar, West Lincoln and East  
 265 Lincoln townships.  
 266 (2) That portion of Wayne township lying outside the corporate  
 267 limits of the town of McIntire.
- 268 14. The fourteenth representative district shall consist of:  
 269 a. In Chickasaw county, Deerfield, Washington, Jacksonville,  
 270 Chickasaw, Dayton, New Hampton, Bradford, Richland and Dres-  
 271 den townships.  
 272 b. In Floyd county:  
 273 (1) Niles township.  
 274 (2) Those portions of the city of Charles City and St. Charles  
 275 township not included in the thirteenth representative district, as

\*See Corrective Order, p. 585.

- 276 described in subsection thirteen (13) of this appendix.  
277 c. In Howard county:  
278 (1) Oak Dale, Chester, Forest City, Jamestown, Saratoga, How-  
279 ard Center, Vernon Springs, Afton, Howard and Paris townships.  
280 (2) That portion of New Oregon township lying outside the cor-  
281 porate limits of the town of Protivin.  
282 d. In Mitchell county:  
283 (1) Jenkins and Douglas townships.  
284 (2) The town of McIntire.  
285 15. The fifteenth representative district shall consist of:  
286 a. In Bremer county, LeRoy, Sumner No. 2, Fremont, Dayton,  
287 Maxfield and Franklin townships, and the city of Sumner.  
288 b. In Chickasaw county, Utica, Stapleton and Fredericksburg  
289 townships.  
290 c. In Fayette county, Eden, Bethel, Banks, Center, Westfield,  
291 Fremont, Harlan, Smithfield, Oran, Jefferson and Scott townships,  
292 and the town of Fayette.  
293 d. In Howard county, the town of Protivin.  
294 e. In Winneshiek county, Jackson township.  
295 16. The sixteenth representative district shall consist of:  
296 a. In Fayette county, Auburn, Dover, Clermont, Windsor, Union  
297 and Pleasant Valley townships, and the city of West Union.  
298 b. In Howard county, Albion township.  
299 c. In Winneshiek county, Fremont, Burr Oak, Hesper, Highland,  
300 Orleans, Bluffton, Canoe, Lincoln, Madison, Decorah, Sumner, Cal-  
301 mar, Springfield, Frankville, Washington, Military and Bloomfield  
302 townships.  
303 17. The seventeenth representative district shall consist of:  
304 a. All of Allamakee county.  
305 b. In Clayton county:  
306 (1) Grand Meadow, Monona, Giard, Mendon, Marion, Wagner,  
307 Farmersburg, Clayton, Garnavillo, Volga and Jefferson townships.  
308 (2) That portion of the town of Littleport lying in Cox Creek  
309 township.  
310 (3) That portion of the town of Osterdock lying in Mallory town-  
311 ship.  
312 c. In Winneshiek county, Pleasant and Glenwood townships.  
313 18. The eighteenth representative district shall consist of:  
314 a. In Clayton county:  
315 (1) Highland, Boardman, Read, Sperry, Cass, Lodomillo, Elk,  
316 Millville and Buena Vista townships.  
317 (2) That portion of Cox Creek township lying outside the corpo-  
318 rate limits of the town of Littleport.  
319 (3) That portion of Mallory township lying outside the corpo-  
320 rate limits of the town of Osterdock.  
321 b. In Delaware county:  
322 (1) Richland, Honey Creek, Elk, Colony and Delaware town-  
323 ships.  
324 (2) That portion of Bremen township lying outside the corpo-  
325 rate limits of the city of Dyersville.  
326 c. In Dubuque county:  
327 (1) Liberty, Concord, and Jefferson townships.  
328 (2) That portion of Peru township lying outside the corporate  
329 limits of the towns of Durango and Sageville.

330 (3) That portion of the unincorporated area of Dubuque town-  
 331 ship bounded by a line beginning at the intersection of Peru road  
 332 and the boundary between Peru and Dubuque townships and pro-  
 333 ceeding southerly along Peru road to its intersection with Boleyn  
 334 road and proceeding west along Boleyn road to its intersection  
 335 with a north-south road running generally parallel to and approxi-  
 336 mately 250 feet east of state highway 386 and proceeding north  
 337 approximately 600 feet along that road to its intersection with an  
 338 east-west road connecting the previously described north-south road  
 339 with state highway 386 and proceeding west along the latter road  
 340 to its intersection with state highway 386 and proceeding south  
 341 along state highway 386 to its intersection with Roberts lane and  
 342 proceeding west along Roberts lane to its intersection with Hi View  
 343 drive and proceeding generally southeast along Hi View drive to  
 344 its easternmost intersection with Briener drive near the point where  
 345 Diana Lee drive intersects Briener drive and proceeding east along  
 346 Briener drive to its intersection with state highway 386 and pro-  
 347 ceeding southwesterly along state highway 386 to its intersection  
 348 with the corporate limit of the town of Sageville and proceeding  
 349 first southeasterly and then in a clockwise manner along the cor-  
 350 porate limit of the town of Sageville to the point where it turns  
 351 west from U.S. highway 52, and continuing southerly along U.S.  
 352 highway 52 to its intersection with the north corporate limit of the  
 353 city of Dubuque and proceeding first east and continuing along the  
 354 corporate limit of the city of Dubuque to its intersection with the  
 355 main channel of the Mississippi river and proceeding northerly  
 356 along the main channel of the Mississippi river to its intersection  
 357 with the boundary between Dubuque and Peru townships and pro-  
 358 ceeding west along that boundary to the point of beginning.

359 (4) That portion of the city of Dubuque not included in the  
 360 nineteenth, twentieth, and twenty-first representative districts, as  
 361 described in subsections nineteen (19), twenty (20), and twenty-  
 362 one (21), respectively, of this appendix.

363 *d.* In Fayette county, Illyria, Fairfield and Putnam townships.

364 19.\* The nineteenth representative district shall consist of that  
 365 portion of the city of Dubuque bounded by a line beginning at a  
 366 point on the main channel of the Mississippi river opposite the  
 367 northernmost entry from the Mississippi river to the Lake Peosta  
 368 channel and proceeding southwesterly along the center of the Lake  
 369 Peosta channel to its intersection with East Sixteenth street and  
 370 proceeding west along East Sixteenth street to its intersection with  
 371 Kerper boulevard and proceeding north along Kerper boulevard to  
 372 its intersection with Fengler street and proceeding northwesterly  
 373 along Fengler street to its intersection with Garfield avenue and  
 374 proceeding northeasterly along Garfield avenue to its intersection  
 375 with Ann street and proceeding southeasterly along Ann street to  
 376 its intersection with the Chicago, Milwaukee, St. Paul and Pacific  
 377 railroad track and proceeding northeasterly along that railroad  
 378 track to its intersection with Dock street and proceeding north-  
 379 westerly along Dock street to its intersection with Rhomberg ave-  
 380 nue and proceeding northeasterly along Rhomberg avenue to its  
 381 intersection with Decatur street and proceeding northwesterly

\*See Corrective Order, p. 585.



382 along Decatur street to its intersection with Lincoln avenue and  
383 proceeding southwesterly along Lincoln avenue to its intersection  
384 with Ascension street and proceeding northwesterly along Ascen-  
385 sion street to Prescott street and proceeding northeasterly along  
386 Prescott street to its intersection with Roosevelt street and pro-  
387 ceeding northerly along Roosevelt street to its intersection with  
388 the corporate limit of the city of Dubuque and turning first south  
389 and then continuing to proceed along the corporate limit of the  
390 city of Dubuque to its intersection with Central avenue and pro-  
391 ceeding southerly along Central avenue to its intersection with  
392 West Thirty-second street and proceeding westerly along West  
393 Thirty-second street to its intersection with Saunders street and  
394 proceeding southwesterly along Saunders street to its intersection  
395 with the northwestward extension of Davenport street and pro-  
396 ceeding southeasterly along the northwestward extension of Daven-  
397 port street and Davenport street to its intersection with West  
398 Twenty-eighth street and proceeding westerly along West Twenty-  
399 eighth street to its intersection with Broadway street and proceed-  
400 ing southerly along Broadway street to its intersection with King  
401 street and proceeding westerly along King street to its intersection  
402 with Fulton street and proceeding southerly along Fulton street  
403 and continuing in a southerly direction along a line labeled "rim of  
404 bluff" on maps of the city of Dubuque prepared by the United  
405 States bureau of the census for the taking of the 1970 federal decen-  
406 nial census (which line forms a part of the boundary between  
407 precincts 23 and 24 of the city of Dubuque as established by the  
408 city subsequent to the taking of the 1970 federal decennial census)  
409 to the intersection of that line with Valeria street and proceeding  
410 westerly along Valeria street to its intersection with Kaufmann  
411 avenue and proceeding southerly along Kaufmann avenue to its  
412 intersection with Hempstead street and proceeding southwesterly  
413 along Hempstead street to its intersection with Lowell street  
414 and proceeding east along Lowell street to its intersection with  
415 Schroeder street and proceeding south along Schroeder street to  
416 its intersection with Clarke drive and proceeding northeasterly  
417 along Clarke drive to its intersection with Foye street and proceed-  
418 ing south along Foye street to its intersection with West Locust  
419 street and proceeding west along West Locust street to its inter-  
420 section with Pierce street and proceeding south along Pierce street  
421 to its intersection with Quigley lane and proceeding easterly along  
422 Quigley lane to its intersection with Catherine street and proceed-  
423 ing south along Catherine street to its intersection with West  
424 Seventeenth street and proceeding southwesterly along West Seven-  
425 teenth street to its intersection with Cox street and proceeding  
426 southerly along Cox street to its intersection with Loras boulevard  
427 and proceeding northeasterly along Loras boulevard to its inter-  
428 section with Prairie street and proceeding southerly along Prairie  
429 street to its intersection with West Eleventh street and proceeding  
430 easterly along West Eleventh street to its intersection with Spruce  
431 street and proceeding southerly along Spruce street to its intersec-  
432 tion with University avenue and proceeding southeasterly along  
433 University avenue to its intersection with West Eighth street and  
434 proceeding west along West Eighth street to its intersection with  
435 Airmill street and proceeding northeasterly along Airmill street to

436 University avenue and proceeding southwesterly along University  
437 avenue to its intersection with Alta Vista street and proceeding  
438 southerly along Alta Vista street to its intersection with Oxford  
439 street and proceeding easterly along Oxford street to its intersec-  
440 tion with Harvard street and proceeding southerly along Harvard  
441 street to its intersection with Carlotta street and proceeding west-  
442 erly along Carlotta street to its intersection with Alpine street and  
443 proceeding southerly along Alpine street to its intersection with  
444 West Fifth street and proceeding westerly along West Fifth street  
445 to its intersection with Nevada street and proceeding south along  
446 Nevada street to its intersection with West Third street and pro-  
447 ceeding westerly along West Third street to its intersection with  
448 Booth street and proceeding southerly along Booth street to Lang-  
449 worthy street and proceeding westerly along Langworthy street to  
450 its intersection with College street and proceeding northerly along  
451 College street to its intersection with Grandview avenue and pro-  
452 ceeding southeasterly along Grandview avenue to its intersection  
453 with Whelan street and proceeding southwesterly along Whelan  
454 street to its intersection with Bradley street and proceeding south-  
455 easterly along Bradley street to its intersection with Rider street  
456 and proceeding northeasterly along Rider street to its intersection  
457 with Grandview avenue and proceeding southeasterly along Grand-  
458 view avenue to its intersection with Bryant street and proceeding  
459 northerly along Bryant street to its intersection with Mount Loretta  
460 avenue and proceeding easterly along Mount Loretta avenue to  
461 Saint George street and proceeding southerly along Saint George  
462 street to Tressa street and proceeding easterly along Tressa street  
463 to its intersection with Samuel street and proceeding southeasterly  
464 along Samuel street to its intersection with Southern avenue and  
465 proceeding northerly along Southern avenue to its intersection with  
466 Railroad avenue and proceeding northeasterly along Railroad ave-  
467 nue and its extension to the main channel of the Mississippi river  
468 and proceeding northerly along the main channel of the Mississippi  
469 river to the point of beginning.

470 20. The twentieth representative district shall consist of that  
471 portion of the city of Dubuque partially bounded on the east by  
472 representative district nineteen, as described in subsection nineteen  
473 (19) of this appendix, and having as the remainder of its boundary  
474 a line beginning at the intersection of the north corporate limit of  
475 the city of Dubuque with Central avenue, which is a point on the  
476 boundary of representative district nineteen, and proceeding first  
477 west and then in a counterclockwise manner along the corporate  
478 limit of the city of Dubuque to the point where that portion of the  
479 corporate limit of the city of Dubuque which coincides with the  
480 north boundary of Table Mound township intersects the Illinois  
481 Central railroad track and proceeding northwesterly along that  
482 railroad track to its intersection with Fremont street and proceed-  
483 ing northeasterly along Fremont street to its intersection with  
484 Dodge street and proceeding northeasterly along Dodge street to  
485 its intersection with Grandview avenue, which is also a point on  
486 the boundary of representative district nineteen.

487 21. The twenty-first representative district shall consist of:

488 a. In Dubuque county:

489 (1) Center, Vernon, Table, Mound, Mosalem and Washington

490 townships.

491 (2) That portion of Dubuque township not included in repre-  
492 sentative district eighteen, as described in subsection eighteen (18)  
493 of this appendix.

494 (3) That portion of Taylor township lying outside the corporate  
495 limits of the town of Farley.

496 (4) The town of Durango and that portion of the town of Sage-  
497 ville lying in Peru township.

498 (5) A part of the city of Dubuque bounded on the north and west  
499 by the nineteenth and twentieth representative districts, as de-  
500 scribed in subsections nineteen (19) and twenty (20) of this appen-  
501 dix, on the south by Table Mound and Mosalem townships, and on the  
502 east by the Mississippi river.

503 *b.* In Jackson county:

504 (1) Prairie Springs, Tete Des Morts, Richland, Bellevue, Farm-  
505 ers Creek, Perry, Jackson, Washington, Van Buren, Iowa, Union  
506 and Monmouth townships.

507 (2) That portion of South Fork township lying outside the cor-  
508 porate limits of the city of Maquoketa.

509 (3) That portion of the town of Spragueville lying in Fairfield  
510 township.

511 (4) That portion of the town of Zwingle lying in Otter Creek  
512 township.

513 22. The twenty-second representative district shall consist of:

514 *a.* In Delaware county:

515 (1) Coffins Grove, Oneida, Prairie, Milo, Delhi, North Fork,  
516 Adams, Hazel Green, Union and South Fork townships.

517 (2) That portion of the city of Dyersville lying within Bremen  
518 township.

519 *b.* In Dubuque county:

520 (1) New Wine, Iowa, Dodge, Cascade, Whitewater and Prairie  
521 Creek townships.

522 (2) That portion of the town of Farley lying within Taylor town-  
523 ship.

524 *c.* In Jackson county:

525 (1) Butler and Brandon townships.

526 (2) That portion of Otter Creek township lying outside the cor-  
527 porate limits of the town of Zwingle.

528 *d.* In Jones county, Castle Grove, Lovell, Cass, Richland, Wash-  
529 ington, Scotch Grove and Clay townships and the city of Monti-  
530 cello.

531 23. The twenty-third representative district shall consist of:

532 *a.* In Cedar county:

533 (1) Fremont, Dayton, Massillon and Red Oak townships.

534 (2) That portion of the town of Mechanicsville lying within Pio-  
535 neer township.

536 (3) The town of Lowden.

537 *b.* In Clinton county, Sharon, Brookfield, Bloomfield, Waterford  
538 and Liberty townships.

539 *c.* In Jackson county:

540 (1) Maquoketa township.

541 (2) That portion of the city of Maquoketa lying within South  
542 Fork township.

543 (3) That portion of Fairfield township lying outside the corpo-

- 544 rate limits of the town of Spragueville.
- 545 *d.* In Jones county, Wayne, Fairview, Jackson, Madison, Wyo-
- 546 ming, Greenfield, Rome, Hale and Oxford townships.
- 547 24. The twenty-fourth representative district shall consist of:
- 548 *a.* In Cedar county:
- 549 (1) Linn, Cass, Center, Fairfield, Inland, Gower, Springdale,
- 550 Iowa, Rochester, Sugar Creek and Farmington townships.
- 551 (2) That portion of Pioneer township lying outside the corporate
- 552 limits of the city of Mechanicsville.
- 553 (3) That portion of Springfield township lying outside the cor-
- 554 porate limits of the town of Lowden.
- 555 *b.* In Clinton county, Grant, Welton, Spring Rock, Olive and
- 556 Orange townships.
- 557 *c.* In Johnson county, Cedar, Graham, Scott and Lincoln town-
- 558 ships.
- 559 *d.* In Scott county:
- 560 (1) Liberty, Allens Grove, Winfield, Cleona and Hickory Grove
- 561 townships.
- 562 (2) That portion of Sheridan township lying outside the corpo-
- 563 rate limits of the city of Davenport.
- 564 (3) A part of the city of Davenport bounded by a line beginning
- 565 at the intersection of the north corporate limit of the city of
- 566 Davenport with state highway 150 and proceeding southeasterly
- 567 along the route of state highway 150 (portions of which are North-
- 568 west boulevard and Harrison street) to its intersection with North
- 569 Division street and proceeding northerly along North Division
- 570 street to its intersection with the north corporate limit of the city
- 571 of Davenport and proceeding first west and continuing along the
- 572 corporate limits of the city of Davenport to the point of beginning.
- 573 25.\* The twenty-fifth representative district shall consist of:
- 574 *a.* In Johnson county:
- 575 (1) Monroe, Jefferson, Big Grove, Oxford and Madison town-
- 576 ships.
- 577 (2) Those portions of Clear Creek and Penn townships lying out-
- 578 side the corporate limits of the city of Coralville.
- 579 *b.* In Linn county:
- 580 (1) Bertram, College, Putnam and Franklin townships.
- 581 (2) That portion of the city of Cedar Rapids bounded by a line
- 582 beginning at the point where Seventy-sixth avenue southwest
- 583 (which is the south corporate limit of the city of Cedar Rapids)
- 584 intersects Edgewood road southwest (which is the west corporate
- 585 limit of the city of Cedar Rapids) and proceeding north along
- 586 Edgewood road southwest to its intersection with the Chicago and
- 587 Northwestern railroad track and proceeding easterly along the
- 588 Chicago and Northwestern railroad track to its intersection with
- 589 U. S. highways 30 and 218 and proceeding north along U.S. high-
- 590 ways 30 and 218 to its intersection with Thirty-third avenue south-
- 591 west and proceeding northeasterly and east along Thirty-third
- 592 avenue southwest to its intersection with Woodland drive southwest
- 593 and proceeding northeasterly along Woodland drive southwest to
- 594 its intersection with Wing road southwest and proceeding east
- 595 along Wing road southwest to its intersection with Outlook drive

\*See Corrective Order, p. 587.

596 southwest and proceeding northerly along Outlook drive southwest  
597 to its intersection with Twenty-ninth avenue southwest and pro-  
598 ceeding east along Twenty-ninth avenue southwest to its intersec-  
599 tion with Bowling street southwest and proceeding south along  
600 Bowling street southwest to its intersection with the Chicago and  
601 Northwestern railroad track and proceeding easterly along that  
602 railroad track to its intersection with the southward extension of  
603 the easternmost boundary of Jones park and proceeding north and  
604 west along the boundary of Jones park to its intersection with  
605 Fruitland boulevard and proceeding north along Fruitland boule-  
606 vard to its intersection with Ely avenue southwest and proceeding  
607 east along Ely avenue southwest to its intersection with "C" street  
608 southwest and proceeding southeast along "C" street southwest to  
609 its intersection with Summit avenue southwest and proceeding east  
610 along Summit avenue southwest and its eastward extension to the  
611 main channel of the Cedar river and proceeding generally north-  
612 ward along the main channel of the Cedar river to its intersection  
613 with a line extended due south from the southwest corner of Van  
614 Vechten park and proceeding north along that line and continuing  
615 to follow the western and northern boundary of Van Vechten park  
616 to its intersection with Twenty-first street southeast and proceed-  
617 ing north along Twenty-first street southeast to its intersection  
618 with Mount Vernon road southeast and proceeding east along  
619 Mount Vernon road southeast to its intersection with Memorial  
620 drive southeast and proceeding north along Memorial drive south-  
621 east to its intersection with Dalewood avenue southeast and pro-  
622 ceeding first east, then north, and again east along Dalewood ave-  
623 nue southeast to its intersection with Thirtieth street southeast and  
624 proceeding north along Thirtieth street southeast to its intersection  
625 with Bever avenue southeast and proceeding east along Bever  
626 avenue southeast to its intersection with Thirty-fourth street south-  
627 east and proceeding north along Thirty-fourth street southeast to  
628 its intersection with the portion of the corporate limits of the city  
629 of Cedar Rapids which runs easterly from Thirty-fourth street  
630 southeast at a point just north of Randon road and proceeding first  
631 easterly and continuing to follow the corporate limit of the city of  
632 Cedar Rapids to the point of beginning.

633 26.\* The twenty-sixth representative district shall consist of that  
634 portion of the city of Cedar Rapids partially bounded on the east  
635 and south by representative district twenty-five, as described in  
636 subsection twenty-five (25) of this appendix, and having as the  
637 remainder of its boundary a line beginning at the point where the  
638 main channel of the Cedar river intersects a line drawn due south  
639 from the southwest corner of Van Vechten park, which intersection  
640 is a point on the boundary of representative district twenty-five,  
641 and proceeding first westerly and then northerly along the main  
642 channel of the Cedar river to its intersection with the southwest-  
643 ward extension of Fourth avenue southeast and proceeding north-  
644 east along Fourth avenue southeast to its intersection with Second  
645 street southeast and proceeding northwest along Second street  
646 southeast to its intersection with Second avenue southeast and pro-  
647 ceeding northeast along Second avenue southeast to its intersection

\*See Corrective Order, p. 588.

648 with the Chicago, Rock Island and Pacific railroad track and pro-  
649 ceeding southeast along that railroad track to its intersection with  
650 Third avenue southeast and proceeding northeast along Third  
651 avenue southeast to its intersection with Tenth street southeast  
652 and proceeding southeast along Tenth street southeast to its inter-  
653 section with Mount Vernon road southeast and proceeding easterly  
654 along Mount Vernon road southeast to its intersection with Four-  
655 teenth street southeast and proceeding north along Fourteenth  
656 street southeast to its intersection with Fifth avenue southeast and  
657 proceeding west along Fifth avenue southeast to its intersection  
658 with the northward continuation of Fourteenth street southeast  
659 and proceeding north along Fourteenth street southeast to its inter-  
660 section with Third avenue southeast and proceeding northeast  
661 along Third avenue southeast to the northwestward continuation  
662 of Fourteenth street southeast and proceeding northwest along  
663 Fourteenth street southeast to its intersection with Second avenue  
664 southeast and proceeding southwest along Second avenue south-  
665 east to its intersection with Thirteenth street southeast and proceed-  
666 ing northwest along Thirteenth street southeast and Thirteenth  
667 street northeast to its intersection with "C" avenue northeast and  
668 proceeding northeast along "C" avenue northeast to its intersection  
669 with Sixteenth street northeast and proceeding northwest along Six-  
670 teenth street northeast to its intersection with the Chicago, Mil-  
671 waukee, St. Paul and Pacific railroad track and proceeding north-  
672 east along that railroad track to its intersection with Seventeenth  
673 street northeast and proceeding northerly along Seventeenth street  
674 northeast to its intersection with Greene avenue northeast and pro-  
675 ceeding west along Greene avenue northeast to its intersection with  
676 Sixteenth street northeast and proceeding north along Sixteenth  
677 street northeast to its intersection with "J" avenue northeast and  
678 proceeding west along "J" avenue northeast to its intersection with  
679 Maplewood drive northeast and proceeding north along Maplewood  
680 drive northeast to its intersection with Wildwood drive northeast  
681 and continuing north along Wildwood drive northeast to its inter-  
682 section with Elmhurst drive northeast and proceeding west along  
683 Elmhurst drive northeast to its intersection with Oakland road  
684 northeast and proceeding north along Oakland road northeast to  
685 its intersection with Twenty-ninth street northeast and proceeding  
686 east along Twenty-ninth street northeast to its intersection with  
687 Wildwood court northeast and proceeding north along Wildwood  
688 court northeast to its intersection with Thirtieth street northeast  
689 and proceeding west along Thirtieth street northeast to its inter-  
690 section with Oakland road northeast and proceeding northerly along  
691 Oakland road northeast to its intersection with Thirty-fifth street  
692 northeast and proceeding east along Thirty-fifth street northeast  
693 to its intersection with "F" avenue northeast and proceeding south  
694 along "F" avenue northeast to its intersection with Thirty-second  
695 street northeast and proceeding east along Thirty-second street  
696 northeast to its intersection with "C" avenue northeast running  
697 north from Thirty-second street northeast and proceeding north  
698 along "C" avenue northeast to its intersection with Thirty-third  
699 street northeast and proceeding east along Thirty-third street north-  
700 east to its intersection with First avenue and proceeding south  
701 along First avenue to its intersection with Thirty-second street

702 southeast and proceeding east along Thirty-second street southeast  
 703 to its intersection with the Chicago, Milwaukee, St. Paul and Pacific  
 704 railroad track and proceeding north along that railroad track to  
 705 its intersection with Thirty-fifth street drive southeast and pro-  
 706 ceeding east along Thirty-fifth street drive southeast and its east-  
 707 ward extension to the corporate limit of the city of Cedar Rapids  
 708 and proceeding first south and continuing to follow the corporate  
 709 limit of the city of Cedar Rapids to the point just north of Randon  
 710 road where the corporate limit of the city of Cedar Rapids turns  
 711 eastward from Thirty-fourth street southeast, which is also a point  
 712 on the boundary of representative district twenty-five.

713 27.\* The twenty-seventh representative district shall consist of:  
 714 a. In Benton county, the town of Walford.

715 b. In Linn county:

716 (1) Fayette, Clinton and Fairfax townships.

717 (2) That portion of the city of Cedar Rapids partially bounded  
 718 on the east and south by representative district twenty-five, as de-  
 719 scribed in subsection twenty-five (25) of this appendix, and having  
 720 as the remainder of its boundary a line beginning at the point  
 721 where the Chicago and Northwestern railroad tracks intersect Edge-  
 722 wood road southwest, which is a point on the boundary of representa-  
 723 tive district twenty-five, and proceeding in a clockwise manner along  
 724 the corporate limit of the city of Cedar Rapids to the point where  
 725 that portion of the corporate limit which parallels or coincides with  
 726 Westwood drive northwest intersects Edgewood road northwest  
 727 and proceeding south along Edgewood road northwest to its inter-  
 728 section with Sue lane northwest and proceeding east along Sue lane  
 729 northwest to its intersection with Thirty-second street northwest  
 730 and proceeding north along Thirty-second street northwest to its in-  
 731 tersection with Johnson avenue northwest and proceeding east along  
 732 Johnson avenue northwest to its intersection with Twenty-fourth  
 733 street northwest running north from Johnson avenue northwest and  
 734 proceeding north along Twenty-fourth street northwest to its inter-  
 735 section with "D" avenue northwest and proceeding easterly along  
 736 "D" avenue northwest to its intersection with Twenty-third street  
 737 northwest and proceeding north along Twenty-third street north-  
 738 west to its intersection with "E" avenue northwest and proceed-  
 739 ing east along "E" avenue northwest to its intersection with Eight-  
 740 teenth street northwest and proceeding south along Eighteenth  
 741 street northwest to its intersection with Johnson avenue northwest  
 742 and proceeding first east and then southeasterly along Johnson  
 743 avenue northwest to its intersection with Maple drive northwest  
 744 and proceeding east along Maple drive northwest to its intersection  
 745 with Fourteenth street northwest and proceeding south along Four-  
 746 teenth street northwest to its intersection with First avenue west  
 747 and proceeding first east and then northeasterly along First avenue  
 748 west to its intersection with Twelfth street southwest and pro-  
 749 ceeding southeast along Twelfth street southwest to its intersection  
 750 with Fifth avenue southwest and proceeding east along Fifth  
 751 avenue southwest to its intersection with the Chicago, Milwaukee,  
 752 St. Paul and Pacific railroad track and proceeding northerly along  
 753 that railroad track to its intersection with Second avenue south-

\*See Corrective Order, p. 590.

754 west and proceeding northeasterly along Second avenue southwest  
 755 to its intersection with Eighth street southwest and proceeding  
 756 south along Eighth street southwest to its intersection with Third  
 757 avenue southwest and proceeding northeasterly along Third avenue  
 758 southwest to its intersection with Seventh street southwest and  
 759 proceeding southeasterly along Seventh street southwest to its  
 760 intersection with Fifth avenue southwest and proceeding east along  
 761 Fifth avenue southwest to the southward extension of Seventh  
 762 street southwest and proceeding south along Seventh street south-  
 763 west to its intersection with Eighth avenue southwest and proceed-  
 764 ing east along Eighth avenue southwest to its intersection with  
 765 Sixth street southwest and proceeding south along Sixth street  
 766 southwest to its intersection with the Chicago, Milwaukee, St. Paul  
 767 and Pacific railroad track and proceeding northeasterly along that  
 768 railroad track to its intersection with Fourth street southwest and  
 769 proceeding south along Fourth street southwest to its intersection  
 770 with Sixteenth avenue southwest and proceeding west along Six-  
 771 teenth avenue southwest to its intersection with Sixth street south-  
 772 west and proceeding south along Sixth street southwest to its  
 773 intersection with Twenty-second avenue southwest and proceeding  
 774 west along Twenty-second avenue southwest to its intersection with  
 775 Eighth street southwest and proceeding south along Eighth street  
 776 southwest to its intersection with Wilson avenue southwest and proceed-  
 777 ing east along Wilson avenue southwest and continuing along  
 778 Ely avenue southwest to its intersection with Fruitland boulevard  
 779 southwest, which intersection is a point on the boundary of repre-  
 780 sentative district twenty-five.

781 28.\* The twenty-eighth representative district shall consist of  
 782 that portion of the city of Cedar Rapids bounded on the east, south  
 783 and west by representative districts twenty-six, twenty-five and  
 784 twenty-seven, as described in subsections twenty-six (26), twenty-  
 785 five (25), and twenty-seven (27), respectively, of this appendix,  
 786 and having as the remainder of its boundary a line beginning at  
 787 the intersection of Westwood drive northwest and Edgewood road  
 788 northwest, which is a point on the boundary of representative dis-  
 789 trict twenty-seven, and proceeding north along Edgewood road  
 790 northwest to its intersection with "O" avenue northwest and proceed-  
 791 ing east along "O" avenue northwest to its intersection with  
 792 Hillside drive running north from "O" avenue northwest and proceed-  
 793 ing north along Hillside drive northwest to its intersection  
 794 with Elaine drive northwest and proceeding east along Elaine  
 795 drive northwest to its intersection with Thirtieth street northwest  
 796 and proceeding south along Thirtieth street northwest to its inter-  
 797 section with "O" avenue northwest and proceeding east along "O"  
 798 avenue northwest to its intersection with Ellis boulevard northwest  
 799 and proceeding north along Ellis boulevard northwest to its inter-  
 800 section with Penn avenue northwest and proceeding west along  
 801 Penn avenue northwest to its intersection with Eighth street north-  
 802 west and proceeding north along Eighth street northwest to its  
 803 intersection with "Q" avenue northwest and proceeding east along  
 804 "Q" avenue northwest to its intersection with Ellis boulevard north-  
 805 west and proceeding northwesterly along Ellis boulevard northwest

\*See Corrective Order, p. 591.



806 to its intersection with Ellis lane northwest and proceeding north-  
 807 easterly along the extension of Ellis lane northeast to its intersec-  
 808 tion with the Chicago, Rock Island and Pacific railroad track  
 809 running east of and generally parallel with the Cedar river and  
 810 proceeding northwesterly along that railroad track to its inter-  
 811 section with "J" avenue northeast and proceeding southeasterly  
 812 along "J" avenue northeast to its intersection with Shaver road  
 813 running north from "J" avenue northeast and proceeding north  
 814 along Shaver road to its intersection with Coldstream avenue north-  
 815 east and proceeding easterly along Coldstream avenue northeast to  
 816 its intersection with the Wabash railroad track and proceeding  
 817 north along that railroad track to its intersection with Glass road  
 818 northeast and proceeding easterly along Glass road northeast to  
 819 its intersection with Center Point road northeast and proceeding  
 820 north along Center Point road northeast to its intersection with  
 821 Richmond road northeast and proceeding east along Richmond road  
 822 northeast to its intersection with Ozark street northeast and pro-  
 823 ceeding south along Ozark street northeast to its intersection with  
 824 Keith drive northeast and proceeding east along Keith drive north-  
 825 east to its intersection with Mark street northeast and proceeding  
 826 north along Mark street northeast to its intersection with Richmond  
 827 road northeast and proceeding first east and then northeasterly  
 828 along Richmond road northeast to its intersection with Hollywood  
 829 boulevard northeast and proceeding easterly along Hollywood boule-  
 830 vard northeast to its intersection with Oakland road northeast and  
 831 proceeding south along Oakland road northeast to its intersection  
 832 with Thirty-fifth street northeast, which is a point on the boundary  
 833 of representative district twenty-six.

834 29. The twenty-ninth representative district shall consist of the  
 835 following portions of Linn county:

836 a. Those portions of the unincorporated territory of Marion  
 837 township lying:

838 (1) South of the southern corporate limit of the city of Marion  
 839 and west of state highways 13 and 150.

840 (2) Between the corporate limits of the cities Cedar Rapids and  
 841 Marion.

842 b. The city of Marion.

843 c. That portion of the city of Cedar Rapids partially bounded on  
 844 the south by representative districts twenty-six and twenty-eight,  
 845 as described in subsections twenty-six (26) and twenty-eight (28)  
 846 of this appendix, and having as the remainder of its boundary a  
 847 line beginning at the intersection of Richmond road northeast with  
 848 Center Point road northeast, which is a point on the boundary of  
 849 representative district twenty-eight, and proceeding northerly along  
 850 Center Point road northeast to its intersection with Forty-second  
 851 street northeast and proceeding west along Forty-second street  
 852 northeast to its intersection with Wenig road and proceeding north  
 853 along Wenig road to its intersection with White Pine drive north-  
 854 east and proceeding first east and then north along White Pine  
 855 drive northeast to its intersection with Towne House drive north-  
 856 east and proceeding westerly along Towne House drive northeast  
 857 to its intersection with Wenig road and proceeding north along  
 858 Wenig road to its intersection with Forty-ninth street northeast  
 859 and proceeding east along Forty-ninth street northeast to its inter-

860 section with the Wabash railroad track and proceeding north-  
861 westerly along the Wabash railroad track to its intersection with  
862 the Chicago, Milwaukee, St. Paul and Pacific railroad track and  
863 proceeding easterly along that railroad track to its intersection  
864 with Center Point road northeast and proceeding south along Center  
865 Point road northeast to its intersection with Fiftieth street north-  
866 east and proceeding east along Fiftieth street northeast to its  
867 intersection with Collins road northeast and proceeding east along  
868 Collins road northeast to its intersection with Old Marion road  
869 northeast and proceeding east on Old Marion road to its intersection  
870 with the Chicago, Milwaukee, St. Paul and Pacific railroad track  
871 and proceeding southerly along that railroad track, a portion of  
872 which at that point forms the corporate limit of the city of Cedar  
873 Rapids, and continuing to follow the corporate limit in a clockwise  
874 manner to the point where it intersects the eastward extension of  
875 Thirty-fifth street drive southeast, which intersection is a point on  
876 the boundary of representative district twenty-six.

877 30. The thirtieth representative district shall consist of the  
878 following portions of Linn county:

879 a. Jackson, Boulder, Washington, Otter Creek, Maine, Buffalo,  
880 Monroe, Brown and Linn townships.

881 b. That portion of Marion township not included in representa-  
882 tive district twenty-nine as described in subsection twenty-nine  
883 (29) of this appendix.

884 c. That portion of the city of Cedar Rapids not included in  
885 representative districts twenty-five through twenty-nine, inclusive,  
886 as described in subsections twenty-five (25), twenty-six (26),  
887 twenty-seven (27), twenty-eight (28) and twenty-nine (29),  
888 respectively, of this appendix.

889 31. The thirty-first representative district shall consist of:

890 a. In Benton county, Bruce, Cedar, Harrison, Polk, Monroe,  
891 Jackson, Taylor, Benton, Homer, Big Grove, Eden, and Canton  
892 townships, the town of Shellsburg and the city of Vinton.

893 b. In Black Hawk county:

894 (1) Fox, Spring Creek, and Big Creek townships.

895 (2) That portion of Cedar township bounded by a line beginning  
896 at the point where county road D-35 intersects the western bound-  
897 ary of Cedar township and proceeding east along county road D-35  
898 to its intersection with Foulk road and proceeding south along  
899 Foulk road to its intersection with the south boundary line of town-  
900 ship 88 north, range 12 west and proceeding east along the south  
901 boundary of township 88 north, range 12 west to its intersection  
902 with U.S. highway 218 and proceeding northwesterly along U.S.  
903 highway 218 to its intersection with the east-west center line of  
904 section 33, and proceeding east along that center line to the east  
905 boundary of section 33 and proceeding north along the east bound-  
906 ary of sections 33 and 28 to the north boundary of section 28 and  
907 proceeding west along the north boundary of section 28 to its inter-  
908 section with a road located on or near the north-south center line  
909 of the west half of section 21, all in township 88 north, range 12  
910 west, and proceeding north and northwest along that road to its  
911 intersection with McKeller road and proceeding northeasterly along  
912 the line of McKeller road extended to the main channel of the Cedar  
913 river, which at that point is a part of boundary of Cedar township, and

- 914 proceeding first southeasterly and continuing along the boundary of  
 915 Cedar township in a clockwise manner to the point of beginning.
- 916 c. In Buchanan county, Westburg, Sumner, Liberty, Middlefield,  
 917 Jefferson, Homer, Cono and Newton townships and the town of  
 918 Jesup.
- 919 d. In Linn county, Grant and Spring Grove townships.
- 920 e. In Tama county, Clark and Oneida townships.
- 921 32.\* The thirty-second representative district shall consist of:
- 922 a. In Buchanan county:
- 923 (1) Fairbank, Hazelton, Buffalo, Madison, Washington, Byron  
 924 and Fremont townships.
- 925 (2) That portion of Perry township lying outside the corporate  
 926 limits of the town of Jesup.
- 927 b. In Black Hawk county:
- 928 (1) Bennington, Lester, Poyner and Barclay townships.
- 929 (2) All of East Waterloo township outside the corporate limits  
 930 of the city of Waterloo except:
- 931 (a) That portion bounded by a line beginning at the point where  
 932 Moline road intersects the corporate limits of the city of Waterloo  
 933 and proceeding north along Moline road to its intersection with the  
 934 boundary line of Mount Vernon township and proceeding west along  
 935 the Mount Vernon township line to its intersection with the cor-  
 936 porate limits of the city of Waterloo and proceeding south and east  
 937 along the corporate limits of the city of Waterloo to the point of  
 938 beginning.
- 939 (b) That portion bounded by a line beginning at the point where  
 940 state highway 281 intersects the corporate limits of the city of  
 941 Waterloo and proceeding east along state highway 281 to its inter-  
 942 section with the boundary line of Poyner township and proceeding  
 943 north along the boundary line of Poyner township to its intersection  
 944 with Newell street and proceeding west along Newell street to its  
 945 intersection with the corporate limits of the city of Waterloo and  
 946 proceeding south along the corporate limit of the city of Waterloo  
 947 to the point of beginning.
- 948 (c) That portion bounded on the north, east and south by the  
 949 corporate limits of the city of Waterloo and on the west by Cedar  
 950 Falls township.
- 951 33. The thirty-third representative district shall consist of the  
 952 following portions of Black Hawk county:
- 953 a. That area lying immediately west of the southern part of the  
 954 city of Waterloo, shown on maps prepared by the U.S. bureau of  
 955 the census for the 1970 federal decennial census as lying in a part of  
 956 Black Hawk township and in a part of the unincorporated territory  
 957 of Cedar Falls township, a portion of which has subsequently been  
 958 annexed by the city of Cedar Falls, and all of which is bounded by a  
 959 line beginning at the intersection of West Ridgeway avenue and  
 960 county highway "K" running south from West Ridgeway avenue  
 961 and proceeding south along county highway "K" to its intersection  
 962 with West Shaulis road and proceeding east along West Shaulis  
 963 road to the point where it first intersects the western corporate  
 964 limit of the town of Hudson and proceeding generally south along  
 965 the corporate limit of the town of Hudson to the point where it

\*See Corrective Order, p. 592.

966 intersects county highway "M" and proceeding southwesterly along  
967 county highway "M" to its intersection with the boundary between  
968 sections 33 and 34, township 88 north, range 14 west, and proceed-  
969 ing south along that boundary to the south boundary of Black  
970 Hawk township and proceeding east and north along the boundary of  
971 Black Hawk township to its intersection with the southern corpo-  
972 rate limit of the city of Waterloo and proceeding west and north  
973 along the corporate limit of the city of Waterloo to the point where  
974 it intersects the line which was on April 1, 1970, the southern cor-  
975 porate limit of the city of Cedar Falls and proceeding west along  
976 the line which was on April 1, 1970, the southern corporate limit of  
977 the city of Cedar Falls to its intersection with Hudson road and  
978 proceeding south along Hudson road to its intersection with West  
979 Ridgeway avenue and proceeding west along West Ridgeway avenue  
980 to the point of beginning.

981     *b.* That portion of the city of Waterloo bounded by a line begin-  
982 ning at the point where the common corporate limit of the cities of  
983 Cedar Falls and Waterloo intersects University avenue (U.S. high-  
984 way 218) and proceeding southeasterly along University avenue  
985 (U.S. highway 218) and continuing southeasterly along Headford  
986 avenue to its intersection with Ansborough avenue and proceeding  
987 north along Ansborough avenue to its intersection with Hartman  
988 avenue and proceeding west along Hartman avenue to its intersec-  
989 tion with Chalmer avenue and proceeding south along Chalmer  
990 avenue to its intersection with Janney avenue and proceeding west  
991 along Janney avenue to its intersection with Wilbur avenue and  
992 proceeding north along Wilbur avenue to its intersection with Falls  
993 avenue and proceeding east along Falls avenue to its intersection  
994 with Ansborough avenue and proceeding north along Ansborough  
995 avenue to its intersection with Rainbow drive and proceeding east  
996 along Rainbow drive to its intersection with Westfield avenue and  
997 proceeding south and southeasterly along Westfield avenue to its  
998 intersection with Cleveland street and proceeding south along Cleve-  
999 land street and continuing south along Fletcher avenue to its inter-  
1000 section with Black Hawk creek and proceeding southwesterly along  
1001 Black Hawk creek to its intersection with Ansborough avenue and  
1002 proceeding south along Ansborough avenue to its intersection with  
1003 the south boundary of Hope Martin Memorial park and proceeding  
1004 east along that boundary and continuing east along Reber avenue to  
1005 its intersection with Drexel avenue and proceeding south along  
1006 Drexel avenue to its intersection with Kingsley avenue and proceed-  
1007 ing east along Kingsley avenue to its intersection with Euclid avenue  
1008 and proceeding south along Euclid avenue to its intersection with  
1009 Columbia circle and proceeding westerly and southerly along Colum-  
1010 bia circle to its intersection with Kingbard boulevard and pro-  
1011 ceeding easterly along Kingbard boulevard to its intersection with  
1012 Clough street and proceeding south along Clough street to its  
1013 intersection with West Fourth street and proceeding northeast  
1014 along West Fourth street to its intersection with Kimball avenue  
1015 and proceeding south along Kimball avenue to its intersection with  
1016 Forest avenue and proceeding east along Forest avenue to its inter-  
1017 section with Vermont street and proceeding south along Vermont  
1018 street to its intersection with Hawthorne avenue and proceeding  
1019 east along Hawthorne avenue to its intersection with West Sixth

1020 street and proceeding north along West Sixth street to its inter-  
 1021 section with Bertch avenue and proceeding east along Bertch  
 1022 avenue to its intersection with West Ninth street and proceeding  
 1023 north along West Ninth street to its intersection with Johnson  
 1024 street and proceeding southeast along Johnson street to its inter-  
 1025 section with Williston avenue and proceeding east along Williston  
 1026 avenue to its intersection with West Eleventh street and proceeding  
 1027 south along West Eleventh street to its intersection with Liberty  
 1028 avenue and proceeding east along Liberty avenue to its intersection  
 1029 with Ohio street and proceeding south along Ohio street to its inter-  
 1030 section with Ridgeway avenue and proceeding east along Ridgeway  
 1031 avenue and its eastward extension to the main channel of the Cedar  
 1032 river, which is also the corporate limit of the city of Waterloo and  
 1033 proceeding first southwesterly and continuing in a clockwise manner  
 1034 around the corporate limit of the city of Waterloo to the point of  
 1035 beginning.

1036 34. The thirty-fourth representative district shall consist of  
 1037 that portion of the city of Waterloo bounded on the west and partially  
 1038 bounded on the south by representative district thirty-three,  
 1039 as described in subsection thirty-three (33) of this appendix, and  
 1040 having as the remainder of its boundary a line beginning at the  
 1041 intersection of Rainbow drive and West Conger street, which is a  
 1042 point on the boundary of representative district thirty-three, and  
 1043 proceeding northeasterly along West Conger street to its inter-  
 1044 section with the main channel of the Cedar river and proceeding  
 1045 southeasterly along the main channel of the Cedar river to its inter-  
 1046 section with East Mullan avenue and proceeding northeasterly  
 1047 along East Mullan avenue to its intersection with Almond street and  
 1048 proceeding east along Almond street to its intersection with East  
 1049 Fourth street and proceeding north along East Fourth street to its  
 1050 intersection with Quincey street and proceeding east along Quincey  
 1051 street to its intersection with Mobile street and proceeding south  
 1052 along Mobile street to its intersection with the Illinois Central  
 1053 railroad track and proceeding southeasterly along that railroad  
 1054 track to its intersection with Glenwood street and proceeding  
 1055 east along Glenwood street to its intersection with Steely street and  
 1056 proceeding north along Steely street to its intersection with the  
 1057 Chicago and Great Western railroad track and proceeding east-  
 1058 ward along the Chicago and Great Western railroad track to its  
 1059 intersection with the spur line of the Waterloo railroad track and  
 1060 proceeding southeasterly and south along that railroad track to  
 1061 its intersection with Independence avenue and proceeding east along  
 1062 Independence avenue to its intersection with the corporate limit  
 1063 of the city of Waterloo and proceeding first south and continuing  
 1064 in a clockwise manner along the corporate limit of the city of  
 1065 Waterloo to its intersection with the eastward extension of Ridge-  
 1066 way avenue, which is also a point on the boundary of representative  
 1067 district thirty-three.

1068 35. The thirty-fifth representative district shall consist of the  
 1069 following portions of Black Hawk county:

1070 a. That portion of Mt. Vernon township lying outside the cor-  
 1071 porate limits of the city of Cedar Falls, as established by the  
 1072 annexation to the city of Cedar Falls effective May 25, 1971.

1073 b. Those portions of the unincorporated territory of East

1074 Waterloo township not included in representative district thirty-  
1075 three, as described in subsection thirty-three (33) of this appendix.

1076 c. That portion of the unincorporated territory of Cedar Falls  
1077 township bounded on the south, west and north by the corporate  
1078 limits of the city of Cedar Falls and on the east by East Waterloo  
1079 township.

1080 d. Those portions of the city of Cedar Falls bounded by lines  
1081 described as follows:

1082 (1) Beginning at the intersection of the common corporate  
1083 limit of the cities of Cedar Falls and Waterloo with the eastward  
1084 extension of Green Hill road and proceeding west along the exten-  
1085 sion of Green Hill road and Green Hill road to its intersection with  
1086 Round street and proceeding north along Round street to its inter-  
1087 section with the westward continuation of Green Hill road and  
1088 proceeding west along Green Hill road and its westward extension  
1089 to its intersection with the southward extension of McClain drive  
1090 and proceeding north along the extension of McClain drive and  
1091 McClain drive to its intersection with Waterloo road and proceeding  
1092 northwest along Waterloo road to its intersection with Victory  
1093 drive and proceeding northerly along Victory drive to its inter-  
1094 section with Acorn lane and proceeding easterly along Acorn lane  
1095 to its intersection with Ashland avenue and proceeding north along  
1096 Ashland avenue to its intersection with Hawthorn drive and pro-  
1097 ceeding west along Hawthorn drive to its intersection with Victory  
1098 drive and proceeding north along Victory drive to its intersection  
1099 with Sunnyside drive and proceeding east along Sunnyside drive  
1100 to its intersection with Ashland avenue and proceeding north along  
1101 Ashland avenue to its intersection with Madison street and pro-  
1102 ceeding west along Madison street to its intersection with Virgil  
1103 street and proceeding north along Virgil street to its intersection  
1104 with Rainbow drive and proceeding east along Rainbow drive to  
1105 its intersection with the north-south center line of section 18,  
1106 township 89 north, range 13 west, and proceeding north along that  
1107 line to its intersection with the main channel of the Cedar river,  
1108 which is also the corporate limit of the city of Cedar Falls, and  
1109 proceeding first easterly and continuing in a clockwise manner  
1110 along the corporate limit of the city of Cedar Falls to the point of  
1111 beginning.

1112 (2) Beginning at the intersection of Lake street and Leversee  
1113 road, which at that point is the common corporate limit of the  
1114 cities of Cedar Falls and Waterloo, and proceeding west along  
1115 Lake street to its intersection with Big Woods road and proceeding  
1116 north along Big Woods road to its intersection with Lone Tree  
1117 road and proceeding westerly along Lone Tree road to its inter-  
1118 section with Center street and proceeding south along Center street  
1119 to its intersection with Lantz avenue and proceeding west along  
1120 Lantz avenue to its intersection with Clark street and proceeding  
1121 south along Clark street to its intersection with Western avenue and  
1122 proceeding west along Western avenue to its intersection with  
1123 Elm street and proceeding south along Elm street to its intersection  
1124 with Cedar street and proceeding west along Cedar street and  
1125 its westward extension to its intersection with the east boundary  
1126 of Black Hawk park and proceeding first north and continuing  
1127 along the boundary of Black Hawk park to the point where that

- 1128 boundary intersects or coincides with the corporate limit of the  
 1129 city of Cedar Falls as established by the annexation of May 25, 1971,  
 1130 and proceeding along that corporate limit in a clockwise manner  
 1131 to the point of beginning.
- 1132 e. That portion of the city of Waterloo not included in repre-  
 1133 sentative districts thirty-three and thirty-four, as described in sub-  
 1134 sections thirty-three (33) and thirty-four (34), respectively of this  
 1135 appendix.
- 1136 36. The thirty-sixth representative district shall consist of the  
 1137 following portions of Black Hawk county:
- 1138 a. Union township.
- 1139 b. That portion of Washington township lying outside the cor-  
 1140 porate limit of the town of Janesville and outside the corporate  
 1141 limit of the city of Cedar Falls as that corporate limit was estab-  
 1142 lished by the annexation of May 25, 1971.
- 1143 c. Those portions of the unincorporated territory of Cedar Falls  
 1144 township and of the city of Cedar Falls not included in representa-  
 1145 tive district thirty-five, as described in subsection thirty-five (35) of  
 1146 this appendix.
- 1147 37. The thirty-seventh representative district shall consist of:
- 1148 a. In Black Hawk county, that portion of the town of Janesville  
 1149 lying within Washington township.
- 1150 b. In Bremer county, Polk, Douglas, Frederika, Lafayette, War-  
 1151 ren, Washington, Jackson and Jefferson townships and the city of  
 1152 Waverly.
- 1153 c. In Butler county, Coldwater, Dayton, Fremont, West Point,  
 1154 Jackson, Butler, Jefferson, Shell Rock, Albion and Beaver town-  
 1155 ships.
- 1156 d. In Floyd county, Riverton township.
- 1157 38. The thirty-eighth representative district shall consist of:
- 1158 a. In Black Hawk county:
- 1159 (1) Orange, Lincoln and Eagle townships.
- 1160 (2) That portion of Black Hawk township not included in repre-  
 1161 sentative district thirty-three, as described in subsection thirty-  
 1162 three (33) of this appendix.
- 1163 b. In Butler county, Bennezzette, Pittsford, Madison, Ripley,  
 1164 Washington and Monroe townships.
- 1165 c. In Franklin county, Geneva and Osceola townships.
- 1166 d. In Grundy county, German, Pleasant Valley, Beaver, Fairfield,  
 1167 Shiloh, Colfax, Lincoln, Grant, Palermo, Washington, Black Hawk  
 1168 and Clay townships.
- 1169 e. In Marshall county, Vienna township.
- 1170 f. In Tama county, Lincoln, Grant, Buckingham, Geneseo, Spring  
 1171 Creek, Crystal, Perry, Carlton and Howard townships.
- 1172 39. The thirty-ninth representative district shall consist of the  
 1173 following portions of Marshall county:
- 1174 a. Le Grand township and all of the city of Marshalltown.
- 1175 b. That portion of Timber Creek township lying south and east  
 1176 of a line beginning at the point where U.S. highway 30 intersects  
 1177 with the corporate limits of the city of Marshalltown and proceed-  
 1178 ing west along U.S. highway 30 to its intersection with the eastern  
 1179 boundary of section 16, township 83 north, range 18 west, and pro-  
 1180 ceeding south along the eastern boundary of sections 16, 21, 28 and  
 1181 33, township 83 north, range 18 west, to its intersection with the

- 1182 northern boundary of Jefferson township.
- 1183 40. The fortieth representative district shall consist of:
- 1184 a. In Grundy county, Melrose and Felix townships.
- 1185 b. In Hardin county, Sherman, Tipton, Pleasant, Eldora, Con-
- 1186 cord, Grant, Providence and Union townships and the city of
- 1187 Eldora.
- 1188 c. In Jasper county:
- 1189 (1) Clear Creek, Independence, Malaka, Sherman and Poweshiek
- 1190 townships.
- 1191 (2) That portion of Washington township lying outside the cor-
- 1192 porate limits of the city of Colfax.
- 1193 d. In Marshall county:
- 1194 (1) Liberty, Bangor, Liscomb, Iowa, Taylor, Marion, Minerva,
- 1195 Marietta, State Center, Washington, Eden, Logan, Jefferson and
- 1196 Green Castle townships.
- 1197 (2) That portion of Timber Creek township which is not included
- 1198 in the thirty-ninth representative district, as described in subsection
- 1199 thirty-nine (39) of this appendix.
- 1200 e. In Story county, Lincoln, Sherman and Collins townships.
- 1201 41.\* The forty-first representative district shall consist of the
- 1202 following portions of Story county:
- 1203 (1) Milford, Grant, Nevada, and New Albany townships.
- 1204 (2) Those portions of Washington and Franklin townships and
- 1205 the city of Ames bounded by a line beginning at the southernmost
- 1206 point at which the corporate limit of the city of Ames intersects
- 1207 the boundary of Grant township and proceeding westerly along the
- 1208 corporate limit of the city of Ames to its intersection with a road
- 1209 running east from South Sixteenth street in the city of Ames and
- 1210 proceeding west along that road to the point where it again inter-
- 1211 sects the corporate limit of the city of Ames, and proceeding gener-
- 1212 ally south and west along the corporate limit of the city of Ames
- 1213 to its intersection with U.S. highway 69 and proceeding north along
- 1214 U.S. highway 69 to its intersection with Squaw Creek and proceed-
- 1215 ing westerly along Squaw Creek to its intersection with South
- 1216 Maple avenue and proceeding north along South Maple avenue to its
- 1217 intersection with South Second street and proceeding east along
- 1218 South Second street to its intersection with South Oak avenue and
- 1219 proceeding north along South Oak avenue to its intersection with
- 1220 Lincoln way and proceeding west on Lincoln way to its intersection
- 1221 with Squaw Creek and proceeding north along Squaw Creek to its
- 1222 intersection with the Chicago and Northwestern railroad track and
- 1223 proceeding northwesterly along that railroad track to its junction
- 1224 with Ontario street and proceeding west on Ontario street to its
- 1225 junction with Sheldon avenue and proceeding southerly on Sheldon
- 1226 avenue to its junction with Ross road and proceeding southerly
- 1227 along Ross road to its junction with Wisconsin avenue and proceed-
- 1228 ing north on Wisconsin avenue to its junction with Ontario street
- 1229 and proceeding west on Ontario street to its junction with Michigan
- 1230 avenue and proceeding south on Michigan avenue to its junction
- 1231 with Ross road and proceeding west on Ross road to its junction
- 1232 with Garfield avenue and proceeding north on Garfield avenue to
- 1233 its junction with Ontario street and proceeding west on Ontario

\*See Corrective Order, p. 593.



- 1234 street to its intersection with the Boone county boundary line and  
 1235 proceeding north on the Boone county boundary line to its inter-  
 1236 section with the Chicago and Northwestern railroad track and pro-  
 1237 ceeding easterly along that railroad track to its junction with the  
 1238 corporate limits of the city of Ames and proceeding in a clockwise  
 1239 manner along the corporate limits of the city of Ames to the point  
 1240 of beginning.
- 1241 42. The forty-second representative district shall consist of:
- 1242 a. In Boone county, that portion of the town of Sheldahl lying in  
 1243 Garden township.
- 1244 b. In Polk county:
- 1245 (1) Lincoln, Elkhart and Washington townships.
- 1246 (2) That portion of Franklin township lying outside the corpo-  
 1247 rate limits of the town of Bondurant.
- 1248 (3) That portion of the town of Sheldahl lying in Union town-  
 1249 ship.
- 1250 c. In Story county:
- 1251 (1) Palestine, Union and Indian Creek townships.
- 1252 (2) That portion of Washington township, outside the corporate  
 1253 limits of the city of Ames, lying south of U.S. highway 30.
- 1254 (3) That portion of the city of Ames not included in representa-  
 1255 tive district forty-one, as described in subsection forty-one (41) of  
 1256 this appendix.
- 1257 43. The forty-third representative district shall consist of:
- 1258 a. In Boone county:
- 1259 (1) Harrison and Jackson townships.
- 1260 (2) That portion of Dodge township outside the corporate limits  
 1261 of the town of Fraser.
- 1262 (3) That portion of Colfax township outside the corporate limits  
 1263 of the town of Luther.
- 1264 b. All of Hamilton county.
- 1265 c. In Story county:
- 1266 (1) Lafayette, Howard, Warren and Richland townships.
- 1267 (2) That portion of Franklin township not included in repre-  
 1268 sentative district forty-one, as described in subsection forty-one  
 1269 (41) of this appendix.
- 1270 (3) That portion of Washington township bounded on the south  
 1271 by U.S. highway 30, on the east by the corporate limit of the city  
 1272 of Ames, on the north by the Franklin township boundary and on  
 1273 the west by the Boone county boundary.
- 1274 d. In Webster county, that portion of Washington township lying  
 1275 outside the corporate limits of the town of Duncombe.
- 1276 44. The forty-fourth representative district shall consist of:
- 1277 a. In Boone county:
- 1278 (1) Grant, Pilot Mound, Amaqua, Yell, Des Moines, Beaver,  
 1279 Marcy, Worth, Union, Peoples, Cass and Douglas townships.
- 1280 (2) That portion of Garden township lying outside the corporate  
 1281 limits of the town of Sheldahl.
- 1282 (3) That portion of the town of Fraser lying in Dodge township.
- 1283 b. In Greene county, Dawson, Paton, Bristol, Hardin, Junction,  
 1284 Franklin and Washington townships.
- 1285 45. The forty-fifth representative district shall consist of:
- 1286 a. In Humboldt county, Avery, Weaver, Corinth, Beaver, Lake  
 1287 and Norway townships, the city of Humboldt and the town of

- 1288 Dakota City.
- 1289     *b.* In Webster county:
- 1290     (1) Badger and Newark townships.
- 1291     (2) Those portions of Cooper township and of the city of Fort
- 1292 Dodge bounded by a line beginning at the point where the Deer
- 1293 Creek, Badger, Douglas and Cooper township boundary lines inter-
- 1294 sect and proceeding southerly along the Cooper township boundary
- 1295 line to its intersection with the corporate limits of the city of Fort
- 1296 Dodge and proceeding south along the corporate limits of the city
- 1297 of Fort Dodge to its intersection with Seventh street and proceed-
- 1298 ing along Seventh street to its junction with Sixth street and proce-
- 1299 ceeding south along Sixth street to its intersection with Dakota
- 1300 street and proceeding east on Dakota street to its intersection with
- 1301 Seventh street and proceeding south on Seventh street to its inter-
- 1302 section with the Illinois Central railroad track and proceeding
- 1303 southeasterly along that railroad track to its intersection with
- 1304 Herring street and proceeding northeast along Herring street to
- 1305 its intersection with Fifth avenue and proceeding northeast along
- 1306 Fifth avenue to its intersection with Twelfth street and proceeding
- 1307 north along Twelfth street to its intersection with Fourth avenue
- 1308 south and proceeding east on Fourth avenue south to its intersec-
- 1309 tion with Twenty-first street and proceeding south on Twenty-first
- 1310 street to its intersection with Fifth avenue south and proceeding
- 1311 east along Fifth avenue south to its intersection with Twenty-ninth
- 1312 street and proceeding south on Twenty-ninth street to its intersec-
- 1313 tion with Eighth avenue south and proceeding east on Eighth
- 1314 avenue south to its intersection with a north-south line running
- 1315 south from Eighth avenue south between Thirtieth and Thirty-first
- 1316 streets, which was a part of the 1960 corporate limit of the city of
- 1317 Fort Dodge and is shown on maps prepared by the U.S. bureau of
- 1318 the census for the 1970 federal decennial census as a part of the
- 1319 boundary between enumeration districts 36 and 37 in the city of
- 1320 Fort Dodge, and proceeding south along this line to its intersection
- 1321 with the eastward extension of Tenth avenue and proceeding west
- 1322 on the extension of Tenth avenue and Tenth avenue to its inter-
- 1323 section with Twenty-ninth street and proceeding south along
- 1324 Twenty-ninth street to its intersection with Eleventh avenue south
- 1325 and proceeding west along Eleventh avenue south to its intersection
- 1326 with Twenty-second street and proceeding south along Twenty-
- 1327 second street to its intersection with Thirteenth avenue south and
- 1328 proceeding east along Thirteenth avenue south to its intersection
- 1329 with Twenty-fourth street and proceeding south along Twenty-
- 1330 fourth street to its intersection with Fifteenth avenue south and
- 1331 proceeding west along Fifteenth avenue south to its intersection
- 1332 with Twenty-second street and proceeding south along Twenty-
- 1333 second street to its intersection with the corporate limit of the city
- 1334 of Fort Dodge and proceeding first east and continuing along the
- 1335 corporate limit of the city of Fort Dodge to its intersection with
- 1336 U.S. highway 20 and proceeding east along U.S. highway 20 to its
- 1337 intersection with the east boundary of Cooper township and proce-
- 1338 ceeding north and west along the boundary of Cooper township to
- 1339 the point of beginning.
- 1340     46.\* The forty-sixth representative district shall consist of the

\*See Corrective Order, p. 594.

- 1341 following portions of Webster county:
- 1342 *a.* Jackson, Deer Creek, Johnson, Douglas, Fulton, Elkhorn,
- 1343 Pleasant Valley, Otho, Roland, Clay, Burnside, Sumner, Webster,
- 1344 Yell, Gowrie, Lost Grove, Dayton and Hardin townships.
- 1345 *b.* Those portions of Cooper township and of the city of Fort
- 1346 Dodge not included in the forty-fifth representative district, as
- 1347 described in subsection forty-five (45) of this appendix.
- 1348 *c.* That portion of the town of Duncombe lying in Washington
- 1349 township.
- 1350 47. The forty-seventh representative district shall consist of:
- 1351 *a.* All of Calhoun county.
- 1352 *b.* In Carroll county:
- 1353 (1) Kniest, Sheridan and Jasper townships.
- 1354 (2) That portion of the town of Breda lying in Wheatland town-
- 1355 ship.
- 1356 *c.* In Greene county, Cedar and Highland townships.
- 1357 *d.* In Pochontas county, Marshall, Sherman, Center, Roosevelt,
- 1358 Garfield, Dover, Grant, Lincoln, Lake, Cedar, Colfax, Bellville and
- 1359 Lizard townships.
- 1360 *e.* In Sac county:
- 1361 (1) Wall Lake and Coon Valley townships.
- 1362 (2) That portion of the town of Lake View lying in Viola town-
- 1363 ship.
- 1364 48. The forty-eighth representative district shall consist of:
- 1365 *a.* In Buena Vista county, Maple Valley township.
- 1366 *b.* In Carroll county, that portion of Wheatland township lying
- 1367 outside the corporate limits of the town of Breda.
- 1368 *c.* In Cherokee county, Silver and Diamond townships.
- 1369 *d.* In Crawford county, Soldier, Morgan, Otter Creek, Stockholm,
- 1370 Jackson and Milford townships.
- 1371 *e.* All of Ida county.
- 1372 *f.* In Sac county:
- 1373 (1) Eureka, Eden, Delaware, Douglas, Cook, Boyer Valley,
- 1374 Jackson, Cedar, Richland, Clinton, Wheeler, Levey and Sac town-
- 1375 ships.
- 1376 (2) That portion of Viola township lying outside the corporate
- 1377 limits of the town of Lake View.
- 1378 49. The forty-ninth representative district shall consist of:
- 1379 *a.* In Cherokee county, Grand Meadow and Willow townships.
- 1380 *b.* In Plymouth county, Hancock, Perry, Hungerford, Lincoln,
- 1381 Elkhorn and Garfield townships.
- 1382 *c.* In Woodbury county:
- 1383 (1) Concord, Banner, Arlington, Rutland, Union and Wolf Creek
- 1384 townships.
- 1385 (2) That portion of Kedron township lying outside the corporate
- 1386 limits of the town of Anthon.
- 1387 (3) That portion of the city of Sioux City bounded by a line
- 1388 beginning at the intersection of the eastern and northern city limits
- 1389 of the city of Sioux City and proceeding west along the city limits
- 1390 of the city of Sioux City to its intersection with Rustin street and
- 1391 proceeding south along Rustin street to its intersection with Forty-
- 1392 sixth street and proceeding east along Forty-sixth street to its
- 1393 intersection with Harrison street and proceeding south along Har-
- 1394 rison street to its intersection with Forty-fourth street and pro-

1395 ceeding east along Forty-fourth street to its intersection with Cen-  
 1396 tral street and proceeding south along Central street to its inter-  
 1397 section with Floyd boulevard and proceeding northeast along Floyd  
 1398 boulevard to its intersection with Forty-first street running south  
 1399 from Floyd boulevard and proceeding southeast along Forty-first  
 1400 street to its intersection with the westernmost track of the Illinois  
 1401 Central railroad and proceeding southwest along that railroad track  
 1402 to its intersection with the eastward extension of Thirty-third  
 1403 street and proceeding west along the extension of Thirty-third  
 1404 street and Thirty-third street to its intersection with Pavonia street  
 1405 and proceeding north along Pavonia street and its northwestward  
 1406 extension to its intersection with Forty-first street and proceeding  
 1407 west along Forty-first street to its intersection with Cheyenne  
 1408 boulevard and proceeding southwesterly along Cheyenne boulevard  
 1409 to its intersection with Thirty-seventh street and proceeding west-  
 1410 erly along Thirty-seventh street to its junction with Thirty-eighth  
 1411 street and continuing westerly along Thirty-eighth street to its  
 1412 intersection with Jones street and proceeding south along Jones  
 1413 street to its intersection with Thirty-fourth street and proceeding  
 1414 west along Thirty-fourth street to its intersection with Pierce street  
 1415 and proceeding south along Pierce street to its intersection with  
 1416 Thirty-first street and proceeding west along Thirty-first street to  
 1417 its intersection with Douglas street and proceeding south along  
 1418 Douglas street to its intersection with Thirtieth street and proceed-  
 1419 ing east along Thirtieth street to its intersection with Pierce street  
 1420 and proceeding south along Pierce street to its intersection with  
 1421 Twenty-ninth street and proceeding west along Twenty-ninth street  
 1422 to its intersection with Stone Park boulevard and proceeding  
 1423 northwesterly along Stone Park boulevard to its intersection with  
 1424 Summit street running south from Stone Park boulevard and proceed-  
 1425 ing south along Summit street to its intersection with an un-  
 1426 named roadway which is part of Grandview park and proceeding  
 1427 southwesterly along this unnamed roadway to its intersection with  
 1428 McDonald street and proceeding southerly along McDonald street  
 1429 to its intersection with Twenty-fourth street and proceeding east  
 1430 along Twenty-fourth street to its intersection with Pierce street  
 1431 and proceeding south along Pierce street to its intersection with  
 1432 Twenty-third street and proceeding east along Twenty-third street  
 1433 to its intersection with Nebraska street and proceeding south along  
 1434 Nebraska street to its intersection with Twenty-second street and  
 1435 proceeding west along Twenty-second street to its intersection with  
 1436 Pierce street and proceeding south along Pierce street to its inter-  
 1437 section with Fifteenth street and proceeding east along Fifteenth  
 1438 street to its intersection with Nebraska street and proceeding south  
 1439 along Nebraska street to its intersection with Fourteenth street and  
 1440 proceeding east along Fourteenth street to its intersection with  
 1441 Jackson street and proceeding south along Jackson street to its  
 1442 intersection with Thirteenth street and proceeding east along Thir-  
 1443 teenth street to its intersection with Virginia street and proceeding  
 1444 north along Virginia street to its intersection with Fourteenth  
 1445 street and proceeding east along Fourteenth street to its intersec-  
 1446 tion with Floyd boulevard and proceeding south along Floyd boulev-  
 1447 ard to its intersection with Eleventh street and proceeding east  
 1448 along Eleventh street to its intersection with Lewis boulevard and

1449 proceeding north along Lewis boulevard to its intersection with  
1450 Fourteenth street and proceeding east along Fourteenth street to  
1451 its intersection with Cornelia street and proceeding southeasterly  
1452 along Cornelia street to its intersection with Martha street and  
1453 proceeding north along Martha street to its intersection with Four-  
1454 teenth street and proceeding east along Fourteenth street to the end  
1455 of Fourteenth street at a point on the south line of section 24,  
1456 township 89, range 47, where the north-south line of section 24  
1457 intersects an unnamed road and proceeding first north and continu-  
1458 ing along the unnamed road to its intersection with the east corpo-  
1459 rate limit of the city of Sioux City and proceeding north along the  
1460 east corporate limit to the beginning point.

1461 50. The fiftieth representative district shall consist of that por-  
1462 tion of the city of Sioux City partially bounded on the east and  
1463 south by representative district forty-nine, as described in subsec-  
1464 tion forty-nine (49) of this appendix, and having as the remainder  
1465 of its boundary a line beginning at the intersection of Pierce street  
1466 with Sixteenth street, which is a point on the boundary of repre-  
1467 sentative district forty-nine, and proceeding west along Sixteenth  
1468 street to its intersection with Summit street and proceeding south  
1469 along Summit street to its junction with Bluff street and continuing  
1470 southerly along Bluff street to its intersection with West Eighth  
1471 street and proceeding southeasterly along West Eighth street to  
1472 its junction with Ninth street and continuing southeasterly along  
1473 Ninth street to its intersection with Perry street and proceeding  
1474 southwesterly along Perry street to its intersection with West Sixth  
1475 street and proceeding northwesterly along West Sixth street to its  
1476 intersection with West street and proceeding southerly along West  
1477 street to its intersection with West Fourth street and proceeding  
1478 west along West Fourth street to its intersection with Casselman  
1479 street and proceeding north along Casselman street to its intersec-  
1480 tion with West Sixth street and proceeding west along West Sixth  
1481 street to its intersection with Blair street and proceeding south  
1482 along Blair street to its intersection with West Fourth street and  
1483 proceeding westerly along West Fourth street to its intersection  
1484 with War Eagle road and proceeding southwesterly along War  
1485 Eagle road and its extension to its intersection with the Iowa-South  
1486 Dakota boundary, which is also the corporate limit of the city of  
1487 Sioux City, and proceeding first west and continuing along the cor-  
1488 porate limit of the city of Sioux City to its intersection with Rustin  
1489 street, which is also a point on the boundary of representative dis-  
1490 trict forty-nine.

1491 51. The fifty-first representative district shall consist of that  
1492 portion of the city of Sioux City partially bounded by the Iowa-  
1493 Nebraska-South Dakota boundary and by representative districts  
1494 forty-nine and fifty, as described in subsections forty-nine (49)  
1495 and fifty (50), respectively, of this appendix, and having as the  
1496 remainder of its boundary a line beginning at the point where the  
1497 Woodbury-Concord township boundary line intersects with the east  
1498 corporate limit of the city of Sioux City, which is a point on the  
1499 boundary of representative district forty-nine, and proceeding  
1500 south along the corporate limits of the city of Sioux City to its  
1501 intersection with Morningside avenue and proceeding northwesterly  
1502 along Morningside avenue to its intersection with Glenn avenue

1503 and proceeding westerly along Glenn avenue to its intersection with  
 1504 South Cypress street and proceeding south along South Cypress  
 1505 street to its intersection with Bushnell avenue and proceeding west  
 1506 along Bushnell avenue to its intersection with South Lakeport street  
 1507 and proceeding north along South Lakeport street to its intersection  
 1508 with Sixth avenue and proceeding east along Sixth avenue to its  
 1509 intersection with Palmetto street and proceeding north along Pal-  
 1510 metto street to its intersection with Morningside avenue and pro-  
 1511 ceeding west along Morningside avenue to its intersection with  
 1512 South Lakeport street and proceeding north along South Lakeport  
 1513 street and its northward extension to its intersection with Stone  
 1514 avenue and proceeding west along Stone avenue to its intersection  
 1515 with Royce street and proceeding south along Royce street to its  
 1516 intersection with Vine avenue and proceeding west along Vine  
 1517 avenue to its intersection with South Glass street and proceeding  
 1518 south along South Glass street to its intersection with Peters  
 1519 avenue and proceeding east along Peters avenue to its intersection  
 1520 with Sioux trail and proceeding southeasterly along Sioux trail to  
 1521 its intersection with Orleans avenue and proceeding westerly along  
 1522 Orleans avenue to its intersection with South Glass street and pro-  
 1523 ceeding south along South Glass street to its intersection with  
 1524 Seventh avenue and proceeding west along Seventh avenue to its  
 1525 intersection with South Paxton street and proceeding south along  
 1526 South Paxton street to its intersection with Glenn avenue and pro-  
 1527 ceeding west along Glenn avenue to its intersection with South  
 1528 Cecelia street and proceeding north on South Cecelia street to its  
 1529 intersection with Sixth avenue and proceeding west on Sixth ave-  
 1530 nue to its intersection with South Alice street and proceeding south  
 1531 along South Alice street to its intersection with Glenn avenue and  
 1532 proceeding west along Glenn avenue to its intersection with South  
 1533 Lewis boulevard and proceeding south along South Lewis boulevard  
 1534 to its intersection with the southern boundary of Floyd park and  
 1535 proceeding west along the southern Floyd park boundary and its  
 1536 extension to the main channel of the Missouri river, which is also  
 1537 the Iowa-Nebraska boundary and the corporate limit of the city of  
 1538 Sioux City, and proceeding first northerly and continuing along the  
 1539 main channel of the Missouri river to its intersection with the  
 1540 southwesterly extension of War Eagle road, which is a point on  
 1541 the boundary of representative district fifty.

1542 52. The fifty-second representative district shall consist of:

1543 a. In Monona county:

1544 (1) Fairview, Lake, West Fork, Grant, Maple, Cooper, and Ash-  
 1545 ton townships.

1546 (2) That portion of the town of Whiting lying in Lincoln town-  
 1547 ship.

1548 (3) That portion of Kennebec township lying outside the corpo-  
 1549 rate limits of the town of Castana.

1550 b. In Woodbury county:

1551 (1) Woodbury, Floyd, Merville, Liberty, Grange, West Fork,  
 1552 Grant, Miller, Morgan, Rock, Lakeport, Sloan, Willow, Little Sioux,  
 1553 Oto and Liston townships.

1554 (2) That portion of the town of Anthon lying in Kedron town-  
 1555 ship.

1556 (3) That portion of the city of Sioux City not included in repre-

- 1557 sentative districts forty-nine, fifty and fifty-one, as described in  
 1558 sections forty-nine (49), fifty (50) and fifty-one (51), respectively,  
 1559 of this appendix.
- 1560 53. The fifty-third representative district shall consist of:
- 1561 a. In Crawford county:
- 1562 (1) Charter Oak, Hanover, Goodrich, Willow, Paradise, Denison,  
 1563 Boyer and Union townships.
- 1564 (2) That portion of the city of Denison lying in East Boyer  
 1565 township.
- 1566 b. In Harrison county, Little Sioux, Jackson, Allen, Lincoln,  
 1567 Harrison, Morgan, Raglan, Magnolia, Boyer, Clay, Taylor, Calhoun,  
 1568 Jefferson and Cincinnati townships.
- 1569 c. In Monona county:
- 1570 (1) Lincoln, Franklin, Belvidere, Jordan, Center, St. Clair, Sol-  
 1571 dier, Sherman, Sioux, Spring Valley and Willow townships and the  
 1572 city of Onawa.
- 1573 (2) That portion of the town of Castana lying in Kennebec town-  
 1574 ship.
- 1575 54. The fifty-fourth representative district shall consist of:
- 1576 a. In Harrison county, Douglas, Cass, St. Johns, La Grange,  
 1577 Union and Washington townships.
- 1578 b. In Pottawattamie county, Rockford, Boomer, Neola, Minden,  
 1579 Pleasant, Knox, Layton, Crescent, Hazel Dell, Norwalk, York,  
 1580 James, Valley, Lincoln, Center, Wright and Waveland townships.
- 1581 c. In Shelby county, Grove, Washington, Cass, Lincoln, Shelby,  
 1582 Fairview, Monroe and Clay townships and the city of Harlan.
- 1583 55. The fifty-fifth representative district shall consist of:
- 1584 a. In Audubon county, Viola township.
- 1585 b. In Carroll county, Arcadia, Maple River, Grant, Glidden,  
 1586 Washington, Roselle, Pleasant Valley, Richland, Newton and Union  
 1587 townships and the city of Carroll.
- 1588 c. In Crawford county:
- 1589 (1) Westside, Hayes, and Nishnabotny townships.
- 1590 (2) That portion of East Boyer township lying outside the cor-  
 1591 porate limits of the city of Denison.
- 1592 d. In Greene county, Kendrick, Scranton, Jackson and Grant  
 1593 townships and the city of Jefferson.
- 1594 e. In Guthrie county, Orange township.
- 1595 56. The fifty-sixth representative district shall consist of:
- 1596 a. In Audubon county, Lincoln, Cameron, Douglas, Leroy, Mel-  
 1597 ville, Sharon, Hamlin, Greeley, Oakfield, Exira and Audubon town-  
 1598 ships.
- 1599 b. In Carroll county, Ewoldt and Eden townships and the town  
 1600 of Manning.
- 1601 c. In Cass county, Brighton, Pymosa, Benton, Grant and Wash-  
 1602 ington townships.
- 1603 d. In Crawford county, Washington and Iowa townships.
- 1604 e. In Greene county, Willow and Greenbrier townships.
- 1605 f. In Guthrie county:
- 1606 (1) Highland, Dodge, Union, Seely, Victory, Bear Grove, Baker  
 1607 and Valley townships.
- 1608 (2) That portion of Grant township lying outside the corporate  
 1609 limits of the town of Adair.
- 1610 (3) That portion of Thompson township lying outside the corpo-

- 1611 rate limits of the town of Casey.
- 1612 *g.* In Shelby county, Union, Greeley, Jefferson, Westphalia, Doug-
- 1613 las, Polk, Center and Jackson townships.
- 1614 57. The fifty-seventh representative district shall consist of:
- 1615 *a.* In Adair county, Jefferson township and that portion of the
- 1616 town of Stuart lying in Stuart township.
- 1617 *b.* In Dallas county, Dallas, Spring Valley, Beaver, Des Moines,
- 1618 Lincoln, Washington, Sugar Grove, Grant, Linn, Colfax, Adel,
- 1619 Walnut and Van Meter townships.
- 1620 *c.* In Guthrie county, Richland, Cass, Jackson, Beaver, Penn and
- 1621 Stuart townships.
- 1622 58. The fifty-eighth representative district shall consist of:
- 1623 *a.* In Adair county, Lincoln, Grove, Harrison, Lee, Greenfield,
- 1624 Grand River, Orient and Union townships.
- 1625 *b.* In Clarke county, Washington, Fremont and Liberty town-
- 1626 ships.
- 1627 *c.* In Dallas county, Union, Adams and Boone townships.
- 1628 *d.* In Madison county, Penn, Madison, Jefferson, Lee, Jackson,
- 1629 Douglas, Union, Crawford, Webster, Lincoln, Scott, South, Monroe,
- 1630 Walnut and Ohio townships and the city of Winterset.
- 1631 *e.* In Warren county:
- 1632 (1) Linn, Jefferson, Jackson, White Oak, Virginia and Squaw
- 1633 townships.
- 1634 (2) That portion of Greenfield township not included in repre-
- 1635 sentative district sixty-eight, as described in subsection sixty-eight
- 1636 (68) of this appendix.
- 1637 59.\* The fifty-ninth representative district shall consist of the
- 1638 following portions of Polk county:
- 1639 *a.* Jefferson and Madison townships and the cities of Urbandale
- 1640 and Windsor Heights.
- 1641 *b.* That portion of Union township lying outside the corporate
- 1642 limit of the town of Sheldahl.
- 1643 *c.* That portion of Webster township outside the corporate limits
- 1644 of the cities of Des Moines and Urbandale, but including those
- 1645 portions of the towns of Grimes and Johnston, lying north and
- 1646 west of a line beginning at the point where Northwest Sixty-sixth
- 1647 avenue intersects the boundary between Saylor and Webster town-
- 1648 ships and proceeding west along Northwest Sixty-sixth avenue to
- 1649 its intersection with Northwest Beaver drive and proceeding south-
- 1650 erly along Northwest Beaver drive to its intersection with inter-
- 1651 state highways 35 and 80 and proceeding west along interstate
- 1652 highways 35 and 80 to its intersection with the eastern corporate
- 1653 limit of the city of Urbandale.
- 1654 *d.* That portion of the city of Des Moines lying north and west
- 1655 of a line beginning at the point where Hickman road intersects the
- 1656 common corporate limits of the cities of Des Moines and Windsor
- 1657 Heights and proceeding east along Hickman road to its intersection
- 1658 with Merle Hay road and proceeding north along Merle Hay road
- 1659 to its intersection with the common corporate limits of the cities of
- 1660 Des Moines and Urbandale.
- 1661 60. The sixtieth representative district shall consist of the follow-
- 1662 ing portions of Polk county:

\*See Corrective Order, p. 594.



1663     *a.* That portion of Webster township, including part of the town  
1664 of Johnston, bounded on the north and partially bounded on the  
1665 west by representative district fifty-nine, as described in subsection  
1666 fifty-nine (59) of this appendix, on the east by Saylor township,  
1667 on the south by the corporate limits of the city of Des Moines, and  
1668 partially bounded on the west by the corporate limits of the city  
1669 of Urbandale.

1670     *b.* That portion of the city of Des Moines bounded on the west  
1671 by representative district fifty-nine, as described in subsection fifty-  
1672 nine (59) of this appendix, and having as the remainder of its  
1673 boundary a line beginning at the point where University avenue  
1674 intersects the common corporate limits of the cities of Des Moines  
1675 and Windsor Heights, which is a point on the boundary of repre-  
1676 sentative district fifty-nine, and proceeding east on University  
1677 avenue to its intersection with Forty-first street and proceeding  
1678 north along Forty-first street to its intersection with Franklin  
1679 avenue and proceeding east along Franklin avenue to its intersec-  
1680 tion with Thirty-sixth street and proceeding south along Thirty-sixth  
1681 street to its intersection with Jefferson avenue and proceeding east  
1682 along Jefferson avenue to its intersection with Thirtieth street and  
1683 proceeding north along Thirtieth street to its intersection with Hick-  
1684 man road and proceeding west along Hickman road to its inter-  
1685 section with Thirty-eighth street and proceeding north along  
1686 Thirty-eighth street to its intersection with Douglas avenue and  
1687 proceeding east along Douglas avenue to its intersection with  
1688 Thirtieth street and proceeding north along Thirtieth street to its  
1689 intersection with Seneca avenue and proceeding west along Seneca  
1690 avenue to its intersection with Lawnwoods drive and proceeding  
1691 north along Lawnwoods drive to its intersection with Madison  
1692 avenue and proceeding west along Madison avenue to its intersec-  
1693 tion with Lower Beaver road and proceeding northwesterly along  
1694 Lower Beaver road to its intersection with Aurora avenue and pro-  
1695 ceeding east along Aurora avenue to the boundary between sections  
1696 20 and 21, township 79 north, range 24 west, and proceeding north  
1697 along that section line to the point where it coincides with the  
1698 corporate limit of the city of Des Moines and continuing first north  
1699 and then following the corporate limit of the city of Des Moines  
1700 to the point where it intersects the corporate limit of the city of  
1701 Urbandale, which is also a point on the boundary of representative  
1702 district fifty-nine.

1703     61. The sixty-first representative district shall consist of the fol-  
1704 lowing portions of Polk county:

1705     *a.* Crocker and Saylor townships.

1706     *b.* That portion of the city of Ankeny lying in Douglas township.

1707     *c.* That portion of the city of Des Moines bounded by a line be-  
1708 ginning at the point where East Fourteenth street intersects the  
1709 north corporate limits of the city of Des Moines and proceeding  
1710 south along East Fourteenth street to its intersection with East  
1711 Arthur avenue running west from East Fourteenth street and pro-  
1712 ceeding west along East Arthur avenue to its intersection with  
1713 North Union street and proceeding north along North Union street  
1714 to its intersection with East Sheridan avenue and proceeding west  
1715 along East Sheridan avenue to its intersection with Cornell avenue  
1716 and proceeding north along Cornell avenue to its intersection with

1717 Douglas avenue and proceeding west along Douglas avenue to its  
 1718 intersection with Cambridge street and proceeding south along  
 1719 Cambridge street to its intersection with Euclid avenue and pro-  
 1720 ceeding west along Euclid avenue to its intersection with Sixth  
 1721 avenue and proceeding north along Sixth avenue to its intersection  
 1722 with Clinton avenue and proceeding west along Clinton avenue to  
 1723 its intersection with Eighth street and proceeding south along  
 1724 Eighth street to its intersection with Euclid avenue and proceeding  
 1725 west along Euclid avenue to its intersection with Eleventh street  
 1726 and proceeding north along Eleventh street to its intersection with  
 1727 the north corporate limit of the city of Des Moines, and proceeding  
 1728 east along the corporate limit of the city of Des Moines to the point  
 1729 of beginning.

1730 62. The sixty-second representative district shall consist of that  
 1731 portion of the city of Des Moines bounded on the west and north  
 1732 by representative districts sixty and sixty-one, as described in sub-  
 1733 sections sixty (60) and sixty-one (61) of this appendix, and having  
 1734 as the remainder of its boundary a line beginning at the point where  
 1735 East Arthur avenue intersects York street, which is a point on the  
 1736 boundary of representative district sixty-one, and proceeding south  
 1737 along York street to its intersection with Thompson avenue and  
 1738 proceeding west along Thompson avenue to its intersection with  
 1739 East Ninth street and proceeding south along East Ninth street to  
 1740 its intersection with Jefferson avenue and proceeding east along  
 1741 Jefferson avenue to its intersection with East Twelfth street and  
 1742 proceeding south along East Twelfth street to its intersection with  
 1743 East Washington avenue and proceeding west along East Wash-  
 1744 ington avenue to its intersection with Pennsylvania avenue and  
 1745 proceeding south along Pennsylvania avenue to its intersection with  
 1746 the westerly continuation of East Washington avenue and proceed-  
 1747 ing westerly along East Washington avenue to its intersection with  
 1748 the Des Moines river and proceeding southwesterly along the main  
 1749 channel of the Des Moines river to its intersection with University  
 1750 avenue and proceeding west along University avenue to its inter-  
 1751 section with Eleventh street and proceeding north along Eleventh  
 1752 street to its intersection with Clark street and proceeding west  
 1753 along Clark street to its intersection with Harding road and pro-  
 1754 ceeding south along Harding road to its intersection with Forest  
 1755 avenue and proceeding west along Forest avenue to its intersection  
 1756 with Twenty-fifth street and proceeding south along Twenty-fifth  
 1757 street to its intersection with University avenue and proceeding  
 1758 west along University avenue to its intersection with Thirtieth  
 1759 street and proceeding north along Thirtieth street to its intersec-  
 1760 tion with Jefferson avenue, which is a point on the boundary of the  
 1761 sixtieth representative district.

1762 63. The sixty-third representative district shall consist of the fol-  
 1763 lowing portions of Polk county:

1764 a. Delaware and Clay townships.

1765 b. That portion of Douglas township outside the corporate limits  
 1766 of the city of Ankeny.

1767 c. That portion of the city of Bondurant lying in Franklin town-  
 1768 ship.

1769 d. That portion of the city of Des Moines lying north and east of  
 1770 a line beginning at the point where East University avenue inter-

1771 sects the east corporate limit of the city of Des Moines and pro-  
 1772 ceeding west along East University avenue to its intersection with  
 1773 East Thirtieth street and proceeding north along East Thirtieth  
 1774 street to its intersection with East Washington avenue and pro-  
 1775 ceeding west on East Washington avenue to its intersection with  
 1776 East Twenty-ninth street and proceeding north along East Twenty-  
 1777 ninth street to its intersection with Arthur avenue and proceeding  
 1778 west along Arthur avenue to its intersection with Hubbell avenue  
 1779 and proceeding southwesterly along Hubbell avenue to its inter-  
 1780 section with Farwell road and proceeding northwesterly along  
 1781 Farwell road to its intersection with Arthur avenue and proceed-  
 1782 ing west along Arthur avenue to its intersection with Lay street  
 1783 and proceeding south along Lay street to its intersection with  
 1784 Guthrie avenue and proceeding west along Guthrie avenue to its  
 1785 intersection with East Twenty-fourth street and proceeding north  
 1786 along East Twenty-fourth street to its intersection with Hull avenue  
 1787 and proceeding west along Hull avenue to its intersection with  
 1788 MacVicar freeway and proceeding north along MacVicar freeway  
 1789 to its intersection with the north corporate limit of the city of  
 1790 Des Moines.

1791 64. The sixty-fourth representative district shall consist of that  
 1792 portion of the city of Des Moines bounded on the east, north, and  
 1793 west by the boundaries of representative districts sixty-three,  
 1794 sixty-one and sixty-two, as described in subsections sixty-three  
 1795 (63), sixty-one (61) and sixty-two (62), respectively, of this  
 1796 appendix, and having as the remainder of its boundary a line  
 1797 beginning at the point where University avenue intersects the Des  
 1798 Moines river, which is a point on the boundary of representative  
 1799 district sixty-two, and proceeding southerly along the main chan-  
 1800 nel of the Des Moines river to its intersection with Southeast Sixth  
 1801 street and proceeding north along Southeast Sixth street to its  
 1802 intersection with Shaw street and proceeding east along Shaw  
 1803 street to its intersection with Southeast Ninth street and proceed-  
 1804 ing south along Southeast Ninth street to its intersection with  
 1805 Maury street and proceeding east along Maury street to its inter-  
 1806 section with Southeast Fourteenth street and proceeding south  
 1807 along Southeast Fourteenth street to its intersection with the Des  
 1808 Moines river and proceeding easterly along the main channel of  
 1809 the Des Moines river to its intersection with the Chicago, Rock  
 1810 Island and Pacific railroad track and proceeding northerly along  
 1811 that railroad track to its intersection with the Chicago, Rock Island  
 1812 and Pacific railroad track running generally east and west south  
 1813 of Dean avenue and proceeding easterly along that railroad track  
 1814 to its intersection with East Thirtieth street and proceeding north  
 1815 along East Thirtieth street to its intersection with Dean avenue  
 1816 and proceeding east along Dean avenue to its intersection with the  
 1817 east corporate limit of the city of Des Moines and proceeding  
 1818 north along the east corporate limit of the city of Des Moines to  
 1819 its intersection with University avenue, which is a point on the  
 1820 boundary of representative district sixty-three.

1821 65. The sixty-fifth representative district shall consist of that  
 1822 portion of the city of Des Moines bounded on the north and partially  
 1823 bounded on the west by representative districts sixty-two, sixty  
 1824 and fifty-nine, as described in subsections sixty-two (62), sixty

1825 (60) and fifty-nine (59), respectively, of this appendix, and having  
 1826 as the remainder of its boundary a line beginning at the point where  
 1827 the southernmost corporate limit of the city of Windsor Heights  
 1828 and the corporate limit of the city of Des Moines diverge and pro-  
 1829 ceeding southerly along the corporate limit of the city of Des Moines  
 1830 to its intersection with Walnut Creek and proceeding southeasterly  
 1831 along Walnut Creek to its intersection with Fifty-sixth street  
 1832 and proceeding north along Fifty-sixth street to its intersection  
 1833 with Grand avenue and proceeding easterly along Grand avenue to  
 1834 its intersection with Thirty-first street and proceeding south along  
 1835 Thirty-first street to its intersection with Terrace drive and pro-  
 1836 ceeding easterly along Terrace drive to its intersection with Twenty-  
 1837 eighth street and proceeding south along Twenty-eighth street to  
 1838 its intersection with the Chicago, Milwaukee, St. Paul and Pacific  
 1839 railroad track and proceeding northeasterly along that railroad  
 1840 track to its intersection with Fleur drive and proceeding north-  
 1841 easterly along Fleur drive to its intersection with Eighteenth  
 1842 street and proceeding north along Eighteenth street to its inter-  
 1843 section with Grand avenue and proceeding east along Grand avenue  
 1844 to its intersection with Seventeenth street and proceeding north  
 1845 along Seventeenth street to its intersection with Center street  
 1846 and proceeding west along Center street to its intersection with  
 1847 Eighteenth street and proceeding north along Eighteenth street to  
 1848 its intersection with School street and proceeding west along School  
 1849 street to its intersection with Harding road and proceeding north  
 1850 along Harding road to its intersection with Atkins street and pro-  
 1851 ceeding west along Atkins street to its intersection with Twenty-  
 1852 first street and proceeding north along Twenty-first street to its  
 1853 intersection with University avenue and proceeding easterly along  
 1854 University avenue to its intersection with Harding road and pro-  
 1855 ceeding north along Harding road to its intersection with Forest  
 1856 avenue, which is a point on the boundary of representative district  
 1857 sixty-two.

1858 66. The sixty-sixth representative district shall consist of the  
 1859 following portions of Polk county:

1860 a. That portion of Walnut township, including the city of Clive,  
 1861 lying outside the corporate limits of the cities of Des Moines,  
 1862 Urbandale and Windsor Heights.

1863 b. That portion of the unincorporated territory of Bloomfield  
 1864 township lying outside the corporate limits of the city of Des Moines  
 1865 and west of the west boundary of sections 20, 29 and 32, town-  
 1866 ship 78 north, range 24 west.

1867 c. The city of West Des Moines.

1868 d. That portion of the city of Des Moines bounded on the north  
 1869 by representative district sixty-five, as described in subsection  
 1870 sixty-five (65) of this appendix, and lying west of a line begin-  
 1871 ning at the point where Fleur drive intersects Eighteenth street,  
 1872 which is a point on the boundary of representative district sixty-  
 1873 five, and proceeding south along Fleur drive to its intersection  
 1874 with the corporate limits of the city of Des Moines.

1875 67. The sixty-seventh representative district shall consist of  
 1876 that portion of the city of Des Moines partially bounded on the  
 1877 east and north by representative district sixty-four, as described  
 1878 in subsection sixty-four (64) of this appendix, bounded on the

1879 north and west by representative districts sixty-two, sixty-five  
 1880 and sixty-six, as described in subsections sixty-two (62), sixty-five  
 1881 (65) and sixty-six (66), respectively, of this appendix, and having  
 1882 as the remainder of its boundary a line beginning at the point where  
 1883 Watrous avenue intersects Fleur drive and proceeding east along  
 1884 Watrous avenue to its intersection with Southwest Fourteenth  
 1885 street and proceeding south along Southwest Fourteenth street to  
 1886 its intersection with McKinley avenue and proceeding east along  
 1887 McKinley avenue to its intersection with Southwest Ninth street  
 1888 and proceeding north along Southwest Ninth street to its inter-  
 1889 section with Watrous avenue and proceeding east along Watrous  
 1890 avenue to its intersection with Southeast Fourteenth street and  
 1891 proceeding north along Southeast Fourteenth street to its inter-  
 1892 section with the main channel of the Des Moines river, which is  
 1893 a point on the boundary of representative district sixty-four.

1894 68. The sixty-eighth representative district shall consist of:

1895 a. In Polk county:

1896 (1) Four Mile and Allen townships and the town of Pleasant  
 1897 Hill.

1898 (2) That portion of the unincorporated territory of Bloomfield  
 1899 township not included in representative district sixty-six, as de-  
 1900 scribed in subsection sixty-six (66) of this appendix.

1901 (3) That portion of the city of Des Moines bounded on the  
 1902 north and west by representative districts sixty-three, sixty-four,  
 1903 sixty-seven and sixty-six, as described in subsections sixty-three  
 1904 (63), sixty-four (64), sixty-seven (67) and sixty-six (66), respec-  
 1905 tively, of this appendix.

1906 b. In Warren county, that portion of Greenfield township bounded  
 1907 by a line beginning at the point where Clover Hill street intersects  
 1908 with the northern boundary of Warren county and proceeding  
 1909 south along to its intersection with Greenfield parkway and pro-  
 1910 ceeding east along Greenfield parkway to its intersection with Villa  
 1911 drive and proceeding north along Villa drive to its intersection  
 1912 with Marlou parkway and proceeding east along Marlou parkway  
 1913 to its intersection with Plaza lane and proceeding south along  
 1914 Plaza lane to its intersection with Greenfield parkway and pro-  
 1915 ceeding east along Greenfield parkway to its intersection with  
 1916 Lista lane and proceeding north along Lista lane and its northward  
 1917 extension to its intersection with Southwold street and proceeding  
 1918 northerly along Southwold street to its intersection with the  
 1919 northern Warren county boundary line and proceeding west along  
 1920 the Warren county line to the point of beginning.

1921 69. The sixty-ninth representative district shall consist of:

1922 a. In Jasper county:

1923 (1) Mound Prairie, Palo Alto, Des Moines and Fairview town-  
 1924 ships.

1925 (2) That portion of the city of Newton lying in Newton town-  
 1926 ship which is not included in the seventieth representative district  
 1927 as described in subsection seventy (70) of this appendix.

1928 (3) The town of Colfax.

1929 b. In Marion county, Red Rock, Summit, Pleasant Grove and  
 1930 Union townships.

1931 c. In Polk county, Beaver and Camp townships.

1932 d. In Warren county, Allen, Richland, Palmyra and Union

- 1933 townships.
- 1934 70. The seventieth representative district shall consist of:
- 1935 a. In Jasper county:
- 1936 (1) Mariposa, Hickory Grove, Kellogg, Rock Creek, Buena Vista,
- 1937 Richland, Elk Creek and Lynn Grove townships.
- 1938 (2) That portion of Newton township lying outside the cor-
- 1939 porate limits of the city of Newton.
- 1940 (3) That portion of the city of Newton bounded by a line be-
- 1941 ginning at the point where North Fourth avenue intersects the
- 1942 corporate limit of the city of Newton and proceeding east along
- 1943 North Fourth avenue to its intersection with West Eighth street
- 1944 and proceeding south along West Eighth street to its intersection
- 1945 with the Chicago, Rock Island and Pacific railroad track and pro-
- 1946 ceeding northeasterly along that railroad track to its intersection
- 1947 with First street and proceeding south along First street to its
- 1948 intersection with South Eighth avenue and proceeding east along
- 1949 South Eighth avenue to its intersection with East Fifth street
- 1950 and proceeding north along East Fifth street to its intersection with
- 1951 South Fifth avenue and proceeding west along South Fifth avenue to
- 1952 its intersection with East Fifth street and proceeding north along
- 1953 East Fifth street to its intersection with First avenue and proceed-
- 1954 ing east along First avenue to its intersection with East Thirteenth
- 1955 street and proceeding north along East Thirteenth street to its
- 1956 intersection with North Fourth avenue and proceeding east along
- 1957 North Fourth avenue to its intersection with East Nineteenth
- 1958 street and proceeding north along East Nineteenth street to its
- 1959 intersection with North Fifth avenue and proceeding east along
- 1960 North Fifth avenue to its intersection with the northward exten-
- 1961 sion of East Nineteenth street running south from North Fourth
- 1962 avenue and proceeding north on that extension of East Nineteenth
- 1963 street to its intersection with the corporate limits of the city of
- 1964 Newton, and proceeding first north and continuing along the cor-
- 1965 porate limit of the city of Newton to the point of beginning.
- 1966 b. In Mahaska county, Richland, Prairie, Union, Black Oak and
- 1967 Madison townships.
- 1968 c. In Marion county, Lake Prairie township.
- 1969 d. In Poweshiek county:
- 1970 (1) Washington, Sugar Creek and Union townships.
- 1971 (2) That portion of Jackson township lying outside the cor-
- 1972 porate limits of the town of Barnes City.
- 1973 71. The seventy-first representative district shall consist of:
- 1974 a. In Benton county:
- 1975 (1) Kane and Union townships and the city of Belle Plaine.
- 1976 (2) That portion of Iowa township lying outside the corporate
- 1977 limits of the town of Luzerne.
- 1978 b. In Iowa county, Honey Creek township.
- 1979 c. In Poweshiek county, Chester, Sheridan, Madison, Jefferson,
- 1980 Grant, Malcom and Pleasant townships and the city of Grinnell.
- 1981 d. In Tama county, Carroll, Indian Village, Toledo, Tama, Otter
- 1982 Creek, York, Highland, Columbia, Richland and Salt Creek town-
- 1983 ships.
- 1984 72. The seventy-second representative district shall consist of:
- 1985 a. In Benton county:
- 1986 (1) Eldorado, Fremont, Leroy, St. Clair and Florence townships.

- 1987 (2) That portion of the town of Luzerne lying in Iowa township.
- 1988 b. In Iowa county, Marengo, Washington, Lenox, Hartford,
- 1989 Sumner, Hilton, Iowa, Lincoln, Pilot, Troy, York, Dayton, English,
- 1990 Fillmore and Greene townships.
- 1991 c. In Johnson county:
- 1992 (1) Hardin, Union, Washington and Sharon townships.
- 1993 (2) That portion of Liberty township lying outside the cor-
- 1994 porate limits of the town of Hills.
- 1995 d. In Keokuk county, Liberty township.
- 1996 e. In Poweshiek county, Bear Creek, Warren, Scott, Lincoln and
- 1997 Deep River townships.
- 1998 73. The seventy-third representative district shall consist of the
- 1999 following portions of Johnson county:
- 2000 a. That portion of West Lucas township outside the corporate
- 2001 limits of the cities of Iowa City and Coralville and the town of
- 2002 University Heights.
- 2003 b. The city of Coralville and the town of University Heights.
- 2004 c. That portion of the city of Iowa City bounded by a line be-
- 2005 ginning at the point where the northward extension of Van Buren
- 2006 street intersects the north corporate limit of the city of Iowa City
- 2007 and proceeding south along the northward extension of Van Buren
- 2008 street to its intersection with Whiting avenue and proceeding
- 2009 west along Whiting avenue to its intersection with Ridge road
- 2010 and proceeding first in a northwesterly direction and continuing
- 2011 along Ridge road to its intersection with North Dubuque street
- 2012 and proceeding south along North Dubuque street to its intersec-
- 2013 tion with Ronalds street and proceeding east along Ronalds street
- 2014 to its intersection with Gilbert street and proceeding south along
- 2015 Gilbert street to its intersection with Fairchild street and pro-
- 2016 ceeding west along Fairchild street to its intersection with North
- 2017 Dubuque street and proceeding south along North Dubuque street
- 2018 to its intersection with Washington street and proceeding east
- 2019 along Washington street to its intersection with Linn street and
- 2020 proceeding south along Linn street to its intersection with Burling-
- 2021 ton street and proceeding east along Burlington street to its inter-
- 2022 section with Gilbert street and proceeding south along Gilbert
- 2023 street to its intersection with Court street and proceeding east along
- 2024 Court street to its intersection with Johnson street and proceeding
- 2025 south along Johnson street to its intersection with Bowery street
- 2026 and proceeding east along Bowery street to its intersection with
- 2027 Lucas street and proceeding south along Lucas street to its inter-
- 2028 section with Page street and proceeding east along Page street to its
- 2029 intersection with the Chicago, Rock Island and Pacific railroad track
- 2030 and proceeding southeasterly on that railroad track to its intersec-
- 2031 tion with Summit street and proceeding south along Summit street
- 2032 to its intersection with Walnut street and proceeding east along
- 2033 Walnut street to its intersection with Clark street and proceeding
- 2034 south along Clark street to its intersection with Kirkwood avenue
- 2035 and proceeding west along Kirkwood avenue to its intersection with
- 2036 Marcy street and proceeding south along Marcy street to its inter-
- 2037 section with Florence street and proceeding west along Florence
- 2038 street to its intersection with Keokuk street and proceeding
- 2039 southerly along Keokuk street to its intersection with the highway 6
- 2040 bypass and proceeding northwesterly along the highway 6 bypass

2041 to its intersection with the main channel of the Iowa river and pro-  
 2042 ceeding southerly along the main channel of the Iowa river to its  
 2043 intersection with the corporate limits of the city of Iowa City  
 2044 and proceeding first southerly and continuing along the corporate  
 2045 limits of the city of Iowa City to the point of beginning.

2046 74. The seventy-fourth representative district shall consist of  
 2047 the following portion of Johnson county:

2048 a. Newport, East Lucas and Pleasant Valley townships.

2049 b. The town of Hills.

2050 c. That portion of the city of Iowa City not contained in the  
 2051 seventy-third representative district, as described in subsection  
 2052 seventy-three (73) of this appendix.

2053 75.\* The seventy-fifth representative district shall consist of:

2054 a. In Johnson county, Fremont township.

2055 b. In Louisa county, Oakland, Union, Columbus City, Concord,  
 2056 Grandview, and Port Louisa townships.

2057 c. In Muscatine county:

2058 (1) Wapsinoc, Goshen, Pike, Lake, Bloomington, Orono, Cedar,  
 2059 Seventy-six and Fruitland townships.

2060 (2) That portion of the city of Muscatine bounded by a line  
 2061 beginning at the point where the main channel of the Mississippi  
 2062 river (which is the corporate limit of the city of Muscatine)  
 2063 intersects the southeastward extension of Locust street and pro-  
 2064 ceeding northwesterly along the extension of Locust street and  
 2065 Locust street to its intersection with Fifth street and proceed-  
 2066 ing northeasterly along Fifth street to its intersection with  
 2067 Chestnut street and proceeding northwesterly along Chestnut  
 2068 street to its intersection with Eighth street and proceeding  
 2069 northeasterly along Eighth street to its intersection with Orange  
 2070 street and proceeding northwesterly along Orange street to its  
 2071 intersection with Eleventh street and proceeding southwestly  
 2072 along Eleventh street to its intersection with Mulberry avenue  
 2073 and proceeding northwesterly along Mulberry avenue to its inter-  
 2074 section with Woodlawn avenue and proceeding northeasterly along  
 2075 Woodlawn avenue to its intersection with Bidwell road and proceed-  
 2076 ing northwesterly along Bidwell road to its intersection with Isette  
 2077 avenue and proceeding northeasterly along Isette avenue to its  
 2078 intersection with Clay street and proceeding northeasterly along  
 2079 Clay street to its intersection with Mad Creek and proceeding  
 2080 northerly along Mad Creek to its intersection with the north  
 2081 corporate limit of the city of Muscatine and proceeding first west  
 2082 and continuing in a counterclockwise direction along the corporate  
 2083 limits of the city of Muscatine to the beginning point.

2084 76. The seventy-sixth representative district shall consist of:

2085 a. In Muscatine county:

2086 (1) Moscow, Wilton, Fulton, Sweetland and Montpelier town-  
 2087 ships.

2088 (2) That portion of the city of Muscatine not included in repre-  
 2089 sentative district seventy-five, as described in subsection seventy-  
 2090 five (75) of this appendix.

2091 b. In Scott county:

2092 (1) Blue Grass and Buffalo townships.

\*See Corrective Order, p. 594.



2093 (2) That portion of the city of Davenport bounded by a line  
 2094 beginning at the point where state highway 150 intersects the north  
 2095 corporate limit of the city of Davenport and proceeding southeast  
 2096 and south along state highway 150 (a portion of which is North-  
 2097 west boulevard) to its junction with North Pine street and con-  
 2098 tinuing south along North Pine street to its intersection with West  
 2099 Forty-fifth street and proceeding west along West Forty-fifth street  
 2100 to its intersection with North Pine street and proceeding south  
 2101 along North Pine street to its intersection with Kimberly road and  
 2102 proceeding west along Kimberly road to its intersection with Silver  
 2103 Creek and proceeding southerly along Silver Creek to its intersec-  
 2104 tion with Duck Creek and proceeding easterly along Duck Creek  
 2105 to its intersection with Division street and proceeding south along  
 2106 Division street to its intersection with Garfield street and pro-  
 2107 ceeding west along Garfield street to its intersection with Wilkes  
 2108 avenue and proceeding south along Wilkes avenue to its intersec-  
 2109 tion with Hayes street and proceeding west along Hayes street to  
 2110 its intersection with Howell street and proceeding south along  
 2111 Howell street to its intersection with West Central Park avenue  
 2112 and proceeding west along West Central Park avenue to its inter-  
 2113 section with Fairmount street and proceeding north along Fair-  
 2114 mount street to its intersection with Garfield street (or its west-  
 2115 ward extension) and proceeding west along Garfield street (or its  
 2116 westward extension) to its intersection with Zenith avenue and  
 2117 proceeding south along Zenith avenue to its intersection with West  
 2118 Locust street and proceeding west along West Locust street to its  
 2119 intersection with Wisconsin avenue and proceeding southerly along  
 2120 Wisconsin avenue to its intersection with Telegraph road and pro-  
 2121 ceeding westerly along Telegraph road to its intersection with  
 2122 the west corporate limit of the city of Davenport and proceeding  
 2123 first north and then continuing in a clockwise manner along the  
 2124 corporate limit of the city of Davenport to the point of beginning.  
 2125 77. The seventy-seventh representative district shall consist of  
 2126 the following portions of Clinton county:  
 2127 a. Deep Creek, Elk River, Washington, Center, Lincoln, Hamp-  
 2128 shire, Spring Valley and DeWitt townships.  
 2129 b. That portion of the city of Clinton bounded by a line beginning  
 2130 at the point where Elvira road intersects the west corporate limit  
 2131 of the city of Clinton and proceeding east along Elvira road to its in-  
 2132 tersection with the western boundary of Harding school grounds and  
 2133 Emma Young park and proceeding south along the western bound-  
 2134 ary of Harding school grounds and Emma Young park to its inter-  
 2135 section with the southern boundary of Emma Young park and pro-  
 2136 ceeding east along the southern boundary of Emma Young park to  
 2137 its intersection with the northward extension of South Fourteenth  
 2138 street and proceeding south along the northward extension of  
 2139 South Fourteenth street to its intersection with Second avenue  
 2140 south and proceeding east on Second avenue south to its inter-  
 2141 section with Bluff boulevard and proceeding southwesterly along  
 2142 Bluff boulevard to its intersection with South Ninth street and  
 2143 proceeding south along South Ninth street to its intersection with  
 2144 Seventh avenue and proceeding east along Seventh avenue to its  
 2145 intersection with South Seventh street and proceeding north along  
 2146 South Seventh street to its intersection with Fourth avenue south

2147 and proceeding east along Fourth avenue south to its intersection  
 2148 with South Fifth street and proceeding south along South Fifth  
 2149 street to its intersection with Seventh avenue south and proceed-  
 2150 ing east along Seventh avenue south to its intersection with the  
 2151 main channel of the Mississippi river (which is the corporate limit  
 2152 of the city of Clinton) and proceeding first north and then in a  
 2153 counterclockwise manner along the corporate limit to the point of  
 2154 beginning.

2155 78. The seventy-eighth representative district shall consist of:

2156 a. In Clinton county:

2157 (1) Eden and Camanche townships.

2158 (2) That portion of the city of Clinton not included in repre-  
 2159 sentative district seventy-seven, as described in subsection seventy-  
 2160 seven (77) of this appendix.

2161 b. In Scott county:

2162 (1) Butler, Princeton, Lincoln and Le Claire townships.

2163 (2) That portion of the unincorporated territory of Pleasant Val-  
 2164 ley township lying north and east of a line beginning at the east-  
 2165 ernmost point where East Sixty-seventh street intersects the north  
 2166 corporate limit of the city of Bettendorf and proceeding east on  
 2167 East Sixty-seventh street to its intersection with Devils Glenn road  
 2168 and proceeding south on Devils Glenn road to its intersection with  
 2169 the corporate limit of the city of Bettendorf and proceeding in an  
 2170 easterly and southerly direction along the corporate limit of the  
 2171 city of Bettendorf to its intersection with the main channel of the  
 2172 Mississippi river (which is the Iowa-Illinois boundary).

2173 (3) That portion of the city of Davenport lying north and east  
 2174 of a line beginning at the point where East Sixty-seventh street  
 2175 intersects the east corporate limit of the city of Davenport and  
 2176 proceeding westerly along East Sixty-seventh street to its inter-  
 2177 section with Utica Ridge road and proceeding southwestwardly along  
 2178 Utica Ridge road to its intersection with East Fifty-third street  
 2179 and proceeding west along East Fifty-third street to its intersection  
 2180 with Jersey Ridge road and proceeding north along Jersey Ridge  
 2181 road to its intersection with East Sixtieth street and proceeding  
 2182 east along East Sixtieth street to its intersection with Jersey Ridge  
 2183 road and proceeding north along Jersey Ridge road to its intersec-  
 2184 tion with interstate highway 80 and proceeding west along inter-  
 2185 state highway 80 to its intersection with Eastern avenue and pro-  
 2186 ceeding north along Eastern avenue to its intersection with the  
 2187 north corporate limit of the city of Davenport.

2188 79.\* The seventy-ninth representative district shall consist of the  
 2189 following portions of Scott county:

2190 a. The city of Bettendorf and the towns of Panorama Park and  
 2191 Riverdale.

2192 b. That portion of the unincorporated territory of Pleasant Val-  
 2193 ley township not included in representative district seventy-eight, as  
 2194 described in subsection seventy-eight (78) of this appendix.

2195 c. That portion of the city of Davenport bounded by a line be-  
 2196 ginning at the point where Kimberly road intersects the common  
 2197 corporate limit of the cities of Bettendorf and Davenport and pro-  
 2198 ceeding northwesterly along Kimberly road to its intersection with

\*See Corrective Order, p. 595.

2199 Jersey Ridge road and proceeding southerly along Jersey Ridge  
 2200 road to its intersection with Locust street and proceeding east along  
 2201 Locust street to its intersection with Woodland avenue and pro-  
 2202 ceeding south along Woodland avenue to its intersection with Mid-  
 2203 dle road and proceeding southwesterly along Middle road to its  
 2204 junction with East street and proceeding southeasterly along East  
 2205 street to its intersection with Belle avenue and proceeding south  
 2206 along Belle avenue to its intersection with Kirkwood boulevard and  
 2207 proceeding southeasterly along Kirkwood boulevard to its inter-  
 2208 section with Jersey Ridge road and proceeding south along Jersey  
 2209 Ridge road to its intersection with East Eleventh street and proceed-  
 2210 ing east along East Eleventh street to its intersection with River  
 2211 drive and proceeding southeasterly along River drive to its inter-  
 2212 section with McClelland boulevard and proceeding southwesterly  
 2213 along McClelland boulevard to its intersection with the southerly  
 2214 extension of Edgehill terrace and proceeding southwesterly along  
 2215 the southern extension of Edgehill terrace to its intersection with  
 2216 the main channel of the Mississippi river (which is the corporate  
 2217 limit of the city of Davenport) and proceeding first easterly and  
 2218 continuing along the corporate limit of the city of Davenport to the  
 2219 point of beginning.

2220 80.\* The eightieth representative district shall consist of that por-  
 2221 tion of the city of Davenport bounded on the west, north and east  
 2222 by representative districts seventy-six, twenty-four, seventy-eight  
 2223 and seventy-nine, as described in subsections seventy-six (76),  
 2224 twenty-four (24), seventy-eight (78) and seventy-nine (79), re-  
 2225 spectively, of this appendix, and having as the remainder of its  
 2226 boundary a line beginning at the point where Jersey Ridge road  
 2227 intersects Locust street, which is a point on the boundary of rep-  
 2228 resentative district seventy-nine, and proceeding west along Locust  
 2229 street to its intersection with Farnam street and proceeding north  
 2230 along Farnam street to its intersection with East Pleasant street  
 2231 and proceeding west along East Pleasant street to its intersection  
 2232 with Pershing avenue and proceeding north along Pershing avenue  
 2233 to its intersection with East High street and proceeding easterly  
 2234 along East High street to its intersection with Iowa street and  
 2235 proceeding north along Iowa street to its intersection with East  
 2236 Lombard street and proceeding east along East Lombard street to  
 2237 its intersection with Le Claire street and proceeding south along  
 2238 Le Claire street to its intersection with East High street and pro-  
 2239 ceeding east along East High street to its intersection with Farnam  
 2240 street and proceeding north along Farnam street to its intersection  
 2241 with Rusholme street and proceeding west along Rusholme street  
 2242 to its intersection with Pershing avenue and proceeding north along  
 2243 Pershing avenue to its intersection with Central Park avenue and  
 2244 proceeding westerly along Central Park avenue to its intersection  
 2245 with Harrison street and proceeding south along Harrison street  
 2246 to its intersection with West Lombard street and proceeding west  
 2247 along West Lombard street to its intersection with Division street  
 2248 and proceeding north along Division street to its intersection with  
 2249 West Central Park avenue and proceeding west along West Central  
 2250 Park avenue to its intersection with Howell street, which is a point

\*See Corrective Order, p. 596.

2251 on the boundary of representative district seventy-six.

2252 81.\* The eighty-first representative district shall consist of that  
 2253 portion of the city of Davenport bounded on the east and north by  
 2254 representative districts seventy-nine and eighty, as described in  
 2255 subsections seventy-nine (79) and eighty (80), respectively, of this  
 2256 appendix, and having as the remainder of its boundary a line be-  
 2257 ginning at the point where Division street intersects Lombard  
 2258 street, which is a point on the boundary of representative district  
 2259 eighty, and proceeding south along Division street to its intersec-  
 2260 tion with West Ninth street and proceeding southwesterly along  
 2261 West Ninth street to its intersection with the Chicago, Rock Island  
 2262 and Pacific railroad track and proceeding easterly along that rail-  
 2263 road track to its intersection with Warren street and proceeding  
 2264 north along Warren street to its intersection with West Fifth street  
 2265 and proceeding east along West Fifth street to its intersection with  
 2266 Western avenue and proceeding north along Western avenue to its  
 2267 intersection with West Sixth street and proceeding east along West  
 2268 Sixth street to its intersection with Scott street and proceeding  
 2269 south along Scott street to its intersection with West Fifth street  
 2270 and proceeding east along West Fifth street to its intersection with  
 2271 Harrison street and proceeding north along Harrison street to its  
 2272 intersection with West Eighth street and proceeding east along  
 2273 West Eighth street to its intersection with Main street and pro-  
 2274 ceeding south along Main street to its intersection with West  
 2275 Seventh street and proceeding east along West Seventh street and  
 2276 East Seventh street to its intersection with Iowa street and pro-  
 2277 ceeding south along Iowa street to its intersection with East Sixth  
 2278 street and proceeding easterly along East Sixth street to its inter-  
 2279 section with Oneida avenue and proceeding southerly along Oneida  
 2280 avenue to its intersection with River drive and proceeding easterly  
 2281 along River drive to its intersection with College avenue and pro-  
 2282 ceeding south on the southward extension of College avenue to its  
 2283 intersection with the main channel of the Mississippi river (which  
 2284 is the corporate limit of the city of Davenport) and proceeding east  
 2285 along the main channel of the Mississippi river to its intersection  
 2286 with the southward extension of Edgehill terrace, which is a point  
 2287 on the boundary of representative district seventy-nine.

2288 82. The eighty-second representative district shall consist of that  
 2289 portion of the city of Davenport bounded on the west, north, and  
 2290 east by representative districts seventy-six, eighty and eighty-one,  
 2291 as described in subsections seventy-six (76), eighty (80) and eighty-  
 2292 one (81), respectively, of this appendix, and bounded on the south  
 2293 by the main channel of the Mississippi river, which is the corporate  
 2294 limit of the city of Davenport.

2295 83.\*\* The eighty-third representative district shall consist of:

2296 a. In Des Moines county:

2297 (1) Washington, Yellow Springs, Huron, Pleasant Grove, Frank-  
 2298 lin, Benton and Jackson townships.

2299 (2) That portion of Flint River township lying outside the cor-  
 2300 porate limits of the cities of Burlington and West Burlington and  
 2301 outside the corporate limits of the town of Middletown.

2302 (3) That portion of the city of West Burlington lying north of

\*See Corrective Order, p. 596.

\*\*See Corrective Order, p. 597.

- 2303 U.S. highway 34.
- 2304 (4) That portion of the city of Burlington lying west and north  
2305 beginning at the point where Sunnyside avenue intersects with  
2306 Melvin avenue and proceeding south along Melvin avenue to its  
2307 intersection with Lenox avenue and proceeding west along Lenox  
2308 avenue to its intersection with Racine avenue and proceeding south  
2309 on Racine avenue to its intersection with the Burlington Northern  
2310 railroad track and proceeding west along that railroad track to its  
2311 intersection with Burlington avenue and proceeding south along  
2312 Burlington avenue to its intersection with U.S. highway 34.
- 2313 b. In Henry county:
- 2314 (1) Wayne, Scott, Trenton, Marion, Canaan, Tippecanoe, Center  
2315 and New London townships and the city of Mount Pleasant.
- 2316 (2) That portion of Jefferson township lying outside the corpo-  
2317 rate limits of the town of Coppock.
- 2318 c. In Louisa county, Elm Grove, Marshall, Wapello, Jefferson,  
2319 Morning Sun and Eliot townships.
- 2320 84. The eighty-fourth representative district shall consist of the  
2321 following portions of Des Moines county:
- 2322 a. Tama township.
- 2323 b. That portion of the city of Burlington not included in repre-  
2324 sentative districts eighty-three and eighty-five, as described in sub-  
2325 sections eighty-three (83) and eighty-five (85), respectively, of this  
2326 appendix.
- 2327 c. That portion of the city of West Burlington not included in  
2328 representative district eighty-three, as described in subsection  
2329 eighty-three (83) of this appendix.
- 2330 85. The eighty-fifth representative district shall consist of:
- 2331 a. In Des Moines county:
- 2332 (1) Danville, Union and Concordia townships.
- 2333 (2) That portion of the town of Middletown lying in Flint River  
2334 township.
- 2335 (3) That portion of the city of Burlington lying south of a line  
2336 beginning at the point where the easterly extension of South street  
2337 intersects the main channel of the Mississippi river, which is the  
2338 corporate limit of the city of Burlington, and proceeding in a west-  
2339 erly direction along the extension of South street and South street  
2340 to its junction with Sumner street and proceeding south along  
2341 Sumner street to its junction with the boundary line between ward  
2342 six and ward seven, as established by an ordinance of the city of  
2343 Burlington, and proceeding west on that boundary line to its inter-  
2344 section with Perkins avenue and proceeding northerly along Perkins  
2345 avenue to its intersection with South street and proceeding westerly  
2346 along South street to its intersection with Garfield avenue and pro-  
2347 ceeding south along Garfield avenue to its northernmost intersection  
2348 with Louisa street and proceeding west on Louisa street to its  
2349 intersection with Starr avenue and proceeding south on Starr avenue  
2350 to its intersection with the boundary line between the aforesaid  
2351 wards six and seven and proceeding west along that boundary to  
2352 its intersection with the corporate limit of the city of Burlington.
- 2353 b. In Lee county:
- 2354 (1) Pleasant Ridge, Denmark, West Point, Washington and  
2355 Green Bay townships.
- 2356 (2) That portion of the city of Fort Madison lying east and north

2357 of a line beginning at the point where the north corporate limit of  
 2358 the city of Fort Madison intersects Twenty-sixth street and pro-  
 2359 ceeding south along Twenty-sixth street to its intersection with  
 2360 "I" avenue and proceeding west along "I" avenue to its intersection  
 2361 with Twenty-seventh street and proceeding north along Twenty-  
 2362 seventh street to its intersection with "I" avenue and proceeding  
 2363 west along "I" avenue to its intersection with Twenty-eighth street  
 2364 and proceeding north along Twenty-eighth street to its intersection  
 2365 with "H" avenue and proceeding west along "H" avenue to its  
 2366 intersection with Thirty-second street and proceeding south along  
 2367 Thirty-second street to its intersection with "L" avenue and pro-  
 2368 ceeding west along "L" avenue to its intersection with Thirty-  
 2369 fourth street and proceeding south along Thirty-fourth street to  
 2370 its intersection with the corporate limit of the city of Fort Madison  
 2371 and proceeding first northeasterly and then south along the cor-  
 2372 porate limits of the city of Fort Madison to its intersection with the  
 2373 main channel of the Mississippi river.

2374 86. The eighty-sixth representative district shall consist of:

2375 a. In Henry county, Salem, Jackson and Baltimore townships.

2376 b. In Lee county:

2377 (1) Cedar, Marion, Franklin, Van Buren, Charleston, Jefferson,  
 2378 Des Moines, Montrose and Jackson townships and the city of  
 2379 Keokuk.

2380 (2) That portion of the city of Fort Madison not included in  
 2381 representative district eighty-five, as described in subsection eighty-  
 2382 five (85) of this appendix.

2383 87. The eighty-seventh representative district shall consist of:

2384 a. In Henry county, that portion of the town of Coppock lying in  
 2385 Jefferson township.

2386 b. All of Jefferson county.

2387 c. In Keokuk county, Steady Run, Jackson and Richland town-  
 2388 ships.

2389 d. In Lee county, Harrison township.

2390 e. All of Van Buren county.

2391 f. In Wapello county, Competine township.

2392 g. In Washington county:

2393 (1) Clay township.

2394 (2) That portion of the town of Brighton lying in Brighton town-  
 2395 ship.

2396 88. The eighty-eighth representative district shall consist of:

2397 a. In Keokuk county, Prairie, Adams, English River, Washing-  
 2398 ton, Van Buren, Plank, Lafayette, Warren, Sigourney, West Lan-  
 2399 caster, East Lancaster and Clear Creek townships.

2400 b. In Washington county:

2401 (1) Lime Creek, English River, Iowa, Seventy-six, Cedar, Jack-  
 2402 son, Highland, Dutch Creek, Franklin, Washington, Oregon, Marion  
 2403 and Crawford townships.

2404 (2) That portion of Brighton township lying outside the corpo-  
 2405 rate limits of the town of Brighton.

2406 89. The eighty-ninth representative district shall consist of:

2407 a. In Mahaska county, that portion of the city of Eddyville lying  
 2408 in Harrison township.

2409 b. In Monroe county, Bluff Creek, Pleasant, Troy and Mantua  
 2410 townships.

- 2411 c. In Wapello county:
- 2412 (1) Columbia, Richland, Highland, Cass, Polk, Dahlonge, Pleas-
- 2413 sant, Washington, Agency and Adams townships.
- 2414 (2) That portion of Center township lying north of the part of
- 2415 old U.S. highway 34 running west from the city of Ottumwa and
- 2416 the corporate limit of the city of Ottumwa, and that portion of
- 2417 Center township enclosed by the corporate limit of the city of
- 2418 Ottumwa and the boundary line of Dahlonge township.
- 2419 (3) That portion of the city of Ottumwa bounded by a line begin-
- 2420 ning at the point where the west corporate limit of the city of
- 2421 Ottumwa intersects the Des Moines river and proceeding south-
- 2422 easterly along the main channel of the Des Moines river to its inter-
- 2423 section with the extension of Cass street and proceeding northeast-
- 2424 erly along Cass street to its intersection with the Burlington North-
- 2425 ern railroad track and proceeding southeasterly along that railroad
- 2426 track to its intersection with Marion street and proceeding north-
- 2427 easterly along Marion street to its intersection with Fifth street
- 2428 and proceeding southeasterly along Fifth street to its intersection
- 2429 with Court street and proceeding northeasterly along Court street
- 2430 to its intersection with Green street and proceeding southerly along
- 2431 Green street to its intersection with Gara street and proceeding
- 2432 easterly along Gara street to its intersection with Jefferson street
- 2433 and proceeding southeasterly along Jefferson street to its intersec-
- 2434 tion with Ogden street and proceeding easterly along Ogden street
- 2435 to its intersection with Ash street and proceeding south along Ash
- 2436 street to its intersection with Main street and proceeding south-
- 2437 easterly along Main street to its intersection with Iowa avenue and
- 2438 proceeding south along Iowa avenue to its intersection with Mable
- 2439 street and proceeding southeasterly along Mable street to its inter-
- 2440 section with May street and proceeding southwestwardly along May
- 2441 street to its intersection with Bertha street and proceeding south-
- 2442 westerly along Bertha street to its intersection with Walnut avenue
- 2443 and proceeding south along Walnut avenue to its intersection with
- 2444 the corporate limit of the city of Ottumwa and proceeding first east
- 2445 and continuing in a counterclockwise manner along the corporate
- 2446 limit of the city of Ottumwa to the point of beginning.
- 2447 90. The ninetieth representative district shall consist of:
- 2448 a. In Appanoose county, that portion of Washington township
- 2449 lying outside the corporate limit of the town of Moulton.
- 2450 b. All of Davis county.
- 2451 c. In Wapello county:
- 2452 (1) Green and Keokuk townships.
- 2453 (2) That portion of Center township not included in representa-
- 2454 tive district eighty-nine, as described in subsection eighty-nine (89)
- 2455 of this appendix.
- 2456 (3) That portion of the city of Ottumwa not included in repre-
- 2457 sentative district eighty-nine, as described in subsection eighty-nine
- 2458 (89) of this appendix.
- 2459 91.\* The ninety-first representative district shall consist of:
- 2460 a. In Keokuk county, Benton township.
- 2461 b. In Lucas county, Pleasant and Cedar townships.
- 2462 c. In Mahaska county, Scott, Jefferson, East Des Moines, West

\*See Corrective Order, p. 597.

- 2463 Des Moines, Garfield, Lincoln, Harrison, Cedar, Spring Creek,  
 2464 White Oak, Adams, Monroe and Pleasant Grove townships and the  
 2465 city of Oskaloosa.
- 2466 *d.* In Marion county:
- 2467 (1) Clay, Liberty and Indiana townships.
- 2468 (2) That portion of the unincorporated territory of Knoxville  
 2469 township lying east of state highway 14.
- 2470 (3) That portion of the city of Knoxville lying east of a line be-  
 2471 ginning at the point where that part of the corporate limit of the  
 2472 city of Knoxville running east and west on approximately the line  
 2473 of Hobert street extended eastward intersects with Kent street and  
 2474 proceeding south along Kent street to its intersection with Marion  
 2475 street and proceeding east along Marion street to its intersection  
 2476 with Second street and proceeding south along Second street to its  
 2477 intersection with Main street and proceeding east along Main street  
 2478 to its intersection with Third street and proceeding north along  
 2479 Third street to its intersection with Marion street and proceeding  
 2480 east along Marion street to its intersection with Fifth street and  
 2481 proceeding south along Fifth street to its intersection with Mont-  
 2482 gomery street and proceeding west along Montgomery street to its  
 2483 intersection with Fourth street and proceeding south along Fourth  
 2484 street to its intersection with Competine street and proceeding east  
 2485 on Competine street to its intersection with Fifth street and pro-  
 2486 ceeding south on Fifth street to its intersection with the south cor-  
 2487 porate limit of the city of Knoxville.
- 2488 *e.* In Monroe county:
- 2489 (1) Cedar, Union and Wayne townships.
- 2490 (2) The town of Melrose.
- 2491 *f.* In Poweshiek county, that portion of the town of Barnes City  
 2492 lying in Jackson township.
- 2493 92. The ninety-second representative district shall consist of:
- 2494 *a.* In Lucas county, Liberty, English and Lincoln townships and  
 2495 the city of Chariton.
- 2496 *b.* In Marion county:
- 2497 (1) Franklin, Dallas and Washington townships.
- 2498 (2) That portion of Knoxville township and the city of Knoxville  
 2499 not included in representative district ninety-one, as described in  
 2500 subsection ninety-one (91) of this appendix.
- 2501 *c.* In Warren county, Lincoln, Otter, Belmont, Liberty and White-  
 2502 breast townships and the city of Indianola.
- 2503 93. The ninety-third representative district shall consist of:
- 2504 *a.* In Appanoose county:
- 2505 (1) Independence, Chariton, Taylor, Union, Johns, Walnut,  
 2506 Douglas, Udell, Lincoln, Bellair, Vermillion, Sharon, Franklin,  
 2507 Pleasant, Caldwell and Wells townships and the city of Centerville.
- 2508 (2) That portion of the town of Moulton lying in Washington  
 2509 township.
- 2510 *b.* In Clarke county, Jackson and Franklin townships.
- 2511 *c.* In Lucas county, Otter Creek, Jackson, Whitebreast, Union,  
 2512 Warren, Benton and Washington townships.
- 2513 *d.* In Monroe county:
- 2514 (1) Guilford, Franklin, Monroe and Urbana townships.
- 2515 (2) That portion of Jackson township lying outside the corpo-  
 2516 rate limits of the town of Melrose.



- 2517 e. In Wayne county:
- 2518 (1) Richman, Washington, Union, Wright, Clay, Benton, Cory-
- 2519 don, South Fork, Warren, Jackson, Walnut, Grand River, Clinton,
- 2520 Howard and Monroe townships.
- 2521 (2) That portion of the town of Clio lying in Jefferson township.
- 2522 94. The ninety-fourth representative district shall consist of:
- 2523 a. In Clarke county, Madison, Troy, Ward, Osceola, Doyle, Knox
- 2524 and Green Bay townships and the city of Osceola.
- 2525 b. All of Decatur county.
- 2526 c. In Madison county, Grand River township.
- 2527 d. In Ringgold county, Jefferson, Tingley, Union, Washington,
- 2528 Liberty, Monroe, Rice, Poe, Athens, Lotts Creek and Riley town-
- 2529 ships and the town of Mount Ayr.
- 2530 e. In Union county:
- 2531 (1) Lincoln, Dodge, New Hope, Highland, Union, Jones, Grant,
- 2532 Sand Creek and Pleasant townships.
- 2533 (2) That portion of the city of Creston lying east of a line be-
- 2534 ginning at the point where the northward extension of Pine street
- 2535 intersects the north corporate limit of the city of Creston and pro-
- 2536 ceeding south along the extension of Pine street and Pine street
- 2537 to its intersection with Howard street and proceeding east along
- 2538 Howard street to its intersection with Cedar street and proceeding
- 2539 south along Cedar street to its intersection with the Burlington
- 2540 Northern railroad track and proceeding southwesterly along that
- 2541 railroad track to its intersection with Division street and proceed-
- 2542 ing south along Division street to its intersection with the south
- 2543 corporate limit of the city of Creston.
- 2544 f. In Wayne county, that portion of Jefferson township lying out-
- 2545 side the corporate limit of the town of Clio.
- 2546 95. The ninety-fifth representative district shall consist of:
- 2547 a. In Adair county, Adair, Summit, Walnut, Eureka, Prussia,
- 2548 Jackson, Summerset, Washington, Bridgewater and Richland town-
- 2549 ships.
- 2550 b. In Adams county:
- 2551 (1) Lincoln, Washington, Carl, Colony, Douglas, Prescott, Union
- 2552 and Mercer townships.
- 2553 (2) That portion of Quincy township lying outside the corporate
- 2554 limits of the town of Corning.
- 2555 c. In Cass county, Grove, Franklin, Lincoln, Cass, Bear Grove,
- 2556 Union, Massena, Pleasant, Noble, Edna and Victoria townships and
- 2557 the city of Atlantic.
- 2558 d. In Guthrie county:
- 2559 (1) That portion of the town of Adair lying in Grant township.
- 2560 (2) That portion of the town of Casey lying in Thompson town-
- 2561 ship.
- 2562 e. In Union county:
- 2563 (1) Spaulding, Douglas and Platte townships.
- 2564 (2) That portion of the city of Creston not included in repre-
- 2565 sentative district ninety-four, as described in subsection ninety-four
- 2566 (94) of this appendix.
- 2567 96. The ninety-sixth representative district shall consist of:
- 2568 a. In Adams county:
- 2569 (1) Nodaway, Jasper and Grant townships.
- 2570 (2) That portion of the town of Corning lying in Quincy town-

2623 avenue and proceeding southerly along Graham avenue to its inter-  
 2624 section with Tostevin street and proceeding south along Tostevin  
 2625 street to its intersection with state highway 375 and proceeding  
 2626 southeasterly along state highway 375 to its intersection with the  
 2627 east corporate limit of the city of Council Bluffs.

2628 (b) Lying south and east of a line beginning at the point where  
 2629 the east corporate limit of the city of Council Bluffs intersects U.S.  
 2630 highway 275 and proceeding west on U.S. highway 275 to its junc-  
 2631 tion with Wright road and continuing west on Wright road to its  
 2632 intersection with South Eleventh street and proceeding south on  
 2633 South Eleventh street to its intersection with First avenue and  
 2634 proceeding west on First avenue to its intersection with Indian  
 2635 Creek ditch and proceeding southerly along Indian Creek ditch to  
 2636 its intersection with the main channel of the Missouri river.

2637 99.\* The ninety-ninth representative district shall consist of the  
 2638 following portions of Pottawattamie county:

2639 a. That portion of the unincorporated area of Lewis township  
 2640 bounded by a line beginning at the point where state highway 375  
 2641 intersects the east corporate limit of the city of Council Bluffs and  
 2642 proceeding southeasterly along state highway 375 to its intersection  
 2643 with U.S. highway 275 and proceeding westerly along U.S. highway  
 2644 275 to its intersection with the east corporate limit of the city of  
 2645 Council Bluffs and proceeding north along the east corporate limit  
 2646 of the city of Council Bluffs to the beginning point.

2647 b. That portion of the city of Council Bluffs bounded on the east  
 2648 by representative district ninety-eight, as described in subsection  
 2649 ninety-eight (98) of this appendix, on the south and west by the  
 2650 main channel of the Missouri river, and bounded on the north by a  
 2651 line beginning at the point where interstate highway 480 inter-  
 2652 sects with the Missouri river and proceeding easterly on interstate  
 2653 highway 480 to its junction with Broadway and continuing east  
 2654 along Broadway to its intersection with Eighth street and proceed-  
 2655 ing north along Eighth street to its intersection with Washington  
 2656 avenue and proceeding easterly along Washington avenue to its  
 2657 intersection with First street and proceeding southeasterly along  
 2658 First street to its intersection with Broadway and proceeding  
 2659 northeasterly along Broadway to its intersection with Union street  
 2660 and proceeding southeasterly along Union street to its intersection  
 2661 with Pierce street and proceeding northeast along Pierce street to  
 2662 its intersection with Frank street and proceeding northwest along  
 2663 Frank street to its intersection with Broadway and proceeding  
 2664 northeast along Broadway to its intersection with Thomas street  
 2665 and proceeding southeast along Thomas street to its intersection  
 2666 with Pierce street and proceeding easterly along Pierce street to its  
 2667 intersection with McPherson avenue, which is a point on the bound-  
 2668 ary of representative district ninety-eight.

2669 100. The one hundredth representative district shall consist of the  
 2670 following portions of Pottawattamie county:

2671 a. That portion of the city of Council Bluffs not included in repre-  
 2672 sentative districts ninety-eight and ninety-nine, as described in sub-  
 2673 sections ninety-eight (98) and ninety-nine (99), respectively, of  
 2674 this appendix.

2675 b. The city of Carter Lake.

\*See Corrective Order, p. 599.

- 2571 ship.
- 2572 *b.* In Montgomery county, Sherman, Pilot Grove, Douglas, Frank-
- 2573 fort, Washington, Scott and East townships and the town of Vil-
- 2574 lisca.
- 2575 *c.* In Page county, Douglas, Valley, Tarkio, Nodaway, Nebraska,
- 2576 Lincoln, Harlan, East River, Colfax, Amity and Buchanan town-
- 2577 ships.
- 2578 *d.* In Ringgold county, Lincoln, Grant, Waubonsie, Benton, Clin-
- 2579 ton and Middle Fork townships.
- 2580 *e.* All of Taylor county.
- 2581 97. The ninety-seventh representative district shall consist of:
- 2582 *a.* All of Fremont county.
- 2583 *b.* In Mills county:
- 2584 (1) Anderson, Indian Creek, White Cloud and Deer Creek town-
- 2585 ships.
- 2586 (2) That portion of the town of Tabor lying in Rawles township.
- 2587 *c.* In Montgomery county, Lincoln, Garfield, Red Oak, West and
- 2588 Grant townships.
- 2589 *d.* In Page county, Pierce, Fremont, Grant, Morton and Washing-
- 2590 ton townships.
- 2591 98.\* The ninety-eighth representative district shall consist of:
- 2592 *a.* In Mills county:
- 2593 (1) St. Mary's, Oak, Ingraham, Plattville, Glenwood, Center,
- 2594 Silver Creek and Lyons townships and the town of Malvern.
- 2595 (2) That portion of Rawles township outside the corporate limit
- 2596 of the town of Tabor.
- 2597 *b.* In Pottawattamie county:
- 2598 (1) Lake, Hardin, Washington, Belknap, Keg Creek, Silver
- 2599 Creek, Carson, Macedonia and Grove townships.
- 2600 (2) Those portions of the unincorporated territory of Garner
- 2601 and Lewis townships not included in representative districts ninety-
- 2602 nine and one hundred, as described in subsections ninety-nine (99)
- 2603 and one hundred (100), respectively, of this appendix.
- 2604 (3) Those portions of the city of Council Bluffs:
- 2605 (*a*) Lying east of a line beginning at the point where the bound-
- 2606 ary between Garner and Kane townships intersects the north cor-
- 2607 porate limit of the city of Council Bluffs and proceeding south along
- 2608 the boundary between Garner and Kane townships to its intersec-
- 2609 tion with Pierce street and proceeding northwesterly along Pierce
- 2610 street to its intersection with McPherson avenue and proceeding
- 2611 southeasterly along McPherson avenue to its intersection with
- 2612 Gleason avenue and proceeding west along Gleason avenue to its
- 2613 intersection with a north-south line which was in 1960 the cor-
- 2614 porate limit of the city of Council Bluffs, and which is labeled
- 2615 "Fence along bluff" on maps prepared by the U.S. bureau of the
- 2616 census for the 1970 federal decennial census, and proceeding south
- 2617 along that north-south line to its intersection with Franklin avenue
- 2618 and proceeding westerly along Franklin avenue to its intersection
- 2619 with Hazel street and proceeding south along Hazel street to its
- 2620 intersection with Lindbergh drive and proceeding west along Lind-
- 2621 bergh drive to its intersection with Madison avenue and proceeding
- 2622 northwesterly along Madison avenue to its intersection with Graham

\*See Corrective Order, p. 598.

## APPENDIX B

- 1 The state of Iowa is hereby divided into fifty senatorial districts,
- 2 each composed of two of the representative districts established by
- 3 appendix A, as follows:
- 4 1. The first senatorial district shall consist of the first and second
- 5 representative districts.
- 6 2. The second senatorial district shall consist of the third and
- 7 fourth representative districts.
- 8 3. The third senatorial district shall consist of the fifth and sixth
- 9 representative districts.
- 10 4. The fourth senatorial district shall consist of the seventh and
- 11 eighth representative districts.
- 12 5. The fifth senatorial district shall consist of the ninth and tenth
- 13 representative districts.
- 14 6. The sixth senatorial district shall consist of the eleventh and
- 15 twelfth representative districts.
- 16 7. The seventh senatorial district shall consist of the thirteenth
- 17 and fourteenth representative districts.
- 18 8. The eighth senatorial district shall consist of the fifteenth and
- 19 sixteenth representative districts.
- 20 9. The ninth senatorial district shall consist of the seventeenth and
- 21 eighteenth representative districts.
- 22 10. The tenth senatorial district shall consist of the nineteenth
- 23 and twentieth representative districts.
- 24 11. The eleventh senatorial district shall consist of the twenty-
- 25 first and twenty-second representative districts.
- 26 12. The twelfth senatorial district shall consist of the twenty-
- 27 third and twenty-fourth representative districts.
- 28 13. The thirteenth senatorial district shall consist of the twenty-
- 29 fifth and twenty-sixth representative districts.
- 30 14. The fourteenth senatorial district shall consist of the twenty-
- 31 seventh and twenty-eighth representative districts.
- 32 15. The fifteenth senatorial district shall consist of the twenty-
- 33 ninth and thirtieth representative districts.
- 34 16. The sixteenth senatorial district shall consist of the thirty-
- 35 first and thirty-second representative districts.
- 36 17. The seventeenth senatorial district shall consist of the thirty-
- 37 third and thirty-fourth representative districts.
- 38 18. The eighteenth senatorial district shall consist of the thirty-
- 39 fifth and thirty-sixth representative districts.
- 40 19. The nineteenth senatorial district shall consist of the thirty-
- 41 seventh and thirty-eighth representative districts.
- 42 20. The twentieth senatorial district shall consist of the thirty-
- 43 ninth and fortieth representative districts.
- 44 21. The twenty-first senatorial district shall consist of the forty-
- 45 first and forty-second representative districts.
- 46 22. The twenty-second senatorial district shall consist of the
- 47 forty-third and forty-fourth representative districts.
- 48 23. The twenty-third senatorial district shall consist of the forty-
- 49 fifth and forty-sixth representative districts.
- 50 24. The twenty-fourth senatorial district shall consist of the
- 51 forty-seventh and forty-eighth representative districts.
- 52 25. The twenty-fifth senatorial district shall consist of the forty-
- 53 ninth and fiftieth representative districts.

- 54 26. The twenty-sixth senatorial district shall consist of the fifty-  
55 first and fifty-second representative districts.
- 56 27. The twenty-seventh senatorial district shall consist of the  
57 fifty-third and fifty-fourth representative districts.
- 58 28. The twenty-eighth senatorial district shall consist of the fifty-  
59 fifth and fifty-sixth representative districts.
- 60 29. The twenty-ninth senatorial district shall consist of the fifty-  
61 seventh and fifty-eighth representative districts.
- 62 30. The thirtieth senatorial district shall consist of the fifty-ninth  
63 and sixtieth representative districts.
- 64 31. The thirty-first senatorial district shall consist of the sixty-  
65 first and sixty-second representative districts.
- 66 32. The thirty-second senatorial district shall consist of the sixty-  
67 third and sixty-fourth representative districts.
- 68 33. The thirty-third senatorial district shall consist of the sixty-  
69 fifth and sixty-sixth representative districts.
- 70 34. The thirty-fourth senatorial district shall consist of the sixty-  
71 seventh and sixty-eighth representative districts.
- 72 35. The thirty-fifth senatorial district shall consist of the sixty-  
73 ninth and seventieth representative districts.
- 74 36. The thirty-sixth senatorial district shall consist of the sev-  
75 enty-first and seventy-second representative districts.
- 76 37. The thirty-seventh senatorial district shall consist of the sev-  
77 enty-third and seventy-fourth representative districts.
- 78 38. The thirty-eighth senatorial district shall consist of the sev-  
79 enty-fifth and seventy-sixth representative districts.
- 80 39. The thirty-ninth senatorial district shall consist of the sev-  
81 enty-seventh and seventy-eighth representative districts.
- 82 40. The fortieth senatorial district shall consist of the seventy-  
83 ninth and eightieth representative districts.
- 84 41. The forty-first senatorial district shall consist of the eighty-  
85 first and eighty-second representative districts.
- 86 42. The forty-second senatorial district shall consist of the eighty-  
87 third and eighty-fourth representative districts.
- 88 43. The forty-third senatorial district shall consist of the eighty-  
89 fifth and eighty-sixth representative districts.
- 90 44. The forty-fourth senatorial district shall consist of the eighty-  
91 seventh and eighty-eighth representative districts.
- 92 45. The forty-fifth senatorial district shall consist of the eighty-  
93 ninth and ninetieth representative districts.
- 94 46. The forty-sixth senatorial district shall consist of the ninety-  
95 first and ninety-second representative districts.
- 96 47. The forty-seventh senatorial district shall consist of the  
97 ninety-third and ninety-fourth representative districts.
- 98 48. The forty-eighth senatorial district shall consist of the ninety-  
99 fifth and ninety-sixth representative districts.
- 100 49. The forty-ninth senatorial district shall consist of the ninety-  
101 seventh and ninety-eighth representative districts.
- 102 50. The fiftieth senatorial district shall consist of the ninety-  
103 ninth and one hundredth representative districts.

## CORRECTIVE ORDER TO SUPPLEMENTAL OPINION

Our supplemental opinion filed March 31, 1972 followed legislative precedent in establishing one hundred representative districts and fifty senatorial districts for election of General Assembly members in subsequent elections. Appendix A to that opinion described boundaries of the representative districts. Appendix B defined the senatorial districts, each comprising the area of two designated representative districts.

Certain errors and omissions in the descriptions found in Appendix A to the March 31, 1972 supplemental opinion have now been brought to our attention. Pursuant to the jurisdiction we retained for such purpose, it is hereby ordered that the introductory paragraph and those subsections of Appendix A attached hereto and made a part hereof by reference, are amended as shown herein. For clarity, words and phrases deleted from the original descriptions appear with strike through lines superimposed on them, and words and phrases added are underscored (italicized).

Language of Appendix B, attached to the March 31, 1972 supplemental opinion, requires no change. Boundaries of the legislative districts referred to by number in that Appendix shall be those described in our supplemental opinion, as corrected by this order.

Done at the direction of the Supreme Court of the State of Iowa on this 15th day of May, 1972.

s/C. EDWIN MOORE

Chief Justice, Iowa Supreme Court

## APPENDIX A

1     *As used in this appendix, each reference to a specific city, town,*  
 2     *township, street or road means the city, town, township, street or*  
 3     *road so identified as its boundaries or location existed on April 1,*  
 4     *1970, the official date of the 1970 United States decennial census.*  
 5     *Unless otherwise stated in this appendix, territory added to or taken*  
 6     *from any city, town or township after April 1, 1970 shall be regarded*  
 7     *as a part of the city, town or township to which the territory belonged*  
 8     *on that date, for the purposes of this appendix.*

9     The state of Iowa is hereby divided into one hundred representa-  
 10    tive districts, as follows:

11    12. The twelfth representative district shall consist of:

12    a. In Cerro Gordo county:

13    (1) Lincoln, Lake and Lime Creek townships.

14    (2) ~~That portion~~ *Those portions* of the city of Mason City and of  
 15    *Mason township which* is not included in representative district  
 16    eleven, as described in subsection eleven (11) of this appendix.

17    b. All of Worth county.

18    19. The nineteenth representative district shall consist of that  
 19    portion of the city of Dubuque bounded by a line beginning at a point  
 20    on the main channel of the Mississippi river opposite the northern-  
 21    most entry from the Mississippi river to the Lake Peosta channel  
 22    and proceeding southwesterly along the center of the Lake Peosta  
 23    channel to its intersection with East Sixteenth street and proceeding  
 24    west along East Sixteenth street to its intersection with Kerper  
 25    boulevard and proceeding north along Kerper boulevard to its inter-  
 26    section with Fengler street and proceeding northwesterly along

27 Fengler street to its intersection with Garfield avenue and proceed-  
28 ing northeasterly along Garfield avenue to its intersection with Ann  
29 street and proceeding southeasterly along Ann street to its inter-  
30 section with the Chicago, Milwaukee, St. Paul and Pacific railroad  
31 track and proceeding northeasterly along that railroad track to its  
32 intersection with Dock street and proceeding northwesterly along  
33 Dock street to its intersection with Rhomberg avenue and proceed-  
34 ing northeasterly along Rhomberg avenue to its intersection with  
35 Decatur street and proceeding northwesterly along Decatur street  
36 to its intersection with Lincoln avenue and proceeding southwesterly  
37 along Lincoln avenue to its intersection with Ascension street and  
38 proceeding northwesterly along Ascension street to Prescott street  
39 and proceeding northeasterly along Prescott street to its intersection  
40 with Roosevelt street and proceeding northerly along Roosevelt  
41 street to its intersection with the corporate limit of the city of  
42 Dubuque and turning first south and then continuing to proceed along  
43 the corporate limit of the city of Dubuque to its intersection with  
44 Central avenue and proceeding southerly along Central avenue to its  
45 intersection with West Thirty-second street and proceeding westerly  
46 along West Thirty-second street to its intersection with Saunders  
47 street and proceeding southwesterly along Saunders street to its inter-  
48 section with the northwestward extension of Davenport street and  
49 proceeding southeasterly along the northwestward extension of  
50 Davenport street and Davenport street to its intersection with West  
51 Twenty-eighth street and proceeding westerly along West Twenty-  
52 eighth street to its intersection with Broadway street and proceeding  
53 southerly along Broadway street to its intersection with King street  
54 and proceeding westerly along King street to its intersection with  
55 Fulton street and proceeding southerly along Fulton street and con-  
56 tinuing in a southerly direction along a line labeled "rim of bluff" on  
57 maps of the city of Dubuque prepared by the United States bureau of  
58 the census for the taking of the 1970 federal decennial census (which  
59 line forms a part of the boundary between precincts 23 and 24 of the  
60 city of Dubuque as established by the city subsequent to the taking of  
61 the 1970 federal decennial census) to the intersection of that line with  
62 Valeria street and proceeding westerly along Valeria street to its  
63 intersection with Kaufmann avenue and proceeding southerly along  
64 Kaufmann avenue to its intersection with Hempstead street and pro-  
65 ceeding southwesterly along Hempstead street to its intersection with  
66 Lowell street and proceeding east along Lowell street to its intersec-  
67 tion with Schroeder street and proceeding south along Schroeder  
68 street to its intersection with Clarke drive and proceeding northeast-  
69 erly along Clarke drive to its intersection with Foye street and pro-  
70 ceeding south along Foye street to its intersection with West Locust  
71 street and proceeding west along West Locust street to its intersection  
72 with Pierce street and proceeding south along Pierce street to its inter-  
73 section with Quigley lane and proceeding easterly along Quigley lane  
74 to its intersection with Catherine street and proceeding south along  
75 Catherine street to its intersection with West Seventeenth street and  
76 proceeding southwesterly along West Seventeenth street to its inter-  
77 section with Cox street and proceeding southerly along Cox street to  
78 its intersection with Loras boulevard and proceeding northeasterly  
79 along Loras boulevard to its intersection with Prairie street and pro-

- 80 ceeding southerly along Prairie street to its intersection with West  
 81 Eleventh street and proceeding easterly along West Eleventh street  
 82 to its intersection with Spruce street and proceeding southerly along  
 83 Spruce street to its intersection with University avenue and proceed-  
 84 ing southeasterly along University avenue to its intersection with  
 85 West Eighth street and proceeding west along West Eighth street to  
 86 its intersection with ~~Airmill~~ *Airhill* street and proceeding northeast-  
 87 erly along ~~Airmill~~ *Airhill* street to University avenue and proceeding  
 88 southwesterly along University avenue to its intersection with Alta  
 89 Vista street and proceeding southerly along Alta Vista street to its  
 90 intersection with Oxford street and proceeding easterly along Oxford  
 91 street to its intersection with Harvard street and proceeding southerly  
 92 along Harvard street to its intersection with *Alta Vista street and*  
 93 *proceeding northwesterly along Alta Vista street to its intersection*  
 94 *with Carlotta street and proceeding westerly along Carlotta street to*  
 95 *its intersection with Alpine street and proceeding southerly along*  
 96 *Alpine street to its intersection with West Fifth street and proceeding*  
 97 *westerly along West Fifth Street to its intersection with Nevada street*  
 98 *and proceeding south along Nevada street to its intersection with*  
 99 *West Third street and proceeding westerly along West Third street to*  
 100 *its intersection with Booth street and proceeding southerly along*  
 101 *Booth street to Langworthy street and proceeding westerly along*  
 102 *Langworthy street to its intersection with College street and proceed-*  
 103 *ing northerly along College street to its intersection with West Third*  
 104 *street and proceeding southwesterly along West Third street to its*  
 105 *intersection with Grandview avenue and proceeding southeasterly*  
 106 *along Grandview avenue to its intersection with Whelan street and*  
 107 *proceeding southwesterly along Whelan street to its intersection*  
 108 *with Bradley street and proceeding southeasterly along Bradley*  
 109 *street to its intersection with Rider street and proceeding northeast-*  
 110 *erly along Rider street to its intersection with Grandview avenue*  
 111 *and proceeding southeasterly along Grandview avenue to its inter-*  
 112 *section with Bryant street and proceeding northerly along Bryant*  
 113 *street to its intersection with Mount Loretta avenue and proceeding*  
 114 *easterly along Mount Loretta avenue to Saint George street and*  
 115 *proceeding southerly along Saint George street to Tressa street and*  
 116 *proceeding easterly along Tressa street to its intersection with*  
 117 *Samuel street and proceeding southeasterly along Samuel street to*  
 118 *its intersection with Southern avenue and proceeding northerly*  
 119 *along Southern avenue to its intersection with Railroad avenue and*  
 120 *proceeding northeasterly along Railroad avenue and its extension*  
 121 *to the main channel of the Mississippi river and proceeding northerly*  
 122 *along the main channel of the Mississippi river to the point of*  
 123 *beginning.*
- 124 25. The twenty-fifth representative district shall consist of:
- 125 a. In Johnson county:
- 126 (1) Monroe, Jefferson, Big Grove, Oxford and Madison townships.
- 127 (2) Those portions of Clear Creek and Penn townships lying out-  
 128 side the corporate limits of the city of Coralville.
- 129 b. In Linn county:
- 130 (1) Bertram, College, Putnam and Franklin townships.
- 131 (2) That portion of the city of Cedar Rapids bounded by a line  
 132 beginning at the point where Seventy-sixth avenue southwest (which



133 is the south corporate limit of the city of Cedar Rapids) intersects  
 134 Edgewood road southwest (which is the west corporate limit of the  
 135 city of Cedar Rapids) and proceeding north along Edgewood road  
 136 southwest to its intersection with the Chicago and Northwestern  
 137 railroad track and proceeding easterly along the Chicago and North-  
 138 western railroad track to its intersection with U.S. highways 30 and  
 139 218 and proceeding north along U.S. highways 30 and 218 to its  
 140 intersection with Thirty-third avenue southwest and proceeding  
 141 northeasterly and east along Thirty-third avenue southwest to its  
 142 intersection with Woodland drive southwest and proceeding north-  
 143 easterly along Woodland drive southwest to its intersection with  
 144 Wing road southwest and proceeding east along Wing road south-  
 145 west to its intersection with Outlook drive southwest and proceeding  
 146 northerly along Outlook drive southwest to its intersection with  
 147 Twenty-ninth avenue southwest and proceeding east along Twenty-  
 148 ninth avenue southwest to its intersection with Bowling street south-  
 149 west and proceeding south along Bowling street southwest to its  
 150 intersection with the Chicago and Northwestern railroad track and  
 151 proceeding easterly along that railroad track to its intersection with  
 152 the southward extension of the easternmost boundary of Jones park  
 153 and proceeding north and west along the boundary of Jones park to  
 154 its intersection with Fruitland boulevard and proceeding north along  
 155 Fruitland boulevard to its intersection with Ely avenue southwest  
 156 and proceeding east along Ely avenue southwest to its intersection  
 157 with "C" street southwest and proceeding southeast along "C" street  
 158 southwest to its intersection with Summit avenue southwest and  
 159 proceeding east along Summit avenue southwest and its eastward  
 160 extension to the main channel of the Cedar river and proceeding  
 161 generally northward along the main channel of the Cedar river to  
 162 its intersection with a line extended due south from the southwest  
 163 corner of Van Vechten park and proceeding north along that line and  
 164 continuing to follow the western and northern boundary of Van  
 165 Vechten park to its intersection with Twenty-first street southeast  
 166 and proceeding north along Twenty-first street southeast to its inter-  
 167 section with Mount Vernon road southeast and proceeding east along  
 168 Mount Vernon road southeast to its intersection with Memorial drive  
 169 southeast and proceeding north along Memorial drive southeast to  
 170 its intersection with Dalewood avenue southeast and proceeding first  
 171 east, then north, and again east along Dalewood avenue southeast  
 172 to its intersection with Thirtieth street southeast and proceeding  
 173 north along Thirtieth street southeast to its intersection with Bever  
 174 avenue southeast and proceeding east along Bever avenue southeast  
 175 to its intersection with Thirty-fourth street southeast and proceed-  
 176 ing north along Thirty-fourth street southeast to its intersection  
 177 with the portion of the corporate limits of the city of Cedar Rapids  
 178 which runs easterly from Thirty-fourth street southeast at a point  
 179 just north of ~~Randon~~ Random road and proceeding first easterly and  
 180 continuing to follow the corporate limit of the city of Cedar Rapids  
 181 to the point of beginning.

182 26. The twenty-sixth representative district shall consist of that  
 183 portion of the city of Cedar Rapids partially bounded on the east  
 184 and south by representative district twenty-five, as described in sub-  
 185 section twenty-five (25) of this appendix, and having as the remain-

186 der of its boundary a line beginning at the point where the main  
187 channel of the Cedar river intersects a line drawn due south from  
188 the southwest corner of Van Vechten park, which intersection is a  
189 point on the boundary of representative district twenty-five, and  
190 proceeding first westerly and then northerly along the main channel  
191 of the Cedar river to its intersection with the southwestward exten-  
192 sion of Fourth avenue southeast and proceeding northeast along  
193 Fourth avenue southeast to its intersection with Second street south-  
194 east and proceeding northwest along Second street southeast to its  
195 intersection with Second avenue southeast and proceeding northeast  
196 along Second avenue southeast to its intersection with the Chicago,  
197 Rock Island and Pacific railroad track and proceeding southeast  
198 along that railroad track to its intersection with Third avenue south-  
199 east and proceeding northeast along Third avenue southeast to its  
200 intersection with Tenth street southeast and proceeding southeast  
201 along Tenth street southeast to its intersection with Mount Vernon  
202 road southeast and proceeding easterly along Mount Vernon road  
203 southeast to its intersection with Fourteenth street southeast and  
204 proceeding north along Fourteenth street southeast to its intersec-  
205 tion with Fifth avenue southeast and proceeding west along Fifth  
206 avenue southeast to its intersection with the northward continuation  
207 of Fourteenth street southeast and proceeding north along Four-  
208 teenth street southeast to its intersection with Third avenue south-  
209 east and proceeding northeast along Third avenue southeast to the  
210 northwestward continuation of Fourteenth street southeast and pro-  
211 ceeding northwest along Fourteenth street southeast to its intersec-  
212 tion with Second avenue southeast and proceeding southwest along  
213 Second avenue southeast to its intersection with Thirteenth street  
214 southeast and proceeding northwest along Thirteenth street south-  
215 east and Thirteenth street northeast to its intersection with "C"  
216 avenue northeast and proceeding northeast along "C" avenue north-  
217 east to its intersection with Sixteenth street northeast and proceed-  
218 ing northwest along Sixteenth street northeast to its intersection with  
219 the Chicago, Milwaukee, St. Paul and Pacific railroad track and pro-  
220 ceeding northeast along that railroad track to its intersection with  
221 Seventeenth street northeast and proceeding northerly along Seven-  
222 tenth street northeast to its intersection with Greene avenue north-  
223 east and proceeding west along Greene avenue northeast to its inter-  
224 section with Sixteenth street northeast and proceeding north along  
225 Sixteenth street northeast to its intersection with "J" avenue north-  
226 east and proceeding west along "J" avenue northeast to its inter-  
227 section with Maplewood drive northeast and proceeding north along  
228 Maplewood drive northeast to its intersection with Wildwood drive  
229 northeast and continuing north along Wildwood drive northeast to  
230 its intersection with Elmhurst drive northeast and proceeding west  
231 along Elmhurst drive northeast to its intersection with Oakland  
232 road northeast and proceeding north along Oakland road northeast  
233 to its intersection with Twenty-ninth street northeast and proceed-  
234 ing east along Twenty-ninth street northeast to its intersection with  
235 Wildwood court northeast and proceeding north along Wildwood  
236 court northeast to its intersection with Thirtieth street northeast  
237 and proceeding west along Thirtieth street northeast to its intersec-  
238 tion with Oakland road northeast and proceeding northerly along

239 Oakland road northeast to its intersection with Thirty-fifth street  
 240 northeast and proceeding east along Thirty-fifth street northeast to its  
 241 intersection with "F" avenue northeast and proceeding south along  
 242 "F" avenue northeast to its intersection with Thirty-second street  
 243 northeast and proceeding east along Thirty-second street northeast to  
 244 its intersection with "C" avenue northeast running north from Thir-  
 245 ty-second street northeast and proceeding north along "C" avenue  
 246 northeast to its intersection with Thirty-third street northeast and  
 247 proceeding east along Thirty-third street northeast to its intersection  
 248 with First avenue and proceeding south along First avenue to its  
 249 intersection with Thirty-second street southeast and proceeding east  
 250 along Thirty-second street southeast to its intersection with the Chi-  
 251 cago, Milwaukee, St. Paul and Pacific railroad track and proceeding  
 252 north along that railroad track to its intersection with Thirty-fifth  
 253 street drive southeast and proceeding east along Thirty-fifth street  
 254 drive southeast and its eastward extension to the corporate limit of  
 255 the city of Cedar Rapids and proceeding first south and continuing  
 256 to follow the corporate limit of the city of Cedar Rapids to the point  
 257 just north of ~~Random~~ *Random* road where the corporate limit of the  
 258 city of Cedar Rapids turns eastward from Thirty-fourth street  
 259 southeast, which is also a point on the boundary of representative  
 260 district twenty-five.

261 27. The twenty-seventh representative district shall consist of:

262 a. In Benton county, the town of Walford.

263 b. In Linn county:

264 (1) Fayette, Clinton and Fairfax townships.

265 (2) That portion of the city of Cedar Rapids partially bounded  
 266 on the east and south by representative district twenty-five, as de-  
 267 scribed in subsection twenty-five (25) of this appendix, and having  
 268 as the remainder of its boundary a line beginning at the point where  
 269 the Chicago and Northwestern railroad tracks intersect Edgewood  
 270 road southwest, which is a point on the boundary of representative  
 271 district twenty-five, and proceeding in a clockwise manner along the  
 272 corporate limit of the city of Cedar Rapids to the point where that  
 273 portion of the corporate limit which parallels or coincides with  
 274 Westwood drive northwest intersects Edgewood road northwest and  
 275 proceeding south along Edgewood road northwest to its intersection  
 276 with Sue lane northwest and proceeding east along Sue lane north-  
 277 west to its intersection with ~~Thirty-second street~~ *Patricia lane* north-  
 278 west and proceeding north along ~~Thirty-second street~~ *Patricia lane*  
 279 northwest to its intersection with Johnson avenue northwest and  
 280 proceeding east along Johnson avenue northwest to its intersection  
 281 with Twenty-fourth street northwest running north from Johnson  
 282 avenue northwest and proceeding north along Twenty-fourth street  
 283 northwest to its intersection with "D" avenue northwest and pro-  
 284 ceeding easterly along "D" avenue northwest to its intersection with  
 285 Twenty-third street northwest and proceeding north along Twenty-  
 286 third street northwest to its intersection with "E" avenue northwest  
 287 and proceeding east along "E" avenue northwest to its intersection  
 288 with Eighteenth street northwest and proceeding south along Eigh-  
 289 teenth street northwest to its intersection with Johnson avenue  
 290 northwest and proceeding first east and then southeasterly along  
 291 Johnson avenue northwest to its intersection with Maple drive north-

292 west and proceeding east along Maple drive northwest to its inter-  
293 section with Fourteenth street northwest and proceeding south along  
294 Fourteenth street northwest to its intersection with First avenue  
295 west and proceeding first east and then northeasterly along First  
296 avenue west to its intersection with Twelfth street southwest and  
297 proceeding southeast along Twelfth street southwest to its intersec-  
298 tion with Fifth avenue southwest and proceeding east along Fifth  
299 avenue southwest to its intersection with the Chicago, Milwaukee,  
300 St. Paul and Pacific railroad track and proceeding northerly along  
301 that railroad track to its intersection with Second avenue southwest  
302 and proceeding northeasterly along Second avenue southwest to its  
303 intersection with Eighth street southwest and proceeding south  
304 along Eighth street southwest to its intersection with Third avenue  
305 southwest and proceeding northeasterly along Third avenue south-  
306 west to its intersection with Seventh street southwest and proceed-  
307 ing southeasterly along Seventh street southwest to its intersection  
308 with Fifth avenue southwest and proceeding east along Fifth ave-  
309 nue southwest to the southward extension of Seventh street south-  
310 west and proceeding south along Seventh street southwest to its  
311 intersection with Eighth avenue southwest and proceeding east along  
312 Eighth avenue southwest to its intersection with Sixth street south-  
313 west and proceeding south along Sixth street southwest to its inter-  
314 section with the Chicago, Milwaukee, St. Paul and Pacific railroad  
315 track and proceeding northeasterly along that railroad track to its  
316 intersection with Fourth street southwest and proceeding south  
317 along Fourth street southwest to its intersection with Sixteenth  
318 avenue southwest and proceeding west along Sixteenth avenue south-  
319 west to its intersection with Sixth street southwest and proceeding  
320 south along Sixth street southwest to its intersection with Twenty-  
321 second avenue southwest and proceeding west along Twenty-second  
322 avenue southwest to its intersection with Eighth street southwest  
323 and proceeding south along Eighth street southwest to its intersec-  
324 tion with Wilson avenue southwest and proceeding east along Wil-  
325 son avenue southwest and continuing along Ely avenue southwest to  
326 its intersection with Fruitland boulevard southwest, which intersec-  
327 tion is a point on the boundary of representative district twenty-five.  
328 28. The twenty-eighth representative district shall consist of that  
329 portion of the city of Cedar Rapids bounded on the east, south and  
330 west by representative districts twenty-six, twenty-five and twenty-  
331 seven, as described in subsections twenty-six (26), twenty-five (25),  
332 and twenty-seven (27), respectively, of this appendix, and having as  
333 the remainder of its boundary a line beginning at the intersection of  
334 Westwood drive northwest and Edgewood road northwest, which is  
335 a point on the boundary of representative district twenty-seven,  
336 and proceeding north along Edgewood road northwest to its inter-  
337 section with "O" avenue northwest and proceeding east along "O"  
338 avenue northwest to its intersection with Hillside drive running  
339 north from "O" avenue northwest and proceeding north along Hill-  
340 side drive northwest to its intersection with Elaine drive northwest  
341 and proceeding east along Elaine drive northwest to its intersection  
342 with Thirtieth street northwest and proceeding south along Thirtieth  
343 street northwest to its intersection with "O" avenue northwest and  
344 proceeding east long "O" avenue northwest to its intersection with

345 Ellis boulevard northwest and proceeding north along Ellis boule-  
346 vard northwest to its intersection with Penn avenue northwest and  
347 proceeding west along Penn avenue northwest to its intersection  
348 with Eighth street northwest and proceeding north along Eighth  
349 street northwest to its intersection with "Q" avenue northwest and  
350 proceeding east along "Q" avenue northwest to its intersection with  
351 Ellis boulevard northwest and proceeding northwesterly along Ellis  
352 boulevard northwest to its intersection with Ellis lane northwest  
353 and proceeding northeasterly along the extension of Ellis lane north-  
354 east to its intersection with the Chicago, Rock Island and Pacific  
355 railroad track running east of and generally parallel with the Cedar  
356 river and proceeding northwesterly along that railroad track to its  
357 intersection with "J" avenue northeast and proceeding southeasterly  
358 along "J" avenue northeast to its intersection with Shaver road run-  
359 ning north from "J" avenue northeast and proceeding north along  
360 Shaver road to its intersection with Coldstream avenue northeast  
361 and proceeding easterly along Coldstream avenue northeast to its  
362 intersection *with Circle drive northeast and proceeding north along*  
363 *Circle drive to its intersection with Sharwood drive northeast and*  
364 *proceeding east along Sharwood drive northeast to its intersection*  
365 *with Sierra drive northeast and proceeding south along Sierra drive*  
366 *northeast to its intersection with Coldstream avenue northeast and*  
367 *proceeding east along Coldstream avenue northeast to its intersec-*  
368 *tion with the Wabash railroad track and proceeding north along that*  
369 *railroad track to its intersection with Glass road northeast and pro-*  
370 *ceeding easterly along Glass road northeast to its intersection with*  
371 *Center Point road northeast and proceeding north along Center*  
372 *Point road northeast to its intersection with Richmond road north-*  
373 *east and proceeding east along Richmond road northeast to its inter-*  
374 *section with Ozark street northeast and proceeding south along*  
375 *Ozark street northeast to its intersection with Keith drive northeast*  
376 *and proceeding east along Keith drive northeast to its intersection*  
377 *with Mark street northeast and proceeding north along Mark street*  
378 *northeast to its intersection with Richmond road northeast and pro-*  
379 *ceeding first east and then northeasterly along Richmond road north-*  
380 *east to its intersection with Hollywood boulevard northeast and pro-*  
381 *ceeding easterly along Hollywood boulevard northeast to its inter-*  
382 *section with Oakland road northeast and proceeding south along*  
383 *Oakland road northeast to its intersection with Thirty-fifth street*  
384 *northeast, which is a point on the boundary of representative district*  
385 *twenty-six.*

386 32. The thirty-second representative district shall consist of:

387 a. In Buchanan county:

388 (1) Fairbank, Hazelton, Buffalo, Madison, Washington, Byron  
389 and Fremont townships.

390 (2) That portion of Perry township lying outside the corporate  
391 limits of the town of Jesup.

392 b. In Black Hawk county:

393 (1) Bennington, Lester, Poyner and Barclay townships.

394 (2) *That portion of Cedar township not included in the thirty-first*  
395 *representative district, as described in subsection thirty-one (31) of*  
396 *this appendix.*

397     ~~(2)~~ (3) All of East Waterloo township outside the corporate  
398 limits of the city of Waterloo except:

399     (a) That portion bounded by a line beginning at the point where  
400 Moline road intersects the corporate limits of the city of Waterloo  
401 and proceeding north along Moline road to its intersection with the  
402 boundary line of Mount Vernon township and proceeding west along  
403 the Mount Vernon township line to its intersection with the corpo-  
404 rate limits of the city of Waterloo and proceeding south and east  
405 along the corporate limits of the city of Waterloo to the point of  
406 beginning.

407     (b) That portion bounded by a line beginning at the point where  
408 state highway 281 intersects the corporate limits of the city of Water-  
409 loo and proceeding east along state highway 281 to its intersection  
410 with the boundary line of Poyner township and proceeding north  
411 along the boundary line of Poyner township to its intersection with  
412 Newell street and proceeding west along Newell street to its inter-  
413 section with the corporate limits of the city of Waterloo and pro-  
414 ceeding south along the corporate limit of the city of Waterloo to  
415 the point of beginning.

416     (c) That portion bounded on the north, east and south by the  
417 corporate limits of the city of Waterloo and on the west by Cedar  
418 Falls township.

419     41. The forty-first representative district shall consist of the fol-  
420 lowing portions of Story county:

421     (1) Milford, Grant, Nevada, and New Albany townships.

422     (2) Those portions of Washington and Franklin townships and  
423 the city of Ames bounded by a line beginning at the southernmost  
424 point at which the corporate limit of the city of Ames intersects the  
425 boundary of Grant township and proceeding westerly along the cor-  
426 porate limit of the city of Ames to its intersection with a road  
427 running east from South Sixteenth street in the city of Ames and  
428 proceeding west along that road to the point where it again inter-  
429 sects the corporate limit of the city of Ames, and proceeding gener-  
430 ally south and west along the corporate limit of the city of Ames to  
431 its intersection with U. S. highway 69 and proceeding north along  
432 U. S. highway 69 to its intersection with Squaw Creek and proceed-  
433 ing westerly along Squaw Creek to its intersection with South Maple  
434 avenue and proceeding north along South Maple avenue to its inter-  
435 section with South Second street and proceeding east along South  
436 Second street to its intersection with South Oak avenue and pro-  
437 ceeding north along South Oak avenue to its intersection with Lin-  
438 coln way and proceeding west on Lincoln way to its intersection with  
439 Squaw Creek and proceeding north along Squaw Creek to its inter-  
440 section with the Chicago and Northwestern railroad track and pro-  
441 ceeding northwesterly along that railroad track to its ~~junction with~~  
442 ~~Ontario street and proceeding west on Ontario street to its junction~~  
443 ~~with Sheldon avenue and proceeding southerly on Sheldon avenue~~  
444 ~~to its junction intersection with the northward extension of Hyland~~  
445 ~~avenue and proceeding south along the extension of Hyland avenue~~  
446 ~~and Hyland avenue to its intersection with Ross road and proceed-~~  
447 ~~ing southerly west along Ross road to its junction intersection with~~  
448 ~~Wisconsin avenue and proceeding north on Wisconsin avenue to its~~  
449 ~~junction intersection with Ontario street and proceeding west on~~

450 Ontario street to its ~~junction~~ *intersection* with Michigan avenue and  
 451 proceeding south on Michigan avenue to its ~~junction~~ *intersection*  
 452 with Ross road and proceeding west on Ross road to its ~~junction~~ *intersection*  
 453 *intersection* with Garfield avenue and proceeding north on Garfield  
 454 avenue to its ~~junction~~ *intersection* with Ontario street and pro-  
 455 ceeding west on Ontario street to its intersection with the Boone  
 456 county boundary line and proceeding north on the Boone county  
 457 boundary line to its intersection with the Chicago and Northwestern  
 458 railroad track and proceeding easterly along that railroad track to  
 459 its ~~junction~~ *intersection* with the corporate limits of the city of Ames  
 460 and proceeding in a clockwise manner along the corporate limits of  
 461 the city of Ames to the point of beginning.

462 46. The forty-sixth representative district shall consist of the fol-  
 463 lowing portions of Webster county:

464 a. Jackson, Deer Creek, Johnson, Douglas, *Colfax*, Fulton, Elk-  
 465 horn, Pleasant Valley, Otho, Roland, Clay, Burnside, Sumner, Web-  
 466 ster, Yell, Gowrie, Lost Grove, Dayton and Hardin townships.

467 b. Those portions of Cooper township and of the city of Fort  
 468 Dodge not included in the forty-fifth representative district, as de-  
 469 scribed in subsection forty-five (45) of this appendix.

470 c. That portion of the town of Duncombe lying in Washington  
 471 township.

472 59. The fifty-ninth representative district shall consist of the fol-  
 473 lowing portions of Polk county:

474 a. Jefferson and Madison townships and the cities of Urbandale  
 475 and Windsor Heights.

476 b. That portion of Union township lying outside the corporate  
 477 limit of the town of Sheldahl.

478 c. ~~That portion~~ *All of Webster township outside the corporate lim-*  
 479 *its of the cities of Des Moines and Urbandale, but including those*  
 480 *portions of the towns of Grimes and Johnston, lying north and west*  
 481 *of a line beginning at the point where Northwest Sixty-sixth avenue*  
 482 *intersects the boundary between Saylor and Webster townships and*  
 483 *proceeding west along Northwest Sixty-sixth avenue to its intersec-*  
 484 *tion with Northwest Beaver drive and proceeding southerly along*  
 485 *Northwest Beaver drive to its intersection with interstate highways*  
 486 *25 and 80 and proceeding west along except that portion bounded on*  
 487 *the north by interstate highways 35 and 80 to its intersection with*  
 488 *and on the west by the eastern corporate limit of the city of Urban-*  
 489 *dale.*

490 d. That portion of the city of Des Moines lying north and west  
 491 of a line beginning at the point where Hickman road intersects the  
 492 common corporate limits of the cities of Des Moines and Windsor  
 493 Heights and proceeding east along Hickman road to its intersection  
 494 with Merle Hay road and proceeding north along Merle Hay road  
 495 to its intersection with the common corporate limits of the cities of  
 496 Des Moines and Urbandale.

497 75. The seventy-fifth representative district shall consist of:

498 a. In Johnson county, Fremont township.

499 b. In Louisa county, Oakland, Union, Columbus City, Concord,  
 500 Grandview, and Port Louisa townships.

501 c. In Muscatine county:

502 (1) Wapsinonoc, Goshen, Pike, Lake, Bloomington, Orono, Cedar,  
503 Seventy-six and Fruitland townships.

504 (2) That portion of the city of Muscatine bounded by a line be-  
505 ginning at the point where the main channel of the Mississippi river  
506 (which is the corporate limit of the city of Muscatine) intersects the  
507 southeastward extension of Locust street and proceeding northwest-  
508 erly along the extension of Locust street and Locust street to its  
509 intersection with Fifth street and proceeding northeasterly along  
510 Fifth street to its intersection with Chestnut street and proceeding  
511 northwesterly along Chestnut street to its intersection with Eighth  
512 street and proceeding northeasterly along Eighth street to its inter-  
513 section with Orange street and proceeding northwesterly along  
514 Orange street to its intersection with Eleventh street and proceeding  
515 southwesterly along Eleventh street to its intersection with Mulberry  
516 avenue and proceeding northwesterly along Mulberry avenue to its  
517 intersection with Woodlawn avenue and proceeding northeasterly  
518 along Woodlawn avenue to its intersection with Bidwell road and  
519 proceeding northwesterly along Bidwell road to its intersection with  
520 Isette avenue and proceeding ~~northeasterly~~ *northerly* along Isette  
521 avenue to its intersection with Clay street and proceeding northeast-  
522 erly along Clay street to its intersection with Mad Creek and proceed-  
523 ing *northerly* along Mad Creek to its intersection with the north  
524 corporate limit of the city of Muscatine and proceeding first west and  
525 continuing in a counterclockwise direction along the corporate limits  
526 of the city of Muscatine to the beginning point.

527 79. The seventy-ninth representative district shall consist of the  
528 following portions of Scott county:

529 a. The city of Bettendorf and the towns of Panorama Park and  
530 Riverdale.

531 b. That portion of the unincorporated territory of Pleasant Valley  
532 township not included in representative district seventy-eight, as  
533 described in subsection seventy-eight (78) of this appendix.

534 c. That portion of the city of Davenport bounded by a line begin-  
535 ning at the point where Kimberly road intersects the common cor-  
536 porate limit of the cities of Bettendorf and Davenport and proceed-  
537 ing northwesterly along Kimberly road to its intersection with Jer-  
538 sey Ridge road and proceeding southerly along Jersey Ridge road to  
539 its intersection with Locust street and proceeding east along Locust  
540 street to its intersection with Woodland avenue and proceeding south  
541 along Woodland avenue to its intersection with Middle road and pro-  
542 ceeding southwesterly along Middle road to its junction with East  
543 street and proceeding southeasterly along East street to its intersec-  
544 tion with Belle avenue and proceeding south along Belle avenue to  
545 its intersection with Kirkwood boulevard and proceeding southeast-  
546 erly along Kirkwood boulevard to its intersection with Jersey Ridge  
547 road and proceeding south along Jersey Ridge road to its intersec-  
548 tion with East Eleventh street and proceeding east along East Elev-  
549 enth street to its intersection with River drive and proceeding south-  
550 easterly along River drive to its intersection with McClelland boule-  
551 vard *and with another street which runs southwesterly from that*  
552 *intersection and which is also known as River drive* and proceeding  
553 southwesterly along ~~McClelland boulevard~~ *the latter River drive* to  
554 its intersection with the southerly extension of Edgehill terrace and



555 proceeding southwesterly along the southern extension of Edgehill  
556 terrace to its intersection with the main channel of the Mississippi  
557 river (which is the corporate limit of the city of Davenport) and  
558 proceeding first easterly and continuing along the corporate limit of  
559 the city of Davenport to the point of beginning.

560 80. The eightieth representative district shall consist of that por-  
561 tion of the city of Davenport bounded on the west, north and east by  
562 representative districts seventy-six, twenty-four, seventy-eight and  
563 seventy-nine, as described in subsections seventy-six (76), twenty-  
564 four (24), seventy-eight (78) and seventy-nine (79), respectively, of  
565 this appendix, and having as the remainder of its boundary a line  
566 beginning at the point where Jersey Ridge road intersects Locust  
567 street, which is a point on the boundary of representative district  
568 seventy-nine, and proceeding west along Locust street to its intersec-  
569 tion with Farnam street and proceeding north along Farnam street  
570 to its intersection with East Pleasant street and proceeding west  
571 along East Pleasant street to its intersection with Pershing avenue  
572 and proceeding north along Pershing avenue to its intersection with  
573 East High street and proceeding easterly along East High street to  
574 its intersection with Iowa street and proceeding north along Iowa  
575 street to its intersection with the end of the 2100 numbering block  
576 thereof and proceeding easterly from that point to the westernmost  
577 point on that portion of East Lombard street running west from Le  
578 Claire street and proceeding east along East Lombard street to its  
579 intersection with Le Claire street and proceeding south along Le  
580 Claire street to its intersection with East High street and proceed-  
581 ing east along East High street to its intersection with Farnam  
582 street and proceeding north along Farnam street to its intersection  
583 with Rusholme street and proceeding west along Rusholme street to  
584 its intersection with Pershing avenue and proceeding north along  
585 Pershing avenue to its intersection with Central Park avenue and  
586 proceeding westerly along Central Park avenue to its intersection  
587 with Harrison street and proceeding south along Harrison street to  
588 its intersection with West Lombard street and proceeding west along  
589 West Lombard street to its intersection with Division street and pro-  
590 ceeding north along Division street to its intersection with West  
591 Central Park avenue and proceeding west along West Central Park  
592 avenue to its intersection with Howell street, which is a point on  
593 the boundary of representative district seventy-six.

594 81. The eighty-first representative district shall consist of that  
595 portion of the city of Davenport bounded on the east and north by  
596 representative districts seventy-nine and eighty, as described in sub-  
597 sections seventy-nine (79) and eighty (80), respectively, of this ap-  
598 pendix, and having as the remainder of its boundary a line begin-  
599 ning at the point where Division street intersects Lombard street,  
600 which is a point on the boundary of representative district eighty,  
601 and proceeding south along Division street to its intersection with  
602 West Ninth street and proceeding southwesterly along West Ninth  
603 street to its intersection with the Chicago, Rock Island and Pacific  
604 railroad track and proceeding easterly along that railroad track to  
605 its intersection with Warren street and proceeding north along War-  
606 ren street to its intersection with West Fifth street and proceeding  
607 east along West Fifth street to its intersection with Western avenue

608 *Brown street* and proceeding north along ~~Western avenue~~ *Brown*  
 609 *street* to its intersection with West Sixth street and proceeding east  
 610 along West Sixth street to its intersection with Scott street and  
 611 proceeding south along Scott street to its intersection with West  
 612 Fifth street and proceeding east along West Fifth street to its inter-  
 613 section with Harrison street and proceeding north along Harrison  
 614 street to its intersection with West Eighth street and proceeding east  
 615 along West Eighth street to its intersection with Main street and  
 616 proceeding south along Main street to its intersection with West  
 617 Seventh street and proceeding east along West Seventh street and  
 618 East Seventh street to its intersection with Iowa street and proceed-  
 619 ing south along Iowa street to its intersection with East Sixth street  
 620 and proceeding easterly along East Sixth street to its intersection  
 621 with Oneida avenue and proceeding southerly along Oneida avenue  
 622 to its intersection with River drive and proceeding easterly along  
 623 River drive to its intersection with College avenue and proceeding  
 624 south on the southward extension of College avenue to its intersec-  
 625 tion with the main channel of the Mississippi river (which is the corpo-  
 626 rate limit of the city of Davenport) and proceeding east along the  
 627 main channel of the Mississippi river to its intersection with the  
 628 southward extension of Edgehill terrace, which is a point on the  
 629 boundary of representative district seventy-nine.

630 83. The eighty-third representative district shall consist of:

631 a. In Des Moines county:

632 (1) Washington, Yellow Springs, Huron, Pleasant Grove, Frank-  
 633 lin, Benton and Jackson townships.

634 (2) That portion of Flint River township lying outside the corpo-  
 635 rate limits of the cities of Burlington and West Burlington and  
 636 outside the corporate limits of the town of Middletown.

637 (3) That portion of the city of West Burlington lying north of  
 638 U. S. highway 34.

639 (4) That portion of the city of Burlington lying west and north  
 640 of a line beginning at the point where Sunnyside avenue intersects  
 641 with Melvin avenue and proceeding south along Melvin avenue to  
 642 its intersection with Lenox avenue and proceeding west along Lenox  
 643 avenue to its intersection with Racine avenue and proceeding south  
 644 on Racine avenue to its intersection with the Burlington Northern  
 645 railroad track and proceeding west along that railroad track to its  
 646 intersection with *West Burlington* avenue and proceeding south  
 647 along *West Burlington* avenue to its intersection with U. S. high-  
 648 way 34.

649 b. In Henry county:

650 (1) Wayne, Scott, Trenton, Marion, Canaan, Tippecanoe, Center  
 651 and New London townships and the city of Mount Pleasant.

652 (2) That portion of Jefferson township lying outside the corpo-  
 653 rate limits of the town of Coppock.

654 c. In Louisa county, Elm Grove, Marshall, Wapello, Jefferson,  
 655 Morning Sun and Eliot townships.

656 91. The ninety-first representative district shall consist of:

657 a. In Keokuk county, Benton township.

658 b. In Lucas county, Pleasant and Cedar townships.

659 c. In Mahaska county, ~~Scott, Jefferson, East Des Moines,~~

- 660 (1) *Scott, Jefferson, East Des Moines, West Des Moines, Garfield,*  
 661 *Lincoln, Harrison, Cedar, Spring Creek, White Oak, Adams, Monroe*  
 662 *and Pleasant Grove townships and the city of Oskaloosa.*
- 663 (2) *That portion of Harrison township lying outside the corpo-*  
 664 *rate limits of the town of Eddyville.*
- 665 d. In Marion county:
- 666 (1) *Clay, Liberty and Indiana townships.*
- 667 (2) *That portion of the unincorporated territory of Knoxville*  
 668 *township lying east of state highway 14.*
- 669 (3) *That portion of the city of Knoxville lying east of a line be-*  
 670 *ginning at the point where that part of the corporate limit of the*  
 671 *city of Knoxville running east and west on approximately the line*  
 672 *of Hobert street extended eastward intersects with the northward*  
 673 *extension of Kent street and proceeding south along the extension of*  
 674 *Kent street and Kent street to its intersection with Marion street*  
 675 *and proceeding east along Marion street to its intersection with Sec-*  
 676 *ond street and proceeding south along Second street to its intersec-*  
 677 *tion with Main street and proceeding east along Main street to its*  
 678 *intersection with Third street and proceeding north along Third*  
 679 *street to its intersection with Marion street and proceeding east*  
 680 *along Marion street to its intersection with Fifth street and pro-*  
 681 *ceeding south along Fifth street to its intersection with Montgomery*  
 682 *street and proceeding west along Montgomery street to its intersec-*  
 683 *tion with Fourth street and proceeding south along Fourth street*  
 684 *to its intersection with Competine street and proceeding east on*  
 685 *Competine street to its intersection with Fifth street and proceed-*  
 686 *ing south on Fifth street to its intersection with the south corpo-*  
 687 *rate limit of the city of Knoxville.*
- 688 e. In Monroe county:
- 689 (1) *Cedar, Union and Wayne townships.*
- 690 (2) *The town of Melrose.*
- 691 f. In Poweshiek county, that portion of the town of Barnes City  
 692 lying in Jackson township.
- 693 98. The ninety-eighth representative district shall consist of:
- 694 a. In Mills county:
- 695 (1) *St. Mary's, Oak, Ingraham, Plattville, Glenwood, Center, Sil-*  
 696 *ver Creek and Lyons townships and the town of Malvern.*
- 697 (2) *That portion of Rawles township outside the corporate limit*  
 698 *of the town of Tabor.*
- 699 b. In Pottawattamie county:
- 700 (1) *Lake, Hardin, Washington, Belknap, Keg Creek, Silver Creek,*  
 701 *Carson, Macedonia and Grove townships.*
- 702 (2) *Those portions of the unincorporated territory of Garner and*  
 703 *Lewis townships not included in representative districts ninety-nine*  
 704 *and one hundred, as described in subsections ninety-nine (99) and*  
 705 *one hundred (100), respectively, of this appendix lying outside the*  
 706 *corporate limits of the city of Council Bluffs.*
- 707 (3) *Those portions of the city of Council Bluffs:*
- 708 (a) *Lying east of a line beginning at the point where the west*  
 709 *boundary between Garner and Kane townships of section 20, township*  
 710 *75 north, range 43 west, intersects the north corporate limit of the*  
 711 *city of Council Bluffs and proceeding south along the boundary be-*  
 712 *tween Garner and Kane townships that section line to its intersection*

713 with Pierce street and proceeding northwesterly along Pierce street  
 714 to its intersection with McPherson avenue and proceeding south-  
 715 easterly along McPherson avenue to its intersection with Gleason  
 716 avenue and proceeding west along Gleason avenue to its intersection  
 717 with a north-south line which was in 1960 the corporate limit of  
 718 the city of Council Bluffs, and which is labeled "Fence along bluff"  
 719 on maps prepared by the U.S. bureau of the census for the 1970  
 720 federal decennial census, and proceeding south along that north-  
 721 south line to its intersection with Franklin avenue and proceeding  
 722 westerly along Franklin avenue to its intersection with Hazel street  
 723 and proceeding south along Hazel street to its intersection with  
 724 Lindbergh drive and proceeding west along Lindbergh drive to its  
 725 intersection with Madison avenue and proceeding northwesterly along  
 726 Madison avenue to its intersection with Graham avenue and proceed-  
 727 ing southerly along Graham avenue to its intersection with Tostevin  
 728 street and proceeding south along Tostevin street to its intersection  
 729 with state highway 375 and proceeding southeasterly along state  
 730 highway 375 to its intersection with the east corporate limit of the  
 731 city of Council Bluffs.

732 (b) Lying south and east of a line beginning at the *westernmost*  
 733 point where the east corporate limit of the city of Council Bluffs  
 734 intersects *the former route of U.S. highway 275* and proceeding west  
 735 on *the former route of U. S. highway 275, which is designated as a*  
 736 *part of the boundary between census tracts 313 and 315 on maps*  
 737 *prepared by the U.S. bureau of the census for the 1970 federal*  
 738 *decennial census*, to its junction with Wright road and continuing  
 739 west on Wright road to its intersection with South Eleventh street  
 740 and proceeding south on South Eleventh street to its intersection  
 741 with First avenue and proceeding west on First avenue to its inter-  
 742 section with Indian Creek ditch and proceeding southerly along  
 743 Indian Creek ditch to its intersection with the main channel of the  
 744 Missouri river.

745 99. The ninety-ninth representative district shall consist of the  
 746 following portions of Pottawattamie county:

747 a. That portion of the unincorporated area of Lewis township  
 748 bounded by a line beginning at the point where state highway 375  
 749 intersects the east corporate limit of the city of Council Bluffs and  
 750 proceeding southeasterly along state highway 375 to its intersection  
 751 with U.S. highway 275 and proceeding westerly along U.S. highway  
 752 275 to its intersection with the east corporate limit of the city of  
 753 Council Bluffs and proceeding north along the east corporate limit  
 754 of the city of Council Bluffs to the beginning point.

755 b. That that portion of the city of Council Bluffs bounded on the  
 756 east by representative district ninety-eight, as described in sub-  
 757 section ninety-eight (98) of this appendix, on the south and west by  
 758 the main channel of the Missouri river, and bounded on the north by  
 759 a line beginning at the point where interstate highway 480 inter-  
 760 sects with the Missouri river and proceeding easterly on interstate  
 761 highway 480 to its junction with Broadway and continuing east along  
 762 Broadway to its intersection with Eighth street and proceeding north  
 763 along Eighth street to its intersection with Washington avenue and  
 764 proceeding easterly along Washington avenue to its intersection with  
 765 First street and proceeding southeasterly along First street to its  
 766 intersection with Broadway and proceeding northeasterly along

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767 Broadway to its intersection with Union street and proceeding  
768 southeasterly along Union street to its intersection with Pierce  
769 street and proceeding northeast along Pierce street to its intersection  
770 with Frank street and proceeding northwest along Frank street to  
771 its intersection with Broadway and proceeding northeast along  
772 Broadway to its intersection with Thomas street and proceeding  
773 southeast along Thomas street to its intersection with Pierce street  
774 and proceeding easterly along Pierce street to its intersection with  
775 McPherson avenue, which is a point on the boundary of representa-  
776 tive district ninety-eight.

## RESOLUTIONS

**SENATE CONCURRENT RESOLUTIONS**

- SCR 101 Switchboard operators' compensation. Adopted, S. J. 10; Adopted, H. J. 6, 44.
- SCR 102 Infringements of human rights in Soviet Union. Introduced, S. J. 37, 80, withdrawn 136, substituted by HCR 102, S. J. 136.
- SCR 103 Feasibility of highway commission selecting Palo Route for Interstate 380 from Waterloo to Cedar Rapids. Introduced, S. J. 48.
- SCR 104 Transportation disputes, congressional legislation urged for future settlements. Introduced, S. J. 195, 267, Adopted as amended 300-304; Introduced, H. J. 299.
- SCR 105 Iowa Supreme Court, revised appeal procedure, study committee created. Adopted, S. J. 226, 492, 589, 590; Adopted, H. J. 856, 857, 1037.
- SCR 106 Iowa educational radio and television system, committee to study. Introduced, S. J. 324.
- SCR 107 State penal and correctional institutions, hiring of additional counselors and parole agents. Introduced, S. J. 391.
- SCR 108 Commission on Aging, study of all retirement systems available to state employees. Introduced, S. J. 417, 418.
- SCR 109 Senior Citizens Recognition Day. Introduced, S. J. 418.
- SCR 110 State-owned radio and television stations, committee to study. Introduced, S. J. 478.
- SCR 111 Adjournment of Sixty-fourth General Assembly, Second Session. Adopted, S. J. 478, 710, 711; Introduced, H. J. 964.
- SCR 112 University of Iowa, recognition for contributions to development of state. Adopted, S. J. 506, 507, 527; Adopted, H. J. 777, 778.
- SCR 113 Missouri River plan for parks development and environmental improvements. Adopted, S. J. 507, 710, 711; Adopted, H. J. 964, 1281.
- SCR 114 Commemoration of American prisoners of war or missing in action in south-east Asia. Adopted, S. J. 508, 632-4; Adopted, H. J. 912, 913.
- SCR 115 Railroad passenger service, committee to study. Introduced, S. J. 509, 771.
- SCR 116 Serrano v. Priest decision, and constitutionality of school financing system in Iowa. Introduced, S. J. 571, 681.
- SCR 117 Health care costs, committee to study. Introduced, S. J. 621, 622, 802.
- SCR 118 Highway commission employees' disability income protection and life insurance protection. Introduced, S. J. 651, 652.
- SCR 119 Legislative committee meetings, expense account payment. Adopted, S. J. 703, 995; Adopted, H. J. 1224, 1225, 1358.
- SCR 120 Presentation of desks to President of Senate and Speaker of House of Representatives. Adopted, S. J. 704, 996; Adopted, H. J. 1225, 1358.
- SCR 121 Adjournment of General Assembly, final procedure. Adopted, S. J. 704, 995; Adopted, H. J. 1225, 1226, 1359.
- SCR 124 Highway Commission Employees' Organization, president given time and facilities to perform duties. Adopted, S. J. 859, 1153-5, 1171.
- SCR 123 State wrestling team, congratulations upon winning N. C. A. A. tournament. Adopted, S. J. 859, 864, 865; Adopted, H. J. 1100, 1101, 1328.
- SCR 124 President of Organization of Iowa highway commission employees, allowance of time and office facilities. Adopted, S. J. 859, 1153-5, 1171.
- SCR 125 Roland-Story girls basketball team, congratulations for 1972 tournament championship. Adopted, S. J. 860, 865; Adopted, H. J. 1106.
- SCR 126 Railroad service, methods to improve heavy freight transportation service to state communities. Introduced, S. J. 860, 861.
- SCR 127 Occupational Safety and Health Act of 1970, implementation of law. Adopted, S. J. 882, 1113-6; Introduced, H. J. 1378.
- SCR 128 National Committee on Uniformed Traffic Laws and Ordinances, uniform vehicle code, study committee created. Introduced, S. J. 883.
- SCR 129 Iowa's elderly citizens, responsibility for their care, study committee created. Introduced, S. J. 988, 989.
- SCR 130 Iowa's future, statewide comprehensive conference; Governor to invite citizen and public bodies. Adopted, S. J. 989, 1117; Adopted, H. J. 1365, 1366.

## RESOLUTIONS—Continued

- SCR 131 Pet animal business, committee to study. Introduced, S. J. 1007.  
 SCR 132 Consumer credit charges, committee to study. Introduced, S. J. 1110.  
 SCR 133 Certificate of Service for pages employed during legislative session. Adopted, S. J. 1157; Adopted, H. J. 1445.  
 SCR 134 Adjournment of Sixty-fourth General Assembly, Second Session. Adopted, S. J. 1174; Adopted, H. J. 1446.

## HOUSE CONCURRENT RESOLUTIONS

- HCR 43 Motorcycle operators, protective headgear, rule to be rescinded. Adopted, H. J. 1892, 2037, 2076; Adopted, S. J. 710.  
 HCR 101 Governor Ray's message, joint convention, January 10, 1972. Adopted, H. J. 2; Adopted, S. J. 10.  
 HCR 102 Religious minorities, in Soviet Union, discrimination against. Adopted, H. J. 24, 70; Adopted, S. J. 89, 136. (Substituted for S. C. R. 102)  
 HCR 103 Women's correctional system, committee to study and submit report. Adopted, H. J. 50, 775-7; Introduced, S. J. 569, 836.  
 HCR 104 General Assembly, meet one day during legislative session with Iowa delegation of United States Congress. Introduced, H. J. 196, 197.  
 HCR 105 Law enforcement personnel, establish educational programs at college level. Introduced, H. J. 251, 252.  
 HCR 106 Iowa Crime Commission, establish a College of Criminal Justice or germane course work. Introduced, H. J. 252.  
 HCR 107 Tax structure inequities, committee to study and report findings. Adopted, H. J. 273, 563; Introduced, S. J. 458, 681.  
 HCR 108 State penal and correctional institutions, hire additional counselors and parole agents. Adopted, H. J. 300, 791; Introduced, S. J. 565.  
 HCR 109 Dock strike, urge congressional legislation for future settlements. Introduced, H. J. 300, 301.  
 HCR 110 Arbor Day, observe by planting a tree or shrub. Adopted, H. J. 455, 603; Adopted, S. J. 488, 818, 819.  
 HCR 111 Grains and oil seeds, price-grading system to establish basis for market price. Adopted, H. J. 496, 1037; Adopted, S. J. 799, 1058.  
 HCR 112 Fort Madison Aquinas High School Band, congratulations for invitation to participate in 1972 Olympic festival. Adopted, H. J. 497, 562; Adopted, S. J. 458, 459, 589.  
 HCR 113 Private enterprise, endorsement by state comptroller. Adopted, H. J. 526, 603; Introduced, S. J. 489.  
 HCR 114 Passenger train service, create a committee to study. Introduced, H. J. 562.  
 HCR 115 "Life lites", study by department of public safety. Adopted, H. J. 631, 980; Adopted, S. J. 743, 1058.  
 HCR 116 University of Iowa, congratulations on the one hundred twenty-fifth anniversary of its founding. Introduced, H. J. 631, 632.  
 HCR 117 Missouri River, organizations commended for their environmental improvement. Introduced, H. J. 632.  
 HCR 118 Railroad right of way abandonment, study committee created. Introduced, H. J. 701, 913.  
 HCR 119 Salaries of elective and appointive state officials, subcommittee to study and report. Introduced, H. J. 774, 775.  
 HCR 120 State fish for Iowa, channel catfish recognized as official state fish. Introduced, H. J. 854, 855.  
 HCR 121 College of criminal justice, board of regents to investigate. Adopted, H. J. 868, 964; Adopted, S. J. 714, 1119.  
 HCR 122 Highway commission, disability and life insurance for employees recommended. Introduced, H. J. 900, 901.  
 HCR 123 State employee benefits, disability income and life insurance. Adopted, H. J. 936, 1027; Adopted, S. J. 799, 818, 819.

## RESOLUTIONS—Continued

- 
- HCR 124 Law enforcement, committee to study feasibility of pooled police services. Introduced, H. J. 951.
- HCR 125 Highway commission, wages to be paid employees every two weeks. Introduced, H. J. 992.
- HCR 126 Licensing of professions and occupations, committee to study. Adopted, H. J. 992, 993, 1107; Introduced, S. J. 879, 880.
- HCR 127 Property tax exemptions, committee to study. Introduced, H. J. 1028.
- HCR 128 Claims, joint claims committee concurs in rejection of claims submitted by state appeal board. Adopted, H. J. 1062, 1281; Adopted, S. J. 1044, 1121.
- HCR 129 Highway Commission Employees' Organization, president given time and facilities to perform duties. Introduced, H. J. 1073, 1074.
- HCR 130 Roland-Story School, congratulations for 1972 girls state basketball championship. Introduced, H. J. 1090.
- HCR 131 Auditoriums on state grounds, permit the use of by state employee organizations. Adopted, H. J. 1090, 1358; Introduced, S. J. 1131, 1134.
- HCR 132 Federal Reserve System, urged not to fragment the state into different federal reserve districts. Adopted, H. J. 1113, 1266; Adopted, S. J. 1028, 1116.
- HCR 133 Grain alcohol motor fuel, committee to study feasibility of manufacturing. Introduced, H. J. 114, 115.
- HCR 134 Iowa's development, urge statewide conferences on future of state. Introduced, H. J. 1125, 1126.
- HCR 135 Conference on "Iowa in the Twenty-first Century", the Governor to make arrangements for meetings. Introduced, H. J. 1126.
- HCR 136 Elderly citizens, committee to study ways to improve quality of life. Introduced, H. J. 1126, 1127.
- HCR 137 Milk and milk products, committee to study effect of federal laws. Adopted, H. J. 1246, 1247, 1395; Introduced, S. J. 1149.
- HCR 138 General assembly, committee to study the rules in effect for the general assembly. Adopted, 1270, 1365; Introduced, S. J. 1149, 1150.
- HCR 139 Alta High School, congratulations on basketball team winning Iowa's Class A championship. Adopted, H. J. 1295, 1358; Adopted, S. J. 1124.
- HCR 140 Cedar Rapids Kennedy High School, Cougars commended for winning the Class AA basketball championship. Introduced, H. J. 1295.
- HCR 141 Consumer credit charges, committee to study. Introduced, H. J. 1327.
- HCR 142 Radio Station WOI Ames, commended for public service. Introduced, H. J. 1446.

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**SENATE RESOLUTIONS**

- 101 Secretary of the Senate, responsibilities during the interim. Adopted, S. J. 703, 995.
- 102 Allan Hoschar, journalist, appreciation extended for his reporting actions of honorable body and committees. Adopted, S. J. 1137, 1150.

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**HOUSE RESOLUTION**

- 101 Chief Clerk of the House of Representatives, responsibilities during the interim. Adopted, H. J. 1326, 1358.





## TABLES

---

**TABLE OF SENATE AND HOUSE FILES  
AND JOINT RESOLUTIONS**
**SENATE FILES**

File No.	Chap. No.	File No.	Chap. No.	File No.	Chap. No.	File No.	Chap. No.
77	1092	517	1016	1069	1059	1172	1033
85	1119	590	1042	1070	1058	1182	1010
163	1102	593	1008	1087	1011	1188	1066
185	1108	1005	1082	1091	1062	1191	1109
202	1129	1008	1114	1096	1104	1192	1053
203	1018	1013	1101	1101	1106	1194	1128
260	1086	1014	1134	1110	1139	1195	1125
274	1032	1019	1052	1125	1020	1198	1087
334	1051	1023	1074	1132	1013	1200	1047
376	1071	1026	1127	1134	1035	1201	1005
392	1046	1030	1065	1136	1023	1203	1022
428	1124	1038	1120	1148	1031	1206	1014
431	1036	1046	1135	1158	1103	1213	1003
470	1112	1057	1126	1169	1094	1218	1028
471	1089	1059	1061	1171	1048		

**SENATE JOINT RESOLUTION**

No.	Chap. No.
1008	1140

**HOUSE FILES**

File No.	Chap. No.	File No.	Chap. No.	File No.	Chap. No.	File No.	Chap. No.
6	1030	684	1078	1082	1076	1214	1001
10	1067	695	1002	1084	1100	1219	1034
30	1099	711	1077	1089	1113	1242	1012
69	1081	734	1068	1099	1093	1247	1015
107	1063	1001	1029	1101	1121	1253	1057
145	1050	1011	1027	1104	1041	1257	1091
217	1054	1012	1084	1117	1110	1258	1075
219	1043	1014	1083	1120	1095	1259	1072
227	1096	1015	1037	1127	1040	1265	1024
254	1117	1016	1133	1129	1080	1269	1107
367	1098	1032	1060	1133	1039	1272	1118
391	1049	1036	1085	1140	1122	1273	1130
412	1017	1038	1131	1141	1111	1279	1004
494	1070	1042	1055	1143	1115	1282	1045
544	1056	1045	1021	1147	1025	1283	1105
556	1044	1047	1116	1176	1097	1286	1064
574	1088	1052	1079	1196	1132	1291	1123
671	1073	1071	1137	1203	1019	1292	1069
677	1090	1074	1138	1207	1038	1297	1009
680	1026	1075	1136	1213	1006	1299	1007

## TABLES—Continued

---

**HOUSE JOINT RESOLUTIONS**

No.	Chap. No.
2 .....	1143
8 .....	1141
1004 .....	1142

**RULES OF CIVIL PROCEDURE**

R.C.P. 377 ....1144

**SUPREME COURT DISTRICTING**

Chapter ..... 1145

## TABLES

**TABLE OF SECTIONS REPEALED OR AMENDED  
CODE 1971**

Section	Page	Section	Page	Section	Page
2.2	11	49.3	219	104.3	219
4.1	13, 219	49.5	64	105A.2	129
8.6	32	49.7	219	105A.5	129
8.15	17	49.13	219	105A.6	129
8A.3	17	49.42	64	105A.7	129, 131
8A.20	17	49.77	64	105A.8	129, 131
9.2	219	49.78	64	105A.13	129
11.18	19, 219	49.81	64	105A.15	131
11.22	219	49.106	444	106.19	78
11.23	219	49.115	444	106.20-106.23	78
11.25	219	49.116	444	107.1	401
11.26	219	49.118	64	107.6	78
11.31	219	50.21	444	107.13	78
14.10	11, 444	50.25	444	107.14	78
14.18	11	52.3	219	107.15	78
16.24	13, 444	53.2	64	107.21	78
16.25	444	53.3-53.6	64	107.24	78
17.7	219	53.7	64	109.1	132
17A.1	29	53.9	64	109.4-109.9	132
19.6	219	53.10	64	109.11	78
19.7	219	53.13	64	109.12	78
20.5	19	53.25	64	109.17	135
21.4	30	53.49	64	109.32	132
23.1	219	56.8	64	109.35	78
24.2	32, 219	62.4	444	109.38	136
24.3	32	62.25	444	109.39	132
24.14	13	64.1	219, 444	109.48	136
24.17	32, 57	64.6	78, 444	109.52	78
24.19	32	64.8	212, 444	109.73	78
24.20	32	64.9	212, 444	109.90	78
24.25	32	64.10	212	109.92	78
24.27	32	64.14	219	109.107	78
24.32	32	64.23	444	110.12	78
26.6	13, 219	64.24	444	111.30	219
28B.1	13	65.9	444	113.9	444
28F.1-28F.3	219	68.1	444	115.4	444
29C.14	13	68B.9	83	116.9	83
37.2	219	69.2	219	117.15	83
37.4-37.8	219	69.8	444	118.1	13
39.21	444	69.12	64	118.8	83
43.3	444	69.13	64, 219	123.53	444
43.11	64, 219	70.1	19	123B.9	370
43.26	64	72.4	19	123B.14	83
43.29	64	73.10	19	130.26	444
43.120	64	74.1	219	135.11	219, 401
46.20	444	76.2	32	135B.7	219
46.21	444	78.1	444	135B.17	219
46.24	444	79.1	13	135B.31	219
48.1	64	79.7	32	135C.14	219
48.4-48.6	64	79.13	444	135D.13	219
48.8	64	80.8	13	135D.20	219
48.9	64	80.12	219	136.3	401
48.11	64	80A.5	83	137.16	219
48.13	64	80B.3	78	137.18	219
48.14	64	81A.2	219	137.20	219
48.15	64	84.22	13	138.13	145
48.18	64	85.62	78, 444	142A.2	83
48.21	64	90.1	83	142A.3	146
48.26	64	96.19	83	145A.18	219
48.27	64	98.5	444	146.13	83
48.28	64	98.35	219	147.3	83

## TABLES

TABLE OF SECTIONS REPEALED OR AMENDED—CODE 1971—Continued

Section	Page	Section	Page	Section	Page
147.80	165	235.1	83	297.22	19
147.98	165	238.32	83	297.32	19
147.120	83	242.8	83	298.1	19
148A.4	83	242.13	83	299.3	19
155.3	165	244.10	83	299.4	19
155.5	83, 165	244.14	370	299.10	19
155.9	165	246.46	444	299.11	19
159.25	157	247.3	167	299.17	176
160.14	444	247.12	167	300.7	219
163.26	147	247.27	83	301.1	19
163.30	147	247.30	444	301.3	19
163.31-163.33	147	247A.3	167	301.19	19
163A.3	151	248.6	13	301.24	19
164.23	151	249A.6	83	301.25	19
164.24	151	250.2	168	302.3	19
164.28	151	250.3	168	303.15	219
166B.3	147	250.8	168	303.18	219
167.11	117	250.10-250.12	168	303.23	219
169.10	83	250.16	168	305A.2	176
170.2	152	250.19	168	306.19	177
170.5	152	252.14	83	306B.5	178
170.7	161	252A.2	83, 444	309.9	219
176A.8	32	252A.3	83	309.73	219
176A.10	32	254.4	370	310.27	32
188.28	444	255.8	444	311.19	219
188.29	444	255.13	444	312.2	189
188.32	444	255.14	444	312.6	219
188.47	444	255.19	170	312.12-312.14	32
188.48	444	257.10	170	313.2	190
189.8	444	257.12	19	313.29	219
191.2	152	257.13	19	317.21	32
192.2-192.4	152	261.7	83	321.19	219
192.6	152	263.8	401	321.23	191
192.52	13	270.7	370	321.25	191
192.57	13	273.13	32	321.85	192
198.13	164	273.14	171	321.88	192
201.11	444	273.18	32	321.89-321.91	192
203A.6	444	273.22	19	321.152	199
206.3	401	277.27	19	321.164	30
206.6	401	278.1	19, 30	321.165	30
219.15	83	278.2	19	321.179	83
222.16	444	279.6	172	321.180	83
222.53	444	279.9	142	321.190	444
222.74	370	279.14	19	321.193	444
225.10	444	279.32-279.34	19	321.210	444
225.11	444	279.36	19	321.236	444
225.14	444	280.11	19	321.247	30
225.16-225.19	444	280.17	19	321.440	199
225.21	444	280A.20	219	321.485	444
225.25	444	280A.22	172	321.487	444
225.30	444	282.18	19	321.491	444
227.12	13	283A.2	174	321E.11	219
227.18	370	285.1	19	321G.1-321G.3	204
230.15	370	285.10	19	321G.5	204
230.21	370	288.1-288.3	19	321G.6	204
230.24	370	292.2	19	321G.8	204
230.28	83	296.1	19	321G.11	204
231.1-231.3	444	297.1-297.3	19	321G.13	204
231.8	444	297.9	19	321G.14	204
232.2	83	297.11	19	324.76	209
232.36	83	297.15	19	325.27	219
232.67	83	297.16	19	325.29	83
234.1	83	297.19	19	325.36	210

## TABLES

TABLE OF SECTIONS REPEALED OR AMENDED—CODE 1971—Continued

Section	Page	Section	Page	Section	Page
327.12	210	359.30	32	420.46	219
327.13	210	359.38	444	420.59-420.61	219
327A.7	83	359.39	444	420.156	219
327A.19	210	359.45	219	420.158	219
327B.3	210	359.46	219	420.160-420.164	219
329.1	219	362.26	218	420.166-420.180	219
330.2	219	363.29	32	420.182	219, 444
330.3	219	365.6	444	420.183	219
330.4-330.7	219	365.15	444	420.184	219
330.9	219	366.7	117	420.185	219, 444
330.11	219	368.6	444	420.186-420.189	219
330.12	219	368A.2	444	420.204	219
330.15-330.18	219	368A.12	32	420.205	219
330.20-330.23	219	368A.17	444	420.248	32
331.22	212	370.6	32	420.250-420.285	219
332.3	117, 219	372.10	32	420.289-420.304	219
332.35	212	378.5	83	421.17	345, 358
333.11	32, 444	378.14	32	422.4	346
335.10	215	379.6	83	422.8	364
336.2-336.4	444	386C.2	341	422.32	346
337.7	444	389.33	32	422.61	346
337.12	444	389.34	32	425.15	83
337.15	32	389.38	32	427.1	358
337.18	32	391A.30	32	428.4	358
340.3	32	391A.33	32	428.28	358
343.3	444	391.60	32	428A.1-428A.4	364
343.4	444	394.1	342	428A.8	364
343.11	32	395.32	32	428A.10	364
344.1-344.3	32	396.10	32	432.5	30
344.7	32	398.10	32	432.8	30
347.13	32	399.24	32	441.16	32
347.23	219	403.6	343	441.17	358
348.2	219	403.12	343	441.21	219, 358
348.4	219	403.14	219	441.23	347
348.5	219	403.15	32	441.26	358
349.16	444	403.19	343	441.28	358
352.4	32	403A.5	32, 344	441.33	358
352.5	32	403A.25	344	441.37	358
355.9	444	403A.26	344	441.47-441.49	358
356.1	219	404.4	32	443.2	32
356.15	219	404.8	30, 444	443.4	32
356.20	219, 444	404.10	32	443.22	219
356.33	444	409.14	219	444.1	32
357.1	219	411.1	354	444.2	32
357.12	219	411.3	444	444.9	32, 64
357A.2	216	411.6	354	444.12	370
357B.12	219	413.114	444	445.1	32
357B.15	219	413.115	444	445.8	32
358.2	216	414.22	219	445.13	32
358.8	216	415.3	444	445.20	32
358.9	83	419.1	355	445.29	32
358.18	32	419.2	355	445.30	32
358.20	219	419.8	355	445.32	358
358.22	219	419.11	219, 355	445.36	32
358A.8	219	420.14	219	445.37	32
358B.2	219	420.15	219, 444	445.39	32
358B.9	219	420.16	219, 444	445.40	32
358B.13	32, 219	420.31	219	445.43	32
358B.14	219	420.34	219, 444	445.49	444
358B.16	32, 219	420.35-420.40	219	445.51	32
359.24	219	420.38	444	446.7	32
359.26	219	420.41	219	446.21	219
359.27	219	420.43	219	446.28	32

## TABLES

TABLE OF SECTIONS REPEALED OR AMENDED—CODE 1971—Continued

Section	Page	Section	Page	Section	Page
447.2	32	515B.7	388	622.75	444
448.1	347	524.301	83	622.78	444
448.2	32	524.519	391	622.84	444
450.41	444	524.601	83	622.93	444
452.6	32	524.905	391	625.13	444
453.1	219, 444	524.906	396	626.57	444
453.4	219	524.1106	391	626.76	444
453.9	219	524.1201-524.1203	391	626.94	444
453.13	219	534.19	397	626.102	444
454.6	219	534.38	397	626.108	444
455.61	32	535.2	398	630.1	444
455.64	32	543.1	398	630.3	444
455.67	32	543.4	398	633.3	83, 444
455A.4	401	543.9	398	633.40	509
455C.4	355	543.13	398	633.211	509
462.7	83	543.17	398	633.212	509
462.11	83	543.33	398	633.271	509
467A.4	348, 401	546A.1	219	633.295	30
469.31	219	546A.5	219	633.376	83
471.4	219	558.20	444	633.415	509
473A.2	351	565.6	219	633.552	509
473A.4	351	565.8	219	633.557	509
478.21	219	565.12-565.14	219	633.566	509
478.28	219	566.17	219	633.572	509
479.89	30	566.18	219	633.604	509
479.90	30	570.5	444	639.11	444
479.92	30	572.24	444	639.68	444
483.2	219	580.4	444	642.1	444
484.11	219	580.5	444	643.5-643.7	444
490.4	352	580.3	444	644.1	444
490.16	210	595.3	83	644.2	444
490.17	210	595.10	444	644.4	444
490.27	352	598.1	83	644.12	444
490A.1	353	599.1	83	644.14	444
490A.6	354	600.1	444	648.5	444
490A.23	219	604.1	444	648.6-648.8	444
496A.4	375	604.2	444	648.10	444
496A.7	375	604.3	444	648.11-648.14	444
496A.13	375	604.8	444	648.21	444
496A.14	375	604.9	444	657.5	444
496A.22	375	604.11	444	657.6	444
496A.25	375	605.2	444	661.4	444
496A.27	375	605.14	444	663.3	444
496A.40	375	605.15	444	665.2	444
496A.45	375	605.19-605.23	444	665.4	444
496A.56	375	605A.3	444	666.6	444
496A.58	375	605A.4	444	667.2	444
496A.61	375	605A.8	444	667.5	444
496A.72	375	606.13	444	667.7	444
496A.94	375	606.15	444	685.8-685.10	444
496A.105	375	607.5	444	686.2	444
505.12	380	609.25	507	687.2	13
505.13	380	609.27	507	695.18	83
507B.2-507B.8	381	610.2	83	709.9	444
507B.9	381	613A.3	219	709.25	219
507B.10-507B.12	381	613A.8	219	713A.1-713A.3	514
509A.1	219	614.6	507	713A.5	514
509A.2	219	616.18	508	717.7	444
509A.4	219	618.13	444	718.23	444
509A.11	219	621.9	444	725.9	444
512.9	83	622.63	444	731A.4	444
515A.14	30	622.69	444	732.15	515
515B.1-515B.4	388	622.73	444	732.16	515

## TABLES

TABLE OF SECTIONS REPEALED OR AMENDED—CODE 1971—Continued

Section	Page	Section	Page	Section	Page
733.2	444	751.40	444	761.29	444
738.7-738.10	64	752.4	444	762.1-762.7	444
739.9	444	754.1	444	762.9-762.20	444
740.5	78, 444	754.2	444	762.25	444
740.6	444	754.3	444	762.27-762.52	444
742.7	444	754.5	444	763.4	444
743.4	444	754.6	444	766.2	444
746.7	444	758.1	444	766.4	444
748.1	444	758.3	444	769.2	444
748.3	444	760.4	444	769.33	444
750.5	219	760.7	444	769.34	444
750.6	219	761.2	444	779.11	444
751.20	444	761.15	444	793.1	444



## TABLES

**TABLE OF SECTIONS REFERRED TO IN ACTS  
OF THE SIXTY-FOURTH GENERAL ASSEMBLY,  
SECOND SESSION, CODE OF 1971**

Section	Page	Section	Page	Section	Page
2.12	11	230.17	370	428A.1	364
4.1	219	230.25	370	428A.2	364
8.23	167	231.3	444	428A.6	364
8.33	2	234.1	83	441.21	358
17.3	401	263.12	370	441.23	358
17A.6	30	269.2	370	441.28	358
17A.16	147	270.4-270.7	370	441.37-441.39	358
19.29	517	277.4	172	444.12	370
19A.9	1	280A.2	201	445.37	32
21.7	4	297.22	175	446.7	358
23.18	219	298.15-298.17	32	446.19	219
24.9	367	302.1	32	452.10	153
28E.2	217, 401	306.28-306.37	177	455.4	219
28F.1	219	306B.2	178	472.18	436
35.1-35.11	59	307.10	219	472.25	178
43.4	60	309.93	32	474.25	219
43.14	60	312.3	13	478.22	219
43.15	60	313.21-313.23	219	478.23	219
43.17	60	313.67	178	483.1	219
43.18	60	321.1	401, 444	490.14	352
43.99	60	321.19	219	490.27	352
43.112-43.118	219	321.47	199	507B.2	381
46.7	444	321.48	192	507B.4-507B.7	381
46.8	444	321.85	192	507B.11	381
46.17-46.24	444	321.145	192	515A.16	381
48.6	64	321.207	444	515A.17	30
49.4	60	321.281	201, 444	515B.3	388
49.5	60	321.400	444	524.612	391
49.12	64	321.463	444	524.613	391
49.15	64	321.485	444	524.706	391
52.3	219	321.487	444	524.804	391
53.1	60	321G.1	191	524.1201	391
53.11	64	321G.5	204	524.1202	391
63.10	444	324.3	219	543.12	398
80.18	209	324.14	209	565.8	219
107.17	137	324.52	209	602.1-602.5	444
107.24	135, 136	324.79	13	602.10-602.12	444
109.32	132	330A.15	219	605.2	444
109.38	136	332.7	444	605.8	444
109.39	132, 136	332.8	444	606.16	444
109.115	135	332.32	401	609.19	444
135C.1	370	334.5	64	613A.7	212, 219
155.25	165	341.1	444	618.11	219
157.9	514	346.11	401	633.635	509
158.11	514	346.23	401	684.18	528
163A.2	147	365.19-365.26	444	684.19	528
163A.3	147	365.28	444	684.21	528
163A.9	151	403.12	219	685.6-685.9	444
164.6	151	406.2	219	713.24	514
164.24	151	407.2	32	713A.2	514
170.2	161	411.6	354	739.1	113
170.5	161	420.126-420.138	219	748.2	444
170.7	161	420.155	219	755.4	444
170.46	161	421.17	358	757.2	444
170.47	161	425.1	32	760.10	444
170.50	161	427.1	358	760.11	444
170.51	161	427A.7	32	766.2-766.6	444
174.17	521	428.4	358	779.4-779.16	444
192.1	161	428.24	358	789.17	444
219.17	518				

## TABLES

**TABLE OF CHAPTERS REPEALED OR AMENDED IN  
ACTS OF THE SIXTY-FOURTH GENERAL ASSEMBLY,  
SECOND SESSION, CODE OF 1971**

Chapter	Page	Chapter	Page	Chapter	Page
17A	30	170	117	415	219
28E	351	206A	401	417	219
35	59	321	192, 219	421	345
48	64	321G	204	444	64
49	64	332	219	455	219
49A	64	335	215	455B	401
53	64	346	219	455C	401
88	95	358	219	473A	219
88A	95	358B	219	496A	375
100	117	362-364	219	509A	388
103	117	366	219	515B	388
105A	129	367	219, 444	524	391
110	137	368	117, 219	601-603	444
135	117, 144	369-387	219	633	509
135B	117	389-402	219	674	512
135C	117	404	219	713A	514
136A	401	406	401	753	444
136B	401	407-408A	219	766	444
163A	151	413	117, 219	774	444

**TABLE OF CHAPTERS REFERRED TO IN ACTS  
OF THE SIXTY-FOURTH GENERAL ASSEMBLY,  
SECOND SESSION, CODE OF 1971**

Chapter	Page	Chapter	Page	Chapter	Page
17A	64, 95, 113, 117	110	135, 137	420	219
	147, 178, 204, 219	111A	518	445	32, 355
	358, 381, 401, 444	123B	201, 370	446	219, 355
19A	95, 113	136A	401	447	355
	117, 165, 401	136B	401	455B	401
23	219, 520	163A	151	455C	401
24	32, 219	164	151	467A	348
25A	212	206A	401	471	177, 178
28E	217, 219, 401	222	370	472	177, 178, 219, 436
43	60	232	204	504A	353
44	219	254	370	508	388
45	219	280A	83	510	388
46	444	298	32	512	388
48	64	306A	219	512A	381
49	64, 219	306B	178	514	381, 388
50	219	319	178	515	388
53	60	321	201, 204	518	388
62	219	321A	201	518A	388
64	212	322	192	520	388
66	439	326	219	524	391
68A	117	357A	353	573	219
70	219	358	219	605A	444
74	219	358A	401	606	444
75	219, 343, 444	391A	520	643	444
76	219	403	219	751	444
80B	78	406	401	754-763	444
88	401	408A	191	765	444
88A	401	411	444	766	444
91	95, 401	419	219	768	444
104A	117				

**TABLE OF SESSION LAWS REPEALED OR AMENDED IN  
ACTS OF THE SIXTY-FOURTH GENERAL ASSEMBLY,  
SECOND SESSION**

ACTS OF THE SIXTY-FOURTH GENERAL ASSEMBLY, FIRST SESSION

Chapter	Page	Chapter	Page
14 .....	3	165 .....	32, 367
65 .....	7	167 .....	175
98 .....	64	183 .....	199
131 .....	83, 138, 142	227 .....	348
137 .....	146	275 .....	143
148 .....	165		

**TABLE OF SESSION LAWS REFERRED TO IN  
ACTS OF THE SIXTY-FOURTH GENERAL ASSEMBLY,  
SECOND SESSION**

ACTS OF THE SIXTY-FOURTH GENERAL ASSEMBLY, FIRST SESSION

Chapter	Page	Chapter	Page
80 .....	13	183 .....	192, 199
84 .....	30, 32	198 .....	32
87 .....	30	202 .....	32
98 .....	60, 64	205 .....	32, 219
99 .....	60, 64	215 .....	358
100 .....	219	217 .....	347, 358
105 .....	13	218 .....	509
137 .....	146	219 .....	32
148 .....	219	221 .....	219
149 .....	142	227 .....	348, 401
163 .....	30, 175	250 .....	397
165 .....	13, 32, 219, 367	265 .....	507
176 .....	199	293 .....	517

ACTS OF THE SIXTY-FOURTH GENERAL ASSEMBLY, SECOND SESSION

	Page
House File 6 .....	6
House File 1147 .....	5
House File 1176 .....	401

**TABLE OF PROPOSED AMENDMENTS TO THE  
CONSTITUTION OF THE STATE OF IOWA BY THE  
SIXTY-FOURTH GENERAL ASSEMBLY, SECOND SESSION**

Article	Section	Page
III .....	2 .....	526
III .....	28 .....	526
IX .....	4 .....	527
XII .....	4 .....	527

## TABLES

**TABLE OF AMENDMENTS REFERRING TO THE  
CONSTITUTION OF THE STATE OF IOWA BY THE  
SIXTY-FOURTH GENERAL ASSEMBLY, SECOND SESSION**

Article	Section	Page
III .....	1-1968 .....	526

**TABLE OF SECTIONS OF THE UNITED STATES CODE  
REFERRED TO IN ACTS OF THE SIXTY-FOURTH  
GENERAL ASSEMBLY, SECOND SESSION**

Title	Chapter	Section	Page
7 .....		181-231 .....	153, 398
12 .....		1842 .....	391
20 .....	13 .....		367
23 .....			178
23 .....		104 .....	178
23 .....		131 .....	178
29 .....		651-678 .....	95

**TABLE OF ACTS OF CONGRESS REFERRED TO IN  
ACTS OF THE SIXTY-FOURTH GENERAL ASSEMBLY,  
SECOND SESSION**

	Page
Internal Revenue Code of 1954 .....	346, 398
Migratory Bird Stamp Hunting Act .....	136
Migratory Bird Treaty Act .....	136
Occupational Safety and Health Act of 1970 .....	95
Omnibus Crime Control Act of 1970 .....	8
Packers and Stockyards Act .....	147, 153
Water Pollution Act of 1956 .....	401

**RULES OF CIVIL PROCEDURE REPORTED  
BY THE IOWA SUPREME COURT, 1972**

Rule	Page
377 .....	Approved..... 528

TABLES

**TABLE OF RULES OF CIVIL PROCEDURE REFERRED TO  
IN ACTS OF THE SIXTY-FOURTH GENERAL ASSEMBLY,  
SECOND SESSION, CODE OF 1971**

Rule	Page
29 .....	444
34 .....	444
75 .....	444
82 .....	444
215.1 .....	444

**TABLE OF PROPOSED AMENDMENTS TO THE  
CONSTITUTION OF THE UNITED STATES BY THE  
SIXTY-FOURTH GENERAL ASSEMBLY, SECOND SESSION**

	Page
Equal Rights ..... Ratified.....	525

**TABLE OF VETOED BILLS**

	Page
House File 48	
Senate File 1190	
ITEM VETO	
Senate File 1182§§5-11.....	8

# **INDEX**

# INDEX

References are to pages

Numbers preceded by p. indicate the page of a local citation.  
In general the page cited is the beginning of the Act or section.

## ACTIONS

- Anatomical gifts, services, 146
- Environmental quality violations, 401
- Injury and property damages, 508
- Negligence, city code, p. 227
- Probate, statute of limitations, relief, 509
- Small claims, *generally*, 444
- State housing code, violations, p. 299
- Statute of limitations, nonresident defendant, 507

## ADMINISTRATIVE RULES

See *DEPARTMENTAL RULES*

## ADULTS

- Age of majority, *generally*, 83

## ADVERTISING

- Billboard regulation, 178
- Courses of instruction, 514

## AGE

- Age of majority, 83
- Employment discrimination prohibited, 131

## AGRICULTURE

- Commercial feed law, violation, 164
- Environmental quality regulation, 401
- Food and beverage vending, regulation, 161
- Food vending from motor vehicles, 152
- Grain storage, bonded warehouses, 398
- Land, city tax limitation, p. 244
- Licenses, swine dealers and agents, 147
- Slaughterhouses
  - Dealers and brokers, bonding, 153
  - Licensing dealers, brokers, agents, 153
- Swine
  - Brucellosis control, 151
  - Disease eradication, 147
  - Transportation and identification, 147
- Turkeys, excise tax, 157
- Weather modification board, authorized, 217

## AIR POLLUTION COMMISSION

Created, p. 406

## AIRPORT AUTHORITY

*Generally*, p. 306

## AMBULANCES

- Helicopter ambulance service, 58
- University hospitals, 170

## AMUSEMENT RIDES

- Safety inspection, *generally*, 118

## ANATOMICAL GIFTS

- Liability, limited, 146

## ANNEXATION

- Cities and towns, agreements extended, 218
- City code, *generally*, p. 228

## ANNUITIES

- Generally*, p. 339

## APPEALS

- Budget certification, city, p. 252
- Fiscal year, state political subdivisions, 32
- General obligation bonds, p. 106
- Occupational safety and health Act, 95
- Revenue bonds, p. 277
- Special assessment, public improvement, p. 264

## APPRAISEMENT

- Revenue department manual, appropriation, 345
- Special assessment, public improvement, p. 262

## APPROPRIATIONS

- Comptroller, motor vehicle fuel fund, 2
- Crime commission, 8
- Educational radio and television, 17
- Executive council, option contract, 4
- Geological survey, reversion excepted, 3
- Health department, renal disease program, 144
- Highway commission, capital improvements, 4
- Labor bureau, 95
- Legislative council, citizens' aide, 439
- Legislative council, social services, 7
- Medical school remodeling, construction, 6
- Merit system pay plan, 1
- Occupational safety and health review commission, 95
- Physicians' assistants' fund, 146
- Public defense department, helicopter ambulance, 58
- Public instruction department, school lunches, 174
- Renal disease program, 144
- Revenue department, appraisal manual, 345
- Secretary of state, election administration, 5
- State building code, 6

## References are to pages

Numbers preceded by p. indicate the page of a local citation.

In general the page cited is the beginning of the Act or section.

**ARCHAEOLOGIST**

Educational and scientific reports, 176

**ARREST**Police citations, *generally*, 444**ASSESSMENTS**

Adjusted, notice to property owner, 347

City code, *generally*, p. 245Procedural revisions, *generally*, 358

Property maintenance, city code, p. 227

Secondary roads, city payment, p. 304

Special, city code, *generally*, p. 258

State land, city levy, p. 266

**ASSESSORS**

Adjusted valuation, notice, 347

**ATTORNEY GENERAL**

Departmental rules review, 30

Environmental quality violations, 401

**AUCTIONS**

Licensing, city, p. 338

**AUDITOR OF STATE**

Annual report, city finance committee, p. 252

City finance committee, membership, p. 249

Examination of cities, p. 289

**BAILIFFS**

Municipal, job reclassification, 444

**BANKS**

Branch banking prohibited, 391

Control, change, report, 391

Holding companies, regulation, 391

Office requirements established, 391

Savings and loan associations, *see***SAVINGS AND LOAN ASSOCIATIONS**

State

Financial service fee, 391

Installment loans, amortization, 396

Real estate loans, 391

**BIDS AND BIDDERS**

Public improvements, city code, p. 282

**BILLBOARDS**

Regulation, 178

**BONDS**

Airport construction, p. 307

Bridges and culverts, city boundary, p. 303

County, *generally*, p. 315

County officers, official, 212

Emergency repairs, city, p. 283

General obligation, city, p. 253

Joint county and city buildings, p. 317

Memorial halls and monuments, p. 294

**BONDS—Continued**

Pipe-line construction, permit, 352

Private sanitary district, organization, 216

Public officers, exemptions, p. 297

Refunding bonds, special assessments, p. 271

Revenue, city utilities and enterprises, p. 275

Rural water districts, organization, 216

Sanitary disposal projects, p. 313

Slaughterhouse dealers, brokers, 153

Special assessment, p. 270

State parks, land acquisition, p. 298

Township fire equipment, p. 329

Urban renewal, sale regulated, 343

Warehouseman, 398

**BUDGETS**City code, *generally*, p. 248

Municipality, redefined, p. 292

**BUILDINGS**

Governor's mansion, 517

Joint county and city, p. 317

Restrictions and responsibilities, city code, p. 226

State building code, 117

Tax assessment, listing, 358

**CAPITAL IMPROVEMENTS**

Educational radio and television, appropriation, 17

Highway commission, appropriation, 4

**CAR DISPATCHER***See MOTOR VEHICLES***CENSUS**

Population defined, p. 292

Special, certification, p. 292

**CHECK-OFF TAX**

Turkeys, 157

**CHEMICAL TECHNOLOGY COMMISSION**

Created, p. 433

**CHILDREN***See also JUVENILES*Age of majority, *generally*, 83

Children of captured servicemen, educational benefits, 59

Probate, guardian or conservator, appointment, 509

**CIGARS AND CIGARETTES**

City tax collection, p. 298

**CITIES AND TOWNS**Airport commission, *generally*, p. 310

Annexation agreements, extension, 218



## References are to pages

Numbers preceded by p. indicate the page of a local citation.

In general the page cited is the beginning of the Act or section.

## CITIES AND TOWNS—Continued

Annuities, *generally*, p. 339  
 Appointed officers, vacancies, p. 297  
 Auction licensing, p. 338  
 Benefited fire districts, tax anticipation bonds, p. 324  
 Benefited water districts, p. 323  
 Bridges and culverts, city boundaries, bonds, p. 303  
 Budgets, municipality redefined, p. 292  
 Building code, state, 117  
 Cigarette and tobacco fees, collection, p. 298  
 Clerk, township fund, p. 328  
 Corrective amendments, *generally*, p. 289  
 Development records, secretary of state, p. 289  
 Disaster aid, repayment, p. 291  
 Eminent domain power, p. 335  
 Employees group insurance, p. 338  
 Environmental quality, regulation, 401  
 Examination, state auditor, p. 289  
 Fiscal year change, 32  
 Home rule, *see* CITY CODE  
 Housing code, state, p. 298  
 Intoxicating liquors, licenses and permits, 138  
 Joint planning commissions, 351  
 Low-rent housing, referendum, repealed, 344  
 Memorial halls and monuments, code revisions, p. 294  
 Mobile home parks, regulation, p. 301  
 Ordinance violation, p. 323  
 Plat recording, p. 329  
 Police radio broadcasting system, p. 341  
 Pollution control facilities, 355  
 Primary roads, detours, city reimbursement, p. 304  
 Public funds, disposition, *generally*, p. 333  
 Public utilities, refunds, interest, 354  
 Public warrants, treasurer's duties, p. 297  
 Road use tax fund, p. 304  
 Sanitary districts  
   Operating outside boundaries, p. 325  
   Sewer rental financing, p. 324  
 School districts, budget certification, 57  
 Secondary road assessments, payment, p. 304  
 Sewage projects, 355  
 Special charter, state infringement prohibited, p. 331  
 State parks, land acquisition bonds, p. 298  
 Township fire equipment, anticipation bonds, p. 329  
 Transit systems, vehicle registration, p. 305  
 Urban renewal projects, bonds, 343

## CITIES AND TOWNS—Continued

Urban renewal projects, excepted powers, p. 329  
 Urban transit system, vehicle registration fee, 341

## CITIZENS' AIDE

Created, 439

## CITY CODE

Administrative agencies, p. 285  
 Annexation, *generally*, p. 228  
 Authority beyond city limits, p. 223  
 Aviation authority, tax, p. 248  
 Bridge construction, tax, p. 247  
 Budgeting and accounting, p. 248  
 City development, defined, p. 227  
 City development board, *generally*, p. 229  
 City discontinued, p. 228  
 City enterprise  
   Definition, p. 253  
   Revenue financing, p. 275  
 City finance committee, created, p. 248  
 City officers, p. 238  
 Civic center, tax, p. 248  
 Clerk, legislative duties, p. 243  
 Construction and severability, p. 221  
 Contracts  
   *Generally*, p. 220  
   Letting, public improvements, p. 281  
 Cultural and scientific facilities, tax, p. 247  
 Effective dates, p. 222  
 Elections, *generally*, p. 240  
 Emergency repairs, bonds, p. 283  
 Essential corporate purpose, definition, p. 253  
 Forms of government, p. 233  
 Franchises, public works and systems, p. 222  
 Funds, *generally*, p. 244  
 General corporate purpose, definition, p. 254  
 General obligation bonds, p. 253  
 Governmental powers, joint exercise, p. 223  
 Health care facilities, p. 287  
 Individual city codes, *generally*, p. 244  
 Institutional gifts, tax, p. 248  
 League of Iowa municipalities, p. 223  
 Legislation, p. 242  
 Levee improvement fund, tax, p. 248  
 Library board, p. 286  
 Memorial halls and monuments, tax, p. 246  
 Municipal band, tax, p. 246  
 Municipal transit system, tax, p. 248  
 Name change, p. 228  
 Negligence action, p. 227  
 Official action, notice, p. 220  
 Pledge orders, revenue financing, p. 278

## References are to pages

Numbers preceded by p. indicate the page of a local citation.

In general the page cited is the beginning of the Act or section.

**CITY CODE—Continued**

- Police power, *generally*, p. 222
- Prior actions, validity, p. 221
- Property maintenance assessment, payment, p. 227
- Property owners, responsibilities and restrictions, p. 226
- Public records, city budget accounts, p. 252
- Public transportation company, tax, p. 247
- Railroad aid, tax, p. 248
- Railroad regulation, *generally*, p. 224
- Rate making, utilities or enterprises, p. 278
- Real property, disposition, p. 224
- Refunding bonds, special assessment, p. 271
- Revenue financing, *generally*, p. 275
- Sanitary disposal projects, tax, p. 248
- Severed territory, p. 229
- Special assessments, *generally*, p. 258
- Special taxes, general fund levy, p. 246
- Street improvements, damage, compensation, p. 227
- Symphony orchestra, tax, p. 246
- Taxation, *generally*, p. 244
- Tax levy, limitation, p. 223
- Tort liability insurance, tax, p. 248
- Utilities, *generally*, p. 284
- Utilities, revenue financing, p. 275
- Voters petition, p. 220
- Voting, conflict of interest, p. 221
- Voting machines, tax, p. 246

**CITY DEVELOPMENT BOARD***See CITY CODE***CITY FINANCE COMMITTEE***See CITY CODE***CIVIL RIGHTS**

- Equal rights, men and women, constitutional amendment, 525
- Women, commission created, 437

**CIVIL RIGHTS COMMISSION**

- Disabled persons, discrimination prohibited, 129
- Employment, age discrimination prohibited, 131

**CLAIMS**

- Small claims, *generally*, 444

**CLERK OF COURT**

- Bail procedure, criminal action, 444
- Complaint or preliminary information, 444
- Election of judicial magistrate appointing commission, 444
- Indigent patients, responsibility, 444
- Inheritance tax relief, 444

**CLERK OF COURT—Continued**

- Mental patients, examination and commitment, 444
- Municipal, job reclassification, 444

**CODE REVISION**

- Board of architectural examiners, 13
- Code and session laws, distribution, 13
- Dairy certification mark, 13
- Felony, definition, 13
- Fire and casualty insurance, 30
- Interstate co-operation commission, secretary, name change, 13
- License plate manufacturing, 30
- Mentally ill patients, removal, 13
- Municipal tax levy, limitation, 13
- Oil and gas wells, affidavit of noncompliance, 13
- Pardons, conditions, 13
- Public safety department, personnel practices, 13
- Self-liquidating improvements, corrective amendment, 342
- Sick leave, state employees, 13
- Special census, certification, 13
- State automobiles, private use, 30
- Statutory construction, population, 13
- Wills, testimony of witnesses, 30

**COMMERCE COMMISSION**

- Disposition of fees, 210
- Pipe-line construction, inspection, 352
- Railroad regulation, city code, p. 224
- Rural water districts, regulation exempted, 353

**COMMISSIONS AND BOARDS**

- Air quality commission, p. 406
- Chemical technology commission, p. 433
- City development board, p. 229
- City finance committee, p. 248
- Committee on compensation for elected officials, 11
- Educational data processing committee, 170
- Environmental quality department, 401
- Judicial magistrate appointing commission, 444
- Liquor control council, 138
- Occupational health and safety review commission, 95
- Solid waste disposal commission, p. 425
- Veterans' relief commission, 168
- Water quality commission, p. 414
- Weather modification board, 217
- Women's status, 437

**COMMON CARRIERS**

- Air carriers, liquor permits, 138

**COMPENSATION**

- Commission, elected officials, 11

## INDEX

## References are to pages

Numbers preceded by p. indicate the page of a local citation.

In general the page cited is the beginning of the Act or section.

**COMPTROLLER**

- City finance committee, membership, p. 249
- Departmental rules, improper rule promulgation, court costs, payment, 30
- Federal grants, public defense, 58
- Motor fuel tax fund, 2
- Salary adjustment fund, 1
- Soldiers' home, accounting, 518

**CONDEMNATION**

- Access roads, 177

**CONSERVATION**

- County boards, fund advancement, 518
- Hunting restrictions, 136
- Migratory waterfowl, 137
- Trout regulation, 136

**CONSERVATION COMMISSION**

- Authority, supersedes director, 132
- Enforcement division, created, 78
- Game management area, 132
- Law enforcement officers, *generally*, 78
- Migratory waterfowl stamp, 137
- Posting
  - Spawning grounds, 132
  - State preserve, gun regulation, 132
- Snowmobiles, 204
- State game refuges, 132
- Trout regulation, 136
- Undesirable fish, destruction, 135

**CONSTITUTIONAL AMENDMENTS**

- Iowa
  - Appropriation of fines, schools, repealed, 527
  - Prohibition against lotteries, repealed, 526
  - Special sessions, general assembly, 526
  - United States, equal rights, men and women, 525

**CONTRACTS**

- Administrative agencies, cities, p. 286
- City code, *generally*, p. 220
- Executive council, option contract, 4
- Public improvements, city, letting, p. 281
- Real estate transfer, taxation, 364

**CONTROLLED SUBSTANCES**

- Enforcement vehicles, registration, p. 305
- Schedule II additions, 165

**CORPORATIONS**

- Business, revisions, *generally*, 375
- Real estate transfers, taxation, 364

**CORRECTIONAL INSTITUTIONS**

- Easements, 519
- Work release committee, 167

**CORRESPONDENCE COURSES**

- Regulation, 514

**COUNTIES**

- Absentee ballot counting boards, created, 64
- Airports authorized, p. 306
- Annuities, *generally*, p. 339
- Assessment procedure, altered, 358
- Bonds, *generally*, p. 315
- Building code, state, 117
- Commissioner of elections, created, 64
- Conservation boards, funds advanced, 518
- Employees, insurance, indemnity, 212
- Environmental quality, regulation, 401
- Fiscal year change, 32
- Grand jurors, selection, 507
- Historical association, *generally*, p. 327
- Intoxicating liquors, licensing, 138
- Joint county and city building authority, authorized, p. 317
- Library districts, *generally*, p. 326
- Medical school authorized, 6
- Mental health and institutions fund, created, 370
- Private sanitary districts, election costs, 216
- Recreational projects, p. 312
- Rural water districts, organization bonds, 216
- Sanitary disposal projects, p. 312
- Supervisors
  - Conservation board, funds, 518
  - Mileage, 212
  - Private sanitary districts, organization bonds, 216
  - Road transfer, *generally*, 190
- Tax deed, fee, 347
- Weather modification board, authorized, 217
- Zoning commission, local planning assistance, p. 325

**COUNTY OFFICERS**

- Assessor
  - Bond, 212
  - Handicapped persons, recording, repealed, 176
  - Tax exempt property, valuation, 358
- Auditor
  - Affidavit of estray, 444
  - Airport commissions, *generally*, p. 310
  - Bond, 212
  - Budget certification, p. 251
  - City tax assessment, p. 245
  - Commissioner of registration, 64

## INDEX

References are to pages

Numbers preceded by p. indicate the page of a local citation.

In general the page cited is the beginning of the Act or section.

**COUNTY OFFICERS—Continued**

- Auditor—Continued
  - County elections commissioner, 64
  - Private sanitary districts, organization bond, 216
  - Rural water districts, organization bonds, 216
  - Special assessment, certification, p. 268
  - Tax lists, 164
- Board of education, school superintendent, term of office, 171
- Conservation board, funds advanced, 518
- Fiscal year change, 32
- Insurance, indemnity, 212
- Official bonds, 212
- Recorder
  - Bond, 212
  - City legislation, disposition, p. 244
  - Documents, disposal, 215
  - Migratory waterfowl stamp, 137
  - Real estate transfer, tax, 364
- Supervisors
  - Bond, 212
  - City development petition, p. 229
  - City tax levy, p. 251
  - Conservation board, funds, 518
  - County library districts, p. 327
  - Judicial magistrate appointing commission, 444
  - Licenses, disposal, 137
  - Mental health and institution fund, created, 370
  - Mileage, 212
  - Military reservation water service, p. 312
  - Pipe-line construction, inspection, 352
  - Private sanitary districts, organization bonds, 216
  - Recreational projects, p. 312
  - Road transfer, *generally*, 190
  - Sanitary disposal projects, p. 312
  - Weather modification board, authorized, 217
  - Zoning commission, local planning assistance, p. 325
- Treasurer
  - Bond, 212
  - City tax collection, p. 245
  - Election expense fund, 64
  - Merged areas, voted tax collection, 172
  - Motor vehicle registration fees, 199
  - Special assessments, payment, p. 269
  - Tax deed, fee, 347
  - Transit systems, registration, p. 305
  - Utility or enterprise revenue, p. 279
  - Weather modification board, funding, 217

**COURTS**

- District
    - City development board decisions, appeals, p. 233
    - Railroad regulation, city code, p. 225
    - Traffic violation office, created, 444
    - Unified trial court, established, 444
  - Judges
    - See also JUDGES*
    - Unified trial court, *generally*, 444
  - Jurisdiction, corporate liquidation, 375
  - Motor vehicle violations, procedure, *generally*, 444
  - Municipal court
    - Bailiffs, job reclassification, 444
    - Clerk, job reclassification, 444
    - Reporters, job reclassification, 444
  - Search warrants, appeal procedure 444
  - Supreme court
    - Administrator, district judge vacancies, 444
    - Rule changes, 528
    - Unified trial court established, 444
- CRIME COMMISSION**
- Appropriation, 8
- CRIMINAL LAW**
- Abandoned motor vehicles, 192
  - Amusement rides, violations, 113
  - Bank holding company regulations, 391
  - Building code, state, 117
  - Citizens' aide, investigations, 439
  - Commercial feed law, violations, 164
  - Conservation commission, administrative rules, 132
  - Courses of instruction, regulation, 514
  - Election law violations, 64
  - Endurance contests, prohibitions repealed, 515
  - Environmental quality violations, 401
  - Food and beverage vending, 161
  - Housing code violations, state, p. 299
  - Insurance, unfair trade practices, 381
  - Intoxicating liquors, *generally*, 138
  - Intoxicating liquors, school property, 142
  - Motor vehicle violation schedule, 444
  - Occupational safety and health Act, violations, 95
  - OMVI, violations, 201
  - Ordinance violation, city code, p. 223
  - Police citations, failure to appear, 444
  - Real estate transfer tax, violation, 364
  - Slaughterhouse operators, bonding, 153
  - Snowmobiles, violations, 204
  - State jurisdiction, 444
  - Turkeys, excise tax, violations, 157
- DAIRY PRODUCTS**
- Sales, motor vehicles, licensing, 152

## INDEX

## References are to pages

Numbers preceded by p. indicate the page of a local citation.  
In general the page cited is the beginning of the Act or section.

**DAMAGES**

Injury and property actions, 508

**DEEDS**

Real estate transfers, taxation, 364  
Tax deed fee, 347

**DENTISTS**

Intoxicating liquor, permits, 138

**DEPARTMENTAL RULES**

Attorney general, administrative rules review, 30  
Building code, state, exempted from 17(A), 117  
City development board, p. 229  
City finance committee, p. 249  
Elections, commissioner, 64  
Environmental quality department, generally, 401  
Health department, state housing code, p. 298  
Highway commission, highway beautification Act, 178  
Improper rule promulgation  
Court costs assessed, 30  
Burden of proof on department, 30  
Labor commissioner, amusement devices, 113  
Occupational safety and health Act, 95  
Public safety department, licensing, 444  
Revenue director, tax exemptions, 358  
Rule, defined, 29  
Rules review committee, review existing rules, 29  
Snowmobiles, regulation, 204

**DISSOLUTION OF MARRIAGE**

Wills, effect, 509

**DISTRICT COURT**

See *COURTS*

**DOCTORS**

Intoxicating liquor, permits, 138  
Physicians' assistants' fund, 146

**DOCUMENTS**

Disposal  
County recorder, 215  
County supervisors, 137

**DRUGS**

Controlled substances, Schedule II, 165  
Enforcement vehicles, registration, p. 305

**EASEMENTS**

State lands, social services department, 519

**EDUCATION**

Computer processing, co-ordination and supervision, 170  
Courses of instruction, sale regulated, 514  
Prisoners of war, children, financial benefits, 59  
Reports, state archaeologist, 176

**ELECTIONS**

Generally, 64  
Abstract of votes, canvassing, 444  
Administration, secretary of state, 5  
Airport commission, p. 310  
Airport construction bonds, p. 307  
Capital improvements reserve fund, p. 246  
City code, generally, 240  
City development petition, 232  
City, name change, p. 228  
Form of government, change, p. 233  
General obligation bonds, p. 256  
Notice, city code, p. 220  
Precinct boundaries, p. 296  
Primary postponed, 60  
Townships combined, p. 296  
Voters' petition, city code, p. 220  
Voting machines, city tax, p. 246

**EMERGENCIES**

City, repair bonds, p. 283

**EMINENT DOMAIN**

Access roads, 177  
City power, p. 335  
Lienholders' rights, 436

**EMPLOYEES, GOVERNMENTAL**

Group life insurance, 388

**EMPLOYER AND EMPLOYEE**

Age discrimination prohibited, 131  
Occupational safety and health Act, generally, 95  
Women, commission on status, 437

**ENDURANCE CONTESTS**

Prohibitions repealed, 515

**ENVIRONMENTAL QUALITY****DEPARTMENT**

Created, generally, 401

**EQUAL RIGHTS**

United States constitutional amendment, 525

**EXECUTIVE COUNCIL**

Contingent fund, city disasters, p. 291  
Easements, social services department, 519  
Medical school remodeling and construction, 6  
State land, city levy, p. 266  
Terrace Hill, funds accepted, 517

## References are to pages

Numbers preceded by p. indicate the page of a local citation.  
In general the page cited is the beginning of the Act or section.

**EYES**

Glasses, protective lenses, 143

**FEEES**

Advertising devices, permits, 178  
Commerce commission, disposition, 210  
Food and beverage vending, licensing, 161  
Migratory waterfowl stamp, 137  
Motor vehicle registration, 199  
Operators' certification, water treatment facilities, 401  
Pharmacy licensing, 165  
State banks, financial advice, 391  
Tax deed, 347  
Urban transit vehicles, registration, 341

**FIRE**

Equipment, township anticipation bonds, p. 329  
Extinguishers, carbon tetrachloride, repealed, 145

**FIRE DISTRICTS**

Benefited, tax anticipated bonds, p. 324

**FIREMEN**

Retirement system, change, 354

**FISH AND GAME**

Game management area, 132  
Hunting restrictions, 136  
Licenses, disposal, 137  
Migratory waterfowl stamp, 137  
Posting  
  Spawning grounds, 132  
  State refuge, gun regulation, 132  
State refuges, authorized, 132  
Trout regulation, 136  
Undesirable fish, destruction, 135

**FLOOD AND EROSION CONTROL**

Levee improvement fund, city tax, p. 248  
Railroad regulation, city code, p. 224

**FOOD**

Sales, motor vehicles, licensing, 152  
Vending machines, regulation, 161

**FRANCHISES**

City code, public works and systems, p. 222

**FUNDS**

City code, *generally*, p. 245  
Commerce commission fees, disposition, 210

**FUNDS—Continued****County**

Conservation board, funds advanced, 518  
Election expense fund, created, 64  
Mental health and institution fund, established, 370

**Federal**

Highway commission, 4  
Soldiers' home, 518  
Merged areas, voted tax fund, 172  
Operator certification, water treatment facilities, 401  
Physicians' assistants' fund, 146  
Road use tax, cities, p. 304  
Salary adjustment fund, 1  
Sewage treatment facilities, environmental quality Act, 401  
State, highway beautification, created, 178

**GENERAL ASSEMBLY**

Commission on compensation for elected officials, 11  
Sessions and session laws, *generally*, 11  
Special sessions, constitutional amendment, 526  
Supreme court districting, 531

**GEOLOGICAL SURVEY**

Appropriation, reversions excepted, 8

**GIFTS**

Anatomical, 146

**GLASSES**

Eye, protective lenses, 143

**GOVERNOR**

Annual reports  
  Citizens' aide, 439  
  City development boards, p. 229  
  Commission on status of women, 437  
  Environmental quality department, 401  
  Labor commissioner, occupational safety and health, 95  
Appointments  
  Compensation commission for elected officials, 11  
  Liquor control council, 138  
  Status of women commission, 437  
  Unified trial court, 444  
Environmental quality department, *generally*, 401  
Governor's mansion, 517  
Public defense, federal grants, 58

**GRAND JURY**

*See JURIES*

## References are to pages

Numbers preceded by p. indicate the page of a local citation.  
In general the page cited is the beginning of the Act or section.

**HANDICAPPED**

- Persons, disability discrimination prohibited, 129
- Persons, recording, repealed, 176

**HEALTH DEPARTMENT, LOCAL**

- County appropriations, p. 302
- Health fund, deposits, p. 302

**HEALTH DEPARTMENT, STATE**

- Eyeglasses, safety standards, 143
- Health care facilities, regulation, p. 300
- Mobile home parks, regulation, p. 301
- Renal disease program, established, 144
- State housing code, p. 298

**HEARINGS**

- Revenue bonds, p. 277
- Special assessments, public improvements, p. 263

**HIGHWAY COMMISSION**

- Access, city code annexation, p. 228
- Appropriation, capital improvement program, 4
- Eminent domain proceedings, liens, 436
- Junkyards and billboards, regulation, 178
- Motor fuel tax laws, enforcement, 209
- Road transfers, primary and secondary, 190
- State parks and institutions, construction allocation, 189

**HOGS**

- See *SWINE*

**HOME RULE**

- See *CITY CODE*

**HOSPITALS**

- City code, *generally*, p. 287
- Regulation, state housing code, p. 300
- University ambulance service, 170

**HOUSING**

- State housing code, *generally*, p. 298

**INJUNCTION**

- Junkyards and billboards, regulation, 178

**INSPECTION**

- Occupational safety and health Act, *generally*, 95
- Public improvements, city code, p. 267

**INSTALLMENT LOANS**

- State banks, amortization, 396

**INSTITUTIONS**

- City maintenance tax, p. 248
- County health care fund, established, 370
- Health care facilities, city, p. 287

**INSTITUTIONAL ROADS**

- State, city improvement levy, p. 266
- State, construction allocation, 189

**INSURANCE**

- Amusement rides, 113
- City tort liability, premiums, p. 248
- County officers, employees, 212
- Fire and casualty, code revision, 30
- Governmental employees, group life, 388
- Iowa insurance guaranty association, *generally*, 388
- Public employees, group policy, p. 338
- Unfair trade practices, regulation, 381

**INSURANCE DEPARTMENT**

- Annual report, date change, 380
- Iowa insurance guaranty association, *generally*, 388
- Unfair trade practices, departmental authority, 381

**INTEREST RATES**

- Public utility, refund, 354
- Real estate investment trust, 398

**IOWA DEVELOPMENT COMMISSION**

- Planning assistance to county zoning commission, p. 325

**JAILS**

- Ordinance violation, p. 323

**JOINT RESOLUTIONS**

- Constitutional amendments, state
- Appropriation of fines, schools, repealed, 527
- Lotteries prohibited, repealed, 526
- Special sessions, general assembly, 526
- U. S. constitutional amendment, equal rights, men and women, ratified, 525

**JUDGES**

- Retirement system, contributions, 444
- Unified trial court
- District, *generally*, 444
- District associate, *generally*, 444
- Judicial magistrates, *generally*, 444

**JUDICIAL MAGISTRATE****APPOINTING COMMISSION**

- Established, 444

**JUNKYARDS**

- Generally*, 178

626  
INDEX

References are to pages  
Numbers preceded by p. indicate the page of a local citation.  
In general the page cited is the beginning of the Act or section.

**JURIES**

Grand jurors, selection, 507

**JURISDICTION**

State, criminal offenses, 444

**JUVENILES**

Age of majority, 83  
Juvenile institutions, legislative study,  
7

**KIDNEY DISEASE**

Care and treatment, 144

**LABOR BUREAU**

Occupational safety and health Act,  
administration, 95

**LEAGUE OF IOWA MUNICIPALITIES**

See *CITY CODE*

**LEGALIZING ACTS**

Audubon County Agricultural Society,  
indebtedness, 521  
Boone and Story counties, school bonds,  
522  
Merged school systems, boundaries, 437  
Prairie community school district, prop-  
erty transfer, 523  
Stuart sanitary sewer improvement  
project, 520

**LIBRARIES**

City board, p. 286  
County districts, *generally*, p. 326  
County historical associations, p. 327

**LICENSES**

Advertising devices, 178  
Beer and liquor permits, 138  
Fish and game, disposal, 137  
Food and beverage vending, 161  
Migratory waterfowl stamp, 137  
Pharmacy practice, 165  
Warehouses, 398

**LIENS**

Buildings, tax delinquency, 358  
Eminent domain proceedings, 436  
Lienholder's rights, tax sale, p. 333  
Real estate transfer, taxation, 364

**LIQUOR**

Intoxicating liquor, defined, 138  
Licenses, refunds and transfers, 138  
OMVI, educational course, 201  
School property, 142

**LITTER**

Environmental quality department, 401

**LIVESTOCK**

Slaughterhouse dealers, brokers, bond-  
ing, 153

**LOANS**

Merged school areas, tax anticipation,  
172  
Installment loans by banks, 396  
Real estate loans by banks, 391

**LOTTERY**

Constitutional amendment, prohibitions,  
repealed, 526

**LOW-RENT HOUSING**

Referendum repealed, 344

**MAJORITY**

Age, 83

**MARATHONS**

Prohibitions repealed, 515

**MEMORIAL HALLS AND  
MONUMENTS**

City tax, p. 246  
Code revision, *generally*, p. 294

**MENTAL HEALTH**

Patient support  
County fund, created, 370  
Personal liability, 370

**MENTAL HEALTH INSTITUTIONS**

Easements, 519  
Legislative study, 7

**MERGED AREAS**

See *SCHOOLS AND SCHOOL DIS-  
TRICTS*

**MERIT EMPLOYMENT**

DEPARTMENT  
Salary adjustment fund, 1

**MIGRATORY WORKERS**

Fire extinguishers, carbon tetrachlo-  
ride, repealed, 145

**MILEAGE**

County supervisors, 212

**MINORS**

See *CHILDREN*

**MOBILE HOMES**

Parks, regulation, p. 301

**MOTOR FUEL TAX**

Enforcement, *generally*, 209

**MOTOR VEHICLES**

Abandoned, repairable or stolen, dis-  
posal, 192  
Citations and complaints, 444  
Fuel tax enforcement, 209  
Fuel tax refunding, 2  
Inspection, time for repairs, 199



## References are to pages

Numbers preceded by p. indicate the page of a local citation.

In general the page cited is the beginning of the Act or section.

**MOTOR VEHICLES—Continued****Licensing**

- Departmental rules, 444
- Food vending, 152
- OMVI, educational course, 201

**Registration**

- Controlled substances enforcement vehicles, p. 305
- Fees, *generally*, 199
- Special equipment, 191
- Temporary, 191
- Urban transit systems, p. 305, 341
- Registration plate manufacture, code revision, 30
- State, private use, 30
- Tires, regrooving, 199
- Traffic violation office, created, 444
- Traffic violation schedule, 444
- Transfer, inspection required, 199

**NAMES**

- Change by individuals, 512

**NOTICE**

- Airport commission, election, p. 310
- General obligation bonds, election, p. 256
- Probate actions, 509
- Revenue bonds, p. 277
- Special assessment, public improvement, p. 263
- State housing code, violations, p. 300

**NUISANCES**

- Junkyards and billboards, 178
- State housing code, p. 298

**OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**

- Created, 95

**OMBUDSMAN**

- Created, 439

**OMVI**

- Educational course, 201

**ORDINANCES**

- City code, p. 242

**PARKS**

- State, city improvement levy, p. 266
- State, road construction allocation, 189

**PAROLE**

- Application to sentence, 167

**PAROLE BOARD**

- Administrative organization, 167

**PENALTIES**

- See CRIMINAL LAW*

**PENITENTIARIES AND REFORMATORIES**

- Easements, water and sewage, 519

**PENSIONS**

- Policemen and firemen, change, 354

**PERMITS**

- See LICENSES*

**PHARMACISTS**

- Intoxicating liquor, permits, 138

**PHARMACY EXAMINERS**

- Generally*, 165

**PHYSICIANS**

- Assistants' fund, 146
- Intoxicating liquor, permits, 138

**PIPE LINES**

- Construction inspection, private property, 352

**PLANNING AND PROGRAMMING**

- City development board, assistance, p. 229
- City finance committee, membership, p. 249

**PLANNING COMMISSIONS**

- Generally*, 351
- Assistance, county zoning commission, p. 325
- City development petition, p. 229

**PLATS**

- City recording ordinances, p. 329
- Public improvement assessments, p. 262

**POLICE**

- Citations, *generally*, 444
- Conservation officers, *generally*, 78
- Radio broadcasting system, city, p. 341

**POLICEMEN**

- Retirement system, change, 354

**POLLUTION CONTROL**

- Cities and towns, pollution control facilities, 355

**POPULAR NAME STATUTES**

- Anti-pollution bill, 401
- Equal rights bill, 391
- Home rule bill, 219
- Junkyard bill, 178
- Majority rights bill, 83
- Rainmaking bill, 217
- Turkey check-off Act, 157

## References are to pages

Numbers preceded by p. indicate the page of a local citation.  
In general the page cited is the beginning of the Act or section.

**POULTRY**

Turkeys, excise tax, 157

**PRISONERS**

Parole, application to sentence, 167

**PROBATE**

Code revisions, *generally*, 509  
District judges, jurisdiction, 444  
Wills, testimony of witnesses, 30

**PUBLICATION**

State archaeologist, report, 176

**PUBLIC INSTRUCTION**

OMVI, educational course, 201

**PUBLIC INSTRUCTION****DEPARTMENT**

Appropriation, school lunch programs, 174  
Computer processing, supervision, 170

**PUBLIC RECORDS**

City budget accounts, p. 252  
Veterans, perfecting claims, 215

**PUBLIC SAFETY DEPARTMENT**

OMVI, educational course, 201  
Motor vehicle, citations, 444  
Motor vehicle inspection, 199

**RADIOACTIVE MATERIALS**

Environmental quality Act, waste disposal, 401

**RADIO AND TELEVISION**

Educational, appropriations, 17

**RAILROADS**

City aid tax, p. 248  
Regulation, city code, p. 224  
Special assessment, public improvement, p. 269

**RAINMAKING**

*Generally*, 217

**REAL PROPERTY**

Assessment adjusted, notice, 347  
Assessments, listing, 358  
Assessments, public improvements, p. 260  
Damage action, 508  
Investment trust, interest rate, 398  
Municipal, beyond city limits, disposition, p. 223  
Real estate transfer, taxation, 364  
Restrictions and responsibilities, city code, p. 226  
Sale, school districts, 175  
State bank loans, 391  
State housing code, p. 298  
State owned, city levy, p. 266

**REAL PROPERTY—Continued**

Street improvements, damage, compensation, p. 227  
Succession disclaimed, 509  
Tax deed, fee, 347  
Tax sale, lienholder's rights, p. 333

**RECREATION**

Public facilities, joint financing, p. 293

**REFERENDUM**

Low-rent housing, repealed, 344

**RENAL DISEASE**

Program, 144

**REPORTERS**

Municipal courts, job reclassification, 444

**RETIREMENT SYSTEM**

Policemen and firemen, change, 354

**REVENUE DEPARTMENT**

Appropriation, appraisal manual, 345  
Motor fuel tax, enforcement, 209  
Tax assessment procedures, altered, 358

**ROADS AND HIGHWAYS**

Access roads, 177  
Junkyards and billboards, regulation, 178  
Primary and secondary, responsibility transferred, 190  
Primary roads, detours, city reimbursement, p. 304  
Road use tax fund, cities, p. 304  
State parks and institutions, construction allocation, 189

**RULES**

*See DEPARTMENTAL RULES*

**RULES OF CIVIL PROCEDURE**

Amendments, 528

**SAFETY INSPECTION**

Amusement rides, 113

**SALES**

Courses of instruction, 514  
General obligation bonds, p. 256

**SANITATION**

Environmental quality Act, 401

**SANITARY DISTRICTS**

Operating outside boundaries, p. 325  
Recreational projects, p. 312  
Sewer rental financing, p. 324  
Waste disposal projects, p. 312

## References are to pages

Numbers preceded by p. indicate the page of a local citation.  
In general the page cited is the beginning of the Act or section.

**SAVINGS AND LOAN ASSOCIATIONS**

Investment powers, purchase of contracts, 397

**SCHOOLS AND SCHOOL DISTRICTS**

Board members

Compensation, 19

Resignation, 172

Budget certification, date change, 57

Computer processing, supervision, 170

Constitutional amendment, appropriation of fines, repealed, 527

Corrective amendments, *generally*, 19

County superintendent, term, 171

Courses of instruction, sales regulated, 514

Employee group insurance, p. 338

Fiscal year change, 32

Handicapped persons, recording, repealed, 176

Hot lunch programs, 174

Intoxicating liquors, school property, 142

Lunch facilities, senior citizens, 175

Medical, remodeling, construction, 6

Merged area, tax anticipation, 172

Merged systems, boundaries legalized, 437

Real property, sale, 175

State foundation program, *generally*, 367

Superintendent, assistant, name change, 19

**SECRETARY OF STATE**

Appropriation, election law administration, 5

City development records, p. 289

Corporations, similar names, regulation, 375

Elections, commissioner, 64

**SENIOR CITIZENS**

School lunch facilities, 175

**SEWAGE PROJECTS**

Cities and towns, 355

**SEWAGE TREATMENT**

City tax, p. 248

Environmental quality department, regulation, 401

Facilities

Authorized, p. 312

Joint, p. 293

**SEWERS**

Easements, department of social services, 519

Private sanitary districts, organization bonds, 216

Rental financing, sanitary district, p. 324

Sanitary districts, operating outside boundaries, p. 325

**SOCIAL SERVICES DEPARTMENT**

Soldiers' home, accounting, 518

State lands, easements, water and sewage, 519

**SOIL CONSERVATION DEPARTMENT**

Corrective amendments, 348

**SOLDIERS**

Public records, perfecting claims, 215

Relief commission, name change, 168

**SOLDIERS' HOME**

Easements, sewage, 519

Fees and funds, 518

Intoxicating liquor, permits, 138

**SNOWMOBILES**

All purpose vehicles, alternative registration, 204

Safety regulations, *generally*, 204

**SOLID WASTE COMMISSION**

Created, p. 425

**STATE BUILDING CODE**

Appropriations, 6

Established, 117

**STATE HOUSING CODE**

*See HEALTH DEPARTMENT, STATE*

**STATE OFFICERS AND EMPLOYEES**

Group insurance, p. 338

Payment method, 17

**STATUTES**

Construction, population, p. 289

Construction, state building code, 117

**SUPREME COURT**

Administrator, district judge vacancies, 444

Legislative districting, 531

**SWINE**

Brucellosis control, *generally*, 151

Hog cholera and diseases, eradication, 147

**TAXATION**

Administrative agencies, city, p. 286

Airport construction bonds, p. 307

Anticipation warrants, special assessments, p. 267

Assessment procedure, *generally*, 358

Budget preparation, city code, p. 248

City code

*Generally*, p. 244

Limitations, p. 223

References are to pages  
 Numbers preceded by p. indicate the page of a local citation.  
 In general the page cited is the beginning of the Act or section.

**TAXATION—Continued**

- County bonds, bridges and culverts, city boundaries, p. 303
- Environmental quality programs, 401
- General obligation bonds, city, p. 253
- Income tax, nonresidents, 364
- Internal revenue code, reference change, 346
- Memorial halls and monuments, city, p. 295
- Mental health and institutions fund, 370
- Merged areas, anticipation warrants, 172
- Motor fuel tax, enforcement, 209
- Pollution control facilities, 355
- Property tax credit, fiscal year change, 32
- Real estate transfers, 364
- Road use tax fund, cities, p. 304
- State political subdivisions, fiscal year change, 32
- Swine brucellosis control, 151
- Turkeys, check-off tax, 157
- Urban renewal projects, 343

**TERRACE HILL**

- Governor's mansion, 517

**TORTS**

- Anatomical gifts, warranty, 146
- Snowmobiles, owner's liability, 204

**TRAINING SCHOOLS**

- Easements, water and sewage, 519

**TRANSIT SYSTEMS**

- City tax, p. 248
- Franchises, city code, p. 222
- Motor vehicle registration, p. 305
- Urban, vehicle registration fee, 341

**TREASURER OF STATE**

- Commerce commission fees, disposition, 210
- County indemnification fund, 212
- Real estate transfer tax, 364
- Special census, certification, 13

**TRUSTS**

- Real estate investment, interest, 398

**TURKEYS**

- Excise tax, 157

**URBAN RENEWAL**

- Funding, 343
- Projects, excepted powers, p. 329
- Property rights, acquisition, 343
- Tax collection, 343

**UTILITIES**

- City
  - Generally, p. 284
  - Franchises, p. 222
  - Rate making, p. 278
  - Revenue financing, p. 275
- Governmental power, joint exercise, p. 223
- Listing property, tax exemption, 358
- Private sanitary districts, organization bonds, 216
- Refund interest, 354
- Rural water districts, organization bonds, 216
- Rural water districts, state regulation excepted, 353

**VETERANS**

- Public records, perfecting claims, 215
- Relief commission, name change, 168
- Soldiers' home, fees and funds, 518

**VETERINARIANS**

- Intoxicating liquor, permits, 138

**VETO**

- Mayor's power, p. 243

**VETOED BILLS**

- County homes exemption, S. F. 1190
- Oversized mobile homes and vehicles, H. F. 48
- Item veto, crime commission, advisory committee, 8

**VIETNAM**

- Prisoners of war, children, educational benefits, 59

**VOCATIONAL TRAINING**

- Courses of instruction, regulation, 514

**VOTING**

- See also *ELECTIONS*
- City ordinance, p. 243
- Conflict of interest, city code, p. 221
- Petition, city code, p. 220

**WAREHOUSES**

- Bonding, licensing, grain storage, 398

**WATER**

- Benefited water districts, p. 323
- Rural districts, posting bond, 216
- Rural districts, state regulation excepted, 353
- Waterworks franchises, city code, p. 222

INDEX

---

## References are to pages

Numbers preceded by p. indicate the page of a local citation.

In general the page cited is the beginning of the Act or section.

**WATER POLLUTION COMMISSION**

Created, p. 414

**WILLS**

Dissolution of marriage, effect, 509

**WOMEN**

Equal rights, constitutional amendment, 525

Status of women commission, established, 437

**YOUTHS**

Age of majority, 83